TAX CODE OF THE RUSSIAN FEDERATION

PART TWO

(FEDERAL LAW No. 117-FZ OF 5 AUGUST 2000)

Adopted by the State Duma on 19 July 2000
Approved by the Federation Council on 26 July 2000
Published in Rossiiskaya Gazeta on 10 August 2000

[As amended up to 30.04.2021]
[Effective from 01.07.2021]

SECTION VIII. FEDERAL TAXES

CHAPTER 21. VALUE ADDED TAX

Article 143. Taxpayers

1. Taxpayers of value added tax (hereafter in this Chapter referred to as “taxpayers”) shall be:
   - organizations;
   - private entrepreneurs;
   - persons deemed to be taxpayers of value added tax (hereafter in this Chapter referred to as “tax”) in connection with the conveyance of goods across the customs border of the Customs Union, as defined in accordance with the customs legislation of the Customs Union and customs-related legislation of the Russian Federation. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 306-FZ of 27.11.2010]


3. UEFA (Union of European Football Associations) and subsidiary organizations of UEFA in the period up to 31 December 2021 inclusively and FIFA (Fédération Internationale de Football Association) and subsidiary organizations of FIFA that are referred to in Federal Law No. 108-FZ of 7 June 2013 “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” (hereinafter referred to as “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, manufacturers of FIFA media information and suppliers of FIFA goods (work and services) that are specified in the above-mentioned Federal Law and are foreign organizations shall not be deemed to be taxpayers in respect of operations carried out by them in connection with the holding of the events specified in the above-mentioned Federal Law.

[clause 3 inserted by Federal Law No. 108-FZ of 07.06.2013]

[Article 144. Lost force – Federal Law No. 229-FZ of 27.07.2010]

Article 145. Exemption from the Fulfilment of Taxpayer Obligations

[article as reworded by Federal Law No. 57-FZ of 29.05.2002]

1. Organizations and private entrepreneurs, with the exception of organizations and private entrepreneurs that apply the taxation system for agricultural goods producers (the unified agricultural tax), shall have the right to an exemption from the fulfilment of taxpayer obligations associated with the calculation and payment of tax (hereafter in this Article referred to as “exemption”) if, in the last three consecutive calendar months, the amount of receipts from the sale of goods (work and services) of those organizations or private entrepreneurs, excluding tax, did not in the aggregate exceed two million roubles. [as amended by Federal Laws No. 117-FZ of 07.07.2003, No. 119-FZ of 22.07.2005, No. 243-FZ of 28.09.2010, No. 335-FZ of 27.11.2017]

Organizations and private entrepreneurs that apply the taxation system for agricultural goods producers (the unified agricultural tax) shall have the right to an exemption from the fulfilment of taxpayer obligations associated with the calculation and payment of tax provided that those persons transfer to the payment of the unified agricultural tax and exercise the right provided for in this paragraph in one and the same calendar year or provided that the amount of income received from sales of goods (work and services) in the preceding year in connection with carrying on entrepreneurial activities in relation to which the above-mentioned taxation system is applied, excluding tax, did not exceed in the aggregate: 100 million roubles for 2018, 90 million roubles for 2019, 80 million roubles for 2020, 70 million roubles for 2021, and 60 million roubles for 2022 and subsequent years. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]

2. The provisions of this Article shall not apply to organizations and private entrepreneurs that sold excisable goods during the last three consecutive calendar months, or to organizations referred to in Article 145.1 of this Code. [as amended by Federal Laws No. 117-FZ of 07.07.2003, No. 243-FZ of 28.09.2010]

3. The exemption in accordance with clause 1 of this Article shall not apply to obligations that arise in connection with the importation into the territory of the Russian Federation and other territories under its jurisdiction of goods that are taxable in accordance with subsection 4 of clause 1 of Article 146 of this Code. [as amended by Federal Law No. 306-FZ of 27.11.2010]

Persons referred to in paragraph 1 of clause 1 of this Article that exercise the right to an exemption must submit an appropriate written notification and the documents referred to in clause 6 of this Article confirming the right to that exemption to the tax authority where they are registered. [as amended by Federal Law No. 335-FZ of 27.11.2017]
Persons referred to in paragraph 2 of clause 1 of this Article that exercise the right to an exemption must submit an appropriate written notification to the tax authority where they are registered. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]

The above-mentioned documents and (or) notification shall be submitted no later than the 20th of the month commencing from which the right to an exemption is exercised. [as amended by Federal Law No. 335-FZ of 27.11.2017]

The form of the notification concerning the exercise of the right to an exemption shall be approved by the Ministry of Finance of the Russian Federation. [as amended by Federal Law No. 58-FZ of 29.06.2004]

4. Organizations and private entrepreneurs referred to in paragraph 1 of clause 1 of this Article that have sent a notification of the exercise of the right to an exemption (of the extension of the exemption period) to a tax authority may not waive that exemption until 12 consecutive calendar months have elapsed, except in the event that they lose the right to an exemption in accordance with clause 5 of this Article.

Organizations and private entrepreneurs that apply the taxation system for agricultural goods producers (the unified agricultural tax) and have exercised the right to an exemption shall not have the right subsequently to waive the right to the exemption except in the event that they lose the right to an exemption in accordance with clause 5 of this Article.

After 12 calendar months have elapsed and not later than the 20th of the following month, organizations and private entrepreneurs that have exercised the right to an exemption in accordance with paragraph 1 of this clause shall submit to the tax authorities:

- documents confirming that during the stated exemption period the amount of revenue from sales of goods (work and services) calculated in accordance with clause 1 of this Article, excluding tax, for each three consecutive calendar months did not in the aggregate exceed two million roubles;

- a notification of the extension of the exercise of the right to an exemption for the next 12 calendar months or of the election to waive that right. [clause 4 as reworded by Federal Law No. 335-FZ of 27.11.2017]

5. If, during a period in which organizations and private entrepreneurs referred to in paragraph 1 of clause 1 of this Article exercise the right to an exemption, the amount of revenue from sales of goods (work and services), excluding tax, for each three consecutive calendar months exceeded two million roubles, or if the taxpayer sold excisable goods, the taxpayers shall lose the right to an exemption commencing from the 1st of the month in which such excess occurred or in which excisable goods were sold and until the end of the exemption period.

If, during a tax period for the unified agricultural tax, the amount of income that an organization or a private entrepreneur that applies the taxation system for agricultural goods producers (the unified agricultural tax) and exercises the right to an exemption received from sales of goods (work and services) in carrying on entrepreneurial activities in relation to which that taxation system is applied, excluding tax, exceeded the amount established in paragraph 2 of clause 1 of this Article, that organization or private entrepreneur shall lose the right to an exemption commencing from the 1st of the month in which such excess occurred or in which excisable
goods were sold and until the end of the exemption period. Organizations and private entrepreneurs that have lost the right to an exemption shall not have the right to an exemption a second time.

The amount of tax for the month in which the above-mentioned excess occurred or excisable goods were sold must be restored and paid to the budget in accordance with the established procedure.

In the event that a taxpayer fails to submit the documents referred to in clause 4 of this Article (or submits documents containing inaccurate information) or in the event that a tax authority ascertains that a taxpayer is not in compliance with the limits established by this clause and clauses 1 and 4 of this Article, the amount of tax must be restored and paid to the budget in accordance with the established procedure and appropriate amounts of tax sanctions and penalties shall be recovered from the taxpayer.

6. Documents confirming the right of organizations and private entrepreneurs referred to in paragraph 1 of clause 1 of this Article to an exemption (an extension of the exemption period) in accordance with clauses 3 and 4 of this Article shall be: [as amended by Federal Law No. 335-FZ of 27.11.2017]

- an extract from the balance sheet (to be presented by organizations);

- an extract from the sales ledger;

- an extract from the ledger of income and expenses and economic operations (to be presented by private entrepreneurs);

[paragraph lost force from 01.01.2015 – Federal Law No. 81-FZ of 20.04.2014]

For organizations and private entrepreneurs that have transferred from the simplified taxation system to the general taxation regime, the document confirming the right to an exemption shall be an extract from the ledger of income and expenses of organizations and private entrepreneurs that apply the simplified taxation system. [paragraph inserted by Federal Law No. 85-FZ of 17.05.2007]

For private entrepreneurs who have transferred to the general taxation regime from the taxation system for agricultural goods producers (the unified agricultural tax), the document confirming the right to an exemption shall be an extract from the ledger of income and expenses of private entrepreneurs who apply the taxation system for agricultural goods producers (the unified agricultural tax). [paragraph inserted by Federal Law No. 85-FZ of 17.05.2007]

7. In the cases provided for in clauses 3 and 4 of this Article, the taxpayer shall have the right to send documents and (or) a notification to the tax authority by registered mail. In this case, the day of their submission to the tax authority shall be deemed to be the sixth day from the day on which the registered letter is sent. [as amended by Federal Law No. 335-FZ of 27.11.2017]

8. Amounts of tax that the taxpayer deducted in accordance with Articles 171 and 172 of this Code before exercising the right to an exemption in accordance with this Article in respect of goods (work and services), including fixed assets and intangible assets, that were acquired for
the purpose of carrying out operations deemed to be taxable objects in accordance with this Chapter but were not used for such operations must, after the taxpayer has sent a notification concerning the exercise of the right to an exemption, be restored in the last tax period prior to the commencement of the exercise of the right to an exemption, and where an organization or a private entrepreneur begins to exercise the right to the exemption provided for in this Article from the second or third month of a quarter the restoration of amounts of tax shall take place in the tax period commencing from which those persons exercise the right to an exemption. [as amended by Federal Law No. 366-FZ of 24.11.2014]

Amounts of tax paid in respect of goods (work and services) that were acquired by a taxpayer that has lost the right to an exemption in accordance with this Article before that right was lost and that the taxpayer used after it lost that right in carrying out operations deemed to be taxable objects in accordance with this Chapter shall be deductible in accordance with the procedure established by Articles 171 and 172 of this Code.


1. An organization that has acquired the status of participant 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” or 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” (hereafter in this Article referred to as “project participant”) shall have the right to an exemption from taxpayer obligations associated with the calculation and payment of tax (hereafter in this Article referred to as “exemption”) for ten years from the day on which it acquired project participant status in accordance with those federal laws. [as amended by Federal Law No. 373-FZ of 30.10.2018]

The exemption provided for in this Article shall not apply to obligations arising in connection with the importation into the territory of the Russian Federation and other territories under its jurisdiction of goods that are taxable in accordance with subsection 4 of clause 1 of Article 146 of this Code. [as amended by Federal Law No. 306-FZ of 27.11.2010]

2. Except as otherwise established by clause 2.1 of this Article, a project participant shall lose the right to an exemption in the event that: [as amended by Federal Law No. 475-FZ of 28.12.2016]

- project participant status has been lost – from the time when that status is lost;

- the aggregate profit of the project participant, computed in accordance with Chapter 25 of this Code as a cumulative total commencing from the 1st day of the year in which the project participant’s annual receipts from the sale of goods (work, services, property rights) exceeded one billion roubles, has exceeded 300 million roubles – from the 1st day of the tax period in which aggregate profit exceeded that level.

The amount of tax for the tax period in which the loss of project participant status occurred or aggregate profit exceeded the above-mentioned level must be restored and paid to the budget
in accordance with the established procedure and appropriate amounts of penalties must be recovered from the project participant.

[EY Note: Clause 2.1 of Article 145.1 loses force from 01.01.2022 – Federal Law No. 475-FZ of 28.12.2016]

2.1. A project participant that is a corporate research centre shall lose the right to an exemption if:

- project participant status has been lost, from the moment when that status is lost;

- the aggregate profit of the corporate research centre, calculated in accordance with Chapter 25 of this Code on a cumulative basis beginning from the 1st of the year in which the annual amount of revenue received by the project participant from sales of goods (work and services) and the transfer of property rights exceeded one billion roubles, has exceeded one billion roubles, from the 1st of the tax period in which the above-mentioned aggregate profit exceeded that level;

- income of the corporate research centre from sales of goods (work and services) to interdependent persons and the transfer of property rights, determined in accordance with Chapter 25 of this Code, accounted for less than 50 per cent of its total income, from the 1st of the tax period for which income received by the corporate research centre from sales of goods (work and services) to interdependent persons and the transfer of property rights accounted for less than 50 per cent of its total income.

The amount of tax for the tax period in which the loss of project participant status occurred, and (or) in which aggregate profit exceeded the above-mentioned level, and (or) in which the above-mentioned part of income amounted to less than 50 per cent of total income, shall be restored and paid to the budget in accordance with the established procedure with corresponding amounts of penalties recovered from the corporate research centre.

[clause 2.1 inserted by Federal Law No. 475-FZ of 28.12.2016]

3. A project participant may exercise the right to an exemption from the 1st of the month following the month in which project participant status was acquired.

A project participant that has begun to exercise the right to an exemption must send a written notification and the documents referred to in paragraph 2 of clause 6 of this Article to the tax authority where it is registered not later than the 20th of the month following the month in which the project participant begun to exercise the right to an exemption.

The standard form of a notification of the exercise of the right to an exemption (of the extension of the period of validity of the right to an exemption) shall be approved by the Ministry of Finance of the Russian Federation.


4. A project participant that has sent a notification of the exercise of the right to an exemption (of the extension of the exemption period) to a tax authority shall have the right to renounce the exemption by sending an appropriate notification to the tax authority where it is registered
as a project participant not later than the 1st day of the tax period commencing from which the project participant intends to relinquish the exemption.

Such relinquishment may only be effected in relation to all operations carried out by the project participant.

It shall not be permitted for the exemption to be exercised or relinquished according to who is the purchaser (recipient) of the goods (work and services) concerned.

A project participant that has relinquished the exemption shall not be granted that exemption a second time.

5. Upon the lapse of 12 calendar months and not later than the 20th of the following month, a project participant that has exercised the right to an exemption shall present to the tax authority:

- the documents referred to in clause 6 of this Article;

- a notification of continuation of the exercise of the right to an exemption for the ensuing 12 calendar months or of the relinquishment of the exemption.

In the event that a project participant has not presented the documents referred to in clause 6 of this Article or has presented documents containing false information, or in the event of the circumstances referred to in clause 2 or 2.1 of this Article, the amount of tax must be restored and paid to the budget in accordance with the established procedure and appropriate amounts of penalties must be recovered from the project participant. [as amended by Federal Law No. 475-FZ of 28.12.2016]

6. Documents confirming the right to an exemption (an extension of the exemption period) in accordance with clauses 3 and 5 of this Article shall be:


- an extract from the project participant’s ledger of income and expenses or a statement of financial results confirming annual receipts from the sale of goods (work, services, property rights). [as amended by Federal Laws No. 339-FZ of 28.11.2011, No. 97-FZ of 29.06.2012]

Commencing from the year following the year in which a project participant’s annual receipts from the sale of goods (work, services, property rights) exceeded one billion roubles, the project participant must also present to the tax authority, together with the documents referred to in paragraphs 2 and 3 of this clause, the computation provided for in clause 18 of Article 274 of this Code showing aggregate profit computed as a cumulative total commencing from the 1st day of the year in which the project participant’s annual receipts exceeded one billion roubles. [as amended by Federal Law No. 339-FZ of 28.11.2011]

7. In the cases provided for in clauses 3 and 5 of this Article, a project participant shall have the right to send the notification and documents to the tax authority by registered mail. In that
case the date of their submission to the tax authority shall be deemed to be the sixth day from the day on which the registered letter was sent.

8. After a project participant has sent a notification of the exercise of the right to an exemption to a tax authority, amounts of tax that the project participant took as a deduction in accordance with Articles 171 and 172 of this Code prior to exercising the right to an exemption in accordance with this Article in relation to goods (work and services), including fixed assets and intangible assets, that were acquired for the purpose of carrying out operations that are recognised as taxable objects in accordance with this Chapter but have not been used for those operations must be restored in the last tax period before the sending of the notification of the exercise of the right to an exemption to the tax authority by means of reducing tax deductions.

Amounts of tax paid on goods (work and services) that a project participant that has lost the right to an exemption in accordance with this Article acquired prior to the loss of that right and that are used after the loss of that right in carrying out operations recognised as taxable objects in accordance with this Chapter shall be taken as deductions in accordance with the procedure established by Articles 171 and 172 of this Code.

**Article 146. Taxable Object**

1. The following operations shall be deemed taxable:

1) the sale of goods (work and services) in the territory of the Russian Federation, including the sale of pledged articles and the transfer of goods (results of work performed, rendering of services) under an indemnity or novation agreement, and the transfer of property rights.  
*as amended by Federal Law No. 57-FZ of 29.05.2002*

For the purposes of this Chapter the transfer of ownership in goods or of the results of work performed and the rendering of services without consideration shall be regarded as the sale of goods (work and services);

2) the transfer of goods (performance of work, rendering of services) in the territory of the Russian Federation for own requirements, expenses for which are not deductible (whether through amortization deductions or otherwise) in calculating tax on the profit of organizations;  
*as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 06.08.2001*

3) the performance of construction and installation work for own consumption;

4) the importation of goods into the territory of the Russian Federation and other territories under its jurisdiction.  
*as amended by Federal Law No. 306-FZ of 27.11.2010*

2. The following shall not be deemed to constitute a taxable object for the purposes of this Chapter:  
*as amended by Federal Law No. 57-FZ of 29.05.2002*

1) the operations referred to in clause 3 of Article 39 of this Code;

2) the transfer without consideration of dwelling houses, kindergartens, clubs, sanatoria and other social and cultural facilities, housing facilities and utilities, roads, power supply systems, substations, gas supply systems, water supply facilities and other similar facilities to state
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bodies and local government bodies (or, at the decision of those bodies, to specialized
organizations that operate or maintain those facilities in accordance with their designated
purpose), and the transfer without consideration of social and cultural assets to the treasury of
a constituent republic of the Russian Federation, the treasury of a territory, province, city of
federal significance, autonomous province or autonomous district or the municipal treasury of
the appropriate urban or rural settlement or other municipality; [as amended by Federal Law No. 63-
FZ of 15.04.2019]

3) the transfer of property of state and municipal enterprises that is purchased through
privatization;

4) the performance of work (rendering of services) by bodies forming part of the system of
state bodies and local government bodies by way of the performance of exclusive powers
assigned to them in a particular sphere of activity if the performance of that work (the rendering
of those services) is obligatory in accordance with the legislation of the Russian Federation, the
legislation of constituent entities of the Russian Federation and acts of local government bodies;
[as amended by Federal Law No. 57-FZ of 29.05.2002]

4.1) the performance of work (rendering of services) by state-owned institutions and by
budgetary and autonomous institutions within the framework of a state (municipal) assignment
for which the source of funding is a subsidy from an appropriate budget of the budget system
of the Russian Federation;
[subsection 4.1 inserted by Federal Law No. 239-FZ of 18.07.2011]

4.2) the rendering of services involving the granting of a right for vehicles to pass along public
toll roads of federal significance (toll sections of such roads) that are carried out in accordance
with an agreement on the fiduciary management of roads in which the Russian Federation acts
as the principal, with the exception of services payment for which remains at the disposal of
the concessionaire in accordance with a concession agreement;
[subsection 4.2 inserted by Federal Law No. 338-FZ of 28.11.2011]

5) the transfer of fixed assets without consideration, or the rendering of services involving the
transfer of fixed assets for use without consideration, to state government and administrative
bodies and local government bodies and to state and municipal institutions and state and
municipal unitary enterprises;
[subsection 5 as reworded by Federal Law No. 245-FZ of 19.07.2011]

5.1) the transfer without consideration of property intended for use for the prevention and
containment and the diagnosis and treatment of the novel coronavirus infection to state
government and administrative bodies and (or) local government bodies, state and municipal
institutions and state and municipal unitary enterprises;
[subsection 5.1 inserted by Federal Law No. 172-FZ of 08.06.2020]

6) operations involving the sale of land parcels (shares therein);
[subsection 6 inserted by Federal Law No. 109-FZ of 20.08.2004]

7) the transfer of property rights of an organization to its legal successor (legal successors);
[subsection 7 inserted by Federal Law No. 118-FZ of 22.07.2005]
8) the transfer of monetary resources or immovable property for the formation or replenishment of special-purpose capital of a non-commercial organization in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”;

[subsection 8 as reworded by Federal Law No. 328-FZ of 21.11.2011]

8.1) the transfer of immovable property in connection with the break-up of special-purpose capital of a non-commercial organization or the withdrawal of a donation or in another case where the return of property transferred for the replenishment of special-purpose capital of a non-commercial organization is provided for in the donation agreement and (or) Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”. The provision of this subsection shall apply where such property is transferred by a non-commercial organization that is the owner of special-purpose capital to the donor or the donor’s heirs (legal successors) or to another non-commercial organization in accordance with Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”;

[subsection 8.1 inserted by Federal Law No. 328-FZ of 21.11.2011]

[9) Lost force from 01.01.2017 – Federal Law No. 310-FZ of 1.12.2017]


9.3) the transfer to educational and academic non-commercial organizations without consideration for use in carrying out their statutory activities of state property not assigned to state enterprises and institutions that forms part of the state treasury of the Russian Federation, the treasury of a constituent republic of the Russian Federation or the treasury of a territory, a province, a city of federal significance, an autonomous province or an autonomous district, or of municipal property not assigned to municipal enterprises and institutions that forms part of the municipal treasury of a particular urban or rural settlement or other municipality;

[subsection 9.3 inserted by Federal Law No. 396-FZ of 29.12.2015]

10) the rendering of services involving the transfer to non-commercial organizations without consideration for use in carrying out their statutory activities of state property not assigned to state enterprises and institutions that forms part of the state treasury of the Russian Federation, the treasury of a constituent republic of the Russian Federation or the treasury of a territory, a province, a city of federal significance, an autonomous province or an autonomous district, or of municipal property not assigned to municipal enterprises and institutions that forms part of the municipal treasury of a particular urban or rural settlement or other municipality;

[subsection 10 inserted by Federal Law No. 281-FZ of 25.11.2009]

11) the performance of work (rendering of services) in the context of additional measures aimed at reducing tension on the labour market of constituent entities of the Russian Federation which are carried out in accordance with decisions of the Government of the Russian Federation;

[subsection 11 inserted by Federal Law No. 41-FZ of 05.04.2010]

12) operations involving the sale (transfer) in the territory of the Russian Federation of state or municipal property not assigned to state enterprises and institutions that forms part of the state treasury of the Russian Federation, the treasury of a constituent republic of the Russian Federation or the treasury of a territory, a province, a city of federal significance, an
autonomous province or an autonomous district, or of municipal property not assigned to municipal enterprises and institutions that forms part of the municipal treasury of a particular urban or rural settlement or other municipality, where such property is purchased in accordance with the procedure established by Federal Law No. 159-FZ of 22 July 2008 “Federal Law No. 159-FZ of 22 July 2008 Concerning Special Considerations Relating to the Alienation of Immovable Property That is in State or in Municipal Ownership and is Leased by Small and Medium-Sized Business Entities, and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”;


13) operations associated with the carrying out of measures provided for 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” involving the sale of goods (work, services) and property rights by the “Russia 2018” Organizing Committee, subsidiary organizations of the “Russia 2018” Organizing Committee, the Russian Football Union, manufacturers of FIFA media information and suppliers of FIFA goods (work, services) that are specified by that Federal Law and are Russian organizations, and operations associated with the carrying out of measures for the preparation for and staging in the Russian Federation of the 2020 UEFA European Football Championship that are provided for in the above-mentioned Federal Law involving the sale of goods (work, services) and property rights by the Russian Football Union and the local organizing structure, commercial partners of UEFA, suppliers of UEFA goods (work, services) and UEFA broadcasters specified by the above-mentioned Federal Law in the period up to 31 December 2021 inclusively; [as amended by Federal Laws No. 101-FZ of 01.05.2019, No. 101-FZ of 20.04.2021]

14) the sale of property and property rights by the autonomous non-commercial organization established in accordance with the Federal Law “Concerning the Protection of the Interests of Physical Persons Who Have Deposits with Banks and Economically Autonomous Structural Subdivisions of Banks That Are Registered and (or) Operate in the Territory of the Republic of Crimea and in the Territory of the City of Federal Significance Sevastopol” and the rendering by that organization of services involving the representation of depositors’ interests;

[subsection 14 inserted by Federal Law No. 78-FZ of 20.04.2014]

15) operations involving the sale of goods (work, services) and (or) property rights of debtors that have been declared insolvent (bankrupt) in accordance with the legislation of the Russian Federation, including goods (work, services) manufactured and (or) acquired (performed, rendered) in the process of business activities carried on after debtors have been declared insolvent (bankrupt) in accordance with the legislation of the Russian Federation;


16) the transfer of property, including unfinished structures, without consideration to state government bodies of constituent entities of the Russian Federation and local government bodies by a joint stock company established for the purpose of executing agreements on the creation of special economic zones in which 100 per cent of the shares are owned by the Russian Federation, and by business companies established with the participation of such a joint stock company for those purposes that are management companies of special economic zones;

[subsection 16 inserted by Federal Law No. 351-FZ of 27.11.2017]
17) the transfer without consideration:

- to a non-commercial organization whose main statutory objectives are the promotion and staging of the FIA Formula One World Championship of an immovable asset for the staging of Formula One street circuit automobile races and, together with that immovable asset, intangible assets and (or) infrastructure assets and movable property needed to enable the operation of that immovable asset;

- into state or municipal ownership of an immovable asset intended to be used for the staging of speed skating events and, together with that immovable asset, infrastructure assets and movable property needed to enable the operation of that immovable asset;

[subsection 17 as reworded by Federal Law No. 211-FZ of 26.07.2019]

18) the transfer without consideration to state government bodies and (or) local government bodies of the results of work involving the building and (or) renovation of heat supply facilities, centralized hot water supply, cold water supply and (or) wastewater disposal systems and individual facilities forming part of such systems that are in state or municipal ownership and were transferred to the taxpayer for temporary possession and use in accordance with lease agreements, and heat supply facilities, centralized hot water supply, cold water supply and (or) wastewater disposal systems and individual facilities forming part of such systems that were built by the taxpayer during the term of lease agreements, in the event that the taxpayer concludes concession agreements in relation to the facilities in question in accordance with part 1 of Article 51 of Federal Law No. 115-FZ of 21 July 2005 “Concerning Concession Agreements”;

[subsection 18 inserted by Federal Law No. 414-FZ of 12.11.2018]

19) the transfer of items of immovable property to the state treasury of the Russian Federation without consideration;

[subsection 19 inserted by Federal Law No. 63-FZ of 15.04.2019]

20) the transfer of property into the ownership of the Russian Federation without consideration for the purposes of the organization and (or) conduct of scientific research in the Antarctic.

[subsection 20 inserted by Federal Law No. 63-FZ of 15.04.2019]

21) the performance of work (rendering of services) and the transfer of property rights without consideration by state bodies, local government bodies, the small and medium-sized enterprise development corporation and its subsidiaries, organizations included in the unified register of support infrastructure organizations in accordance with Federal Law No. 209-FZ of 24 July 2007 “Concerning the Development of Small and Medium-Sized Enterprises in the Russian Federation” in the course of exercising their powers to support small and medium-sized enterprises in accordance with Federal Law No. 209-FZ of 24 July 2007 “Concerning the Development of Small and Medium-Sized Enterprises in the Russian Federation”, and organizations that carry out export support functions in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activities” in the course of exercising their export support powers in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activities”, if the performance of work (rendering of services) and the transfer of property rights take place in accordance with the legislation of the Russian Federation, the legislation of constituent entities of the Russian Federation and acts of
Article 147. Place of Sale of Goods
[article as reworded by Federal Law No. 268-FZ of 30.09.2013]

1. For the purposes of this Chapter the place of sale of goods shall be deemed to be the territory of the Russian Federation where one or more of the following circumstances exist (taking into account the special considerations established by clause 2 of this Article):

1) the goods are situated in the territory of the Russian Federation or other territories under the jurisdiction of the Russian Federation and are not shipped or transported;

2) the goods are situated in the territory of the Russian Federation or other territories under the jurisdiction of the Russian Federation at the time of the commencement of shipment and transportation.

2. For the purposes of this Chapter, the place of sale of goods in the form of hydrocarbons extracted at an offshore hydrocarbon deposit and processed products thereof (stable condensate, liquefied natural gas and natural gas liquids) shall be deemed to be the territory of the Russian Federation if one or more of the circumstances referred to in clause 1 of this Article exist or if one or more of the following circumstances exist:

1) the goods are situated on the continental shelf of the Russian Federation and (or) in the exclusive economic zone of the Russian Federation or in the Russian part (Russian sector) of the bed of the Caspian Sea and are not shipped or transported;

2) the goods are situated on the continental shelf of the Russian Federation and (or) in the exclusive economic zone of the Russian Federation or in the Russian part (Russian sector) of the bed of the Caspian Sea at the time of the commencement of shipment and transportation.

3. For the purposes of this Chapter, the place of sale of goods in the form of aquatic biological resources harvested in the exclusive economic zone of the Russian Federation and (or) goods produced from aquatic biological resources harvested in the exclusive economic zone of the Russian Federation shall be deemed to be the territory of the Russian Federation if those goods are in the exclusive economic zone of the Russian Federation at the time of the commencement of shipment and transportation.
[clause 3 inserted by Federal Law No. 374-FZ of 23.11.2020]

Article 148. Place of Sale of Work (Services)

1. For the purposes of this Chapter the place of sale of work (services) shall be deemed to be the territory of the Russian Federation if: [as amended by Federal Law No. 166-FZ of 29.12.2000]

1) the work (services) is (are) directly connected with immovable property (with the exception of aircraft, sea-going vessels and inland vessels and spacecraft) situated in the territory of the Russian Federation. Such work (services) shall include, in particular, construction, installation, construction and installation, repair, restoration and landscaping work and leasing services; [as amended by Federal Law No. 119-FZ of 22.07.2005]
Value Added Tax

2) the work (services) is (are) directly connected with movable property, aircraft, sea-going vessels and inland vessels situated in the territory of the Russian Federation. Such work (services) shall include, in particular, installation, assembly, processing, treatment, repair and technical servicing; [subsection 2 as reworded by Federal Law No. 119-FZ of 22.07.2005]

3) the services are actually rendered in the territory of the Russian Federation in the sphere of culture, art, education (training), physical education, tourism, leisure and sport; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005]

4) the purchaser of the work (services) carries out activities in the territory of the Russian Federation. [as amended by Federal Law No. 166-FZ of 29.12.2000]

The place of activity of the purchaser shall be deemed to be the territory of the Russian Federation if the purchaser of the work (services) referred to in this subsection actually has a presence in the territory of the Russian Federation on the basis of the state registration of an organization or a private entrepreneur or, where this does not exist or in the case of branches and representations of the organization in question, on the basis of a place indicated in the foundation documents of an organization, the place of management of an organization, the location of its permanent executive body, the location of a permanent establishment (if the work (services) is (are) acquired through that permanent establishment) or the place of residence of a physical person, except as otherwise provided in paragraphs 13 to 17 of this subsection. The provision of this subsection shall apply in the case of: [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 238-FZ of 21.07.2014, No. 244-FZ of 03.07.2016]

- the transfer or provision of patents, licences, trademarks, copyrights or other similar rights, with the exception of services such as are referred to in clause 1 of Article 174.2 of this Code; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005, No. 244-FZ of 03.07.2016]

- the rendering of services (performance of work) involving the development of computer programmes and databases (computer software and information products) and the adaptation and modification thereof, with the exception of services such as are referred to in clause 1 of Article 174.2 of this Code; [paragraph inserted by Federal Law No. 119-FZ of 22.07.2005, в ред. Федеральных законов No. 245-FZ of 19.07.2011, No. 244-FZ of 03.07.2016]

- the rendering of consulting, legal, accounting, auditing, engineering, advertising and marketing services, information processing services, with the exception of services such as are referred to in clause 1 of Article 174.2 of this Code, and the performance of research and design work. Engineering services shall include engineering-advisory services involving the preparation of the process of the production and sale of goods (work and services), preparation of the construction and operation of industrial, infrastructure, agricultural and other facilities, preliminary design and design services (preparation of feasibility studies, project development and other similar services). Information processing services shall include services involving the gathering and summarization of information, the systematization of information files and the placing of the results of the processing of that information at the disposal of the user thereof; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005, No. 245-FZ of 19.07.2011, No. 244-FZ of 03.07.2016]

- the provision of staff where the staff work at the place of activity of the purchaser; [as amended by Federal Law No. 116-FZ of 05.05.2014]
- the renting of movable property, with the exception of the renting of aircraft engines and other aviation inventory where, in accordance with the legislation of a foreign state, the place of sale of the services in question is the territory of that foreign state, and the renting of land motor vehicles; [as amended by Federal Law No. 335-FZ of 27.11.2017]

- the rendering of services of an agent who engages a person (organization or physical person) on behalf of the main party to a contract to perform services such as are provided for in this subsection; [as amended by Federal Law No. 57-FZ of 29.05.2002]

[paragraphs 9-10 lost force – Federal Law No. 119-FZ of 22.07.2005]

- the transfer of emission reduction units (rights in emission reduction units) received in connection with the implementation of projects aimed at reducing anthropogenic emissions or enhancing removals by sinks of greenhouse gases; [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011; as amended by Federal Law No. 374-FZ of 23.11.2020]

- the provision of services such as are referred to in clause 1 of Article 174.2 of this Code. [paragraph inserted by Federal Law No. 244-FZ of 03.07.2016]

For a physical person who is not a private entrepreneur and acquires services such as are referred to in clause 1 of Article 174.2 of this Code, the place of activity of the purchaser shall be deemed to be the territory of the Russian Federation if any of the conditions specified below is met: [paragraph inserted by Federal Law No. 244-FZ of 03.07.2016]

- the place of residence of the purchaser is the Russian Federation; [paragraph inserted by Federal Law No. 244-FZ of 03.07.2016]

- the bank with which the account used by the purchaser to make payment for services is held or the electronic money operator through which the purchaser makes payment for the services is located in the territory of the Russian Federation; [paragraph inserted by Federal Law No. 244-FZ of 03.07.2016]

- the network address of the purchaser that was used in the process of acquiring the services is registered in the Russian Federation; [paragraph inserted by Federal Law No. 244-FZ of 03.07.2016]

- the international country code of the telephone number used for the purpose of acquiring or making payment for the services is the code assigned to the Russian Federation. [paragraph inserted by Federal Law No. 244-FZ of 03.07.2016]

If, when services such as are referred to in clause 1 of Article 174.2 of this Code are provided to physical persons who are not private entrepreneurs, the place of activity of the purchaser is deemed to be the territory of the Russian Federation, and at the same time, in accordance with the legislation of a foreign state in which the place of provision of the services concerned is determined by reference to the place of activity of the purchaser, the place of activity of that purchaser is deemed to be the territory of that foreign state, the seller shall have the right independently to determine the place of activity of the purchaser; [paragraph inserted by Federal Law No. 244-FZ of 03.07.2016]
4.1) carriage and (or) transportation services and services (work) directly connected with carriage and (or) transportation (with the exception of services (work) directly connected with the carriage and (or) transportation of goods placed under the customs transit customs procedure where goods are carried from a place of arrival in the territory of the Russian Federation to a place of exit from the territory of the Russian Federation, and the services referred to in subsection 4.3 of this clause) are rendered (is performed) by Russian organizations or private entrepreneurs where the departure point and (or) the destination point are situated in the territory of the Russian Federation, or by foreign persons who are not registered with the tax authorities as taxpayers where the departure and destination points are situated in the territory of the Russian Federation (with the exception of passenger and baggage carriage services rendered by foreign persons other than through a permanent establishment of the foreign person). [as amended by Federal Law No. 245-FZ of 19.07.2011]

The place of sale of services shall likewise be deemed to be the territory of the Russian Federation where means of transport, under a charter contract that provides for carriage (transportation) on those means of transport, are provided by Russian organizations and private entrepreneurs and the point of departure and (or) the destination point are in the territory of the Russian Federation. In this respect, means of transport shall be taken to mean aircraft, sea-going vessels and inland vessels used to carry goods and (or) passengers by water (sea, river) or air transport. [as amended by Federal Law No. 335-FZ of 27.11.2017]

The place of sale of services involving the pipeline transportation of natural gas shall also be deemed to be the territory of the Russian Federation in cases provided for in international agreements of the Russian Federation; [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017] [subsection 4.1 inserted by Federal Law No. 119-FZ of 22.07.2005]

4.2) services (work) directly connected with the carriage and transportation of goods placed under the customs transit customs procedure (with the exception of the services referred to in subsection 4.3 of this clause), where goods are carried from a place of arrival in the territory of the Russian Federation to a place of exit from the territory of the Russian Federation, are rendered (is performed) by organizations or private entrepreneurs whose place of activity is deemed to be the territory of the Russian Federation; [subsection 4.2 as reworded by Federal Law No. 245-FZ of 19.07.2011]

4.3) services involving the organization of the transportation of natural gas by pipeline through the territory of the Russian Federation are rendered by Russian organizations; [subsection 4.3 inserted by Federal Law No. 245-FZ of 19.07.2011]

4.4) services involving the carriage of goods by aircraft are rendered by Russian air carriers (organizations or private entrepreneurs) and the departure point and the destination point are situated outside the territory of the Russian Federation, where an aircraft operated by those carriers lands in the territory of the Russian Federation in the process of carriage and the place of arrival of the goods in the territory of the Russian Federation is the same as the place of departure of the goods from the territory of the Russian Federation; [subsection 4.4 inserted by Federal Law No. 382-FZ of 29.11.2014]

5) the activities of the organization or a private entrepreneur that performs the work (renders the services) are carried on in the territory of the Russian Federation (with respect to the performance of types of work (rendering of types of services) not provided for in subsections
1.1. Except as otherwise provided in clause 2.1 of this Article, for the purposes of this Chapter the place of sale of work (services) shall not be deemed to be the territory of the Russian Federation where:

1) the work (services) is (are) directly connected with immovable property (with the exception of aircraft, sea-going vessels and inland vessels and spacecraft) situated outside the territory of the Russian Federation. Such work (services) shall include, in particular, construction, installation, construction and installation, repair, restoration and landscaping work and leasing services;

2) the work (services) is (are) directly connected with movable property situated outside the territory of the Russian Federation or with aircraft, sea-going vessels and inland vessels situated outside the territory of the Russian Federation. Such work (services) shall include, in particular, installation, assembly, processing, treatment, repair and technical servicing;

3) the services are actually rendered outside the territory of the Russian Federation in the sphere of culture, art, education (training), physical education, tourism, leisure and sport;

4) the purchaser of the work (services) does not carry out activities in the territory of the Russian Federation. The provision of this subsection shall apply in relation to the performance of the types of work and services enumerated in subsection 4 of clause 1 of this Article;

5) carriage (transportation) services and services (work) directly connected with carriage, transportation or chartering are not enumerated in subsections 4.1 to 4.3 of clause 1 of this Article. [as amended by Federal Law No. 245-FZ of 19.07.2011]

[clause 1.1 inserted by Federal Law No. 119-FZ of 22.07.2005]

2. The place of activity of an organization or a private entrepreneur that performs types of work (renders types of services) not provided for in subsections 1 to 4.1 of clause 1 of this Article shall be deemed to be the territory of the Russian Federation if that organization or private entrepreneur actually has a presence in the territory of the Russian Federation on the basis of state registration or, where this does not exist or in the case of branches and representations of the organization in question, on the basis of the place indicated in the organization’s foundation documents, the place of management of an organization, the location of the organization’s permanent executive body, or the location of a permanent establishment in the Russian Federation (if the work performed (services rendered) is (are) performed through that permanent establishment) or the place of residence of a private entrepreneur. [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 238-FZ of 21.07.2014]

For the purposes of this Chapter, the place of activity of an organization or a private entrepreneur that provides manned aircraft, sea-going vessels or inland vessels for use under a lease (time charter) agreement shall not be deemed to be the territory of the Russian Federation if the aircraft or vessels in question are used outside the territory of the Russian Federation for the harvesting (capture) of aquatic biological resources and (or) scientific purposes or for carriage between points situated outside the territory of the Russian Federation. [as amended by Federal Law No. 245-FZ of 19.07.2011]
2.1. For the purposes of this Chapter the place of sale of work (services) shall be deemed to be the territory of the Russian Federation if the purpose of the performance of work or the rendering of services is geological study, exploration and extraction of raw hydrocarbons at subsurface sites situated wholly or partially on the continental shelf and (or) in the exclusive economic zone of the Russian Federation. The provisions of this clause shall apply to the following types of work (services):

1) work (services) performed (rendered) within the boundaries of the continental shelf of the Russian Federation and (or) in the exclusive economic zone of the Russian Federation or within the boundaries of the Russian part (Russian sector) of the bed of the Caspian Sea involving regional geological study, geological study and exploration of offshore hydrocarbon deposits (including services associated with the geological study of the subsurface and the replacement of the mineral resource base, geophysical well-logging services, geological exploration and seismic surveying operations, exploratory drilling operations, subsurface monitoring services and aerial photography services), the creation, readying for use (operation), technical maintenance, repair, renovation, upgrading, retooling, suspension of operation, dismantling and abandonment (other work of a capital nature) of artificial islands, installations and structures and other property situated on the continental shelf of the Russian Federation and (or) in the exclusive economic zone of the Russian Federation or in the Russian part (Russian sector) of the bed of the Caspian Sea that is used (created for use) in hydrocarbon extraction activities at an offshore hydrocarbon deposit;

2) work (services) involving the extraction of raw hydrocarbons, including the construction (drilling) of wells;

3) work (services) involving the treatment (primary processing) of raw hydrocarbons;

4) work (services) involving the carriage and (or) transportation of raw hydrocarbons from departure points situated on the continental shelf and (or) in the exclusive economic zone of the Russian Federation and work (services) directly connected with such carriage and (or) transportation that is performed (are rendered) by Russian and (or) foreign organizations.

3. Where an organization or a private entrepreneur performs (renders) a number of types of work (services) and the sale of particular work (services) is ancillary to the sale of other work (services), the place of sale of the ancillary work (services) shall be deemed to be the place of sale of the main work (services).

4. Documents confirming the place of the performance of work (rendering of services), except as otherwise provided in clause 5 of this Article, shall be:

1) a contract concluded with foreign or Russian persons;

2) documents confirming the performance of the work (rendering of the services).
5. Documents confirming the place of provision of services such as are referred to in clause 1 of Article 174.2 of this Code shall be transaction registers containing information on the meeting of the conditions laid down in paragraphs 14 to 17 of subsection 4 of clause 1 of this Article on the basis of which the place of activity of the purchaser is deemed to be the territory of the Russian Federation, and on the cost of the services concerned. [clause 5 as reworded by Federal Law No. 335-FZ of 27.11.2017]

**Article 149. Non-Taxable (Tax-Exempt) Operations**

1. The letting of premises by a lessor in the territory of the Russian Federation to foreign citizens or organizations accredited in the Russian Federation shall not be taxable (shall be exempt from taxation). [as amended by Federal Law No. 57-FZ of 29.05.2002]

The provisions of paragraph 1 of this clause shall apply in those cases where the legislation of the relevant foreign state establishes a similar procedure for citizens of the Russian Federation and Russian organizations accredited in that foreign state or where a provision to that effect is contained in an international agreement (treaty) entered into by the Russian Federation. The list of foreign states to whose citizens and (or) organizations the norms of this clause apply shall be determined by the federal executive body responsible for international relations in conjunction with the Ministry of Finance of the Russian Federation. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 29.06.2004, No. 127-FZ of 02.11.2004]

2. The sale (and the transfer, performance and rendering for own requirements) of the following in the territory of the Russian Federation shall not be taxable (shall be exempt from taxation):

1) the following medical goods of domestic and foreign manufacture according to a list to be approved by the Government of the Russian Federation:


- medical devices. The provisions of this paragraph shall apply subject to the presentation to the tax authority of a registration certificate for a medical device which was issued in accordance with Eurasian Economic Union law, or, until 31 December 2021, a registration certificate for a medical device (registration certificate for a device for medical use (medical equipment)) which was issued in accordance with the legislation of the Russian Federation; [as amended by Federal Law No. 25-FZ of 07.03.2017]

- prosthetic and orthopaedic appliances, raw materials and other materials for the manufacture thereof and semi-finished articles for such appliances; [as amended by Federal Law No. 166-FZ of 29.12.2000]

- technical equipment, including motor vehicles, and materials that can be used solely for the prevention of disability or the rehabilitation of disabled persons;

- corrective spectacles (for the correction of vision), lenses for the correction of vision and frames for corrective spectacles (for the correction of vision); [as amended by Federal Law No. 318-FZ of 23.11.2015]

2) medical services rendered by medical organizations and private entrepreneurs who carry out medical activities, with the exception of cosmetic, veterinary and sanitary and epidemiological
services. The limitation established by this subsection shall not apply to veterinary and sanitary and epidemiological services financed from the budget. For the purposes of this Chapter medical services shall include: [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005, No. 317-FZ of 25.11.2013]

- services covered by the list of services provided under the terms of compulsory medical insurance; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- services rendered to the public involving diagnosis, preventive care and treatment, irrespective of the form and source of payment for those services, according to a list to be approved by the Government of the Russian Federation; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- services involving the collection of blood from members of the public that are rendered under agreements with medical organizations that provide medical care under out-patient and in-patient conditions; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 317-FZ of 25.11.2013]

- first aid services rendered to the public;

- services involving attendance of medical staff at a patient’s bed;

- pathological-anatomical services; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- services rendered to pregnant women, newborns, disabled persons and narcological patients. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 493-FZ of 25.12.2018]

The provisions of this subsection shall also apply to foreign legal entities and foreign private entrepreneurs that are project participants in accordance with Federal Law No. 160-FZ of 29 June “Concerning the International Medical Cluster and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”; [paragraph inserted by Federal Law No. 493-FZ of 25.12.2018]

3) services involving care for sick, disabled and elderly persons whose need for care is confirmed by appropriate statements from healthcare organizations, social welfare bodies and (or) federal medical and social protection institutions; [subsection 3 as reworded by Federal Law No. 235-FZ of 18.07.2011]

4) services involving supervision and care of children at organizations that carry out educational activities consisting in the implementation of pre-school education programmes and services involving the organization of activities with minors in study groups, clubs (including sports clubs) and art schools; [as amended by Federal Laws No. 235-FZ of 18.07.2011, No. 153-FZ of 04.06.2014]

5) food products which are directly produced by canteens of educational and medical organizations and are sold by them within those organizations, and food products which are directly produced by public catering organizations and are sold by them to the above-mentioned canteens or organizations; [subsection 5 as reworded by Federal Law No. 235-FZ of 18.07.2011]

6) services involving the preservation, updating and use of archives which are rendered by archive institutions and organizations;
7) services involving the carriage of passengers:

- by public municipal passenger transport (except for taxis, including fixed-route taxis). For the purposes of this Article services involving the carriage of passengers by public municipal passenger transport shall include services involving the carriage of passengers in accordance with standard conditions of passenger carriage and standard fares established by local government bodies, including with the granting of all travel concessions which have been approved in accordance with the established procedure; [as amended by Federal Law No. 166-FZ of 29.12.2000]

- by sea, river, rail or road transport (except for taxis, including fixed-route taxis) on local transport services provided that passenger carriage is provided on the basis of standard fares with the granting of all travel concessions which have been approved in accordance with the established procedure;

7.1) work involving the regular carriage of passengers and baggage by road transport and municipal overland electric transport at regulated tariffs on the basis of a state or municipal contract; [subsection 7.1 inserted by Federal Law No. 392-FZ of 30.10.2018]

8) ceremonial services, work (services) involving the manufacture of gravestones and the design of graves, and the sale of funeral accessories (according to a list to be approved by the Government of the Russian Federation); [as amended by Federal Law No. 166-FZ of 29.12.2000]

9) postage stamps (except for collectors’ stamps), stamped postcards and stamped envelopes and lottery tickets of lotteries conducted by decision of an authorized body;

10) services involving the provision for use of residential accommodation in housing facilities of all forms of ownership;

11) coins of precious metals which are a legal medium of cash payment of the Russian Federation or of a foreign state (group of states); [subsection 11 as reworded by Federal Law No. 395-FZ of 28.12.2010]

12) participating interests in the charter (pooled) capital of organizations, ownership interests in the common property of participants in an investment partnership agreement, units in mutual funds of co-operatives and mutual investment funds, securities and derivative financial instruments, with the exception of an underlying asset of derivative financial instruments which is assessable to value added tax. [as amended by Federal Laws No. 242-FZ of 03.07.2016, No. 374-FZ of 23.11.2020]

For the purposes of this Chapter the sale of a derivative financial instrument shall be understood to mean the sale of its underlying asset and the payment of amounts of contract premiums and amounts of variation margin and other periodic or one-time payments of the parties to the derivative financial instrument which do not represent payment for the underlying asset in accordance with the conditions of the derivative financial instrument. [as amended by Federal Law No. 242-FZ of 03.07.2016]
Derivative financial instruments and their underlying asset shall be defined in accordance with clause 1 of Article 301 of this Code; [subsection 12 as reworded by Federal Law No. 281-FZ of 25.11.2009]

12.1) depository services rendered by the depository of resources of the International Monetary Fund, the International Bank for Reconstruction and Development and the International Development Association under the terms of the Articles of Agreements of the International Monetary Fund, the International Bank for Reconstruction and Development and the International Development Association; [subsection 12.1 inserted by Federal Law No. 291-FZ of 03.11.2010]

12.2) the following services: [as amended by Federal Law No. 366-FZ of 24.11.2014]

- services rendered by registrars, depositaries, including specialized depositaries and the central depository, dealers, brokers, securities managers, management companies of investment funds, mutual investment funds and non-state pension funds, clearing organizations, trade organizers and repositories on the basis of licences to carry out the types of activity in question; [as amended by Federal Law No. 242-FZ of 03.07.2016]

- services rendered by organizations such as are referred to in paragraph 2 of this clause which are directly connected with services rendered by them in the course of licensable activities (according to the list established by the Government of the Russian Federation);

- services associated with the performance, monitoring and recording of commodity deliveries in respect of obligations admitted for clearing which are rendered by commodity delivery operators which have received accreditation in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”;

- services involving the assumption of obligations to be included in a clearing pool which are rendered by central counterparties on the basis of a licence to carry out clearing activities or subject to the receipt of accreditation in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”;

- services involving the maintenance of prices, demand, supply and (or) a volume of organized trading which are rendered by market makers in accordance with Federal Law No. 325-FZ of 21 November 2011 “Concerning Organized Trading”;

- support services facilitating interaction between participants in a financial platform through the “Internet” telecommunications network that are rendered by a financial platform operator in accordance with Federal Law No. 211-FZ of 20 July 2020 “Concerning the Conclusion of Financial Transactions Using a Financial Platform” for the purpose of enabling the conclusion of financial transactions using a financial platform; [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

- services involving the identification of participants in a financial platform that are rendered by a financial platform operator in accordance with Federal Law No. 211-FZ of 20 July 2020 “Concerning the Conclusion of Financial Transactions Using a Financial Platform”; [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]
- information support services facilitating interaction for the purposes of the conclusion of financial transactions that are rendered by a financial platform operator to participants in a financial platform in accordance with Federal Law No. 211-FZ of 20 July 2020 “Concerning the Conclusion of Financial Transactions Using a Financial Platform”; [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

- services involving the placement (redemption) of federal bonds for physical persons that are rendered by authorized organizations, including via a financial platform; [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

- services rendered by a financial platform operator that are directly connected with services referred to in paragraphs 7 to 10 of this subsection (according to a list to be approved by the Government of the Russian Federation); [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020] [subsection 12.2 inserted by Federal Law No. 145-FZ of 28.07.2012]

[13) Lost force from 01.01.2019 – Federal Law No. 424-FZ of 27.11.2018]

14) educational services rendered by organizations which carry on educational activities and are non-commercial organizations involving the implementation of basic and (or) supplementary educational programmes which are specified in a licence, with the exception of consulting services and services involving the leasing of premises. [as amended by Federal Law No. 346-FZ of 27.11.2017]

The sale by organizations which carry on educational activities and are non-commercial organizations of goods (work and services), whether own-produced or acquired from outside sources, shall be taxable irrespective of whether income from such sale is allocated to the organization in question or used directly for the requirements of the development and improvement of the educational process, except as otherwise provided by this Code; [as amended by Federal Law No. 346-FZ of 27.11.2017] [subsection 14 as reworded by Federal Law No. 235-FZ of 18.07.2011]

14.1) services involving social care for minors; services involving the provision of support and social care to elderly citizens, disabled persons, neglected children and other citizens who have been recognised as being in need of social care provision and to whom social services are provided at social care organizations in accordance with the legislation of the Russian Federation concerning social care and (or) the legislation of the Russian Federation concerning the prevention of neglect of minors and juvenile delinquency; [as amended by Federal Law No. 464-FZ of 29.12.2014]

services involving the identification of minors who need to be placed under guardianship or custodianship, including investigation of the living conditions of such minors and their families;

services involving the identification of adult citizens who are legally incapable or lack full legal capacity and need to be placed under guardianship or custodianship, including investigation of the living conditions of such citizens and their families;

services involving the selection and training of citizens who have expressed a wish to become guardians or custodians of minors or to accept children deprived of parental care into their families for care in other forms established by the family legislation of the Russian Federation;
services involving the selection and training of citizens who have expressed a wish to become guardians or custodians of adult citizens who are legally incapable or lack full legal capacity;

services to the public involving the organization and carrying out of fitness, recreational fitness and sports activities;

vocational training, retraining and skill development services rendered at the direction of employment service bodies;


15) work (services) associated with the preservation of a cultural heritage asset (historical and cultural monument) of the peoples of the Russian Federation which has been included in the unified state register of cultural heritage assets (historical and cultural monuments) of the peoples of the Russian Federation (hereafter in this Chapter referred to as “cultural heritage assets”) or of an identified cultural heritage asset which has (have) been carried out in accordance with the requirements of Federal Law No. 73-FZ of 25 June 2002 “Concerning Cultural Heritage Assets (Historical and Cultural Monuments) of the Peoples of the Russian Federation”, or of religious buildings and structures used by religious organizations, including conservation, accident prevention, renovation and restoration work, work involving the adaptation of a cultural heritage asset or an identified cultural heritage asset for contemporary use, salvage-oriented archaeological fieldwork, including research, surveying, planning and production work, scientific direction of work associated with the preservation of a cultural heritage asset or an identified cultural heritage asset, and technical and designer supervision of the performance of such work at cultural heritage assets and identified cultural heritage assets.

The sale of work (services) such as is (are) referred to in this subsection shall be non-taxable (shall be exempt from taxation) provided that the following documents are presented to the tax authorities:

- a statement of the classification of an asset as a cultural heritage asset (historical and cultural monument) included in the unified state register of cultural heritage assets (historical and cultural monuments) of the peoples of the Russian Federation or a statement of the classification of an asset as an identified cultural heritage asset, issued by the federal executive body authorized by the Government of the Russian Federation in the area of the preservation, use, promotion and state protection of cultural heritage assets or by an executive body of a constituent entity of the Russian Federation responsible for the preservation, use, promotion and state protection of cultural heritage assets in accordance with Federal Law No. 73-FZ of 25 June 2002 “Concerning Cultural Heritage Assets (Historical and Cultural Monuments) of the Peoples of the Russian Federation”;

- a copy of the contract for the performance of the work referred to in this subsection;

[subsection 15 as reworded by Federal Law No. 245-FZ of 19.07.2011]

16) work which is performed during the period of the implementation of special-purpose socio-economic housing construction programmes (projects) for servicemen and as part of the implementation of those programmes (projects), including:
- work involving the construction of social and cultural or recreational facilities and related infrastructure;

- work involving the establishment, construction and maintenance of professional retraining centres for servicemen and persons who have been retired from military service and members of their families.

The operations which are referred to in this subsection shall not be taxable (shall be exempt from taxation) provided that the work is financed exclusively and directly using loans or credits provided by international organizations and (or) governments of foreign states or by foreign organizations or physical persons in accordance with intergovernmental or interstate agreements to which the Russian Federation is a party and agreements which have been signed on behalf of the Government of the Russian Federation by state administrative bodies authorized by the Government of the Russian Federation;

16.1) services rendered in the context of arbitration (mediation proceedings) administered by a permanently operating arbitration institution in accordance with Federal Law No. 382-FZ of 29 December 2015 “Concerning Arbitration (Mediation Proceedings) in the Russian Federation” and Law No. 5338-1 of the Russian Federation of 7 July 1993 “Concerning International Commercial Arbitration”, payment for which (including as part of the arbitration fee) is made through a non-commercial organization of which that permanently operating arbitration institutions is a subdivision;


17) services rendered by authorized bodies for which a state duty is levied, all types of licence, registration and patent duties and fees, customs storage fees, and duties and fees which are charged by state bodies, local government bodies and other authorized bodies and officials on granting particular rights to organizations and physical persons (including payments to budgets for the right to use natural resources);


17.1) services involving the accreditation of technical inspection operators which are rendered in accordance with legislation concerning the technical inspection of means of transport by a professional association of insurers established in accordance with Federal Law No. 40-FZ of 25 April 2002 “Concerning Compulsory Insurance of the Civil Liability of Owners of Means of Transport” and for which an accreditation fee is charged;

[subsection 17.1 inserted by Federal Law No. 170-FZ of 01.07.2011]

17.2) services involving the performance of a technical inspection which are rendered by technical inspection operators in accordance with legislation concerning the technical inspection of means of transport;

[subsection 17.2 inserted by Federal Law No. 170-FZ of 01.07.2011]

18) goods which have been placed under the duty-free shop customs procedure;

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

19) goods (work and services), with the exception of excisable goods, which are sold (performed, rendered) within the framework of the provision of aid (assistance) to the Russian Federation without consideration in accordance with the Federal Law “Concerning Aid (Assistance) Provided to the Russian Federation Without Consideration and the Introduction of

The sale of the goods (work and services) which are referred to in this subsection shall not be taxable (shall be exempt from taxation) provided that the following documents are presented to the tax authorities:

- the contract (a copy of the contract) between the taxpayer and the donor (an organization authorized by the donor) of the aid (assistance) provided without consideration or between the taxpayer and the recipient of the aid (assistance) provided without consideration for the supply of goods (performance of work, rendering of services) within the framework of the provision of aid (assistance) to the Russian Federation without consideration. Where the recipient of aid (assistance) provided without consideration is a federal executive body of the Russian Federation, there shall be presented to the tax authority the contract (a copy of the contract) with an organization authorized by that federal executive body of the Russian Federation; [as amended by Federal Law No. 119-FZ of 22.07.2005]

- a certificate (notarized copy of a certificate) issued in accordance with the established procedure which confirms that the goods supplied (work performed, services rendered) are classified as humanitarian or technical aid (assistance);

[paragraphs 5-6 lost force – Federal Law No. 318-FZ of 17.12.2009]

20) services rendered by organizations which carry out activities in the sphere of culture and art, which shall include: [as amended by Federal Law No. 330-FZ of 21.11.2011]

- services involving the hiring out of audio and video media from stocks of organizations which carry out activities in the sphere of culture and art, sound engineering equipment, musical instruments, stage production resources, costumes, footwear, theatre properties, dummies, wig-makers’ accessories, cultural supplies, animals, exhibits and books; services involving the making of copies for educational purposes and study guides and photocopying, reproduction, xeroxing and microcopying of printed matter, museum exhibits and documents from stocks of organizations which carry out activities in the sphere of culture and art; services involving the sound recording of stage spectacles, cultural and educational events and entertainment shows and involving the preparation of copies of sound recordings from the sound recording libraries of organizations which carry out activities in the sphere of culture and art; services involving the delivery to and collection from readers of printed matter from library stocks; services involving the preparation of lists, reference notes and catalogues of exhibits, materials and other articles and collections which make up the stocks of organizations which carry out activities in the sphere of culture and art; services involving the rent of stage and concert areas to other organizations which carry out activities in the sphere of culture and art; services involving the provision of museum objects and museum collections, the organization of exhibitions of exhibits and the presentation of shows, concerts and concert programmes and other entertainment programmes at a location other than the location of an organization which carries out activities in the area of culture and art; [as amended by Federal Laws No. 330-FZ of 21.11.2011, No. 215-FZ of 23.07.2013]
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- the sale of entry tickets and season tickets for stage spectacles, cultural and educational events and entertainment shows and for attractions in zoos, oceanaria and culture and recreation parks, and the sale of excursion tickets and excursion vouchers the form of which has been approved in accordance with the established procedure as a strictly accountable document; [as amended by Federal Law No. 161-FZ of 18.07.2017]

- the sale of programmes for spectacles and concerts, catalogues and booklets.

For the purposes of this subsection, organizations which carry out activities in the sphere of culture and art shall include theatres, cinemas, concert organizations and collectives, theatre and concert box offices, circuses, libraries, museums, exhibitions, houses and palaces of culture, clubs, arts centres (in particular, film-makers’, writers’ and composers’ centres), planetaria, culture and leisure parks, reading-rooms and people’s universities, excursion bureaux (with the exception of tourist excursion bureaux), nature reserves, botanical gardens and zoos, oceanaria, national parks, nature parks and landscape parks; [as amended by Federal Laws No. 330-FZ of 21.11.2011, No. 161-FZ of 18.07.2017]

[subsection 20 as reworded by Federal Law No. 235-FZ of 18.07.2011]

21) the sale of work (services) involving the production of cinematographic products performed (rendered) by cinematographic organizations and the rights to the use (including rental and showing) of cinematographic products which have received a national film certificate; [as amended by Federal Law No. 166-FZ of 29.12.2000]

21.1) rights to use protected results of intellectual activity which were used and (or) arose in connection with the creation of motion picture products which have received a national film certificate, including animated films, as regards the granting of licences to use characters, musical works and other works protected by copyright and related rights which form part of motion picture products which have received a national film certificate; [subsection 21.1 inserted by Federal Law No. 95-FZ of 23.04.2018]

22) air navigation services for aircraft flights; [subsection 22 as reworded by Federal Law No. 493-FZ of 25.12.2018]

23) work (services, including repair services) involving the servicing of sea-going vessels, inland vessels and mixed (river-sea) navigation vessels while they are moored in ports (all types of harbour dues, services of harbour craft), pilotage services and services involving the classification and certification of vessels; [subsection 23 as reworded by Federal Law No. 305-FZ of 07.11.2011]

24) services of pharmacy organizations involving the preparation of medicinal products for medical use and involving the manufacture or repair of optical aids (with the exception of sunglasses) and the repair of hearing aids and prosthetic and orthopaedic appliances which are enumerated in subsection 1 of clause 2 of this Article, and services involving the provision of prosthetic and orthopaedic aid; [subsection 24 inserted by Federal Law No. 57-FZ of 29.05.2002, в ред. Федерального закона No. 317-FZ of 25.11.2013]

[25] Lost force from 01.01.2018 – Federal Law No. 335-FZ of 27.11.2017

26) exclusive rights to computer programmes and databases included in the unified register of Russian computer programmes and databases and rights to use such programmes and databases
(including updates and additional features), including by means of the granting of remote access to them via the “Internet” telecommunications network.

The provisions of this subsection shall not apply where the rights that are transferred consist in being enabled to distribute and (or) obtain access to advertising information on the “Internet” telecommunications network, post offers to acquire (sell) goods (work, services) and property rights on the “Internet” telecommunications network, search for information on potential buyers (sellers) and (or) conclude transactions;

[subsection 26 as reworded by Federal Law No. 265-FZ of 31.07.2020]

26.1) exclusive rights to inventions, utility models, industrial designs, integrated circuit topographies and trade secrets (know-how) and rights to use those results of intellectual activity on the basis of a licence agreement;

[subsection 26.1 inserted by Federal Law No. 265-FZ of 31.07.2020]

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

28) services involving the organization and conduct of games of chance;

[subsection 28 inserted by Federal Law No. 198-FZ of 23.07.2013]

29) services involving the fiduciary management of pension savings, payment reserve resources and pension savings of insured persons who have been awarded a fixed-term pension payment which are rendered in accordance with the legislation of the Russian Federation relating to the formation and investment of pension savings;


30) operations involving the cession (assignment) of rights (claims) in respect of obligations arising on the basis of derivative financial instruments the sale of which is exempt from taxation according to subsection 12 of this clause;


[31] *Lost force from 01.01.2019 – Federal Law No. 174-FZ of 02.06.2016*


32.1) the following services:

- services involving the exercise by foreign persons of rights to stage the FIA Formula One World Championship, comprising the right to stage the event and the right to call the Russian stage of that championship the “FIA Formula One World Championship”;

- advertising services sold by an organization that has acquired the rights referred to in paragraph 2 of this subsection on the site of a sports facility for the staging of Formula One series circuit races and infrastructure facilities that support the operation of that sports facility;

[subsection 32.1 inserted by Federal Law No. 196-FZ of 11.06.2021]

33) services involving the transfer of medical devices such as are referred to in paragraph 4 of subsection 1 of this clause which have an appropriate registration certificate under finance lease
(leasing) agreements with a purchase option;
[subsection 33 inserted by Federal Law No. 161-FZ of 18.07.2017]

34) material assets which are issued from state material reserves to custodians and borrowers in connection with their renewal or replacement or under a borrowing arrangement in accordance with Federal Law No. 79-FZ of 29 December 1994 “Concerning State Material Reserves”;
[subsection 34 inserted by Federal Law No. 316-FZ of 14.11.2017]

35) services involving the technical management of marine vessels and mixed (river-sea) navigation vessels rendered to foreign persons which are not registered with the tax authorities as taxpayers and operate marine vessels and mixed (river-sea) navigation vessels registered in the ship registers of foreign states. A list of those services involving the technical management of marine vessels shall be drawn up by the Government of the Russian Federation;
[subsection 35 inserted by Federal Law No. 424-FZ of 27.11.2018]

36) municipal solid waste management services rendered by regional municipal solid waste management operators.

For the purposes of this subsection, municipal solid waste management services shall mean services for which an executive body of a constituent entity of the Russian Federation responsible for state tariff regulation or a local government body responsible for tariff regulation (where the relevant powers have been transferred to it by a law of a constituent entity of the Russian Federation) (hereafter in this subsection referred to as “tariff regulation body”) has approved a maximum unified tariff for services of a regional municipal solid waste management operator exclusive of tax.

The provisions of this subsection shall be applicable by the taxpayer for five consecutive calendar years from the year in which the maximum unified tariff for services of a regional municipal solid waste management operator exclusive of tax was introduced, irrespective of whether the tariff regulation body subsequently establishes a maximum unified tariff for services of a regional municipal solid waste management operator inclusive of tax during that period;
[subsection 36 inserted by Federal Law No. 211-FZ of 26.07.2019]

37) state (municipal) services in the social sphere that are provided in accordance with agreements concluded as a result of the selection of providers of state (municipal) services in the social sphere in accordance with the legislation of the Russian Federation concerning a state (municipal) order for the provision of state (municipal) services in the social sphere (other than an agreement on the granting of a subsidy for the funding of the fulfilment of a state (municipal) assignment).
[subsection 37 inserted by Federal Law No. 191-FZ of 13.07.2020]

3. The following operations shall not be taxable (shall be exempt from taxation) in the territory of the Russian Federation: [as amended by Federal Law No. 57-FZ of 29.05.2002]

1) the sale (transfer for own requirements) of articles of a religious nature and religious literature (in accordance with a list to be approved by the Government of the Russian Federation on a submission from religious organizations (associations)) which are produced by religious organizations (associations) and organizations whose sole founders (participants) are religious
organizations (associations) and are sold by those or other religious organizations (associations) and organizations whose sole founders are religious organizations (associations) within the framework of religious activities, with the exception of excisable goods and mineral raw materials, and the organization and conduct by such organizations of religious rites, ceremonies, prayer meetings or other religious acts; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 176-FZ of 03.11.2006]

2) the sale (including transfer, performance and rendering for own requirements) of goods (with the exception of excisable goods, mineral raw materials and commercial minerals and other goods according to a list to be approved by the Government of the Russian Federation on a submission from all-Russian social organizations of disabled persons), work and services (with the exception of brokerage and other intermediary services not referred to in subsection 12.2 of clause 2 of this Article) which are produced and (or) sold: [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 145-FZ of 28.07.2012]

- by social organizations of disabled persons (including those established as unions of social organizations of disabled persons) where disabled persons and their legal representatives account for no less than 80 per cent of the members;

- by organizations whose charter capital consists entirely of contributions made by the social organizations of disabled persons referred to in paragraph 2 of this subsection if the average number of disabled persons among their employees is no less than 50 per cent and their share of the labour payment fund is no less than 25 per cent;

- by institutions whose property is solely owned by the social organizations of disabled persons referred to in paragraph 2 of this subsection and which were established to achieve educational, cultural, health and fitness, sporting, scientific, informational and other social goals and to provide legal and other assistance to disabled persons and to disabled children and their parents;

- by occupational therapy (work therapy) workshops (divisions) of medical organizations which provide psychiatric care, drug addiction treatment and tuberculosis treatment and of residential social service organizations intended for persons suffering from mental disorders, and by occupational therapy (work therapy) workshops of correctional institutions of the penal system; [as amended by Federal Laws No. 317-FZ of 25.11.2013, No. 366-FZ of 24.11.2014]

- by state and municipal unitary enterprises where the average number of disabled persons among their employees is not less than 50 per cent and their share of the labour payment fund is not less than 25 per cent; [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011]

3) the performance by banks or by a development bank – state corporation of banking operations (with the exception of collection), including: [as amended by Federal Law No. 466-FZ of 29.12.2017]

- the attraction of monetary resources from organizations and physical persons into deposits;

- the investment of monetary resources attracted from organizations and physical persons in the name of and at the expense of banks;
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- the opening and maintenance of bank accounts for organizations and physical persons, including bank accounts which are used for bank card settlements, and operations associated with the servicing of bank cards; [as amended by Federal Law No. 119-FZ of 22.07.2005]

- the effecting of transfers at the instruction of organizations and physical persons, including correspondent banks, on their bank accounts; [as amended by Federal Law No. 212-FZ of 26.07.2019]

- the provision of cash services to organizations and physical persons;

- the purchase and sale of foreign currency in cash and non-cash forms (including the rendering of intermediary services in respect of operations involving the purchase and sale of foreign currency);

- the attraction of precious metals of physical persons and legal entities into deposits (demand and fixed-term), with the exception of coins of precious metals; [as amended by Federal Law No. 212-FZ of 26.07.2019]

- the placement of attracted precious metals referred to in paragraph 8 of this subsection in their own name and at their own expense; [as amended by Federal Law No. 212-FZ of 26.07.2019]

- the opening and maintenance of bank accounts for physical persons and legal entities in precious metals, with the exception of coins of precious metals; [as amended by Federal Law No. 212-FZ of 26.07.2019]

- the effecting of transfers at the instruction of physical persons and legal entities, including correspondent banks, on their precious metal bank accounts; [as amended by Federal Law No. 212-FZ of 26.07.2019]


[subsection 3 as reworded by Federal Law No. 166-FZ of 29.12.2000]

3.1) services associated with the servicing of bank cards; [subsection 3.1 inserted by Federal Law No. 119-FZ of 22.07.2005]

3.2) the effecting of the following operations by banks and a development bank/state corporation:

- the execution of bank guarantees (issue and annulment of a bank guarantee, confirmation and amendment of the conditions of that guarantee, payment in respect of that guarantee, preparation and review of documents relating to the guarantee);

- the issue of surety bonds on behalf of third parties which provide for the fulfilment of obligations in monetary form;

- the rendering of services associated with the installation and operation of the “client-bank” system, including the provision of software and the training of staff responsible for maintaining that system;
- the receipt from borrowers of amounts due in compensation for insurance premiums (insurance contributions) paid by the bank under insurance agreements, including life or disability insurance for those borrowers, under agreements on the insurance of property constituting security for a borrower’s obligations (collateral) and for other types of insurance in which the bank is the policyholder; [subsection 3.2 inserted by Federal Law No. 212-FZ of 26.07.2019]

4) operations carried out by organizations which support information exchange and technological interaction between parties to settlements, including the rendering of services involving the collection, processing and provision to parties to settlements of information on operations carried out using bank cards; [as amended by Federal Law No. 200-FZ of 11.07.2011]

5) the performance of certain banking operations by organizations which, in accordance with the legislation of the Russian Federation, have the right to perform them without a licence issued by the Central Bank of the Russian Federation;

6) the sale of folk craft articles of recognised artistic merit (with the exception of excisable goods), samples of which have been registered in accordance with the procedure established by a federal executive body authorized by the Government of the Russian Federation; [as amended by Federal Law No. 160-FZ of 23.07.2008]

7) the rendering of insurance, co-insurance and re-insurance services by insurers and the rendering of non-state pension provision services by non-state pension funds. [as amended by Federal Law No. 294-FZ of 30.12.2012]

For the purposes of this Article, insurance, co-insurance and re-insurance operations shall be understood to mean operations as a result of which an insurer receives: [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 294-FZ of 30.12.2012]

- insurance payments (fees) under insurance, co-insurance and re-insurance agreements, including insurance premiums, and payable re-insurance commission (including bonuses); [as amended by Federal Law No. 166-FZ of 29.12.2000]

- interest accrued on a premium deposit under re-insurance agreements and transferred by the re-insured to the re-insurer;

- insurance premiums received by an authorized insurer which has concluded a co-insurance agreement in accordance with the established procedure in the name of and on the instructions of insurers; [as amended by Federal Law No. 294-FZ of 30.12.2012]

- resources received by an insurer through subrogation from a person responsible for damage caused to an insured in the amount of the insurance indemnity paid to the insured; [as amended by Federal Law No. 166-FZ of 29.12.2000]

- resources received by an insurer under a direct indemnity agreement concluded in accordance with the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport from an insurer which insured the civil liability of a tortfeasor; [paragraph inserted by Federal Law No. 282-FZ of 25.12.2008]
- special-purpose resources which are received by medical insurance organizations which are participants in compulsory medical insurance from a territorial compulsory medical insurance fund in accordance with an agreement on the financing of compulsory medical insurance; [paragraph inserted by Federal Law No. 313-FZ of 29.11.2010]

- resources which are received by medical insurance organizations which are participants in compulsory medical insurance from a territorial compulsory medical insurance fund and are intended to cover administrative expenses for compulsory medical insurance in accordance with an agreement on the financing of compulsory medical insurance (within the limit of the normative level established by the legislation of the Russian Federation concerning compulsory medical insurance); [paragraph inserted by Federal Law No. 313-FZ of 29.11.2010]

- resources which are received by medical insurance organizations which are participants in compulsory medical insurance from a territorial compulsory medical insurance fund and constitute remuneration for the performance of acts provided for in an agreement on the financing of compulsory medical insurance; [paragraph inserted by Federal Law No. 313-FZ of 29.11.2010]

7.1) the rendering of services involving the insurance, co-insurance and re-insurance of export credits and investments against entrepreneurial and (or) political risks in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activity”;

[8) lost force – Federal Law No. 198-FZ of 23.07.2013]

8.1) the conduct of lotteries which are conducted on the basis of a decision of an authorized executive body, including the rendering of services involving the sale of lottery tickets;
[subsection 8.1 inserted by Federal Law No. 119-FZ of 22.07.2005]

9) the sale of ore, concentrates and other industrial products containing precious metals and scrap and waste of precious metals for the production of precious metals and refinement; the sale of precious metals and precious stones by taxpayers (with the exception of those referred to in subsection 6 of clause 1 of Article 164 of this Code) to the State Fund of Precious Metals and Precious Stones of the Russian Federation, funds of precious metals and precious stones of constituent entities of the Russian Federation, the Central Bank of the Russian Federation and banks; the sale of precious stones in the raw material (with the exception of unworked diamonds) for treatment to enterprises, irrespective of their form of ownership, for subsequent export sale; the sale of precious stones in the raw material or faceted to specialized foreign economic organizations, the State Fund of Precious Metals and Precious Stones of the Russian Federation, funds of precious metals and precious stones of constituent entities of the Russian Federation, the Central Bank of the Russian Federation and banks; the sale of precious metals from the State Fund of Precious Metals and Precious Stones of the Russian Federation and from funds of precious metals and precious stones of constituent entities of the Russian Federation to specialized foreign economic organizations, the Central Bank of the Russian Federation and banks, and the sale of precious metals by the Central Bank of the Russian Federation and banks to the Central Bank of the Russian Federation and banks, including under contracts of delegation, commission agreements or agency agreements with the Central Bank of the Russian Federation and banks, irrespective of whether those ingots are placed in a depository of the
Central Bank of the Russian Federation or depositories of banks, and to other persons on condition that the ingots remain in a depository (the State Valuables Depository, a depository of the Central Bank of the Russian Federation or depositories of banks); [as amended by Federal Laws No. 110-FZ of 24.07.2002, No. 85-FZ of 17.05.2007]

10) the sale of unworked diamonds to treatment enterprises of all forms of ownership; [as amended by Federal Law No. 166-FZ of 29.12.2000]

11) the intra-system sale (transfer, performance, rendering for own requirements) by organizations and institutions of the penal system of goods (work and services) produced by them;

12) the transfer of goods (performance of work, rendering of services) and the transfer of property rights without consideration within the framework of charitable activities in accordance with Federal Law No. 135-FZ of 11 August 1995 “Concerning Charitable Activities and Volunteering (Voluntary Work)”, with the exception of excisable goods. [as amended by Federal Laws No. 235-FZ of 18.07.2011, No. 98-FZ of 23.04.2018, No. 210-FZ of 26.07.2019]

In this respect, where the recipients of goods (work, services) and property rights referred to in paragraph 1 of this subsection are an organization and (or) a private entrepreneur, documents confirming the right to exemption from taxation in accordance with this subsection shall be: [paragraph inserted by Federal Law No. 210-FZ of 26.07.2019]

- the agreement or contract on the transfer of goods (work, services) or property rights referred to in paragraph 1 of this subsection by the taxpayer without consideration; [paragraph inserted by Federal Law No. 210-FZ of 26.07.2019]

- the acceptance and transfer certificate for goods (work, services) or property rights or another document confirming the transfer of goods or property rights (performance of work, rendering of services) by the taxpayer; [paragraph inserted by Federal Law No. 210-FZ of 26.07.2019]

13) the sale of entry tickets and season tickets the form of which has been approved in accordance with the established procedure as a strictly accountable form by physical fitness and sports organizations for sporting events organized by them; the rendering of services involving the rent of sports facilities for preparation for and the holding of such events; [as amended by Federal Laws No. 245-FZ of 19.07.2011, No. 479-FZ of 29.12.2014]

14) the rendering of services by Bar associations, law bureaus and law chambers of constituent entities of the Russian Federation or the Federal Chamber of Lawyers to their members in connection with the performance by them of professional activities; [as amended by Federal Laws No. 187-FZ of 31.12.2002, No. 137-FZ of 27.07.2006]

15) money lending and securities lending transactions, including related interest, and repo transactions, including amounts of money payable for the provision of securities in repo transactions.

For the purposes of this Chapter, “repo transaction” shall be understood to mean an agreement which meets the requirements which are established for repo agreements by the Federal Law “Concerning the Securities Market”; [subsection 15 as reworded by Federal Law No. 281-FZ of 25.11.2009]
15.2) operations which are carried out in the context of clearing activities:

- the transfer (return) of property intended to serve as collective clearing collateral and (or) individual clearing collateral, and the transfer (return) of property to the property pool of a clearing organization (from the property pool of a clearing organization); [as amended by Federal Law No. 326-FZ of 28.11.2015]

- the payment of interest on resources of a guarantee fund formed from property constituting collective clearing collateral and (or) individual clearing collateral which is payable by a clearing organization to clearing participants and other persons in accordance with the clearing rules of that clearing organization on the basis of Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”;

15.3) operations involving the issue of surety bonds (guarantees) by a taxpayer which is not a bank;
[subsection 15.3 inserted by Federal Law No. 401-FZ of 30.11.2016]

16) the performance of research and design work at the expense of resources of budgets of the budget system of the Russian Federation or resources of the Russian Fundamental Research Fund, the Russian Technological Development Fund and foundations for the support of scientific, scientific and technical and innovation activities which were established for those purposes in accordance with Federal Law No. 127-FZ of 23 August 1996 “Concerning Science and State Scientific and Technical Policy”; the performance of research and design work by educational institutions and scientific organizations on the basis of contracts; [as amended by Federal Laws No. 215-FZ of 23.07.2013, No. 346-FZ of 27.11.2017]

16.1) the performance by organizations of research, development and technological work concerned with the creation of new products and technologies or the improvement of existing products and technologies, where the research, development and technological work includes the following types of activity:

- the development of an engineering object or a technical system;

- the development of new technologies, i.e. methods of combining physical, chemical, technological and other processes with work processes to form an integral system which generates new products (goods, work and services);

- the creation of developmental prototypes of machinery, equipment and materials, i.e. not having a certificate of conformity, which possess the basic characteristic features of innovations and are not intended for sale to third parties, and the testing of those prototypes for the period of time needed to obtain data and accumulate experience and record them in technical documentation;
[subsection 16.1 inserted by Federal Law No. 195-FZ of 19.07.2007]

[17] lost force – Federal Law No. 118-FZ of 05.08.2000]
18) services of health resort, recreational and holiday organizations and children’s holiday and recreational organizations, including children’s recreational camps, situated in the territory of the Russian Federation which are documented by holiday package documents or board and treatment authorizations which are strictly accountable forms; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005]

19) the performance of work (rendering of services) involving the extinguishing of forest fires;

20) the sale of produce of own production of organizations engaged in the production of agricultural produce where income from the sale of that produce accounts for no less than 70 per cent of total income by way of payment for labour in kind, dispensations in kind for the remuneration of labour and for the provision of meals to workers who are hired for agricultural work; [as amended by Federal Law No. 166-FZ of 29.12.2000]

[21) lost force – Federal Law No. 118-FZ of 05.08.2000]

22) the sale of dwelling houses and residential premises, and of shares therein;
[subsection 22 inserted by Federal Law No. 109-FZ of 20.08.2004]

23) the transfer of a part interest in the common property in an apartment building upon the sale of apartments;
[subsection 23 inserted by Federal Law No. 109-FZ of 20.08.2004]

23.1) services of a developer on the basis of a shared construction participation agreement concluded in accordance with Federal Law No. 214-FZ of 30 December 2004 “Concerning Participation in the Shared Construction of Apartment Buildings and Other Immovable Property and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” (with the exception of services rendered by a developer in relation to the construction of production facilities).

For the purposes of this subsection production facilities shall be taken to mean facilities intended for use in the production of goods (performance of work and rendering of services); [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011]

[subsection 23.1 inserted by Federal Law No. 119-FZ of 17.06.2010]

[24) lost force – Federal Law No. 85-FZ of 17.05.2007]

25) the transfer of goods (work and services) for advertising purposes, provided that the cost of acquiring (creating) a unit of those goods (work and services) does not exceed 100 roubles; [subsection 25 inserted by Federal Law No. 119-FZ of 22.07.2005]

26) operations involving the cession (assignment, acquisition) of a creditor’s rights (claims) in respect of obligations arising from agreements on the provision of loans in monetary form and (or) credit agreements, and involving the fulfilment by a borrower of obligations to each new creditor under the original agreement underlying an assignment agreement; [subsection 26 inserted by Federal Law No. 195-FZ of 19.07.2007, as amended by Federal Law No. 281-FZ of 25.11.2009]
27) the performance of work (rendering of services) by residents of a port special economic zone in a port special economic zone;
[subsection 27 inserted by Federal Law No. 240-FZ of 30.10.2007]

28) the rendering without consideration of services involving the provision of air time and (or) print space in accordance with the legislation of the Russian Federation concerning elections and referenda;
[subsection 28 inserted by Federal Law No. 161-FZ of 17.07.2009]


29) the sale of utility services which are provided by management organizations, housing owner partnerships or housing construction, housing or other specialized consumer co-operatives which have been established for the purpose of satisfying citizens’ housing needs and are responsible for maintaining building utility systems though which utility services are provided, provided that utility services are acquired by those taxpayers from utility complex organizations, electricity suppliers, gas supply organizations and organizations which carry out hot water supply, cold water supply and (or) wastewater disposal and regional municipal solid waste management operators;

30) the sale of work (services) associated with the maintenance and repair of the common property in an apartment building which is performed (are rendered) by management organizations, housing owner partnerships or housing construction, housing or other specialized consumer co-operatives which have been established for the purpose of satisfying citizens’ housing needs and are responsible for maintaining building utility systems though which utility services are provided, provided that work (services) associated with the maintenance and repair of the common property in an apartment building is (are) acquired by those taxpayers from the organizations and private entrepreneurs who or which actually perform (render) the work (services) in question, and the sale of work (services) involving the performance of functions of project manager for work involving capital repairs to the common property in apartment buildings which is performed (are rendered) by specialized non-commercial organizations which carry out activities aimed at arranging capital repairs to the common property in apartment buildings and have been established in accordance with the Housing Code of the Russian Federation, and by local government bodies and (or) municipal budgetary institutions in cases provided for in the Housing Code of the Russian Federation;


32) the rendering without consideration of services involving the production and (or) distribution of social advertising in accordance with the advertising legislation of the Russian Federation.

The operations referred to in this subsection shall be non-taxable provided that one of the following requirements for social advertising is met:
- in social advertising distributed in radio programmes the duration of references to sponsors does not exceed three seconds;

- in social advertising distributed in television programmes and in the context of cinematographic and video film projection services the duration of references to sponsors does not exceed three seconds and the references take up not more than 7 per cent of the screen area;

- in social advertising distributed by other means references to sponsors take up not more than 5 per cent of the advertising area (space).

The requirements established by this subsection regarding references to sponsors shall not apply to references in social advertising to state government bodies, other state bodies, local government bodies, municipal bodies not forming part of the structure of local government bodies and socially-oriented non-commercial organizations, or to references to physical persons facing difficult life circumstances or in need of medical treatment where they are made with the object of enabling charitable assistance to be provided to those persons;
(subsection 32 inserted by Federal Law No. 235-FZ of 18.07.2011)

33) services of participants in an investment partnership agreement who are managing partners with respect to management of the partners’ common affairs;
(subsection 33 inserted by Federal Law No. 336-FZ of 28.11.2011)

34) the transfer of property rights in the form of a contribution under an investment partnership agreement and the transfer of property rights to a participant in an investment partnership agreement in connection with the apportionment of its share from the commonly owned property of the participants in that agreement or in connection with the division of that property – within the limits of the amount of the paid-in contribution of the participant in question;
(subsection 34 inserted by Federal Law No. 336-FZ of 28.11.2011)

[EY Note: Subsection 35 of clause 3 of Article 149 loses force from 01.01.2023 – Federal Law No. 187-FZ of 23.06.2016]

35) the sale (transfer for own requirements) of breeding cattle, breeding swine, breeding sheep, breeding goats, breeding horses, breeding poultry (breeder eggs); semen (sperm) obtained from breeding bulls, breeding swine, breeding rams, breeding goats and stud horses; embryos obtained from pedigree cattle, pedigree swine, pedigree sheep, pedigree goats and pedigree horses, according to a list of product codes, based on the All-Russian Classification of Products by Economic Activity, to be approved by the Government of the Russian Federation; [as amended by Federal Law No. 401-FZ of 30.11.2016]

The provisions of this subsection shall apply provided that the taxpayer has a pedigree certificate issued in accordance with Federal Law No. 123-FZ of 3 August 1995 “Concerning Livestock Breeding”.
(subsection 35 inserted by Federal Law No. 187-FZ of 23.06.2016)

36) the rendering of services involving the performance of the functions of an agent of the Russian Federation as provided for in Federal Law No. 161-FZ of 24 July 2008 “Concerning the Promotion of the Development of Housing Construction” in the process of the sale and leasing of property not assigned to state enterprises and institutions which forms part of the
state treasury of the Russian Federation;
[subsection 36 inserted by Federal Law No. 143-FZ of 04.06.2018]

37) services involving the repair and technical maintenance of goods (including medical goods), including the value of spare parts and components for them, which are rendered during their warranty period for the purpose of fulfilling warranty repair obligations in relation to the goods, provided that no extra charge is made for such services.
[subsection 37 inserted by Federal Law No. 424-FZ of 27.11.2018]

[EY Note: A subsection 38 is appended to clause 3 of Article 149 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

4. Where a taxpayer carries out both operations which are taxable and operations which are not taxable (are exempt from taxation) in accordance with the provisions of this Article, the taxpayer shall be obliged to maintain separate records of such operations. [as amended by Federal Law No. 166-FZ of 29.12.2000]

5. A taxpayer which carries out operations involving the sale of goods (work and services) such as are provided for in clause 3 of this Article shall have the right to waive the exemption from taxation for such operations by submitting an appropriate application to the tax authority where it is registered no later than the 1st of the tax period as from which the taxpayer intends to waive or suspend the use of the exemption. [as amended by Federal Law No. 229-FZ of 27.07.2010]

Such a waiver or suspension may be made only in respect of all operations provided for in one or more subsections of clause 3 of this Article which are carried out by the taxpayer. It shall not be permissible for such operations to be exempted or not to be exempted from taxation depending on who is purchasing (acquiring) the goods (work and services) in question. [as amended by Federal Law No. 57-FZ of 29.05.2002]

An exemption from taxation may not be waived or suspended for a period of less than one year. [as amended by Federal Law No. 57-FZ of 29.05.2002]

6. The operations which are referred to in this Article shall not be taxable (shall be exempt from taxation) provided that the taxpayers which carry out those operations possess appropriate licences for activities which are licensable in accordance with the legislation of the Russian Federation, except as otherwise provided by this clause. [as amended by Federal Law No. 493-FZ of 25.12.2018]

Sales of services such as are referred to in subsection 2 of clause 2 of this Article by foreign legal entities and private entrepreneurs that are project participants in accordance with Federal Law No. 160-FZ of 29 June “Concerning the International Medical Cluster and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” shall be non-taxable (shall be exempt from taxation) provided that they have authorization documentation issued in accordance with the established procedure by authorized bodies and organizations of a foreign state which is a member of the Organization for Economic Co-Operation and Development that confirms the right to render such services. [paragraph inserted by Federal Law No. 493-FZ of 25.12.2018]

7. An exemption from taxation in accordance with the provisions of this Article shall not apply where entrepreneurial activities are carried out in the interests of another person on the basis of
contracts of delegation, commission agreements or agency agreements, unless otherwise provided by this Code. [as amended by Federal Law No. 166-FZ of 29.12.2000]

8. In the event that the wording of clauses 1 to 3 of this Article is amended (an exemption from taxation is abolished or taxable operations are classified as non-taxable operations), taxpayers shall apply the procedure for the determination of the tax base (or for exemption from taxation) which was in force as at the date on which goods (work and services) were despatched, irrespective of the date on which payment is made for them. [clause 8 inserted by Federal Law No. 57-FZ of 29.05.2002]


The importation of the following into the territory of the Russian Federation and other territories under its jurisdiction shall not be taxable (shall be exempt from taxation): [as amended by the Customs Code of the Russian Federation No. 61-FZ of 28.05.2003, Federal Law No. 306-FZ of 27.11.2010]

1) goods (with the exception of excisable goods) which are imported as aid (assistance) provided to the Russian Federation without consideration according to a procedure to be determined by the Government of the Russian Federation in accordance with the Federal Law “Concerning Aid (Assistance) Provided to the Russian Federation Without Consideration and the Introduction of Amendments and Additions to Certain Legislative Acts of the Russian Federation Concerning Taxes and Concerning the Establishment of Exemptions in Respect of Payments to State Non-Budgetary Funds in Connection with the Provision of Aid (Assistance) to the Russian Federation Without Consideration”; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003]

2) the following goods:

- goods such as are referred to in subsection 1 of clause 2 of Article 149 of this Code;

- raw materials and components which are intended for the production of goods such as are referred to in paragraph 2 of this subsection and for which no equivalent products are produced in the Russian Federation.

The provisions of paragraph 3 of this subsection shall apply subject to the presentation to a customs authority of a document confirming the intended use of the raw materials and components and the fact that no equivalent products are produced in the Russian Federation, issued by the federal executive body responsible for the formulation of state policy and statutory regulation in the area of the industrial and military-industrial complexes in accordance with the procedure established by that federal executive body.

Where such raw materials and components are imported from the territory of a member state of the Eurasian Economic Union, the document in question shall be submitted to a tax authority; [subsection 2 as reworded by Federal Law No. 225-FZ of 30.06.2016]

3) materials for the making of immunobiological medicinal products for the diagnosis, prevention and (or) treatment of infectious diseases (according to a list to be approved by the Government of the Russian Federation); [as amended by Federal Law No. 317-FZ of 25.11.2013]
4) cultural valuables acquired by state or municipal institutions, cultural valuables gifted by state and municipal cultural institutions and state and municipal archives and cultural valuables gifted to institutions which are classified in accordance with the legislation of the Russian Federation as highly valuable objects of the cultural and national heritage of the peoples of the Russian Federation. [as amended by Federal Law No. 245-FZ of 03.12.2012]

The provisions of this subsection shall apply subject to the presentation to customs authorities of confirmation from the federal executive body which carries out functions involving the formulation of state policy and statutory regulation in the area of culture, art, cultural heritage (including archaeological heritage) and cinematography or, where cultural valuables acquired or received as a gift are documents of the Archive Fund of the Russian Federation or other archive documents, confirmation from the federal executive body which carries out functions involving the formulation of state policy and statutory regulation in the area of archiving and records management, that the conditions established by paragraph 1 of this subsection are met; [as amended by Federal Law No. 121-FZ of 18.06.2017]
[subsection 4 as reworded by Federal Law No. 281-FZ of 25.11.2009]

4.1) cultural valuables not referred to in subsection 4 of this Article, provided that they are classed as such in accordance with the legislation of the Russian Federation concerning the exportation and importation of cultural valuables.

The provisions of this subsection shall apply subject to the presentation to the customs authorities of an expert report drawn up in accordance with the legislation of the Russian Federation concerning the exportation and importation of cultural valuables and containing a conclusion to the effect that the movable item examined constitutes a cultural valuable; [subsection 4.1 inserted by Federal Law No. 430-FZ of 28.12.2017]

5) all types of printed publications which are received by state and municipal libraries and museums through international book exchange and cinematographic works which are imported by specialized state organizations for the purpose of carrying out international non-commercial exchanges;

6) goods produced as a result of the economic activities of Russian organizations on lands which are the territory of a foreign state with land use rights granted to the Russian Federation on the basis of an international agreement; [as amended by Federal Law No. 119-FZ of 22.07.2005]

7) manufacturing equipment (including components and spare parts for such equipment) for which there are no equivalents made in the Russian Federation, according to a list to be approved by the Government of the Russian Federation; [subsection 7 as reworded by Federal Law No. 224-FZ of 26.11.2008]

8) unworked natural diamonds;

9) goods which are intended for the official use of foreign diplomatic and equated representations and the personal use of the diplomatic and administrative and technical staff of such representations, including members of their families who reside with them;
10) Russian Federation and foreign currency, banknotes which are legal media of payment (with the exception of those intended for collection) and securities - shares, debentures, certificates and bills of exchange; [as amended by Federal Law No. 166-FZ of 29.12.2000]

11) sea fishery products caught and (or) processed by fishing enterprises (organizations) of the Russian Federation;
[subsection 11 as reworded by Federal Law No. 166-FZ of 29.12.2000]

12) vessels which are subject to registration in the Russian International Register of Vessels, and vessels that are subject to registration 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”;

13) goods, with the exception of excisable goods, included in a list to be approved by the Government of the Russian Federation which are carried within the framework of international co-operation of the Russian Federation in the area of the exploration and use of outer space and under agreements on spacecraft launch services;
[subsection 13 inserted by Federal Law No. 191-FZ of 10.11.2006, as amended by Federal Law No. 306-FZ of 27.11.2010]


16) non-registered medicinal products which are intended for the provision of life-saving medical assistance to specific patients, and hematopoietic stem cells and bone marrow for the performance of unrelated donor transplantation.

The provisions of this subsection shall be applied subject to the presentation to the customs authorities of an appropriate authorization issued by the federal executive body which carries out functions involving the formulation and implementation of state policy and statutory regulation in the sphere of health care and the circulation of medicinal products for medical use; [as amended by Federal Law No. 317-FZ of 25.11.2013]
[subsection 16 inserted by Federal Law No. 235-FZ of 18.07.2011]

17) expendable materials for scientific research for which there are no equivalents made in the Russian Federation, according to the list and in accordance with the procedure which are approved by the Government of the Russian Federation.

For the purposes of this subsection expendable materials shall include goods whose useful life does not exceed one year and which are intended for use in carrying out research, scientific and technical activities and experimental development;
[subsection 17 inserted by Federal Law No. 151-FZ of 04.06.2014]

19) breeding cattle, breeding swine, breeding sheep, breeding goats, breeding horses, breeding poultry (breeder eggs); semen (sperm) obtained from breeding bulls, breeding swine, breeding rams, breeding goats and stud horses; embryos obtained from pedigree cattle, pedigree swine, pedigree sheep, pedigree goats and pedigree horses, according to a list of product codes, based on the All-Russian Classification of Products by Economic Activity, to be approved by the Government of the Russian Federation.

The provisions of this subsection shall apply subject to the presentation to the customs authority of an authorization issued in accordance with Federal Law No. 123-FZ of 3 August 1995 “Concerning Livestock Breeding” in a form and in accordance with a procedure which shall be approved by the federal executive body in charge of performing functions associated with the formulation of state policy and statutory regulation in the area of the agro-industrial complex; [subsection 19 inserted by Federal Law No. 187-FZ of 23.06.2016]

20) civil aircraft, provided that a copy of the certificate of the state registration of a civil aircraft in the State Register of Civil Aircraft of the Russian Federation is submitted to the customs authority.

If the document referred to in paragraph 1 of this subsection is not submitted, the importation of civil aircraft which is provided for in this subsection shall be exempt from taxation subject to the submission to the customs authority of an undertaking of the taxpayer, in the form approved by the federal executive body in charge of control and supervision in the area of taxes and levies, to submit the document referred to in paragraph 1 of this subsection to the customs authority within 90 calendar days from the date of the registration of the customs declaration.

If, after the time limit established by paragraph 2 of this subsection has elapsed, a taxpayer that submitted a taxpayer’s undertaking such as is referred to in paragraph 2 of this subsection has not submitted a copy of the certificate of the state registration of a civil aircraft in the State Register of Civil Aircraft of the Russian Federation to the customs authority, the amount of tax calculated upon the customs declaration of the aircraft shall be paid by that taxpayer not later than the day following the day of the expiry of the time limit established by paragraph 2 of this subsection.

If data concerning a civil aircraft are excluded from the State Register of Civil Aircraft of the Russian Federation, the amount of tax that was calculated when the civil aircraft was declared for customs purposes, an exemption from the payment of which upon the importation of the civil aircraft is provided for in this subsection, must be paid by the taxpayer that submitted a copy of the certificate of the state registration of the civil aircraft in the State Register of Aircraft of the Russian Federation that is referred to in paragraph 1 of this subsection to the customs authority on the day on which the details are excluded from the State Register of Civil Aircraft of the Russian Federation. The provisions of this paragraph shall not apply to the exclusion of data concerning a civil aircraft from the State Register of Civil Aircraft of the Russian Federation in the following cases:

- where a civil aircraft is retired or removed from service owing to the fact that it cannot be used for its intended purpose (as a means of transport);
- where a civil aircraft is sold or ownership of it is otherwise legally transferred to a foreign state or to a foreign citizen, a stateless person or a foreign organization, provided that the civil aircraft is removed from the territory of the Russian Federation.

To enable monitoring of compliance with the requirements established by this subsection for the application of an exemption from the payment of tax when importing civil aircraft into the territory of the Russian Federation, the federal executive body responsible for the provision of state services and the administration of state property in the field of air transport (civil aviation) and the state registration of rights in aircraft and transactions involving aircraft shall send to the federal executive body in charge of control and supervision in the area of customs, using the unified interdepartmental electronic communication system, information on the inclusion of data concerning civil aircraft in the State Register of Civil Aircraft of the Russian Federation and information on the exclusion of data concerning civil aircraft and the reasons for the exclusion of those data from the State Register of Civil Aircraft of the Russian Federation in accordance with a procedure to be approved by the federal executive body responsible for the provision of state services and the administration of state property in the field of air transport (civil aviation) and the state registration of rights in aircraft and transactions involving aircraft in consultation with the federal executive body in charge of control and supervision in the area of customs;

[subsection 20 inserted by Federal Law No. 324-FZ of 29.09.2019]

[EY Note: Subsection 21) of Article 150 loses force from 01.01.2023 – Federal Law No. 324-FZ of 29.09.2019]

21) civil aircraft registered in the state register of civil aircraft of a foreign state, subject to the submission to the customs authority of a copy of the certificate of the registration of a civil aircraft in the state register of civil aircraft of a foreign state that has in accordance with an international agreement of the Russian Federation transferred to the Russian Federation in whole or in part the functions and obligations of the state of registration.

If data concerning a civil aircraft are excluded from the register of civil aircraft of a foreign state that has in accordance with an international agreement of the Russian Federation transferred to the Russian Federation in whole or in part the functions and obligations of the state of registration, the amount of tax that was calculated when the civil aircraft was declared for customs purposes, an exemption from the payment of which upon the importation of the civil aircraft is provided for in this subsection, must be paid by the taxpayer that submitted a copy of the certificate of the registration of the civil aircraft in the state register of civil aircraft of a foreign state that has in accordance with an international agreement of the Russian Federation transferred to the Russian Federation in whole or in part the functions and obligations of the state of registration. The provisions of this paragraph shall not apply to the exclusion of data concerning a civil aircraft from the register of civil aircraft of a foreign state that has in accordance with an international agreement of the Russian Federation transferred to the Russian Federation in whole or in part the functions and obligations of the state of registration in the following cases:
- where a certificate of the state registration of the civil aircraft in the State Register of Civil Aircraft of the Russian Federation is submitted to the customs authority;

- where a civil aircraft is retired or removed from service owing to the fact that it cannot be used for its intended purpose (as a means of transport).

To enable monitoring of compliance with the requirements established by this subsection for the application of an exemption from the payment of tax when importing civil aircraft into the territory of the Russian Federation, the federal executive body responsible for the provision of state services and the administration of state property in the field of air transport (civil aviation) and the state registration of rights in aircraft and transactions involving aircraft shall send to the federal executive body in charge of control and supervision in the area of customs, using the unified interdepartmental electronic communication system, information on the inclusion of data concerning civil aircraft in the “Register of Operators and Aircraft” federal state information system and information on the amendment (exclusion) of data concerning civil aircraft and the reasons for the amendment (exclusion) of those data in the “Register of Operators and Aircraft” federal state information system in accordance with a procedure to be approved by the federal executive body responsible for the provision of state services and the administration of state property in the field of air transport (civil aviation) and the state registration of rights in aircraft and transactions involving aircraft in consultation with the federal executive body in charge of control and supervision in the area of customs;

[subsection 21 inserted by Federal Law No. 324-FZ of 29.09.2019]

22) aircraft engines, parts and components intended for the construction, repair and (or) upgrading of civil aircraft in the territory of the Russian Federation, and printed publications, prototypes and (or) component parts thereof that are needed for the development, building and (or) testing of civil aircraft and (or) aircraft engines.

The provisions of this subsection shall apply subject to the submission to the customs authority of a document confirming the intended purpose of an imported product, issued by the federal executive body responsible for the formulation of state policy and statutory regulation in the area of the industrial and defence industry complexes in the form and in accordance with the procedure prescribed by that federal executive body.

[subsection 22 inserted by Federal Law No. 324-FZ of 29.09.2019]

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


1. When goods are imported into the territory of the Russian Federation and other territories under its jurisdiction, depending on the selected customs procedure tax shall be levied as follows: [as amended by Federal Law No. 306-FZ of 27.11.2010]

1) where goods are placed under the release for domestic consumption customs procedure tax shall be payable in full, except as otherwise provided in subsection 1.1 of this clause; [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 72-FZ of 30.03.2016]
1.1) where goods are released under the release for domestic consumption customs procedure upon completion of the customs procedure of free customs zone in the territory of the Special Economic Zone in the Kaliningrad Province, amounts of calculated tax shall not be paid by taxpayers provided that, as at the date on which the goods are released under the above-mentioned customs procedure, those taxpayers do not apply special tax regimes, do not exercise the right to the exemption provided for in Article 145 of this Code and did not, during the tax period preceding the date on which goods were released in accordance with the above-mentioned customs procedure, carry out operations involving the sale of goods which are not taxable in accordance with Article 149 of this Code, unless a different procedure for the payment of tax is prescribed by paragraph 3 of this subsection.

The taxation procedure which is provided for in paragraph 1 of this subsection may be applied by taxpayers which, on the date on which goods are released under the release for domestic consumption customs procedure upon completion of the customs procedure of free customs zone in the territory of the Special Economic Zone in the Kaliningrad Province, are residents included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province or persons which underwent state registration in the Kaliningrad Province and were carrying on activities on the basis of Federal Law No. 13-FZ of 22 January 1996 “Concerning the Special Economic Zone in the Kaliningrad Province” as at 1 April 2006, and which are registered with the tax authorities of the Kaliningrad Province for the location of the organization concerned (or the place of residence of a physical person who is a private entrepreneur).

Amounts of tax calculated upon declaration for customs purposes which taxpayers refrained from paying in accordance with the provisions of paragraph 1 of this subsection must be paid to the budget by the taxpayers concerned in accordance with the procedure prescribed by paragraph 1 of clause 1 of Article 174 of this Code after the end of the tax period in which a period of 180 calendar days elapses from the date on which goods were released under the release for domestic consumption customs procedure upon completion of the customs procedure of free customs zone in the territory of the Special Economic Zone in the Kaliningrad Province if the goods were not used before the expiry of that time period in carrying out operations which are deemed to be taxable objects in accordance with this Chapter, without the tax exemption established by this Chapter being applied. Documents, including in particular copies of contracts for the supply of goods which confirm that the goods were used in carrying the above-mentioned operations, shall be submitted together with the tax declaration in which the operations in question are reflected.

Confirmation of compliance with the conditions referred to in paragraph 1 of this subsection shall be provided by means of the submission by tax authorities to a customs authority of details of the taxpayer which are needed for that confirmation. Information on the amount of calculated tax which the taxpayer refrained from paying on the basis of paragraph 1 of this subsection and other information needed to check that tax has been correctly calculated and paid shall be submitted by a customs authority to the tax authorities. The composition of and procedure for the presentation of the information referred to in this paragraph shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies and the federal executive body in charge of the customs sphere;

[subsection 1.1 as reworded by Federal Law No. 225-FZ of 30.06.2016]
2) where goods are placed under the re-importation customs procedure, the taxpayer shall pay the amounts of tax from the payment of which it was exempted or the amounts which were refunded to it in connection with the export of the goods in accordance with this Code according to the procedure which is stipulated by the customs legislation of the Customs Union and customs-related legislation of the Russian Federation; [as amended by Federal Law No. 306-FZ of 27.11.2010]

3) where goods are placed under the transit, customs warehouse, re-exportation, duty-free trade, free customs zone, free warehouse, destruction and abandonment to the state customs procedures or a special customs procedure and in the case of the declaration of stores for customs purposes, tax shall not be paid; [as amended by Federal Law No. 57-FZ of 29.05.2002, Customs Code of the Russian Federation No. 61-FZ of 28.05.2003, Federal Laws No. 306-FZ of 27.11.2010, No. 245-FZ of 19.07.2011]

4) where goods are placed under the processing in the customs territory customs procedure, tax shall not be payable provided that the processed products are exported from the customs territory of the Customs Union within the specified time limit; [as amended by the Customs Code of the Russian Federation No. 61-FZ of 28.05.2003, Федерального закона No. 306-FZ of 27.11.2010]

5) where goods are placed under the temporary importation customs procedure, a full or partial exemption from the payment of tax shall apply in accordance with the procedure which is stipulated by the customs legislation of the Customs Union and customs-related legislation of the Russian Federation; [as amended by Federal Law No. 306-FZ of 27.11.2010]

6) upon the import of products of the processing of goods which were placed under the processing outside the customs territory customs procedure, a full or partial exemption from the payment of tax shall apply in accordance with the procedure which is stipulated by the customs legislation of the Customs Union and customs-related legislation of the Russian Federation; [as amended by Federal Law No. 306-FZ of 27.11.2010]

7) where goods are placed under the processing for domestic consumption customs procedure, tax shall be payable in full. [as amended by the Customs Code of the Russian Federation No. 61-FZ of 28.05.2003, Федерального закона No. 306-FZ of 27.11.2010]

2. Where goods are exported from the territory of the Russian Federation, tax shall be levied as follows: [as amended by Federal Law No. 306-FZ of 27.11.2010]

1) where goods are exported from the territory of the Russian Federation under the export customs procedure, tax shall not be payable. [as amended by Federal Law No. 306-FZ of 27.11.2010]

The taxation procedure which is laid down in this subsection shall also apply where goods are placed under the customs warehouse customs procedure with a view to the subsequent exportation of those goods in accordance with the export customs procedure, and where goods are placed under the free customs zone customs procedure; [as amended by Federal Laws No. 117-FZ of 22.07.2005, No. 306-FZ of 27.11.2010]

2) where goods are exported out of the territory of the Russian Federation and other territories under its jurisdiction under the re-exportation customs procedure, tax shall not be paid, and amounts of tax which were paid when they were imported into the territory of the Russian Federation and other territories under its jurisdiction shall be refunded to the taxpayer according
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to the procedure laid down in the customs legislation of the Customs Union and customs-related legislation of the Russian Federation;

[subsection 2 as reworded by Federal Law No. 305-FZ of 07.11.2011]

3) tax shall not be paid in the case of the exportation from the territory of the Russian Federation of stores or of goods for the purpose of completing a special customs procedure;

[subsection 3 as reworded by Federal Law No. 245-FZ of 19.07.2011]

4) where goods are exported from the territory of the Russian Federation and other territories under its jurisdiction in accordance with customs procedures other than those referred to in subsections 1 to 3 of this clause, there shall be no exemption from the payment of tax and (or) refund of amounts of tax paid unless otherwise stipulated by the customs legislation of the Customs Union and customs-related legislation of the Russian Federation. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 306-FZ of 27.11.2010]

3. Where goods intended for personal, family and domestic needs and other needs not connected with entrepreneurial activities are carried by physical persons, the procedure for the payment of tax which is payable in connection with the movement of goods across the customs border of the Customs Union shall be determined by the customs legislation of the Customs Union. [as amended by the Customs Code of the Russian Federation No. 61-FZ of 28.05.2003, Федерального закона No. 306-FZ of 27.11.2010]

[Article 152. Lost force from 01.01.2011 – Federal Law No. 306-FZ of 27.11.2010]

Article 153. Tax Base

1. The tax base arising from the sale of goods (work and services) shall be determined by the taxpayer in accordance with this Chapter according to the particular circumstances of the sale of goods (work and services) which it has produced or acquired from third parties.

In the case of the transfer of goods (performance of work, rendering of services) for own requirements which are deemed taxable in accordance with Article 146 of this Code, the tax base shall be determined by the taxpayer in accordance with this Chapter.

Where goods are imported into the territory of the Russian Federation and other territories under its jurisdiction, the tax base shall be calculated by the taxpayer in accordance with this Chapter and the customs legislation of the Customs Union and customs-related legislation of the Russian Federation. [as amended by Federal Law No. 306-FZ of 27.11.2010]

Where taxpayers apply different tax rates in selling (transferring, performing, rendering for own requirements) goods (work and services), the tax base shall be determined separately for each type of goods (work and services) assessable at different rates. Where the same rates of tax are applied the tax base shall be determined as an aggregate for all types of operations assessable at that rate. [as amended by Federal Law No. 166-FZ of 29.12.2000]

Where property rights are transferred the tax base shall be determined with account taken of the special considerations established by this Chapter. [paragraph inserted by Federal Law No. 119-FZ of 22.07.2005]
2. For the purpose of determining the tax base, receipts from the sale of goods (work and services) and the transfer of property rights shall be determined on the basis of all income of the taxpayer associated with settlements in respect of those goods (work and services) and property rights which it has received in monetary form and (or) in kind, including payment in the form of securities. [as amended by Federal Law No. 119-FZ of 22.07.2005]

The income which is referred to in this clause shall be taken into account where and insofar as it is determinable.

3. For the purpose of determining the tax base, receipts (expenses) of a taxpayer in foreign currency shall be translated into roubles on the basis of the exchange rate of the Central Bank of the Russian Federation as at the date corresponding to the moment of the determination of the tax base upon the sale (transfer) of goods (work and services) and property rights as established by Article 167 of this Code or the date on which expenses are actually incurred respectively. In this respect, the tax base arising from sales of goods (work and services) such as are provided for in clause 1 of Article 164 of this Code where settlements for the operations in question are made in foreign currency shall be determined in roubles on the basis of the exchange rate of the Central Bank of the Russian Federation as at the date on which goods are despatched (transferred) (work is performed, services are rendered). [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 309-FZ of 27.11.2010, No. 245-FZ of 19.07.2011]

4. Where payment for goods (work, services) or property rights sold under contracts is required to be made in roubles in an amount equivalent to a specified amount in foreign currency or notional monetary units, the moment of the determination of the tax base shall be the day on which the goods (work, services) or property rights are despatched (transferred), and for the purpose of determining the tax base the foreign currency or notional monetary units shall be translated into roubles using the exchange rate set by the Central Bank of the Russian Federation on the date on which goods are despatched (transferred) (work is performed, services are rendered) or property rights are transferred. The tax base shall not be adjusted when payment is subsequently made for the goods (work, services) or property rights. Differences in the amount of tax which arise for a taxpayer – seller when payment is subsequently made for goods (work, services) or property rights shall be included in non-sale income in accordance with Article 250 of this Code or in non-sale expenses in accordance with Article 265 of this Code.


**Article 154. The Procedure for Determining the Tax Base Arising from the Sale of Goods (Work and Services)**

1. The tax base arising from the sale of goods (work and services) by a taxpayer shall, unless otherwise provided by this Article, be determined as the value of those goods (work and services) as calculated on the basis of prices determined in accordance with Article 105.3 of this Code, including excise duties (in the case of excisable goods) and excluding tax. [as amended by Federal Law No. 227-FZ of 18.07.2011]

Where a taxpayer receives payment or partial payment in respect of future supplies of goods (performance of work, rendering of services), the tax base shall be determined on the basis of the amount of payment received, inclusive of tax. There shall not be included in the tax base
Value Added Tax

payment or partial payment received by a taxpayer in respect of future supplies of goods (performance of work, rendering of services):

- for which the length of the production cycle for the manufacture thereof is greater than six months, where the taxpayer determines the tax base as and when such goods are despatched (transferred) (work is performed, services are rendered) in accordance with the provisions of clause 13 of Article 167 of this Code;

- which are taxable at the 0 per cent tax rate in accordance with clause 1 of Article 164 of this Code;

- which are not taxable (are exempt from taxation).

The tax base arising when goods (work and services) are despatched against payment or partial payment already received which was previously included in the tax base shall be determined by the taxpayer in accordance with the procedure established by paragraph 1 of this clause.

Where a taxpayer receives payment or partial payment in respect of the future transfer of property rights in cases provided for in paragraph 2 of clause 1 and clauses 2 to 4 of Article 155 of this Code, the tax base shall be determined as the difference between the amount of payment or partial payment received by the taxpayer in respect of the future transfer of property rights and the amount of expenditure on the acquisition of those rights (the amount of the monetary claim, including future claim), as determined on the basis of the proportion which the payment or partial payment constitutes of the value at which the property rights are transferred.

[paragraph inserted by Federal Law No. 302-FZ of 03.08.2018]
[clause 1 as reworded by Federal Law No. 255-FZ of 04.11.2007]

2. Where goods (work and services) are sold by means of goods exchange (barter) transactions, where goods (work and services) are sold without consideration, where ownership of a pledged object is transferred to the pledgee as a result of the non-fulfilment of the obligation which was secured by the pledge and where goods are transferred (the results of work performed are transferred, services are rendered) as payment for labour in kind, the tax base shall be determined as the value of those goods (work and services) calculated on the basis of prices determined according to a procedure similar to that which is laid down in Article 105.3 of this Code, including excise duties (in the case of excisable goods) and excluding tax. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003, No. 227-FZ of 18.07.2011]

Where goods (work and services) are sold with account taken of subsidies granted by budgets of the budget system of the Russian Federation in connection with the application by a taxpayer of state regulated prices or with account taken of concessions (including discounts on the price of goods (work and services) excluding tax) granted to particular consumers in accordance with legislation, the tax base shall be determined as the value of goods (work and services) sold calculated on the basis of their actual selling prices. [paragraph inserted by Federal Law No. 166-FZ of 29.12.2000, as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 284-FZ of 29.11.2007, No. 303-FZ of 03.08.2018]

Amounts of subsidies which are granted by budgets of the budget system of the Russian Federation in connection with the application by a taxpayer of state regulated prices or concessions (including discounts on the price of goods (work and services) excluding tax) granted to certain consumers in accordance with legislation shall not be taken into account in
determining the tax base. [paragraph inserted by Federal Law No. 119-FZ of 22.07.2005, as amended by Federal Laws No. 284-FZ of 29.11.2007, No. 303-FZ of 03.08.2018]

2.1. The payment (granting) by a seller to a purchaser of goods (work and services) of a reward (incentive payment) for the fulfilment by the purchaser of particular conditions of a contract for the supply of goods (performance of work, rendering of services), including the acquisition of a specified volume of goods (work and services), shall not reduce the value of goods despatched (work performed, services rendered) for the purposes of the calculation of the tax base by the seller of the goods (work and services) (and the calculation of applicable deductions by the purchaser), except where the above-mentioned contract provides for the value of goods despatched (work performed, services rendered) to be reduced by the amount of a reward (incentive payment) which is paid (granted). [clause 2.1 inserted by Federal Law No. 39-FZ of 05.04.2013]

3. In the case of the sale of property that is recorded on the basis of its value inclusive of tax paid, the tax base shall be determined as the difference between the price of the property sold as determined with account taken of the provisions of Article 105.3 of this Code, including tax and excise duties (in the case of excisable goods), and the value of the property sold (the net book value with account taken of revaluations). [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003, No. 227-FZ of 18.07.2011]

4. In the case of the sale of agricultural produce and processed products thereof purchased from physical persons (who are not taxpayers) according to a list to be approved by the Government of the Russian Federation (excluding excisable goods), the tax base shall be determined as the difference between the price as determined in accordance with Article 105.3 of this Code, including tax, and the price at which that produce was acquired. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003, No. 227-FZ of 18.07.2011]

5. The tax base arising from the sale of services involving the production of goods from customer-supplied raw materials (other materials) shall be determined as the cost of the treatment, processing or other transformation thereof including excise duties (in the case of excisable goods) and excluding tax. [as amended by Federal Law No. 117-FZ of 07.07.2003]

5.1. In the case of the sale of certain types of electronic and domestic appliances according to a list to be approved by the Government of the Russian Federation and motor vehicles that were acquired from physical persons (who are not taxpayers) for resale, the tax base shall be determined as the difference between the price as determined in accordance with Article 105.3 of this Code, inclusive of tax, and the price at which those appliances and motor vehicles were acquired. [clause 5.1 as reworded by Federal Law No. 103-FZ of 30.04.2021]

6. The tax base arising from the sale of goods (work and services) through term transactions (transactions which call for the delivery of goods (performance of work, rendering of services) upon the expiry of a period specified by the agreement (contract) at a price which is directly specified in the agreement or contract) and derivative financial instruments which are not circulated on the organized market shall be determined as the value of those goods (work and services) or the value of the underlying asset (in the case of derivative financial instruments which are not circulated on the organized market) which is specified directly in the agreement (contract), but not lower than the value thereof which is calculated on the basis of prices determined in a manner similar to that laid down in Article 105.3 of this Code which are current
as at the date corresponding to the moment of the determination of the tax base which is established by Article 167 of this Code, including excise duties (in the case of excisable goods) and excluding tax. [as amended by Federal Laws No. 227-FZ of 18.07.2011, No. 242-FZ of 03.07.2016]

The tax base arising from the sale of the underlying asset of derivative financial instruments which are circulated on the organized market and call for the delivery of an underlying asset (with the exception of the sale of the underlying asset of option agreements (contracts)) shall be determined as the value at which the underlying asset should be sold and which is determined in accordance with the conditions of the specification of the derivative financial instrument which has been approved by the exchange. The tax base arising from the sale of such underlying asset shall be determined as at the date corresponding to the moment of the determination of the tax base which is established by Article 167 of this Code, including excise duties (in the case of excisable goods) and excluding tax. [as amended by Federal Laws No. 227-FZ of 18.07.2011, No. 242-FZ of 03.07.2016]

The tax base arising from the sale of the underlying asset of option agreements (contracts) which are circulated on the organized market and call for the delivery of an underlying asset shall be determined as the value at which the underlying asset should be sold and which is determined in accordance with the conditions of the specification of the derivative financial instrument which has been approved by the exchange, but not lower than the value which is calculated on the basis of prices determined in a manner similar to that laid down in Article 105.3 of this Code which are current as at the date corresponding to the moment of the determination of the tax base which is established by Article 167 of this Code, including excise duties (in the case of excisable goods) and excluding tax. [as amended by Federal Laws No. 227-FZ of 18.07.2011, No. 242-FZ of 03.07.2016]

For the purposes of this Chapter the specification of a derivative financial instrument shall be understood to mean a document issued by an exchange which sets out the conditions of the derivative financial instrument.
[clause 6 as reworded by Federal Law No. 281-FZ of 25.11.2009]

7. Where goods are sold in reusable containers for which deposit prices exist, the deposit prices of those containers shall not be included in the tax base in the event that the containers are returnable to the seller.
[clause 7 inserted by Federal Law No. 166-FZ of 29.12.2000]

8. Depending on the particular circumstances of the sale of goods (work and services), the tax base shall be determined in accordance with Articles 155 to 162 of this Chapter.

10. An upward change in the value (excluding tax) of goods despatched (work performed, services rendered) or property rights transferred, including by reason of an increase in the price (tariff) and (or) an increase in the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, shall be taken into account when the taxpayer (tax agent) determines the tax base for the tax period in which documents which serve as a basis for the issuance of corrective VAT invoices in accordance with clause 10 of Article 172 of this Code were prepared. [as amended by Federal Law No. 302-FZ of 03.08.2018]

An upward change in the value (inclusive of tax) of goods despatched such as are referred to in paragraph 1 of clause 8 of Article 161 of this Code, including in the event of an increase in
the price and (or) an increase in the quantity (volume) of goods despatched, shall be taken into account by the tax agent referred to in clause 8 of Article 161 of this Code in determining the tax base for the tax period in which documents forming the basis for the preparation of corrective VAT invoices in accordance with clause 10 of Article 172 of this Code were prepared. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017] [clause 10 as reworded by Federal Law No. 39-FZ of 05.04.2013]

11. In the case of the sale of material assets acquired by custodians and borrowers of material assets of state material reserves where material assets are issued from state material reserves in connection with their renewal or replacement or under a borrowing arrangement in accordance with Federal Law No. 79-FZ of 29 December 1994 “Concerning State Material Reserves”, the tax base shall be determined as the positive difference between the price of material assets sold which is determined in accordance with Article 105.3 of this Code, inclusive of tax, and the price at which those material assets were acquired. [clause 11 inserted by Federal Law No. 316-FZ of 14.11.2017]

**Article 155. Special Considerations Relating to the Determination of the Tax Base When Property Rights Are Transferred** [title as amended by Federal Law No. 119-FZ of 22.07.2005]

1. In the event that a monetary claim arising from an agreement on the sale of goods (work and services) operations involving the sale of which are taxable (are not exempt from taxation in accordance with Article 149 of this Code) is assigned, or in the event that such a claim passes to another person by law, the tax base arising from operations involving the sale of those goods (work and services) shall be determined in accordance with the procedure prescribed by Article 154 of this Code, except as otherwise provided by this clause. [as amended by Federal Law No. 245-FZ of 19.07.2011]

The tax base which arises when an original creditor cedes a monetary claim arising from a contract for the sale of goods (work or services) or when such a claim passes to another person by operation of law shall be determined as the amount by which income received by the original creditor upon ceding the claim exceeds the amount of the monetary claim in respect of which rights have been ceded. [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011]

2. The tax base arising in the event of assignment by a new creditor which received a monetary claim arising from an agreement on the sale of goods (work and services) shall be determined as the amount by which amounts of income received by the new creditor upon the subsequent assignment of the claim or upon the termination of the corresponding obligation exceed the amount of expenses incurred in acquiring that claim. [as amended by Federal Law No. 245-FZ of 19.07.2011]

3. Where taxpayers, including participants in shared-equity construction, transfer property rights in dwelling houses or residential premises, equity interests in dwelling houses or residential premises, garages or vehicle spaces, the tax base shall be determined as the difference between the value at which the property rights are transferred, inclusive of tax, and expenses incurred in acquiring those rights.

4. Where a monetary claim is acquired from a third party, the tax base shall be determined as the amount by which the amount of income received from the debtor and (or) upon subsequent assignment exceeds the amount of expenses incurred in acquiring that claim.
5. In the case of the transfer of rights associated with the right to conclude an agreement and tenancy rights, the tax base shall be determined in accordance with the procedure prescribed by Article 154 of this Code.

**Article 156. Special Considerations Relating to the Determination of the Tax Base by Taxpayers Which Receive Income on the Basis of Contracts of Delegation, Commission Agreements or Agency Agreements**

1. Taxpayers carrying out entrepreneurial activities in the interests of another person on the basis of contracts of delegation, commission agreements or agency agreements shall determine the tax base as the amount of income received by them in the form of fees (any other income) in connection with the performance of any of those agreements.

A similar procedure shall apply for determining the tax base where a pledgee sells in accordance with the procedure established by the legislation of the Russian Federation an unclaimed pledge belonging to a pledgor. [paragraph inserted by Federal Law No. 119-FZ of 22.07.2005]

2. Where operations are carried out involving the sale of services which are rendered on the basis of contracts of delegation, commission agreements or agency agreements and which involve the sale of goods (work and services) which are not taxable (are exempt from taxation) in accordance with Article 149 of this Code, the exemption from taxation shall not apply to those operations, with the exception of intermediary services involving the sale of the goods (work and services) which are referred to in clause 1, subsections 1 and 8 of clause 2 and subsection 6 of clause 3 of Article 149 of this Code. [as amended by Federal Law No. 166-FZ of 29.12.2000]

**Article 157. Special Considerations Relating to the Determination of the Tax Base and the Payment of Tax in Respect of Carriage and the Sale of International Communications Services**

1. With respect to the carriage (with the exception of carriage on local transport services in accordance with paragraph 3 of subsection 7 of clause 2 of Article 149 of this Code) of passengers, baggage, freight, freight baggage or mail by rail, road, air, sea or river transport, the tax base shall be determined as the cost of carriage (excluding tax). In the case of air carriage the boundaries of the territory of the Russian Federation shall be defined according to the point of departure and the destination of the flight. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 117-FZ of 07.07.2003]

2. Where travel documents are sold at discount rates, the tax base shall be calculated on the basis of those discount rates.

3. The provisions of this Article shall be applied with account taken of the provisions of clause 1 of Article 164 of this Code and shall not apply to carriage such as is referred to in subsection 7 of clause 2 of Article 149 of this Code or to carriage provided for in international agreements (treaties).

4. Where money for unused travel documents is refunded to purchasers before the start of a journey, the entire amount of tax shall be included in the refundable amount. Where travel documents are returned by passengers en route in connection with the termination of a journey,
tax shall be included in the refundable amount in an amount corresponding to the distance which remained to be travelled by the passengers. In this case the amounts actually refunded to the passengers shall not be taken into account for the purpose of determining the tax base. [as amended by Federal Law No. 166-FZ of 29.12.2000]

5. In the case of the sale of international communications services, amounts received by communications organizations from the sale of those services to foreign purchasers shall not be taken into account for the purpose of determining the tax base. [clause 5 as reworded by Federal Law No. 57-FZ of 29.05.2002]

Article 158. Special Considerations Relating to the Determination of the Tax Base Upon the Sale of an Enterprise as a Whole as a Property Complex

1. In the event of the sale of an enterprise as a whole as a property complex, the tax base shall be determined separately for each type of asset of the enterprise. [as amended by Federal Law No. 166-FZ of 29.12.2000]

2. In the event that the price at which an enterprise is sold is lower than the balance sheet value of the property sold, there shall be applied for taxation purposes an adjustment coefficient calculated as the ratio of the sale price of the enterprise to the balance sheet value of that property. [as amended by Federal Law No. 166-FZ of 29.12.2000]

In the event that the price at which an enterprise is sold is higher than the balance sheet value of the property sold, there shall be applied for taxation purposes an adjustment coefficient calculated as the ratio of the sale price of the enterprise less the balance sheet value of accounts receivable (and the value of securities unless a decision has been adopted to revalue them) to the balance sheet value of property sold less the balance sheet value of accounts receivable (and the value of securities unless a decision has been adopted to revalue them). In this case, the adjustment coefficient shall not be applied to the amount of the accounts receivable (and the value of securities). [as amended by Federal Law No. 166-FZ of 29.12.2000]

3. For taxation purposes the price of each type of property shall be taken to be equal to the product of its balance sheet value and the adjustment coefficient.

4. The seller of an enterprise shall prepare a consolidated VAT invoice, indicating in the “Total with VAT” column the price at which the enterprise was sold. In this respect, fixed assets, intangible assets, other types of production and non-production property, the amount of accounts receivable, the value of securities and other balance sheet asset items shall be shown as individual items in the invoice. The consolidated VAT invoice shall be accompanied by an inventory report. [as amended by Federal Law No. 166-FZ of 29.12.2000]

In the consolidated VAT invoice the price of each type of property shall be taken to be equal to the product of the balance sheet value of the property and the adjustment coefficient.

For each type of property the sale of which is taxable, there shall be entered in the “Rate of VAT” and “Amount of VAT” columns respectively the tax-inclusive tax rate of 16.67 per cent and the amount of tax determined as a percentage of the tax base corresponding to the tax-inclusive tax rate of 15.25 per cent. [as amended by Federal Laws No. 117-FZ of 07.07.2003, No. 303-FZ of 03.08.2018]
Article 159. The Procedure for Determining the Tax Base Upon Carrying Out Operations Involving the Transfer of Goods (Performance of Work, Rendering of Services) for Own Requirements and the Performance of Construction and Installation Work for Own Consumption

1. Where a taxpayer transfers goods (performs works, renders services) for its own requirements and expenses associated with the goods (work and services) in question are not deductible (whether through amortization deductions or otherwise) for the purpose of the calculation of tax on the profit of organizations, the tax base shall be determined as the value of those goods (work and services) as calculated on the basis of the selling prices of identical (or, where these do not exist, similar) goods (similar work and services) which were prevailing in the preceding tax period, or, where these do not exist, on the basis of the market prices including excise duties (in the case of excisable goods) and excluding tax. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 06.08.2001, No. 117-FZ of 07.07.2003]

2. Where construction and installation work is performed for own consumption, the tax base shall be determined as the value of work performed as calculated on the basis of all expenses actually incurred by the taxpayer in performing the work, including expenses of an organization which has been (is in the process of being) re-organized. [as amended by Federal Law No. 118-FZ of 22.07.2005]


1. Where goods (with the exception of those referred to in clauses 2 and 4 of this Article and with account taken of Articles 150 and 151 of this Code) are imported into the territory of the Russian Federation and other territories under its jurisdiction, the tax base shall be determined as the sum of: [as amended by Federal Laws No. 28-FZ of 28.02.2006, No. 318-FZ of 17.12.2009, No. 306-FZ of 27.11.2010]

1) the customs value of those goods; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002]

2) payable customs duty;


2. In the case of the importation into the territory of the Russian Federation and other territories under its jurisdiction of products processed from goods which were previously exported from that territory for processing outside the customs territory in accordance with the processing outside the customs territory customs procedure, the tax base shall be determined as the value of such processing. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 306-FZ of 27.11.2010]

3. The tax base shall be determined separately for each group of goods of one description, type and marque which is imported into the territory of the Russian Federation and other territories under its jurisdiction. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 306-FZ of 27.11.2010]
Where one consignment of goods imported into the customs territory of the Russian Federation includes both excisable goods and non-excisable goods, the tax base shall be determined separately for each group of those goods. The tax base shall be determined in similar fashion where a consignment of goods imported into the customs territory of the Russian Federation includes products processed from goods which were previously exported from the territory of the Russian Federation in accordance with the processing outside the customs territory customs procedure. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 117-FZ of 07.07.2003, No. 306-FZ of 27.11.2010]

[4. Lost force from 01.01.2011 – Federal Law No. 306-FZ of 27.11.2010]

5. The tax base arising when Russian goods which have been placed under the free customs zone customs procedure are imported into the remaining part of the territory of the Russian Federation and other territories under its jurisdiction or when they are transferred in the territory of a special economic zone to persons who are not residents of such zone shall be determined in accordance with clause 1 of this Article with account taken of the special considerations laid down in the customs legislation of the Customs Union and customs-related legislation of the Russian Federation. [clause 5 inserted by Federal Law No. 117-FZ of 22.07.2005, as amended by Federal Law No. 306-FZ of 27.11.2010]

Article 161. Special Considerations Relating to the Determination of the Tax Base by Tax Agents

1. In the case of the sale of goods (work, services) for which the place of sale is the territory of the Russian Federation, the tax base shall be determined by tax agents if those goods (work and services) are sold by taxpayers that are foreign persons:

- not registered with the tax authorities or registered with the tax authorities only in connection with the possession of immovable property and (or) means of transport located in the territory of the Russian Federation or in connection with the opening of a bank account;

- registered with the tax authorities at the location of their autonomous subdivisions in the territory of the Russian Federation (except for sales of goods (work, services) referred to in paragraph 1 of this clause) through an autonomous subdivision of a foreign organization located in the territory of the Russian Federation.

The tax base shall be determined by tax agents separately for each sale of goods (work, services) in the territory of the Russian Federation, having regard to this Chapter, as the amount of income from sales of those goods (work, services) inclusive of tax. [clause 1 as reworded by Federal Law No. 305-FZ of 02.07.2021]

2. For the purposes of clause 1 of this Article, tax agents shall be understood to mean organizations and private entrepreneurs that acquire goods (work, services) in the territory of the Russian Federation from foreign persons referred to in clause 1 of this Article, except as otherwise provided in clause 3 of Article 174.2 of this Code. Tax agents shall be obliged to calculate the appropriate amount of tax, withhold it from the taxpayer and pay it to the budget irrespective of whether they perform tax obligations associated with the calculation and payment of tax and other obligations established by this Chapter. [clause 1 as reworded by Federal Law No. 305-FZ of 02.07.2021]
3. Where state government and administrative bodies and local government bodies let federal property, property of constituent entities of the Russian Federation and municipal property in the territory of the Russian Federation, the tax base shall be determined as the amount of the lease payment including tax. In this respect, the tax base shall be determined by the tax agent separately for each leased item of property. In this case the lessees of the property in question, with the exception of physical persons who are not private entrepreneurs, shall be the tax agents. Those persons must calculate, withhold from income payable to the lessor and pay to the budget the appropriate amount of tax. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 83-FZ of 08.05.2010, No. 330-FZ of 21.11.2011, No. 424-FZ of 27.11.2018]

In the event of the sale (transfer) in the territory of the Russian Federation of state property not assigned to state enterprises and institutions which forms part of the state coffers of the Russian Federation, the coffers of a constituent republic of the Russian Federation or the coffers of a territory, a province, a city of federal significance, an autonomous province or an autonomous district, or of municipal property not assigned to municipal enterprises and institutions which forms part of the municipal coffers of a particular urban or rural settlement or other municipality, the tax base shall be determined as the amount of income from the sale (transfer) of that property inclusive of tax. In this respect, the tax base shall be determined separately for each operation involving the sale (transfer) of such property. In this case, the tax agents shall be the purchasers (recipients) of the property in question, with the exception of physical persons who are not private entrepreneurs. The persons in question shall be obliged to compute, withhold from income paid and pay to the budget the appropriate amount of tax. [paragraph inserted by Federal Law No. 224-FZ of 26.11.2008]

4. In the case of the sale in the territory of the Russian Federation of confiscated property, property which is sold by decision of a court (with the exception of sales such as are provided for in subsection 15 of clause 2 of Article 146 of this Code), ownerless assets, treasure-trove and bought-up assets and assets which have passed to the state by right of inheritance, the tax base shall be determined on the basis of the price of the property (assets) which is sold as determined with account taken of the provisions of Article 105.3 of this Code, including excise duties (in the case of excisable goods). In this case, the tax agents are the bodies, organizations or private entrepreneurs which have been authorized to sell that property. [clause 4 inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Laws No. 117-FZ of 07.07.2003, No. 119-FZ of 22.07.2005, No. 224-FZ of 26.11.2008, No. 227-FZ of 18.07.2011, No. 245-FZ of 19.07.2011, No. 366-FZ of 24.11.2014]


5. Where goods are sold, property rights are transferred, work is performed and services are rendered in the territory of the Russian Federation by foreign persons referred to in clause 1 of this Article, organizations and private entrepreneurs that carry on entrepreneurial activities with participation in settlements on the basis of contracts of delegation, contracts of commission and contracts of agency with those foreign persons shall also be deemed tax agents, except as otherwise provided by clause 10 of Article 174.2 of this Code. In this case the tax base shall be determined by the tax agent as the value of such goods (work and services) and property rights, inclusive of excise duties (in the case of excisable goods) and excluding the amount of tax. [as amended by Federal Laws No. 224-FZ of 26.11.2008, No. 244-FZ of 03.07.2016, No. 305-FZ of 02.07.2021]
5.1. Where Russian rail carriers in the territory of the Russian Federation carry on entrepreneurial activities in the interests of another person on the basis of contracts of delegation, commission agreements or agency agreements providing for the rendering of services involving the provision of railway rolling stock and (or) containers (except in cases provided for in subsections 2.1 and 2.7 of clause 1 of Article 164 of this Code), the tax agents shall be the Russian rail carriers. In this case the tax base shall be determined by the tax agent as the cost of those services excluding the amount of tax.

[clause 5.1 inserted by Federal Law No. 302-FZ of 03.08.2018]

6. Where a vessel (civil aircraft) is sold in the territory of the Russian Federation, if the state registration of the vessel in the Russian International Register of Ships (or of the civil aircraft in the State Register of Civil Aircraft of the Russian Federation) does not take place within 90 calendar days from the day on which the taxpayer transferred the vessel (civil aircraft) to the purchaser (customer), the tax base shall be determined by the tax agent as the value at which the vessel (civil aircraft) was sold to it or as the value of work (services) sold involving the construction of that vessel (civil aircraft).

[as amended by Federal Law No. 324-FZ of 29.09.2019]

The tax agent shall be the person that owns the vessel (civil aircraft) after the lapse of 90 calendar days from the day on which the taxpayer transferred the vessel (civil aircraft) to the purchaser (customer).

[as amended by Federal Law No. 324-FZ of 29.09.2019]

The tax agent shall be obliged to calculate the relevant amount of tax on the basis of the tax rate specified in clause 3 of Article 164 of this Code and to remit that amount to the budget.

To enable monitoring of the correct calculation and payment of tax, the federal executive body responsible for the provision of state services and the administration of state property in the field of air transport (civil aviation) and the state registration of rights in aircraft and transactions involving aircraft shall send to the federal executive body in charge of control and supervision in the area of taxes and levies, on a monthly basis not later than the 10th of the month following a reporting month, information on the inclusion of data concerning civil aircraft in the State Register of Civil Aircraft of the Russian Federation and information on the exclusion of data concerning civil aircraft from the State Register of Civil Aircraft of the Russian Federation and the reasons for the exclusion of those data. The content and manner of provision of that information shall be approved by the federal executive body responsible for the provision of state services and the administration of state property in the field of air transport (civil aviation) and the state registration of rights in aircraft and transactions involving aircraft in consultation with the federal executive body in charge of control and supervision in the area of taxes and levies.

[paragraph inserted by Federal Law No. 324-FZ of 29.09.2019]

[clause 6 as reworded by Federal Law No. 305-FZ of 07.11.2011]

6.1. Where a civil aircraft is transferred under a rental (leasing) agreement in the territory of the Russian Federation, if the state registration of the civil aircraft in the State Register of Civil Aircraft of the Russian Federation does not take place within 90 calendar days from the day on which the civil aircraft was transferred under the rental (leasing) agreement, the tax base for services involving the transfer of civil aircraft shall be determined by the tax agent as the value of those services under the rental (leasing) agreement.
For the purposes of the application of this clause, the tax agent shall be the lessee that has received the civil aircraft from the lessor under the rental (leasing) agreement after the lapse of 90 calendar days from the day on which the civil aircraft was transferred.

The tax agent shall be obliged to calculate the amount of tax due based on the tax rate specified in clause 3 of Article 164 of this Code and to remit it to the budget.

The provisions of this clause shall not apply to the legal relations provided for in subsection 20 of Article 150 of this Code.

[clause 6.1 inserted by Federal Law No. 324-FZ of 29.09.2019]

6.2. If data concerning a civil aircraft sold in the territory of the Russian Federation are excluded from the State Register of Civil Aircraft of the Russian Federation, the tax base shall be determined by the tax agent as the value of the civil aircraft at which it was sold or as the value of work (services) involving the construction of that civil aircraft.

For the purposes of the application this clause, the tax agent shall be the person that owns the civil aircraft as at the date on which it is excluded from the State Register of Civil Aircraft of the Russian Federation.

The tax agent shall be obliged to calculate the amount of tax due based on the tax rate specified in clause 3 of Article 164 of this Code and to remit it to the budget.

The provisions of this clause shall not apply to the following cases of the exclusion of data concerning a civil aircraft from the State Register of Aircraft of the Russian Federation:

- where a civil aircraft is retired or removed from service owing to the fact that it cannot be used for its intended purpose (as a means of transport);

- where a civil aircraft is sold or ownership of it is otherwise legally transferred to a foreign state or to a foreign citizen, a stateless person or a foreign organization, provided that the civil aircraft is removed from the territory of the Russian Federation.

[clause 6.2 inserted by Federal Law No. 324-FZ of 29.09.2019]


8. Where taxpayers (other than taxpayers which are exempt from performing taxpayer obligations associated with the calculation and payment of tax) sell in the territory of the Russian Federation raw hides and skins of animals, scrap and waste of ferrous and non-ferrous metals, secondary aluminium and alloys thereof and waste paper, the tax base shall be determined on the basis of the value of the goods being sold as determined in accordance with Article 105.3 of this Code, inclusive of tax.

For the purposes of this Code:

- raw hides and skins of animals shall be understood to mean untreated (undressed) hides and skins removed from animal carcasses, fresh or preserved to prevent decay and decomposition (wet salted or dried), but not further processed;
- secondary aluminium and alloys thereof shall be understood to mean secondary aluminium and alloys thereof as classified in accordance with the All-Russian Classification of Products by Economic Activity;

- waste paper shall be understood to mean industrial and consumer paper and cardboard waste and rejected and discarded paper, cardboard, printed products and business papers, including documents whose retention period has expired.

The tax base referred to in paragraph 1 of this clause shall be determined by tax agents unless otherwise established by this clause. The tax agents shall be the purchasers (recipients) of goods referred to in paragraph 1 of this clause, with the exception of physical persons who are not private entrepreneurs. Those tax agents shall be obliged to calculate by indirect computation and pay to the budget the appropriate amount of tax irrespective of whether or not they perform taxpayer obligations associated with the calculation and payment of tax and other obligations established by this Chapter.

When selling goods referred to in paragraph 1 of this clause, taxpayer-sellers which are exempt from performing taxpayer obligations associated with the calculation and payment of tax and persons who are not taxpayers shall make an appropriate note or stamp worded “Without tax (VAT)” in the agreement or primary accounting document.

In the event that a taxpayer which is a seller of goods referred to in paragraph 1 of this clause is found to have incorrectly stamped the words “Without tax (VAT)” in an agreement or a primary accounting document, responsibility for calculating and paying tax shall rest with that taxpayer-seller of goods.

Taxpayer-sellers which are exempt from performing taxpayer obligations associated with the calculation and payment of tax and persons who are not taxpayers shall, in the event that they lose the right to exemption from the performance of taxpayer obligations or to the application of special tax regimes in accordance with Chapters 26.1, 26.2 and 26.5 of this Code, calculate and pay tax on sales of goods such as are referred to in paragraph 1 of this clause commencing from the period in which those persons transferred to the general taxation regime until the day of the occurrence of circumstances which are the basis for losing the right to exemption from the performance of taxpayer obligations or to the application of relevant special tax regimes.

Article 162. Special Considerations Relating to the Determination of the Tax Base With Account Taken of Amounts Associated With Settlements in Respect of Goods (Work and Services)

1. The tax base as determined in accordance with Articles 153 to 158 of this Code shall be increased by the following amounts: [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002]

   [1) lost force – Federal Law No. 119-FZ of 22.07.2005]

   2) amounts received for sold goods (work and services) in the form of financial assistance, for the replenishment of special-purpose funds or as an increase in income or otherwise associated with payment for sold goods (work and services);
3) amounts received in the form of interest (discount) on debentures received towards payment for goods (work and services) sold and bills of exchange and interest on commercial credit insofar as they exceed interest as calculated in accordance with the refinancing rates of the Central Bank of the Russian Federation which were in effect in the periods for which interest is calculated; [as amended by Federal Law No. 166-FZ of 29.12.2000]

4) amounts of insurance payments received under agreements on insurance against the risk of the non-fulfilment of contractual obligations by the counterparty of the creditor-insured, where the insured contractual obligations envisage the supply by the policyholder which applies the provisions of clause 5 of Article 170 of this Code of goods (work and services) the sale of which is deemed to be a taxable object in accordance with Article 146 of this Code, with the exception of sales of goods (work and services) such as are referred to in clause 1 of Article 164 of this Code. [as amended by Federal Laws No. 245-FZ of 19.07.2011, No. 131-FZ of 07.06.2013, No. 97-FZ of 05.04.2016]

2. The provisions of clause 1 of this Article shall not apply to operations involving the sale of goods (work and services) which are not taxable (are exempt from taxation) or to goods (work and services) for which the place of sale in accordance with Articles 147 and 148 of this Code is not the territory of the Russian Federation. [as amended by Federal Law No. 57-FZ of 29.05.2002]

3. The following shall not be included in the tax base:

1) monetary resources received by management organizations, housing owner partnerships or housing construction, housing or other specialized consumer co-operatives which have been established for the purpose of satisfying citizens’ housing needs and are responsible for maintaining building utility systems though which utility services are provided for the formation of the reserve for the performance of routine and capital repairs to the common property in apartment buildings, including for the formation of funds for capital repairs to the common property in apartment buildings;

2) monetary resources received by specialized non-commercial organizations which carry out activities aimed at arranging capital repairs to the common property in apartment buildings and have been established in accordance with the Housing Code of the Russian Federation for the formation of funds for capital repairs to the common property in apartment buildings. [clause 3 as reworded by Federal Law No. 271-FZ of 25.12.2012]


1. Where an organization is re-organized by means of a spin-off, deductions shall be made by the organization which has been (is in the process of being) re-organized for amounts of tax calculated and paid by it on amounts of advance or other payments in respect of future supplies of goods (performance of work, rendering of services) which are sold in the territory of the Russian Federation in the event that the debt is transferred upon re-organization to the legal successor (legal successors) in respect of obligations associated with the sale of goods (work and services) or the transfer of property rights.
The deductions of the amounts of tax referred to in this clause shall be made in full after the debt has been transferred to the legal successor (legal successors) in respect of obligations associated with the sale of goods (work and services) or the transfer of property rights.

2. Where an organization is re-organized by means of a spin-off, the tax base of the legal successor (legal successors) shall be increased by amounts of advance or other payments in respect of future supplies of goods (performance of work, rendering of services) which have been received by way of legal succession from the organization that has been (is in the process of being) re-organized and are liable to be recorded by the legal successor (legal successors).

3. In the case of a re-organization in the form of a merger, acquisition, demerger or change of form, deductions shall be made by the legal successor (legal successors) for amounts of tax calculated and paid by the re-organized organization on amounts of advance or other payments received in respect of future supplies of goods (performance of work, rendering of services).

4. Deductions of the amount of tax calculated and paid on the amounts of advance or other payments provided for in clause 2 of this Article, and of the amounts of tax referred to in clause 3 of this Article, shall be made by the legal successor (legal successors) after the date of sale of the goods (work and services) in question or after operations have been reflected in the accounting records of the legal successor (legal successors) in the event that the relevant agreement is abrogated or the conditions thereof are amended and the amounts of advance payments in question are refunded, but not later than one year after such refund.

5. Where an organization is re-organized, irrespective of the form of re-organization, amounts of tax liable to be recorded by the legal successor (legal successors) which were charged to the organization that has been (is in the process of being) re-organized and were paid by that organization upon acquiring (importing) goods (work and services) but were not claimed by that organization as deductible shall be deducted by the legal successor (legal successors) of that organization in accordance with the procedure prescribed by this Chapter.

Deductions of the amounts of tax referred to in paragraph 1 of this clause shall be made by the legal successor (legal successors) of the organization that has been (is in the process of being) re-organized on the basis of VAT invoices (copies of VAT invoices) issued to the organization that has been (is in the process of being) re-organized or VAT invoices issued to the legal successor (legal successors) by the sellers upon the acquisition of goods (work and services), and on the basis of copies of documents confirming the actual payment by the organization that has been (is in the process of being) re-organized of amounts of tax to the sellers upon the acquisition of goods (work and services) and (or) documents confirming the actual payment of amounts of tax to sellers upon the acquisition of goods (work and services) by the legal successor (legal successors) of that organization.

6. For the purposes of this Chapter the transfer by a taxpayer of a right of claim to a legal successor (legal successors) upon the re-organization of an organization shall not be deemed to constitute payment for goods (work and services). When a right of claim is transferred from an organization that has been (is in the process of being) re-organized to a legal successor (legal successors), the tax base shall be determined by the legal successor (legal successors) which receives (receive) the right of claim at the moment of the determination of the tax base in accordance with the procedure established by Article 167 of this Code, with account taken of
the provisions laid down in subsections 2 to 4 of clause 1 and clause 2 of Article 162 of this Code.

7. Where an organization is re-organized, the provisions prescribed by subsections 2 and 3 of clause 5 of Article 169 of this Code for amounts of tax to be claimed as deductible or reimbursable by the legal successor (legal successors) of the organization that has been (is in the process of being) re-organized shall be deemed to have been fulfilled if the VAT invoice contains the particulars of the organization that has been (is in the process of being) re-organized.

8. In the event of the transfer to a legal successor (legal successors) of goods (work, services, property rights), including fixed assets and intangible assets, in respect of which amounts of tax paid upon the acquisition (importation) thereof were claimed by the organization that has been (is in the process of being) re-organized as deductible in accordance with the procedure prescribed by this Chapter, the amounts of tax in question shall not be restored and paid to the budget by the organization that has been (is in the process of being) re-organized.

9. Where an organization is re-organized, irrespective of the form of re-organization, amounts of tax liable to be recorded by the legal successor (legal successors) which are reimbursable in accordance with Articles 176 and 176.1 of this Code but were not recovered by the organization that has been (is in the process of being) re-organized prior to the completion of the re-organization shall be reimbursed to the legal successor (legal successors) in accordance with the procedure established by this Chapter. [as amended by Federal Law No. 318-FZ of 17.12.2009]

10. Where there are a number of legal successors, the share of each of the legal successors for the purposes of operations carried out in accordance with this Article shall be determined on the basis of a deed of transfer or dividing balance sheet.

11. For the purposes of this Article, an organization that is in the process of being re-organized shall be understood to mean an organization which is being re-organized by means of a spin-off until such time as its re-organization is completed (until the date of registration of the last of the newly formed organizations).

**Article 162.2. Special Considerations Relating to the Determination of the Tax Base in the Territories of the Republic of Crimea and the City of Federal Significance Sevastopol**

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

1. Where goods (services) are acquired by persons whose details have been entered in the unified state register of legal entities or the unified state register of private entrepreneurs (hereafter in this clause referred to as “purchasers”) from sellers which are legal entities whose permanent executive body or, in the absence of a permanent executive body, another body or person having the right to act on behalf of a legal entity without a power of attorney was in accordance with the foundation documents located in the territory of the Republic of Crimea or in the territory of the city of federal significance Sevastopol on the day of the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation, and whose details have not been entered in the unified state register of legal entities or the unified state register of private entrepreneurs (hereafter in this clause referred to as “sellers”), the tax base shall be determined with account taken of the following special considerations:
1) amounts of value added tax charged by sellers on goods (services) despatched (rendered) on or before 31 December 2014 which were not claimed as deductions during 2014 shall be claimed as deductions by a purchaser in determining the tax base for tax as at 1 July 2015 subject to the availability of the tax invoices issued by the sellers on despatching the goods (rendering the services) or upon receipt of payment (partial payment) in respect of future supplies of goods (rendering of services), documents confirming the actual remittance of amounts of payment (partial payment) in respect of future supplies of goods (rendering of services) and the contract providing for the remittance of those amounts;

2) amounts of value added tax claimed as deductions by a purchaser on the basis of tax invoices issued by sellers upon receipt of payment (partial payment) in respect of future supplies of goods (rendering of services) shall not be restored, except where a contract is rescinded or conditions of a contract are amended and the relevant amounts of payment (partial payment) are repaid to the purchaser (including the offsetting of counterclaims). In this respect, the restoration of amounts of value added tax by a purchaser shall take place in the tax period in which the rescission or amendment of the conditions of the contract and the repayment (including offsetting of counterclaims) of relevant amounts of payment (partial payment) to the purchaser took place.

2. In the event that a purchaser of goods (services) which is a legal entity whose permanent executive body or, in the absence of a permanent executive body, another body or person having the right to act on behalf of the legal entity without a power of attorney was in accordance with the foundation documents located in the territory of the Republic of Crimea or in the territory of the city of federal significance Sevastopol on the day of the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation, and whose details have not been entered in the unified state register of legal entities or the unified state register of private entrepreneurs, or a physical person who is a private entrepreneur whose details have not been entered in the unified state register of private entrepreneurs (hereafter in this clause referred to as “purchaser”) has remitted payment (partial payment) in respect of future supplies of goods (rendering of services) to a seller which is which is a legal entity whose permanent executive body or, in the absence of a permanent executive body, another body or person having the right to act on behalf of the legal entity without a power of attorney was in accordance with the foundation documents located in the territory of the Republic of Crimea or in the territory of the city of federal significance Sevastopol on the day of the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation, and whose details have not been entered in the unified state register of legal entities or the unified state register of private entrepreneurs, or a physical person who is a private entrepreneur whose details have not been entered in the unified state register of private entrepreneurs (hereafter in this clause referred to as “seller”), and the despatch of those goods (the rendering of those services) took place on or after 1 January 2015, the tax base shall be determined with account taken of the following special considerations:

1) where goods were despatched (services were rendered) by the seller against payment (partial payment) previously received, the tax base for tax shall be determined as at the date on which the goods were despatched (services were rendered);
2) amounts of value added tax charged by the seller to the purchaser in respect of goods (services) despatched (rendered) against payment (partial payment) previously received for those goods (services) shall be deductible for the seller on the basis of a VAT invoice provided that one of the following conditions is met:

- amounts of value added tax which were taken as tax credit in accordance with regulatory legal acts of the Republic of Crimea and the city of federal significance Sevastopol when payment (partial payment) was remitted in respect of future supplies of goods (rendering of services) must be restored by the purchaser in the tax period in which amounts of value added tax charged by the seller in respect of goods (services) are deductible by the purchaser;

- amounts of value added tax which a purchaser included in expenses for taxes on income which were calculated before the day on which the purchaser’s details were included in the unified state register of legal entities or the unified state register of private entrepreneurs must be included in taxable income in the period in which deductions are applied by the purchaser in accordance with this clause.

Article 163. Tax Period [article as reworded by Federal Law No. 137-FZ of 27.07.2006]

The tax period (including for taxpayers performing the duties of tax agents, hereinafter referred to as “tax agents”) shall be established as a quarter.

Article 164. Tax Rates

1. Tax shall be levied at the rate of 0 per cent in the case of sales of:

1) the following goods:

- goods exported under the export customs procedure;

- goods placed under the free customs zone customs procedure;

- goods exported under the re-export customs procedure which were previously placed under the processing in the customs territory customs procedure, and (or) goods (processed products, waste and (or) remnants) obtained (formed) as a result of the processing of goods placed under the processing in the customs territory customs procedure;

- goods exported under the re-export customs procedure which were previously placed under the free customs zone and free warehouse customs procedures, and (or) goods manufactured (obtained) from goods placed under the free customs zone and free warehouse customs procedures.

The provisions of this subsection shall apply subject to the presentation to the tax authorities of the documents specified by Article 165 of this Code; [subsection 1 as reworded by Federal Law No. 350-FZ of 27.11.2017]

1.1) goods exported from the territory of the Russian Federation to the territory of a member state of the Eurasian Economic Union in cases provided for in the Agreement on the Eurasian
2.1) services involving the international carriage of goods.

For the purposes of this Article the international carriage of goods shall be understood to mean the carriage of goods by sea-going, river-going and mixed (river-sea) navigation vessels, by aircraft, by rail or by motor vehicle where the departure point or destination point of the goods is situated outside the territory of the Russian Federation.

The provisions of this subsection shall also apply to the following services rendered by Russian organizations or private entrepreneurs:

- services involving the provision of railway rolling stock and (or) containers for international carriage; [as amended by Federal Law No. 350-FZ of 27.11.2017]

- freight forwarding services which are rendered on the basis of a freight forwarding agreement in the context of the arrangement of international carriage. For the purposes of this Article freight forwarding services shall include participation in the negotiation of contracts for the purchase and sale of goods, preparation of documents, acceptance and release of cargoes, the preparation of documents for project cargoes, the organization and performance of the shipment of cargoes, delivery and pick-up of cargoes, loading and unloading services, warehousing services, information services, preparation and additional equipping of means of transport, arrangement of freight insurance, payment and finance services and customs clearance of cargoes and means of transport, forwarding support, development and approval of technical specifications for the loading and securing of cargoes, tracing cargo after the delivery deadline has expired, checking the completeness of a shipment of equipment, re-marking cargoes, maintenance and repair of consignors’ general-purpose containers, maintenance of refrigerated containers and storage of cargoes at the forwarder’s warehouse premises and open-air sites. [as amended by Federal Laws No. 245-FZ of 19.07.2011, No. 368-FZ of 09.11.2020]

The provisions of this subsection shall not apply to services of Russian rail carriers such as are referred to in subsection 9 of this clause.

The provisions of this subsection shall also apply to services such as are referred to in paragraphs 4 and 5 of this subsection which are rendered in the context of the organization and carrying out of carriage by rail from the place of arrival of goods in the territory of the Russian Federation (from ports or border stations situated in the territory of the Russian Federation) to a destination station of the goods which is situated in the territory of the Russian Federation. [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011]

For the purposes of this Article, work (services) involving the carriage and (or) transportation of hydrocarbons from a departure point situated on the continental shelf of the Russian Federation and (or) in the exclusive economic zone of the Russian Federation or in the Russian part (Russian sector) of the bed of the Caspian Sea to a destination point situated outside the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation shall be equated with international carriage; [paragraph inserted by Federal Law No. 268-
2.2) work (services) performed (rendered) by oil and oil product pipeline transport organizations involving:

- the transportation of oil and oil products, irrespective of the date on which they are placed under a particular customs procedure, from a departure point situated in the territory of the Russian Federation to the border of the Russian Federation for subsequent exportation by pipeline out of the territory of the Russian Federation, or to seaports of the Russian Federation for subsequent exportation out of the territory of the Russian Federation by marine transport, or to a point of transhipment (reloading, offloading, onloading) onto other modes of transport, including pipelines situated in the territory of the Russian Federation, for subsequent exportation out of the territory of the Russian Federation by other modes of transport, including pipeline transport;

- the transhipment and (or) reloading of oil and oil products which are exported out of the territory of the Russian Federation, including at seaports and river ports, irrespective of the date on which they are placed under a particular customs procedure.

For the purposes of this Article, transhipment shall be understood to mean the loading, unloading, offloading, onloading, marking, sorting, packing, movement within the boundaries of a seaport or river port and aggregation of cargoes, the rendering of cargoes fit for transportation and the securing and separation of cargoes.

For the purposes of this Chapter, oil and oil product pipeline transport organizations shall include Russian organizations which carry out activities involving the transportation of oil and oil products through main pipelines. [as amended by Federal Law No. 330-FZ of 21.11.2011]

This subsection shall apply to work (services) performed (rendered) on the basis of an agreement (contract) with:

- a foreign or Russian person who concluded a foreign economic transaction involving the sale of oil and (or) oil products which are to be transported out of the territory of the Russian Federation or is the entity in whose name or on whose instruction the above-mentioned foreign economic transaction was concluded;

- an agent (commission agent) of a foreign or Russian person who concluded a foreign economic transaction involving the sale of oil and (or) oil products which are to be transported out of the territory of the Russian Federation or is the entity in whose name or on whose instruction the above-mentioned foreign economic transaction was concluded.

The provisions of this subsection shall also apply to work (services) performed (rendered) by oil and oil product pipeline transport organizations involving the transportation, transfer and (or) transhipment of oil and oil products which have been placed under the customs transit customs procedure and are exported from the territory of the Russian Federation to the territory of a member state of the Customs Union, with account taken of the special considerations laid down in this subsection. [paragraph inserted by Federal Law No. 330-FZ of 21.11.2011]
This subsection shall not apply to work (services) performed (rendered) on the basis of agreements to which only oil and oil product pipeline transport organizations are parties;

[subsection 2.2 inserted by Federal Law No. 309-FZ of 27.11.2010]

2.3) services involving the arrangement of the transportation by pipeline of natural gas which is exported out of the territory of the Russian Federation (imported into the territory of the Russian Federation), including where it has been placed under the customs transit customs procedure, and services involving the transportation (arrangement of the transportation) by pipeline of natural gas which is imported into the territory of the Russian Federation for processing in the territory of the Russian Federation. [as amended by Federal Law No. 245-FZ of 19.07.2011]

For the purposes of this Chapter, the arrangement of the transportation of natural gas by pipeline shall be understood to mean services rendered by an owner of main gas pipelines on the basis of a separate agreement which provides for the arrangement of the transportation of natural gas;

[as amended by Federal Law No. 245-FZ of 19.07.2011]

[subsection 2.3 inserted by Federal Law No. 309-FZ of 27.11.2010]

2.3-1) services involving the pipeline transportation of gas in cases provided for in international agreements of the Russian Federation;

[subsection 2.3-1 inserted by Federal Law No. 335-FZ of 27.11.2017]

2.4) services rendered by the organization for the administration of the unified national (all-Russian) electricity network involving the transmission through the unified national (all-Russian) electricity network of electricity which is supplied from the electric power system of the Russian Federation to electric power systems of foreign states;

[subsection 2.4 inserted by Federal Law No. 309-FZ of 27.11.2010]

2.5) work (services) performed (rendered) by Russian organizations (other than pipeline transport organizations) in seaports and river ports involving the transhipment and storage of goods which are moved across the border of the Russian Federation where shipping documents indicate a departure point and (or) destination point situated outside the territory of the Russian Federation;

[subsection 2.5 inserted by Federal Law No. 309-FZ of 27.11.2010]

2.6) work (services) involving the processing of goods placed under the processing in the customs territory customs procedure; [subsection 2.6 inserted by Federal Law No. 309-FZ of 27.11.2010]

2.7) freight forwarding services and services involving the provision of railway rolling stock and (or) containers which are rendered by Russian organizations or private entrepreneurs for the purpose of the carriage or transportation by rail of exported (re-exported) goods such as are referred to in subsection 1 of this clause, provided that the departure point and the destination point are situated in the territory of the Russian Federation. [as amended by Federal Law No. 350-FZ of 27.11.2017]

The provisions of this subsection shall apply on condition that the documents of carriage bear customs authorities’ marks such as are referred to in subsection 3 of clause 3.7 of Article 165 of this Code.
The provisions of this subsection shall not apply to services of Russian rail carriers such as are referred to in subsection 9 of this clause and services such as are referred to in subsection 2.1 of this clause:
[subsection 2.7 inserted by Federal Law No. 309-FZ of 27.11.2010]

2.8) work (services) performed (rendered) by inland water transport organizations in relation to goods which are to be exported under the export (re-export) customs procedure involving the carriage (transportation) of the goods within the territory of the Russian Federation from a departure point to a point of unloading or reloading (transhipment) onto sea-going vessels, mixed (river-sea) navigation vessels or other modes of transport. [as amended by Federal Law No. 350-FZ of 27.11.2017]

For the purposes of this Article inland water transport organizations shall include Russian organizations which carry on shipping business on inland waterways of the Russian Federation and other shipping-related activities on inland waterways of the Russian Federation and activities involving entry into the internal waters and exit into the territorial sea of the Russian Federation;
[subsection 2.8 inserted by Federal Law No. 309-FZ of 27.11.2010]

2.8-1) work (services) involving the carriage (transportation) of goods by sea-going vessels from a departure point in the territory of the Russian Federation to a point of unloading or reloading (transhipment) in the territory of the Russian Federation onto sea-going vessels for the purposes of the subsequent exportation of those goods from the Russian Federation;
[subsection 2.8-1 inserted by Federal Law No. 195-FZ of 13.07.2020]

2.9) hydrocarbons extracted at an offshore hydrocarbon deposit and processed products thereof (stable condensate, liquefied natural gas and natural gas liquids) which have been exported from a departure point situated on the continental shelf of the Russian Federation and (or) in the exclusive economic zone of the Russian Federation or in the Russian part (Russian sector) of the bed of the Caspian Sea to a destination point situated outside the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation, subject to the presentation of documents specified in Article 165 of this Code, except in cases where such goods are exported under the export customs procedure;
[subsection 2.9 inserted by Federal Law No. 268-FZ of 30.09.2013]

2.10) services involving the carriage of goods by aircraft which are rendered by Russian organizations or private entrepreneurs whereby the departure point and the destination point are situated outside the territory of the Russian Federation, where an aircraft lands in the territory of the Russian Federation, provided that the place of arrival of the goods in the territory of the Russian Federation and the place of departure of the goods from the territory of the Russian Federation are the same;
[subsection 2.10 inserted by Federal Law No. 382-FZ of 29.11.2014]

2.11) services involving the refunding of tax to physical persons who are citizens of foreign states and have the right to such a refund on the basis of Article 169.1 of this Code.

Tax shall be charged at the tax rate of 0 per cent where services such as are referred to in paragraph 1 of this subsection are rendered by taxpayers which are retail trade organizations included in the list of retail trade organizations in accordance with clause 5 of Article 169.1 of this Code (hereafter in this Chapter referred to as “retail trade organizations”) or by other
taxpayers operating on the basis of agreements with retail trade organizations;
[subsection 2.11 inserted by Federal Law No. 341-FZ of 27.11.2017]

2.12) services rendered in connection with international carriage by air directly at international airports of the Russian Federation, according to a list to be approved by the Government of the Russian Federation;

2.13) icebreaker support services for sea-going vessels:

- carrying goods being exported from the Russian Federation, including to a point of the unloading or reloading (transhipment) of those goods in the territory of the Russian Federation for subsequent exportation from the Russian Federation;

- proceeding to a departure point in the territory of the Russian Federation for the loading of goods for subsequent exportation from the Russian Federation, including carriage (transportation) of the loaded goods to a point of unloading or reloading (transhipment) onto sea-going vessels in the territory of the Russian Federation for subsequent exportation from the Russian Federation.

For the purposes of this subsection, work (services) involving icebreaker support for sea-going vessels shall include supporting the safe navigation of vessels in the water area of the Northern Sea Route, and specifically ice reconnaissance by an icebreaker, the clearing of channels in the ice by an icebreaker and the grouping of vessels and arrangement of vessels to follow an icebreaker (icebreakers), and supporting the navigation of a vessel in a channel cleared in the ice behind an icebreaker under tow or not under tow sailing alone or as part of a group of vessels;
[subsection 2.13 inserted by Federal Law No. 195-FZ of 13.07.2020]

3) work (services) which is (are) directly connected with the carriage or transportation of goods placed under the customs transit customs procedure in the case of the carriage of foreign goods from the customs authority at a place of arrival in the territory of the Russian Federation to the customs authority at a place of exit from the territory of the Russian Federation; [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 309-FZ of 27.11.2010]

3.1) the following services rendered by organizations or private entrepreneurs:

- services involving the provision of railway rolling stock and (or) containers for the purpose of carrying out services involving the carriage or transportation by rail of goods which are moved via the territory of the Russian Federation from the territory of a foreign state which is not a member of the Eurasian Economic Union, including via the territory of a member state of the Eurasian Economic Union, or from the territory of a member state of the Eurasian Economic Union to the territory of another foreign state, including one which is a member of the Eurasian Economic Union; [as amended by Federal Laws No. 350-FZ of 27.11.2017, No. 322-FZ of 29.09.2019]

- freight forwarding services which are rendered on the basis of a freight forwarding contract in the context of the organization of services involving the carriage or transportation by rail of goods, empty railway rolling stock or containers which are moved via the territory of the Russian Federation from the territory of a foreign state which is not a member of the Eurasian Economic Union, including via the territory of a member state of the Eurasian Economic Union,
or from the territory of a member state of the Eurasian Economic Union to the territory of another foreign state, including one which is a member of the Eurasian Economic Union. [as amended by Federal Law No. 322-FZ of 29.09.2019]

The provisions of this subsection shall not apply to services which are rendered by Russian rail carriers; [subsection 3.1 inserted by Federal Law No. 243-FZ of 19.07.2011]

4) services involving the carriage of passengers and baggage provided that the point of departure or the destination of the passengers and baggage is situated outside the territory of the Russian Federation, where standard international documents of carriage are issued in respect of such carriage; [as amended by Federal Law No. 166-FZ of 29.12.2000]

4.1) domestic air passenger and baggage carriage services where the departure point or the destination point is situated in the territory of the Republic of Crimea or in the territory of the city of federal significance Sevastopol; [subsection 4.1 inserted by Federal Law No. 151-FZ of 04.06.2014]

[EY Note: Subsection 4.2 of clause 1 of Article 164 loses force from 01.01.2025 – Federal Law No. 303-FZ of 03.08.2018]

4.2) domestic air passenger and baggage carriage services provided that the departure point or the destination point of the passengers and baggage is situated in the territory of the Kaliningrad Province, or provided that the departure point and (or) the destination point of the passengers and baggage are situated in the territory of the Far Eastern Federal District; [subsection 4.2 inserted by Federal Law No. 353-FZ of 27.11.2017; as amended by Federal Law No. 303-FZ of 03.08.2018]

4.3) services involving the transport of passengers and baggage by air, provided that the departure point and destination point of the passengers and baggage and any intermediate points on the transport route are located outside the territory of the Moscow Province and the territory of the city of federal significance Moscow; [subsection 4.3 inserted by Federal Law No. 123-FZ of 06.06.2019]

5) goods (work and services) in the area of space activity.

The provisions of this subsection shall apply to space equipment, space facilities and space infrastructure facilities which are subject to compulsory certification in accordance with the legislation of the Russian Federation in the area of space activity and military, and to dual-use space equipment, space facilities and space infrastructure facilities, and to work (services) performed (rendered) using equipment which is situated directly in outer space, including where it is controlled from the Earth’s surface and (or) atmosphere; work (services) involving the investigation of outer space and the observation of objects and phenomena in outer space, including from the Earth’s surface and (or) atmosphere; preparatory and (or) auxiliary (associated) ground-based work (services) which is (are) technologically determined (required) by and inextricably linked to the performance of work (rendering of services) involving the investigation of outer space and (or) the performance of work (rendering of services) using equipment which is situated directly in outer space; [subsection 5 as reworded by Federal Law No. 281-FZ of 25.11.2009]
6) precious metals to the State Fund of Precious Metals and Precious Stones of the Russian Federation, funds of precious metals and precious stones of constituent entities of the Russian Federation, the Central Bank of the Russian Federation and banks by taxpayers which engage in the extraction or production of precious metals from scrap and waste containing precious metals and by taxpayers which engage in the production of precious metals from scrap and waste containing precious metals without a licence for subsurface use;

[subsection 6 as reworded by Federal Law No. 159-FZ of 27.06.2018]

7) goods (work and services) for official use by foreign diplomatic and equated representations or for the personal use of the diplomatic and administrative and technical staff of such representations, including members of their families who reside with them.

The sale of the goods (performance of work, rendering of services) referred to in this subsection shall be taxable at the rate of 0 per cent in those cases where the legislation of the relevant foreign state establishes a similar procedure for diplomatic and equated representations of the Russian Federation and diplomatic and administrative and technical staff of such representations (including members of their families residing with them) or where a provision to that effect is contained in an international agreement (treaty) to which the Russian Federation is a party. The list of foreign states to whose representations the norms of this subsection apply shall be determined by the federal executive body responsible for international relations in conjunction with the Ministry of Finance of the Russian Federation. [as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 127-FZ of 02.11.2004]

The procedure for the application of this subsection shall be established by the Government of the Russian Federation;

8) stores exported from the territory of the Russian Federation. For the purposes of this Article, stores shall be understood to mean fuel and lubricants which are required for the normal operation of aircraft, sea-going vessels and mixed (river-sea) vessels;

[subsection 8 inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 309-FZ of 27.11.2010]

9) the following work (services) when performed by Russian rail carriers:

- services involving the carriage or transportation of exported (re-exported) goods such as are referred to in subsection 1 of this clause; [as amended by Federal Law No. 350-FZ of 27.11.2017]

- work (services) connected with carriage or transportation such as is referred to in paragraph 2 of this subsection the cost of which is specified in documents of carriage for the carriage of the goods which are exported (re-exported). [as amended by Federal Law No. 350-FZ of 27.11.2017]

The provisions of this subsection shall apply on condition that the documents of carriage bear the customs authority marks referred to in clause 5 of Article 165 of this Code;

[subsection 9 as reworded by Federal Law No. 50-FZ of 05.04.2010]

9.1) the following work (services) performed (rendered) by Russian rail carriers:

- work (services) involving the carriage or transportation of goods which are exported from the territory of the Russian Federation to the territory of a member state of the Eurasian Economic Union and work (services) directly connected with the carriage or transportation of those goods,
the value of which is indicated in the documents of carriage for the carriage of the goods; [as amended by Federal Law No. 322-FZ of 29.09.2019]

- work (services) involving the carriage or transportation of goods, empty railway rolling stock or containers that are moved via the territory of the Russian Federation from the territory of a foreign state that is not a member of the Eurasian Economic Union, including via the territory of a member state of the Eurasian Economic Union, or from the territory of a member state of the Eurasian Economic Union to the territory of another foreign state, including one that is a member state of the Eurasian Economic Union, and work (services) directly connected with such carriage or transportation, the value of which is indicated in documents of carriage for the carriage of goods, empty railway rolling stock or containers; [as amended by Federal Law No. 322-FZ of 29.09.2019] [subsection 9.1 inserted by Federal Law No. 245-FZ of 19.07.2011]

[EY Note: Subsection 9.2 of clause 1 of Article 164 loses force from 01.01.2030 – Federal Law No. 83-FZ of 06.04.2015]

9.2) services involving the transport of passengers by rail on suburban routes;
[subsection 9.2 inserted by Federal Law No. 83-FZ of 06.04.2015]

[EY Note: Subsection 9.3 of clause 1 of Article 164 loses force from 01.01.2030 – Federal Law No. 401-FZ of 30.11.2016]

9.3) services involving the long-distance carriage of passengers and baggage by public railway (excluding services such as are referred to in subsection 4 of clause 1 of this Article);
[subsection 9.3 inserted by Federal Law No. 401-FZ of 30.11.2016]

10) constructed vessels which are subject to registration in the Russian International Register of Vessels, provided that the documents provided for in Article 165 of this Code are submitted to the tax authorities;

11) goods (work and services) for official use by international organizations and representations thereof which carry out activities in the territory of the Russian Federation. The list of international organizations to which the provisions of this subsection apply shall be determined by the federal executive body in charge of international relations in consultation with the Ministry of Finance of the Russian Federation.

A tax rate of 0 per cent shall apply in relation to goods (work and services) which are sold for official use by international organizations and representations thereof which carry out activities in the territory of the Russian Federation on the basis of the provisions of international agreements of the Russian Federation which provide for exemption from tax;
[subsection 11 inserted by Federal Law No. 245-FZ of 19.07.2011]

12) services involving the provision of marine vessels, mixed (river-sea) navigation vessels and services of the crew of such vessels for use for a specified period on the basis of chartering (time charter) agreements for the purposes of carrying (transporting) goods being exported from the territory of the Russian Federation or imported into the territory of the Russian Federation;
[subsection 12 as reworded by Federal Law No. 302-FZ of 03.08.2018]
13) goods (work, services) and property rights when sold to FIFA (Fédération Internationale de Football Association) and subsidiary organizations of FIFA, goods (work, services) and property rights when sold in connection with the carrying out of measures to confederations, the “Russia 2018” Organizing Committee, subsidiary organizations of the “Russia 2018” Organizing Committee, national football associations, the Russian Football Union, 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”, and goods (work, services) and property rights in connection with the carrying out of measures for the preparation for and staging in the Russian Federation of the 2020 UEFA European Football Championship when sold to UEFA (Union of European Football Associations), subsidiary organizations of UEFA, commercial partners of UEFA, suppliers of UEFA goods (work, services) and UEFA broadcasters, the Russian Football Union and the local organizing structure which are specified by the above-mentioned Federal Law. The procedure for the application of the provisions of this subsection shall be established by the Government of the Russian Federation;

[subsection 13 as reworded by Federal Law No. 101-FZ of 01.05.2019]

14) goods (work, services) and property rights which are acquired for the purposes of the organization and conduct of the Sochi 2014 XXII Olympic Winter Games and XI Paralympic Winter Games by organizations which are foreign organizers of the Sochi 2014 XXII Olympic Winter Games and XI Paralympic Winter Games in accordance with Article 3 of Federal Law No. 310-FZ of 1 December 2007 “Concerning the Organization and Holding of the Sochi 2014 XXII Olympic Winter Games and XI Paralympic Winter Games, the Development of the City of Sochi as a Mountain Climate Resort and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” or foreign marketing partners of the International Olympic Committee, including official broadcasting companies, in accordance with Article 3.1 of the above-mentioned Federal Law, and branches and representations in the Russian Federation of foreign organizations which are marketing partners of the International Olympic Committee, including official broadcasting companies, in accordance with Article 3.1 of the above-mentioned Federal Law. The procedure for the application of the provisions of this subsection shall be established by the Government of the Russian Federation;

[subsection 14 inserted by Federal Law No. 216-FZ of 23.07.2013]

15) civil aircraft registered (subject to registration) in the State Register of Aircraft of the Russian Federation and work (services) involving the construction of civil aircraft, provided that the documents specified in Article 165 of this Code are submitted to the tax authorities;

[subsection 15 inserted by Federal Law No. 324-FZ of 29.09.2019]

16) aircraft engines, parts and components intended for the construction, repair and (or) upgrading of civil aircraft in the territory of the Russian Federation, provided that the documents specified in Article 165 of this Code are submitted to the tax authorities;

[subsection 16 inserted by Federal Law No. 324-FZ of 29.09.2019]

17) services involving the transfer of aircraft registered (subject to registration) in the State Register of Civil Aircraft of the Russian Federation under rental (leasing) agreements, provided that the documents specified in Article 165 of this Code are submitted to the tax authorities.

[subsection 17 inserted by Federal Law No. 324-FZ of 29.09.2019]
2. Tax shall be levied at the rate of 10 per cent with respect to the sale of:

1) the following foodstuffs:

- live cattle and poultry;

- meat and meat products (except for delicacies: fillet steak, veal, tongue, sausage - best-quality raw smoked, best-quality raw smoked semi-dry, best-quality raw cured stuffed; smoked products of pork, mutton, beef, veal, poultry - balyk, carbonado, neck, gammon, pastrami, fillet; baked pork and beef; tinned foods - ham, bacon, carbonado and tongue in sauce);

- milk and dairy products (including ice cream produced on the basis thereof, with the exception of ice cream produced on a fruit and berry base and fruit-flavoured and edible ice);

- eggs and egg products;

- vegetable oil (excluding palm oil); [as amended by Federal Law No. 268-FZ of 02.08.2019]

- margarine, special-purpose fats, including cooking, confectionery and baking fats, milk fat substitutes, cocoa butter equivalents, improvers and substitutes, spreads and melted blends; [as amended by Federal Law No. 206-FZ of 29.11.2012]

- sugar, including raw sugar;

- salt;

- grain, mixed fodder, fodder mixes, grain by-products;

- oilseeds and processed products derived therefrom (oilseed meal, oil-cake);

- bread and bakery products (including buns, rusks and rolls);

- groats;

- flour;

- pasta;

- live fish (with the exception of valuable varieties: whitefish, Baltic and Far East salmon, sturgeons (beluga, bester, osyotr, stellate sturgeon, sterlet), semga salmon, trout (with the exception of sea trout), nelma, Siberian salmon, king salmon, silver salmon, muksun, omul, Siberian and Amur whitefish and chir);

- seafood and fish, including cooled and frozen fish and other processed fish, herring, tinned food and preserves (with the exception of delicacies: sturgeon and salmon roe; whitefish, Baltic salmon, sturgeons - beluga, bester, osyotr, stellate sturgeon, sterlet; semga salmon; cold-smoked back and belly of nelma; lightly-salted, medium-salted and salmon-salted Siberian salmon and king salmon; cold-smoked back of Siberian salmon, king salmon and silver salmon; cold-smoked belly of Siberian salmon and side of king salmon; cold-smoked back of muksun,
omul, Siberian and Amur whitefish and chum; preserves of fillets/pieces of Baltic and Far East salmon; crab meat and selections of boiled and frozen crab extremities; lobster);

- baby food products and food products for diabetics;

- vegetables (including potatoes);

- fruits and berries (including grapes); [paragraph inserted by Federal Law No. 268-FZ of 02.08.2019]

2) the following goods for children:

- knitted wear for newborns and children of nursery, pre-school, junior and senior school age groups: knitted outer clothes, knitted underclothes, hosiery, other knitted wear: gloves, mittens and head-dresses;

- ready-made garments, including garments of natural sheepskin and rabbit skin (including garments of natural sheepskin and rabbit skin with leather inserts) for newborns and children of nursery, pre-school, junior and senior school age groups, outer clothes (including dress and suit groups), underwear, head-dresses, clothes and garments for newborns and children of nursery age. The provisions of this paragraph shall not apply to ready-made garments of natural leather and natural fur, excluding natural sheepskin and rabbit skin; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- footwear (with the exception of sports shoes): booties, baby shoes, pre-school and school shoes; felt shoes; rubber shoes: toddlers’, children’s, school;

- children’s beds;

- children’s mattresses;

- prams and pushchairs;

- school exercise books;

- toys;

- plasticine;

- pencil boxes;

- counting sticks;

- school abaci;

- school diaries;

- drawing pads;

- drawing albums;
Value Added Tax

- sketch albums;
- folders for exercise books;
- covers for textbooks, diaries and exercise books;
- number and letter cases;
- nappies;

3) periodic printed publications, excluding periodic printed publications of an advertising or erotic nature;

book products associated with education, science and culture, excluding book products of an advertising and erotic nature. [as amended by Federal Law No. 57-FZ of 29.05.2002]


For the purposes of this subsection, a periodic printed publication shall be understood to mean a newspaper, magazine, almanac, bulletin or other publication which has a permanent name and a current issue and is published no less frequently than once a year.

For the purposes of this subsection, periodic printed publications of an advertising nature shall include periodic printed publications in which advertising exceeds 45 per cent of the volume of one issue of the periodic printed publication; [as amended by Federal Law No. 408-FZ of 30.11.2016]

4) the following medical goods of domestic and foreign manufacture:

- medicines, including pharmaceutical substances, medicines intended for the performance of clinical trials of medicinal products, and medicinal products prepared by pharmacies; [as amended by Federal Law No. 317-FZ of 25.11.2013]

- medical devices, with the exception of medical devices sales of which are exempt from taxation in accordance with subsection 1 of clause 2 of Article 149 of this Code. The provisions of this paragraph shall apply subject to the presentation to the tax authority of a registration certificate for a medical device which was issued in accordance with Eurasian Economic Union law, or, until 31 December 2021, a registration certificate for a medical device (registration certificate for a device for medical use (medical equipment) which was issued in accordance with the legislation of the Russian Federation; [as amended by Federal Law No. 25-FZ of 07.03.2017]

[5) lost force – Federal Law No. 187-FZ of 23.06.2016]

[EY Note: Subsection 6 of clause 2 of Article 164 loses force from 01.01.2023 – Federal Law No. 83-FZ of 06.04.2015]

6) services involving internal air transport of passengers and baggage (with the exception of the services referred to in subsections 4.1, 4.2 and 4.3 of clause 1 of this Article);
[subsection 6 inserted by Federal Law No. 83-FZ of 06.04.2015 (ред. 27.11.2017); as amended by Federal Laws No. 303-FZ of 03.08.2018, No. 123-FZ of 06.06.2019]


The codes of the types of products enumerated in this clause of this Article in accordance with the All-Russian Classification of Products by Economic Activity and the Goods Nomenclature for Foreign Economic Activities shall be determined by the Government of the Russian Federation. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 248-FZ of 03.07.2016]

3. Tax shall be levied at the tax rate of 20 per cent in cases not provided for in clauses 1, 2 and 4 of this Article. [as amended by Federal Laws No. 117-FZ of 07.07.2003, No. 303-FZ of 03.08.2018]

4. In the event of the receipt of monetary resources in connection with payment for goods (work and services) provided for in Article 162 of this Code, and in the event of the receipt of payment or partial payment in respect of future supplies of goods (performance of work, rendering of services) or transfer of property rights provided for in clauses 2 to 4 of Article 155 of this Code, in the event of the withholding of tax by tax agents in accordance with clauses 1 to 3 and in the event of the calculation of tax by tax agents in accordance with clause 8 of Article 161 of this Code, in the event of the sale of property that was acquired from third parties and is recorded inclusive of tax in accordance with clause 3 of Article 154 of this Code, in the event of the sale of agricultural produce and processed products thereof in accordance with clause 4 of Article 154 of this Code, in the event of the sale of electronic and domestic appliances and motor vehicles in accordance with clause 5.1 of Article 154 of this Code, in the event of the sale of material assets by custodians and borrowers in accordance with clause 11 of Article 154 of this Code, in the event of the transfer of property rights in accordance with clauses 2 to 4 of Article 155 of this Code and in other instances where, in accordance with this Code, the amount of tax must be determined by calculation, the tax rate shall be determined as a percentage ratio of the tax rate which is stipulated by clause 2 or clause 3 of this Article to a tax base which is taken to be 100 and increased by the appropriate tax rate amount. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005, No. 251-FZ of 04.12.2008, No. 316-FZ of 14.11.2017, No. 335-FZ of 27.11.2017, No. 103-FZ of 30.04.2021]

5. Where goods are imported into the territory of the Russian Federation and other territories under its jurisdiction, the rates of tax shown in clauses 2 and 3 of this Article shall apply. [as amended by Federal Law No. 309-FZ of 27.11.2010]


7. In the case of the sale of goods exported under the export customs procedure and (or) the performance of work (rendering of services) such as are provided for in subsections 2.1 to 2.5, 2.7 and 2.8 of clause 1 of this Article in relation to such goods, a taxpayer shall have the right to tax the operations in question at the tax rates specified in clauses 2 and 3 of this Article by submitting an application to the tax authority where it is registered not later than the 1st of the tax period from which the taxpayer intends to refrain from applying the tax rate specified in clause 1 of this Article. The period for which the tax rates specified in that application are applied must be not less than 12 months.
A taxpayer shall have the right to refrain from applying the tax rate specified in clause 1 of this Article only in relation to all operations provided for in paragraph 1 of this clause which are carried out by the taxpayer.

It shall not be permissible to apply different tax rates depending on who is purchasing (acquiring) particular goods (work and services).

[clause 7 inserted by Federal Law No. 350-FZ of 27.11.2017]

Article 165. Procedure for Confirming the Right to the Application of the 0 Per Cent Tax Rate [title as amended by Federal Law No. 302-FZ of 03.08.2018]

1. In the case of the sale of goods such as are provided for in subsection 1 and (or) subsection 8 of clause 1 of Article 164 of this Code, the following documents shall be submitted to the tax authorities to confirm the legitimacy of the application of the rate of 0 per cent (or special conditions of taxation) and of tax deductions in relation to sales of raw materials such as are referred to in paragraph 3 of clause 10 of this Article, unless otherwise stipulated by this Article: [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 150-FZ of 30.05.2016, No. 302-FZ of 03.08.2018]

1) a contract (a copy of a contract) between the taxpayer and a foreign entity for the supply of goods (stores) beyond the boundaries of the customs territory of the Eurasian Economic Union and (or) stores beyond the boundaries of the Russian Federation or a contract (a copy of a contract) with a Russian organization for the supply of goods to its branch, representation, division, bureau, office, agency or other economically autonomous subdivision located outside the customs territory of the Eurasian Economic Union. If the contract contains information constituting state secrets, rather than a copy of the full text of the contract there shall be submitted an extract from it containing information needed to exercise tax control (including, in particular, information on the conditions of supply, dates, price and type of products). [as amended by Federal Law No. 302-FZ of 03.08.2018]

Where goods (stores) which are sold are exported for use in hydrocarbon extraction activities at an offshore hydrocarbon deposit, there shall be presented the taxpayer’s contract (a copy of the taxpayer’s contract) with a taxpayer engaged in the prospecting for, appraisal, exploration and (or) exploitation of that deposit for the supply of goods (stores) beyond the boundaries of the customs territory of the Customs Union and (or) the supply of stores beyond the boundaries of the Russian Federation, and copies of transportation, shipping or other documents confirming that the goods (stores) were exported to a destination situated on the continental shelf of the Russian Federation and (or) in the exclusive economic zone of the Russian Federation or in the Russian part (Russian sector) of the bed of the Caspian Sea; [paragraph inserted by Federal Law No. 268-FZ of 30.09.2013]
[subsection 1 as reworded by Federal Law No. 309-FZ of 27.11.2010]


3) a customs declaration (a copy thereof) with marks made by the Russian customs authority which cleared the goods under the export procedure and the Russian exit customs authority through which the goods were exported from the territory of the Russian Federation and other territories under its jurisdiction (hereafter in this Article referred to as “Russian exit customs authority”) is situated. [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 309-FZ of 27.11.2010]
Where goods are exported under the export customs procedure by pipeline transport or through power supply lines, a full customs declaration (a copy thereof) shall be submitted with marks made by a Russian customs authority confirming that the goods were placed under the export customs procedure. [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 309-FZ of 27.11.2010]

Where goods are exported under the export customs procedure across the border of the Russian Federation with a member state of the Customs Union on which customs clearance has been abolished to third-party countries, a customs declaration (a copy thereof) shall be presented bearing marks made by the customs authority of the Russian Federation which carried out the customs clearance of the above-mentioned exportation of goods. [as amended by Federal Law No. 309-FZ of 27.11.2010]

[Paragraph lost force from 01.01.2009 – Federal Law No. 224-FZ of 26.11.2008]

When stores are removed from the Russian Federation beyond the boundaries of the customs territory of the Eurasian Economic Union, a goods declaration (copy of a goods declaration) used for the customs declaration of stores shall be submitted with marks made by the Russian customs authority in whose region of activity a port (airport) open to international traffic is situated confirming the removal of the stores from the Russian Federation beyond the boundaries of the customs territory of the Eurasian Economic Union. [as amended by Federal Law No. 325-FZ of 29.09.2019]

[Paragraphs 6-8 lost force from 01.01.2011 – Federal Law No. 309-FZ of 27.11.2010]


4) when stores are removed from the Russian Federation to a member state of the Eurasian Economic Union, there shall be submitted copies of transport, shipping and (or) other documents containing, inter alia, information on the quantity of stores and confirming the removal of stores from the Russian Federation by aircraft, marine vessels and mixed (river-sea) navigation vessels; [subsection 4 as reworded by Federal Law No. 325-FZ of 29.09.2019]

5) where goods have been placed under the free customs zone customs procedure there shall be presented: [as amended by Federal Law No. 309-FZ of 27.11.2010]

- the contract (a copy of the contract) concluded with a resident of a special economic zone, a priority socio-economic development area, the Vladivostok free port or the Arctic Zone of the Russian Federation or with a participant in a free economic zone; [as amended by Federal Laws No. 379-FZ of 29.11.2014, No. 405-FZ of 12.11.2018, No. 195-FZ of 13.07.2020]

- a copy of the certificate of registration of a person as a resident of a special economic zone, issued by the federal executive body authorized to carry out functions associated with the administration of special economic zones, or a copy of the certificate of registration of a person as a resident of a priority socio-economic development area, issued by the management company designated by the Government of the Russian Federation to carry out functions associated with the management of priority socio-economic development areas, or a copy of the certificate of registration of a person as a resident of the Vladivostok free port, issued by the authorized federal executive body which carries out in the territory of the Far Eastern Federal District functions associated with the co-ordination of activities involving the
implementation of state programmes and federal special-purpose programmes, or a copy of the certificate of registration of a person as a resident of the Arctic Zone of the Russian Federation, registered by the management company designated by the Government of the Russian Federation to carry out the functions of administering the Arctic Zone of the Russian Federation, or a copy of the certificate of the inclusion of a participant in the register of participants in a free economic zone, issued by the federal executive body authorized by the Government of the Russian Federation; [as amended by Federal Laws No. 405-FZ of 12.11.2018, No. 195-FZ of 13.07.2020]

[paragraph lost force – Federal Law No. 245-FZ of 19.07.2011]

- a customs declaration (a copy thereof) bearing marks made by a customs authority concerning the clearance of the goods in accordance with the free customs zone customs procedure, or, in the case of the importation into a port special economic zone of goods which, outside the port special economic zone, were placed under the export customs procedure, or in the case of the exportation of stores, a customs declaration (a copy thereof) bearing marks made by the customs authority which cleared the goods in accordance with the declared customs procedure and the customs authority which is authorized to perform customs procedures and customs operations associated with the customs clearance of goods in accordance with the free customs zone customs procedure and in whose region of activity the port special economic zone is situated; [as amended by Federal Law No. 309-FZ of 27.11.2010]

- the documents provided for in subsection 1 of this clause in the case of the importation into a port special economic zone of goods which, outside the port special economic zone, were placed under the export procedure, or in the case of the exportation of stores; [as amended by Federal Law No. 309-FZ of 27.11.2010]

[subsection 5 as reworded by Federal Law No. 240-FZ of 30.10.2007]

6) where goods such as are referred to in paragraphs 4 and 5 of subsection 1 of clause 1 of Article 164 of this Code are exported under the re-export customs procedure, the following documents shall be presented to the tax authorities:

- the contract (a copy of the contract) of the taxpayer for the supply of the goods in question beyond the boundaries of the customs territory of the Eurasian Economic Union;

- customs declarations (copies thereof) showing that goods previously imported into the Russian Federation were placed under the free customs zone, free warehouse or processing in the customs territory customs procedures, and customs declarations (copies thereof) showing that those goods and (or) goods which were manufactured (obtained) from goods placed under the free customs zone or free warehouse customs procedures or which are processed products, waste and (or) remnants obtained (formed) as a result of the processing of goods placed under the processing in the customs territory customs procedure were placed under the re-export customs procedure;

[paragraph lost force – Federal Law No. 302-FZ of 3.08.2018]

[subsection 6 inserted by Federal Law No. 350-FZ of 27.11.2017]

7) where goods are sent in international mail packages, information from goods declarations or from CN23 customs declarations shall be submitted to the tax authorities in the form of a
register in electronic form such as is provided for in paragraph 12 of clause 15 of this Article;

[subsection 7 as reworded by Federal Law No. 325-FZ of 29.09.2019]

8) where goods for which a goods declaration for express cargoes is used for customs declaration purposes are delivered by a carrier as an express cargo, information from the goods declaration for express cargoes shall be submitted to the tax authorities in the form of a register in electronic form such as is provided for in paragraph 10 of clause 15 of this Article.

[subsection 8 inserted by Federal Law No. 325-FZ of 29.09.2019]

1.1. In the case of the sale of goods such as are referred to in subsection 2.9 of clause 1 of Article 164 of this Code, the following documents shall be presented to the tax authorities to support the applicability of the 0 per cent tax rate and tax deductions:

1) the taxpayer’s contract (a copy of the taxpayer’s contract) for the supply of goods to a destination situated outside the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation. If the contract contains information constituting state secrets, rather than a copy of the full text of the contract an extract from it shall be presented which contains such information as is needed for tax control purposes (including, in particular, information on conditions of supply, time limits, price and type of products);

2) copies of transport, shipping or other documents confirming that the goods have been removed to a destination situated outside the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation.

[clause 1.1 inserted by Federal Law No. 268-FZ of 30.09.2013]

1.2. Where information submitted by a taxpayer is found to conflict with information possessed by the tax authority, or where the tax authority does not have information received in accordance with clause 17 of this Article, the tax authority shall have the right to request copies of transport, shipping and (or) other documents confirming the carriage of goods provided for in paragraphs 2, 4 and 5 of subsection 1 of clause 1 of Article 164 of this Code out of the customs territory of the Eurasian Economic Union. In this respect, the taxpayer shall submit any of the listed documents within 30 calendar days from the date of receipt of the relevant request of the tax authority, with account taken of the following special considerations.

Where goods are exported under the export (re-export) customs procedure by vessels via seaports, including where the loading and customs clearance of goods take place outside the region of activity of a border customs authority, the taxpayer shall submit the following documents to the tax authorities in order to confirm that goods have been carried out of the customs territory of the Eurasian Economic Union:

- a copy of the shipping order indicating the port of discharge. In the case of the exportation of catches of aquatic biological resources and fish and other products produced from them which were delivered to the territory of the Russian Federation in accordance with legislation concerning fishing and the preservation of aquatic biological resources without being unloaded onto the land territory of the Russian Federation, the taxpayer shall not submit such a copy of an order to the tax authorities;

- a copy of a bill of lading, sea waybill or any other document confirming the acceptance of the goods for carriage in which a place situated outside the customs territory of the Eurasian Economic Union is indicated in the “Port of discharge” section.
Where goods are exported under the export (re-export) customs procedure by air transport, the taxpayer shall submit a copy of an international air waybill indicating an airport of discharge situated outside the customs territory of the Eurasian Economic Union to the tax authorities in order to confirm that goods have been carried out of the customs territory of the Eurasian Economic Union.

Where goods are exported under the export (re-export) customs procedure by rail transport, requested transport documents may be submitted by a taxpayer to a tax authority in electronic form in the format approved jointly by the federal executive body in charge of control and supervision in the area of taxes and levies and the federal executive body in charge of control and supervision in the customs sphere. Those documents shall be submitted to the tax authority in electronic form via telecommunications channels through an electronic document exchange operator which is a Russian organization and meets the requirements approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 1.2 inserted by Federal Law No. 302-FZ of 03.08.2018]

1.3. In the case of the sale of goods provided for in subsection 1.1 of clause 1 of Article 164 of this Code, documents provided for in the Agreement on the Eurasian Economic Union of 29 May 2014 shall be submitted to the tax authorities for the purpose of supporting the application of the 0 per cent rate and tax deductions in relation to raw material goods referred to in paragraph 3 of clause 10 of this Article, with account taken of the following special considerations.

Transport (shipping) and (or) other documents confirming the movement of goods from the territory of the Russian Federation into the territory of a member state of the Eurasian Economic Union need not be submitted together with the tax declaration if the taxpayer submits to the tax authority in electronic form a list of statements of the importation of goods and the payment of indirect taxes prepared in the form prescribed by an international interdepartmental agreement (hereafter in this Code referred to as “statement of the importation of goods and the payment of indirect taxes”).

A tax authority conducting an in-house tax audit (tax monitoring) shall have the right selectively to request from a taxpayer documents such as are provided for in paragraph 2 of this clause information from which is included in a list of statements of the importation of goods and the payment of indirect taxes whose particulars are stated in the electronically submitted list of statements of the importation of goods and the payment of indirect taxes. The taxpayer shall submit requested documents (copies thereof) within 30 calendar days from the date of receiving a relevant request from the tax authority. [as amended by Federal Law No. 470-FZ of 29.12.2020]

In the event that a taxpayer fails to submit on a tax authority’s request documents such as are referred to in paragraph 2 of this clause information from which is included in a statement of the importation of goods and the payment of indirect taxes whose particulars are stated in an electronically submitted list of statements of the importation of goods and the payment of indirect taxes, the applicability of the 0 per cent tax rate shall be considered unconfirmed to the corresponding extent.

[clause 1.3 inserted by Federal Law No. 302-FZ of 03.08.2018]
2. Where goods provided for in subsection 1 or 8 of clause 1 of Article 164 of this Code are sold through a commission agent, a delegate or an agent under a contract of delegation, commission agreement or agency agreement, the following documents shall be submitted to the tax authorities in order to confirm the applicability of the 0 per cent tax rate (or special conditions of taxation) and tax deductions in relation to sales of raw material goods referred to in paragraph 3 of clause 10 of this Article, except as otherwise provided in this Article: [as amended by Federal Law No. 302-FZ of 03.08.2018]

1) the commission agreement, contract of delegation or agency agreement (copies of agreements) between the taxpayer and a commission agent, delegate or agent;

2) the contract (a copy of the contract) between the person supplying goods or supplying stores on behalf of the taxpayer (in accordance with a commission agreement, contract of delegation or agency agreement) with a foreign entity for the supply of goods (stores) beyond the boundaries of the customs territory of the Eurasian Economic Union and (or) stores beyond the boundaries of the territory of the Russian Federation or the contract (a copy of the contract) between the person exporting goods on behalf of the taxpayer (in accordance with a commission agreement, contract of delegation or agency agreement) with a Russian organization for the supply of goods to its branch, representation, division, bureau, office, agency or other economically autonomous subdivision located outside the customs territory of the Eurasian Economic Union;

[subsection 2 as reworded by Federal Law No. 302-FZ of 03.08.2018]


4) the documents provided for in subsections 3 to 6 of clause 1 of this Article.

3. Where goods such as are provided for in subsection 1 of clause 1 of Article 164 of this Code are sold towards settlement of indebtedness of the Russian Federation and the former USSR or by way of the granting of state credits to foreign states, the following documents shall be submitted to the tax authorities, except as otherwise provided in this Article, as confirmation of the legitimacy of the application of a tax rate of 0 per cent (or special conditions of taxation) and tax deductions: [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 302-FZ of 03.08.2018]

1) a copy of the agreement between the Government of the Russian Federation and the government of the foreign state in question on the settlement of indebtedness of the former USSR (Russian Federation) or by way of the granting of state credits to foreign states; [as amended by Federal Law No. 166-FZ of 29.12.2000]

2) a copy of the agreement between the Ministry of Finance of the Russian Federation and the taxpayer on the financing of supplies of goods towards settlement of state debt or by way of the granting of state credits to foreign states; [as amended by Federal Law No. 166-FZ of 29.12.2000]


4) the documents provided for in subsection 3 of clause 1 of this Article, or, if the goods have been placed under the free customs zone customs procedure, the documents provided for in subsection 5 of clause 1 of this Article. [as amended by Federal Laws No. 240-FZ of 30.10.2007, No. 309-FZ of 27.11.2010, No. 302-FZ of 03.08.2018]
3.1. In the case of the sale of services such as are provided for in subsection 2.1 of clause 1 of Article 164 of this Code, taxpayers shall present the following documents to the tax authorities in order to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) between the taxpayer and a foreign or Russian person for the rendering of the services in question. Where goods are exported from the territory of the Russian Federation into the territory of a member state of the Customs Union or goods are imported into the territory of the Russian Federation from the territory of a member state of the Customs Union and the taxpayer concludes a contract for the rendering of the services in question with a person who is not the person carrying out the foreign economic transaction involving the goods which are carried, a copy of that person’s contract with the person carrying out the foreign economic transaction involving the goods which are carried shall be presented in addition to the above-mentioned contract (copy of contract);


3) copies of transport, shipping and (or) other documents confirming the exportation of goods beyond the boundaries of the Russian Federation (the importation of goods into the territory of the Russian Federation), including with account taken of the following special considerations.

Where goods are exported beyond the boundaries of the customs territory of the Customs Union, including via the territory of a member state of the Customs Union, by a sea-going, river-going or mixed (river-sea) navigation vessel, the following shall be presented to the tax authorities:

- a copy of the shipping instruction for the goods indicating the port of discharge and bearing a “Loading authorized” mark made by the Russian exit customs authority;

- a copy of the bill of lading, sea waybill or any other document confirming acceptance of the goods for carriage in which a place situated outside the customs territory of the Customs Union is indicated in the “Port of discharge” field.

Where the loading and customs clearance of goods in relation to goods exported by a sea-going, river-going or mixed (river-sea) navigation vessel take place outside the region of activity of a Russian exit customs authority, the following shall be presented to the tax authorities:

- a copy of the shipping instruction for the goods bearing a “Loading authorized” mark made by the Russian customs authority which carried out the customs clearance of the exportation of the goods and bearing a mark made by an exit customs authority confirming the exportation of the goods beyond the boundaries of the territory of the Russian Federation;

- a copy of the bill of lading, sea waybill or any other document confirming acceptance of the goods for carriage in which a place situated outside the customs territory of the Customs Union is indicated in the “Port of discharge” field.

Where goods are exported by a sea-going, river-going or mixed (river-sea) navigation vessel from the territory of a foreign state which is not a member of the Customs Union, including via the territory of a member state of the Customs Union, there shall be presented to the tax authorities a copy of the bill of lading, sea waybill or any other document confirming
acceptance of the goods for carriage in which a place situated outside the customs territory of the Customs Union is indicated in the “Port of discharge” field.

Where goods are exported out of the territory of the Customs Union, including via the territory of a member state of the Customs Union, by air, a copy of the air waybill indicating an airport of discharge (transhipment) which is situated outside the customs territory of the Customs Union shall be presented to the tax authorities.

Where goods are imported by air from the territory of a foreign state which is not a member state of the Customs Union, including via the territory of a member state of the Customs Union, a copy of a waybill indicating an airport of discharge (transhipment) which is situated outside the customs territory of the Customs Union shall be presented to the tax authorities.

Where goods are exported by road transport out of the customs territory of the Customs Union, including via the territory of a member state of the Customs Union, there shall be presented to the tax authorities a copy of a transport, shipping and (or) other document bearing a mark made by a Russian customs authority confirming that the goods have been removed from the territory of the Russian Federation.

Where goods are imported by road transport from the territory of a foreign state which is not a member of the Customs Union, including via the territory of a member state of the Customs Union, there shall be presented to the tax authorities a copy of a transport, shipping and (or) other document bearing a mark made by a Russian customs authority confirming that the goods have been imported into the territory of the Russian Federation.

Where goods are exported by rail out of the customs territory of the Customs Union, including via the territory of a member state of the Customs Union, there shall be presented to the tax authorities a copy of a transport, shipping and (or) other document bearing a mark made by a customs authority confirming that the goods have been removed from the territory of the Russian Federation or that the goods have been placed under a customs procedure which requires the goods to be removed from the customs territory of the Customs Union.

Where goods are imported by rail from the territory of a foreign state which is not a member of the Customs Union, including via the territory of a member state of the Customs Union, there shall be presented to the tax authorities a copy of a transport, shipping and (or) other document bearing a mark made by a customs authority confirming that the goods have been imported into the territory of the Russian Federation.

Where goods are exported from the territory of the Russian Federation into the territory of a member state of the Customs Union or goods are imported into the territory of the Russian Federation from the territory of a member state of the Customs Union by sea-going, river-going or mixed (river-sea) navigation vessels, by aircraft, by rail or by motor vehicle, there shall be presented to the tax authorities copies of transport, shipping and (or) other documents indicating a place of discharge or place of loading (destination station or departure station) which is situated in the territory of another member state of the Customs Union.

In the case of the performance of work (rendering of services) involving the carriage and (or) transportation of hydrocarbons from a departure point situated on the continental shelf of the Russian Federation and (or) in the exclusive economic zone of the Russian Federation or in the
Russian part (Russian sector) of the bed of the Caspian Sea to a destination situated outside the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation, there shall be presented to the tax authorities copies of transportation, shipping or other documents confirming that hydrocarbons were exported from a departure point situated on the continental shelf of the Russian Federation and (or) in the exclusive economic zone of the Russian Federation or in the Russian part (Russian sector) of the bed of the Caspian Sea to a destination situated outside the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation. [paragraph inserted by Federal Law No. 268-FZ of 30.09.2013]
[clause 3.1 inserted by Federal Law No. 309-FZ of 27.11.2010]

3.2. In the case of the sale of work (services) such as is (are) provided for in subsection 2.2 of clause 1 of Article 164 of this Code, taxpayers shall present the following documents to the tax authorities in order to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) for the performance of the work in question (rendering of the services in question) between the taxpayer and a person such as is referred to in paragraphs 6 to 8 of subsection 2.2 of clause 1 of Article 164 of this Code;


3) a full customs declaration (a copy thereof) with marks made by the Russian customs authority (if a Russian customs authority registers the customs declaration) or by the customs authority of a member state of the Customs Union (if the customs declaration is registered by that customs authority) which carried out the release of the good (oil, oil products), or documents (copies thereof) confirming the rendering of services involving the transportation of oil and oil products by pipeline (where declaration for customs purposes is not required by the legislation of the Customs Union); [subsection 3 as reworded by Federal Law No. 330-FZ of 21.11.2011]

4) copies of transport, shipping and (or) other documents confirming the exportation of goods out of the Russian Federation. The provisions of this subsection shall apply with account taken of the special considerations laid down in subsection 3 of clause 3.1 of this Article. [as amended by Federal Law No. 302-FZ of 03.08.2018]
[clause 3.2 inserted by Federal Law No. 309-FZ of 27.11.2010]

3.3. In the case of the sale of services such as are provided for in subsection 2.3 of clause 1 of Article 164 of this Code, taxpayers shall present the following documents to the tax authorities in order to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) between the taxpayer and a foreign or Russian person for the rendering of the services in question;


3) a full customs declaration (a copy thereof) bearing marks made by a Russian customs authority concerning customs operations performed (where declaration for customs purposes takes place) or documents (copies thereof) confirming the rendering of services involving the arrangement of transportation (transportation services in the case of importation into the territory of the Russian Federation) of natural gas by pipeline (where declaration for customs
purposes does not take place).
[clause 3.3 inserted by Federal Law No. 309-FZ of 27.11.2010]

3.3-1. In the case of the sale of services such as are provided for in subsection 2.3-1 of clause 1 of Article 164 of this Code, taxpayers shall present the following documents to the tax authorities in order to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) between the taxpayer and a foreign or Russian person for the rendering of the services in question;

2) a full customs declaration (a copy thereof) bearing stamps made by a Russian customs authority concerning customs operations performed or documents (copies thereof) confirming the rendering of services such as are referred to in subsection 2.3-1 of clause 1 of Article 164 of this Code.

[clause 3.3-1 inserted by Federal Law No. 335-FZ of 27.11.2017]

3.4. In the case of the sale of services such as are provided for in subsection 2.4 of clause 1 of Article 164 of this Code, taxpayers shall present the following documents to the tax authorities in order to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) between the taxpayer and a Russian person for the rendering of the services in question;

2) copies of statements of provision of services involving the transmission of electric power and (or) other documents confirming the transmission of electric power which is supplied from the electric power system of the Russian Federation to electric power systems of foreign states;


[clause 3.4 inserted by Federal Law No. 309-FZ of 27.11.2010]

3.5. In the case of the sale of work (services) such as is (are) provided for in subsection 2.5 of clause 1 of Article 164 of this Code, taxpayers shall present the following documents to the tax authorities in order to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) between the taxpayer and a foreign or Russian person for the performance of the work in question (rendering of the services in question);

2) lost force – Federal Law No. 245-FZ of 19.07.2011


3) copies of transport, shipping and (or) other documents confirming the exportation of goods out of the territory of the Russian Federation and other territories under its jurisdiction (importation of goods into the territory of the Russian Federation and other territories under its jurisdiction), with account taken of the following special considerations.

Where goods are exported by a sea-going, river-going or mixed (river-sea) navigation vessels, the following shall be presented to the tax authorities:

- a copy of the shipping instruction for the goods indicating the port of discharge and bearing a “Loading authorized” mark made by the Russian exit customs authority;
- a copy of the bill of lading, sea waybill or any other document confirming acceptance of the goods for carriage in which a place situated outside the customs territory of the Customs Union is indicated in the “Port of discharge” field.

Where goods are imported by a sea-going, river-going or mixed (river-sea) navigation vessel, the taxpayer shall present to the tax authorities a copy of the bill of lading, sea waybill or any other document confirming the carriage of goods in which a place situated outside the territory of the Russian Federation is indicated in the “Port of discharge” field, with a mark made by the customs authority operating at the checkpoint.

[clause 3.5 inserted by Federal Law No. 309-FZ of 27.11.2010]

3.6. In the case of the sale of work (services) such as is (are) provided for in subsection 2.6 of clause 1 of Article 164 of this Code, taxpayers shall present the following documents to the tax authorities in order to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) between the taxpayer and a foreign or Russian person for the performance of work (rendering of services);


3) copies of customs declarations indicating that foreign goods which are imported into the territory of the Russian Federation have been placed under the processing in the customs territory customs procedure, and copies of customs declarations indicating that processed products exported from the territory of the Russian Federation beyond the boundaries of the customs territory of the Customs Union were placed under the re-export customs procedure by way of completing the operation of the processing in the customs territory customs procedure;

[subsection 3 as reworded by Federal Law No. 452-FZ of 29.12.2014]

4) copies of transport, shipping and (or) other documents confirming the importation of foreign goods into the territory of the Russian Federation to undergo processing operations and the exportation of processed products from the territory of the Russian Federation beyond the boundaries of the customs territory of the Customs Union, with account taken of the special considerations set out in subsection 3 of clause 3.1 of this Article. [subsection 4 as reworded by Federal Law No. 452-FZ of 29.12.2014]

[clause 3.6 inserted by Federal Law No. 309-FZ of 27.11.2010]

3.7. In the case of the sale of services such as are provided for in subsection 2.7 of clause 1 of Article 164 of this Code, taxpayers shall present the following documents to the tax authorities in order to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) of the taxpayer for the rendering of services; [as amended by Federal Law No. 350-FZ of 27.11.2017]


3) copies of transport, shipping and (or) other documents bearing marks made by Russian customs authorities certifying that goods were placed under the export, re-export or customs

The provisions of this subsection shall apply with account taken of the special considerations laid down in subsection 3 of clause 3.5 of this Article.
[clause 3.7 inserted by Federal Law No. 309-FZ of 27.11.2010]

3.8. In the case of the sale of work (services) such as is (are) provided for in subsection 2.8 of clause 1 of Article 164 of this Code, taxpayers shall present the following documents to the tax authorities in order to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) between the taxpayer and a foreign or Russian person for the performance of the work in question (the rendering of the services in question);


3) copies of transport, shipping or other documents confirming the exportation of goods out of the territory of the Russian Federation, with account taken of the following considerations.

Where goods exported under the export (re-export) customs procedure are carried (transported) by inland water transport organizations within the territory of the Russian Federation from a departure point to a point of unloading or reloading (transhipment) onto sea-going vessels, mixed (river-sea) navigation vessels or other modes of transport, the following shall be presented to the tax authorities: [as amended by Federal Law No. 350-FZ of 27.11.2017]

- a copy of the shipping instruction for the goods bearing a “Loading authorized” mark made by a Russian customs authority for the river vessel (this document shall not be presented where the customs clearance of freight takes place at the point of unloading or transhipment);

- a copy of the bill of lading, sea waybill or any other document for the river vessel confirming acceptance of the goods for carriage, in which a place of transhipment (unloading) situated in the territory of the Russian Federation is indicated in the “Port of discharge” field;

- a copy of the shipping instruction for the goods for the sea-going vessel onto which the cargo was transhipped (loaded) bearing a “Loading authorized” mark made by the Russian customs authority which carried out the customs clearance of the exportation of the goods under the export (re-export) customs procedure, accompanied by a list of means of transport (river vessels) which delivered the cargo; [as amended by Federal Law No. 350-FZ of 27.11.2017]

- a copy of the bill of lading, sea waybill or any other document for the sea-going vessel confirming acceptance of the goods for carriage, in which a place situated outside the territory of the Russian Federation is indicated in the “Port of discharge” field.
[clause 3.8 inserted by Federal Law No. 309-FZ of 27.11.2010]

3.8-1. In the case of the sale of work (services) provided for in subsection 2.8-1 of clause 1 of Article 164 of this Code, the following documents shall be submitted by the taxpayer to the tax authority to confirm the applicability of the 0 per cent tax rate:

1) the taxpayer’s contract (a copy of the contract) for the performance of that work (the rendering of those services);
2) a copy of the shipping order for the sea-going vessel on which the goods were carried to a
destination point located outside the territory of the Russian Federation, marked “Loading
authorized” by a Russian customs authority, accompanied by a list of means of transport (sea-
going vessels) that delivered the cargo;

3) a copy of the bill of lading, sea waybill or any other document confirming the acceptance of
goods for carriage in which a place of unloading or reloading (transhipment) located in the
territory of the Russian Federation is indicated in the “Port of discharge” column;

4) a copy of the bill of lading, sea waybill or any other document confirming the acceptance of
goods for onward carriage in which a place located outside the territory of the Russian
Federation is indicated in the “Port of discharge” column.

[clause 3.8-1 inserted by Federal Law No. 195-FZ of 13.07.2020]

3.9. In the case of the sale of services such as are provided for in subsection 2.10 of clause 1 of
Article 164 of this Code, in order to support the applicability of the 0 per cent tax rate taxpayers
shall submit to the tax authorities a register of documents of carriage, shipping documents and
other documents relating to those operations which contain:

- an indication of the transportation route;

- confirmation from the customs authorities that the place of arrival of the goods in the territory
of the Russian Federation and the place of departure of the goods from the territory of the
Russian Federation are the same.

Where a tax authority selectively requests particular documents included in the register, copies
of those documents shall be presented by taxpayers within 30 calendar days from the date of
receipt of the relevant request from the tax authority.

[clause 3.9 inserted by Federal Law No. 382-FZ of 29.11.2014]

3.10. In the case of the sale of the services referred to in subsection 2.11 of clause 1 of Article
164 of this Code, for the purpose of supporting the applicability of the 0 per cent tax rate and
tax deductions the taxpayer shall present to the tax authority a register of tax refund documents
(receipts) (hereafter in this clause referred to as “register”) which contains information from
tax refund documents (receipts) bearing a stamp of the customs authorities of the Russian
Federation confirming that goods were taken out of the customs territory of the Eurasian
Economic Union (except where goods are taken out via the territories of member states of the
Eurasian Economic Union) through crossing points on the State Border of the Russian
Federation and information on the amount of tax refunded to physical persons on the basis of
Article 169.1 of this Code.

The list of information to be entered in the register, the form of and procedure for completing
the register and the format and procedure for submitting the register in electronic form shall be
approved by the federal executive body in charge of control and supervision in the area of taxes
and levies.

Information which is entered in the register shall include information on the amount of the tax
base to which the taxpayer applies the 0 per cent tax rate.
The register shall be submitted to the tax authority in electronic form via telecommunications channels through an electronic document exchange operator which is a Russian organization and meets the requirements approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

A tax authority conducting an in-house tax audit (tax monitoring) may, if information contained in a register is found to be inconsistent with information possessed by the tax authority, request the taxpayer to provide documents supporting the information in relation to which inconsistencies have been found. [as amended by Federal Law No. 470-FZ of 29.12.2020]

Where a tax authority requests documents containing information which was included in the register, copies of those documents shall be presented by the taxpayer within 20 calendar days from the date on which the relevant request of the tax authority was received.

In the event that a taxpayers fails, when requested by a tax authority, to present copies of documents containing information which was included in the register, the applicability of the 0 per cent tax rate shall be considered to be unsupported to the corresponding extent. [clause 3.10 inserted by Federal Law No. 341-FZ of 27.11.2017]

3.11. In the case of the sale of services provided for in subsection 2.13 of clause 1 of Article 164 of this Code, the following documents shall be submitted by the taxpayer to the tax authority to confirm the applicability of the 0 per cent tax rate:

1) the taxpayer’s contract (a copy of the contract) for the rendering of those services;

2) a copy of the bill of lading, sea waybill and (or) any other document confirming the acceptance of goods for carriage in which a place located outside the territory of the Russian Federation is indicated in the “Port of discharge” column;

3) a copy of the bill of lading, sea waybill and (or) any other document confirming the acceptance of goods for carriage in which a place of unloading or reloading (transhipment) located outside the territory of the Russian Federation is indicated in the “Port of discharge” column (where goods are carried to a point of unloading or reloading (transhipment) in the territory of the Russian Federation for subsequent exportation from the Russian Federation);

4) a copy of the shipping order for the sea-going vessel on which the goods were carried to a destination point located outside the territory of the Russian Federation, marked “Loading authorized” by a Russian customs authority, accompanied by a list of means of transport (sea-going vessels) that delivered the cargo. [clause 3.11 inserted by Federal Law No. 195-FZ of 13.07.2020]

4. In the case of the sale of the work (services) provided for in subsection 3 of clause 1 of Article 164 of this Code, the following documents shall be submitted to the tax authorities as confirmation of the legitimacy of the application of a tax rate of 0 per cent (or special conditions of taxation) and tax deductions, unless otherwise stipulated by clause 5 of this Article: [as amended by Federal Law No. 309-FZ of 27.11.2010]

1) the contract (a copy of the contract) between the taxpayer and a foreign or Russian person for the performance of the work (rendering of the services) in question;
3) a customs declaration (a copy thereof) with marks made by the Russian customs authorities at the place of arrival and place of exit of a good through which the good was imported into the territory of the Russian Federation and other territories under its jurisdiction and exported from the territory of the Russian Federation and other territories under its jurisdiction, with account taken of the special considerations laid down in subsection 3 of clause 1 of this Article;

4) copies of transport, shipping and (or) other documents confirming the importation of goods into the territory of the Russian Federation and other territories under its jurisdiction and the exportation of goods from the territory of the Russian Federation and other territories under its jurisdiction in accordance with subsection 3 of clause 1 of Article 164 of this Code. The provisions of this subsection shall apply with account taken of the special considerations laid down in subsection 3 of clause 3.1 of this Article. [as amended by Federal Laws No. 245-FZ of 19.07.2011, No. 302-FZ of 03.08.2018]

4.1. In the case of the sale of services such as are provided for in subsection 3.1 of clause 1 of Article 164 of this Code, the following documents shall be presented to the tax authorities for the purpose of confirming the applicability of the 0 per cent tax rate and tax deductions:

- the contract (a copy of the contract) between the taxpayer and a foreign or Russian person for the rendering of the services in question;

- copies of documents of carriage drawn up for carriage involving rail transport, indicating the names or codes of departure stations, the names or codes of entry and exit Russian border and (or) port railway stations and the names or codes of destination stations. [as amended by Federal Law No. 322-FZ of 29.09.2019]

5. In the case of the sale by Russian rail carriers of work (services) such as is (are) provided for in subsections 3 and 9 of clause 1 of Article 164 of this Code, the following shall be presented to the tax authorities in order to confirm the legitimacy of the application of the 0 per cent tax rate (or special conditions of taxation) and tax deductions:

- a register of documents of carriage executed for shipments of goods in international traffic, with an indication of the numbers of documents of carriage, the names or codes of entry and exit border and (or) port railway stations, the cost of work (services) and the dates of marks made by customs authorities on documents of carriage certifying that goods were placed in accordance with the customs legislation of the Customs Union and customs-related legislation of the Russian Federation under the export, re-export or customs transit customs procedure. [as amended by Federal Laws No. 28-FZ of 28.02.2006, No. 309-FZ of 27.11.2010, No. 452-FZ of 29.12.2014, No. 350-FZ of 27.11.2017]

In the event that a tax authority selectively requests individual documents of carriage which have been included in registers, copies of those documents shall be presented by the carriers referred to in paragraph 1 of this clause within 30 calendar days from the date of receipt of the
relevant request from the tax authority. Documents of carriage which have been included in a register must bear a mark made by customs authorities certifying the carriage of goods placed in accordance with the customs legislation of the Customs Union and customs-related legislation of the Russian Federation under the export, re-export or customs transit customs procedure. [as amended by Federal Laws No. 28-FZ of 28.02.2006, No. 137-FZ of 27.07.2006, No. 309-FZ of 27.11.2010, No. 452-FZ of 29.12.2014, No. 350-FZ of 27.11.2017]

Where the carriers referred to in paragraph 1 of this clause sell the services provided for in subsection 4 of clause 1 of Article 164 of this Code, for the purpose of confirming the legitimacy of the application of the 0 per cent tax rate (or special conditions of taxation) and tax deductions there shall be presented to the tax authorities registers of standard documents of carriage which are executed for the carriage of passengers and baggage in direct international traffic, specifying the itinerary and indicating the numbers of documents of carriage, the departure and destination points, the date of provision of services and the cost of passenger and baggage carriage services, or other documents provided for in agreements concluded by the carriers referred to in paragraph 1 of this clause with railways of foreign states or by international agreements of the Russian Federation. [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 452-FZ of 29.12.2014]

5.1. In the case of the sale by Russian rail carriers of work (services) such as is (are) provided for in subsection 9.1 of clause 1 of Article 164 of this Code, for the purpose of confirming the applicability of the 0 per cent tax rate and tax deductions there shall be submitted to the tax authorities a register of documents of carriage drawn up for the carriage of goods, empty railway rolling stock or containers by rail, indicating the numbers of documents of carriage, the date of sale of work (services), the value of work (services), the names or codes of the states of departure, the names or codes of entry and exit Russian border and (or) port railway stations and the names or codes of the destination states, and the date on which a document of carriage was stamped with the date stamp of a border railway station (in the case of the movement of goods, empty railway rolling stock or containers from the territory of the Russian Federation via exit border railway stations) or the date stamp of the destination station (in the case of the movement of goods, empty railway rolling stock or containers from the territory of the Russian Federation via exit port railway stations) in the case of the performance of work (rendering of services) such as is (are) referred to in paragraph 3 of subsection 9.1 of clause 1 of Article 164 of this Code, or the date stamp of the departure station in the case of the performance of work (rendering of services) such as is (are) referred to in paragraph 2 of subsection 9.1 of clause 1 of Article 164 of this Code. [as amended by Federal Laws No. 452-FZ of 29.12.2014, No. 322-FZ of 29.09.2019]

Where a tax authority requests the presentation of particular documents of carriage included in the register on a selective basis, copies of those documents shall be presented within 30 calendar days from the date on which the relevant request is received from the tax authority.
[clause 5.1 inserted by Federal Law No. 245-FZ of 19.07.2011]

[EY Note: Clause 5.2 of Article 165 loses force from 01.01.2030 – Federal Law No. 83-FZ of 06.04.2015]

5.2. In the case of the sale of services such as are provided for in subsection 9.2 of clause 1 of Article 164 of this Code, the applicability of the 0 per cent tax rate and tax deductions shall be substantiated by submitting to the tax authorities a report on income from the transport of
passengers by rail on suburban routes.  
[clause 5.2 inserted by Federal Law No. 83-FZ of 06.04.2015]

[EY Note: Clause 5.3 of Article 165 loses force from 01.01.2030 – Federal Law No. 401-FZ of 30.11.2016]

5.3. In the case of the sale of services such as are provided for in subsection 9.3 of clause 1 of Article 164 of this Code, for the purpose of supporting the applicability of the 0 per cent tax rate and tax deductions there shall be submitted to the tax authorities a register of standard documents of carriage relating to the carriage of passengers and baggage specifying the carriage itinerary and indicating the numbers of documents of carriage, the departure and destination points, the date of provision of services and the cost of passenger and baggage carriage services.  
[clause 5.3 inserted by Federal Law No. 401-FZ of 30.11.2016]

6. Where services such as are provided for in subsection 4 of clause 1 of Article 164 of this Code are rendered, the following documents shall be submitted to the tax authorities as confirmation of the legitimacy of the application of a tax rate of 0 per cent (or special conditions of taxation) and tax deductions, unless otherwise provided by clause 5 of this Article:  
[as amended by Federal Law No. 122-FZ of 22.08.2004]


2) a register of standard international documents of carriage relating to the carriage of passengers and baggage specifying the carriage itinerary and indicating the numbers of documents of carriage, the departure and destination points, the date of provision of services and the cost of passenger and baggage carriage services.  

6.1. In the case of the sale of services such as are provided for in subsection 4.1 of clause 1 of Article 164 of this Code, a register of documents of carriage relating to the carriage of passengers and baggage which specify the transport route, indicating the numbers of documents of carriage, the departure and destination points, the date of provision of services and the cost of passenger and baggage carriage services, shall be submitted to the tax authorities for the purpose of confirming the applicability of the 0 per cent tax rate and tax deductions.  
[as amended by Federal Law No. 452-FZ of 29.12.2014]

Where a tax authority makes a selective request for individual documents of carriage included in the register, copies of those documents shall be submitted within 30 calendar days from the date of receipt of the relevant request from the tax authority.  
[clause 6.1 inserted by Federal Law No. 151-FZ of 04.06.2014]

6.2. In the case of the sale of services such as are provided for in subsection 4.2 of clause 1 of Article 164 of this Code, a register of documents of carriage relating to the carriage of passengers and baggage which specify the transport route, indicating the numbers of documents of carriage, the departure and destination points, the date of provision of services and the cost of passenger and baggage carriage services, shall be submitted to the tax authorities for the purpose of confirming the applicability of the 0 per cent tax rate and tax deductions.  

Where a tax authority makes a selective request for individual documents of carriage included in the register, copies of those documents shall be submitted within 30 calendar days from the
date of receipt of the relevant request from the tax authority.
[clause 6.2 inserted by Federal Law No. 353-FZ of 27.11.2017]

6.3. In the case of the sale of services provided for in subsection 2.12 of clause 1 of Article 164 of this Code, the following documents shall be submitted to the tax authorities for the purpose of confirming the applicability of the 0 per cent tax rate and tax deductions:

1) the taxpayer’s agreement or contract (a copy of the agreement or contract) with a foreign or Russian person on the rendering of services;

2) a certificate or other documents (copies thereof) confirming the rendering of services and indicating the route of carriage with reference to the departure and destination points.

6.4. In the case of the sale of services provided for in subsection 4.3 of clause 1 of Article 164 of this Code, the applicability of the 0 per cent tax rate and tax deductions shall be supported by submitting to the tax authorities a register of documents of carriage for passenger and baggage transport specifying the transport route in which are contained the numbers of the documents of carriage, the departure and destination points and any intermediate points on the transport route, the dates on which the services were provided and fares for the carriage of passengers and baggage.
[clause 6.4 inserted by Federal Law No. 123-FZ of 06.06.2019]

7. In the case of the sale of goods (work and services) such as are provided for in subsection 5 of clause 1 of Article 164 of this Code, the following documents shall be submitted to the tax authorities to confirm the legitimacy of the application of the 0 per cent tax rate and tax deductions:

1) the agreement or contract (a copy of the agreement or contract) between the taxpayer and foreign or Russian persons on the sale (supply) of goods, the performance of work and the rendering of services;

2) lost for – Federal Law No. 245-FZ of 19.07.2011]

3) a certificate or other documents (copies thereof) confirming the sale (supply) of goods, the performance of work and the rendering of services;

4) a certificate (copy thereof) issued in accordance with the legislation of the Russian Federation for space equipment which is sold, including space facilities and space infrastructure facilities (goods), or, in the case of the sale of military and dual-use space equipment, including space facilities and space infrastructure facilities (goods), a certificate (copy thereof) issued by a military representation of the Ministry of Defence of the Russian Federation.
[subsection 4 as reworded by Federal Law No. 281-FZ of 25.11.2009]
[clause 7 as reworded by Federal Law No. 255-FZ of 04.11.2007]

8. In the case of the sale of goods which such as are provided for in subsection 6 of clause 1 of Article 164 of this Code are sold, the following documents shall be submitted to the tax authorities as confirmation of the legitimacy of the application of a tax rate of 0 per cent (or special conditions of taxation): [as amended by Federal Law No. 150-FZ of 30.05.2016]
1) the contract (a copy of the contract) on the sale of precious metals;  
[as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 159-FZ of 27.06.2018]

2) documents (copies thereof) confirming the transfer of precious metals to the State Fund of Precious Metals and Precious Stones of the Russian Federation, funds of precious metals and precious stones of constituent entities of the Russian Federation, the Central Bank of the Russian Federation and banks.  
[as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 159-FZ of 27.06.2018]

9. The documents (copies thereof) referred to in clauses 1 to 3 of this Article shall be submitted by taxpayers as confirmation of the applicability of the 0 per cent tax rate in the case of the sale of goods such as are referred to in subsection 1 of clause 1 of Article 164 of this Code not later than 180 calendar days from the date on which the goods are placed under the export (re-export) or free customs zone customs procedures. The documents (copies thereof) referred to in clauses 1 to 3 of this Article shall be submitted by taxpayers to support the applicability of the 0 per cent tax rate in relation to sales of stores referred to in subsection 8 of clause 1 of Article 164 of this Code not later than 180 calendar days from the date of the customs authority’s mark confirming the removal of the stores from the Russian Federation beyond the boundaries of the customs territory of the Eurasian Economic Union made on the goods declaration used for the customs declaration of stores or from the date of preparation of transport, shipping and (or) other documents confirming the removal of stores from the Russian Federation into the territory of a member state of the Eurasian Economic Union.  

If, after the lapse of the 180 calendar days referred to in paragraph 1 of this clause, the taxpayer has failed to submit the above-mentioned documents (copies thereof), operations involving the sale of goods which are provided for in subsections 1 and 8 of clause 1 of Article 164 of this Code shall be taxable at the tax rates prescribed by clauses 2 and 3 of Article 164 of this Code. If the taxpayer subsequently presents to the tax authorities documents (copies thereof) which justify the application of a tax rate of 0 per cent, the amounts of tax paid shall be deductible according to the procedure and subject to the conditions which are laid down by Articles 171 and 172 of this Code.  

The documents referred to in clause 5 of this Article shall be presented by taxpayers for the purpose of confirming the legitimacy of the application of the 0 per cent tax rate in connection with the performance of work (rendering of services) such as is (are) provided for in subsections 3 and 9 of clause 1 of Article 164 of this Code not later than 180 calendar days from the date on which a customs authorities’ mark certifying that the goods were placed under the export, re-export or customs transit customs procedure is placed on the documents of carriage. If, after 180 calendar days have elapsed, a taxpayer has not presented the documents referred to in clause 5 of this Article, the operations involving the sale of work (services) shall be taxable at the tax rate of 20 per cent. If the taxpayer subsequently presents documents justifying the application of the 0 per cent tax rate to the tax authorities, the amounts of tax paid shall be deductible according to the procedure and subject to the conditions which are laid down in Articles 171 and 172 of this Code.  
The provisions of this clause shall not apply to taxpayers which have been exempted from the fulfilment of taxpayer obligations in accordance with Article 145 of this Code.

The documents referred to in clauses 3.1 to 3.9, 4 and 14 of this Article shall be presented by taxpayers for the purpose of confirming the applicability of the 0 per cent tax rate according to the following procedure; [as amended by Federal Laws No. 309-FZ of 27.11.2010, No. 245-FZ of 19.07.2011, No. 305-FZ of 07.11.2011, No. 382-FZ of 29.11.2014]

- the documents referred to in clause 3.1 of this Article shall be presented to the tax authority not later than 180 calendar days from the date of the mark made by customs authorities on the documents provided for in subsection 3 of clause 3.1 of this Article, or, where goods are exported from the territory of the Russian Federation to the territory of a member state of the Customs Union or goods are imported into the territory of the Russian Federation from the territory of a member state of the Customs Union, from the date of preparation of transport, shipping and (or) other documents indicating a place of unloading or a place of loading (destination station or departure station) situated in the territory of another member state of the Customs Union; [paragraph inserted by Federal Law No. 309-FZ of 27.11.2010]

- the documents referred to in clause 3.2 of this Article shall be presented to the tax authority not later than 180 calendar days from the date of the mark made by customs authorities on the customs declaration referred to in subsection 3 of clause 3.2 of this Article or from the date of preparation of a document confirming the rendering of services involving the transportation of oil and oil products by pipeline (where declaration for customs purposes is not required by the legislation of the Customs Union); [as amended by Federal Law No. 330-FZ of 21.11.2011]

- the documents referred to in clause 3.3 of this Article shall be presented to the tax authority not later than 180 calendar days from the date of the mark made by customs authorities on the full customs declaration (where declaration for customs purposes takes place) or from the date of preparation of documents confirming the rendering of services involving the arrangement of the transportation (transportation services in the case of importation into the territory of the Russian Federation) of natural gas by pipeline (where declaration for customs purposes does not take place); [paragraph inserted by Federal Law No. 309-FZ of 27.11.2010]

- the documents referred to in clause 3.4 of this Article shall be presented to the tax authority not later than 180 calendar days from the date of preparation of the statements referred to in subsection 2 of clause 3.4 of this Article; [paragraph inserted by Federal Law No. 309-FZ of 27.11.2010]

- the documents referred to in clause 3.5 of this Article shall be presented to the tax authority not later than 180 calendar days from the date of the mark made by customs authorities on the documents provided for in subsection 3 of clause 3.5 of this Article; [paragraph inserted by Federal Law No. 309-FZ of 27.11.2010]

- the documents referred to in clause 3.6 of this Article shall be presented to the tax authority not later than 180 calendar days from the date of the mark confirming the exportation of processed products out of the territory of the Russian Federation which is made by customs authorities on the customs declarations provided for in subsection 3 of clause 3.6 of this Article; [paragraph inserted by Federal Law No. 309-FZ of 27.11.2010]

- the documents referred to in clause 3.7 of this Article shall be presented to the tax authority not later than 180 calendar days from the date of the mark referred to in subsection 3 of clause
3.7 of this Article which is made by Russian customs authorities and certifies that goods were placed under the export, re-export or customs transit customs procedure; [paragraph inserted by Federal Law No. 309-FZ of 27.11.2010, as amended by Federal Laws No. 452-FZ of 29.12.2014, No. 350-FZ of 27.11.2017]

- the documents referred to in clauses 3.8 and 3.8-1 of this Article shall be presented to a tax authority not later than 180 calendar days from the date on which the customs authorities make the “Loading authorized” mark on the shipping instruction for a sea-going vessel such as is provided for in paragraph 5 of subsection 3 of clauses 3.8 or subsection 2 of clause 3.8-1 of this Article; [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011; as amended by Federal Law No. 195-FZ of 13.07.2020]

- the documents referred to in clause 3.9 of this Article shall be submitted to a tax authority not later than 180 calendar days from the date of a customs authority’s mark confirming the departure of goods from the territory of the Russian Federation; [paragraph inserted by Federal Law No. 382-FZ of 29.11.2014]

- the documents referred to in clause 4 of this Article shall be presented to the tax authority not later than 180 calendar days from the date of the mark made by customs authorities on the customs declaration provided for in subsection 3 of clause 4 of this Article confirming the exportation of goods out of the territory of the Russian Federation; [paragraph inserted by Federal Law No. 309-FZ of 27.11.2010]

- the documents referred to in clause 14 of this Article shall be presented to the tax authority not later than 180 calendar days from the date on which documents such as are referred to in subsection 2 of clause 14 of this Article are prepared. If, after the lapse of 180 calendar days, the taxpayer has not presented the documents referred to in clause 14 of this Article to the tax authority, operations involving the sale of types of work (services) such as are provided for in subsection 12 of clause 1 of Article 164 of this Code shall be taxable at the rate established by clause 3 of Article 164 of this Code. [paragraph inserted by Federal Law No. 305-FZ of 07.11.2011]

Where, after the lapse of the 180 calendar days referred to in paragraphs 5 to 15 of this clause, a taxpayer has not presented the specified documents, operations involving the sale of the work (services) provided for in subsections 2.1 to 2.8-1, 2.10 and 3 of clause 1 of Article 164 of this Code shall be taxable at the rate specified in clause 3 of Article 164 of this Code. [paragraph inserted by Federal Law No. 309-FZ of 27.11.2010, as amended by Federal Laws No. 452-FZ of 29.12.2014, No. 195-FZ of 13.07.2020]

If the taxpayer subsequently presents documents confirming the applicability of the 0 per cent tax rate to the tax authorities, amounts of tax paid shall be deductible according to the procedure and subject to the conditions laid down in Articles 171 and 172 of this Code. [paragraph inserted by Federal Law No. 309-FZ of 27.11.2010; as amended by Federal Law No. 150-FZ of 30.05.2016]


The documents referred to in clauses 4.1 and 5.1 of this Article shall be submitted to a tax authority not later than 180 calendar days from the date on which the document of carriage is marked with the date stamp of a border railway station (where goods, empty railway rolling stock or containers are moved from the territory of the Russian Federation via exit border railway stations) or the date stamp of the destination station (where goods, empty railway
rolling stock or containers are moved from the territory of the Russian Federation via exit port railway stations) in the case of the performance of work (rendering of services) such as is (are) referred to in subsection 3.1 and in paragraph 3 of subsection 9.1 of clause 1 of Article 164 of this Code, or from the date on which the date stamp of the departure station is affixed in the case of the performance of work (rendering of services) such as is (are) referred to in paragraph 2 of subsection 9.1 of clause 1 of Article 164 of this Code. If, after the lapse of 180 calendar days, the taxpayer has not submitted the above-mentioned documents, operations involving the sale of work (services) such as is (are) provided for in subsections 3.1 and 9.1 of clause 1 of Article 164 of this Code shall be taxable at the rate provided for in clause 3 of Article 164 of this Code. [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011; as amended by Federal Law No. 322-FZ of 29.09.2019]

If the taxpayer subsequently submits documents justifying the application of the 0 per cent tax rate to the tax authorities, amounts of tax paid shall be deductible in accordance with the procedure and conditions which are laid down in Articles 171 and 172 of this Code. [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011; as amended by Federal Law No. 150-FZ of 30.05.2016]

The documents referred to in clause 1.1 of this Article shall be submitted to a tax authority not later than 180 calendar days from the date of execution of transportation, consignment and (or) other documents indicating a destination situated outside the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation. If, after the lapse of 180 calendar days, the taxpayer has not presented the above-mentioned documents, operations involving the sale of goods such as are provided for in subsection 2.9 of clause 1 of Article 164 of this Code shall be taxable at the rate specified in clause 3 of Article 164 of this Code. [paragraph inserted by Federal Law No. 268-FZ of 30.09.2013]

If the taxpayer subsequently presents documents justifying the application of the 0 per cent tax rate to the tax authorities, amounts of tax paid shall be deductible in accordance with the procedure and subject to the conditions which are laid down in Articles 171 and 172 of this Code. [paragraph inserted by Federal Law No. 268-FZ of 30.09.2013; as amended by Federal Law No. 150-FZ of 30.05.2016]

The documents referred to in clause 3.11 of this Article shall be submitted to the tax authority not later than 180 calendar days from the date on which the customs authorities made a mark on the shipping order. If, after the lapse of 180 calendar days, the taxpayer has not submitted those documents, sales of work (services) provided for in subsection 2.13 of clause 1 of Article 164 of this Code shall be taxable at the rate provided for in clause 3 of Article 164 of this Code. If the taxpayer subsequently submits documents supporting the application of the 0 per cent rate to the tax authority, amounts of tax paid shall be deductible in accordance with the procedure and subject to the conditions which are laid down in Articles 171 and 172 of this Code. [paragraph inserted by Federal Law No. 195-FZ of 13.07.2020]

9.1. Where an organization is re-organized, the legal successor (legal successors) shall submit to the tax authority where it is (they are) registered the documents which are provided for in this Article, including those containing the particulars of the organization that has been (is in the process of being) re-organized, in relation to operations involving the sale of goods (work and services) referred to in clause 1 of Article 164 of this Code which were carried out by the organization that has been (is in the process of being) re-organized if, at the time of the completion of the re-organization, the right to apply the 0 per cent tax rate in relation to such
operations has not been confirmed. [clause 9.1 inserted by Federal Law No. 118-FZ of 22.07.2005, as amended by Federal Law No. 229-FZ of 27.07.2010]

10. The documents (including registers and the list of statements of the importation of goods and the payment of indirect taxes) referred to in this Article shall be submitted by taxpayers for the purpose of supporting the applicability of the 0 per cent tax rate at the same time as submitting a tax declaration, except as otherwise provided in this Article. [as amended by Federal Law No. 302-FZ of 03.08.2018]

In the event that contracts (agreements) were previously submitted to the tax authority for the purpose of supporting the application of the 0 per cent tax rate in accordance with this Article for preceding tax periods or supporting exemption from the payment of excise duty (reimbursement of amounts of excise duty) in accordance with clause 7 of Article 198 of this Code, they need not be submitted again. Instead of submitting the documents referred to in this paragraph, the taxpayer shall submit to the tax authorities a notification giving the particulars of the document by which (as an appendix to which) those documents were submitted and the name of the tax authority to which they were submitted. [paragraph inserted by Federal Law No. 302-FZ of 03.08.2018]

The procedure for determining the amount of tax attributable to goods (work and services) and property rights which were acquired for the production and (or) sale of goods (work and services) for which sales are assessable at the 0 per cent tax rate shall be established by the accounting policies adopted by the taxpayer for taxation purposes. The provisions of this paragraph shall not apply to sales of goods such as are referred to in subsection 1 (other than raw materials) and subsection 6 of clause 1 of Article 164 of this Code.

For the purposes of this Chapter, raw materials shall include mineral products, products of the chemical industry and other related industries, timber and articles of timber, charcoal, pearl, precious and semi-precious stones, precious metals, non-precious metals and articles thereof. The codes of types of goods enumerated in this paragraph in accordance with the unified Goods Nomenclature for Foreign Economic Activities of the Eurasian Economic Union shall be determined by the Government of the Russian Federation. [clause 10 as reworded by Federal Law No. 150-FZ of 30.05.2016]


12. The procedure for the application of the 0 per cent tax rate which is established by international agreements of the Russian Federation with respect to the sale of goods (work and services) for official use by international organizations and representations thereof which carry out activities in the territory of the Russian Federation shall be determined by the Government of the Russian Federation. [clause 12 inserted by Federal Law No. 119-FZ of 22.07.2005]

13. In the case of the sale of goods such as are provided for in subsection 10 of clause 1 of Article 164 of this Code, the following documents shall be submitted to the tax authorities for the purpose of confirming the applicability of the 0 per cent tax rate and tax deductions:

1) the contract (a copy of the contract) for the sale of the vessel which was concluded by the taxpayer with the client and contains a condition concerning the compulsory registration of the constructed vessel in the Russian International Register of Vessels within 90 calendar days of
ownership of the vessel passing from the taxpayer to the client; [as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 524-FZ of 29.09.2019]

2) an extract from the register of vessels under construction in which it is stated that, upon completion of construction, the vessel must be registered in the Russian International Register of Vessels;

3) documents confirming the transfer of ownership of the vessel from the taxpayer to the client;


14. In the case of the sale of types of work (services) such as are provided for in subsection 12 of clause 1 of Article 164 of this Code, the following documents shall be presented for the purpose of confirming the applicability of the 0 per cent tax rate and tax deductions:

1) the contract (a copy of the contract) concluded by the taxpayer with a foreign or Russian person for the rendering of those services;

2) copies of transport, shipping and (or) other documents confirming the exportation of goods out of the territory of the Russian Federation or the importation of goods into the territory of the Russian Federation, with account taken of the following special considerations:

- where goods are exported out of the territory of the Russian Federation by a sea-going vessel or a mixed (river-sea) navigation vessel, there shall be submitted to the tax authorities a copy of the bill of lading, sea waybill or any other document confirming the acceptance of the goods for carriage in which a place of discharge situated outside the territory of the Russian Federation is indicated in the “Port of discharge” column;

- where goods are imported by a sea-going vessel or a mixed (river-sea) navigation vessel from the territory of a foreign state into the territory of the Russian Federation, there shall be submitted to the tax authorities a copy of the bill of lading, sea waybill or any other document confirming the acceptance of the goods for carriage in which a place of loading situated outside the territory of the Russian Federation is indicated in the “Port of loading” column and a place of discharge situated in the territory of the Russian Federation is indicated in the “Port of discharge” column.

[clause 14 inserted by Federal Law No. 305-FZ of 07.11.2011]

15. For the purpose of confirming the applicability of the 0 per cent tax rate and tax deductions in the case of the sale of goods (work and services) such as are provided for in subsections 1, 2.1 to 2.3, 2.5 to 2.8-1, 2.10, 3, 3.1, 4, 4.1, 4.2, 4.3, 8, 9, 9.1, 9.3 and 12 of clause 1 of Article 164 of this Code, a taxpayer may submit to the tax authority; [as amended by Federal Laws No. 350-FZ of 27.11.2017, No. 353-FZ of 27.11.2017, No. 123-FZ of 06.06.2019, No. 195-FZ of 13.07.2020]

- registers of customs declarations (full customs declarations) such as are provided for in subsections 3 (excluding those provided for in paragraph 5) and 5 to 7 of clause 1, subsection 3 of clause 3.2, subsection 3 of clause 3.3, subsection 3 of clause 3.6 and subsection 3 of clause 4 of this Article, giving the numbers of the registration numbers of the relevant declarations in
place of copies of those declarations; [as amended by Federal Laws No. 350-FZ of 27.11.2017, No. 325-FZ of 29.09.2019]

- registers of documents confirming the provision of services involving the transportation of oil and oil products by pipeline transport such as are provided for in subsection 3 of clause 3.2 of this Article and documents confirming the provision of services involving the organization of the transportation (services involving the transportation in the case of importation into the Russian Federation) of natural gas by pipeline transport such as are provided for in subsection 3 of clause 3.3 of this Article (where declaration for customs purposes is not required by Eurasian Economic Union law or is not carried out), in place of copies of those documents; [as amended by Federal Law No. 325-FZ of 29.09.2019]

- a register of full customs declarations or documents confirming the provision of services involving the transportation of oil and oil products by pipeline transport and transport, shipping and (or) other documents such as are provided for in subsections 3 and 4 of clause 3.2 of this Article, in place of copies of those documents;

- registers of customs declarations (full customs declarations) and transport, shipping and (or) other documents such as are provided for in subsections 3 and 4 of clause 3.6 and subsections 3 and 4 of clause 4 of this Article, in place of copies of those documents; [as amended by Federal Laws No. 350-FZ of 27.11.2017, No. 302-FZ of 03.08.2018]

- registers of transport, shipping and (or) other documents provided for in subsection 3 of clause 3.1, subsection 3 of clause 3.5, subsection 3 of clause 3.7, subsection 3 of clause 3.8, subsections 2 to 4 of clause 3.8-1, subsection 2 of clause 3.11 and subsection 2 of clause 14 of this Article, in place of copies of those documents; [as amended by Federal Law No. 195-FZ of 13.07.2020]

- a register of documents of carriage such as are provided for in clause 4.1 of this Article, in place of copies of those documents;

- a register of documents of carriage, shipping documents or other documents such as are provided for in clause 3.9 of this Article in electronic form in place of paper versions of those documents;

- registers of documents of carriage such as are provided for in clauses 5, 5.1, 5.3, 6, 6.1, 6.2 and 6.4 of this Article in electronic form in place of registers of those documents in paper form; [as amended by Federal Laws No. 350-FZ of 27.11.2017, No. 353-FZ of 27.11.2017, No. 123-FZ of 06.06.2019]

- registers of goods declarations for express cargoes as provided for in subsection 8 of clause 1 of this Article; [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

- registers of goods declarations provided for in paragraph 5 of subsection 3 of clause 1 of this Article or transport, shipping and (or) other documents provided for in subsection 4 of clause 1 of this Article in place of copies of those documents in paper form; [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

- registers of goods declarations or CN23 customs declarations as provided for in subsection 7 of clause 1 of this Article. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]
Registers such as are referred to in this clause shall be submitted to a tax authority in the prescribed format in electronic form via telecommunications channels through an electronic document interchange operator which is a Russian organization and meets the requirements approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

A tax authority conducting an in-house tax audit (tax monitoring) shall have the right to request a taxpayer to present documents from which information included in registers which are referred to in this clause was derived, with account taken of the following special considerations. [as amended by Federal Law No. 470-FZ of 29.12.2020]

A tax authority shall have the right, on a selective basis, to request a taxpayer which submitted registers of documents of carriage such as are provided for in paragraph 5 of clause 5 and clauses 5.1, 5.3, 6, 6.1, 6.2 and 6.4 of this Article in electronic form to present the documents from which information included in those registers was derived. [as amended by Federal Laws No. 350-FZ of 27.11.2017, No. 353-FZ of 27.11.2017, No. 123-FZ of 06.06.2019]

Where a taxpayer submits registers referred to in paragraphs 2 to 8 and 10 to 12 of this clause in the electronic form of a register of documents of carriage such as is provided for in paragraph 3 of clause 5 of this Article which contain information which is not included in the list referred to in clause 18 of this Article of information to be transmitted by the federal executive body in charge of the customs sphere, a tax authority shall have the right to request the taxpayer to present the documents from which the information included in the above-mentioned registers was derived. [as amended by Federal Law No. 325-FZ of 29.09.2019]

Where information received by a tax authority in accordance with clause 17 of this Article is found to be inconsistent with information contained in registers provided for in paragraphs 2 to 8 and 10 to 12 of this clause in a register of documents of carriage such as is referred to in paragraph 3 of clause 5 of this Article which has been submitted by a taxpayer in electronic form, the tax authority shall have the right to request the taxpayer to present the documents supporting the information in relation to which inconsistencies have been found. [as amended by Federal Law No. 325-FZ of 29.09.2019]

In the event that a tax authority requests documents from which information included in registers provided for in this clause was taken, copies of those documents shall be submitted by the taxpayer within 30 calendar days from the date of receipt of the relevant request from the tax authority. Documents submitted must meet the requirements laid down in this Article, except as otherwise provided in this clause. [as amended by Federal Law No. 302-FZ of 03.08.2018]

Where a taxpayer fails to present, at the request of a tax authority, documents such as are referred to in this Article from which information included in registers provided for in this clause was derived, the applicability of the 0 per cent tax rate shall, to the corresponding extent, be considered not to have been confirmed.

In the case of the sale of goods carried out of the customs territory of the Eurasian Economic Union under the export (re-export) customs procedure, copies of requested customs declarations information from which is included in relevant registers submitted to a tax authority in electronic form may be submitted to the tax authorities without corresponding marks made by Russian exit customs authorities. [paragraph inserted by Federal Law No. 302-FZ of 03.08.2018]
In the event that the carriage of goods out of the customs territory of the Eurasian Economic Union under the export (re-export) customs procedure on the basis of documents submitted by the taxpayer is not confirmed by data received from the federal executive body in charge of control and supervision in the customs sphere in accordance with clause 17 of this Article, notice of this fact shall be given to the taxpayer. The taxpayer may, within 15 calendar days of receiving the tax authority’s notice, submit necessary explanations and any documents in the taxpayer’s possession which confirm the exportation of the goods concerned. \[paragraph inserted by Federal Law No. 302-FZ of 03.08.2018\]

If the carriage of goods out of the customs territory of the Eurasian Economic Union under the export (re-export) customs procedure is not confirmed by data (information) received from the federal executive body in charge of control and supervision in the customs sphere on the request of the federal executive body in charge of control and supervision in the area of taxes and levies, the applicability of the 0 per cent tax rate in relation to sales of goods shall be considered unconfirmed to the corresponding extent. The request of the federal executive body in charge of control and supervision in the area of taxes and levies to the federal executive body in charge in the customs sphere must contain explanations and documents, if any, which were submitted by the taxpayer to the tax authority in accordance with paragraph 21 of this clause. \[paragraph inserted by Federal Law No. 302-FZ of 03.08.2018; as amended by Federal Law No. 325-FZ of 29.09.2019\]
\[clause 15 inserted by Federal Law No. 452-FZ of 29.12.2014\]

15.1. In the case of the sale of goods (work, services) provided for in subsection 15 of clause 1 of Article 164 of the Code, the following documents shall be submitted to the tax authorities to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) for the sale of a civil aircraft or for the performance of work (rendering of services) involving the construction of a civil aircraft that is subject to state registration (has been registered) in the State Register of Civil Aircraft of the Russian Federation, concluded by the taxpayer selling that aircraft with the purchaser or concluded by the taxpayer that performs work (renders services) involving the construction of a civil aircraft and transfers it to the customer;

2) documents (copies of documents) confirming the transfer of a civil aircraft that is subject to state registration (has been registered) in the State Register of Civil Aircraft of the Russian Federation by the taxpayer to the purchaser (customer). \[clause 15.1 inserted by Federal Law No. 324-FZ of 29.09.2019\]

15.2. In the case of the sale of goods provided for in subsection 16 of clause 1 of Article 164 of the Code, the following documents shall be submitted to the tax authorities to confirm the applicability of the 0 per cent tax rate:

1) the contract (a copy of the contract) for the sale of aircraft engines, parts and components intended for the construction, repair and (or) upgrading of civil aircraft;

2) documents (copies of documents) confirming the intended purpose of goods, issued by the federal executive body responsible for the formulation of state policy and statutory regulation in the area of the industrial and defence industry complexes in accordance with the procedure prescribed by that federal executive body;
3) documents (copies of documents) confirming the transfer of aircraft engines, parts and components intended for the construction, repair and (or) upgrading of civil aircraft by the taxpayer to the purchaser.  
[clause 15.2 inserted by Federal Law No. 324-FZ of 29.09.2019]

15.3. In the case of the sale of services provided for in subsection 17 of clause 1 of Article 164 of the Code, the following documents shall be submitted to the tax authorities to confirm the applicability of the 0 per cent tax rate:

1) the agreement on the rent or agreement or agreement on the lease of a civil aircraft that is subject to state registration (has been registered) in the State Register of Civil Aircraft of the Russian Federation, concluded by the lessor with the lessee;

2) a document (a copy of a document) confirming the transfer by the lessor to the lessee of a civil aircraft that is subject to state registration (has been registered) in the State Register of Civil Aircraft of the Russian Federation.  
[clause 15.3 inserted by Federal Law No. 324-FZ of 29.09.2019]

16. The list of information from documents (including information on marks and other information made (entered) by Russian customs authorities on those documents in accordance with Eurasian Economic Union law and the customs regulation legislation of the Russian Federation) submitted to a tax authority in accordance with this Article which are referred to in registers provided for in paragraphs 2 to 7 and 10 to 12 of clause 15 of this Article, the forms of and procedure for completing the registers provided for in clause 15 of this Article and the formats and procedure for the submission of those registers in electronic form shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.  
[as amended by Federal Law No. 325-FZ of 29.09.2019]

Information which is given in registers such as are provided for in this clause shall include information on the amount of the tax base to which the taxpayer applies the 0 per cent tax rate.

Information which is given in the registers provided for in paragraph 10 of clause 15 of this Article shall also include information from an individual waybill and a document prepared by the taxpayer for a foreign physical person and containing information on the value of goods sold.  
[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]  
[clause 16 inserted by Federal Law No. 452-FZ of 29.12.2014]

17. In order to enable tax authorities to check the applicability of the 0 per cent tax rate and tax deductions, including in relation to imported goods, the federal executive body in charge of control and supervision in the area of customs shall transmit information in electronic form to 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]

A postal organization shall transmit information on the exportation of goods to the federal executive body in charge of control and supervision in the area of customs where goods are sent in international mail packages.  
[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]  
[clause 17 inserted by Federal Law No. 452-FZ of 29.12.2014]
18. The list of information and the formats and procedure for the transmission thereof in electronic form by the federal executive body in charge of the customs sphere to the federal executive body in charge of control and supervision in the area of taxes and levies in order to enable tax authorities to check the applicability of the 0 per cent tax rate and tax deductions, including in relation to imported goods, shall be jointly approved by the federal executive body in charge of control and supervision in the area of taxes and levies and the federal executive body in charge of the customs sphere.

The list of information and the procedure for the transmission of information in electronic form by a postal organization to the federal executive body in charge of control and supervision in the area of customs for the purpose of confirming the actual exportation of goods sent in international mail packages shall be jointly approved by the federal executive body in charge of control and supervision in the area of customs and the postal organization. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019] [clause 18 inserted by Federal Law No. 452-FZ of 29.12.2014]

19. Contracts (agreements) which this Article requires to be submitted to the tax authorities may be submitted in the form of a single document prepared in writing and signed by the parties or documents indicating the reaching of agreement on all fundamental conditions of a transaction and containing information on the subject of, participants in and conditions of the transaction, including the price and the timeframe for the performance of the transaction. [clause 19 inserted by Federal Law No. 323-FZ of 23.11.2015]

20. The applicability of the 0 per cent tax rate and tax deductions in the case of the sale of work (services) may be supported by means of the submission to a tax authority of transport and carriage documents prepared in electronic form in the format approved jointly by the federal executive body in charge of control and supervision in the area of taxes and levies and the federal executive body in charge of control and supervision in the customs sphere:

- in place of copies of documents specified in subsection 3 of clause 3.1 of this Article – in the case of the sale of services referred to in subsection 2.1 of clause 1 of Article 164 of this Code which were provided in relation to goods exported by rail under the export customs procedure;

- in place of copies of documents specified in subsection 3 of clause 3.7 of this Article – in the case of the sale of services referred to in subsection 2.7 of clause 1 of Article 164 of this Code for the purpose of the carriage or transportation of exported goods by rail;

- in place of copies of documents specified in paragraph 4 of clause 5 of this Article – in the case of the sale of work (services) referred to in subsection 9 of clause 1 of Article 164 of this Code which was (were) provided by Russian rail carriers in relation to exported goods.

The documents referred to in this clause shall be submitted to a tax authority in electronic form via telecommunications channels through a document exchange operator which is a Russian organization and meets the requirements approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

The documents submitted must meet the requirements laid down in this Article. [clause 20 inserted by Federal Law No. 302-FZ of 03.08.2018]
Article 166. Procedure for the Calculation of Tax

1. When determining the tax base in accordance with Articles 154 to 159 and 162 of this Code the amount of tax shall be calculated as a proportion of the tax base corresponding to the tax rate or, where separate records are maintained, as the amount of tax obtained by adding together amounts of taxes calculated separately as proportions of the appropriate tax bases corresponding to the tax rates.

2. The total amount of tax payable in connection with the sale of goods (work and services) shall be the amount obtained by adding together the amounts of tax calculated in accordance with the procedure which is established by clause 1 of this Article.

3. The total amount of tax shall not be calculated by taxpayers which are foreign organizations such as are referred to in clause 1 of Article 161 of this Code. The amount of tax shall, in this respect, be calculated by tax agents separately for each operation involving the sale of goods (work and services) in the territory of the Russian Federation in accordance with the procedure which is established by clause 1 of this Article. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 305-FZ of 02.07.2021]

3.1. In the case of the sale of goods such as are referred to in paragraph 1 of clause 8 of Article 161 of this Code, the amount of tax shall not be calculated by the taxpayer-sellers except in cases provided for in paragraphs 7 and 8 of clause 8 of Article 161 and subsection 1 of clause 1 of Article 164 of this Code and in the case of the sale of the goods in question to physical persons who are not private entrepreneurs.

In the case of the sale of goods such as are referred to in paragraph 1 of clause 8 of Article 161 of this Code, the amount of tax shall be calculated by the tax agents referred to in clause 8 of Article 161 of this Code. [clause 3.1 inserted by Federal Law No. 335-FZ of 27.11.2017]

4. The total amount of tax payable shall be calculated on the basis of the results for each tax period in relation to all operations which are deemed taxable in accordance with subsections 1 to 3 of clause 1 of Article 146 of this Code and for which the moment of the determination of the tax base as established by Article 167 of this Code falls within the tax period in question with account taken of all adjustments which increase or decrease the tax base in the tax period in question, except as otherwise provided by this Chapter. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 119-FZ of 22.07.2005, No. 245-FZ of 19.07.2011]

5. The total amount of tax payable in connection with the import of goods into the territory of the Russian Federation and other territories under its jurisdiction shall be calculated as a proportion corresponding to the tax rate of the tax base calculated in accordance with Article 160 of this Code. [as amended by Federal Law No. 306-FZ of 27.11.2010]

Where, in accordance with the requirements established by clause 3 of Article 160 of this Code, the tax base is determined separately for each group of imported goods, the amount of tax shall be calculated separately for each of those tax bases in conformity with the procedure which is established by paragraph 1 of this clause. In this respect, the total amount of tax shall be calculated as the amount obtained by adding together the amounts of taxes calculated separately for each such tax base. [as amended by Federal Law No. 57-FZ of 29.05.2002]
6. The amount of tax payable in respect of operations involving the sale of goods (work and services) which are taxable at the rate of 0 per cent in accordance with clause 1 of Article 164 of this Code shall be calculated separately for each such operation in accordance with the procedure which is established by clause 1 of this Article.

7. Where a taxpayer does not have accounting records or records of taxable items, the tax authorities shall have the right to calculate amounts of tax payable by means of calculation on the basis of data relating to other similar taxpayers.

**Article 167. Moment of the Determination of the Tax Base**

1. For the purposes of this Chapter, the moment of the determination of the tax base, unless otherwise provided by clauses 3, 7 to 11 and 13 to 15 of this Article, shall be the earliest of the following dates:

1) the day on which goods (work and services) or property rights are despatched (transferred);

2) the day on which payment or partial payment is made in respect of future supplies of goods (performance of work, rendering of services) or transfer of property rights.

2. Lost force – Federal Law No. 119-FZ of 22.07.2005

3. Where goods are not despatched or transported, but ownership of the goods is transferred, such transfer of ownership shall be equated with despatch for the purposes of this Chapter, except in the case provided for in clause 16 of this Article. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005, No. 81-FZ of 20.04.2014]


7. Where a taxpayer sells goods which it transferred for storage under a warehouse storage agreement in respect of which a warehouse certificate was issued, the moment of the determination of the tax base in relation to those goods shall be defined as the day on which the warehouse certificate is sold. [as amended by Federal Law No. 119-FZ of 22.07.2005]

8. Where property rights are transferred in the case provided for in clause 2 of Article 155 of this Code, the moment of the determination of the tax base shall be defined as the day on which a monetary obligation is assigned or the day on which the corresponding obligation is terminated; in the cases provided for in clauses 3 and 4 of Article 155 of this Code it shall be defined as the day on which a claim is assigned (further assigned) or the day on which the obligation is fulfilled by the debtor; and in the case provided for in clause 5 of Article 155 of this Code it shall be defined as the day on which property rights are transferred. [clause 8 as reworded by Federal Law No. 119-FZ of 22.07.2005]

9. In the case of the sale of the goods (work and services) such as are provided for in subsections 1, 2.1 to 2.8-1, 2.10, 2.13, 3, 3.1, 8, 9, 9.1 and 12 of clause 1 of Article 164 of this Code, the moment of the determination of the tax base in respect of those goods (work and services) shall be the last day of the quarter in which the complete package of documents provided for in Article 165 of this Code has been assembled. [as amended by Federal Laws No. 119-FZ of 22.07.2005,
In the event that the full set of documents provided for in Article 165 of this Code is not assembled within the time limits specified in clause 9 of Article 165 of this Code, the moment of the determination of the tax base in relation to the goods (work and services) in question shall be determined in accordance with subsection 1 of clause 1 of this Article, unless otherwise provided by this clause. Where the full set of documents provided for in clause 5 of Article 165 of this Code has not been assembled as at the 181st day from the date on which the customs authorities made on the documents of carriage a mark certifying that the goods were placed under the export, re-export or customs transit customs procedure, the moment of the determination of the tax base for the above-mentioned work and services shall be determined in accordance with subsection 1 of clause 1 of this Article. Where an organization is re-organized, if the 181st day coincides with the date of completion of the re-organization or falls after that date, the moment of the determination of the tax base shall be determined by the legal successor (legal successors) as the date of completion of the re-organization (the date of state registration of each newly formed organization, or, in the case of a re-organization in the form of an acquisition, the date of the inclusion in the unified state register of legal entities of an entry concerning the cessation of activities of each acquired organization). [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 122-FZ of 22.08.2004, No. 118-FZ of 22.07.2005, No. 119-FZ of 22.07.2005, No. 28-FZ of 28.02.2006, No. 137-FZ of 27.07.2006, No. 85-FZ of 17.05.2007, No. 309-FZ of 27.11.2010, No. 350-FZ of 27.11.2017]

In the case of the importation into a port special economic zone of Russian goods which were placed under the export (re-export) customs procedure outside the port special economic zone, or in the case of the exportation of stores, the time limit for the presentation of documents which is established by clause 9 of Article 165 of this Code shall be determined from the date on which the goods concerned were placed under the export (re-export) customs procedure or from the date on which the stores were declared (or, in the case of taxpayers which sell stores for which declaration for customs purposes is not required by the customs legislation of the Customs Union – from the date of preparation of transport, shipping or other documents confirming the removal of stores from the territory of the Russian Federation by aircraft, sea-going vessels or mixed (river-sea) navigation vessels). [as amended by Federal Laws No. 309-FZ of 27.11.2010, No. 245-FZ of 19.07.2011, No. 350-FZ of 27.11.2017]


9.1. In the cases provided for in clauses 6, 6.1 and 6.2 of Article 161 of this Code, the moment of the determination of the tax base by the tax agent shall be established in accordance with subsection 1 of clause 1 of this Article. [clause 9.1 as reworded by Federal Law No. 324-FZ of 29.09.2019]

[EY Note: Clause 9.2 of Article 167 loses force from 01.01.2030 – Federal Law No. 83-FZ of 06.04.2015]

9.2. For the purposes of this Chapter, the moment of the determination of the tax base in the case of the sale of services such as are provided for in subsection 9.2 of clause 1 of Article 164 of this Code shall be the last day of each tax period. [clause 9.2 inserted by Federal Law No. 83-FZ of 06.04.2015]
Value Added Tax

10. For the purposes of this Chapter the moment of the determination of the tax base where construction and installation work is performed for own consumption shall be the last day of each tax period. [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 137-FZ of 27.07.2006]

11. For the purposes of this Chapter, the moment of the determination of the tax base with respect to the transfer of goods (performance of work, rendering of services) for own requirements where such transfer is deemed to be a taxable object in accordance with this Chapter shall be defined as the day on which that transfer of goods (performance of work, rendering of services) is completed. [as amended by Federal Law No. 119-FZ of 22.07.2005]

12. The accounting policies adopted by an organization for taxation purposes shall be approved by appropriate orders and instructions of the director of the organization.

Accounting policies for taxation purposes shall be applied from 1 January of the year following the year in which they were approved by an appropriate order or instruction of the director of the organization.

The accounting policies adopted by an organization for taxation purposes shall be binding for all economically autonomous subdivisions of the organization.

Accounting policies for taxation purposes which are adopted by a newly established organization shall be approved no later than the end of the first tax period. The accounting policies for taxation purposes which are adopted by the newly established organization shall be deemed to be applicable from the day on which the organization is established.

[Paragraphs 5-6 lost force – Federal Law No. 119-FZ of 22.07.2005]

13. Where a taxpayer which is a manufacturer of goods (work and services) receives payment or partial payment in respect of future supplies of goods (performance of work, rendering of services) for which the length of the production cycle for the manufacture thereof is greater than six months (according to a list to be determined by the Government of the Russian Federation), the taxpayer which is the manufacturer of those goods (work and services) shall have the right to define the moment of the determination of the tax base as the day on which those goods are despatched (transferred) (work is performed, services are rendered), provided that separate records are maintained of operations carried out and amounts of tax on acquired goods (work and services), including fixed assets and intangible assets, and property rights which are used to carry out operations involving the production of goods (work and services) with a long production cycle and other operations.

Where payment or partial payment is received by a taxpayer which is a manufacturer of goods (work and services), there shall be presented to the tax authorities, together with the tax declaration, the contract with the purchaser (a copy of that contract, certified by the signature of the director and the chief accountant) and a document confirming the length of the production cycle for the goods (work and services), stating the name of the latter, the period of manufacture and the name of the manufacturing organization, which was issued to that taxpayer – manufacturer by the federal executive body which carries out functions involving the formulation of state policy and legal regulation in the sphere of the industrial, defence industry and fuel and energy complexes, signed by an authorized official and certified by the seal of that
14. Where the moment of the determination of the tax base is the day on which payment or partial payment is made for future supplies of goods (performance of work, rendering of services) or the day on which property rights are transferred, the moment of the determination of the tax base shall also arise on the day on which goods are despatched (work is performed, services are rendered) or on the day on which property rights are transferred against previously received payment or partial payment.

[clause 14 inserted by Federal Law No. 119-FZ of 22.07.2005]

15. For the tax agents referred to in clauses 4, 5, 5.1 and 8 of Article 161 of this Code, the moment of the determination of the tax base shall be determined in accordance with the procedure established by clause 1 of this Article.


16. In the case of the sale of immovable property the date of despatch for the purposes of this Chapter shall be deemed to be the day on which the immovable property is transferred to the purchaser of that property on the basis of a transfer deed or another document concerning the transfer of immovable property.


**Article 168. Amount of Tax Charged by a Seller to a Purchaser**

1. Upon selling goods (work and services) or transferring property rights a taxpayer (tax agent referred to in clauses 4, 5 and 5.1 of Article 161 of this Code) must, in addition to the price (tariff) of the goods (work and services) sold or the property rights transferred, charge the purchaser of those goods (work and services) or property rights the appropriate amount of tax. [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 302-FZ of 03.08.2018]

Where amounts of payment or partial payment in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights which are sold in the territory of the Russian Federation are received by a taxpayer (by tax agents such as are referred to in clauses 4, 5 and 5.1 of Article 161 of this Code), the taxpayer (tax agents such as are referred to in clauses 4, 5 and 5.1 of Article 161 of this Code) shall be obliged to charge the purchaser of those goods (work and services) or property rights an amount of tax calculated in accordance with the procedure established by clause 4 of Article 164 of this Code. [paragraph inserted by Federal Law No. 224-FZ of 26.11.2008; as amended by Federal Law No. 302-FZ of 03.08.2018]

The provisions of this clause shall not apply in the case of the sale of goods such as are referred to in paragraph 1 of clause 8 of Article 161 of this Code, except in cases provided for in subsection 1 of clause 1 of Article 164 of this Code and in the case of the sale of the goods in question to physical persons who are not private entrepreneurs. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]

2. The amount of tax charged by a taxpayer (by tax agents such as are referred to in clauses 4, 5 and 5.1 of Article 161 of this Code) to the purchaser of goods (work and services) or property rights shall be calculated for each type of those goods (work and services) or property rights as
a proportion corresponding to the tax rate of the prices or tariffs which are referred to in clause 1 of this Article. [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 302-FZ of 03.08.2018]

3. When goods (work and services) are sold or property rights are transferred and when amounts of payment or partial payment are received in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights, appropriate VAT invoices shall be presented no later than five calendar days from the day on which the goods are despatched (work is performed, services are rendered), from the day on which the property rights are transferred or from the day on which amounts of payment or partial payment are received in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights.

For the purpose of calculating the amount of tax in accordance with clauses 1 to 3 of Article 161 of this Code, tax agents such as are referred to in clauses 2 and 3 of Article 161 of this Code shall prepare VAT invoices in accordance with the procedure established by clauses 5 and 6 of Article 169 of this Code.

In the event that an adjustment is made to the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) change and (or) a revision of the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, the seller shall issue a corrective VAT invoice to the purchaser not later than five calendar days from the date of preparation of the documents referred to in clause 10 of Article 172 of this Code. [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011]
[clause 3 as reworded by Federal Law No. 224-FZ of 26.11.2008]

4. In settlement documents, including cheque registers and registers of the receipt of resources on letters of credit, in primary accounting documents and in VAT invoices the appropriate amount of tax shall be indicated in a separate line.

[Paragraph lost force from 01.01.2009 – Federal Law No. 224-FZ of 26.11.2008]

5. In the case of the sale of goods (work and services) by taxpayers which are exempt from the performance of taxpayer obligations in accordance with Article 145 of this Code, VAT invoices shall be prepared without appropriate amounts of tax being separately indicated. In this respect the documents shall be inscribed or stamped with the words “Without tax (VAT)”. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 420-FZ of 28.12.2013]

Where taxpayers sell goods such as are referred to in paragraph 1 of clause 8 of Article 161 of this Code or receive payment or partial payment in respect of future supplies of such goods, the taxpayer shall prepare VAT invoices and corrective VAT invoices with amounts of tax excluded. In this respect, those VAT invoices or corrective invoices shall accordingly bear a note or stamp worded “VAT to be calculated by the tax agent”. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]

6. Where goods (work and services) are sold to the public at retail prices (tariffs) the appropriate amount of tax shall be included in those prices (tariffs). In this respect, the amount of tax shall not be indicated separately on goods labels and price-lists displayed by sellers. [as amended by Federal Law No. 349-FZ of 27.11.2017]
7. Where goods are sold for cash payment by retail trade and public catering organizations (enterprises) and private entrepreneurs and by other organizations and private entrepreneurs which perform work and render paid services directly to the public, the requirements which are established by clauses 3 and 4 of this Article with respect to the drawing-up of settlement documents and the issue of VAT invoices shall be deemed to have been met if the seller has issued a till receipt or other standard document to the purchaser. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002]

**Article 169. VAT Invoices**

1. A VAT invoice shall be a document which serves as a basis for amounts of tax charged by a seller of goods (work and services) or property rights (including commission agents and other agents which carry out the sale of goods (work and services) or property rights in their own name) to be claimed by the purchaser as deductible in accordance with the procedure which is laid down by this Chapter. [as amended by Federal Law No. 119-FZ of 22.07.2005]

A VAT invoice may be prepared and issued in paper form and (or) in electronic form. VAT invoices shall be prepared in electronic form by mutual agreement of the parties to a transaction and provided that those parties have compatible technical equipment and resources for the acceptance and processing of those VAT invoices, except as otherwise provided in this Article, in accordance with the established formats and procedure. [paragraph inserted by Federal Law No. 229-FZ of 27.07.2010, as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 371-FZ of 09.11.2020]

A corrective VAT invoice which has been issued by a seller to a purchaser of goods (work, services) or property rights in connection with a downward adjustment of the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) reduction and (or) a decrease in the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, shall be a document which serves as a basis for the seller of the goods (work, services) or property rights to claim a deduction for amounts of tax in the manner provided for in this Chapter. [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011]

A VAT invoice shall be a document which serves as a basis for a purchaser which performs the obligations of a tax agent in accordance with clause 8 of Article 161 of this Code to claim a deduction for calculated amounts of tax in accordance with the procedure laid down in this Chapter. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]

A corrective invoice prepared in the event of a change in the value of goods such as are referred to in paragraph 1 of clause 8 of Article 161 of this Code which have been despatched, including in the event of a change in the price and (or) a change in the quantity (volume) of goods despatched, shall be a document which serves as a basis for a purchaser which performs the obligations of a tax agent in accordance with clause 8 of Article 161 of this Code to claim a deduction for amounts of tax in accordance with the procedure laid down in this Chapter. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]

1.1. In the case of the sale of products subject to traceability, VAT invoices, including corrective VAT invoices, shall be issued in electronic form, except where:

1) products subject to traceability are sold to physical persons for personal, family, domestic and other non-business-related requirements, and to taxpayers of tax on professional income;
2) products subject to traceability are sold and shipped from the territory of the Russian Federation in accordance with the export (re-export) customs procedure;

3) products subject to traceability are sold and shipped from the territory of the Russian Federation to the territory of another member state of the Eurasian Economic Union.

[clause 1.1 inserted by Federal Law No. 371-FZ of 09.11.2020]

1.2. When acquiring products subject to traceability, organizations and (or) private entrepreneurs shall be obliged to arrange for VAT invoices, including corrective VAT invoices, to be received in electronic form via telecommunications channels through an electronic document exchange operator that is a Russian organization and meets the requirements approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 1.2 inserted by Federal Law No. 371-FZ of 09.11.2020]

2. VAT invoices shall be a basis for amounts of tax charged by a seller to a purchaser to be allowed as deductions provided that the requirements established by clauses 5, 5.1 and 6 of this Article are met. A corrective VAT invoice which has been issued by a seller to a purchaser of goods (work, services) or property rights in connection with a downward adjustment of the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) reduction and (or) a decrease in the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, shall be a document which serves as a basis for the seller of the goods (work, services) or property rights to claim a deduction for amounts of tax provided that the requirements established by clauses 5.2 and 6 of this Article are met. [as amended by Federal Law No. 245-FZ of 19.07.2011]

Errors in VAT invoices and corrective VAT invoices which do not prevent the tax authorities, when conducting a tax audit, from identifying the seller and purchaser of goods (work and services) or property rights, the name and value of the goods (work and services) or property rights, the tax rate and the amount of tax which the purchaser was charged, and the non-indication (incorrect indication) in a VAT invoice of details specified by subsections 16 to 18 of clause 5 of this Article, shall not be a basis for disallowing the deduction of amounts of tax. [as amended by Federal Law No. 245-FZ of 19.07.2011, No. 371-FZ of 09.11.2020]

A failure to comply with VAT invoice requirements which are not specified in clauses 5 and 6 of this Article cannot serve as a basis for disallowing the deduction of amounts of tax charged by the seller. A failure to comply with the requirements laid down in clauses 5.2 and 6 of this Article for a corrective VAT invoice which is issued by a seller to a purchaser of goods (work, services) or property rights in connection with a downward adjustment of the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) reduction and (or) a decrease in the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, may not be a basis for disallowing a tax deduction claim by a seller. [as amended by Federal Law No. 245-FZ of 19.07.2011]

The provisions of this clause shall also apply to VAT invoices and corrective VAT invoices which are issued by a taxpayer to a purchaser which performs the obligations of a tax agent in accordance with clause 8 of Article 161 of this Code. [paragraph inserted by Federal Law No. 335-FZ
3. A taxpayer (including one which is a tax agent) shall be obliged to prepare a VAT invoice and maintain purchase ledgers and sales ledgers: [as amended by Federal Laws No. 81-FZ of 20.04.2014, No. 302-FZ of 03.08.2018]

1) when carrying out operations which are deemed to be a taxable object in accordance with this Chapter (with the exception of operations which are non-taxable (exempt from taxation) in accordance with Article 149 of this Code, except as otherwise provided in subsection 1.1 of this clause). Where operations are carried out involving the sale of goods (work and services) and property rights, with the exception of operations involving the sale of products subject to traceability, to persons who are not taxpayers of value added tax and to taxpayers who have been exempted from the fulfilment of taxpayer obligations associated with the calculation and payment of tax on the basis of a written agreement of the parties to the transaction, VAT invoices shall not be prepared; [as amended by Federal Laws No. 238-FZ of 21.07.2014, No. 382-FZ of 29.11.2014, No. 150-FZ of 30.05.2016, No. 371-FZ of 09.11.2020]

1.1) when carrying out sales of goods which are not taxable (are exempt from taxation) in accordance with Article 149 of this Code and were shipped out of the territory of the Russian Federation into the territory of a member state of the Eurasian Economic Union; [subsection 1.1 inserted by Federal Law No. 150-FZ of 30.05.2016]

2) in other cases defined in accordance with the established procedure. [clause 3 as reworded by Federal Law No. 420-FZ of 28.12.2013]

3.1. Where taxpayers, including those who have been exempted from the fulfilment of taxpayer obligations associated with the calculation and payment of tax, issue and (or) receive VAT invoices in the course of carrying out entrepreneurial activities in the interests of another person on the basis of commission agency contracts or agency contracts which provide for the sale and (or) acquisition of goods (work and services) and property rights in the name of the commission agent (agent), or on the basis of freight forwarding agreements, and in the course of performing the functions of a developer, they shall be obliged to maintain journals of VAT invoices received and issued in relation to those activities.

In the case of taxpayers who carry out entrepreneurial activities on the basis of freight forwarding agreements, the provisions of paragraph 1 of this clause shall apply if they determine the tax base as the amount of income received in the form of remuneration arising from the performance of those agreements.

In the case of persons who carry out entrepreneurial activities on the basis of freight forwarding agreements and are not taxpayers of value added tax or are taxpayers who have been exempted from the fulfilment of taxpayer obligations associated with the calculation and payment of tax, the provisions of paragraph 1 of this clause shall apply if they include income in the form of remuneration arising from the performance of those agreements in the composition of income when determining the tax base in accordance with the procedure established by Chapters 23, 25, 26.1 and 26.2 of this Code.
VAT invoices issued for an amount of income in the form of remuneration arising from the performance of agreements such as are referred to in this clause shall not be registered in a journal of VAT invoices received and issued.

The provisions of this clause shall not apply to tax agents such as are referred to in clauses 4, 5 and 5.1 of Article 161 of this Code. [paragraph inserted by Federal Law No. 302-FZ of 03.08.2018] [clause 3.1 as reworded by Federal Law No. 238-FZ of 21.07.2014]

3.2. Foreign organizations which are required to be registered in accordance with clause 4.6 of Article 83 of this Code shall not prepare VAT invoices and shall not maintain purchase ledgers, sales ledgers or a journal of VAT invoices received and issued with respect to the provision of services such as are referred to in clause 1 of Article 174.2 of this Code. [clause 3.2 inserted by Federal Law No. 244-FZ of 03.07.2016]


5. The following must be indicated in a VAT invoice which is issued upon the sale of goods (work and services) or the transfer of property rights: [as amended by Federal Law No. 224-FZ of 26.11.2008]

1) the sequential number and date of preparation of the VAT invoice; [as amended by Federal Law No. 229-FZ of 27.07.2010]

2) the name, address and identification numbers of the taxpayer (tax agent) and the purchaser; [as amended by Federal Law No. 302-FZ of 03.08.2018]

3) the name and address of the consignor and of the consignee;

4) the number of the payment and settlement document where payment, partial payment or other payments are received in respect of future supplies of goods (performance of work, rendering of services) or transfer of property rights, and details enabling the identification of a document concerning the despatch of goods (performance of work, rendering of service) or the transfer of property rights; [as amended by Federal Law No. 371-FZ of 09.11.2020]

5) the sequential number of the record of goods to be supplied (goods despatched) (work performed, services rendered) or property rights transferred, the name of goods to be supplied (goods despatched) (a description of work performed, services rendered) or property rights transferred and the unit of measure (where this can be indicated); [as reworded by Federal Laws No. 371-FZ of 09.11.2020]

6) the quantity (volume) of goods (work and services) supplied (despatched) in accordance with the VAT invoice on the basis of the accepted units of measurement (if these can be indicated); [as amended by Federal Law No. 57-FZ of 29.05.2002]

6.1) the name of the currency; [subsection 6.1 inserted by Federal Law No. 229-FZ of 27.07.2010]

6.2) the identifier of a state contract or agreement (accord) (if it exists); [subsection 6.2 inserted by Federal Law No. 56-FZ of 03.04.2017]
7) the price (tariff) per unit of measurement (if this can be indicated) under the agreement (contract) excluding tax or, where state regulated prices (tariffs) which include tax are used, including the amount of tax; [as amended by Federal Law No. 57-FZ of 29.05.2002]

8) the value of goods (work and services) or property rights for the entire quantity of goods supplied (despatched) in accordance with the VAT invoice (work performed, services rendered) or property rights transferred, excluding tax; [as amended by Federal Law No. 119-FZ of 22.07.2005]

9) the amount of excise duty in the case of excisable goods;

10) the tax rate;

11) the amount of tax charged to the purchaser of the goods (work and services) or property rights, as determined on the basis of the tax rates applied; [as amended by Federal Law No. 119-FZ of 22.07.2005]

12) the value of the entire quantity of goods supplied (despatched) in accordance with the VAT invoice (work performed, services rendered) or property rights transferred, including the amount of tax; [as amended by Federal Law No. 119-FZ of 22.07.2005]

13) the country of origin of the goods;

14) the registration number of the goods declaration;
[subsection 14 as reworded by Federal Law No. 371-FZ of 09.11.2020]

15) the code of type of goods in accordance with the unified Goods Nomenclature for Foreign Economic Activities of the Eurasian Economic Union. The information specified in this subsection shall be entered for goods shipped out of the territory of the Russian Federation into the territory of a member state of the Eurasian Economic Union.
[subsection 15 inserted by Federal Law No. 150-FZ of 30.05.2016]

16) the registration number of a batch of a product subject to traceability;
[subsection 16 inserted by Federal Law No. 371-FZ of 09.11.2020]

17) the quantitative unit of measure of a product that is used for traceability purposes;
[subsection 17 inserted by Federal Law No. 371-FZ of 09.11.2020]

18) the quantity of a product subject to traceability in the quantitative unit of measure of the product that is used for traceability purposes.
[subsection 18 inserted by Federal Law No. 371-FZ of 09.11.2020]

The details provided for in subsection 13 of this clause shall be indicated in relation to goods whose country of origin is not the Russian Federation. The details provided for in subsection 14 of this clause shall be indicated in relation to goods whose country of origin is not a member state of the Eurasian Economic Union. The taxpayer selling those goods shall bear liability only for the conformity of the particulars shown in the VAT invoices which it presents to the particulars which are contained in the VAT invoices and shipping documents which it received. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 371-FZ of 09.11.2020]
The details provided for in subsections 16 to 18 of this clause shall be indicated in relation to products subject to traceability.

5.1. The following must be indicated in a VAT invoice which is issued upon the receipt of payment or partial payment in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights:

1) the sequential number and date of preparation of the VAT invoice; [as amended by Federal Law No. 229-FZ of 27.07.2010]

2) the name, address and identification numbers of the taxpayer (tax agent) and the purchaser; [as amended by Federal Law No. 302-FZ of 03.08.2018]

3) the number of the payment and settlement document;

4) the name of the goods (description of work or services) or property rights to be supplied;

4.1) the name of the currency; [subsection 4.1 inserted by Federal Law No. 229-FZ of 27.07.2010]

4.2) the identifier of a state contract or agreement (accord) (if it exists); [subsection 4.2 inserted by Federal Law No. 56-FZ of 03.04.2017]

5) the amount of payment or partial payment in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights;

6) the tax rate;

7) the amount of tax charged to the purchaser of the goods (work and services) or property rights, determined on the basis of the applicable tax rates. [clause 5.1 inserted by Federal Law No. 224-FZ of 26.11.2008]

5.2. A corrective VAT invoice which is issued in connection with an adjustment of the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) change and (or) a revision of the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, must contain the following details:

1) the title “corrective VAT invoice” and the sequential number and date of preparation of the corrective VAT invoice;

2) the sequential number and date of preparation of the VAT invoice (VAT invoices) with respect to which an adjustment is made to the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) change and (or) a revision of the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred; [as amended by Federal Law No. 39-FZ of 05.04.2013]

3) the names, addresses and identification numbers of the taxpayer (tax agent) and the purchaser; [as amended by Federal Law No. 302-FZ of 03.08.2018]
4) the sequential number of the record of goods to be supplied (goods despatched) (work performed, services rendered) or property rights transferred, the name of goods to be supplied (goods despatched) (a description of work performed, services rendered) or property rights transferred and the unit of measure (where this can be indicated) with respect to which the price (tariff) is being changed and (or) the quantity (volume) is being revised;
[subsection 4 as reworded by Federal Law No. 371-FZ of 09.11.2020]

5) the quantity (volume) of goods (work and services) according to the VAT invoice (VAT invoices) on the basis of the accepted units of measure (where these can be indicated) before and after the revision of the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred; [as amended by Federal Law No. 39-FZ of 05.04.2013]

6) the name of the currency;

6.1) the identifier of a state contract or agreement (accord) (if it exists);
[subsection 6.1 inserted by Federal Law No. 36-FZ of 03.04.2017]

7) the price (tariff) per unit of measure (where this can be indicated) exclusive of tax or, where tax-inclusive state regulated prices (tariffs) are used, inclusive of tax before and after the price (tariff) change;

8) the value of the entire quantity of goods (work, services) or property rights according to the VAT invoice (VAT invoices) exclusive of tax before and after the adjustments made; [as amended by Federal Law No. 39-FZ of 05.04.2013]

9) the amount of excise duty in the case of excisable goods;

10) the tax rate;

11) the amount of tax determined on the basis of applicable tax rates before and after the adjustment of the value of the goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) change and (or) a revision of the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred;

12) the value of the entire quantity of goods (work, services) or property rights according to the VAT invoice (VAT invoices) inclusive of tax before and after the adjustment of the value of the goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) change and (or) a revision of the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred; [as amended by Federal Law No. 39-FZ of 05.04.2013]

13) the difference between amounts shown in the VAT invoice (VAT invoices) with respect to which an adjustment is made to the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) change and (or) a revision of the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, and the amounts calculated after the adjustment of the value of the goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) change and (or) a revision of the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred;

[as amended by Federal Law No. 39-FZ of 05.04.2013]
goods despatched (work performed, services rendered) or property rights transferred.  \[as amended by Federal Law No. 39-FZ of 05.04.2013\]

A taxpayer shall have the right to prepare a unified corrective VAT invoice for the adjustment of the value of goods despatched (work performed, services rendered) or property rights transferred which are specified in two or more VAT invoices previously prepared by that taxpayer; \[as amended by Federal Law No. 39-FZ of 05.04.2013\]

14) the country of origin of goods;
   \[subsection 14 inserted by Federal Law No. 371-FZ of 09.11.2020\]

15) the registration number of the goods declaration;
   \[subsection 15 inserted by Federal Law No. 371-FZ of 09.11.2020\]

16) the registration number of a batch of a product subject to traceability;
   \[subsection 16 inserted by Federal Law No. 371-FZ of 09.11.2020\]

17) the quantitative unit of measure of a product that is used for traceability purposes;
   \[subsection 17 inserted by Federal Law No. 371-FZ of 09.11.2020\]

18) the quantity of a product subject to traceability in the quantitative unit of measure of the product that is used for traceability purposes.
   \[subsection 18 inserted by Federal Law No. 371-FZ of 09.11.2020\]
   \[clause 5.2 inserted by Federal Law No. 245-FZ of 19.07.2011\]

6. A VAT invoice shall be signed by the director and the chief accountant of an organization or by other persons so authorized by an internal order (other administrative document) of the organization or by a power of attorney in the name of the organization. Where a VAT invoice is issued by a private entrepreneur, the VAT invoice shall be signed by the private entrepreneur or by another person authorized by a power of attorney in the name of the private entrepreneur, indicating the particulars of the certificate of state registration of that private entrepreneur. \[as amended by Federal Law No. 81-FZ of 20.04.2014\]

A VAT invoice prepared in electronic form shall be signed using the enhanced qualified electronic signature of the director of an organization or of other persons so authorized by an internal order (other administrative document) of an organization or by a power of attorney issued in the name of an organization or a private entrepreneur in accordance with the legislation of the Russian Federation. \[paragraph inserted by Federal Law No. 229-FZ of 27.07.2010, as amended by Federal Law No. 97-FZ of 29.06.2012\]

7. Where, under the conditions of a transaction, an obligation is expressed in foreign currency, the amounts indicated in the VAT invoice may be expressed in foreign currency. \[as amended by Federal Law No. 166-FZ of 29.12.2000\]

8. The standard form of a VAT invoice and the procedure for completing it and the standard forms of and procedure for maintaining a journal of VAT invoices received and issued, purchase ledgers and sales ledgers shall be established by the Government of the Russian Federation. \[clause 8 as reworded by Federal Law No. 229-FZ of 27.07.2010\]
9. The procedure for the issuance and receipt of VAT invoices in electronic form via telecommunications channels with the use of an enhanced qualified electronic signature shall be established by the Ministry of Finance of the Russian Federation. [as amended by Federal Law No. 97-FZ of 29.06.2012]

The formats of a VAT invoice, a journal of VAT invoices received and issued, purchase ledgers and sales ledgers in electronic form shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. [as amended by Federal Law No. 97-FZ of 29.06.2012]
[clause 9 inserted by Federal Law No. 229-FZ of 27.07.2010]


1. Physical persons who are citizens of foreign states shall, when taking out goods which they acquired from taxpayer retail trade organizations and on which tax was calculated when they were sold, have the right to a refund of tax which those physical persons paid as part of the price of the goods to the retail trade organizations (including where they carry on activities through an economically autonomous subdivision) in the form of the payment of funds to those physical persons in accordance with the procedure and subject to the conditions which are established by this Article (hereafter in this Chapter referred to as “tax refund”).

A physical person who is a citizen of a foreign state shall have the right to a tax refund on presenting a passport issued by an authorized body of a state which is not a member state of the Eurasian Economic Union on the basis of which that physical person entered the territory of the Russian Federation, and provided that the physical person takes the goods which he acquired out of the customs territory of the Eurasian Economic Union (except where goods are taken out via the territories of member states of the Eurasian Economic Union) through crossing points on the State Border of the Russian Federation which are included in a list to be drawn up by the Government of the Russian Federation.

2. A tax refund shall not be made when physical persons who are citizens of foreign states acquire goods which are classed as excisable in accordance with Article 181 of this Code. The Government of the Russian Federation shall have the right to draw up a list of other goods in relation to which a tax refund shall not be granted on the basis of this Article when they are acquired by physical persons who are citizens of foreign states.

3. The amount of tax which is refundable to a physical person who is a citizen of a foreign state on the basis of this Article shall be determined as the amount of tax calculated by a retail trade organization when selling goods to that physical person, less the cost of the tax refund service.

4. Documents supporting the right of a physical person who is a citizen of a foreign state to a tax refund shall be a passport issued by an authorized body of a foreign state that is not a member state of the Eurasian Economic Union and on the basis of which that physical person entered the territory of the Russian Federation and the tax refund document (receipt) drawn up for the physical person by a taxpayer-retail trade organization in accordance with the procedure and subject to the conditions laid down in this Article, bearing a mark of a customs authority of the Russian Federation confirming that goods were taken out of the territory of the Russian Federation.
Federation beyond the boundaries of the customs territory of the Eurasian Economic Union (except where goods are taken out via the territories of member states of the Eurasian Economic Union) through crossing points on the State Border of the Russian Federation within the time period stipulated for the exportation of goods in accordance with clause 9 of this Article. [as amended by Federal Law No. 220-FZ of 20.07.2020]

The procedure for making the mark provided for in this clause on tax refund documents (receipts) in paper form and in electronic form shall be approved by the federal executive body in charge of control and supervision in the customs sphere. [as amended by Federal Law No. 220-FZ of 20.07.2020]

5. When goods are sold to a physical person who is a citizen of a foreign state and has a right to a tax refund, a tax refund document (receipt) shall be issued to the physical person in question by a retail trade organization which is included in the list of retail trade organizations approved by the federal executive body which carries out functions involving the formulation of state policy and statutory regulation in the area of the development of foreign and domestic trade.

The form of an application for inclusion in the list of retail trade organizations which is referred to in paragraph 1 of this clause, the procedure for the consideration of an application for the inclusion of retail trade organization in that list and the procedure for the exclusion of a retail trade organization from that list shall be approved by the federal executive body which carries out functions involving the formulation of state policy and statutory regulation in the area of the development of foreign and domestic trade.

In order to be included in the list of retail trade organizations which is referred to in paragraph 1 of this clause, a retail trade organization or an economically autonomous subdivision thereof must be situated at locations included in a list to be approved by the Government of the Russian Federation.

A retail trade organization must meet selection criteria for retail trade organizations which are set by the Government of the Russian Federation.

6. A tax refund document (receipt) shall be drawn up at the request of a physical person who is a citizen of a foreign state where a retail trade organization sells goods to that person to a value of not less than 10,000 roubles including tax in the course of one calendar day.

A tax refund document (receipt) may be drawn up by retail trade organizations in electronic form (hereafter in this Article referred to as “electronic document (receipt”)”). The format of an electronic document (receipt) shall be jointly approved by the federal executive body in charge of control and supervision in the customs sphere and the federal executive body in charge of control and supervision in the area of taxes and levies.

A tax refund document (receipt) shall be drawn up on the basis of one or more cash register receipts printed in the course of one calendar day using cash register equipment for which the address at which it is installed (used) corresponds to a location of a retail trade organization or of an economically autonomous subdivision thereof which is included in the list referred to in paragraph 3 of clause 5 of this Article. [clause 6 as reworded by Federal Law No. 220-FZ of 20.07.2020]
7. A tax refund document (receipt) shall be prepared in any form and shall contain the following information:

1) the sequential number and date of preparation of the tax refund document (receipt);

2) the sequential number and date of a cash register receipt issued by a retail trade organization to a physical person such as is referred to in clause 1 of this Article;

3) the name and taxpayer identification number of the retail trade organization and the address of that organization or of its economically autonomous subdivision (where a retail trade organization carries on activities through an economically autonomous subdivision);

4) the surname, first name and patronymic (if any) of the physical person referred to in clause 1 of this Article, written in letters of the Latin alphabet (as shown in the passport);

5) the passport number of the physical person referred to in clause 1 of this Article;

6) the name of the foreign state whose authorized body issued a passport to the physical person referred to in clause 1 of this Article, written in letters of the Latin alphabet (as shown in the passport);

7) the name of goods sold and unit of measure;

8) the numbers (item codes) of goods (if available) (for each item);

9) the quantity (volume) of goods sold (for each item);

10) the amount of tax calculated by the retail trade organization on goods sold (for each item);

11) the value of goods sold inclusive of tax (for each item);

12) the barcode which enables the number of a tax refund document (receipt) to be identified using reading devices.

8. Retail trade organizations that do not render the services provided for in subsection 2.11 of clause 1 of Article 164 of this Code shall transmit information from tax refund documents (receipts) and electronic documents (receipts) in electronic form to persons that render those services under agreements with those retail trade organizations. The composition, format and procedure for the transmission in electronic form of that information and the procedure for the transmission of electronic documents (receipts) shall be approved by the federal executive body in charge of control and supervision in the customs sphere.

Persons that render the services provided for in subsection 2.11 of clause 1 of Article 164 of this Code shall transmit information from tax refund documents (receipts) and electronic documents (receipts) in electronic form to the federal executive body in charge of control and supervision in the customs sphere. The composition, format and procedure for the transmission in electronic form of that information and the procedure for the transmission of electronic documents (receipts) shall be approved by the federal executive body in charge of control and supervision in the customs sphere.
The federal executive body in charge of control and supervision in the customs sphere shall transmit in electronic form to the federal executive body in charge of control and supervision in the area of taxes and levies information from tax refund documents (receipts), including electronic documents (receipts), and information on marks such as are referred to in clause 4 of this Article that have been made on such documents by the customs authorities of the Russian Federation. The composition, format and procedure for the transmission in electronic form of that information shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies and the federal executive body in charge of control and supervision in the customs sphere.

The federal executive body in charge of control and supervision in the customs sphere shall transmit in electronic form to persons that render the services provided for in subsection 2.11 of clause 1 of Article 164 of this Code information from tax refund documents (receipts), information on marks such as are referred to in clause 4 of this Article that have been made on them by the customs authorities of the Russian Federation and electronic documents (receipts) with marks such as are referred to in clause 4 of this Article that have been made on them by customs authorities of the Russian Federation. The composition, format and procedure for the transmission in electronic form of that information and the procedure for the transmission of electronic documents (receipts) shall be approved by the federal executive body in charge of control and supervision in the customs sphere.

[clause 8 as reworded by Federal Law No. 220-FZ of 20.07.2020]

8.1. Persons that render the services provided for in subsection 2.11 of clause 1 of Article 164 of this Code under agreements with retail trade organizations shall, after tax refunds have been paid to physical persons who are citizens of foreign states, send to the retail trade organizations that drew up the tax refund documents (receipts):

- the tax refund documents (receipts) bearing the marks referred to in clause 4 of this Article;

- information received from the federal executive body in charge of control and supervision in the customs sphere in accordance with paragraph 4 of clause 8 of this Article – in electronic form;

- information on amounts of tax refunded to physical persons who are citizens of foreign states – in electronic form.

The format and procedure for sending that information in electronic form and the procedure for the transmission of electronic documents (receipts) shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 8.1 inserted by Federal Law No. 220-FZ of 20.07.2020]

9. Physical persons who are citizens of foreign states and have a right to a tax refund may apply for the tax refund within one year from the day on which goods were acquired from retail trade organizations provided that the goods were taken out of the customs territory of the Eurasian Economic Union within three months from the day on which they were acquired (except where goods are taken out via the territories of member states of the Eurasian Economic Union) through crossing points on the State Border of the Russian Federation.
Article 170. Procedure for Including Amounts of Tax in Expenditures on the Production and Sale of Goods (Work and Services)

1. Amounts of tax which a taxpayer is charged upon acquiring goods (work and services) or property rights or which it actually pays upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction shall not, unless otherwise established by the provisions of this Chapter, be included in expenses which are allowed as deductible for the purpose of calculating tax on the profit of organizations (tax on income of physical persons), except in the cases provided for in clauses 2 and 2.1 of this Article. [as amended by Federal Laws No. 110-FZ of 06.08.2001, No. 119-FZ of 22.07.2005, No. 306-FZ of 27.11.2010, No. 335-FZ of 27.11.2017]

2. Amounts of tax which a purchaser is charged upon acquiring goods (work and services), including fixed assets and intangible assets, or which it actually pays upon importing goods, including fixed assets and intangible assets, into the territory of the Russian Federation shall be included in the value of such goods (work and services), including fixed assets and intangible assets, in the case of:

1) the acquisition (importation) of goods (work and services), including fixed assets and intangible assets, which are used for operations involving the production and (or) sale (and the transfer, performance and rendering for own requirements) of goods (work and services) which are not taxable (are exempt from taxation);

2) the acquisition (importation) of goods (work and services), including fixed assets and intangible assets, which are used for operations involving the production and (or) sale of goods for which the place of sale is not the territory of the Russian Federation; [as amended by Federal Law No. 63-FZ of 15.04.2019]

2.1) the acquisition (importation) of goods (work and services), including fixed assets and intangible assets, that are used in operations involving the sale of work (services) provided for in Article 149 of this Code for which the place of sale is not deemed to be the territory of the Russian Federation. The provisions of this subsection shall not apply in the case of the acquisition of advertising and marketing services that are used for the transfer of rights referred to in subsection 26 of clause 2 of Article 149 of this Code and for which the place of sale is not deemed to be the territory of the Russian Federation; [subsection 2.1 inserted by Federal Law No. 63-FZ of 15.04.2019; as amended by Federal Law No. 374-FZ of 23.11.2020]

3) the acquisition (importation) of goods (work and services), including fixed assets and intangible assets, by persons who are not taxpayers of value added tax or are exempt from the fulfilment of taxpayer obligations associated with the calculation and payment of tax; [as amended by Federal Law No. 119-FZ of 22.07.2005]

4) the acquisition (importation) of goods (work and services), including fixed assets and intangible assets, and property rights for the production and (or) sale (transfer) of goods (work and services) operations involving the sale (transfer) of which are not deemed to constitute sales of goods (work and services) in accordance with clause 2 of Article 146 of this Code, unless otherwise established by this Chapter;

5) the acquisition by banks which apply the tax accounting procedure which is provided for in clause 5 of this Article of goods, including fixed assets and intangible assets, and property rights
which are subsequently sold by the banks before they begin to be used in carrying out operations or for rental or before they are placed into service.

[subsection 5 inserted by Federal Law No. 245-FZ of 19.07.2011]
[clause 2 as reworded by Federal Law No. 57-FZ of 29.05.2002]

2.1. Where goods (work, services), including fixed assets, intangible assets and property rights, are acquired wholly out of subsidies and (or) budgetary investments received by a taxpayer from budgets of the budget system of the Russian Federation, amounts of tax which the taxpayer was charged and (or) actually paid upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction shall not be deductible.

Where goods (work, services), including fixed assets, intangible assets and property rights, are acquired partly out of subsidies and (or) budgetary investments received by a taxpayer from budgets of the budget system of the Russian Federation, amounts of tax which the taxpayer was charged and (or) actually paid upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction shall be non-deductible in the corresponding proportion.

That proportion shall be determined as the ratio of the amount of subsidies and (or) budgetary investments expended on the acquisition of goods (work, services), including fixed assets, intangible assets and property rights, to the total value of those goods (work, services), including fixed assets, intangible assets and property rights, inclusive of amounts of tax which the taxpayer was charged and actually paid upon importing the goods in question into the territory of the Russian Federation and other territories under its jurisdiction.

Where a subsidy is granted for the payment of amounts of tax upon the importation of goods into the territory of the Russian Federation and other territories under its jurisdiction, the amount of tax paid out of such subsidies and (or) budgetary investments shall not be deductible.

Amounts of tax which are not deductible in accordance with this clause shall not be included in the value of the above-mentioned goods (work, services), including fixed assets, intangible assets and property rights, but shall be included in miscellaneous expenses as a lump sum in accordance with Article 264 of this Code.

If, when subsidies and (or) budgetary investments are granted, the particular goods (work, services), including fixed assets, intangible assets and property rights, for the acquisition of which those subsidies and (or) budgetary investments are granted are not specified, the taxpayer shall be obliged to maintain separate records of expenditures made out of subsidies and (or) budgetary investments and expenditures made out of other sources.

The provisions of this clause shall also apply where capital construction is carried out and (or) immovable property is acquired out of subsidies and (or) budgetary investments received by a taxpayer from budgets of the budget system of the Russian Federation, following which the charter fund of state (municipal) unitary enterprises is increased or an equivalent state (municipal) ownership interest arises in the charter (pooled) capital of legal entities.

The provisions of this clause shall not apply where documents concerning the granting of subsidies and (or) budgetary investments provide for the financing of costs for the acquisition of goods (work, services), including fixed assets, intangible assets and property rights, without
the inclusion in those costs of amounts of tax charged and (or) amounts of tax paid upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction.

[clause 2.1 as reworded by Federal Law No. 424-FZ of 27.11.2018]

3. Amounts of tax which have been claimed as deductions by a taxpayer in respect of goods (work and services), including fixed assets and intangible assets, and property rights in accordance with the procedure prescribed by this Chapter must be restored by the taxpayer in the event that:

1) property, intangible assets and property rights are transferred as a contribution to the charter (pooled) capital of business companies and partnership associations, as a contribution under an investment partnership agreement or as share contributions to mutual funds of co-operatives, where the management company of a unit investment fund is placed under fiduciary management and where immovable property is transferred to replenish special-purpose capital of a non-commercial organization in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”. [as amended by Federal Laws No. 328-FZ of 21.11.2011, No. 336-FZ of 28.11.2011, No. 305-FZ of 02.07.2021]

Amounts of tax must be restored to the extent previously claimed as deductions or, with respect to fixed assets and intangible assets, to the extent of an amount proportional to the net book (balance sheet) value without taking account of revaluation.

Amounts of tax which must be restored in accordance with this subsection shall not be included in the value of the property, intangible assets and property rights and shall be tax-deductible for the receiving organization (including a participant in an investment partnership agreement who is a managing partner) in accordance with the procedure established by this Chapter. In this respect, the amount of restored tax shall be indicated in documents used to formalize the transfer of the property, intangible assets and property rights in question. [as amended by Federal Laws No. 336-FZ of 28.11.2011, No. 351-FZ of 27.11.2017]

The provisions of this subsection shall not apply in relation to the transfer of property, intangible assets and property rights by a joint stock company which was established for the purpose of executing agreements on the creation of special economic zones and in which 100 per cent of the shares are owned by the Russian Federation to the charter capital of business companies which were established with the participation of such a joint stock company for those purposes and are management companies of special economic zones; [paragraph inserted by Federal Law No. 351-FZ of 27.11.2017]

2) such goods (work and services), including fixed assets and intangible assets, and property rights are subsequently used in carrying out operations such as are referred to in clause 2 of this Article, with the exception of: operations such as are contemplated by subsections 16 to 18 of clause 2 of Article 146 of this Code; the operation contemplated by subsection 1 of this clause, the performance of work (rendering of services) outside the territory of the Russian Federation by Russian aviation enterprises in the context of peace-keeping activities and international cooperation in resolving international problems of a humanitarian nature within the framework of the United Nations Organization (with respect to aircraft and aircraft engines and parts), the transfer of fixed assets, intangible assets and (or) other property and property rights to a legal successor (legal successors) upon the re-organization of legal entities and the transfer of
property to a party to a simple partnership agreement (joint activity agreement) or an investment partnership agreement or its legal successor in the event of the apportionment of its share from property which is jointly owned by the parties to the agreement or in the event of the division of that property; operations involving the transfer without consideration to medical organizations that are non-commercial organizations, state government and administrative bodies and (or) local government bodies, state and municipal institutions and state and municipal unitary enterprises of property intended for use for the prevention and containment and the diagnosis and treatment of the novel coronavirus infection. [as amended by Federal Laws No. 217-FZ of 27.07.2010, No. 336-FZ of 28.11.2011, No. 216-FZ of 23.07.2013, No. 463-FZ of 28.12.2016, No. 351-FZ of 27.11.2017, No. 143-FZ of 04.06.2018, No. 414-FZ of 12.11.2018, No. 172-FZ of 08.06.2020]

Amounts of tax must be restored to the extent previously claimed as deductions or, with respect to fixed assets and intangible assets, to the extent of an amount proportional to the net book (balance sheet) value without taking account of revaluation.

Amounts of tax which must be restored in accordance with this subsection shall not be included in the value of the above-mentioned goods (work and services), including fixed assets and intangible assets, and property rights but shall be included in the composition of miscellaneous expenses in accordance with Article 264 of this Code.

The restoration of amounts of tax shall take place in the tax period in which the goods (work and services), including fixed assets and intangible assets, and property rights were transferred or begin to be used by the taxpayer in carrying out the operations referred to in clause 2 of this Article.

Where a taxpayer transfers to special tax regimes in accordance with Chapters 26.2 and 26.5 of this Code, amounts of tax which the taxpayer claimed as deductions in respect of goods (work and services), including fixed assets and intangible assets, and property rights in accordance with the procedure prescribed by this Chapter must be restored in the tax period preceding the transition to those regimes. [as amended by Federal Laws No. 366-FZ of 24.11.2014, No. 305-FZ of 02.07.2021]

[Paragraph lost force from 01.01.2019 – Federal Law No. 335-FZ of 27.11.2017]

[Paragraph lost force – Federal Law No. 305-FZ of 02.07.2021]

3) where a purchaser has transferred amounts of payment or partial payment in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights.

The purchaser shall restore the amounts of tax in the tax period in which the amounts of tax on the acquired goods (work and services) or property rights are deductible in accordance with the procedure established by this Code or in the tax period in which changes to the conditions of or the termination of the relevant agreement occurred and amounts of payment or partial payment received by the taxpayer in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights were refunded.

Amounts of tax which were taken as deductions with respect to payment or partial payment made in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights must be restored to the extent of the amount of tax which the
taxpayer took as a deduction for goods acquired by the taxpayer (work performed, services rendered) or property rights transferred towards payment for which amounts of previously transferred payment or partial payment are to be credited according to the conditions of the agreement (if it contains such conditions).  

The provisions of this subsection shall apply to tax agents such as are referred to in clause 8 of Article 161 of this Code; [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017] 
[subsection 3 inserted by Federal Law No. 224-FZ of 26.11.2008] 

4) a downward adjustment is made to the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) reduction and (or) a decrease in the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred.

Amounts of tax must be restored to the extent of the difference between the amounts of tax calculated on the basis of the value of goods despatched (work performed, services rendered) or property rights transferred before and after that decrease.

The restoration of amounts of tax shall be carried out by a purchaser in the tax period in which the earlier of the following dates falls:

- the date of receipt by the purchaser of primary documents pertaining to the downward adjustment of the value of goods despatched (work performed, services rendered) or property rights transferred;

- the date of receipt by the purchaser of the corrective VAT invoice issued by the seller in connection with the downward adjustment of the value of goods despatched (work performed, services rendered) or property rights transferred.  
[as amended by Federal Law No. 335-FZ of 27.11.2017]

The provisions of this subsection shall apply to tax agents such as are referred to in clause 8 of Article 161 of this Code; [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017] 
[subsection 4 inserted by Federal Law No. 245-FZ of 19.07.2011] 

5) lost force – Federal Law No. 366-FZ of 24.11.2014] 

6) the taxpayer receives subsidies and (or) budgetary investments from budgets of the budget system of the Russian Federation in accordance with the legislation of the Russian Federation to compensate for costs previously incurred for the acquisition of goods (work, services), including fixed assets, intangible assets and property rights, and (or) to compensate for costs incurred for the payment of tax upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction.

Amounts of tax equal to the amount previously deducted must be restored, except as otherwise provided by this subsection.

Where a taxpayer receives subsidies and (or) budgetary investments to compensate for costs previously incurred for the acquisition of goods (work, services), including fixed assets, intangible assets and property rights, an appropriate proportion of the amount of tax previously deducted in respect of those goods (work, services), including fixed assets, intangible assets...
and property rights, and (or) of the amount of tax paid upon the importation of goods into the territory of the Russian Federation and other territories under its jurisdiction must be restored.

That proportion shall be determined as the ratio of the amount of subsidies and (or) budgetary investments used to compensate for costs for the acquisition of goods (work, services), including fixed assets, intangible assets and property rights, to the total value of those goods (work, services), including fixed assets, intangible assets and property rights, inclusive of amounts of tax which the taxpayer was charged and actually paid importing those goods into the territory of the Russian Federation and other territories under its jurisdiction.

Where a subsidy is received to compensate for costs incurred for the payment of amounts of tax upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction, an amount of previously deducted tax equal to the amount of the subsidiary received shall be restored.

If, when subsidies and (or) budgetary investments are granted to compensate for costs incurred, the particular goods (work, services), including fixed assets, intangible assets and property rights, in respect of which costs are to be compensated are not specified, an appropriate proportion of the amount of tax on acquired goods (work, services), including fixed assets, intangible assets and property rights, which was deducted during the calendar year preceding the year in which those subsidies and (or) budgetary investments were received shall be restored.

The proportion specified in paragraph 6 of this subsection shall be determined on the basis of the amount of subsidies and (or) budgetary investments received to compensate for costs relative to the total amount of aggregate expenses (inclusive of amounts of tax which the taxpayer was charged and actually paid upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction) incurred for the acquisition, production and (or) sale of goods (work, services) and property rights during the calendar year preceding the year in which those subsidies and (or) budgetary investments were received.

Amounts of tax required to be restored in accordance with this subsection shall not be included in the value of goods (work, services), including fixed assets, intangible assets and property rights, but shall be included in miscellaneous expenses as a lump sum in accordance with Article 264 of this Code.

The restoration of amounts of tax shall take place in the tax period in which amounts of subsidies and (or) budgetary investments were received.

The provisions of this subsection shall not apply where documents concerning the granting of subsidies and (or) budgetary investments provide for compensation to be granted for costs incurred for the acquisition of goods (work, services), including fixed assets, intangible assets and property rights, without the inclusion in those costs of amounts of tax charged and (or) amounts of tax paid upon the importation of goods into the territory of the Russian Federation and other territories under its jurisdiction;

subsection 6 as reworded by Federal Law No. 424-FZ of 27.11.2018

7) the taxpayer does not have separate records of costs as referred to in paragraph 6 of clause 2.1 of this Article.
Amounts of tax on goods (work, services), including fixed assets, intangible assets and property rights, which were deducted in the calendar year for tax periods commencing from the tax period in which subsidies and (or) budgetary investments were received must be restored in the last tax period of that calendar year in the appropriate proportion.

That proportion shall be determined as the ratio of the amount of subsidies and (or) budgetary investments, with account taken of the provisions of paragraph 4 of this subsection, to the total amount of aggregate expenses (inclusive of amounts of tax which the taxpayer was charged and actually paid upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction) incurred for the acquisition, production and (or) sale of goods (work, services), including fixed assets, intangible assets and property rights, during the tax periods referred to in paragraph 2 of this subsection.

A positive difference between the amount of subsidies and (or) budgetary investments and the amount of expenses shall not be taken into account in calculating the proportion in the current calendar year and shall be added to the amount of subsidies and (or) budgetary investments for the purposes of calculating the proportion in the following calendar year.

Amounts of tax required to be restored in accordance with this subsection shall not be included in the value of goods (work, services), including fixed assets, intangible assets and property rights, but shall be included in miscellaneous expenses as a lump sum in accordance with Article 264 of this Code.

 subsection 7 inserted by Federal Law No. 424-FZ of 27.11.2018
clause 3 as reworded by Federal Law No. 119-FZ of 22.07.2005

3.1. When an organization is re-organized, amounts of tax which the organization deducted in respect of goods (work, services), including fixed assets, intangible assets and property rights or in respect of payment or partial payment against future supplies (performance of work, rendering of services) or transfer of property rights in the manner prescribed by this Chapter must be restored by the legal successor of the organization in the cases provided for in subsections 2 to 4 of clause 3 of this Article:

- if the legal successor applies the general taxation regime – in the tax periods established by paragraphs 4 and 7 of subsection 2, paragraph 2 of subsection 3 and paragraphs 3 to 5 of subsection 4 of clause 3 of this Article accordingly; [as amended by Federal Law No. 305-FZ of 02.07.2021]

- if the legal successor transfers to special tax regimes in accordance with Chapters 26.2 and 26.5 of this Code – in the tax period preceding the legal successor’s transfer to those regimes; [as amended by Federal Law No. 305-FZ of 02.07.2021]

- if the legal successor, being a newly established legal entity as a result of the re-organization of a legal entity, transfers to a special tax regime in accordance with Chapter 26.2 of this Code – in the first quarter commencing from which that legal successor applies the simplified taxation system and (or) the taxation system in the form of the unified tax on imputed income for certain types of activity; [as amended by Federal Law No. 305-FZ of 02.07.2021]

- if the legal successor, having been formed as a result of the re-organization of an organization by means of the acquisition of one legal entity by another legal entity, applies a special tax
regime in accordance with Chapter 26.2 of this Code at the time when an entry concerning the cessation of activities of the acquired legal entity is made in the unified state register of legal entities – in the first quarter following the quarter in which that entry was made in the unified state register of legal entities. [as amended by Federal Law No. 305-FZ of 02.07.2021]

The restoration of amounts of tax by the legal successor of an organization shall be carried out on the basis of VAT invoices (copies of VAT invoices) issued to that organization which are attached to the transfer deed or partition balance sheet on the basis of the value of transferred goods (work, services) and property rights which are specified therein, or, in the case of transferred fixed assets and intangible assets, in proportion to the net book (balance sheet) value net of revaluation. If the legal successor does not have VAT invoices of the organization concerned, the restoration of amounts of tax shall be carried out by the legal successor on the basis of an accounting memorandum-calculation by applying the tax rates specified in clause 2 or 3 of Article 164 of this Code (in effect at the time when the organization acquired the goods (work, services), property rights and fixed assets) to the value of the goods (work, services) or property rights, or, in the case of fixed assets and intangible assets, in proportion to the net book (balance sheet) value net of revaluation as stated in the transfer deed or partition balance sheet. [clause 3.1 inserted by Federal Law No. 325-FZ of 29.09.2019]

4. Amounts of tax which sellers of goods (work and services) and property rights charge taxpayers which carry out both taxable and tax-exempt operations:

- shall be included in the value of those goods (work and services) and property rights in accordance with clause 2 of this Article – in the case of goods (work and services), including fixed assets and intangible assets, and property rights which are used in carrying out operations which are not assessable to value added tax;

- shall be claimed as deductions in accordance with Article 172 of this Code – in the case of goods (work and services), including fixed assets and intangible assets, and property rights which are used in carrying out operations which are assessable to value added tax;

- shall be claimed as deductions or included in the value thereof in the proportion in which they are used for the production and (or) sale of goods (work and services) or property rights with respect to which operations involving the sale thereof are taxable (are exempt from taxation) – in the case of goods (work and services), including fixed assets and intangible assets, and property rights which are used in carrying out both taxable and non-taxable (tax-exempt) operations, in accordance with the procedure established by the accounting policies for taxation purposes which have been adopted by the taxpayer and with account taken of the special considerations established by clause 4.1 of this Article.

In this respect, the taxpayer shall be obliged to maintain separate records of amounts of tax on acquired goods (work and services), including fixed assets and intangible assets, and property rights which are used in carrying out both taxable and non-taxable (tax-exempt) operations. [as amended by Federal Law No. 305-FZ of 02.07.2021]

In the event that a taxpayer does not maintain separate records, the amount of tax on acquired goods (work and services), including fixed assets and intangible assets, and property rights shall not be deductible and shall not be included in expenses which are deductible for the purpose of calculating tax on profit of organizations (tax on income of physical persons).
A taxpayer shall have the right not to apply the provisions of paragraph 4 of this clause to tax periods in which aggregate expenses for the acquisition, production and (or) sale of goods (work and services) and property rights for which operations involving the sale thereof are not taxable account for no more than 5 per cent of the total amount of aggregate expenses for the acquisition, production and (or) sale of goods (work and services) and property rights. In this respect, amounts of tax such as are referred to in paragraph 4 of this clause which such taxpayers were charged by sellers of goods (work and services) and property rights in the tax period in question shall be deductible in accordance with the procedure prescribed by Article 172 of this Code. [as amended by Federal Law No. 335-FZ of 27.11.2017]

In computing the proportion which is referred to in paragraph 4 of this clause, issuers of Russian depositary receipts shall not take account of transactions involving the placement and (or) redemption of Russian depositary receipts and transactions involving the acquisition and sale of underlying securities which are connected with the placement and (or) redemption of Russian depositary receipts.

For the purposes of this clause and clause 4.1 of this Article, taxable operations shall also include operations involving the sale of work (services) for which the place of sale is not deemed to be the territory of the Russian Federation in accordance with Article 148 of this Code (excluding operations provided for in Article 149 of this Code). [paragraph inserted by Federal Law No. 63-FZ of 15.04.2019] [clause 4 as reworded by Federal Law No. 420-FZ of 28.12.2013]

4.1. The proportion which is referred to in paragraph 4 of clause 4 of this Article shall be determined on the basis of the value of goods despatched (work performed, services rendered) and property rights transferred with respect to which sales thereof are taxable (are exempt from taxation) relative to the total value of goods despatched (work performed, services rendered) and property rights transferred over the tax period. In this respect, the proportion shall be determined with account taken of the following special considerations:

1) in the case of fixed assets and intangible assets which are entered in accounting records in the first or second month of a quarter, the taxpayer shall have the right to determine the proportion on the basis of the value of goods despatched (work performed, services rendered) and property rights transferred in a particular month with respect to which sales thereof are taxable (are exempt from taxation) relative to the total value of goods despatched (work performed, services rendered) and property rights transferred for the month;

2) for the purpose of calculating the proportion in relation to derivative financial instruments the value of goods despatched (work performed, services rendered) and property rights transferred over a tax period shall be taken to be: [as amended by Federal Law No. 242-FZ of 03.07.2016]

- the value of derivative financial instruments which require delivery of the underlying asset, as determined in accordance with the rules established by Article 154 of this Code, provided that the underlying asset of the derivative financial instruments in question is despatched (transferred) in the tax period (month); [as amended by Federal Law No. 242-FZ of 03.07.2016]

- the amount of net income received by the taxpayer in the current tax period (month) from derivative financial instruments as a result of the performance (termination) of obligations not
connected with the sale of the underlying asset (including amounts of variation margin and contract premiums received), including amounts of monetary resources which are receivable in respect of such obligations in future tax periods where the determination (commencement) date of the relevant right of claim in respect of the derivative financial instruments fell in the current tax period (month). [as amended by Federal Law No. 242-FZ of 03.07.2016]

In this respect, the amount of net income shall be understood to mean the difference between all income received other than that which is connected with the sale of the underlying asset (including amounts of variation margin and contract premiums received) for all derivative financial instruments and all expenses incurred other than those which are connected with the sale of the underlying asset (including amounts of variation margin and contract premiums paid) for all derivative financial instruments, provided that that difference is positive. If the above-mentioned difference is negative, it shall not be taken into account in computing the proportion in accordance with this paragraph; [as amended by Federal Law No. 242-FZ of 03.07.2016]

3) in computing the proportion a clearing organization shall not take account of transactions involving securities and derivative financial instruments and other transactions to which that clearing organization is a party for clearing purposes, and transactions which are concluded by the clearing organization for the purpose of securing the fulfilment of the obligations of clearing participants; [as amended by Federal Law No. 242-FZ of 03.07.2016]

4) in determining the value of services involving the provision of a loan in the form of monetary resources or securities and involving repo transactions where sales of such services are exempt from taxation, the amount of income in the form of interest charged by the taxpayer in the current tax period (month) shall be taken into account;

5) in determining the value of securities where sales thereof are exempt from taxation:

- account shall be taken of the amount of income from such sales which is determined as the aggregate difference between the price of securities sold, as determined with account taken of the provisions of Article 280 of this Code, and expenses for the acquisition and (or) sale of those securities, as determined with account taken of the provisions of Article 280 of this Code, provided that that difference is positive. If the above-mentioned difference is negative, it shall not be taken into account in determining the amount of net income;

- account shall not be taken of operations involving the redemption of depositary receipts where underlying securities are received or of operations involving the transfer of underlying securities upon the placement of depositary receipts certifying rights in underlying securities;

- account shall not be taken of operations involving the issue and redemption of clearing participation certificates. [paragraph inserted by Federal Law No. 326-FZ of 28.11.2015]

5. Banks, insurers, non-state pension funds, trade organizers (including exchanges), clearing organizations (subject to the special considerations established by clause 5.1 of this Article), professional participants in the securities market, management companies of investment funds, mutual investment funds and non-state pension funds, operators of financial platforms and the organization that carries out activities involving the insurance of export credits and investments against entrepreneurial and (or) political risks in accordance with Federal Law No. 164-FZ of
8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activity” shall have the right to include in expenditures which are allowed as deductible for the purpose of calculating tax on the profit of organizations amounts of tax paid to suppliers on acquired goods (work and services). In this respect, the entire amount of tax received by them in respect of operations which are taxable shall be payable to the budget. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 06.08.2001, No. 294-FZ of 30.12.2012, No. 131-FZ of 07.06.2013, No. 420-FZ of 28.12.2013, No. 326-FZ of 28.11.2015, No. 63-FZ of 15.04.2019, No. 374-FZ of 23.11.2020]

The participant in an investment partnership agreement which is the managing partner responsible for the maintenance of tax records shall have the right to include in expenditures which are allowed for deduction in determining profit (losses) from activities within the framework of the partnership for the reporting (tax) period in accordance with Article 278.2 of this Code amounts of tax paid to suppliers on goods (work and services) which are acquired. In this respect, the entire amount of tax received by the investment partnership in respect of taxable operations must be paid to the budget. [paragraph inserted by Federal Law No. 336-FZ of 28.11.2011]

5.1. With regard to the inclusion of amounts of tax in expenditures on the production and sale of goods (work and services) by clearing organizations when they carry out operations involving the performance of the functions of a central counterparty and (or) a commodity delivery operator and when performing and (or) securing the performance of obligations admitted for clearing, the following special considerations shall be taken into account:

1) clearing organizations shall have the right to claim deductions in accordance with the procedure established by Article 172 of this Code:

   - for amounts of tax charged by sellers of goods (including goods which are the underlying asset of derivative financial instruments) which are acquired by clearing organizations for the purpose of performing central counterparty functions and for the purpose of performing and (or) securing the performance of obligations admitted for clearing; [as amended by Federal Law No. 242-FZ of 03.07.2016]

   - amounts of tax charged by sellers of services which are acquired by clearing organizations for the purpose of performing the functions of a commodity delivery operator;

2) deductions of amounts of tax such as are referred to in subsection 1 of this clause shall be made where goods (services) are acquired by the above-mentioned clearing organizations only for the purpose of carrying out operations involving the sale of goods (services) which are taxable;

3) the moment of the determination of the tax base in the case of the sale of goods (including goods which are the underlying asset of derivative financial instruments) and (or) services such as are referred to in subsection 1 of this clause shall be determined by clearing organizations which have exercised the right which is provided for in subsection 1 of this clause in accordance with the procedure laid down in clause 1 of Article 167 of this Code; [as amended by Federal Law No. 242-FZ of 03.07.2016]

4) amounts of tax paid to sellers of other goods (work and services) which are not referred to in subsection 1 of this clause shall be included in expenditures which are taken as deductions
in calculating tax on profit of organizations. In this respect, the entire amount of tax received in respect of operations not connected with activities carried out by a clearing organization involving the sale of goods (work and services) such as are referred to in subsection 1 of this clause shall be payable to the budget;

5) clearing organizations which have exercised the right which is provided for in subsection 1 of this clause shall be obliged to maintain separate records of:

- amounts of tax referred to in paragraph 2 of subsection 1 of this clause;

- amounts of tax referred to in paragraph 3 of subsection 1 of this clause;

- amounts of tax charged by sellers of other goods (work and services) which are acquired by clearing organizations;

- amounts of tax charged by clearing organizations when selling goods such as are referred to in paragraph 2 of subsection 1 of this clause;

- amounts of tax charged by clearing organizations when selling services such as are referred to in paragraph 3 of subsection 1 of this clause;

- amounts of tax charged by clearing organizations when selling other goods (work and services);

6) clearing organizations which have decided to exercise the right which is provided for in subsection 1 of this clause shall disclose that decision in the organization’s accounting policies for taxation purposes which are approved in accordance with clause 12 of Article 167 of this Code and shall not have the right to waive that right for four tax periods commencing from the tax period in which the right begins to be exercised;

7) the provisions of clauses 4, 4.1 and 5 of this Article shall not apply to clearing organizations which have exercised the right which is provided for in subsection 1 of this clause.

[clause 5.1 inserted by Federal Law No. 326-FZ of 28.11.2015]

7. Organizations which are not taxpayers or are exempt from the performance of taxpayer obligations and private entrepreneurs shall have the right to include in expenses which are deductible in accordance with Chapters 25, 26.1 and 26.2 of this Code amounts of tax which they calculated and paid to the budget in performing the duties of a tax agent in accordance with clause 2 of Article 161 of this Code in the event that goods are returned to the seller (including where this occurs during a warranty period), they are rejected or the conditions of the relevant agreements are amended or the agreements are cancelled and amounts of advance payments are refunded.

[clause 7 inserted by Federal Law No. 85-FZ of 17.05.2007]

**Article 171. Tax Deductions**

1. A taxpayer shall have the right to reduce the total amount of tax calculated in accordance with Article 166 of this Code by the tax deductions which are established by this Article.
2. Deductions shall be made for amounts of tax which a taxpayer was charged upon acquiring goods (work and services) or property rights in the territory of the Russian Federation or which a taxpayer paid upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction under the release for domestic consumption (including amounts of tax paid or payable by a taxpayer after the lapse of 180 calendar days from the date on which goods were released under the release for domestic consumption customs procedure upon completion of the customs procedure of free customs zone in the territory of the Special Economic Zone in the Kaliningrad Province), processing for domestic consumption, temporary importation and processing outside the customs territory customs procedures or upon importing goods which are moved across the customs border of the Russian Federation without customs clearance, in relation to: [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 238-FZ of 21.07.2014, No. 72-FZ of 30.03.2016]

1) goods (work and services) and property rights which are acquired for the purpose of carrying out operations which are deemed to be taxable objects in accordance with this Chapter, with the exception of goods provided for in clause 2 of Article 170 of this Code; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005]

2) goods (work and services) which are acquired for resale;

3) goods (work and services) and property rights that are acquired for the purpose of carrying out operations involving the sale of work (services) for which the place of sale is not deemed to be the territory of the Russian Federation in accordance with Article 148 of this Code, excluding operations provided for in Article 149 of this Code except as otherwise provided by subsection 4 of this clause; [subsection 3 inserted by Federal Law No. 63-FZ of 15.04.2019; as amended by Federal Law No. 374-FZ of 23.11.2020]

4) advertising and marketing services that are acquired for the transfer of rights referred to in subsection 26 of clause 2 of Article 149 of this Code and for which the place of sale is not deemed to be the territory of the Russian Federation in accordance with Article 148 of this Code. [subsection 4 inserted by Federal Law No. 374-FZ of 23.11.2020]

2.1. Deductions shall be made for amounts of tax which a taxpayer was charged upon acquiring services such as are referred to in clause 1 of Article 174.2 of this Code from a foreign organization which is registered with the tax authorities in accordance with clause 4.6 of Article 83 of this Code, subject to the availability of an agreement and (or) a settlement document in which the amount of tax is specified and the taxpayer identification number and code of reason for registration of the foreign organization are indicated, and documents for the remittance of payment, including the amount of tax, to the foreign organization. Details of such foreign organizations (name, taxpayer identification number, code of reason for registration and date of registration with tax authorities) shall be posted on the official site of the federal executive body in charge of control and supervision in the area of taxes and levies on the “Internet” telecommunications network. [clause 2.1 inserted by Federal Law No. 335-FZ of 27.11.2017]

2.2. Amounts of tax which a taxpayer was charged upon acquiring goods (work and services) and (or) which it paid in accordance with Article 161 of this Code or upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction shall be deductible if the goods acquired and (or) goods manufactured using those goods (work and
services) are intended to be subsequently transferred into the ownership of the Russian Federation without consideration for the purposes of organizing and (or) conducting scientific research in the Antarctica.

[clause 2.2 inserted by Federal Law No. 63-FZ of 15.04.2019]

2.3. Deductions may be made for amounts of tax that the taxpayer was charged upon acquiring property in the territory of the Russian Federation or that the taxpayer paid upon importing property into the territory of the Russian Federation and other territories under its jurisdiction under release for domestic consumption customs procedures in relation to property intended for use for the prevention and containment and the diagnosis and treatment of the novel coronavirus infection that is transferred without consideration to medical organizations that are non-commercial organizations, state government and administrative bodies and (or) local government bodies, state and municipal institutions and state and municipal unitary enterprises.

[clause 2.3 inserted by Federal Law No. 172-FZ of 08.06.2020]

3. Deductions shall be made for amounts of tax paid in accordance with Article 173 of this Code by tax agents such as are referred to in clauses 2, 3, 6, 6.1 and 6.2 of Article 161 of this Code and amounts of tax calculated by a tax agents such as are referred to in clause 8 of Article 161 of this Code. [as amended by Federal Laws No. 335-FZ of 27.11.2017, No. 324-FZ of 29.09.2019]

The right to the above-mentioned tax deductions shall be enjoyed by purchasers - tax agents which are registered with the tax authorities and fulfil taxpayer obligations in accordance with this Chapter. Tax agents which carry out the operations referred to in clauses 4, 5 and 5.1 of Article 161 of this Code shall not have the right to include amounts of tax paid in respect of those operations in tax deductions. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005, No. 302-FZ of 03.08.2018]

The provisions of this clause shall apply on condition that the goods (work and services) or property rights were acquired by the taxpayer which is the tax agent for the purposes referred to in clause 2 of this Article and, upon acquiring them, it paid tax in accordance with this Chapter or calculated tax in accordance with paragraph 2 of clause 3.1 of Article 166 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 224-FZ of 26.11.2008, No. 335-FZ of 27.11.2017]

4. A deduction shall be made for amounts of tax which were charged by sellers to a taxpayer – foreign person not registered with the tax authorities of the Russian Federation upon the acquisition of goods (work and services) or property rights or which that taxpayer – foreign person paid upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction for its own production purposes or for purposes of carrying out other activities. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 119-FZ of 22.07.2005, No. 306-FZ of 27.11.2010]

The above-mentioned amounts shall be deductible or refundable to such taxpayer - foreign person after the tax agent has paid the tax which was withheld from the income of that taxpayer and only to the extent to which the acquired or imported goods (work and services) or property rights were used in the production of the goods (performance of work, rendering of services) which were sold to the tax agent withholding the tax. The above-mentioned amounts of tax shall be deductible or reimbursable provided that the foreign taxpayer registers with the tax authorities of the Russian Federation. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 119-FZ of 22.07.2005]
4.1. Deductions shall be made for amounts of tax calculated by taxpayer retail trade organizations on goods sold to physical persons who are citizens of foreign states such as are referred to in clause 1 of Article 169.1 of this Code in the event that those goods are taken out of the territory of the Russian Federation beyond the boundaries of the customs territory of the Eurasian Economic Union (except where goods are taken out via the territories of member states of the Eurasian Economic Union) through crossing points on the State Border of the Russian Federation and provided that amounts of tax were refunded to those physical persons. [clause 4.1 inserted by Federal Law No. 341-FZ of 27.11.2017; as amended by Federal Law No. 220-FZ of 20.07.2020]

5. Deductions shall be made for amounts of tax which were charged by a seller to a purchaser and paid to the budget by the seller upon the sale of goods in the event that the goods are returned (including during the warranty period) to the seller or rejected. Deductions shall also be made for amounts of tax paid upon the performance of work (rendering of services) in the event that the work (services) is (are) rejected.

Deductions shall be made for amounts of tax which were calculated by sellers and paid by them to the budget on amounts of payment or partial payment in respect of future supplies of goods (performance of work, rendering of services) sold in the territory of the Russian Federation in the event that the conditions of the relevant agreement are amended or the agreement is cancelled and the amounts of advance payments in question are paid back. [as amended by Federal Law No. 119-FZ of 22.07.2005]

The provisions of this clause shall apply to purchaser-taxpayers which perform the obligations of a tax agent in accordance with clauses 2, 3 and 8 of Article 161 of this Code and to tax agents such as are referred to in clauses 4, 5 and 5.1 of Article 161 of this Code. [as amended by Federal Laws No. 335-FZ of 27.11.2017, No. 302-FZ of 03.08.2018]

6. Deductions shall be made for amounts of tax which a taxpayer was charged by contractors (developers or project managers) in connection with the performance by them of capital construction (the disposal of fixed assets) or the assembly (disassembly) or installation (dismantling) of fixed assets, amounts of tax which a taxpayer was charged in respect of goods (work and services) and property rights acquired for the performance of construction and installation work and the creation of intangible assets, amounts of tax which a taxpayer was charged upon acquiring incomplete capital construction projects and amounts of tax which a taxpayer was charged upon the performance of work (rendering of services) associated with the creation of an intangible asset. [as amended by Federal Law No. 325-FZ of 29.09.2019]

In the event of a re-organization, deductions shall be made by the legal successor (legal successors) for amounts of tax which were charged to the organization that has been (is in the process of being) re-organized in respect of goods (work and services) and property rights acquired by the organization that has been (is in the process of being) re-organized for the performance of construction and installation work for own consumption or the creation of intangible assets and which are deductible but had not been claimed as deductions by the organization that has been (is in the process of being) re-organized at the time of the completion of the re-organization. [as amended by Federal Law No. 325-FZ of 29.09.2019]

Deductions shall be made for amounts of tax calculated by taxpayers in accordance with clause 1 of Article 166 of this Code upon the performance of construction and installation work for...
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own consumption which is connected with property intended for use in carrying out operations that are taxable in accordance with this Chapter and the value of which is included in expenses (including through amortization deductions) for the purpose of calculating tax on the profit of organizations.

Amounts of tax which a taxpayer claimed as deductions in accordance with the procedure laid down in this Chapter in respect of fixed assets acquired or constructed must be restored in the cases and in accordance with the procedure laid down in Article 171.1 of this Code. [as amended by Federal Law No. 366-FZ of 24.11.2014]

Paragraphs 5-9 lost force – Federal Law No. 366-FZ of 24.11.2014]

[clause 6 as reworded by Federal Law No. 119-FZ of 22.07.2005]

7. Deductions shall be made for amounts of tax paid on business trip expenses (expenses for travel to and from a business trip location, including expenses for the use of bedding on trains and expenses for the rent of accommodation) and representational expenses which are deductible for the purpose of calculating tax on the profit of organizations. [as amended by Federal Law No. 110-FZ of 06.08.2001]


8. Deductions shall be made for amounts of tax calculated by a taxpayer and tax agents such as are referred to in clauses 4, 5 and 5.1 of Article 161 of this Code on amounts of payment or partial payment received in respect of future supplies of goods (work and services) and property rights. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005, No. 302-FZ of 03.08.2018]


10. Deductions shall be made for amounts of tax calculated by a taxpayer where the documents provided for in Article 165 of this Code are not available for operations involving the sale of the goods (work and services) referred to in clause 1 of Article 164 of this Code. [clause 10 inserted by Federal Law No. 119-FZ of 22.07.2005]

11. For a taxpayer that has received property, intangible assets and property rights as a contribution to its charter (pooled) capital (fund) and for a management company of a unit investment fund that has received property from the trustor for fiduciary management, deductions shall be made for amounts of tax that were restored by the shareholder (participant, unit holder, trustor) in accordance with the procedure established by clause 3 of Article 170 of this Code in the event that they are used in carrying out operations that are deemed to be taxable objects in accordance with this Chapter. [clause 11 as reworded by Federal Law No. 305-FZ of 02.07.2021]

12. For a taxpayer who has transferred amounts of payment or partial payment in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights, deductions shall be made for amounts of tax charged by the seller of those goods (work and services) and property rights.
Deductions shall be made for amounts of tax calculated by a tax agent such as is referred to in clause 8 of Article 161 of this Code on amounts of payment or partial payment remitted for the future acquisition of goods such as are referred to in clause 8 of Article 161 of this Code.

[paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]
[clause 12 inserted by Federal Law No. 224-FZ of 26.11.2008]

13. In the event of a downward adjustment of the value of goods despatched (acquired) (work performed, services rendered) or property rights transferred, including by reason of a reduction of the price (tariff) and (or) a reduction of the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, the seller (purchaser performing the obligations of a tax agent in accordance with clause 8 of Article 161 of this Code and tax agents such as are referred to in clauses 4, 5 and 5.1 of Article 161 of this Code) of the goods (work, services) or property rights may claim a deduction for the difference between the amounts of tax calculated on the basis of the value of goods despatched (acquired) (work performed, services rendered) or property rights transferred before and after that reduction. [as amended by Federal Laws No. 335-FZ of 27.11.2017, No. 302-FZ of 03.08.2018]

In the event of an upward adjustment of the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of price (tariff) increases and (or) increases in the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, the difference between the amounts of tax calculated on the basis of the value of goods despatched (work performed, services rendered) or property rights transferred before and after the upward adjustment shall be deductible for the purchaser of the goods (work, services) and property rights.

[clause 13 inserted by Federal Law No. 245-FZ of 19.07.2011]

14. Amounts of tax calculated by a taxpayer upon the importation of goods after the end of the tax period in which there elapses a period of 180 days from the date on which goods were released under the release for domestic consumption customs procedure upon completion of the customs procedure of free customs zone in the territory of the Special Economic Zone in the Kaliningrad Province may be claimed as deductions after the goods in question have been used in carrying out operations which are deemed to be taxable objects and are taxable in accordance with this Chapter.

[clause 14 inserted by Federal Law No. 72-FZ of 30.03.2016]

**Article 171.1. Restoration of Amounts of Tax Claimed as Deductions in Respect of Fixed Assets Acquired or Constructed** [inserted by Federal Law No. 366-FZ of 24.11.2014]

1. Amounts of tax which a taxpayer claimed as deductions in accordance with the procedure laid down in this Chapter in respect of fixed assets acquired or constructed must be restored in accordance with the procedure laid down in this Article.

2. The provisions of this Article regarding the restoration of amounts of tax shall apply to amounts of tax which a taxpayer was charged (or which a taxpayer paid or calculated) and claimed as deductions in connection with the occurrence of following operations:

1) in connection with the performance by contractors of the capital construction of items of immovable property which are recorded as fixed assets;
2) in connection with the acquisition of immovable property (with the exception of space facilities);

3) in connection with the acquisition in the territory of the Russian Federation or the importation into the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation of marine vessels, inland water vessels, mixed (river-sea) navigation vessels, aircraft and aircraft engines;

4) in connection with the acquisition of goods (work and services) for the performance of construction and installation work;

5) in connection with the performance by a taxpayer of construction and installation work for own consumption.

3. The restoration in accordance with this Article of amounts of tax which a taxpayer claimed as deductions in respect of fixed assets acquired and constructed shall take place in the event that the fixed assets in question are subsequently used by that taxpayer for the purpose of carrying out operations such as are referred to in clause 2 of Article 170 of this Code, with the exception of fixed assets which have been fully amortized or for which not less than 15 years has passed since they were commissioned by the taxpayer in question.

4. A taxpayer shall be obliged to reflect the restored amount of tax in the tax declaration which is submitted to the tax authorities where the taxpayer is registered for the last tax period of each calendar year of the ten years commencing from the year in which the moment referred to in clause 4 of Article 259 of this Code occurred.

5. The amount of tax which must be restored and paid to the budget in accordance with clause 4 of this Article shall be computed on the basis of one tenth of the amount of tax which was claimed as a deduction, in the appropriate proportion.

That proportion shall be determined on the basis of the value of goods despatched (work performed, services rendered) and property rights transferred which are not taxable and are referred to in clause 2 of Article 170 of this Code relative to the total value of goods (work and services) and property rights despatched (transferred) over the relevant calendar year. In this respect, the amount of tax to be restored shall not be included in the value of the property in question, but shall be included in the composition of miscellaneous expenses in accordance with Article 264 of this Code.

6. Where fixed assets have undergone upgrading (renovation) (including after the expiry of the time period specified in clause 3 of this Article) resulting in a change in their historical cost, amounts of tax on construction and installation work and on goods (work and services) acquired for the purpose of carrying out construction and installation work in connection with upgrading (renovation) which the taxpayer claimed as deductions in the manner prescribed by this Chapter must be restored in the event that those fixed assets are subsequently used to carry out operations such as are referred to in clause 2 of Article 170 of this Code.

In the case referred to in this clause, the taxpayer shall be obliged, after the end of each calendar year for ten years commencing from the year in which amortization is charged on the adjusted historical cost of a fixed asset on the basis of clause 4 of Article 259 of this Code, to reflect the
restored amount of tax in the tax declaration which is submitted to the tax authorities where it is registered for the last tax period of each calendar year of the ten years.

7. The amount of tax to be restored and paid to the budget in accordance with clause 6 of this Article shall be calculated on the basis of one tenth of the amount of tax which was claimed as a deduction in respect of construction and installation work and in respect of goods (work and services) acquired for the performance of construction and installation work in connection with upgrading (renovation), in the appropriate proportion.

That proportion shall be determined on the basis of the value of goods despatched (work performed, services rendered) and property rights transferred which are not taxable and are referred to in clause 2 of Article 170 of this Code relative to the total value of goods (work, services) and property rights despatched (transferred) over the calendar year. In this respect, the amount of tax to be restored shall not be included in the value of the property in question, but shall be included in miscellaneous expenses in accordance with Article 264 of this Code.

8. In the event that, before the expiry of the time period referred to in clause 3 of this Article, a fixed asset undergoing upgrading (renovation) is excluded from the composition of amortizable property and is not used in the taxpayer’s activities for one or more full calendar years, no restoration of amounts of tax claimed as deductions shall take place for those years.

In this respect, commencing from the year in which amortization is charged on the adjusted historical cost of the fixed asset on the basis of clause 4 of Article 259 of this Code, the taxpayer shall be obliged to reflect the restored amount of tax in the tax declaration which is submitted to the tax authorities where it is registered for the last tax period of each calendar year of the years remaining until the end of the ten-year period referred to in clause 4 of this Article.

9. The amount of tax to be restored and paid to the budget in accordance with clause 8 of this Article shall be calculated on the basis of an amount of tax calculated as the amount obtained from dividing by the number of years remaining until the end of the ten-year period referred to in clause 4 of this Article the difference between the amount of tax referred to in clause 2 of this Article which the taxpayer claimed as a deduction and the amount of tax obtained as a result of adding together one tenth of the amount of tax referred to in clause 5 of this Article for the years preceding the full calendar year in which amortization is not charged on the fixed asset undergoing upgrading (renovation) and the fixed asset is not used in the taxpayer’s activities, in the appropriate proportion.

That proportion shall be determined on the basis of the value of goods despatched (work performed, services rendered) and property rights transferred which are not taxable and are referred to in clause 2 of Article 170 of this Code relative to the total value of goods (work, services) and property rights despatched (transferred) over the calendar year. In this respect, the amount of tax to be restored shall not be included in the value of the property in question, but shall be included in miscellaneous expenses in accordance with Article 264 of this Code.

In this respect, the amount of tax to be restored in respect of construction and installation work and in respect of goods (work and services) acquired for the performance of construction and installation work in connection with upgrading (renovation) shall be calculated in accordance with the procedure established by clauses 6 and 7 of this Article.
10. The provisions of this Article shall not apply to operations such as are provided for in subsections 17 to 19 of clause 2 of Article 146 of this Code. [as amended by Federal Laws No. 143-FZ of 04.06.2018, No. 414-FZ of 12.11.2018, No. 63-FZ of 15.04.2019]

11. The provisions of this Article shall apply to legal successors such as are referred to in clause 3.1 of Article 170 of this Code. [clause 11 inserted by Federal Law No. 325-FZ of 29.09.2019]

**Article 172. Procedure for the Application of Tax Deductions**

1. The tax deductions provided for in Article 171 of this Code shall be made on the basis of VAT invoices issued by sellers upon the acquisition of goods (work and services) or property rights by a taxpayer, or documents which confirm the actual payment of amounts of tax upon the importation of goods into the territory of the Russian Federation and other territories under its jurisdiction or documents which confirm the payment of amounts of tax withheld by tax agents, or on the basis of other documents in the cases provided for in clauses 2.1, 3 and 6 to 8 of Article 171 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 119-FZ of 22.07.2005, No. 306-FZ of 27.11.2010, No. 335-FZ of 27.11.2017]

Unless otherwise established by this Article, deductions shall be made only for amounts of tax which a taxpayer is charged upon the acquisition of goods (work and services) or property rights in the territory of the Russian Federation, or which are actually paid by them upon importing goods into the territory of the Russian Federation and other territories under its jurisdiction after the goods (work and services) or property rights in question have been entered in accounting records with account taken of the special considerations which are set forth in this Article and subject to the availability of relevant primary documents. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 119-FZ of 22.07.2005, No. 306-FZ of 27.11.2010]

Deductions of amounts of tax which are charged by sellers to a taxpayer upon the acquisition of or which are paid upon the import into the territory of the Russian Federation and other territories under its jurisdiction of the fixed assets, equipment to be installed and (or) intangible assets which are referred to in clauses 2 to 4 of Article 171 of this Code shall be made in full after those fixed assets and (or) intangible assets have been entered in accounting records. Where a taxpayer creates intangible assets (internally and (or) using the services of third parties), deductions of amounts of tax which the taxpayer was charged upon acquiring goods (work, services) and property rights in the territory of the Russian Federation or which it actually paid upon importing goods into the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation for the purpose of creating those intangible assets, including amounts of tax which the taxpayer was charged under agreements on the creation of intangible assets, shall be made after those goods (work, services) and property rights have been entered in accounting records. [as amended by Federal Laws No. 119-FZ of 22.07.2005, No. 28-FZ of 28.02.2006, No. 306-FZ of 27.11.2010, No. 325-FZ of 29.09.2019]

Where goods (work and services) and property rights are acquired for foreign currency, the foreign currency shall be translated into roubles on the basis of the exchange rate of the Central Bank of the Russian Federation prevailing as at the date on which the goods (work and services) and property rights are entered in accounting records. [paragraph inserted by Federal Law No. 119-FZ of 22.07.2005]
Where goods (work, services) and property rights are acquired under contracts which require payment to be made in roubles in an amount equivalent to a specified amount in foreign currency or in notional monetary units, tax deductions made according to the rules laid down in this Chapter shall not be adjusted when payment is subsequently made for the goods (work, services) and property rights in question. Differences in the amount of tax which arise for a purchaser when payment is subsequently made for goods (work, services) or property rights shall be included in non-sale income in accordance with Article 250 of this Code or in non-sale expenses in accordance with Article 265 of this Code. [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011, as amended by Federal Law No. 81-FZ of 20.04.2014]

1.1. The tax deductions which are provided for in clause 2 of Article 171 of this Code may be claimed in tax periods within the three years after goods (work and services) or property rights acquired by the taxpayer in the territory of the Russian Federation or goods imported by the taxpayer into the territory of the Russian Federation and other territories under the jurisdiction of the Russian Federation were entered in accounting records.

Where a VAT invoice is received by a purchaser from a seller of goods (work and services) or property rights after the end of the tax period in which those goods (work and services) or property rights were entered in accounting records but before the deadline established by Article 174 of this Code for the submission of a tax declaration for that tax period, the purchaser shall have the right to claim a deduction for the amount of tax on those goods (work and services) or property rights from the tax period in which those goods (work and services) or property rights were entered in accounting records, with account taken of the special considerations laid down in this Article. [clause 1.1 inserted by Federal Law No. 382-FZ of 29.11.2014]


3. Deductions of the amounts of tax provided for in clauses 1 to 8 of Article 171 of this Code in relation to operations involving the sale of the goods (work and services) which are referred to in clause 1 of Article 164 of this Code shall be made in accordance with the procedure which is established by this Article as at the moment of the determination of the tax base which is established by Article 167 of this Code.

Deductions of the amounts of tax referred to in clause 10 of Article 171 of this Code shall be made as at the date corresponding to the moment of the subsequent calculation of tax at the 0 per cent tax rate in relation to operations involving the sale of the goods (work and services) provided for in clause 1 of Article 164 of this Code provided that the documents provided for in Article 165 of this Code are available at that moment.

The provisions of this clause shall not apply to taxpayers which have refrained from applying the tax rate specified in clause 1 of Article 164 of this Code in accordance with the procedure established by clause 7 of Article 164 of this Code or to sales of goods such as referred to in subsection 1 (with the exception of raw materials) and subsection 6 of clause 1 of Article 164 of this Code. [as amended by Federal Law No. 350-FZ of 27.11.2017]
[clause 3 as reworded by Federal Law No. 119-FZ of 22.07.2005]

4. Deductions of the amounts of tax which are referred to in clause 5 of Article 171 of this Code shall be made in full after appropriate adjustment operations have been made in accounting
records in connection with the return of goods or the rejection of goods (work and services), but no later than one year after such return or rejection.

5. Deductions of the amounts of tax referred to in paragraphs 1 and 2 of clause 6 of Article 171 of this Code shall be made in accordance with the procedure established by paragraphs 1 and 2 of clause 1 of this Article. [as amended by Federal Law No. 119-FZ of 22.07.2005]

Deductions of amounts of tax such as are referred to in paragraph 3 of clause 6 of Article 171 of this Code shall be made as at the moment of the determination of the tax base which is established by clause 10 of Article 167 of this Code. [as amended by Federal Law No. 224-FZ of 26.11.2008]

Where an organization is re-organized, amounts of tax referred to in clause 6 of Article 171 of this Code which were not claimed as deductions by the organization that has been (is in the process of being) re-organized before the completion of the re-organization shall be deducted by the legal successor (legal successors) as and when tax calculated by the organization that has been (is in the process of being) re-organized upon the performance of construction and installation work for own consumption in accordance with Article 173 of this Code is paid to the budget. [paragraph inserted by Federal Law No. 118-FZ of 22.07.2005]

6. Deductions of amounts of tax such as are referred to in clause 8 of Article 171 of this Code shall be made from the date of despatch of the goods in question (performance of work, rendering of services) or the transfer of property rights to the extent of the amount of tax calculated on the basis of the value of goods despatched (work performed, services rendered) and property rights transferred towards payment for which amounts of previously received payment or partial payment are to be credited according to the conditions of the agreement (if it contains such conditions).

Deductions of amounts of tax calculated on payment or partial payment in respect of the future transfer of property rights in cases provided for in paragraph 2 of clause 1 and clauses 2 to 4 of Article 155 of this Code shall be made from the date on which property rights are transferred in an amount equal to the amount of tax calculated in accordance with paragraph 7 of clause 1 of Article 154 of this Code. [paragraph inserted by Federal Law No. 302-FZ of 03.08.2018]
[clause 6 as reworded by Federal Law No. 238-FZ of 21.07.2014]

7. Where the moment of the determination of the tax base is defined according to the procedure prescribed by clause 13 of Article 167 of this Code, deductions of amounts of tax shall be made at the moment of the determination of the tax base. [clause 7 inserted by Federal Law No. 119-FZ of 22.07.2005]

8. Deductions of the amounts of tax referred to in clause 11 of Article 171 of this Code shall be made after property, including fixed assets and intangible assets, and property rights which are received by way of payment of an investment in (contribution to) the charter (pooled) capital (fund) and property received for fiduciary management have been entered in accounting records. [clause 8 inserted by Federal Law No. 119-FZ of 22.07.2005; as amended by Federal Law No. 305-FZ of 02.07.2021]

9. Deductions of amounts of tax such as are referred to in clause 12 of Article 171 of this Code shall be made on the basis of VAT invoices issued by sellers upon receipt of payment or partial
payment in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights and documents confirming the actual transfer of amounts of payment or partial payment in respect of future supplies of goods (performance of work, rendering of services) or the future transfer of property rights, subject to the existence of an agreement requiring the transfer of the amounts in question.

[clause 9 inserted by Federal Law No. 224-FZ of 26.11.2008]

10. Deductions for the amount of a difference such as is referred to in clause 13 of Article 171 of this Code shall be made on the basis of corrective VAT invoices issued by sellers of goods (work, services) and property rights in accordance with the procedure established by clauses 5.2 and 6 of Article 169 of this Code subject to the availability of a contract, an agreement or another primary document confirming that the purchaser agrees to (has been notified of) the adjustment of the value of goods despatched (work performed, services rendered) or property rights transferred, including by reason of a price (tariff) change and (or) a change in the quantity (volume) of goods despatched (work performed, services rendered) or property rights transferred, but not later than three years after the preparation of the corrective VAT invoice.

[clause 10 inserted by Federal Law No. 245-FZ of 19.07.2011]

11. Deductions of amounts of tax such as are referred to in clause 4.1 of Article 171 of this Code shall be made on the basis of the documents and information referred to in clause 8.1 of Article 169.1 of this Code. [as amended by Federal Law No. 220-FZ of 20.07.2020]

Where a customs authority of the Russian Federation has not confirmed or has not fully confirmed that a physical person-citizen of a foreign state such as is referred to in clause 1 of Article 169.1 of this Code took goods out of the customs territory of the Eurasian Economic Union (except where goods are taken out via the territories of member states of the Eurasian Economic Union) through crossing points on the State Border of the Russian Federation, deductions of amounts of tax shall be made only in relation to goods whose exportation has actually been confirmed by the customs authority of the Russian Federation.

Deductions of amounts of tax shall be made within one year from the date on which tax was refunded to a physical person-citizen of a foreign state such as is referred to in clause 1 of Article 169.1 of this Code.

Errors in tax refund documents (receipts) which do not prevent tax authorities, when carrying out a tax audit, from identifying a taxpayer retail trade organization, the foreign state whose authorized body issued a passport to a physical person-citizen of a foreign state such as is referred to in clause 1 of Article 169.1 of this Code, the name of goods sold and the amount of tax calculated by a retail trade organization on goods sold shall not be a basis for disallowing the deduction of tax.

[clause 11 inserted by Federal Law No. 341-FZ of 27.11.2017]

**Article 173. Amount of Tax Payable to the Budget**

1. The amount of tax payable to the budget shall be calculated on the basis of the results for each tax period as the total amount of tax calculated in accordance with Article 166 of this Code reduced by the amount of the tax deductions provided for in Article 171 of this Code (including the tax deductions provided for in clause 3 of Article 172 of this Code) and increased by amounts of tax which has been restored in accordance with this Chapter. [as amended by Federal Law No. 119-FZ of 22.07.2005]
2. Should the amount of tax deductions in any tax period exceed the total amount of tax calculated in accordance with Article 166 of this Code and increased by amounts of tax which has been restored in accordance with clause 3 of Article 170 of this Code, the positive difference between the amount of tax deductions and the amount of tax calculated in respect of operations which are deemed to be a taxable object in accordance with subsections 1 and 2 of clause 1 of Article 146 of this Code shall be reimbursable to the taxpayer according to the procedure and subject to the conditions which are laid down in Articles 176 and 176.1 of this Code, except where the tax declaration is submitted by the taxpayer more than three years after the end of the tax period in question. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 119-FZ of 22.07.2005, No. 318-FZ of 17.12.2009]

3. The amount of tax which is payable upon the import of goods into the territory of the Russian Federation and other territories under its jurisdiction shall be calculated in accordance with clause 5 of Article 166 of this Code. [as amended by Federal Law No. 306-FZ of 27.11.2010]

4. In the case of the sale of the goods (work and services) which are referred to in Article 161 of this Code, the amount of tax payable to the budget shall be calculated and paid in full by the tax agents referred to in Article 161 of this Code, except as otherwise provided by clause 4.1 of this Article. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 119-FZ of 22.07.2005, No. 335-FZ of 27.11.2017]

4.1. The amount of tax payable to the budget by tax agents such as are referred to in clause 8 of Article 161 of this Code shall be determined after the end of each tax period as the total amount of tax which is calculated in accordance with clause 3.1 of Article 166 of this Code in relation to goods such as are referred to in clause 8 of Article 161 of this Code, increased by amounts of tax which have been restored in accordance with subsections 3 and 4 of clause 3 of Article 170 of this Code and reduced by amounts of tax deductions such as are provided for in clauses 3, 5, 8, 12 and 13 of Article 171 of this Code insofar as operations carried out by those tax agents are concerned, with account taken of the special considerations laid down in clause 3 of Article 172 of this Code. [clause 4.1 inserted by Federal Law No. 335-FZ of 27.11.2017]

5. The amount of tax payable to the budget shall be calculated by the following persons if they present a VAT invoice to the customer specifying the amount of tax: [as amended by Federal Law No. 57-FZ of 29.05.2002]

1) persons who are not taxpayers or taxpayers which are exempt from fulfilling taxpayer obligations associated with the calculation and payment of tax; [as amended by Federal Law No. 57-FZ of 29.05.2002]

2) taxpayers in the event of the sale of goods (work and services) with respect to which operations involving the sale thereof are not taxable. [as amended by Federal Law No. 57-FZ of 29.05.2002]
In this respect, the amount of tax payable to the budget shall be determined as the amount of tax shown in the relevant VAT invoice transferred to the purchaser of goods (work and services).

6. When a taxpayer transfers to special tax regimes or when a taxpayer begins exercising the right to the exemption provided for in Article 145 of this Code, amounts of tax calculated in connection with the release of goods under the release for domestic consumption customs procedure upon completion of the customs procedure of free customs zone in the territory of the Special Economic Zone in the Kaliningrad Province must be paid in accordance with the procedure established by paragraph 1 of clause 1 of Article 174 of this Code for the tax period in which there falls the last calendar date before the date of transfer to special tax regimes, or for the tax period in which there falls the last calendar date before the taxpayer begins to use the right to the exemption provided for in Article 145 of this Code, in respect of goods not used in carrying out operations which are deemed to be taxable objects in accordance with this Chapter, without the tax exemption established by this Chapter being applied.

[clause 6 as reworded by Federal Law No. 225-FZ of 30.06.2016]

7. The amount of tax payable to the budget by legal successors such as are referred to in paragraphs 4 and 5 of clause 3.1 of Article 170 of this Code shall be determined in the manner prescribed by paragraph 6 of clause 3.1 of Article 170 of this Code.

[clause 7 inserted by Federal Law No. 325-FZ of 29.09.2019]

**Article 174. The Procedure and Time Limits for the Payment of Tax to the Budget**

1. The payment of tax in respect of operations which are deemed taxable in accordance with subsections 1 to 3 of clause 1 of Article 146 of this Code in the territory of the Russian Federation shall take place on the basis of the results for each tax period based on the actual sale (transfer) of goods (performance, including for own requirements, of work and rendering, including for own requirements, of services) for the tax period which has ended, in equal instalments not later than the 25th of each of the three months following the tax period which has ended, unless otherwise stipulated by this Chapter. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 172-FZ of 13.10.2008, No. 382-FZ of 29.11.2014]

Except as otherwise provided in subsection 1.1 of clause 1 of Article 151 of this Code, where goods are imported into the territory of the Russian Federation and other territories under its jurisdiction the amount of tax payable to the budget shall be paid in accordance with the customs legislation of the Customs Union and customs-related legislation of the Russian Federation. [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 72-FZ of 30.03.2016]

2. The amount of tax payable to the budget in respect of operations involving the sale (transfer, performance, rendering for own requirements) of goods (work and services) in the territory of the Russian Federation shall be paid in the locality where the taxpayer is registered with the tax authorities. [as amended by Federal Law No. 57-FZ of 29.05.2002]

3. Tax agents (organizations and private entrepreneurs) shall pay the amount of tax in their own locality. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002]

4. The persons which are referred to in clause 5 of Article 173 of this Code shall pay tax on the basis of the results for each tax period based on relevant sales of goods (work and services) for
the tax period which has ended and no later than the 25\textsuperscript{th} of the month following the tax period which has ended. [as amended by Federal Law No. 382-FZ of 29.11.2014]

In the case of the sale by taxpayers referred to in clause 1 of Article 161 of this Code of work (services) for which the place of sale is the territory of the Russian Federation, tax shall be paid by tax agents at the same time as monetary resources are paid (transferred) to those taxpayers. [paragraph inserted by Federal Law No. 163-FZ of 08.12.2003; as amended by Federal Law No. 305-FZ of 02.07.2021]

A tax agent’s bank shall not have the right to accept an order from that tax agent for the payment of monetary resources in favour of such taxpayers unless the tax agent has also presented to the bank an order for the payment of tax from an account held with that bank where there are sufficient monetary resources to pay the full amount of tax. [paragraph inserted by Federal Law No. 163-FZ of 08.12.2003]

Tax shall be paid by legal successors such as are referred to in paragraphs 4 and 5 of clause 3.1 of Article 170 of this Code not later than the 25\textsuperscript{th} of the month following a tax period in which the amount of tax is required to be restored in accordance with this Chapter. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

5. Taxpayers (including those which are tax agents) and persons such as are referred to in clause 8 of Article 161 and clause 5 of Article 173 of this Code shall be obliged to submit to the tax authorities where they are registered an appropriate tax declaration in the prescribed format in electronic form via telecommunications channels through an electronic document interchange operator not later than the 25\textsuperscript{th} of the month following a tax period which has ended, except as otherwise provided by this Chapter. [as amended by Federal Law No. 335-FZ of 27.11.2017]

Tax agents which are not taxpayers or are taxpayers which are exempt from the performance of taxpayer obligations associated with the calculation and payment of tax and legal successors such as are referred to in paragraphs 4 and 5 of clause 3.1 of Article 170 of this Code shall be obliged to submit an appropriate tax declaration to the tax authorities where they are registered no later than the 25\textsuperscript{th} of the month following a tax period which has ended. [as amended by Federal Laws No. 382-FZ of 29.11.2014, No. 325-FZ of 29.09.2019]

Where persons such as are referred to in paragraph 2 of this clause issue and (or) receive VAT invoices in the course of carrying out entrepreneurial activities in the interests of another person on the basis of commission agency contracts or agency contracts which provide for the sale and (or) acquisition of goods (work and services) and property rights in the name of the commission agent (agent), or on the basis of freight forwarding agreements (if income in the form of remuneration arising from the performance of freight forwarding agreements is included in the composition of income when determining the tax base in accordance with the procedure established by Chapters 23, 25, 26.1 and 26.2 of this Code), and in the course of performing the functions of a developer, they shall be obliged to submit to the tax authorities where they are registered, not later than the 25\textsuperscript{th} of the month following a tax period which has ended, an appropriate tax declaration in the prescribed format in electronic form via telecommunications channels through an electronic document interchange operator. [as amended by Federal Law No. 382-FZ of 29.11.2014]
In the event that a tax declaration is submitted in paper form where this clause requires a tax declaration (computation) to be submitted in electronic form, that declaration shall not be considered to have been submitted. [paragraph inserted by Federal Law No. 347-FZ of 04.11.2014] [clause 5 as reworded by Federal Law No. 134-FZ of 28.06.2013 (Rev. 21.07.2014)]

5.1. There must be included in a tax declaration information which is contained in the taxpayer’s purchase ledger and sales ledger.

Where VAT invoices are issued and (or) received in the course of entrepreneurial activities carried out by a taxpayer (tax agent) in the interests of another person on the basis of commission agency contracts or agency contracts which provide for the sale and (or) acquisition of goods (work and services) and property rights in the name of the commission agent (agent), or on the basis of freight forwarding agreements, or in the course of performing the functions of a developer, details stated in the record of VAT invoices received and issued in relation to those activities shall be included in the tax declaration.

Persons such as are referred to in clause 5 of Article 173 of this Code shall include in a tax declaration information which is contained in VAT invoices which have been issued.

The composition of information contained in a purchase ledger and a sales ledger, in a record journal of VAT invoices received and issued and in VAT invoices issued which is to be included in a tax declaration shall be determined by the federal executive body in charge of control and supervision in the area of taxes and levies. [clause 5.1 inserted by Federal Law No. 134-FZ of 28.06.2013 (Rev. 21.07.2014)]

5.2. Where persons who are not taxpayers and taxpayers who have been exempted from the fulfilment of taxpayer obligations associated with the calculation and payment of tax and are not deemed to be tax agents issue and (or) receive VAT invoices in the course of carrying out entrepreneurial activities in the interests of another person on the basis of commission agency contracts or agency contracts which provide for the sale and (or) acquisition of goods (work and services) and property rights in the name of the commission agent (agent), or on the basis of freight forwarding agreements (if income in the form of remuneration arising from the performance of freight forwarding agreements is included in income when determining the tax base in accordance with the procedure established by Chapters 23, 25, 26.1 and 26.2 of this Code), and in the course of performing the functions of a developer, they shall be obliged to submit to the tax authorities where they are registered an appropriate journal of VAT invoices received and issued in relation to those activities in the prescribed format in electronic form via telecommunications channels through an electronic document interchange operator not later than the 20th of the month following a tax period which has ended. [clause 5.2 inserted by Federal Law No. 134-FZ of 28.06.2013 (Rev. 21.07.2014)]

5.3. In the event that a tax authority discovers that amounts in a submitted tax declaration do not correspond to control ratios, indicating that it has been improperly completed, that tax declaration shall be considered not to have been completed, and a notification in electronic form to that effect shall be sent to the taxpayer (tax agent, person referred to in clause 5 of Article 173 of this Code) via telecommunications channels through an electronic document exchange operator.
A list of the control ratios referred to in this clause shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 5.3 inserted by Federal Law No. 374-FZ of 23.11.2020]

5.4. Within five days from the date on which a notification such as is referred to in clause 5.3 of this Article is sent in electronic form, the taxpayer (tax agent, person referred to in clause 5 of Article 173 of this Code) shall be obliged to submit a tax declaration in which the discrepancies with the control ratios referred to in clause 5.3 of this Article are eliminated.

If the taxpayer (tax agent, person referred to in clause 5 of Article 173 of this Code) submits a tax declaration in which the discrepancies with the control ratios referred to in clause 5.3 of this Article are eliminated within the time limit set by this clause, the date of submission of that tax declaration shall be considered to be the date of submission of the tax declaration that was deemed not to have been submitted in accordance with clause 5.3 of this Article.

[clause 5.3 inserted by Federal Law No. 374-FZ of 23.11.2020]


7. Foreign organizations that have a number of economically autonomous subdivisions in the territory of the Russian Federation shall select a subdivision through whose place of registration with a tax authority they will submit tax declarations and pay tax in respect of the operations of all the foreign organization’s economically autonomous subdivisions in the territory of the Russian Federation taken as a whole. Foreign organizations shall give written notice of their choice to the tax authorities for the locations of their economically autonomous subdivisions in the territory of the Russian Federation.

[clause 7 inserted by Federal Law No. 229-FZ of 27.07.2010]

**Article 174.1. Special Considerations Relating to the Calculation and Payment to the Budget of Tax Where Operations Are Carried Out in Accordance With a Simple Partnership Agreement (Joint Activity Agreement), and Investment Partnership Agreement, an Agreement on the Fiduciary Management of Property or a Concession Agreement in the Territory of the Russian Federation**

1. For the purposes of this Chapter, responsibility for maintaining common records of operations which are taxable in accordance with Article 146 of this Code shall rest with a participant in a partnership which is a Russian organization or a private entrepreneur (hereafter in this Article referred to as “partnership participant”).

Where operations are carried out in accordance with a simple partnership agreement (joint activity agreement), an investment partnership agreement, a concession agreement or an agreement on the fiduciary management of property, the duties of a taxpayer which are established by this Chapter shall be assigned to the partnership participant, the concessionaire (with the exception of organizations and private entrepreneurs that apply the simplified taxation system in accordance with Chapter 26.2 of this Code and have concluded concession agreements in relation to heat supply facilities, centralized hot water supply, cold water supply and (or) wastewater disposal systems and individual facilities forming part of such systems that are located in the territories of inhabited localities with a population of fewer than 100,000 people at the time of the conclusion of the concession agreement) or the fiduciary.  

2. Where goods (work and services) are sold or property rights are transferred in accordance with a simple partnership agreement (joint activity agreement), an investment partnership agreement, a concession agreement or an agreement on the fiduciary management of property, the partnership participant, the concessionaire or the fiduciary shall be obliged to present appropriate VAT invoices in accordance with the procedure established by this Code. [as amended by Federal Laws No. 108-FZ of 30.06.2008, No. 336-FZ of 28.11.2011]

3. A tax deduction in respect of goods (work and services), including fixed assets and intangible assets, and in respect of property rights which are acquired for the production and (or) sale of goods (work and services) which are deemed to be a taxable object in accordance with this Chapter in accordance with a simple partnership agreement (a joint activity agreement), an investment partnership agreement, a concession agreement or an agreement on the fiduciary management of property shall be granted only to the partnership participant, to the concessionaire or to the fiduciary, subject to the availability of VAT invoices issued by sellers to those persons, in accordance with the procedure established by this Chapter. [as amended by Federal Laws No. 108-FZ of 30.06.2008, No. 336-FZ of 28.11.2011]

Where a partnership participant which maintains common records of operations for taxation purposes, a concessionaire or a fiduciary carries out other activities, the right to deduct amounts of tax shall arise provided that separate records are maintained of goods (work and services), including fixed assets and intangible assets, and property rights which are used in carrying out operations in accordance with the simple partnership agreement (joint activity agreement), an investment partnership agreement, concession agreement or agreement on the fiduciary management of property and those which are used by it in carrying out other activities. [as amended by Federal Laws No. 108-FZ of 30.06.2008, No. 336-FZ of 28.11.2011]

4. A participant in a simple partnership agreement, the participant in an investment partnership agreement who is the managing partner responsible for the maintenance of tax records, a concessionaire and a fiduciary shall maintain records of operations occurring in the process of the performance of the simple partnership agreement, the investment partnership agreement, the concession agreement and the agreement on the fiduciary management of property separately for each such agreement.

The participant in an investment partnership agreement who is the managing partner responsible for the maintenance of tax records shall submit a separate tax declaration for each investment partnership agreement to the tax authority with which he is registered within the time period provided for in clause 5 of Article 174 of this Code. [clause 4 inserted by Federal Law No. 248-FZ of 23.07.2013]


Article 174.2. Special Considerations Relating to the Calculation and Payment of Tax in the Case of the Provision of Services in Electronic Form by Foreign Organizations [inserted by Federal Law No. 244-FZ of 03.07.2016]

1. For the purposes of this Chapter, the provision of services in electronic form shall be understood to mean the provision of services via a telecommunications network, including the “Internet” telecommunications network (hereafter in this Article referred to as “the Internet”), on an automated basis with the use of information technologies. Such services shall include:
- the provision of rights to use computer programs (including computer games) and databases via the Internet, including by providing remote access to them, including related updates and additional functionalities;

- the provision of Internet advertising services, including through the use of computer programs and databases operating on the Internet, and the provision of advertising space on the Internet;

- the provision of services involving the posting of offers to acquire (sell) goods (work and services) and property rights on the Internet;

- the provision via the Internet of services involving the provision of technical, organizational, information and other resources, carried out using information technologies and systems, for the purpose of enabling communication and the conclusion of transactions between sellers and buyers (including the provision of a trading platform operating on the Internet in real time through which potential buyers offer their price by means of an automated process and the parties are notified of a sale by means of an automatically generated notice which is sent to them);

- the provision and (or) maintenance of a commercial or personal presence on the Internet, the support of electronic resources of users (Internet sites and (or) pages), the granting of access to those resources to other network users and the granting to users of the ability to modify those resources;

- the storage and processing of information, provided that the person who provided that information has access to it via the Internet;

- the real-time provision of computing capacity for the storage of information in an information system;

- the provision of domain names and the rendering of hosting services;

- the provision of services involving the administration of information systems and Internet sites;

- the provision of services which are performed automatically via the Internet upon the input of data by the purchaser of the service and automated services involving data search, selection and ordering upon request and the provision of those data to users via telecommunications networks (including in particular real-time stock exchange tickers and real-time automated translation);

- the provision of rights to use electronic books (publications) and other publications, informational and educational materials, graphic images, musical works with or without text and audio-visual works via the Internet, including by means of the provision of remote access to them for viewing or listening via the Internet;

- the provision of services involving the search for and (or) provision to a client of information on potential purchasers;

- the provision of access to Internet search engines;
- the maintenance of statistics on Internet sites.

For the purposes of this Chapter, services in electronic form such as are referred to in paragraph 1 of this clause shall not include, in particular, the following operations:

- sales of goods (work and services) where goods (work and services) ordered via the Internet are supplied (performed, rendered) without using the Internet;

- the sale (transfer for use) of computer programs (including computer games) and databases on physical media;

- the provision of consulting services by electronic mail;

- the provision of Internet access services.

2. Where foreign organizations provide services in electronic form such as are referred to in clause 1 of this Article the place of sale of which is deemed to be the territory of the Russian Federation (except where such services are provided through an economically autonomous subdivision of a foreign organization which is located in the territory of the Russian Federation), the tax base shall be determined as the value of the services, inclusive of tax, calculated on the basis of the actual selling prices of the services.

[clause 2 as reworded by Federal Law No. 335-FZ of 27.11.2017]

3. Foreign organizations which provide services in electronic form such as are referred to in clause 1 of this Article the place of sale of which is deemed to be the territory of the Russian Federation shall calculate and pay tax unless responsibility for the payment of tax on operations involving the sale of those services is borne by the tax agent in accordance with this Article.

Where foreign organizations provide services in electronic form such as are referred to in clause 1 of this Article the place of sale of which is deemed to be the territory of the Russian Federation, foreign intermediary organizations which carry on entrepreneurial activities with involvement in settlements directly with purchasers of services on the basis of contracts of delegation, commission agency contracts, agency contracts or other similar contracts with the foreign organizations which provide those services shall be deemed to be tax agents for the purposes of this Chapter. Where such services are provided with multiple intermediary organizations involved in settlements, the tax agent shall be the foreign intermediary organization which carries on entrepreneurial activities with involvement in settlements directly with purchasers of services, irrespective of whether or not it has a contract with the foreign organization providing the services. The tax agent shall be obliged to calculate and pay the appropriate amount of tax.

[clause 3 as reworded by Federal Law No. 335-FZ of 27.11.2017]

4. Where foreign organizations provide services in electronic form such as are referred to in clause 1 of this Article the place of sale of which is deemed to be the territory of the Russian Federation (except where such services are provided through an economically autonomous subdivision of a foreign organization which is located in the territory of the Russian Federation), the moment of the determination of the tax base shall be the last day of the tax period in which payment (partial payment) for the services was received.
Where the tax base is determined in accordance with this Article, the value in foreign currency of services such as are referred to in paragraph 1 of this clause shall be translated into roubles using the exchange rate of the Central Bank of the Russian Federation set on the last day of the tax period in which payment (partial payment) for those services was received.

[clause 4 as reworded by Federal Law No. 335-FZ of 27.11.2017]

5. The amount of tax shall be calculated by foreign organizations which are required to be registered with the tax authorities in accordance with clause 4.6 of Article 83 of this Code and shall be determined as a percentage of the tax base corresponding to the tax-inclusive tax rate of 16.67 per cent. [as amended by Federal Law No. 303-FZ of 03.08.2018]

6. Amounts of tax which foreign organizations which are required to be registered with the tax authorities in accordance with clause 4.6 of Article 83 of this Code were charged (excluding amounts of tax which their economically autonomous subdivisions located in the territory of the Russian Federation were charged) upon acquiring goods (work and services), including fixed assets and intangible assets, in the territory of the Russian Federation, or which were actually paid upon importing goods, including fixed assets and intangible assets, into the territory of the Russian Federation and other territories under its jurisdiction, shall not be deductible.

7. Foreign organizations such as are referred to in clause 3 of this Article shall pay tax not later than the 25th of the month following a tax period which has ended.

8. A tax declaration shall be submitted by foreign organizations which are required to be registered with the tax authorities in accordance with clause 4.6 of Article 83 of this Code to the tax authority in the prescribed format in electronic form via an online tax account or, in a period in which an online tax account cannot be used by such foreign organizations to present documents (information) and data to a tax authority in accordance with paragraph 2 of clause 3 of Article 11.2 of this Code, via telecommunications channels through an electronic document interchange operator, not later than the 25th of the month following a tax period which has ended.

Where tax is calculated and paid in accordance with this Article by a tax agent, the tax declaration shall likewise be submitted to the tax authority by the tax agent.

[9. Lost force from 01.01.2019 – Federal Law No. 335-FZ of 27.11.2017]

10. Where foreign organizations provide services in electronic form such as are referred to in clause 1 of this Article for which the place of sale is deemed to be the territory of the Russian Federation (except where services are provided through a foreign organization’s economically autonomous subdivision located in the territory of the Russian Federation), the tax agents shall be deemed to be the Russian organizations, private entrepreneurs or economically autonomous subdivisions of foreign organizations in the territory of the Russian Federation acting as intermediaries which are registered with the tax authorities and carry on entrepreneurial activities with involvement in settlements directly with the purchaser on the basis of contracts of delegation, commission agency or agency contracts or other similar contracts with the foreign organizations providing the services in question. Where such services are provided with multiple intermediaries involved in settlements, the tax agent shall be the Russian organization,
private entrepreneur or economically subdivision of a foreign organization in the territory of the Russian Federation acting as intermediaries which are registered with the tax authorities and make settlements directly with the purchaser, irrespective of whether or not they have a contract with the foreign organization providing the services in question.

The above-mentioned tax agents shall calculate and pay tax in the manner laid down in clause 5 of Article 161 of this Code with account taken of the special considerations laid down in clause 4 of this Article.

Organizations which are national payment system agents and communications operators such as are referred to in Federal Law No. 161-FZ of 27 June 2011 “Concerning the National Payment System” shall not be deemed to be intermediaries for the purposes of this clause in carrying out transfers of funds for services such as are provided for in clause 1 of this Article.

[paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]

11. Amounts of tax arrears and indebtedness in respect of penalties and fines which have been restored in accordance with clause 1.1 of Article 59 of this Code shall be paid by the above-mentioned foreign organizations within one month commencing from the day on which they are registered with a tax authority in accordance with clause 4.6 of Article 83 of this Code.

[Article 175. Excluded – Federal Law No. 57-FZ of 29.05.2002]

**Article 176. Procedure for the Reimbursement of Tax**

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

1. Where, on the basis of the results for a tax period, the amount of tax deductions exceeds the total amount of tax calculated in respect of operations which are deemed to be a taxable object in accordance with subsections 1 to 3 of clause 1 of Article 146 of this Code, the resulting difference must be reimbursed (offset, refunded) to the taxpayer in accordance with the provisions of this Article.

After a taxpayer has submitted a tax declaration, the tax authority shall check the validity of the amount claimed for reimbursement in the course of performing an in-house tax audit in accordance with the procedure established by Article 88 of this Code, except as otherwise provided in this clause. [as amended by Federal Law No. 470-FZ of 29.12.2020]

Taxpayers referred to in subsection 6 of clause 2 of Article 176.1 of this Code shall exercise the right to reimbursement of the amount of tax referred to in paragraph 1 of this clause in accordance with the procedure established by Article 176.1 of this Code.

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

2. Upon completion of the audit, the tax authority must, within seven days, adopt a decision on the reimbursement of the amounts in question unless violations of tax and levy legislation were found when performing the in-house tax audit.

3. In the event that violations of tax and levy legislation are found in the course of an in-house tax audit, authorized officials of the tax authority must draw up a tax audit report in accordance with Article 100 of this Code.
The report and other materials relating to an in-house tax audit in the course of which violations of tax and levy legislation were found and objections presented by the taxpayer (its representative) must be examined by the director (deputy director) of the tax authority which performed the tax audit and a decision thereon must be adopted in accordance with Article 101 of this Code.

After examining the materials relating to the in-house tax audit the director (deputy director) of the tax authority shall issue a decision on the imposition on the taxpayer of sanctions for the commission of a tax offence or on the non-imposition on the taxpayer of sanctions for the commission of a tax offence.

At the same time as that decision is adopted, there shall be adopted: [as amended by Federal Law No. 224-FZ of 26.11.2008]

- a decision to grant a reimbursement in full of the amount of tax claimed for reimbursement; [paragraph inserted by Federal Law No. 224-FZ of 26.11.2008]

- a decision to disallow in full the reimbursement of the amount of tax claimed for reimbursement;

- a decision to grant a reimbursement in part of the amount of tax claimed for reimbursement and a decision to disallow in part the reimbursement of the amount of tax claimed for reimbursement. [paragraph inserted by Federal Law No. 224-FZ of 26.11.2008]

4. Where a taxpayer has arrears in respect of tax or other taxes and indebtedness in respect of applicable penalties and (or) fines which are payable or recoverable in cases provided for in this Code, the tax authority shall independently credit the amount of tax which is reimbursable towards the settlement of those arrears and indebtedness in respect of penalties and (or) fines. [as amended by Federal Law No. 374-FZ of 23.11.2020]

5. Where a tax authority has adopted a decision to grant a reimbursement of an amount of tax (in whole or in part) and tax arrears exist which arose in the period between the date of submission of the declaration and the date of reimbursement of the amounts in question and do not exceed the amount which is reimbursable in accordance with the tax authority’s decision, penalties shall not be charged on the amount of arrears.

6. In the event that a taxpayer does not have arrears in respect of tax or other taxes or indebtedness in respect of penalties and (or) fines which are payable or recoverable in cases provided for in this Code, the amount of tax which is reimbursable in accordance with the tax authority’s decision shall be refunded on the taxpayer’s application to a bank account designated by the taxpayer. On the basis of a written application (an application submitted in electronic form with an enhanced qualified electronic signature via telecommunications channels) from the taxpayer, refundable amounts may be credited towards the payment of future payments in respect of tax or other taxes. [as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 374-FZ of 23.11.2020]

7. A decision to grant an offset (refund) of an amount of tax shall be adopted by a tax authority at the same time as a decision is issued to grant a reimbursement of an amount of tax (in whole or in part).
8. An instruction to refund an amount of tax which has been drawn up on the basis of a refund decision must be sent by a tax authority to a territorial body of the Federal Treasury on the day following the day of the adoption of that decision by the tax authority.

The territorial body of the Federal Treasury shall effect the refund of the amount of tax to the taxpayer in accordance with the budget legislation of the Russian Federation within five days of receiving the above-mentioned instruction and, within the same time period, shall notify the tax authority of the date of the refund and the amount of monetary resources refunded to the taxpayer.

9. A tax authority shall be obliged to give a taxpayer written notice of a decision taken to grant a reimbursement (in whole or in part), of a decision taken to grant an offset (refund) of an amount of tax which is reimbursable or of a refusal to grant a reimbursement within five days from the day of the adoption of the decision in question.

That notice may be transmitted to the director of an organization, to a private entrepreneur or to their representatives in person against receipt or in another manner which provides evidence of the fact and date of the receipt of the notice.

10. In the event that the time limit for the refund of an amount of tax is exceeded, commencing from the 12th day after the completion of the in-house tax audit on the basis of which the decision to grant a reimbursement of the amount of tax (in whole or in part) was issued, interest shall be assessed on the basis of the refinancing rate of the Central Bank of the Russian Federation and shall be payable to the taxpayer in accordance with the procedure and within the time limit prescribed by clause 10 of Article 78 of this Code. [as amended by Federal Law No. 374-FZ of 23.11.2020]

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

11. In the event that the interest provided for in clause 10 of this Article has not been paid to a taxpayer in full, the tax authority shall adopt a decision concerning the refund of the remaining amount of interest, calculated on the basis of the date of the actual refund to the taxpayer of the reimbursable amount of tax, within three days after receiving the notification from the territorial body of the Federal Treasury concerning the date of the refund and the amount of monetary resources refunded to the taxpayer.

An instruction for the refund of the remaining amount of interest, drawn up on the basis of the tax authority’s decision on the refund of that amount, shall be sent by the tax authority to a territorial body of the Federal Treasury within the time limit established by clause 8 of this Article in order for the refund to be effected.

11.1. Where an application for an amount of tax which is reimbursable on the basis of a decision of a tax authority to be credited towards future payments of tax or of other taxes (or for such an amount of tax to be refunded to a specified bank account) was not submitted by the taxpayer before the date of issue of the decision to grant a reimbursement of the amount of tax (in whole or in part), the amount of tax shall be credited (refunded) in accordance with the procedure and within the time periods which are prescribed by Article 78 of this Code. In this respect, the
provisions of clauses 7 to 11 of this Article shall not apply.

12. In the cases and according to the procedure provided for in Article 176.1 of this Code, taxpayers shall have the right to use the declarative tax reimbursement procedure.
[clause 12 inserted by Federal Law No. 318-FZ of 17.12.2009]


1. The declarative tax reimbursement procedure shall be a procedure whereby the amount of tax claimed for reimbursement in a tax declaration is credited (refunded) in the manner provided for in this Article before the completion of an in-house tax audit which is carried out in accordance with Article 88 of this Code on the basis of that tax declaration, except as otherwise provided in this clause. [as amended by Federal Law No. 470-FZ of 29.12.2020]

For taxpayers referred to in subsection 6 of clause 2 of Article 176.1 of this Code, the declarative tax reimbursement procedure shall be a procedure whereby the amount of tax claimed for reimbursement in a tax declaration for a tax period of a year for which tax monitoring is (was) conducted is credited (refunded) in the manner prescribed by this Article. [paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

2. The following shall have the right to use the declarative tax reimbursement procedure:

1) taxpayer organizations for which the aggregate amount of value added tax, excise duties, tax on the profit of organizations and mineral extraction tax paid over the three calendar years preceding the year in which the claim for the application of the declarative tax reimbursement procedure is submitted, excluding amounts of taxes paid in connection with the conveyance of goods across the border of the Russian Federation and in the capacity of a tax agent, is not less than 2 billion roubles. Such taxpayers shall have the right to apply the declarative tax reimbursement procedure if at least three years have elapsed from the day on which the organization in question was established up to the day on which a tax declaration is submitted; [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 397-FZ of 29.12.2015, No. 302-FZ of 03.08.2018]

2) taxpayers which have presented, together with a tax declaration in which the right to tax reimbursement is claimed, a valid bank guarantee under which the bank is obliged, on the basis of a demand presented by a tax authority, to pay to the budget on the taxpayer’s behalf any excess amounts of tax which the taxpayer received (or for which it received a credit) as a result of declarative tax reimbursement in the event that the decision to grant a reimbursement of the amount of tax claimed for reimbursement under the declarative procedure is rescinded in whole or in part in cases provided for in this Article;

3) taxpayers which are residents of a priority social and economic development area and have provided, together with a tax declaration in which the right to tax reimbursement is claimed, a surety agreement of a management company designated by the Government of the Russian Federation in accordance with the Federal Law “Concerning Priority Social and Economic Development Areas in the Russian Federation” (a copy of a surety agreement) under which the management company is obliged, on the basis of a demand from a tax authority, to pay to the budget on the taxpayer’s behalf amounts of tax which it received (or were credited to it) in
excess as a result of tax reimbursement under the declarative procedure in the event that the
decision to grant a reimbursement of the amount of tax claimed for reimbursement under the
declarative procedure is rescinded in whole or in part in cases provided for in this Article. An
obligation for the management company to pay to the budget on the taxpayer’s behalf amounts
of tax which it received (or were credited to it) in excess as a result of tax reimbursement under
the declarative procedure shall arise if the taxpayer fails to comply with the tax authority’s
demand for the repayment of amounts of tax received (credited) in excess within 15 calendar
days of the demand being issued by the tax authority;
[subsection 3 inserted by Federal Law No. 380-FZ of 29.11.2014; as amended by Federal Law No. 214-FZ of
13.07.2015]

4) taxpayers which are residents of the Vladivostok free port and have provided, together with
a tax declaration in which the right to a tax reimbursement is claimed, a surety agreement of a
management company designated by the Federal Law “Concerning the Vladivostok Free Port”
(a copy of a surety agreement) under which the management company is obliged, on the basis
of a demand from a tax authority, to pay to the budget on the taxpayer’s behalf amounts of tax
which it received (or were credited to it) in excess as a result of tax reimbursement under the
declarative procedure in the event that the decision to grant a reimbursement of the amount of
tax claimed for reimbursement under the declarative procedure is rescinded in whole or in part
in cases provided for in this Article. An obligation for the management company to pay to the
budget on the taxpayer’s behalf amounts of tax which it received (or were credited to it) in
excess as a result of tax reimbursement under the declarative procedure shall arise if the
taxpayer fails to comply with the tax authority’s demand for the repayment of amounts of tax
received (credited) in excess within 15 calendar days of the demand being issued by the tax
authority;
[subsection 4 inserted by Federal Law No. 214-FZ of 13.07.2015]

5) taxpayers whose obligation to pay tax is secured by a surety bond in accordance with Article
74 of this Code under which the surety is obliged, on the basis of a demand from the tax
authority, to pay to the budget on the taxpayer’s behalf an amount of tax which it received
(which was credited to it) as a result of tax reimbursement under the declarative procedure, if
the decision to grant a reimbursement of the amount of tax claimed for reimbursement under
the declarative procedure is annulled in whole or in part in cases provided for in this Article.
[subsection 5 inserted by Federal Law No. 401-FZ of 30.11.2016]

6) taxpayers in relation to which tax monitoring is conducted as at the date of submission of a
tax declaration such as is referred to in clause 1 of this Article;
[subsection 6 inserted by Federal Law No. 470-FZ of 29.12.2020]

7) taxpayer organizations that manufacture a vaccine for the prevention of the novel
coronavirus infection and about which information is contained in the registration certificate
for that vaccine.
[subsection 7 inserted by Federal Law No. 306-FZ of 02.07.2021]

2.1. For the purposes of subsection 5 of clause 2 of this Article, a surety must meet the following
requirements:

1) it must be a Russian organization;
2) the aggregate amount of value added tax, excise duties, tax on profit of organizations and mineral extraction tax paid by the surety during the three years preceding the year in which the application for the conclusion of a surety agreement is submitted, excluding amounts of tax paid in connection with the movement of goods across the border of the Russian Federation and in the capacity of a tax agent, is not less than 2 billion roubles; [as amended by Federal Law No. 302-FZ of 03.08.2018]

3) the amount of the surety’s obligations under surety agreements in force (including the surety agreement referred to in subsection 5 of clause 2 of this Article in relation to the taxpayer) which have been concluded in accordance with this Code as at the date of the submission of the application for the conclusion of the surety agreement referred to in subsection 5 of clause 2 of this Article does not exceed 50 per cent of the value of the surety’s net assets as determined as at 31 December of the calendar year preceding the year in which the application for the conclusion of the surety agreement referred to in subsection 5 of clause 2 of this Article has been submitted; [as amended by Federal Law No. 302-FZ of 03.08.2018]

4) the surety is not in the process of re-organization or liquidation as at the date of submission of the application for the conclusion of the surety agreement referred to in subsection 5 of clause 2 of this Article;

5) the surety is not the subject of insolvency (bankruptcy) proceedings in accordance with the insolvency (bankruptcy) legislation of the Russian Federation as at the date of submission of the application for the conclusion of the surety agreement referred to in subsection 5 of clause 2 of this Article;

6) the surety does not have indebtedness in respect of taxes, levies, insurance contributions, penalties and fines as at the date of submission of the application for the conclusion of the surety agreement referred to in subsection 5 of clause 2 of this Article. [as amended by Federal Law No. 302-FZ of 03.08.2018]
[clause 2.1 inserted by Federal Law No. 401-FZ of 30.11.2016]

3. Not later than the day following the day on which a bank guarantee is issued (a surety agreement is concluded), the bank (management company) shall notify the tax authority where the taxpayer is registered of the issue of a bank guarantee (the conclusion of a surety agreement) in accordance with a procedure to be determined by the federal executive body in charge of control and supervision in the area of taxes and levies.
[clause 3 as reworded by Federal Law No. 380-FZ of 29.11.2014]

4. A bank guarantee must be provided by a bank which has been included in the list of banks which meet the requirements established by Article 74.1 of this Code for the acceptance of bank guarantees for taxation purposes. A bank guarantee shall be subject to the requirements established by Article 74.1 of this Code with account taken of the following special considerations:

1) the bank guarantee must expire not earlier than 10 months from the date of submission of the tax declaration in which a tax reimbursement is claimed;
[subsection 1 as reworded by Federal Law No. 401-FZ of 30.11.2016]
2) the amount for which the bank guarantee has been issued must be such as to ensure the fulfillment of obligations for the repayment to budgets of the budget system of the Russian Federation of the entire amount of tax claimed for reimbursement.

4.1. A surety agreement shall be subject to the requirements of the tax and levy legislation of the Russian Federation with account taken of the following special considerations:

1) the term of the surety agreement must expire not earlier than 10 months from the date of submission of a tax declaration in which a reimbursement is claimed and must be no more than one year from the date of conclusion of the surety agreement;

2) the amount indicated in the surety agreement must provide for the fulfillment of obligations for the full repayment to budgets of the budget system of the Russian Federation of the amount of tax which is claimed for reimbursement.

6.1. A bank guarantee (a surety agreement) shall be provided to a tax authority not later than the deadline specified in clause 7 of this Article for the submission of a claim for the application of the declarative tax reimbursement procedure.

7. Taxpayers which have the right to use the declarative tax reimbursement procedure shall exercise that right by means of submitting to the tax authority, no later than five days from the date of submission of a tax declaration, a claim for the application of the declarative tax reimbursement procedure, in which the taxpayer shall enter the details of an account held by it with a bank for the purpose of the refund of monetary resources, except as otherwise provided in this clause.

Taxpayers referred to in subsection 6 of clause 2 of this Article shall exercise their right to the application of the declarative tax reimbursement procedure by submitting to the tax authority during the course of tax monitoring, not later than two months from the day on which a tax declaration is submitted, a claim for the application of the declarative tax reimbursement procedure in which the taxpayer shall enter the details of an account held by it with a bank account in order for money to be refunded.

In the above-mentioned claims the taxpayers shall undertake to repay to the budget any excess amounts which they receive (or for which they receive a credit) under the declarative procedure (including interest such as is provided for in clause 10 of this Article (if any was paid)), and to pay interest charged on those amounts in accordance with the procedure established by clause 17 of this Article, in the event that the decision to grant a reimbursement of the amount of tax claimed for reimbursement under the declarative procedure is rescinded in whole or in part in cases provided for in this Article.

8. Within five days from the day on which a claim for the application of the declarative tax reimbursement procedure is submitted, the tax authority shall check whether the taxpayer is in
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compliance with the requirements laid down in clauses 2, 4, 4.1 and 7 of this Article and whether the taxpayer has arrears in respect of tax or other taxes or indebtedness in respect of corresponding penalties and (or) fines which are payable or recoverable in cases provided for in this Code, and shall adopt a decision to grant a reimbursement of the amount of tax claimed for reimbursement under the declarative procedure or a decision to disallow the reimbursement of the amount of tax claimed for reimbursement under the declarative procedure. [as amended by Federal Law No. 401-FZ of 30.11.2016]

At the same time as a decision to grant a reimbursement of the amount of tax claimed for reimbursement under the declarative procedure, depending on whether or not the taxpayer has indebtedness in respect of the above-mentioned payments the tax authority shall adopt a decision to grant a credit for the amount of tax claimed for reimbursement under the declarative procedure and (or) a decision to grant a refund (in whole or in part) of the amount of tax claimed for reimbursement under the declarative procedure.

The tax authority shall be obliged to give the taxpayer written notice of decisions made within five days from the day on which a particular decision is made. In this respect, a notice of a decision to disallow the reimbursement of tax claimed for reimbursement under the declarative procedure must indicate the provisions of this Article which were violated by the taxpayer. That notice may be transmitted to the director of an organization, to a private entrepreneur or to representative thereof in person against receipt or by another means which provides evidence of the fact and date of its receipt.

The adoption of a decision to disallow the reimbursement of an amount of tax claimed for reimbursement under the declarative procedure shall not alter the procedure and time period for the conduct of an in-house tax audit of a submitted tax declaration. Where a decision is issued to disallow the reimbursement of an amount of tax claimed for reimbursement under the declarative procedure, tax reimbursement shall be effected according to the procedure and within the time periods which are laid down in Article 176 of this Code. In this respect, in the case referred to in this clause, upon the taxpayer’s written request the tax authority shall return the bank guarantee to the taxpayer not later than three days from the day on which that request is received. [as amended by Federal Law No. 366-FZ of 24.11.2014]

9. Where a taxpayer has arrears in respect of tax or other taxes or indebtedness in respect of corresponding penalties and (or) fines which are payable or recoverable in cases provided for in this Code, on the basis of the decision to grant a credit for the amount of tax claimed for reimbursement under the declarative procedure the tax authority shall independently credit the amount of tax claimed for reimbursement under the declarative procedure towards the settlement of the above-mentioned arrears and indebtedness in respect of penalties and (or) fines. In this respect, penalties shall be charged on the arrears in question until the day on which the tax authority adopts the decision to grant a credit for the amount of tax claimed for reimbursement under the declarative procedure.

Where a taxpayer does not have arrears in respect of tax or other taxes or indebtedness in respect of corresponding penalties and (or) fines which are payable or recoverable in cases provided for in this Code, or in the event that the amount of tax claimed for reimbursement under the declarative procedure exceeds the amounts of such arrears in respect of tax or other taxes and indebtedness in respect of corresponding penalties and (or) fines, the amount of tax which is reimbursable shall be refunded to the taxpayer on the basis of a decision of the tax authority to
grant a refund (in whole or in part) of the amount of tax claimed for reimbursement under the declarative procedure.

10. An order for the refund of an amount of tax shall be drawn up by a tax authority on the basis of a decision to grant a refund (in whole or in part) of an amount of tax claimed for reimbursement under the declarative procedure and must be sent to a territorial body of the Federal Treasury on the next working day after the day on which the tax authority adopted that decision.

Within five days from the day on which it receives the order referred to in paragraph 1 of this clause, the territorial body of the Federal Treasury shall refund the amount of tax to the taxpayer in accordance with the budget legislation of the Russian Federation and, not later than the day following the day on which the refund is effected, notify the tax authority of the date of the refund and the amount of monetary resources refunded to the taxpayer.

In the event that the time limits for the refund of the amount of tax are exceeded, interest shall accrue on that amount for each day of the delay commencing from the 12th day after the day on which the taxpayer submitted the application specified in clause 7 of this Article. The interest rate shall be taken to be equal to the refinancing rate of the Central Bank of the Russian Federation which is prevailing in the period in which the refund time limit is exceeded. [as amended by Federal Law No. 374-FZ of 23.11.2020]

In the event that interest provided for in this clause has been paid to a taxpayer in less than the full amount, within three days after receiving the notification from the territorial body of the Federal Treasury concerning the date of the refund and the amount of monetary resources refunded the tax authority shall adopt a decision requiring payment of the remaining amount of interest and, not later than the day following the day on which that decision is adopted, shall send to the territorial body of the Federal Treasury an order, drawn up on the basis of that decision, for the payment of the remaining amount of interest.

11. The validity of the amount of tax claimed for reimbursement shall be checked by the tax authority in the process of conducting an in-house tax audit according to the procedure and within the time periods which are established by Article 88 of this Code on the basis of a tax declaration submitted by the taxpayer in which the amount of tax is claimed for reimbursement, except as otherwise provided in this clause. [as amended by Federal Law No. 470-FZ of 29.12.2020]

In the case of taxpayers such as are referred to in subsection 6 of clause 2 of this Article, the validity of the amount of tax claimed for reimbursement in a tax declaration shall be checked by the tax authority during the tax monitoring term provided for in clause 5 of Article 105.26 of this Code. [paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

12. In the event that no violations of tax and levy legislation are discovered in the process of conducting the in-house tax audit, the tax authority must, within seven days after completing the in-house tax audit, give the taxpayer written notice of the fact that the tax audit has been completed and no violations of tax and levy legislation were found.

Not later than the day following the day on which a taxpayer which has provided a bank guarantee is sent a notice to the effect that no violations of tax and levy legislation have been
found, the tax authority shall be obliged to send to the bank which issued that bank guarantee a written notice of the release of the bank from obligations under that bank guarantee, and upon the taxpayer’s written request the tax authority shall also be obliged to return the bank guarantee to the taxpayer not later than three days from the day on which that request is received. [paragraph inserted by Federal Law No. 245-FZ of 19.07.2011, as amended by Federal Law No. 366-FZ of 24.11.2014]

Not later than the day following the day on which a taxpayer whose tax payment obligation is secured by a surety bond such as is provided for in this Article is sent a notice to the effect that no violations of the tax and levy legislation of the Russian Federation have been found, the tax authority shall be obliged to send to the surety a written notice of the release of the surety from obligations under that surety agreement. [as amended by Federal Law No. 401-FZ of 30.11.2016]

13. In the event that violations of tax and levy legislation are discovered in the course of conducting the in-house tax audit, authorized officials of the tax authorities must draw up a tax audit report in accordance with Article 100 of this Code.

The report and other materials relating to the in-house tax audit in the course of which violations of tax and levy legislation were discovered and objections presented by the taxpayer (its representative) must be examined by the director (deputy director) of the tax authority which carried out the tax audit, and a decision must be adopted on them in accordance with Article 101 of this Code.

14. After examining the materials relating to the in-house tax audit, the director (deputy director) of the tax authority shall issue a decision to impose sanctions on the taxpayer for the commission of a tax offence or a decision not to impose sanctions on the taxpayer for the commission of a tax offence.

15. Should the amount of tax reimbursed to a taxpayer in the manner provided for in this Article exceed the amount of tax which is reimbursable according to the results of the in-house tax audit, at the same as the tax authority adopts the decision provided for in clause 14 of this Article the tax authority shall adopt a decision to rescind (in whole or in part) the decision to grant a reimbursement of the amount of tax claimed for reimbursement under the declarative procedure and the decision to grant a refund (in whole or in part) of the amount of tax claimed for reimbursement under the declarative procedure and (or) the decision to grant a credit for the amount of tax claimed for reimbursement under the declarative procedure with respect to the amount of tax which is not reimbursable according to the results of the in-house tax audit. [as amended by Federal Law No. 470-FZ of 29.12.2020]

Where, in the case of taxpayers referred to in subsection 6 of clause 2 of this Article, the amount of tax reimbursed in the manner prescribed in this Article exceeds the amount of tax that is reimbursable in accordance with a reasoned opinion prepared by the tax authority, the tax authority shall, at the same time as preparing the reasoned opinion, adopt a decision to rescind (in whole or in part) the decision to reimburse the amount of tax claimed for reimbursement and the decision to refund (in whole or in part) the amount of tax claimed for reimbursement and (or) the decision to credit the amount of tax claimed for reimbursement insofar as it concerns the amount of tax that is not reimbursable. [paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]
16. The tax authority shall be obliged to give the taxpayer written notice of decisions made such as are provided for in clauses 14 and 15 of this Article within five days from the day on which such a decision is adopted. That notice may be transmitted to the director of an organization, to a private entrepreneur or to their representatives in person against receipt or by another means which provides evidence of the fact and date of its receipt.

17. Together with the notice of the adoption of the decision referred to in clause 15 of this Article, the taxpayer shall be sent a demand to repay to the budget any excess amounts which it received (for which it received a credit) under the declarative procedure (including interest such as is provided for in clause 10 of this Article (if any was paid) in an amount corresponding to the proportion of the amount of tax reimbursed in excess to the total amount of tax reimbursed under the declarative procedure) (hereinafter referred to as “demand for repayment”). Interest shall be charged on amounts repayable by the taxpayer on the basis of an interest rate equal to double (or, in the case referred to in paragraph 2 of clause 15 of this Article, the single level of) the refinancing rate of the Central Bank of the Russian Federation which was in effect in the period in which budgetary resources were used. That interest shall be charged commencing from the day: [as amended by Federal Law No. 470-FZ of 29.12.2020]

1) on which the taxpayer actually received the resources – in the event that the amount of tax was refunded under the declarative procedure;

2) on which a decision was adopted to grant a credit for the amount of tax claimed for reimbursement under the declarative procedure – if the amount of tax was credited under the declarative procedure.

18. The form of a demand for repayment shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. The demand must contain information:

1) on the amount of tax which is reimbursable according to the results of the in-house tax audit or in connection with the preparation of a reasoned opinion by a tax authority; [as amended by Federal Law No. 470-FZ of 29.12.2020]

2) on excess amounts of tax received by the taxpayer (credited for the taxpayer) under the declarative procedure which are repayable to the budget;

3) on the amount of interest provided for in clause 10 of this Article which is repayable to the budget;

4) on the amount of interest charged in accordance with clause 17 of this Article as at the date of sending the demand for repayment;

5) on the time limit for complying with the demand for repayment, as established by clause 20 of this Article;

6) on measures for the recovery of amounts payable which will be taken in the event that the taxpayer fails to comply with the demand for repayment.
19. The demand for repayment may be transmitted to the director of an organization, to a private entrepreneur or to their representatives in person against receipt or by another means which provides evidence of the fact and date of its receipt. If the demand for repayment cannot be served by such means, it shall be sent by registered mail and shall be considered to have been received upon the lapse of six days from the date on which the registered letter was sent.

20. The taxpayer shall be obliged to pay the amount specified in the demand for repayment independently within five days from the date of receipt of that demand.

Not later than three days from the day on which a notification is received from a territorial body of the Federal Treasury to the effect that a taxpayer which presented a bank guarantee has repaid the amounts of tax specified in the demand for repayment, the tax authority shall be obliged to notify the bank which issued the bank guarantee of the release of the bank from obligations under that bank guarantee and, upon the taxpayer’s written request, to return the bank guarantee to the taxpayer not later than three days from the day on which that request is received. [paragraph inserted by Federal Law No. 366-FZ of 24.11.2014]


22. Within ten days after the obligation of a bank (a surety-management company) to pay a sum of money on the basis of the bank guarantee (surety agreement) is fulfilled, the tax authority shall send the taxpayer a revised demand for repayment, indicating the amounts payable to the budget. [as amended by Federal Law No. 380-FZ of 29.11.2014]

In this respect, in the event that the tax authority fails to meet the time limit for sending a demand for repayment, the charging of interest on the amounts payable by the taxpayer on the basis of the demand for repayment shall be suspended until the date on which that demand is actually received by the taxpayer.

23. In the event that the amounts specified in a demand for repayment are not paid or are not paid in full within the established time limit by a taxpayer which has used the declarative tax reimbursement procedure without the provision of a bank guarantee or by a taxpayer which has received a revised demand for repayment, or where a demand for the payment of a sum of money on the basis of a bank guarantee cannot be sent to the bank owing to the expiry of that guarantee or a demand cannot be sent to a surety-management company for the payment of a sum of money under a surety agreement, the payment of the amount concerned shall be enforced by means of levying execution on monetary resources held in accounts or on other property of the taxpayer according to the procedure and within the time periods established by Articles 46 and 47 of this Code on the basis of a decision on the recovery of those amounts adopted by the tax authority after the failure by the taxpayer to comply with the demand for repayment within the established time limit. [as amended by Federal Law No. 380-FZ of 29.11.2014]

24. After a taxpayer has submitted an application such as is provided for in clause 7 of this Article, before the in-house tax audit has been completed (before the end of the tax monitoring term but not later than the day of the preparation of a reasoned opinion where a claim is submitted by a taxpayer referred to in subsection 6 of clause 2 of this Article), a revised tax declaration shall be submitted in the manner provided for in Article 81 of this Code with account taken of the special considerations established by this clause. [as amended by Federal Law No. 470-FZ of 29.12.2020]
If a revised tax declaration is submitted by the taxpayer before the adoption of a decision such as is provided for in paragraph 1 of clause 8 of this Article, such a decision shall not be adopted on the basis of the previously submitted tax declaration.

If a revised tax declaration is submitted by the taxpayer after the tax authority has adopted a decision to grant a reimbursement of the amount of tax claimed for reimbursement under the declarative procedure but before the completion of the in-house tax audit (before the end of the tax monitoring term but not later than the day of the preparation of a reasoned opinion where a revised claim is submitted by a taxpayer referred to in subsection 6 of clause 2 of this Article), the above-mentioned decision made on the previously submitted tax declaration shall be rescinded (in whole or in part) not later than the day following the day on which the revised tax declaration is submitted. Not later than the day following the date of adoption of the decision to rescind (in whole or in part) the decision to grant a reimbursement of the amount of tax claimed for reimbursement under the declarative procedure, the tax authority shall notify the taxpayer of the adoption of that decision. Excess amounts which the taxpayer received (or for which the taxpayer received a credit) must be repaid by the taxpayer together with interest provided for in clause 17 of this Article in accordance with the procedure laid down in clauses 17 to 23 of this Article. [as amended by Federal Law No. 470-FZ of 29.12.2020]

Article 177. Time Limits and Procedure for the Payment of Tax Upon the Importation of Goods into the Territory of the Russian Federation and Other Territories Under its Jurisdiction [article as reworded by Federal Law No. 306-FZ of 27.11.2010]

The time limits and procedure for the payment of tax upon the importation of goods into the territory of the Russian Federation and other territories under its jurisdiction shall be established by this Chapter with account taken of the provisions of the customs legislation of the Customs Union and customs-related legislation of the Russian Federation.

[Article 178. Lost force – Federal Law No. 65-FZ of 6.06.2003]

CHAPTER 22. EXCISE DUTIES

Article 179. Taxpayers

1. The following shall be deemed to be payers of excise duty (hereafter in this Chapter referred to as “taxpayers”): [as amended by Federal Law No. 166-FZ of 29.12.2000]

1) organizations;

2) private entrepreneurs;

3) persons which are deemed to be taxpayers in connection with the movement of goods across the customs border of the Eurasian Economic Union, as determined in accordance with Eurasian Economic Union law and customs-related legislation of the Russian Federation. [subsection 3 as reworded by Federal Law No. 323-FZ of 23.11.2015]
2. The organizations and other persons referred to in this Article shall be deemed to be taxpayers if they carry out operations which are taxable in accordance with this Chapter. [as amended by Federal Law No. 166-FZ of 29.12.2000]


1. Certificates of registration of an organization that carries out operations involving ethyl alcohol (hereafter in this Article referred to as a “certificate”) shall be issued to organizations that carry on the following activities:

1) the production of non-alcohol-containing products for the production of which (in the process of the production of which) denatured ethyl alcohol is used as a raw material – a certificate for the production of non-alcohol-containing products;

2) the production of alcohol-containing perfumes and cosmetics in metal aerosol packaging for the production of which ethyl alcohol is used as a raw material – a certificate for the production of alcohol-containing perfumes and cosmetics in metal aerosol packaging;

3) the production of alcohol-containing perfumes and cosmetics in small containers (alcohol-containing perfumes and cosmetics with an ethyl alcohol content by volume of up to 80 per cent inclusively, packaged in containers holding not more than 100 ml, or alcohol-containing perfumes and cosmetics with an ethyl alcohol content by volume of up to 90 per cent inclusively if the bottle has a spray nozzle, packaged in containers holding not more than 100 ml, or alcohol-containing perfumes and cosmetics with an ethyl alcohol content by volume of up to 90 per cent inclusively, packaged in containers holding not more than 3 ml) for the production of which ethyl alcohol is used as a raw material – a certificate for the production of alcohol-containing perfumes and cosmetics in small containers;

4) the production of alcohol-containing household chemicals in metal aerosol packaging – a certificate for the production of alcohol-containing household chemicals in metal aerosol packaging;

5) the production of medicines, and (or) medicinal products, and (or) medical devices that have undergone registration in accordance with Eurasian Economic Union law and (or) legislation of the Russian Federation and (or) have been included in the appropriate register, for the production of which (in the process of the production of which) ethyl alcohol is used as a raw material – a certificate for the production of pharmaceutical products;

6) the production of alcohol-containing inedible products in the form of gel and gel-based cream (cream gel) for the production of which (in the process of the production of which) ethyl alcohol is used as a raw material – a certificate for the production of alcohol-containing inedible products.

[subsection 6 inserted by Federal Law No. 321-FZ of 15.10.2020]
[clause 1 as reworded by Federal Law No. 326-FZ of 29.09.2019]

2. The following shall be indicated in the certificate:
1) the name of the tax authority which issued the certificate;

2) the full and abbreviated names of the organization, the location of the organization and the address (place of actual activity) at which the organization carries out the type of activity which is referred to in clause 1 of this Article;

3) the taxpayer identification number (TIN);

4) the type of activity;

5) particulars of documents which confirm the right of ownership (right of economic jurisdiction or operational management) in production facilities, and the location of those facilities. For the purposes of this Chapter, production facilities shall be understood to mean installations, processing units and equipment; [as amended by Federal Laws No. 326-FZ of 29.09.2019, No. 321-FZ of 15.10.2020]

6) particulars of documents confirming the right of ownership (right of economic jurisdiction or operational management) in facilities for the storage of ethyl alcohol and the location of those facilities, provided that clause 4 of this Article lays down a requirement for an organization to possess such facilities; [subsection 6 as reworded by Federal Law No. 326-FZ of 29.09.2019]

7) Lost force from 01.01.2020 – Federal Law No. 326-FZ of 29.09.2019

8) types of goods for the production of which (in the process of the production of which) ethyl alcohol is used; [subsection 8 as reworded by Federal Law No. 326-FZ of 29.09.2019]

9) the registration number and date of issue of the certificate.

3. The standard form of a certificate which is issued for each type of activity provided for in clause 1 of this Article, the standard form of an application for the issue of a certificate which is to be submitted by a taxpayer, the standard forms of decisions of a tax authority to issue (refuse to issue), suspend (renew) the validity of a certificate or annul a certificate and the administrative regulations on the provision of the state service involving the issue of a certificate shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. [clause 3 as reworded by Federal Law No. 269-FZ of 30.09.2013]

4. Certificates shall be issued to organizations provided that the following requirements are met:

1) a certificate for the production of non-alcohol-containing products – provided that the organization owns (possesses on the basis of economic jurisdiction or operational management) facilities for the production, storage and supply of non-alcohol-containing products for the production of which (in the process of the production of which) denatured ethyl alcohol is used as a raw material;
2) a certificate for the production of alcohol-containing perfumes and cosmetics in metal aerosol packaging – provided that the organization owns (possesses on the basis of economic jurisdiction or operational management) facilities for the storage of ethyl alcohol and for the production, storage and supply of alcohol-containing perfumes and cosmetics in metal aerosol packaging for the production of which ethyl alcohol is used as a raw material;

3) a certificate for the production of alcohol-containing perfumes and cosmetics in small containers – provided that the organization owns (possesses on the basis of economic jurisdiction or operational management) facilities for the storage of ethyl alcohol and for the production, storage and supply of alcohol-containing perfumes and cosmetics in small containers, provided that ethyl alcohol is used as a raw material for the production of those products;

4) a certificate for the production of alcohol-containing household chemicals in metal aerosol packaging – provided that the organization owns (possesses on the basis of economic jurisdiction or operational management) facilities for the storage of ethyl alcohol and for the production, storage and supply of alcohol-containing household chemicals in metal aerosol packaging for the production of which ethyl alcohol is used as a raw material;

5) a certificate for the production of pharmaceutical products – provided that the organization owns (possesses on the basis of economic jurisdiction or operational management) facilities for the production, storage and supply of medicines, and (or) medicinal products, and (or) medical devices that have undergone registration in accordance with Eurasian Economic Union law and (or) legislation of the Russian Federation and (or) have been included in the appropriate register, for the production of which (in the process of the production of which) ethyl alcohol is used as a raw material, and (or) provided that it possesses a licence to produce medicines, and (or) medicinal products, and (or) medical devices that has not been terminated or suspended, where current legislation requires such a licence to be held for the production of medicines, and (or) medicinal products, and (or) medical devices;

6) a certificate for the production of alcohol-containing inedible products – provided that the organization owns (possesses on the basis of economic jurisdiction or operational management) facilities for the storage of ethyl alcohol and for the production, storage and supply of alcohol-containing inedible products in the form of gel and gel-based cream (cream gel) for the production of which (in the process of the production of which) ethyl alcohol is used as a raw material.

4.1. To obtain a certificate, an organization shall submit to the tax authority:

1) an application for a certificate;

2) copies of documents confirming the right of ownership (right of economic jurisdiction or operational management) in facilities referred to in clause 4 of this Article that are needed to carry on the specified activity;

3) a copy of the licence to carry on a particular activity referred to in clause 1 of this Article (where current legislation requires such a licence to be held in order to carry on that activity);
4) a list of types of products manufactured indicating the number of the certificate of state registration (its registration number) – if the legislation of the Russian Federation and (or) Eurasian Economic Union law provides for mandatory state registration of the products in question, or, if mandatory state registration is not provided for, copies of documents in accordance with which products of the type concerned are produced (specifications, regulations, information on the composition of components of the products indicating the norms of use of ethyl alcohol as a raw material (auxiliary material)).

[subsection 4 inserted by Federal Law No. 321-FZ of 15.10.2020]
[clause 4.1 inserted by Federal Law No. 326-FZ of 29.09.2019]

4.2. A certificate shall begin to have effect from the first day of the tax period in which the organization submitted the application and copies of all the documents specified in clause 4.1 of this Article on the basis of which the certificate was issued.

[clause 4.2 inserted by Federal Law No. 326-FZ of 29.09.2019]

4.3. A tax authority shall be obliged to issue a certificate or send a taxpayer a written notification of refusal to issue a certificate, stating the reason for that refusal, not later than 30 calendar days from the date on which the organization submitted the application for a certificate and copies of all the documents specified in clause 4.1 of this Article.

[clause 4.3 inserted by Federal Law No. 326-FZ of 29.09.2019]

4.4. A tax authority shall refuse to issue a certificate in the following cases:

1) the submitted application for a certificate does not conform to the prescribed form;

2) the applicant organization has failed to submit some or all of the copies of documents needed to obtain a certificate;

3) documents (copies of documents) submitted by the applicant organization contain inaccurate information.

[clause 4.4 inserted by Federal Law No. 326-FZ of 29.09.2019]

4.5. An organization that has received a certificate shall submit to the tax authority, at the same time as submitting a tax declaration for excise duties, copies of documents confirming the occurrence of the following circumstances in the tax period for which the tax declaration is submitted:

1) the termination of the right of ownership (right of economic jurisdiction or operational management) in respect of assets referred to in clause 4 of this Article, and (or) the termination of a licence to produce medicines, and (or) medicinal products, and (or) medical devices where current legislation requires such a licence to be held for the production of medicines, and (or) medicinal products, and (or) medical devices;

2) the acquisition by the organization of a right of ownership (right of economic jurisdiction or operational management) in respect of assets referred to in clause 4 of this Article;

3) a change in the particulars specified in clause 4.1 of this Article and (or) documents confirming a right provided for in subsection 2 of this clause;
4) a change in the types of goods for the production of which (in the process of the production of which) the organization uses ethyl alcohol, and (or) the amendment of documents in accordance with which they are manufactured.

[clause 4.5 inserted by Federal Law No. 326-FZ of 29.09.2019]

5. A tax authority shall suspend the validity of a certificate from the first day of a tax period in which it discovers the occurrence of any of the following circumstances:

1) a failure by the organization to comply with provisions of tax and levy legislation regarding the calculation and payment of excise duties;

2) the suspension (termination) of the validity of a licence to carry on a particular activity referred to in clause 1 of this Article (where the current legislation of the Russian Federation requires such a licence to be held in order to carry on that activity);

3) a failure by an organization to submit documents referred to in clause 4.5 of this Article.

[clause 5 as reworded by Federal Law No. 326-FZ of 29.09.2019]

5.1. In the event that a tax authority suspends the validity of a certificate, it shall be obliged to establish in its decision a time limit for remedying the circumstances that are the basis for the suspension of the validity of the certificate. That time limit may not exceed six months from the date of entry into force of that decision.

An organization whose certificate has been suspended shall be obliged to notify the tax authority that issued the certificate in writing of the remediation of the circumstances that brought about the suspension of the certificate. Within ten working days of receiving such notification, the tax authority shall adopt a decision to reinstate the certificate or to annul the certificate and shall notify the organization accordingly in writing.

A decision to reinstate a certificate shall enter into force from the date on which it is adopted by the tax authority that issued the certificate.

[clause 5.1 inserted by Federal Law No. 326-FZ of 29.09.2019]

5.2. A tax authority shall annul a certificate in the following cases:

1) the submission by an organization of an application for the annulment of the certificate, drawn up in any form;

2) the expiry of the time limit set by the tax authority for remedying circumstances if the organization whose certificate has been suspended has not remedied all the circumstances that brought about the suspension of the certificate within the set time limit;

3) a change in the name of an organization;

4) a change in the location of an organization;

5) a change in the location of production facilities and facilities for the storage of ethyl alcohol that are specified in the certificate (in documents submitted by an organization in accordance with clause 4.5 of this Article);
6) the termination of the right of ownership (right of economic jurisdiction or operational management) in all facilities for the storage of ethyl alcohol that are specified in the certificate (in documents submitted by an organization in accordance with clause 4.5 of this Article);

7) the termination of the right of ownership (right of economic jurisdiction or operational management) in all production facilities specified in the certificate (in documents submitted by an organization in accordance with clause 4.5 of this Article), and (or) the termination of a licence to produce medicines, and (or) medicinal products, and (or) medical devices, where current legislation requires such a licence to be held for the production of medicines and (or) medicinal products and (or) medical devices;

8) the production of goods for the production of which (in the process of the production of which) ethyl alcohol is used of types other than those specified in the certificate (in documents submitted by an organization in accordance with clause 4.5 of this Article);

9) the transfer of a certificate by an organization to another person.

[clause 5.2 inserted by Federal Law No. 326-FZ of 29.09.2019]

5.3. A decision of a tax authority to annul a certificate shall enter into force from the day on which it is adopted and shall have effect subject to the following special considerations:

1) in the case referred to in subsection 1 of clause 5.2 of this Article, the certificate shall be annulled from the day specified in the application;

2) in the cases referred to in subsections 2 to 7 of clause 5.2 of this Article, the certificate shall be annulled from the day on which the relevant circumstances arise;

3) in the cases referred to in subsections 8 and 9 of clause 5.2 of this Article, the certificate shall be annulled from the first day of the tax period in which the relevant circumstances arose.

[clause 5.3 inserted by Federal Law No. 326-FZ of 29.09.2019]

6. In the cases of the annulment of a certificate which are provided for in clause 5.2 of this Article, the organization shall have the right to submit an application for a new certificate. In the event that an organization loses a certificate, the organization shall have the right to apply to the tax authority for the issue of a duplicate. [as amended by Federal Laws No. 326-FZ of 29.09.2019, No. 321-FZ of 15.10.2020]

7. The tax authority which issued a certificate shall be obliged to notify the organization of the suspension of the validity or annulment of the certificate in question within three days from the day on which the relevant decision is adopted.


9. Information on certificates issued, suspended and annulled in accordance with this Article shall be published in digital form in the public information system of the federal executive body in charge of control and supervision in the area of taxes and levies. The entry of information in the public information system shall take place in the manner prescribed by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 9 inserted by Federal Law No. 374-FZ of 23.11.2020]
Article 179.3. Certificates of Registration of a Person Which Carries Out Operations Involving Straight-Run Petrol [inserted by Federal Law No. 134-FZ of 26.07.2006]

1. Certificates of registration of a person which carries out operations involving straight-run petrol (hereafter in this Article referred to as “certificate”) shall be issued to organizations and private entrepreneurs which carry out the following activities:

- the production of straight-run petrol, including production from customer-supplied raw materials (other materials) – a certificate for the production of straight-run petrol;

- the production of petrochemical products where straight-run petrol is used as a raw material, including production from customer supplied raw materials (other materials) – a certificate for the processing of straight-run petrol.

For the purposes of this Chapter the following products (with the exception of the excisable goods enumerated in clause 1 of Article 181 of this Code) shall be considered to be petrochemical products:

- products which are obtained as a result of the processing (chemical conversions), including with the aid of auxiliary substances, of fractions (components) of raw hydrocarbons (oil, gas condensate, associated petroleum gas, ethane, liquefied petroleum gas (hereafter in this Chapter also referred to as “LPG”) and (or) natural gas), including straight-run petrol, into organic substances which are end products and (or) are subsequently used for the manufacture of other products based on them and (or) are used for process requirements (including as fuel), and by-products and waste products which are obtained as a result of that processing; [as amended by Federal Law No. 321-FZ of 15.10.2020]

[clause 1 as reworded by Federal Law No. 335-FZ of 27.11.2017]

2. The following shall be indicated in the certificate:

1) the name of the tax authority which issued the certificate;

2) the full and abbreviated names of the organization (surname, first name and patronymic of the private entrepreneur), the location of the organization (place of residence of the private entrepreneur) and the address (place of actual activity) at which the organization (private entrepreneur) carries out the types of activity which are referred to in clause 1 of this Article;

3) the taxpayer identification number (TIN);

4) the type of activity;

5) particulars of documents which confirm the right of ownership (right of possession or use on other legal grounds, provided that the charter (pooled) capital (fund) of the applicant
organization consists 100 per cent of a contribution (share interest) of the organization which owns the production facilities, and the location of those facilities;

6) particulars of the agreement on the rendering by the taxpayer of services involving the processing of oil, gas condensate, associated petroleum gas, natural gas, oil shales, coal and other raw materials and products of the processing thereof for the purpose of obtaining straight-run petrol (if such an agreement exists);

7) particulars of the agreement on the rendering of services involving the processing of straight-run petrol with an organization which carries out the production of petrochemical products (if such an agreement exists);

8) the registration number and date of issue of the certificate.

3. The standard form of a certificate which is issued for each type of activity provided for in clause 1 of this Article, the standard form of an application for the issue of a certificate which is to be submitted by a taxpayer, the standard forms of decisions of a tax authority to issue (refuse to issue), suspend (renew) the validity of a certificate or annul a certificate and the administrative regulations on the provision of the state service involving the issue of a certificate shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 3 as reworded by Federal Law No. 269-FZ of 30.09.2013]

4. A certificate shall be issued to organizations and private entrepreneurs provided that they meet the following requirements:

- a certificate for the production of straight-run petrol – provided that the organization or private entrepreneur (an organization in which the applicant organization possesses more than 50 per cent of the charter (pooled) capital (fund) of a limited liability company or of the voting shares in a joint stock company) has ownership (possession or use on other legal grounds, provided that the charter (pooled) capital (fund) of the applicant organization consists 100 per cent of a contribution (share interest) of the organization which owns the production facilities) of facilities for the production of straight-run petrol and (or) subject to the existence of an agreement on the rendering of services involving the processing by the taxpayer of crude oil, gas condensate, associated petroleum gas, natural gas, oil shales, coal and other materials and products of the processing thereof as a result of which straight-run petrol is produced;

- a certificate for the processing of straight-run petrol – provided that the organization or private entrepreneur (an organization in which the applicant organization possesses more than 50 per cent of the charter (pooled) capital (fund) of a limited liability company or of the voting shares in a joint stock company) has ownership (possession or use on other legal grounds, provided that the charter (pooled) capital (fund) of the applicant organization consists 100 per cent of a contribution (share interest) of the organization which owns the production facilities) of facilities for the production of petrochemical products and (or) subject to the existence of an agreement on the rendering of services involving the processing of straight-run petrol belonging to the taxpayer with an organization which carries out the production of petrochemical products.
The tax authority shall be obliged to issue a certificate (notify the applicant of a refusal to issue a certificate) not later than 30 calendar days from the moment when the taxpayer submitted the application for the issue of a certificate and presented copies of the documents provided for in this Article. A notification shall be sent to the taxpayer in writing stating the reasons for the refusal. In order to receive a certificate the taxpayer (unless otherwise established by this Article) shall present to the tax authority an application for the issue of a certificate, information to the effect that it possesses the production facilities which are required to carry out the stated type of activity and copies of documents which confirm the taxpayer’s right of ownership in those facilities (copies of documents which confirm the right of economic jurisdiction and (or) operational management of property assigned to it).

In order to receive a certificate for the production of straight-run petrol an organization or private entrepreneur which processes crude oil, gas condensate, associated petroleum gas, natural gas, oil shales, coal and other raw materials and products of the processing thereof may present to the tax authority, in place of documents which confirm the right of ownership (right of economic jurisdiction and (or) operational management) in facilities for the production of straight-run petrol, a certified copy of the agreement on the rendering of services involving the processing of oil, gas condensate, associated petroleum gas, natural gas, oil shales, coal and other raw materials and products of the processing thereof bearing a mark made by the tax authority at the location of the organization which carries out the processing of oil, gas condensate, associated petroleum gas, natural gas, oil shales, coal and other raw materials and products of the processing thereof. That mark shall be made subject to the presentation to the tax authority at the location of that organization or the place of residence of the private entrepreneur of a copy of the agreement on the rendering of services involving the processing of oil, gas condensate, associated petroleum gas, natural gas, oil shales, coal and other raw materials and products of the processing thereof.

In order to receive a certificate for the processing of straight-run petrol, an organization or private entrepreneur which is the owner of raw materials may present to the tax authorities, in place of documents confirming the right of ownership (right of possession or use on other legal grounds, provided that the charter (pooled) capital (fund) of the applicant organization consists 100 per cent of a contribution (share interest) of the organization which owns the production facilities) in facilities for the production, storage and supply of petrochemical products, a certified copy of an agreement on the rendering of services involving the processing of straight-run petrol with an organization which carries out the production of petrochemical products, bearing a mark made by the tax authority at the location of the organization which carries out the production of petrochemical products. That mark shall be made subject to the presentation to the tax authority at the location of the organization or the place of residence of the private entrepreneur which carries out the production of petrochemical products of a copy of the agreement on the rendering of services involving the processing of straight-run petrol.

The certificates provided for in this Article shall also be issued to an organization or private entrepreneur which has filed an application for the issue of a particular certificate where the facilities required for the receipt of certificates are owned by an organization in which the organization or private entrepreneur which filed the application for the issue of a certificate possesses more than 50 per cent of the charter (pooled) capital (fund) of a limited liability company or of the voting shares in a joint stock company. In such case the organization or private entrepreneur which filed the application for the issue of a certificate shall present to the tax authority documents confirming the organization’s rights to the possession, use and disposal...
of that property and documents confirming the possession of the above-mentioned share (the appropriate quantity of voting shares) in the organization’s charter (pooled) capital (fund).

The validity of a certificate shall commence from the 1\textsuperscript{st} day of the tax period in which the taxpayer submitted the application and copies of the documents specified in this Article on the basis of which the certificate was issued. \textit{[paragraph inserted by Federal Law No. 366-FZ of 24.11.2014]}

5. Tax authorities shall suspend the validity of a certificate in the following cases:

- in the event that the organization or private entrepreneur fails to abide by provisions of tax and levy legislation relating to the calculation and payment of excise duties;

- in the event that the organization or private entrepreneur as a purchaser (recipient) of straight-run petrol fails for three consecutive tax periods to present the VAT invoice registers which must be presented to the tax authorities in accordance with Article 201 of this Code. In such case the validity of the certificate of the organization or private entrepreneur which is the purchaser (recipient) of the straight-run petrol shall be suspended;

- in the event of the use of technological equipment for the production, storage and sale of straight-run petrol which is not fitted with control instruments to record the volumes thereof or is fitted with malfunctioning control and measuring equipment, and in the event of the disruption of the operation or violation of the conditions of use of control and measuring equipment installed on such technological equipment.

In the event that the validity of a certificate is suspended, the tax authority shall be obliged to establish a time limit for rectifying the violations which resulted in the suspension of the validity of the certificate. That time limit may not exceed six months. In the event that the violations are not rectified within the established time limit, the certificate shall be annulled.

An organization or private entrepreneur which possesses a certificate shall be obliged to notify the tax authority which issued the certificate in writing of the rectification by them of the violations which resulted in the suspension of the validity of the certificate. The tax authority which issued the certificate shall adopt a decision concerning the reinstatement or non-reinstatement of its validity and shall give written notice of this to the organization or private entrepreneur which possesses the certificate within three working days from the date of receipt of the notification of the rectification of the violations which resulted in the suspension of the validity of the certificate. The period of validity of the certificate shall not be extended by the period of time for which it is suspended.

The tax authorities shall annul a certificate in the following cases:

- in the event that the organization or private entrepreneur submits an appropriate application;

- in the event that the organization or private entrepreneur transfers a certificate which has been issued according to the procedure established in accordance with clause 3 of this Article to another person;
- in the event of the completion of the re-organization of an organization if, as a result of the re-organization, the organization in question loses its right of ownership in facilities which were declared upon receiving the certificate, or in the event of the termination of the agreements provided for in paragraphs 2 and 3 of clause 4 of this Article;

- in the event of a change of name of an organization (a change of surname, first name and patronymic of a private entrepreneur);

- in the event of a change of location of an organization (place of residence of a private entrepreneur);

- in the event of the termination of the right of ownership or possession (use) on other legal grounds (provided that the charter (pooled) capital (fund) of the applicant organization consists 100 per cent of a contribution (share interest) of the organization which owns the production facilities) in all the facilities specified in the certificate, or in the event of the termination of the agreements provided for in paragraphs 2 and 3 of clause 4 of this Article.

6. In the cases of the annulment of a certificate which are provided for in clause 5 of this Article, and in the event that an organization or private entrepreneur loses a certificate, the organization or private entrepreneur shall have the right to submit an application for a new certificate.

7. The tax authority which issued a certificate shall be obliged to notify the organization or private entrepreneur of the suspension of the validity or annulment of the certificate within three days from the day on which the relevant decision is adopted.

**Article 179.4. Certificate of Registration of an Entity That Carries Out Operations Involving Benzene, Paraxylene or Orthoxylene** [inserted by Federal Law No. 366-FZ of 24.11.2014]

1. A certificate of registration of an entity that carries out operations involving benzene, paraxylene or orthoxylene (hereafter in this Article referred to as “certificate”) shall be issued to organizations and private entrepreneurs that engage in the manufacture of petrochemical products (including on the basis of a contract for the provision to those persons of services involving the manufacture of petrochemical products) in the process of which benzene, paraxylene or orthoxylene owned by those persons is used as a raw material (including in an intermediate stage of a continuous process for the manufacture of petrochemical products).

2. The following shall be indicated in the certificate:

1) the name of the tax authority which issued the certificate;

2) the full and abbreviated names of the organization (surname, first name and patronymic of the private entrepreneur), the location of the organization (place of residence of the private entrepreneur) and the address (place of actual activity) at which the organization (private entrepreneur) carries out the activities which are referred to in clause 1 of this Article;

3) the taxpayer identification number (TIN);

4) particulars of documents which confirm the right of ownership (right of possession and (or) use) in production facilities, and the location of those facilities;
5) particulars of the contract for the provision to the taxpayer of services involving the manufacture of petrochemical products;

6) the registration number and date of issue of the certificate.

3. The standard form of a certificate, the standard form of an application for the issue of a certificate which is to be submitted by a taxpayer, the standard forms of decisions of a tax authority to issue (refuse to issue), suspend (reinstate) the validity of a certificate or annul a certificate and the administrative regulations on the provision of the state service involving the issue of a certificate shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

4. A certificate shall be issued to organizations and private entrepreneurs provided that the organization or private entrepreneur (an organization in which the applicant organization possesses more than 50 per cent of the charter (pooled) capital (fund) of a limited liability company or of the voting shares in a joint stock company) has ownership (possession and (or) use) of facilities for the manufacture of petrochemical products in the process of which benzene, paraxylene or orthoxylene is used as a raw material (including in an intermediate stage of a continuous process for the manufacture of petrochemical products) and (or) where there is a contract for the provision to the taxpayer of services involving the manufacture of petrochemical products in the process of which benzene, paraxylene or orthoxylene is used as a raw material (including in an intermediate stage of a continuous process for the manufacture of petrochemical products) which has been concluded with the organization which directly carries out that manufacturing activity.

A tax authority shall be obliged to issue a certificate or send the taxpayer a notification of a refusal to issue a certificate, indicating the reason for the refusal, not later than 30 calendar days from the moment when the taxpayer submitted the application for the issue of a certificate and presented copies of the documents specified by this Article. A notification shall be sent to the taxpayer in writing.

In order to receive a certificate the taxpayer shall submit to the tax authority an application for the issue of a certificate and one of the following documents:

- a list of production facilities available to the taxpayer which are needed for the manufacture of petrochemical products, accompanied by documents confirming the taxpayer’s right of ownership (right of possession and (or) use) in those facilities;

- a certified copy of a contract for the provision to the taxpayer of services involving the manufacture of petrochemical products, concluded with an organization which directly carries out that manufacturing activity, bearing a mark made by the tax authority for the location of the organization concerned. That mark shall be made subject to the presentation to the tax authority for the location of that organization of a copy of the contract for the provision of services involving the manufacture of petrochemical products.

A certificate such as is provided for in this Article shall also be issued to an organization or a private entrepreneur which/who has filed an application for the issue of a certificate where the production facilities required for the receipt of a certificate belong on the basis of ownership
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(on the basis of possession and (or) use) to an organization in which the organization or private entrepreneur which/who filed the application for the issue of a certificate possesses more than 50 per cent of the charter (pooled) capital (fund) of a limited liability company or of the voting shares in a joint stock company. In this case the organization or private entrepreneur which/who filed the application for the issue of a certificate shall present to the tax authority documents confirming the right of ownership (right of possession and (or) use) in the production facilities and documents confirming possession of the above-mentioned participating interest (the appropriate quantity of voting shares) in the organization’s charter (pooled) capital (fund).

The validity of a certificate shall commence from the 1st day of the tax period in which the taxpayer submitted the application and copies of the documents specified in this Article on the basis of which that certificate was issued.

5. Tax authorities shall suspend the validity of a certificate in the event that:

- the organization or private entrepreneur fails to abide by provisions of tax and levy legislation relating to the calculation and payment of excise duties;

- there are no measuring instruments or measuring methodologies for the measurement of the quantity of benzene, paraxylene or orthoxylene used for the manufacture of petrochemical products. [as amended by Federal Law No. 305-FZ of 02.07.2021]

For the purposes of this Chapter, measuring instruments shall be understood to mean devices intended for the making of particular measurements that meet the metrological and technical requirements established by the legislation of the Russian Federation on ensuring the uniformity of measurements. [paragraph inserted by Federal Law No. 305-FZ of 02.07.2021]

In the event that the validity of a certificate is suspended, the tax authority shall be obliged to establish a time limit for remedying the violations which resulted in the suspension of the validity of the certificate. That time limit may not exceed six months. In the event that the violations are not remedied within the established time limit, the certificate shall be annulled.

An organization or a private entrepreneur whose certificate has been suspended shall be obliged to notify the tax authority which issued the certificate in writing of the remedying of the violations which resulted in the suspension of the validity of the certificate. The tax authority which issued the certificate shall adopt a decision to reinstate or annul the certificate and give written notice of this to the organization or private entrepreneur within three days from the date of receipt of the notification of the remedying of the violations which resulted in the suspension of the validity of the certificate.

6. The tax authorities shall annul a certificate in the following cases:

1) in the event that the organization or private entrepreneur submits an appropriate application;

2) in the event of the expiry of the time limit set by a tax authority for the remedying of violations if the person whose certificate has been suspended has not within that time limit remedied the violations which resulted in the suspension of the validity of the certificate;
3) in the event of a change in the name of an organization (the surname, first name and patronymic of a private entrepreneur);

4) in the event of a change of location of an organization (place of residence of a private entrepreneur);

5) in the event of the termination of the right of ownership (right of possession and (or) use) in all the facilities specified in the certificate, or the termination of a contract for the provision of services involving the manufacture of petrochemical products.

7. In the cases of the annulment of a certificate which are provided for in clause 6 of this Article, and in the event that an organization or private entrepreneur loses a certificate, the organization or private entrepreneur shall have the right to submit an application for a new certificate.

8. The tax authority which issued a certificate shall be obliged to notify the organization or private entrepreneur in writing of the suspension of the validity or annulment of the certificate within three days from the day on which the relevant decision is adopted.

Article 179.5. Certificate of Registration of an Organization Which Carries Out Operations Involving Medium Distillates [inserted by Federal Law No. 323-FZ of 23.11.2015]

1. A certificate of registration of an organization which carries out operations involving medium distillates (hereafter in this Article referred to as “certificate”) shall be issued to Russian organizations which own or otherwise lawfully possess facilities which may be classed as one of the following types of property:

1) marine vessels, inland water vessels and (or) mixed (river-sea) navigation vessels which are used for general or merchant shipping (hereafter in this Chapter referred to as “vessels”) and have the right to sail under the State Flag of the Russian Federation;

2) installations and (or) structures in the form of fixed and floating (mobile) drilling rigs (platforms), offshore floating (mobile) platforms, offshore fixed platforms and other facilities which are which are flexibly or permanently anchored in accordance with the design documentation for their construction at a location in the internal sea waters or 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, and underwater structures (including wells);

3) facilities that are directly used for the production of electrical and (or) thermal energy by means of the conversion of thermal energy generated from the combustion of medium distillates into electrical energy and (or) the use of such thermal energy to alter the thermodynamic parameters of a heat transfer medium.

2. The following shall be indicated in a certificate:

1) the name of the tax authority which issued the certificate;
2) the full and abbreviated name of the organization, the location of the organization and its address (place of actual activity);

3) the taxpayer identification number (TIN);

4) the registration number and date of issue of the certificate.

3. The standard form of a certificate, the standard form of an application for the issue of a certificate which is to be submitted by a taxpayer, the standard forms of decisions of a tax authority to issue (refuse to issue), suspend (reinstate) the validity of a certificate or annul a certificate and the administrative regulations on the provision of the state service involving the issue of a certificate shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

4. In order to receive a certificate, a taxpayer shall submit to the tax authority an application for the issue of a certificate and the following documents:

1) in relation to vessels (with the exception of small vessels):

- copies of documents confirming the right of ownership (right of possession and (or) use and (or) disposal) in a vessel;

- a copy of a certificate (temporary certificate) of the right to sail under the State Flag of the Russian Federation; [as amended by Federal Law No. 321-FZ of 15.10.2020]

- a copy of a vessel certificate confirming the right to sail under the State Flag of the Russian Federation – in the case of small vessels; [paragraph inserted by Federal Law No. 321-FZ of 15.10.2020]

2) in relation to installations and structures such as are referred to in subsection 2 of clause 1 of this Article - copies of documents confirming the right of ownership (right of possession and (or) use and (or) disposal) in those installations and structures;

3) in relation to facilities such as are referred to in subsection 3 of clause 1 of this Article – copies of documents confirming the right of ownership (right of operational management) in those facilities and their placement into service.

5. The validity of a certificate shall commence from the 1st day of the tax period in which the taxpayer submitted the application and documents on the basis of which that certificate was issued.

6. A tax authority shall be obliged to issue a certificate or send the taxpayer a written notification of a refusal to issue a certificate, indicating the reason for the refusal, not later than 30 calendar days from the date on which the taxpayer submitted the application for the issue of a certificate and the documents specified by this Article.

7. An organization which has received a certificate shall submit to the tax authority, together with a tax declaration for excise duties, copies of documents confirming the occurrence of the following circumstances in the tax period for which the tax declaration is submitted:
1) the termination of the right of ownership (right of possession and (or) use and (or) disposal) in relation to assets such as are referred to in clause 1 of this Article;

2) the acquisition by the organization of the right of ownership (right of possession and (or) use and (or) disposal) in relation to assets such as are referred to in clause 1 of this Article;

3) a change in details contained in documents which are provided for in clause 4 of this Article and (or) documents confirming a right such as is provided for in subsection 2 of this clause.

8. A tax authority which has issued a certificate shall suspend it if the organization concerned fails to comply with provisions of the tax and levy legislation of the Russian Federation relating to the calculation and payment of excise duties.

In the event that a tax authority adopts a decision to suspend a certificate, that tax authority shall establish a time limit for the remediation of the violations which resulted in the suspension of the certificate and, within three days from the date of adoption of that decision, shall send it to the organization to which the certificate was issued. In this respect, the time limit for the remediation of violations may not exceed six months.

An organization whose certificate has been suspended shall be obliged to notify the tax authority which issued the certificate in writing of the remediation of the violations which resulted in the suspension of the validity of the certificate. On receiving such notification, the tax authority which issued the certificate shall adopt a decision to reinstate or annul the certificate and give written notice of this to the organization within three days from the date of receipt of the notification of the remediation of the violations.

9. A tax authority which issued a certificate shall adopt a decision to annul that certificate if:

1) the organization submits an application for the annulment of the certificate - from the date specified in that application;

2) violations are not remedied within the time limit established by the tax authority - from the date of the relevant decision;

3) in the event of the termination of the right of ownership (right of operational management) in or removal from service of facilities such as are referred to in subsection 3 of clause 1 of this Article in relation to which to documents confirming the right of ownership (right of operational management) in those facilities have been submitted to the tax authority in accordance with clauses 4 and (or) 7 of this Article – from the date of the termination of the right of ownership (right of operational management) in or removal from service of the last of those facilities.

10. A decision to annul a certificate shall be transmitted to a taxpayer within three days from the date of adoption of that decision against signed receipt or by another means which provides evidence of the date on which the taxpayer received it.

11. A certificate shall cease to be valid if the organization loses it.
12. Where a decision to annul a certificate is adopted in accordance with this Article and (or) an organization loses a certificate, the organization in question shall have the right to submit an application for a new certificate to the tax authority in accordance with the procedure established by this Article.

**Article 179.6. Certificates of Registration of an Entity That Carries Out Operations Involving the Processing of Medium Distillates** [inserted by Federal Law No. 335-FZ of 27.11.2017]

1. A certificate of registration of an entity that carries out operations involving the processing of medium distillates (hereafter in this Article referred to as “certificate”) shall be issued to an organization which carries out the processing of medium distillates (including on the basis of an agreement on the provision to that organization of services involving the processing of medium distillates).

2. A certificate shall be issued to an applicant organization provided that it owns (or possesses (uses) on other legal grounds) production facilities needed to carry out the medium distillate processing operations (at least one type) which are referred to in clause 8 of this Article and measuring devices to determine the quantity of medium distillates sent for processing, or if it has an agreement on the provision to it of medium distillate processing services with an organization which directly carries out that processing and which owns (or possesses (uses) on other legal grounds) production facilities needed to carry out the medium distillate processing operations (at least one type) which are referred to in clause 8 of this Article and measuring devices to determine the quantity of medium distillates sent for processing.

A tax authority shall be obliged to issue a certificate or send the applicant organization a notification of refusal to issue a certificate stating the reason for that refusal not later than 15 days from the day on which it received the application for a certificate and the documents specified in this Article.

3. In order to receive a certificate an applicant organization shall submit to the tax authority an application for a certificate and one of the following sets of documents:

1) a list of production facilities needed to carry out the medium distillate processing operations (at least one type) which are referred to in clause 8 of this Article, accompanied by copies of documents confirming the ownership right (right of possession (use) on other legal grounds) in those facilities, and a list of measuring devices (indicating where they are located) to determine the quantity of medium distillates sent for processing;

2) a certified copy of the agreement on the provision of medium distillate processing services concluded with an organization which directly carries out the processing of medium distillates and possesses a certificate, stamped by the tax authority for the location of that organization. That stamp shall be affixed by an authorized official of the tax authority upon the submission of a copy of the above-mentioned agreement to the tax authority for the location of the organization which directly carries out the processing of medium distillates, provided that the organization concerned possesses a certificate and production facilities needed to carry out the medium distillate processing operations (at least one type) which are referred to in clause 8 of this Article and measuring devices (indicating where they are located) to determine the quantity of medium distillates sent for processing.
4. A certificate shall begin to have effect from the first day of the tax period in which the applicant organization submitted the application and the documents specified in this Article on the basis of which the certificate was issued.

5. A tax authority shall have the right to refuse to issue a certificate in the following cases:

1) the certificate application was not presented in the proper form;

2) the applicant organization failed to present some or all of the documents required to receive a certificate;

3) documents submitted by the applicant organization contain inaccurate information.

6. The following information shall be given in a certificate:

1) the name of the tax authority which issued the certificate;

2) the full and abbreviated names of the organization, the location of the organization and the address at which the organization carries on the activities (place of actual activity) referred to in clause 1 of this Article;

3) taxpayer identification number (TIN);

4) particulars of documents (where available) confirming the applicant organization’s ownership right (right of possession (use) on other legal grounds) in production facilities needed to carry out the medium distillate processing operations (at least one type) which are referred to in clause 8 of this Article;

5) particulars of an agreement on the provision to the applicant organization of medium distillate processing services;

6) the registration number and date of issue of the certificate.

7. The standard form of a certificate, the standard form of an application for a certificate, the standard forms of decisions of a tax authority to issue (refuse to issue) or suspend (reinstate) a certificate, concerning a failure to remedy in full the violations which caused a certificate to be suspended and concerning the annulment of a certificate, and the administrative regulations on the provision of the state service of the issue of a certificate, shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

8. The following processes shall be classed as medium distillate processing operations for the purposes of this Chapter:

1) primary refining of oil;

2) hydrotreatment of hydrocarbon fractions;

3) catalytic cracking;
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4) hydrocracking;
5) catalytic reforming;
6) propane deasphalting of tar;
7) solvent refining of oils with phenol;
8) solvent refining of oils with N-methylpyrrolidone;
9) dewaxing of refined oils;
10) production of group 3 oils;
11) hydroisodewaxing;
12) hydrotreatment of oils and waxes;
13) delayed coking; [subsection 13 inserted by Federal Law No. 255-FZ of 30.07.2019]
14) hydroconversion of heavy residues; [subsection 14 inserted by Federal Law No. 255-FZ of 30.07.2019]
15) obtaining of carbon black by means of the thermal or thermo-oxidative degradation of medium distillates; [subsection 15 inserted by Federal Law No. 255-FZ of 30.07.2019]

9. Tax authorities shall suspend a certificate in the following cases:

1) the organization fails to comply with provisions of tax and levy legislation concerning the calculation and payment of excise duties;

2) the certificate of an organization with which an agreement on the provision of medium distillate processing services has been concluded has been suspended;

3) measuring devices for determining the quantity of medium distillates sent for processing do not exist or are in non-working condition.

10. When suspending a certificate a tax authority shall be obliged to establish a time limit to remedy the violations which have caused the certificate to be suspended. That time limit may not exceed six months.

An organization whose certificate has been suspended shall be obliged to notify the tax authority which issued the certificate in writing of the remedying of the violations which caused the certificate to be suspended. The tax authority which issued the certificate shall, within ten working days of receiving that notification, adopt a decision to reinstate the certificate or to
advise that the violations which caused the certificate to be suspended have not been fully remedied.

11. Tax authorities shall annul a certificate in the following cases:

1) the submission by an organization of an appropriate application in any form;

2) the expiry of the time limit established by the tax authority for remedying violations if a person whose certificate was suspended has failed to remedy within that time limit all violations which caused the certificate to be suspended;

3) a change in the name of an organization;

4) a change in the location of an organization;

5) the termination of the ownership right (right of possession (use) on other legal grounds) in all production facilities specified in the certificate, or the termination of an agreement on the provision of medium distillate processing services or the annulment of the certificate of an organization with which an agreement on the provision of medium distillate processing services was concluded.

12. In the event that a certificate is annulled, the organization shall have the right to submit an application for the issue of a new certificate.

In the event that an organization loses a certificate, the organization shall have the right to apply to the tax authority for the issue of a duplicate. If the certificate is lost a second time, the organization shall have the right to submit an application for the issue of a new certificate.

13. A tax authority which issued (is in the process of issuing) a certificate shall be obliged to notify an organization in writing of a refusal to issue a certificate, of the suspension of the certificate, of a failure to remedy in full violations which caused the certificate to be suspended, of the reinstatement of the certificate or of the annulment of the certificate within three days from the date of adoption of the respective decision.

**Article 179.7. Certificate of Registration of an Entity That Carries Out Petroleum Feedstock Processing Operations** [inserted by Federal Law No. 301-FZ of 03.08.2018]

1. A certificate of registration of an entity that carries out petroleum feedstock processing operations (hereinafter referred to as “certificate”) shall be issued to a Russian organization which carries out the processing of petroleum feedstocks (including on the basis of a contract for the provision of petroleum feedstock processing services to that organization) for the purpose of obtaining goods in the form of one or more types of products manufactured from petroleum feedstocks (straight-run petrol, automobile petrol, jet fuel, diesel fuel, medium distillates, highly viscous products).

2. Except as otherwise established by clause 3 of this Article, a certificate shall be issued to an applying Russian organization on the basis of an application submitted to a tax authority provided that it owns and (or) otherwise legally possesses production facilities which are needed to carry out the manufacturing processes (at least one type) involving the processing of
petroleum feedstocks which are referred to in clause 11 of this Article and measuring instruments for determining the quantity of petroleum feedstocks supplied for processing, and provided that at least one of the following conditions is met:

1) the applicant organization and (or) Russian organizations which have a direct and (or) indirect interest in the applicant organization and whose aggregate participating interest in the applicant organization as at 1 January 2018 is not less than 50 per cent fell on that date within the scope of prohibitive, restrictive and (or) other similar measures imposed by foreign states, international organizations and economic, political, military or other associations of states in relation to the Russian Federation, Russian organizations and citizens of the Russian Federation, consisting, inter alia, in the establishment of prohibitions and (or) restrictions for any persons on making settlements and (or) engaging in financial operations with such Russian organizations, prohibitions and (or) restrictions for any persons on providing debt financing or entering into arrangements with such Russian organizations involving the provision of debt financing and (or) the acquisition or alienation of securities (participating interests in charter capitals), and (or) prohibitions or restrictions associated with supplies of equipment, services and (or) technologies;

2) during at least one of the three tax periods preceding the tax period in which the application to issue a certificate is submitted, the applicant organization sold (or, in the case of manufacture from customer-supplied petroleum feedstocks, transferred to the owner and (or) to third parties at the owner’s instruction) in the territory of the Russian Federation class 5 automobile petrol manufactured by it from petroleum feedstocks (including customer-supplied petroleum feedstocks) and (or) sold (or, in the case of manufacture from customer-supplied petroleum feedstocks, transferred to the owner and (or) to third parties at the owner’s instruction) in the territory of the Russian Federation straight-run petrol manufactured by it from petroleum feedstocks (including customer-supplied petroleum feedstocks), for processing into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene, to persons holding a certificate for the processing of straight-run petrol and (or) a certificate of registration of an entity that carries out operations involving benzene, paraxylene or orthoxylene, and (or) transferred within the structure of the applicant organization, holding a certificate for the processing of straight-run petrol and (or) a certificate of registration of an entity that carries out operations involving benzene, paraxylene or orthoxylene, straight-run petrol manufactured by it from petroleum feedstocks (including customer-supplied petroleum feedstocks), for processing into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene, provided that the aggregate volume of such products sold (or, in the case of manufacture from customer-supplied petroleum feedstocks, transferred to the owner of the supplied petroleum feedstocks or to third parties at its instruction) and (or) transferred within the structure of the organization during those three tax periods exceeded 5,000 tonnes and the aggregate ratio of the volume of production of those processed products of petroleum feedstocks to the volume of petroleum feedstocks supplied for processing during that period was a value of 0.1 or more; [as amended by Federal Law No. 424-FZ of 27.11.2018]

3) the applicant organization concluded with the federal executive body which carries out functions involving the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex, before 1 June 2019, an agreement on the upgrading of oil refining facilities, or the applicant organization is a third party to an agreement on the substitution of a party in an agreement on the upgrading of oil refining facilities concluded before 1 June 2019. [as amended by Federal Law No. 321-FZ of 15.10.2020]
3. Irrespective of whether the conditions established in clause 2 of this Article are met, a certificate shall also be issued to an applicant organization if it has a contract for the provision to it of petroleum feedstock processing services, concluded with an organization which directly carries out that processing and which owns and (or) otherwise legally possesses production facilities which are needed to carry out the manufacturing processes (at least one type) involving the processing of petroleum feedstocks which are referred to in clause 11 of this Article and measuring instruments for determining the quantity of petroleum feedstocks supplied for processing, provided that at least one of the conditions specified in subsections 1 and 2 of clause 2 of this Article is met in relation to the organization which directly carries out the processing of the petroleum feedstocks.

Irrespective of whether the conditions established by clause 2 of this Article are met, a certificate shall also be issued to an applicant organization if it has a contract for the provision of petroleum feedstock processing services concluded with an organization which directly carries out that processing and which owns and (or) otherwise legally possesses production facilities which are needed to carry out the manufacturing processes (at least one type) involving the processing of petroleum feedstocks which are referred to in clause 11 of this Article and measuring instruments for determining the quantity of petroleum feedstocks supplied for processing, provided that the condition specified in subsection 3 of clause 2 of this Article is met in relation to the organization which directly carries out the processing of the petroleum feedstocks and the aggregate historical cost of fixed assets included in an agreement on the upgrading of oil refining facilities and due to be placed into service in the period from 1 July 2014 to 1 January 2024 is not less than 60 billion roubles. The provisions of this paragraph shall apply provided that the direct participating interest of the applicant organization in the organization with which it has concluded a contract for the provision of petroleum feedstock processing services and which directly carries out that processing amounts to more than 50 per cent. [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018; as amended by Federal Law No. 321-FZ of 15.10.2020]

4. A tax authority shall be obliged to issue a certificate or send the applicant organization a notification of a refusal to issue a certificate, stating the reason for the refusal, not later than 15 days from the day on which it received the application for a certificate and the documents and information provided for in this Article.

5. An agreement on the upgrading of oil refining facilities may be concluded by a Russian organization that supplied more than 600,000 tonnes of petroleum feedstocks for processing in 2017, provided that it owns and (or) otherwise legally possesses production facilities needed to carry out the processing operations (at least one type) referred to in clause 11 of this Article involving the processing of petroleum feedstocks and measuring devices for determining the quantity of petroleum feedstocks supplied for processing, if the organization in question satisfies at least one of the following conditions:

1) after the completion of measures provided for in the agreement on the upgrading of oil refining facilities, the ratio of the volume of production of class 5 petrol manufactured from petroleum feedstocks supplied by that organization for processing to the volume of petroleum feedstocks supplied for processing, calculated for each year, will be not less than 0.1;
2) the aggregate historical cost of fixed assets that are contemplated for inclusion in the agreement on the upgrading of oil refining facilities and are to be placed into service in the period from 1 July 2014 to 1 January 2024 is not less than 60 billion roubles.

[clause 5 as reworded by Federal Law No. 321-FZ of 15.10.2020]

5.1. An agreement on the upgrading of oil refining facilities shall specify measures associated with the design, construction and placement into service of secondary oil refining units and the time periods for implementing those measures.

For the purposes of concluding agreements on the upgrading of oil refining facilities, the Government of the Russian Federation shall approve a list of secondary oil refining units that may be the subject of such agreements.

The form of an agreement on the upgrading of oil refining facilities, the procedure for concluding (rescinding) an agreement on the upgrading of oil refining facilities, the procedure for making amendments to an agreement on the upgrading of oil refining facilities and the procedure for monitoring the performance of an agreement on the upgrading of oil refining facilities shall be established by the Government of the Russian Federation.

After 1 January 2022 it shall not be permissible to make amendments to an agreement on the upgrading of oil refining facilities, except for the alteration of the time periods for the implementation of measures specified in the agreement, but not by more than six months compared with the time limits for the implementation of those measures that are stated in the agreement on the upgrading of oil refining facilities as at 1 January 2021, and except for the substitution of a party in the agreement on the upgrading of oil refining facilities as provided for in clause 5.5 of this Article.

[clause 5.1 inserted by Federal Law No. 321-FZ of 15.10.2020]

5.2. The federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall, on an annual basis before 1 July of the current year, carry out an inspection of the fulfilment of the measures specified in an agreement on the upgrading of oil refining facilities in the preceding calendar year.

The federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall unilaterally rescind an agreement on the upgrading of oil refining facilities if the time limits for the implementation of one or more of the measures provided for in the agreement on the upgrading of oil refining facilities have been violated.

The federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall notify an organization that is a party to an agreement on the upgrading of oil refining facilities of the rescission of the agreement on the upgrading of oil refining facilities within fifteen working days from the day on which that agreement was rescinded.

[clause 5.2 inserted by Federal Law No. 321-FZ of 15.10.2020]

5.3. An agreement on the upgrading of oil refining facilities shall be considered unfulfilled if any of the following circumstances occurs:
1) the agreement on the upgrading of oil refining facilities is rescinded on the ground specified in clause 5.2 of this Article;

2) a decision to re-organize the organization that concluded the agreement on the upgrading of oil refining facilities or a decision to liquidate that organization is made in the period from 1 January 2021 to the 1st of the month in which the taxpayer received from the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex confirmation of the full performance of that agreement on the upgrading of oil refining facilities, but not later than 1 January 2025 – unless otherwise established by clause 5.5 of this Article;

3) for an organization that concluded an agreement on the upgrading of oil refining facilities on the ground specified in subsection 1 of clause 5 of this Article:

   - if, after the lapse of the first quarter, or six months, or nine months, or twelve months of 2024 or 2025, the ratio of the volume of class 5 petrol produced from petroleum feedstocks supplied for processing and owned by the organization that was sold by it in the territory of the Russian Federation in the respective period to the volume of petroleum feedstocks supplied for processing in the respective period and owned by the organization is found to be less than 0.1;

   - if, where measures provided for in the agreement on the upgrading of oil refining facilities were wholly or partially completed before 1 January 2024 and as a result of those measures the ratio referred to in subsection 1 of clause 5 of this Article for the quarter following the quarter in which those measures were completed amounted to not less than 0.1, the ratio referred to in paragraph 2 of this subsection is found to be less than 0.1. For the purposes of this paragraph, the ratio referred to in paragraph 2 of this subsection shall be determined upon the lapse of the first quarter, six months, nine months and twelve months in each year commencing from the year in which those measures were completed until 2025 inclusively, unless otherwise established by this paragraph. For the year in which those measures were completed the ratio in question shall be determined commencing from the quarter following the quarter in which those measures are completed for each three, six and nine months of that calendar year following the quarter in question;

[subsection 3 as reworded by Federal Law No. 305-FZ of 02.07.2021]

4) for an organization that concluded an agreement on the upgrading of oil refining facilities on the ground specified in subsection 2 of clause 5 of this Article – if the aggregate historical cost of fixed assets included in the agreement on the upgrading of oil refining facilities that were placed into service in the period from 1 July 2014 to 1 January 2024 is found to be less than 60 million roubles.

For the purposes of this subsection, the historical cost of a fixed asset shall be determined in the manner prescribed by clause 1 of Article 257 of this Code. Where prices not deemed to be at market level were used in transactions that are taken into account in determining the historical cost of a fixed asset, the historical cost of that fixed asset shall be determined for the purposes of this subsection using the prices of those transactions that are taken for taxation purposes in the manner and using the methods prescribed by Chapter 14.3 of this Code. For the purposes of this paragraph, the market price shall be determined with account taken of the provisions of Article 105.3 of this Code;
5) in the period from 1 January 2021 until the 1st of the month in which the taxpayer received from the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex confirmation of the full performance of the agreement on the upgrading of oil refining facilities, but not later than 1 January 2025, the organization ceased to have ownership (other than by reason of loss or destruction) of fixed assets provided for in the agreement on the upgrading of oil refining facilities – except as otherwise prescribed by clause 5.5 of this Article.

[clause 5.3 inserted by Federal Law No. 321-FZ of 15.10.2020]

5.4. An organization that has concluded an agreement on the upgrading of oil refining facilities (hereinafter in this clause referred to as “applicant organization”) shall submit to the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex a request for confirmation of the full (partial) performance by that organization of the agreement on the upgrading of oil refining facilities (hereinafter referred to also as “request”).

Upon the request of the applicant organization, the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall, before the lapse of thirty days from the date of receipt of the request, send to that organization in writing confirmation of the full (partial) performance of the agreement on the upgrading of oil refining facilities or a refusal to grant such confirmation.

The federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall send confirmation of the full (partial) performance of an agreement on the upgrading of oil refining facilities to an applicant organization provided that the amount of actually paid and documented costs associated with the creation of fixed assets included in the agreement on the upgrading of oil refining facilities as at the 1st of the month in which the request was received exceeded 60 billion roubles (40 billion roubles in the case of the partial performance of an agreement on the upgrading of oil refining facilities). In this respect, the applicant organization shall be obliged to attach to the request copies of documents confirming the actual payment of costs specified in this paragraph, the types of which must correspond to the list of supporting documents approved by the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex (hereafter in this clause referred to as “list”).

The federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall send a refusal to confirm the full (partial) performance of an agreement on the upgrading of oil refining facilities to an applicant organization in the following cases:

- the agreement on the upgrading of oil refining facilities) has been rescinded;

- the documents submitted by the applicant organization contain inaccurate information;

- the applicant organization has failed to submit (or submit in full) documents confirming the actual payment of costs directly associated with the creation of fixed assets included in the agreement on the upgrading of oil refining facilities amounting to 60 billion roubles or more
(40 billion roubles or more in the case of the partial performance of an agreement on the upgrading of oil refining facilities);

- the types of supporting documents submitted do not correspond to the list.

The form of a request and the form of a confirmation (refusal of confirmation) of the full (partial) performance of an agreement on the upgrading of oil refining facilities shall be prescribed by the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex.

Where an applicant organization sends a request to the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex, it shall not be permitted for amendments to be made to the agreement on the upgrading of oil refining facilities commencing from the date on which that request was received by the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex.

[clause 5.4 inserted by Federal Law No. 321-FZ of 15.10.2020]

5.5. Where the conditions established by this clause are met, it shall be permitted for a party in an agreement on the upgrading of oil refining facilities to be substituted, including in the event of the re-organization of the organization.

The substitution of a party in an agreement on the upgrading of oil refining facilities shall be permitted provided that ownership rights in all fixed assets (including those in the process of being created) provided for in the agreement on the upgrading of oil refining facilities pass to the third-party organization.

In this case an agreement on the substitution of a party in an agreement on the upgrading of oil refining facilities may be concluded before the lapse of thirty days from the date on which ownership rights in all the above-mentioned fixed assets were transferred.

An agreement on the substitution of a party in an agreement on the upgrading of oil refining facilities shall be concluded between the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex, the organization that concluded the agreement on the upgrading of oil refining facilities and the organization to which ownership rights in fixed assets (including those in the process of being created) provided for in the agreement on the upgrading of oil refining facilities have passed.

The substitution of a party in an agreement on the upgrading of oil refining facilities may take place either at any time during the effective term of the agreement or after the termination of its effect from the day on which the applicant organization receives confirmation from the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex of the full performance by the applicant organization of that agreement on the upgrading of oil refining facilities.

In an agreement on the substitution of a party in an agreement on the upgrading of oil refining facilities, the third party (the organization to which ownership rights in fixed assets have
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passed) shall assume all obligations provided for in the agreement on the upgrading of oil refining facilities.

The form of an agreement on the substitution of a party in an agreement on the upgrading of oil refining facilities and the procedure for the conclusion of such an agreement shall be prescribed by the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex.

[clause 5.5 inserted by Federal Law No. 321-FZ of 15.10.2020]

6. In order to receive a certificate, an applicant organization shall submit to a tax authority an application for a certificate and one of the following sets of documents:

1) a list of production facilities which are needed to carry out the manufacturing processes (at least one type) involving the processing of petroleum feedstocks which are referred to in clause 11 of this Article, accompanied by copies of documents confirming the ownership right and (or) right of use in relation to those facilities, and a list of measuring instruments (indicating where they are located) for determining the quantity of petroleum feedstocks supplied for processing, and documents and information demonstrating that at least one of the conditions specified in subsections 1 to 3 of clause 2 of this Article is met in relation to the applicant organization;

2) a certified copy of a contract for the provision of petroleum feedstock processing services concluded with an organization which directly carries out the processing of petroleum feedstocks and holds a certificate, stamped by the tax authority for the location of that organization. A contract for the provision of petroleum feedstock processing services shall be stamped by an authorized official of a tax authority when a copy of that agreement is presented to the tax authority for the location of the organization which directly carries out the processing of petroleum feedstocks and holds a certificate, provided that the organization has production facilities needed to carry out the manufacturing processes (at least one type) involving the processing of petroleum feedstocks which are referred to in clause 11 of this Article and measuring instruments for determining the quantity of petroleum feedstocks.

If the applicant organization carries out the processing of petroleum feedstocks both using production facilities which it owns and (or) otherwise legally possesses and on the basis of a contract for the provision to it of petroleum feedstock processing services, sets of documents shall be presented to the tax authority in accordance with subsections 1 and 2 of this clause. In this respect, all locations of measuring instruments for determining the quantity of petroleum feedstocks supplied for processing which are specified in those sets of documents shall be indicated in the certificate. [as amended by Federal Law No. 424-FZ of 27.11.2018]

When submitting an application for the issue of a certificate, the applicant organization shall have the right not to submit documents that were previously submitted to the tax authority in accordance with the provisions of this Article. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

7. A certificate shall begin to have force from the first day of the tax period in which the applicant organization submitted the application and the documents specified in this Article on the basis of which the certificate was issued.
8. A tax authority shall refuse to issue a certificate in the following cases:

1) the application for a certificate was submitted not in accordance with the established form;

2) the applicant organization failed to present some or all of the documents needed to receive a certificate;

3) inaccurate information is contained in documents presented by the applicant organization;

4) for an applicant organization that has applied for a certificate on the ground specified in paragraph 2 of clause 3 of this Article – if, as at the date on which the application is submitted to the tax authority, the participating interest of the applicant organization in the organization with which it has concluded a contract such as is referred to in subsection 2 of clause 6 of this Article is less than 50 per cent;

5) the applicant organization previously received a certificate that was annulled in the period from 1 March 2020 to 31 December 2021 inclusively, and (or) the applicant organization has received rights to use and (or) dispose of production facilities specified in the certificate of an organization whose certificate was annulled in that period (except in the case referred to in clause 5.5 of this Article), and (or) the applicant organization has concluded a contract for the provision to it of petroleum feedstock processing services with an organization that actually carries out that processing, and a contract for the provision of petroleum feedstock processing services was previously concluded with that organization by another organization and that other organization’s certificate was annulled in the period from 1 March 2020 to 31 December 2021 inclusively. The provisions of this subsection shall not apply where the annulment of a certificate takes place on the taxpayer’s application when the taxpayer receives on the same grounds a new certificate that is effective from the tax period in which the previously received certificate was annulled.

9. A certificate shall contain:

1) the name of the tax authority which issued the certificate;

2) the full and abbreviated names of the applicant organization, the location of the applicant organization and the address at which the applicant organization carries on the activities referred to in clause 1 of this Article (place of actual activity);

3) taxpayer identification number (TIN);

4) particulars of documents (if they exist) confirming that the applicant organization owns and (or) otherwise legally possesses production facilities needed to carry out the manufacturing processes (at least one type) involving the processing of petroleum feedstocks which are referred to in clause 11 of this Article;

5) particulars of a contract for the provision of petroleum feedstock processing services to the applicant organization (if applicable);
6) the registration number and date of issue of the certificate;

7) the locations of measuring instruments for determining the quantity of petroleum feedstocks supplied for processing.

[subsection 7 inserted by Federal Law No. 424-FZ of 27.11.2018]

10. The form of a certificate, the form of an application for a certificate, the forms of decisions of a tax authority to issue (refuse to issue) or suspend (reinstate) the validity of a certificate, to advise that violations which caused the validity of a certificate to be suspended have not been fully remedied and to annul a certificate and administrative regulations on the provision of the state service of issuing a certificate shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

11. For the purposes of this Chapter, manufacturing processes involving the processing of petroleum feedstocks shall include the following processes (taken together):

1) primary processing of oil and (or) stable gas condensate;

2) catalytic reforming of petrol;

3) catalytic cracking;

4) hydrocracking;

5) hydroconversion of heavy residues;

6) delayed coking;

7) solvent refining, dewaxing and hydroisodewaxing.

12. Tax authorities shall suspend a certificate in the following cases:

1) the organization fails to comply with provisions of tax and levy legislation concerning the calculation and payment of excise duties;

2) the certificate of an organization with which a contract for the provision of petroleum feedstock processing services was concluded has been suspended. Where a taxpayer has multiple certificates received in accordance with clause 3 of this Article, the tax authorities shall suspend only the certificate which the taxpayer received by virtue of having a contract for the provision of petroleum feedstock processing services with the organization which directly carries out that processing and whose certificate has been suspended;

[subsection 2 as reworded by Federal Law No. 255-FZ of 30.07.2019]

3) measuring devices for determining the quantity of petroleum feedstocks supplied for processing do not exist or are in a condition which prevents the determination of the quantity of petroleum feedstocks supplied for processing.
13. The validity of a certificate shall be suspended by decision of a tax authority from the day on which the occurrence of any of the events provided for in subsections 1 to 3 of clause 12 of this Article is established.

14. When suspending a certificate a tax authority shall be obliged to establish in its decision a time limit for remedying the violations which have caused the certificate to be suspended. That time limit may not be more than six months from the date of entry into force of that decision.

An organization whose certificate has been suspended shall be obliged to notify the tax authority which issued the certificate in writing of the remedying of the violations which caused the certificate to be suspended. The tax authority which issued the certificate shall, within ten working days of receiving that notification, adopt a decision to reinstate the certificate or to advise that the violations which caused the certificate to be suspended have not been fully remedied.

15. Tax authorities shall annul a certificate in the following cases:

1) the submission by an organization of an application for the annulment of the certificate, prepared in any form;

2) the expiry of the time limit established by the tax authority for remedying violations if an organization whose certificate was suspended has failed to remedy within that time limit all violations which caused the certificate to be suspended;


4) a change in the address at which the activities referred to in clause 1 of this Article are carried on (the place of actual activity);

[subsection 4 as reworded by Federal Law No. 321-FZ of 15.10.2020]

5) the termination of the ownership right (right of use on other legal grounds) in all production facilities indicated in the certificate, or the termination of a contract for the provision of petroleum feedstock processing services (with the exception of the obligation referred to in paragraph 5 of clause 20 of this Article) or the annulment of the certificate of an organization with which a contract for the provision of petroleum feedstock processing services was concluded; [as amended by Federal Law No. 321-FZ of 15.10.2020]

6) if, after the lapse of the first quarter, or six months, or nine months, or twelve months of a calendar year, the ratio of the volume of class 5 automobile petrol manufactured from petroleum feedstocks supplied for processing and owned by the organization (or, in the case of an organization which directly carries out the processing of petroleum feedstocks, insofar as customer-supplied petroleum feedstocks received by it is concerned, possessed by it on any other legal grounds) which it has sold (or, in the case of an organization which directly carries out the processing of petroleum feedstocks, with respect to the volume of class 5 automobile petrol manufactured by that organization from customer-supplied petroleum feedstocks, which it has transferred to the owner of the customer-supplied petroleum feedstocks and (or) to third parties at the owner’s instruction) in the territory of the Russian Federation in the period concerned, the volume of straight-run petrol manufactured from petroleum feedstocks supplied for processing and owned by the organization (or, in the case of an organization which directly
carries out the processing of petroleum feedstocks, insofar as customer-supplied petroleum feedstocks received by it are concerned, possessed by it on any other legal grounds) which it has sold (or, in the case of manufacture from customer-supplied petroleum feedstocks, which it has transferred to the owner of the customer-supplied petroleum feedstocks and (or) to third parties at the owner’s instruction) in the period concerned, for processing into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene, to persons holding a certificate for the processing of straight-run petrol and (or) a certificate of registration of an entity that carries out operations involving benzene, paraxylene or orthoxylene, and the volume of straight-run petrol manufactured from petroleum feedstocks supplied for processing which was transferred within the structure of the applicant organization, holding a certificate for the processing of straight-run petrol and (or) a certificate to carry out operations involving benzene, paraxylene or orthoxylene, to the volume of petroleum feedstocks owned by the organization (or, in the case of an organization which directly carries out the processing of petroleum feedstocks, insofar as customer-supplied petroleum feedstocks received by it are concerned, possessed by it on any other legal grounds) which was supplied for processing in the period concerned is found to be less than 0.1;

7) the occurrence of a circumstance whereby an agreement on the upgrading of oil refining facilities is considered unfulfilled;

[subsection 7 as reworded by Federal Law No. 321-FZ of 15.10.2020]

8) in the case of an organization that received a certificate on the ground specified in paragraph 2 of clause 3 of this Article – if the participating interest of that organization in the organization that actually carries out the processing of petroleum feedstocks and with which a contract such as is specified in subsection 2 of clause 6 of this Article has been concluded is found to be less than 50 per cent.

[subsection 8 inserted by Federal Law No. 321-FZ of 15.10.2020]

16. The annulment of a certificate by a tax authority on the grounds provided for in clause 15 of this Article shall take place subject to the following special considerations:

1) except as otherwise established by subsection 7 of this clause, in the event of the occurrence of the event referred to in subsection 1 of clause 15 of this Article, the certificate shall be annulled from the day specified in the application;

2) except as otherwise established by subsection 7 of this clause, in the event of the occurrence of the events referred to in subsections 2, 4 and 5 of clause 15 of this Article the certificate shall be annulled in accordance with the tax authority’s decision from the day of the occurrence of the circumstances in question;

3) except as otherwise established by subsection 7 of this clause, the certificate shall be annulled in accordance with the tax authority’s decision from 1 January of the year for which the ratio referred to in subsection 6 of clause 15 of this Article is found not to have been fulfilled;

4) the provisions of subsection 6 of clause 15 of this Article shall not apply in relation to the following organizations:
- those that received a certificate on the grounds referred to in subsection 1 of clause 2 of this Article;

- those that received a certificate on the grounds referred to in subsection 3 of clause 2 of this Article and are a party to an agreement on the upgrading of oil refining facilities concluded on the ground referred to in subsection 2 of clause 5 of this Article;

- those that received a certificate on the grounds referred to in clause 3 of this Article and have a contract for the provision of petroleum feedstock processing services with an organization that actually carries out the processing of petroleum feedstocks and received a certificate on the grounds referred to in subsection 1 of clause 2 of this Article;

- those that received a certificate on the grounds referred to in paragraph 2 of clause 3 of this Article and have a contract for the provision of petroleum feedstock processing services with an organization that actually carries out the processing of petroleum feedstocks, received a certificate on the ground referred to in subsection 3 of clause 2 of this Article and is a party to an agreement on the upgrading of oil refining facilities concluded on the ground referred to in subsection 2 of clause 5 of this Article;

- those that received a certificate on the grounds referred to in subsection 3 of clause 2 of this Article and are a party to an agreement on the upgrading of oil refining facilities concluded on the ground referred to in subsection 1 of clause 5 of this Article. The provisions of subsection 6 of clause 15 of this Article shall not apply to such organizations until 1 January 2024;

5) in the event of the occurrence of the event referred to in subsection 7 of clause 15 of this Article, the certificate shall be annulled in accordance with the tax authority’s decision from the effective date of the certificate. In this respect, amounts of excise duty calculated from the effective date of the annulled certificate by the organization that concluded the agreement on the upgrading of oil refining facilities that is deemed unfulfilled, and (or) an organization (organizations) that received a certificate on the ground referred to in paragraph 2 of clause 3 of this Article and had (has) a contract such as is referred to in subsection 2 of clause 6 of this Article with the organization that concluded the agreement on the upgrading of oil refining facilities that is deemed unfulfilled, in connection with the performance of operations referred to in subsection 34 of clause 1 of Article 182 of this Code, and not paid owing to the application of the tax deductions referred to in clause 27 of Article 200 of this Code, and amounts refunded to those organizations in connection with the application of such deductions, must be paid to the budget by the above-mentioned organization that concluded the agreement on the upgrading of oil refining facilities that is deemed unfulfilled before the end of the month following the month in which the circumstance causing the agreement on the upgrading of oil refining facilities to be considered unfulfilled occurred;

6) except as otherwise established by subsection 7 of this clause, in the event of the occurrence of the event referred to in subsection 8 of clause 15 of this Article, the certificate shall be annulled in accordance with the tax authority’s decision from the 1st of the month that contains the date as at which the relevant participating interest was found to be below 50 per cent;

7) if, before the 1st of the month in which the taxpayer received confirmation from the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex of the full performance by the taxpayer
of an agreement on the upgrading of oil refining facilities, but not later than 1 January 2025, an event referred to in subsections 1, 2, 4, 5 and 8 of clause 15 of this Article occurred in relation to an organization that holds a certificate on the ground specified in subsection 3 of clause 2 or in paragraph 2 of clause 3 of this Article, the certificate shall be annulled in accordance with the tax authority’s decision from the effective date of the certificate. In this respect, amounts of excise duty calculated from the effective date of the annulled certificate by the organization that concluded the agreement on the upgrading of oil refining facilities, or by an organization that received a certificate on the ground referred to in paragraph 2 of clause 3 of this Article and has a contract such as is referred to in subsection 2 of clause 6 of this Article with the organization that concluded the agreement on the upgrading of oil refining facilities, in connection with the performance of operations referred to in subsection 34 of clause 1 of Article 182 of this Code, and not paid owing to the application of the tax deductions referred to in clause 27 of Article 200 of this Code, and amounts refunded to those organizations in connection with the application of such deductions, must be paid to the budget by the respective organization that concluded the agreement on the upgrading of oil refining facilities before the end of the month following the month in which the circumstance that was the basis for the annulment of the certificate occurred. The provisions of this subsection shall not apply where the annulment of a certificate is necessary to enable the substitution of the party in an agreement on the upgrading of oil refining facilities in accordance with clause 5.5 of this Article or where the annulment of a certificate takes place on the taxpayer’s application upon the receipt by the taxpayer of a new certificate issued on the same grounds and effective from the tax period in which the previously received certificate was annulled.

[clause 16 as reworded by Federal Law No. 321-FZ of 15.10.2020]

17. In the event that a certificate is annulled, the organization shall have the right to submit an application for the issue of a new certificate.

In the event that an organization loses a certificate, the organization shall have the right to apply to the tax authority for the issue of a duplicate. [as amended by Federal Law No. 321-FZ of 15.10.2020]

18. A tax authority which issued (is in the process of issuing) a certificate shall be obliged to notify an organization in writing of a refusal to issue a certificate, of the suspension of the certificate, of a failure to remedy in full violations which caused the certificate to be suspended, of the reinstatement of the certificate or of the annulment of the certificate within three days from the date of adoption of the respective decision.

19. The federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall send the following information to the tax authorities:

1) on agreements on the upgrading of oil refining facilities that have been concluded (rescinded), on the amendment of concluded agreements on the upgrading of oil refining facilities, and on concluded agreements on the substitution of a party in an agreement on the upgrading of oil refining facilities – before the lapse of thirty days after the conclusion of agreements on the upgrading of oil refining facilities (agreements on the substitution of a party in an agreement on the upgrading of oil refining facilities), and on the amendment of such agreements;
2) on organizations that have been sent a confirmation of the complete (partial) fulfilment of an agreement on the upgrading of oil refining facilities – before the lapse of thirty days after such confirmation was sent.

3) on organizations that wholly or partially completed before 1 January 2024 measures provided for in an agreement on the upgrading of oil refining facilities that was concluded on the ground referred to in subsection 1 of clause 5 of this Article, as a result of which the ratio of the volume of production of class 5 petrol produced from petroleum feedstocks supplied for processing by the organization concerned to the volume of petroleum feedstocks supplied for processing for the quarter following the quarter in which those measures were completed amounted to not less than 0.1 – until the lapse of thirty days following the quarter in which that condition was met.

[subsection 3 inserted by Federal Law No. 305-FZ of 02.07.2021]
[clause 19 as reworded by Federal Law No. 321-FZ of 15.10.2020]

20. An organization that has received a certificate shall be obliged to send to the tax authority, together with the tax declaration for excise duties and within the time limits prescribed for the submission of a tax declaration for a tax period, a notification of the occurrence during the tax period for which that tax declaration is submitted of the following circumstances that result in changes in information given in the organization’s certificate:

- in the case of an organization that directly carries out the processing of petroleum feedstocks – the replacement of measuring devices for determining the quantity of petroleum feedstocks supplied for processing, and (or) changes in their locations, and (or) the installation of new measuring devices;

- a change in the name of the organization;

- a change in the location of the organization;

- in the case of an organization that carries out the processing of petroleum feedstocks on the basis of a contract for the provision of petroleum feedstock processing services to that organization – the particulars of a new contract for the provision of petroleum feedstock processing services to that organization in the event that the contract for the provision of petroleum feedstock processing services ceased to have effect during the tax period or the preceding tax period and that new contract for the provision of petroleum feedstock processing services came into effect during the tax period, provided that both of the contracts for the provision of petroleum feedstock processing services were concluded with one organization that directly carries out the processing of petroleum feedstocks and possesses a certificate;

- the termination of ownership (right of use on other legal grounds) of production facilities specified in the certificate;

- the acquisition of ownership (right of use on other legal grounds) of production facilities that will be used for the processing of petroleum feedstocks and are needed to carry out the processing operations (at least one type) involving the processing of petroleum feedstocks that are referred to in clause 11 of this Article.

The notification referred to in this clause must be accompanied by copies of documents confirming the occurrence of the relevant circumstance.
The form of the notification and the list of types of supporting documents needed to confirm the occurrence of particular circumstances shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

In the case of organizations that provide petroleum feedstock processing services and are not payers of excise duty on petroleum feedstocks, notifications of the occurrence of the circumstances enumerated in this clause shall be submitted within fifteen days after the end of the tax period in which those circumstances occurred.

[clause 20 as reworded by Federal Law No. 321-FZ of 15.10.2020]


1. A certificate of registration of an entity that carries out ethane processing operations (hereafter in this Article referred to as “certificate”) shall be issued to an organization that carries out the processing of ethane (including on the basis of a contract for the provision of ethane processing services to that organization) for the purpose of obtaining goods constituting petrochemical products.

2. Except as otherwise established by clause 3 of this Article, a certificate shall be issued to a Russian applicant organization on the basis of an application submitted to the tax authority provided that it owns and (or) otherwise legally possesses production facilities needed to process ethane into goods constituting petrochemical products and measuring devices for determining the quantity of ethane supplied for processing, and provided that at least one of the following conditions is met:

1) in the period since 1 January 2022 the applicant organization has placed into service new production facilities for the processing of ethane into goods constituting petrochemical products with a design feed rate of not less than 300,000 tonnes of ethane per year and not less than 600,000 tonnes of ethane and LPG in the aggregate per year; [as amended by Federal Law No. 305-FZ of 02.07.2021]

2) before 1 January 2023 the applicant organization concluded with the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products.

3. Irrespective of whether the conditions established by clause 2 of this Article are met, a certificate shall also be issued to an applicant organization if at least one of the following requirements is met:

1) the applicant organization has concluded a contract for the provision to it of services involving the processing of ethane into goods constituting petrochemical products with an organization that directly carries out that processing and owns and (or) otherwise legally possesses production facilities needed to process ethane into goods constituting petrochemical products and measuring devices for determining the quantity of ethane supplied for processing,
provided that the condition specified in subsection 1 of clause 2 of this Article is met in relation to that organization;

2) the applicant organization has concluded a contract for the provision to it of services involving the processing of ethane into goods constituting petrochemical products with an organization that directly carries out that processing and owns and (or) otherwise legally possesses production facilities needed to process ethane into goods constituting petrochemical products and measuring devices for determining the quantity of ethane supplied for processing, provided that the condition specified in subsection 2 of clause 2 of this Article is met in relation to that organization and provided that the direct participating interest of the applicant organization in the organization with which it has concluded a contract for the provision to it of services involving the processing of ethane into goods constituting petrochemical products is 50 per cent or more.

4. A tax authority shall be obliged to issue a certificate or send the applicant organization a notification of a refusal to issue a certificate, stating the reason for the refusal, not later than fifteen days from the day on which it received the application for a certificate and the documents and information provided for in this Article.

5. An agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products shall be concluded provided that the aggregate historical cost of fixed assets contemplated by the applicant organization for inclusion in that agreement that are to be placed into service in the period from 1 January 2022 to 31 December 2027 inclusively is not less than 65 billion roubles.

6. An agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products shall specify measures associated with the design, construction, upgrading (renovation) and placement into service of the facilities in question and the timeframes for the implementation of those measures.

For the purposes of concluding agreements on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products, the Government of the Russian Federation shall approve a list of facilities connected with the production of goods constituting petrochemical products that may be the subject of such agreements.

It shall not be permitted to include in an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products fixed assets that were specified in previously concluded agreements on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products or fixed assets not included in the list of facilities connected with the production of goods constituting petrochemical products that may be the subject of agreements on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products.

The form of an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products, the
procedure for concluding an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products, the procedure for making amendments to an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products and the procedure for monitoring the performance of an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products shall be established by the Government of the Russian Federation.

For the purposes of this Article, after 1 January 2025 it shall not be permitted for amendments to be made to an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products other than to alter the time limits for the implementation of individual measures specified in the agreement, but not by more than six months relative to the time limits for the implementation of those measures that are specified in the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products as at 1 January 2025.

Until 1 January 2025, an organization that has concluded an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products shall have the right to make amendments to that agreement, including by way of adjusting (adding, replacing or excluding) information on process units that are connected with the production of goods constituting petrochemical products and may be the subject of such an agreement.

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

7. For the purposes of this Article, the federal executive body responsible for the formulation of state policy and statutory regulation in the area of the fuel and energy complex shall on an annual basis, before 1 July of the current year, carry out a review of the performance of measures specified in an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products.

The federal executive body responsible for the formulation of state policy and statutory regulation in the area of the fuel and energy complex shall rescind an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products on a unilateral basis if the time limits for the implementation of any of the measures provided for in that agreement have been violated.

The federal executive body responsible for the formulation of state policy and statutory regulation in the area of the fuel and energy complex shall notify an organization that is a party to an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products of the rescission of that agreement within fifteen working days from the day on which that agreement is rescinded.

8. An agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products shall be considered unfulfilled if any of the following circumstances occurs:
1) the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products has been rescinded on the ground specified in clause 7 of this Article;

2) a decision to re-organize the organization that concluded the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products (other than re-organization in the form of the acquisition of other legal entities by the organization concerned or in the form of the spin-off of legal entities from that organization without the transfer to those entities of facilities for the production of goods constituting petrochemical products) or a decision to liquidate that organization was made in the period from 1 January 2022 to 31 December 2027 inclusively;

3) the aggregate historical cost of fixed assets that were included in the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products and were placed into service in the period from 1 January 2022 to 31 December 2027 inclusively was less than 65 billion roubles.

For the purposes of this subsection, the historical cost of a fixed asset shall be determined in the manner prescribed by clause 1 of Article 257 of this Code. Where prices not deemed to be at market level were applied in transactions taken into account in determining the historical cost of a fixed asset, the historical cost of that fixed asset for the purposes of this subsection shall be determined using the prices of those transactions that are recognised for taxation purposes in accordance with the procedure and using the methods established by Chapter 14.3 of this Code. For the purposes of this paragraph, the market price shall be determined with account taken of the provisions of Article 105.3 of this Code;

4) in the period from 1 January 2022 to 31 December 2027 inclusively the organization ceased to have ownership (except in the case of the loss or destruction of property) of fixed assets specified in the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products;

5) the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products was the basis for the issue of a certificate of registration of an entity that carries out liquefied petroleum gas processing operations in accordance with subsection 3 of clause 2 of Article 179.9 of this Code, provided that the organization that concluded the agreement in question has a certificate of registration of an entity that carries out ethane processing operations and a certificate of registration of an entity that carries out liquefied petroleum gas processing operations.

[subsection 5 inserted by Federal Law No. 305-FZ of 02.07.2021]

9. In order to receive a certificate, an applicant organization shall submit to the tax authority an application for a certificate and one of the following sets of documents:

1) a list of production facilities for the processing of ethane into goods constituting petrochemical products, accompanied by copies of documents confirming ownership of those facilities and (or) possession (use) thereof on another legal basis, a list of measuring devices (indicating their locations) for determining the quantity of ethane supplied for processing, and documents and information confirming that at least one of the conditions referred to in subsections 1 and 2 of clause 2 of this Article is met in relation to the applicant organization;
2) a copy, certified by the applicant organization, of a contract for the provision of services involving the processing of ethane into goods constituting petrochemical products concluded with an organization that directly carries out the processing of ethane into goods constituting petrochemical products and holds a certificate, bearing a stamp of the tax authority for the location of that organization. An authorized official of the tax authority shall place a stamp on the contract for the provision of services involving the processing of ethane into goods constituting petrochemical products upon the submission of a copy of that contract to the tax authority for the location of the organization that directly carries out the processing of ethane into goods constituting petrochemical products and holds an appropriate certificate provided that the organization concerned possesses production facilities for the processing of ethane into goods constituting petrochemical products and measuring devices for determining the quantity of ethane supplied for processing.

10. When submitting an application for the issue of a certificate, the applicant organization shall have the right not to submit documents that were previously submitted to the tax authority in accordance with the provisions of this Article.

11. A certificate shall begin to have effect from the first day of the tax period in which the applicant organization submitted the application and the documents specified in this Article on the basis of which the certificate was issued.

12. A tax authority shall refuse to issue a certificate in the following cases:

1) the application for a certificate was submitted not in accordance with the prescribed form;

2) the applicant organization failed to submit some or all of the documents needed to receive a certificate;

3) inaccurate information is contained in documents submitted by the applicant organization;

4) in the case of an applicant organization that submitted an application for a certificate on the ground specified in subsection 2 of clause 3 of this Article, as at the date of submission of the application the direct participating interest of the applicant organization in the organization with which it has a contract for the provision to it of services involving the processing of ethane into goods constituting petrochemical products, and which directly carries out that processing, amounts to less than 50 per cent.

13. A certificate shall contain:

1) the name of the tax authority that issued the certificate;

2) the full and abbreviated names of the applicant organization, the location of the applicant organization and the address at which the applicant organization carries on the activities referred to in clause 1 of this Article (place of actual activity);

3) taxpayer identification number (TIN);
4) particulars of documents (if they exist) confirming the applicant organization’s ownership of production facilities needed to carry out processing operations involving the processing of ethane into goods constituting petrochemical products and (or) its possession (use) of such facilities on another legal basis;

5) particulars of a contract for the provision to the applicant organization of services involving the processing of ethane into goods constituting petrochemical products (if applicable);

6) the registration number and date of issue of the certificate;

7) the locations of measuring devices for determining the quantity of ethane supplied for processing into goods constituting petrochemical products.

14. The form of a certificate, the form of an application for a certificate, the forms of decisions of a tax authority to issue (refuse to issue) or suspend (reinstate) a certificate, to advise that violations that caused a certificate to be suspended have not been fully remedied and to annul a certificate and administrative regulations on the provision of the state service of issuing a certificate shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

15. Tax authorities shall suspend a certificate in the following cases:

1) the organization fails to comply with provisions of tax and levy legislation concerning the calculation and payment of excise duties;

2) the certificate of an organization with which a contract for the provision of services involving the processing of ethane into goods constituting petrochemical products was concluded has been suspended. Where a taxpayer has multiple certificates received in accordance with clause 3 of this Article, the tax authorities shall suspend the certificate that was received in connection with the possession by the taxpayer of the contract for the provision to it of services involving the processing of ethane into goods constituting petrochemical products that was concluded with the organization that directly carries out that processing whose certificate has been suspended;

3) measuring devices for determining the quantity of ethane supplied for processing do not exist or are in a condition that prevents the determination of the quantity of ethane supplied for processing.

16. A certificate shall be suspended by decision of a tax authority from the day on which the occurrence of any of the events provided for in subsections 1 to 3 of clause 15 of this Article is established.

17. When suspending a certificate, a tax authority shall be obliged to set in its decision a time limit for remedying the violations that have caused the certificate to be suspended. That time limit may not be more than six months from the date of entry into force of the tax authority’s decision.

An organization whose certificate has been suspended shall be obliged to notify the tax authority that issued the certificate in writing of the remedying of the violations that caused the
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certificate to be suspended. The tax authority that issued the certificate shall, within ten working
days of receiving that notification, adopt a decision to reinstate the certificate or to advise that
the violations that caused the certificate to be suspended have not been fully remedied.

18. Tax authorities shall annul a certificate in the following cases:

1) the submission by an organization of an application for the annulment of the certificate,
prepared in any form;

2) the expiry of the time limit set by the tax authority for remedying violations if an organization
whose certificate was suspended has failed to remedy within that time limit all violations that
caused the certificate to be suspended;

3) a change in the address at which the activities referred to in clause 1 of this Article are carried
on (place of actual activity);

4) the termination of ownership or possession (use) on another legal ground of all production
facilities indicated in the certificate or the termination of a contract for the provision of services
involving the processing of ethane into goods constituting petrochemical products, or the
annulment of the certificate of an organization with which a contract for the provision of services
involving the processing of ethane into goods constituting petrochemical products has
been concluded;

5) the occurrence of a circumstance whereby an agreement on the creation of new facilities and
(or) the upgrading of existing facilities for the production of goods constituting petrochemical
products is considered to be unfulfilled;

6) in the case of an organization that received a certificate on the ground specified in subsection
2 of clause 3 of this Article – if the direct participating interest of that organization in the
organization with which it has a contract for the provision to it of services involving the
processing of ethane into goods constituting petrochemical products, and which directly carries
out that processing, is found to be less than 50 per cent.

19. Tax authorities shall annul a certificate on grounds provided for in clause 18 of this Article
subject to the following special considerations:

1) except as otherwise established by subsection 5 of this clause, upon the occurrence of the
event referred to in subsection 1 of clause 18 of this Article, the certificate shall be annulled
from the day specified in the application;

2) except as otherwise established by subsection 5 of this clause, upon the occurrence of the
events referred to in subsections 2 to 4 of clause 18 of this Article, the certificate shall be
annulled by decision of the tax authority from the day on which the relevant circumstances
arise;

3) upon the occurrence of the event referred to in subsection 5 of clause 18 of this Article, the
certificate shall be annulled by decision of the tax authority from the effective date of the
certificate. In this respect, amounts of excise duty calculated from the effective date of an
annulled certificate by an organization that concluded an agreement on the creation of new
facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products that is deemed unfulfilled, and (or) by an organization (organizations) that received a certificate on the ground specified in subsection 2 of clause 3 of this Article and concluded a contract for the provision of services involving the processing of ethane into goods constituting petrochemical products with the organization that concluded the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products that is deemed unfulfilled, in connection with the performance of operations indicated in subsection 39 of clause 1 of Article 182 of this Code, and not paid owing to the application of the tax deductions referred to in clause 32 of Article 200 of this Code, and amounts refunded to those organizations in connection with the application of such deductions, shall be payable to the budget by that organization that concluded the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products that is deemed unfulfilled before the end of the month following the month in which the circumstance occurred that causes the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products to be deemed unfulfilled;

4) except as otherwise established by subsection 5 of this clause, upon the occurrence of the event referred to in subsection 6 of clause 18 of this Article the certificate shall be annulled by decision of the tax authority from the 1st of the month that contains the first date as at which the participating interest was found to be below 50 per cent;

5) should any of the events referred to in subsections 1 to 4 and 6 of clause 18 of this Article occur up to 31 December 2027 inclusively in relation to an organization that holds a certificate on the ground specified in subsection 2 of clause 2 or subsection 2 of clause 3 of this Article, the certificate shall be annulled by decision of the tax authority from the effective date of the certificate. In this respect, amounts of excise duty calculated from the effective date of an annulled certificate by an organization that concluded an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products, or by an organization that received a certificate on the ground specified in subsection 2 of clause 3 of this Article and concluded a contract for the provision of services involving the processing of ethane into goods constituting petrochemical products with an organization that concluded an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products, in connection with the performance of operations indicated in subsection 39 of clause 1 of Article 182 of this Code, and not paid owing to the application of the tax deductions referred to in clause 32 of Article 200 of this Code, and amounts refunded to those organizations in connection with the application of such deductions, shall be payable to budget by the respective organization that concluded the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products before the end of the month following the month in which the event occurred that caused the certificate to be annulled.

20. In the event that a certificate is annulled, an organization shall have the right to submit an application for a new certificate.

In the event that an organization loses a certificate, the organization shall have the right to apply to the tax authority for the issue of a duplicate.
21. A tax authority that has issued (is issuing) a certificate shall be obliged to notify an organization in writing of a refusal to issue a certificate, of the suspension of the certificate, of a failure to remedy in full violations that caused the certificate to be suspended, of the reinstatement of the certificate or of the annulment of the certificate within three days from the date of adoption of the respective decision.

22. The federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall send information on agreements on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products that have been concluded (terminated) and on amendments made to agreements on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products to the tax authorities before the lapse of thirty days from the day of the conclusion of an agreement (termination of an agreement, amendment of an agreement) on the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products.

The scope and procedure for the submission of the information referred to in this clause shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies and the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex.

23. An organization that has received a certificate shall be obliged to send to the tax authority, together with the tax declaration for excise duties and within the time limits prescribed for the submission of a tax declaration for a tax period to the tax authorities, a notification of the occurrence during the tax period for which that tax declaration is submitted of the following circumstances that result in changes in information given in the organization’s certificate:

   - in the case of an organization that directly carries out the processing of ethane into goods constituting petrochemical products – the replacement of measuring devices for determining the quantity of ethane supplied for processing, and (or) changes in their locations, and (or) the installation of new measuring devices;

   - a change in the name of the organization;

   - a change in the location of the organization;

   - the termination of ownership of production facilities specified in the certificate or the possession (use) thereof on other legal grounds;

   - the acquisition of ownership of production facilities that will be used to carry out the processing of ethane into goods constituting petrochemical products, or possession (use) thereof on other legal grounds.

The notification referred to in this clause must be accompanied by copies of documents confirming the occurrence of the relevant circumstance.
The form of the notification and the list of types of documents needed to confirm the occurrence of particular circumstances shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

24. The receipt of a certificate shall not prevent the applicant organization from also receiving a certificate of registration of an entity that carries out liquefied petroleum gas processing operations, including where the same new production facilities are used both for the processing of ethane and for the processing of LPG into goods constituting petrochemical products, provided that the design feed rate of the production facilities in question amounts to not less than 600,000 tonnes of ethane and LPG in the aggregate per year.

[clause 24 inserted by Federal Law No. 305-FZ of 02.07.2021]

**Article 179.9. Certificate of Registration of an Entity That Carries Out Operations Involving the Processing of Liquefied Petroleum Gases**  
[inserted by Federal Law No. 321-FZ of 15.10.2020]

1. A certificate of registration of an entity that carries out operations involving the processing of liquefied petroleum gases (hereafter in this Article referred to as “certificate”) shall be issued to an organization that carries out the processing of LPG (including on the basis of a contract for the provision of LPG processing services to that organization) for the purpose of obtaining goods constituting petrochemical products.

2. Except as otherwise established by clause 3 of this Article, a certificate shall be issued to an Russian applicant organization on the basis of an application submitted to the tax authority provided that it owns and (or) otherwise legally possesses production facilities needed to process LPG into goods constituting petrochemical products and measuring devices for determining the quantity of LPG supplied for processing, and provided that at least one of the following conditions is met:

1) in the period since 1 January 2022 the applicant organization has placed into service new production facilities for the processing of LPG into goods constituting petrochemical products with a design capacity of at least 300,000 tonnes of LPG per year or not less than 600,000 tonnes of ethane and LPG in the aggregate per year;  

[as amended by Federal Law No. 305-FZ of 02.07.2021]

2) before 1 January 2023 the applicant organization concluded with the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products;

3) the applicant organization has a related entity that carries on activities referred to in clause 1 of this Article in the constituent entity of the Russian Federation where the applicant organization carries on such activities and the related entity has an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products, concluded in accordance with subsection 2 of this clause, which provides for fixed assets with an aggregate historical value of more than 220 billion roubles to be placed into operation in the period from 1 January 2022 to 31 December 2027.

[subsection 3 inserted by Federal Law No. 305-FZ of 02.07.2021]
3. Irrespective of whether the conditions established by clause 2 of this Article are met, a certificate shall also be issued to an applicant organization if at least one of the following requirements is met:

1) the applicant organization has concluded a contract for the provision to it of services involving the processing of LPG into goods constituting petrochemical products with an organization that directly carries out that processing and owns and (or) otherwise legally possesses production facilities needed to process LPG into goods constituting petrochemical products and measuring devices for determining the quantity of LPG supplied for processing, and the condition specified in subsection 1 of clause 2 of this Article is met in relation to that organization;

2) the applicant organization has concluded a contract for the provision to it of services involving the processing of LPG into goods constituting petrochemical products with an organization that directly carries out that processing and owns and (or) otherwise legally possesses production facilities needed to process LPG into goods constituting petrochemical products and measuring devices for determining the quantity of LPG supplied for processing, and the condition specified in subsection 2 of clause 2 of this Article is met in relation to that organization, and provided that the direct participating interest of the applicant organization in the organization with which it has concluded a contract for the provision to it of services involving the processing of LPG into goods constituting petrochemical products is 50 per cent or more.

4. A tax authority shall be obliged to issue a certificate or send the applicant organization a notification of a refusal to issue a certificate, stating the reason for the refusal, not later than fifteen days from the day on which it received the application for a certificate and the documents and information provided for in this Article.

5. An agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products shall be concluded provided that the aggregate historical cost of fixed assets contemplated by the applicant organization for inclusion in that agreement that are to be placed into service in the period from 1 January 2022 to 31 December 2027 inclusively is not less than 65 billion roubles (110 billion roubles for applicant organizations that intend for LPG to be taxed in the manner prescribed by paragraph 2 of clause 12 of Article 193 of this Code).

6. Agreements on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products that are concluded for the purposes of this Article shall be subject to the requirements laid down for corresponding agreements that are concluded for the purposes of Article 179.8 of this Code.

For the purposes of this Article, after 1 January 2025 it shall not be permitted for amendments to be made to an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products other than to alter the time limits for the implementation of individual measures specified in the agreement, but not by more than six months relative to the time limits for the implementation of those measures that are specified in the agreement on the creation of new facilities and (or)
the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products as at 1 January 2025.

7. For the purposes of this Article, the federal executive body responsible for the formulation of state policy and statutory regulation in the area of the fuel and energy complex shall conclude (rescind) and amend agreements on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products in the manner prescribed by Article 179.8 of this Code.

8. An agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products shall be considered unfulfilled if any of the following circumstances occurs:

1) the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products has been rescinded on the ground specified in clause 7 of Article 179.8 of this Code;

2) a decision to re-organize the organization that concluded the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products (other than re-organization in the form of the acquisition of other legal entities by the organization concerned or in the form of the spin-off of legal entities from that organization without the transfer to those entities of facilities for the production of goods constituting petrochemical products) or a decision to liquidate that organization was made in the period from 1 January 2022 to 31 December 2027 inclusively;

3) the aggregate historical cost of fixed assets that were included in the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products and were placed into service in the period from 1 January 2022 to 31 December 2027 inclusively was less than 65 billion roubles (110 billion roubles for an organization that assesses tax on LPG in the manner prescribed by paragraph 2 of clause 12 of Article 193 of this Code, or 220 billion roubles for an organization that has concluded an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products, provided that the agreement in question served as a basis for a person related to that organization to receive a certificate in accordance with subsection 3 of clause 2 of this Article).

For the purposes of this subsection, the historical cost of a fixed asset shall be determined in the manner prescribed by clause 1 of Article 257 of this Code. Where prices not deemed to be at market level were applied in transactions taken into account in determining the historical cost of a fixed asset, the historical cost of that fixed asset for the purposes of this subsection shall be determined using the prices of those transactions that are recognised for taxation purposes in accordance with the procedure and using the methods established by Chapter 14.3 of this Code. For the purposes of this paragraph the market price shall be determined with account taken of the provisions of Article 105.3 of this Code;

4) in the period from 1 January 2022 to 31 December 2027 inclusively the organization ceased to have ownership (except in the case of the loss or destruction of property) of fixed assets.
specified in the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products;

5) the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products was the basis for the issue of a certificate of registration of an entity that carries out liquefied petroleum gas processing operations in accordance with subsection 3 of clause 2 of Article 179.9 of this Code, provided that the organization that concluded the agreement in question has a certificate of registration of an entity that carries out ethane processing operations and a certificate of registration of an entity that carries out liquefied petroleum gas processing operations.

[subsection 5 inserted by Federal Law No. 305-FZ of 02.07.2021]

9. In order to receive a certificate, an applicant organization shall submit to the tax authority an application for a certificate and one of the following sets of documents:

1) a list of production facilities for the processing of LPG into goods constituting petrochemical products, accompanied by copies of documents confirming ownership of those facilities and (or) possession (use) thereof on another legal basis, a list of measuring devices (indicating their locations) for determining the quantity of LPG supplied for processing, and documents and information confirming that at least one of the conditions referred to in subsections 1 and 3 of clause 2 of this Article is met in relation to the applicant organization; [as amended by Federal Law No. 305-FZ of 02.07.2021]

2) a copy, certified by the applicant organization, of a contract for the provision of services involving the processing of LPG into goods constituting petrochemical products concluded with an organization that directly carries out the processing of LPG into goods constituting petrochemical products and holds a certificate, bearing a stamp of the tax authority for the location of that organization. An authorized official of the tax authority shall place a stamp on the contract for the provision of services involving the processing of LPG into goods constituting petrochemical products upon the submission of a copy of that contract to the tax authority for the location of the organization that directly carries out the processing of LPG into goods constituting petrochemical products and holds an appropriate certificate provided that the organization concerned possesses production facilities for the processing of LPG into goods constituting petrochemical products and measuring devices for determining the quantity of LPG supplied for processing.

10. When submitting an application for the issue of a certificate, the applicant organization shall have the right not to submit documents that were previously submitted to the tax authority in accordance with the provisions of this Article.

11. A certificate shall begin to have effect from the first day of the tax period in which the applicant organization submitted the application and the documents specified in this Article on the basis of which the certificate was issued.

12. A tax authority shall refuse to issue a certificate in the following cases:

1) the application for a certificate was submitted not in accordance with the prescribed form;
2) the applicant organization failed to submit some or all of the documents needed to receive a certificate;

3) inaccurate information is contained in documents submitted by the applicant organization;

4) in the case of an applicant organization that submitted an application for a certificate on the ground specified in subsection 2 of clause 3 of this Article, as at the date of submission of the application the direct participating interest of the applicant organization in the organization with which it has a contract for the provision to it of services involving the processing of LPG into goods constituting petrochemical products, and which directly carries out that processing, amounts to less than 50 per cent.

13. A certificate shall contain:

1) the name of the tax authority that issued the certificate;

2) the full and abbreviated names of the applicant organization, the location of the applicant organization and the address at which the applicant organization carries on the activities referred to in clause 1 of this Article (place of actual activity);

3) taxpayer identification number (TIN);

4) particulars of documents (if they exist) confirming the applicant organization’s ownership of production facilities needed to carry out processing operations involving the processing of LPG into goods constituting petrochemical products and (or) its possession (use) of such facilities on another legal basis;

5) particulars of a contract for the provision to the applicant organization of services involving the processing of LPG into goods constituting petrochemical products (if applicable);

5.1) particulars of an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products concluded by an entity that is related to the applicant organization (if the certificate is issued on the basis of subsection 3 of clause 2 of this Article);

[subsection 5.1 inserted by Federal Law No. 305-FZ of 02.07.2021]

6) the registration number and date of issue of the certificate;

7) the locations of measuring devices for determining the quantity of LPG supplied for processing into goods constituting petrochemical products.

14. The form of a certificate, the form of an application for a certificate, the forms of decisions of a tax authority to issue (refuse to issue) or suspend (reinstate) the certificate, to advise that violations that caused a certificate to be suspended have not been fully remedied and to annul a certificate and administrative regulations on the provision of the state service of issuing a certificate shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

15. Tax authorities shall suspend a certificate in the following cases:
1) the organization fails to comply with provisions of tax and levy legislation concerning the calculation and payment of excise duties;

2) the certificate of an organization with which a contract for the provision of services involving the processing of LPG into goods constituting petrochemical products was concluded has been suspended. Where a taxpayer has multiple certificates received in accordance with clause 3 of this Article, the tax authorities shall suspend the certificate that was received in connection with the possession by the taxpayer of the contract for the provision to it of services involving the processing of LPG into goods constituting petrochemical products that was concluded with the organization that directly carries out that processing whose certificate has been suspended;

3) measuring devices for determining the quantity of LPG supplied for processing do not exist or are in a condition that prevents the determination of the quantity of LPG supplied for processing.

16. A certificate shall be suspended by decision of a tax authority from the day on which the occurrence of any of the events provided for in subsections 1 to 3 of clause 15 of this Article is established.

17. When suspending a certificate, a tax authority shall be obliged to set in its decision a time limit for remedying the violations that have caused the certificate to be suspended. That time limit may not be more than six months from the date of entry into force of the tax authority’s decision.

An organization whose certificate has been suspended shall be obliged to notify the tax authority that issued the certificate in writing of the remedying of the violations that caused the certificate to be suspended. The tax authority that issued the certificate shall, within ten working days of receiving that notification, adopt a decision to reinstate the certificate or to advise that the violations that caused the certificate to be suspended have not been fully remedied.

18. Tax authorities shall annul a certificate in the following cases:

1) the submission by an organization of an application for the annulment of the certificate, prepared in any form;

2) the expiry of the time limit set by the tax authority for remedying violations if an organization whose certificate was suspended has failed to remedy within that time limit all violations that caused the certificate to be suspended;

3) a change in the address at which the activities referred to in clause 1 of this Article are carried on (place of actual activity);

4) the termination of ownership or possession (use) on another legal ground of all production facilities indicated in the certificate or the termination of a contract for the provision of services involving the processing of LPG into goods constituting petrochemical products, or the annulment of the certificate of an organization with which a contract for the provision of services involving the processing of LPG into goods constituting petrochemical products has been concluded;
5) the occurrence of a circumstance whereby an agreement on the creation of new facilities and (or) the upgrading of existing facilities for the production of goods constituting petrochemical products is considered to be unfulfilled (including in the event of the occurrence of that circumstance for an entity that is related to the organization whose certificate is to be annulled if that certificate was received on the basis of subsection 3 of clause 2 of this Article); [as amended by Federal Law No. 305-FZ of 02.07.2021]

6) in the case of an organization that received a certificate on the ground specified in subsection 2 of clause 3 of this Article – if the direct participating interest of that organization in the organization with which it has a contract for the provision to it of services involving the processing of LPG into goods constituting petrochemical products, and which directly carries out that processing, is found to be less than 50 per cent.

19. Tax authorities shall annul a certificate on grounds provided for in clause 18 of this Article subject to the following special considerations:

1) except as otherwise established by subsection 5 of this clause, upon the occurrence of the event referred to in subsection 1 of clause 18 of this Article, the certificate shall be annulled from the day specified in the application;

2) except as otherwise established by subsection 5 of this clause, upon the occurrence of the events referred to in subsections 2 to 5 of clause 18 of this Article, the certificate shall be annulled by decision of the tax authority from the day on which the relevant circumstances arise;

3) upon the occurrence of the event referred to in subsection 5 of clause 18 of this Article, the certificate shall be annulled by decision of the tax authority from the effective date of the certificate. In this respect, amounts of excise duty calculated from the effective date of an annulled certificate by an organization that concluded an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products that is deemed unfulfilled, and (or) by an organization (organizations) that received a certificate on the ground specified in subsection 2 of clause 3 of this Article and concluded a contract for the provision of services involving the processing of LPG into goods constituting petrochemical products with the organization that concluded the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products that is deemed unfulfilled, in connection with the performance of operations indicated in subsection 40 of clause 1 of Article 182 of this Code, and not paid owing to the application of the tax deductions referred to in clause 33 of Article 200 of this Code, and amounts refunded to those organizations in connection with the application of such deductions, shall be payable to the budget by the organization that concluded the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products that is deemed unfulfilled before the end of the month following the month in which the circumstance occurred that causes the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products to be deemed unfulfilled;
4) except as otherwise established by subsection 5 of this clause, upon the occurrence of the event referred to in subsection 6 of clause 18 of this Article the certificate shall be annulled by decision of the tax authority from the 1st of the month that contains the first date as at which the participating interest was found to be below 50 per cent;

5) should any of the events referred to in subsections 1 to 4 and 6 of clause 18 of this Article occur up to 31 December 2027 inclusively in relation to an organization that holds a certificate on the ground specified in subsection 2 of clause 2 or subsection 2 of clause 3 of this Article, the certificate shall be annulled by decision of the tax authority from the effective date of the certificate. In this respect, amounts of excise duty calculated from the effective date of an annulled certificate by an organization that concluded an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products, or by an organization that received a certificate on the ground specified in subsection 2 of clause 3 of this Article and concluded a contract for the provision of services involving the processing of LPG into goods constituting petrochemical products with an organization that concluded an agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products, in connection with the performance of operations indicated in subsection 40 of clause 1 of Article 182 of this Code, and not paid owing to the application of the tax deductions referred to in clause 33 of Article 200 of this Code, and amounts refunded to those organizations in connection with the application of such deductions, shall be payable to budget by the respective organization that concluded the agreement on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products before the end of the month following the month in which the event occurred that caused the certificate to be annulled.

20. In the event that a certificate is annulled, an organization shall have the right to submit an application for a new certificate.

In the event that an organization loses a certificate, the organization shall have the right to apply to the tax authority for the issue of a duplicate.

21. A tax authority that has issued (is issuing) a certificate shall be obliged to notify an organization in writing of a refusal to issue a certificate, of the suspension of the certificate, of a failure to remedy in full violations that caused the certificate to be suspended, of the reinstatement of the certificate or of the annulment of the certificate within three days from the date of adoption of the respective decision.

22. The federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall send information on agreements on the creation of new facilities and (or) the upgrading (renovation) of existing facilities for the production of goods constituting petrochemical products according to the list, scope and procedure laid down in clause 22 of Article 179.8 of this Code.

23. An organization that has received a certificate shall be obliged to send to the tax authority, together with the tax declaration for excise duties (within the time limits prescribed for the submission of a tax declaration for a tax period), a notification of the occurrence during the tax period for which that tax declaration is submitted of the following circumstances that result in changes in information given in the organization’s certificate:
- in the case of an organization that directly carries out the processing of LPG into goods constituting petrochemical products – the replacement of measuring devices for determining the quantity of LPG supplied for processing, and (or) changes in their locations, and (or) the installation of new measuring devices;

- a change in the name of the organization;

- a change in the location of the organization;

- the termination of ownership of production facilities specified in the certificate (or the possession (use) thereof on other legal grounds);

- the acquisition of ownership of production facilities that will be used to carry out the processing of LPG into goods constituting petrochemical products (or possession (use) thereof on other legal grounds).

The notification referred to in this clause must be accompanied by copies of documents confirming the occurrence of the relevant circumstances.

The form of the notification and the list of types of documents needed to confirm the occurrence of particular circumstances shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

24. The receipt of a certificate shall not prevent the applicant organization from also receiving a certificate of registration of an entity that carries out ethane processing operations, including where the same new production facilities are used both for the processing of ethane and for the processing of LPG into goods constituting petrochemical products, provided that the design feed rate of the production facilities in question amounts to not less than 600,000 tonnes of ethane and LPG in the aggregate per year.

[clause 24 inserted by Federal Law No. 305-FZ of 02.07.2021]

Article 180. Special Considerations Relating to the Fulfilment of the Obligations of a Taxpayer in the Context of a Simple Partnership Agreement (Joint Activity Agreement)

1. Organizations or private entrepreneurs which are parties to a simple partnership (joint activity agreement) shall bear joint and several liability for the fulfilment of the obligation to pay tax as calculated in accordance with this Chapter. [as amended by Federal Law No. 110-FZ of 24.07.2002 (Rev. 31.12.2002)]

2. For the purposes of this Chapter it shall be established that the person responsible for executing obligations associated with the calculation and payment of the entire amount of excise duty calculated in respect of operations which are deemed to be taxable in accordance with this Chapter and are carried out in the context of a simple partnership agreement (joint activity agreement) shall be the person who manages the affairs of the simple partnership (joint activity agreement). Where the affairs of a simple partnership (joint activity agreement) are managed jointly by all the participants in the simple partnership (joint activity agreement), the parties to the simple partnership agreement (joint activity agreement) shall independently decide which participant shall execute obligations associated with the calculation and payment
of the entire amount of excise duty in respect of operations which are deemed to be taxable in accordance with this Chapter and are carried out in the context of the simple partnership agreement (joint activity agreement). [as amended by Federal Law No. 166-FZ of 29.12.2000]

The above-mentioned person shall have all the rights and discharge the obligations of a taxpayer which are stipulated by this Code in relation to the amount of excise duty in question. [as amended by Federal Law No. 166-FZ of 29.12.2000]

The above-mentioned person must, no later than the day on which the first operation which is deemed to be taxable in accordance with this Chapter is carried out, notify the tax authority that it is discharging taxpayer obligations under a simple partnership agreement (joint activity agreement). [as amended by Federal Law No. 166-FZ of 29.12.2000]

3. Provided that excise duty payment obligations are discharged in full and in a timely manner by the taxpayer which carries out excise duty payment obligations in the context of the simple partnership (joint activity agreement) in accordance with clause 2 of this Article, excise duty payment obligations shall be deemed to have been fulfilled by the remaining parties to the simple partnership agreement (joint activity agreement). [as amended by Federal Law No. 166-FZ of 29.12.2000]

**Article 181. Excisable Goods** [title as amended by Federal Law No. 117-FZ of 07.07.2003]

1. The following shall be deemed to be excisable:

1) ethyl alcohol produced from edible raw materials and non-food raw materials, including denatured ethyl alcohol, crude alcohol and distillates provided for in the legislation concerning the state regulation of the production and circulation of ethyl alcohol and alcoholic and alcohol-containing products and concerning the restriction of the consumption (drinking) of alcoholic products (hereafter in this Chapter also referred to as “ethyl alcohol”); [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 326-FZ of 29.09.2019]


2) alcohol-containing products (solutions, emulsions, suspensions and other types of products in liquid form) with an ethyl alcohol content by volume of more than 9 per cent, with the exception of alcoholic products referred to in subsection 3 of this clause, base wine, grape must and fruit must. The following goods shall not be regarded as excisable goods for the purposes of this Chapter:

- medicines that have undergone state registration with the authorized federal executive body and have been entered and (or) included in the State Register of Medicines and medicinal products for medical use for the purposes of the formation of a common market of medicines within the Eurasian Economic Union, information on which is contained in the unified register of registered medicines of the Eurasian Economic Union;

- medicines (including homeopathic medicinal products) prepared by pharmacies according to prescriptions for medicinal products and requirements of medical organizations, put up in containers in accordance with the requirements of normative documentation approved by the authorized federal executive body;
- alcohol-containing perfumes and cosmetics in metal aerosol packaging;

- alcohol-containing household chemicals in metal aerosol packaging;

- alcohol-containing perfumes and cosmetics in small containers;

- veterinary preparations that have undergone state registration with the authorized federal executive body and have been entered in the State Register of Registered Veterinary Preparations Developed for Use in Animal Husbandry in the Territory of the Russian Federation, put up in containers holding not more than 100 ml;

- waste generated in the process of the production of ethyl alcohol from edible raw materials, vodkas and liqueurs that is suitable for further processing and (or) process use and conforms to normative documentation approved (agreed) by a federal executive body;

- beer wort;

3) alcoholic products with an ethyl alcohol content by volume exceeding 0.5 per cent, with the exception of edible products in accordance with the list established by the Government of the Russian Federation;

3.1) beer with a normative (standardized) ethyl alcohol content by volume of up to 0.5 per cent inclusively;

3.2) base wine, grape must and fruit must;

5) tobacco products;

6) motor cars;

6.1) motorcycles with an engine capacity exceeding 112.5 kW (150 h.p.);

7) petrol;

8) diesel fuel;

9) motor oils for diesel and (or) carburettor (injection) engines;

10) straight-run petrol. For the purposes of this Chapter, straight-run petrol shall be understood to mean petrol fractions, with the exception of automobile petrol, jet fuel and acrylates, which are obtained as a result of:
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- the distillation (fractionation) of oil, gas condensate, associated petroleum gas and natural gas;

- the processing (chemical conversions) of oil shales, coal, oil fractions and fractions of gas condensate, associated petroleum gas and natural gas.

For the purposes of this Article, a petrol fraction shall be understood to mean a blend of hydrocarbons in liquid state (given a temperature of 15 or 20 degrees Celsius and a pressure of 760 millimetres of mercury) which simultaneously meets the following physical and chemical characteristics:

- a density of not less than 650 kg/m$^3$ and not more than 749 kg/m$^3$ given a temperature of 15 or 20 degrees Celsius;

- the temperature value at which not less than 90 per cent of the blend by volume is distilled (given a pressure of 760 millimetres of mercury) does not exceed 215 degrees Celsius.

In this respect, the following types of fractions shall not be considered a petrol fraction for the purposes of this Chapter:

- a fraction obtained as a result of the alkylation (oligomerization) of hydrocarbon gases;

- a fraction in which the proportion by mass of methyl-tert-butyl ether and (or) other ethers and (or) alcohols is not less than 85 per cent;

- a fraction obtained as a result of the oxidation and esterification of olefins, aldehydes, ketones and carbonic acids;

- a fraction obtained as a result of the hydrogenation, hydration and dehydrogenation of alcohols, aldehydes, ketones and carbonic acids;

- a fraction in which the proportion by mass of benzene and (or) toluene and (or) xylene (including paraxylene and orthoxylene) is not less than 85 per cent;

- a fraction in which the proportion by mass of pentane and (or) isopentane is not less than 85 per cent;

- a fraction in which the proportion by mass of alpha-methylstyrene is not less than 95 per cent;

- a fraction in which the proportion by mass of isoprene is not less than 85 per cent; [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017] [subsection 10 as reworded by Federal Law No. 323-FZ of 23.11.2015]

11) medium distillates. For the purposes of this Chapter, medium distillates shall be understood to mean mixtures of hydrocarbons in liquid state (given a temperature of 20 degrees Celsius and an atmospheric pressure of 760 millimetres of mercury) that are obtained as a result of the primary and (or) secondary processing of oil, gas condensate, associated petroleum gas and oil shales and have a density of not more than 930 kg/m$^3$ given a temperature of 20 degrees Celsius, with the exception of:
- straight-run petrol;
- cyclohexane;
- automobile petrol;

- the fractions referred to in paragraphs 8 to 15 of subsection 10 of this clause;
- aviation fuel, Jet-A1 aviation fuel;
- diesel fuel;

- high-viscosity products, including motor oils for diesel and (or) carburettor (injection) engines;

- petrochemical products obtained in the processes of chemical conversions occurring at a temperature exceeding 700 degrees Celsius (according to the technical documentation for the process equipment through which the chemical conversions are carried out), dehydration, alkylation, oxidation, hydration and esterification;

- gas condensate and oil and gas condensate mixture obtained directly using deethanization and (or) stabilization and (or) fractionation processes (provided that the fractionation process is combined with the deethanization and (or) stabilization process);

- oil;

- bitumen, asphalt, coke, carbon black, sulphur;

- other products constituting a mixture of hydrocarbons in liquid state (at a temperature of 20 degrees Celsius and an atmospheric pressure of 760 millimetres of mercury) containing more than 30 per cent of aromatic, unsaturated and (or) oxygenated compounds, with the exception of:

products manufactured by Russian organizations that hold a certificate of registration of an entity that carries out operations involving the processing of medium distillates such as is provided for in Article 179.6 of this Code, and (or) a certificate of registration of an entity that carries out operations involving the processing of petroleum feedstocks such as is provided for in Article 179.7 of this Code;

products manufactured by Russian organizations that do not hold a certificate of registration of an entity that carries out operations involving the processing of medium distillates such as is provided for in Article 179.6 of this Code, and (or) a certificate of registration of an entity that carries out operations involving the processing of petroleum feedstocks such as is provided for in Article 179.7 of this Code, and own and (or) otherwise legally possess production facilities needed for the process of the primary or primary and secondary refinement of oil and (or) stable gas condensate;

products sold by Russian organizations referred to in subsections 30 and 31 of clause 1 of Article 182 of this Code;
products obtained by Russian organizations that hold a certificate of registration of an organization that carries out operations involving medium distillates such as is provided for in Article 179.5 of this Code.

For the purposes of this Chapter, high-viscosity products shall be understood to be:

- mixtures of hydrocarbons with a kinematic viscosity of more than 2.2 centistokes at a temperature of 100 degrees Celsius;

- mixtures of hydrocarbons obtained as a result of the use of at least one of the following processing operations:
  - catalytic dewaxing;
  - hydroisodewaxing;
  - solvent dewaxing;
  - propane deasphalting;
  - solvent refining;
  - wax de-oiling.

For the purposes of this subsection, mixtures of high-viscosity products with non-excisable goods shall be considered as high-viscosity products.

In this respect, high-viscosity products obtained as a result of the above-listed processes and mixtures thereof with non-excisable goods must satisfy one or more of the following physical and chemical characteristics:

- the kinematic viscosity at a temperature of 100 degrees Celsius amounts to 2.2 centistokes or more;

- the open-cup flash point is more than 80 degrees Celsius and the pour point is not greater than minus 35 degrees Celsius.

For the purposes of this subsection, a product shall be classed as a medium distillate if its kinematic viscosity at a temperature of 100 degrees Celsius has not been determined and the product is not among the exceptions specified in this subsection.

Medium distillates shall also not include a hydrocarbon mixture that was obtained by an organization holding a certificate of registration of an entity that carries out operations involving the processing of petroleum feedstocks as a result of the treatment and (or) processing of petroleum feedstocks belonging to that organization and is subsequently sold (transferred) by that organization mixed with petroleum feedstocks that constitute an extracted commercial mineral for that organization, and (or) with petroleum feedstocks acquired by that organization from other organizations for which those petroleum feedstocks constitute an extracted
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commercial mineral, provided that the hydrocarbon mixture mixed with the petroleum feedstocks is transported by trunk pipeline;

[subsection 11 as reworded by Federal Law No. 321-FZ of 15.10.2020]

12) benzene, paraxylene and orthoxyylene.

For the purposes of this Chapter, benzene shall be understood to be a liquid containing (by mass) 99 per cent of the corresponding simplest aromatic hydrocarbon.

For the purposes of this Chapter, paraxylene or orthoxyylene shall be understood to be a liquid containing (by mass) 95 per cent of the corresponding isomer of xylene (dimethylbenzene);

[subsection 12 inserted by Federal Law No. 366-FZ of 24.11.2014]

13) jet fuel.

For the purposes of this Chapter, jet fuel shall be understood to be liquid fuels which are used in aircraft engines and meet the requirements of the technical regulation legislation of the Russian Federation and (or) international agreements of the Russian Federation, and mixtures of such fuels;

[subsection 13 inserted by Federal Law No. 366-FZ of 24.11.2014]

13.1) petroleum feedstocks.

For the purposes of this Chapter, petroleum feedstocks shall be understood to mean a mixture of hydrocarbons consisting of one or more of the following components:

- oil;

- stable gas condensate;

- vacuum gas oil (at a temperature of 20 degrees Celsius and a pressure of 760 millimetres of mercury with a density of more than 845 kg/m$^3$ and a kinematic viscosity at a temperature of 80 degrees Celsius of more than 3 centistokes);

- tar (at a temperature of 20 degrees Celsius and a pressure of 760 millimetres of mercury with a density of more than 930 kg/m$^3$);

- fuel oil;

[subsection 13.1 inserted by Federal Law No. 301-FZ of 03.08.2018]


14) natural gas (in cases provided for in international agreements of the Russian Federation);

[subsection 14 inserted by Federal Law No. 366-FZ of 24.11.2014]

15) electronic nicotine delivery systems and tobacco heating products. For the purposes of this Chapter, electronic nicotine delivery systems shall be understood to mean electronic devices used to convert liquid for electronic nicotine delivery systems into an aerosol (vapour) to be inhaled by the user. For the purposes of this Chapter, tobacco heating products shall be understood to mean electronic devices used to generate tobacco vapour to be inhaled by the
user by means of heating tobacco without burning or combustion;

[subsection 15 as reworded by Federal Law No. 326-FZ of 29.09.2019]

16) liquids for electronic nicotine delivery systems. For the purposes of this Chapter, a liquid for electronic nicotine delivery systems shall be understood to mean any liquid with a liquid nicotine content of 0.1 mg/ml or more that is intended for use in electronic nicotine delivery systems;

[subsection 16 as reworded by Federal Law No. 326-FZ of 29.09.2019]

17) tobacco (tobacco products) intended for consumption by means of heating;

[subsection 17 inserted by Federal Law No. 401-FZ of 30.11.2016]

18) grapes. For the purposes of this Chapter, excisable grapes shall be grapes used for the production of wine, sparkling wine (champagne), liqueur wine with a protected geographical indication or with a protected appellation of origin (special wine), base wine or grape must or for the production of alcoholic beverages that involves the processing of grapes of a variety or varieties specified in the technical documents for their manufacture, the fractional distillation of resulting base wine and the maturation thereof (for not less than three years) in oak barrels or oak butts or in contact with oak wood until the characteristics specified by those technical documents are achieved (hereinafter referred to as “alcoholic beverages produced through a fully integrated process”).

[subsection 18 inserted by Federal Law No. 326-FZ of 29.09.2019]

[EY Note: Subsections 19 and 20 are appended to clause 1 of Article 181 from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]


1. The following operations shall be deemed to be a taxable object:

1) the sale by persons in the territory of the Russian Federation of excisable goods produced by them, including the sale of pledged articles and the transfer of excisable goods under an indemnity or novation agreement. [as amended by Federal Law No. 134-FZ of 26.07.2006]

For the purposes of this Chapter, the transfer of ownership rights in excisable goods by one person to another person at a charge and (or) without charge and the use thereof as payment in kind shall be regarded as the sale of excisable goods; [as amended by Federal Law No. 117-FZ of 07.07.2003]


6) the sale by persons of confiscated and (or) ownerless excisable goods and excisable goods which were abandoned to the state and which are liable to be placed under state and (or) municipal ownership where such goods were transferred to them on the basis of verdicts or decisions of courts, arbitration courts or other authorized state bodies;

[ARTICLE 182]
7) the transfer by persons in the territory of the Russian Federation of excisable goods produced by them from customer-supplied raw materials (other materials), to the owner of those raw materials (other materials) or to other persons, including the receipt of ownership of those excisable goods as payment for services involving the production of excisable goods from customer-supplied raw materials (other materials); [as amended by Federal Law No. 134-FZ of 26.07.2006]

8) the transfer of produced excisable goods within the structure of an organization for the subsequent production of non-excisable goods, with the exception of the transfer of produced straight-run petrol and (or) medium distillates for the subsequent production of petrochemical products, bitumen, asphalt, coke, carbon black, sulphur, high-viscosity products and other non-excisable goods obtained as waste products or by-products in the process of the production of excisable goods within the structure of an organization possessing a certificate of registration of a person that carries out operations involving straight-run petrol and (or) a certificate of registration of a person that carries out operations involving the processing of medium distillates and (or) a certificate of registration of a person that carries out petroleum feedstock processing operations, and (or) the transfer of produced denatured ethyl alcohol for the production of non-alcohol-containing products within the structure of an organization possessing a certificate for the production of non-alcohol containing products, and (or) the transfer of produced ethyl alcohol for the production of alcohol-containing inedible products in the form of gel or gel-based cream (cream-gel) within the structure of an organization holding a certificate for the production of alcohol-containing inedible products; [as amended by Federal Laws No. 255-FZ of 30.07.2019, No. 321-FZ of 15.10.2020]

9) the transfer by persons in the territory of the Russian Federation of excisable goods produced by those persons for their own requirements; [as amended by Federal Law No. 134-FZ of 26.07.2006]

10) the transfer by persons in the territory of the Russian Federation of excisable goods produced by those persons to the charter (pooled) capital of organizations, to the share funds of co-operatives and as a contribution under a simple partnership agreement (joint activity agreement); [as amended by Federal Law No. 134-FZ of 26.07.2006]

11) the transfer by an organization (company or partnership) in the territory of the Russian Federation of excisable goods which it has produced to one of its participants (or to a legal successor or heir of such participant) when that participant withdraws (departs) from the organization (company or partnership), and the transfer of excisable goods produced within the framework of a simple partnership agreement (joint activity agreement) to one of the parties (or to a legal successor or heir of such party) to that agreement upon the apportionment of its share from property which are jointly owned by the parties to the agreement or upon the division of that property; [as amended by Federal Law No. 134-FZ of 26.07.2006]

12) the transfer of produced excisable goods for processing as customer-supplied materials; [as amended by Federal Law No. 134-FZ of 26.07.2006]

13) the importation of excisable goods into the territory of the Russian Federation and other territories under its jurisdiction; [as amended by Federal Law No. 306-FZ of 27.11.2010]


20) the receipt (recording in accounts) of denatured ethyl alcohol by an organization which has a certificate for the production of non-alcohol-containing products.

For the purposes of this Chapter the receipt of denatured ethyl alcohol shall be understood to mean the acquisition of ownership of denatured ethyl alcohol;
[subsection 20 inserted by Federal Law No. 107-FZ of 21.07.2005]

20.1) the receipt (recording in accounts) of ethyl alcohol by an organization possessing a certificate (certificates) provided for in subsections 2 to 6 of clause 1 of Article 179.2 of this Code. For the purposes of this Chapter, the receipt of ethyl alcohol shall mean the acquisition of ownership of ethyl alcohol;

21) the receipt of straight-run petrol by an organization which possesses a certificate for the processing of straight-run petrol.

For the purposes of this Chapter the receipt of straight-run petrol shall be understood to mean the acquisition of ownership of straight-run petrol under an agreement with a Russian organization; [as amended by Federal Law No. 335-FZ of 27.11.2017] [subsection 21 inserted by Federal Law No. 134-FZ of 26.07.2006]

22) the transfer by one structural subdivision of an organization which is not an independent taxpayer to another such structural subdivision of that organization of manufactured ethyl alcohol for subsequent use in the production of alcoholic and (or) excisable alcohol-containing products, including the transfer of manufactured crude alcohol for use in the production of rectified ethyl alcohol which is subsequently to be used by the same organization for the production of alcoholic and (or) excisable alcohol-containing products, except as otherwise established by subsection 16 of clause 1 of Article 183 of this Code;

23) operations carried out by a person possessing a certificate for the processing of straight-run petrol – the recording of the receipt by that person of straight-run petrol manufactured as a result of the provision to that person of services involving the processing of raw materials (other materials) owned by that person;
[subsection 23 inserted by Federal Law No. 366-FZ of 24.11.2014]

24) operations carried out by a person possessing a certificate for the processing of straight-run petrol – the recording of the receipt within the structure of that person of straight-run petrol manufactured within that structure from raw materials (other materials) owned by that person;
[subsection 24 inserted by Federal Law No. 366-FZ of 24.11.2014]

25) the receipt of benzene, paraxylene or orthoxylene by a person possessing a certificate to carry out operations involving benzene, paraxylene or orthoxylene. For the purposes of this Chapter, the receipt of benzene, paraxylene or orthoxylene shall be understood to mean the acquisition of ownership of benzene, paraxylene or orthoxylene under an agreement with a
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Russian organization;  

26) operations carried out by a person possessing a certificate to carry out operations involving benzene, paraxylene or orthoxylene – the recording of the receipt by that person of benzene, paraxylene or orthoxylene manufactured as a result of the provision to that person of services involving the processing of raw materials (other materials) owned by that person;  
[subsection 26 inserted by Federal Law No. 366-FZ of 24.11.2014]

27) operations carried out by a person possessing a certificate to carry out operations involving benzene, paraxylene or orthoxylene – the recording of the receipt within the structure of that person of benzene, paraxylene or orthoxylene manufactured within that structure from raw materials (other materials) owned by that person;  
[subsection 27 inserted by Federal Law No. 366-FZ of 24.11.2014]

28) the receipt of jet fuel by a person which has been included in the Register of Civil Aviation Operators of the Russian Federation and possesses an operator’s certificate. For the purposes of this Chapter, the receipt of jet fuel shall be understood to mean the acquisition of ownership of jet fuel under a contract with a Russian organization;  
[subsection 28 inserted by Federal Law No. 366-FZ of 24.11.2014]

29) the receipt of medium distillates by a Russian organization holding a certificate of registration of an organization which carries out operations involving medium distillates, as provided for in Article 179.5 of this Code. For the purposes of this Chapter, the receipt of medium distillates shall be understood to mean the acquisition of ownership of medium distillates under a contract with a Russian organization;  
[subsection 29 inserted by Federal Law No. 366-FZ of 24.11.2014]

30) the sale (including on the basis of contracts of delegation, commission agency contracts or agency contracts) in the territory of the Russian Federation by Russian organizations included in the register of suppliers of bunker fuel, and (or) by Russian organizations holding a licence to carry out handling activities (with respect to dangerous cargoes on rail transport, inland water transport and in seaports), and (or) by Russian organizations which have concluded contracts with organizations included in the register of suppliers of bunker fuel on the basis of which the bunkering (refuelling) of vessels is carried out, to foreign organizations of medium distillates acquired from a Russian organization (received as a result of raw material (material) processing services being provided to the taxpayer by a Russian organization) which have been conveyed out of the territory of the Russian Federation as stores on vessels in accordance with Eurasian Economic Union law;  

31) the sale (including on the basis of contracts of delegation, commission agency contracts or agency contracts) by a Russian organization included in the register of suppliers of bunker fuel, for shipment out of the territory of the Russian Federation, of medium distillates acquired and placed under the export customs procedure to foreign organizations which perform work (render services) associated with regional geological study, geological study, exploration and (or) extraction of hydrocarbons on the continental shelf of the Russian Federation on the basis of a contract with a Russian organization holding a licence to use a subsurface site of the
continental shelf of the Russian Federation, and (or) with a contractor which has been engaged
by a subsurface user in accordance with the legislation of the Russian Federation concerning
the continental shelf of the Russian Federation for the creation, operation and use of
installations and structures such as are referred to in subsection 2 of clause 1 of Article 179.5
of this Code or artificial islands on the continental shelf of the Russian Federation, and (or)
with the operator of a new offshore hydrocarbon deposit;

[subsection 31 inserted by Federal Law No. 323-FZ of 23.11.2015]

32) the receipt of medium distillates by an organization possessing a certificate of registration
of an entity that carries out operations involving the processing of medium distillates.

For the purposes of this Chapter, the receipt of medium distillates shall mean the acquisition of
ownership of medium distillates by a taxpayer under an agreement with a Russian organization;

[subsection 32 inserted by Federal Law No. 335-FZ of 27.11.2017]

33) the recording in accounts, by an organization possessing a certificate of registration of an
entity that carries out operations involving the processing of medium distillates, of medium
distillates produced as a result of the provision to it of raw materials (other materials) owned
by that organization;

[subsection 33 inserted by Federal Law No. 335-FZ of 27.11.2017]

34) the supply of petroleum feedstocks owned by an organization holding a certificate of
registration of an entity that carries out petroleum feedstock processing operations for
processing using production facilities belonging to that organization or to an organization
which directly provides petroleum feedstock processing services to that organization;

[subsection 34 inserted by Federal Law No. 301-FZ of 03.08.2018]


38) the use of grapes owned by a taxpayer for the production of wine, sparkling wine
(champagne), liqueur wine with a protected geographical indication or with a protected
appellation of origin (special wine), base wine, grape must or alcoholic beverages produced
through a fully integrated process that were sold in the tax period.

[subsection 38 inserted by Federal Law No. 326-FZ of 29.09.2019]

[EY Note: Subsections 39 and 40 are appended to clause 1 of Article 182 from 1 January 2022
– Federal Law No. 321-FZ of 15.10.2020]


3. For the purposes of this Chapter, the transfer into containers of alcoholic products and beer
when carried out as part of the overall process of the production of those goods in accordance
with the requirements of technical regulations and (or) other normative and technical
documentation which regulate the process of the production of the aforementioned goods and
are approved in accordance with the procedure established by the legislation of the Russian
Federation, and any forms of blending of goods in places where they are stored and sold (with
the exception of public catering organizations) as a result of which excisable goods are obtained
for which Article 193 of this Code establishes an excise duty rate exceeding the rate of excise
duty on goods used as raw material (other material), shall be equated with production. [as
4. Upon the re-organization of an organization, rights and obligations associated with the payment of excise duty shall pass to its legal successor.

5. For the purposes of this Chapter, the recording of the receipt of excisable goods shall be understood to mean the entry of those goods in accounting records.

[clause 5 inserted by Federal Law No. 323-FZ of 23.11.2015]

**Article 183. Non-Taxable (Tax-Exempt) Operations**

1. The following operations shall not be taxable (shall be exempt from taxation):

   1) the transfer of excisable goods by one structural subdivision of an organization which is not an independent taxpayer for the production of other excisable goods to another such structural subdivision of that organization, with the exception of operations which are deemed assessable to excise duties in accordance with subsection 22 of clause 1 of Article 182 of this Code, unless otherwise established by this clause; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 306-FZ of 27.11.2010]


   4) the sale of excisable goods which have been placed under the export customs procedure beyond the boundaries of the territory of the Russian Federation with account taken of losses within the limits of the norms of natural loss, or the importation of excisable goods into a port special economic zone from the remaining part of the territory of the Russian Federation, and the transfer of excisable goods manufactured from customer-supplied raw materials to the owner or to other persons at the owner’s instruction in the event that those goods are sold beyond the boundaries of the territory of the Russian Federation in accordance with the export customs procedure with account taken of losses (within the limits of the norms of natural loss).


The provisions of this subsection shall not apply in relation to an operation such as is provided for in subsection 31 of clause 1 of Article 182 of this Code; [paragraph inserted by Federal Law No. 323-FZ of 23.11.2015] [subsection 4 as reworded by Federal Law No. 110-FZ of 24.07.2002 (Rev. 31.12.2002)]

4.1) the sale (transfer) of excisable goods exported under the re-export customs procedure which were obtained (formed) as a result of operations involving the processing of goods placed under the processing in the customs territory customs procedure, and the transfer to the owner, or to other persons at the owner’s instruction, of excisable goods produced from customer-supplied raw materials (other materials) which were previously placed under the processing in the customs territory customs procedure, in the event that those goods are sold beyond the boundaries of the territory of the Russian Federation in accordance with the re-export customs procedure.

The exemption of the above-mentioned operations from taxation shall take place in accordance with Article 184 of this Code; [subsection 4.1 inserted by Federal Law No. 353-FZ of 27.11.2017]
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4.2) the sale (transfer) of excisable goods exported under the re-export customs procedure which were manufactured (obtained) from goods placed under the free customs zone and free warehouse customs procedures, and the transfer to the owner, or to other persons at the owner’s instruction, of excisable goods produced from customer-supplied raw materials (other materials) which were previously placed under the free customs zone and free warehouse customs procedures, in the event that those goods are sold beyond the boundaries of the territory of the Russian Federation in accordance with the re-export customs procedure.

The exemption of the above-mentioned operations from taxation shall take place in accordance with Article 184 of this Code.

[subsection 4.2 inserted by Federal Law No. 353-FZ of 27.11.2017]


6) the initial sale (transfer) of confiscated and (or) ownerless excisable goods and excisable goods which were abandoned to the state and are placed under state and (or) municipal ownership for industrial processing under the supervision of customs and (or) tax authorities or for destruction;

[7]-13) lost force – Federal Law No. 117-FZ of 7.07.2003]

[13)-15) excluded – Federal Law No. 126-FZ of 8.08.2001]

16) operations involving the transfer within the structure of one organization

- of ethyl alcohol produced by a taxpayer possessing an appropriate certificate referred to in subsections 2 to 4 of clause 1 of Article 179.2 of this Code for the subsequent production of alcohol-containing perfumes and cosmetics in metal aerosol packaging, and (or) alcohol containing perfumes and cosmetics in small containers, and (or) alcohol-containing household chemicals in metal aerosol packaging respectively;

- of rectified ethyl alcohol produced by a taxpayer from raw alcohol to a subdivision that produces alcoholic and (or) excisable alcohol-containing products, including base wine;

- of distillates produced by a taxpayer that are referred to in subsection 1 of clause 1 of Article 181 of this Code (hereafter in this Chapter referred to also as “distillates”), to undergo maturation and (or) blending for the subsequent production (bottling) of alcoholic products and (or) base wine by the same organization;

- of ethyl alcohol produced by a taxpayer possessing a certificate for the production of pharmaceutical products for the subsequent production of medicines, and (or) medicinal products, and (or) medical devices that have undergone registration in accordance with Eurasian Economic Union law and (or) legislation of the Russian Federation and (or) have been included in an appropriate register;

[subsection 16 as reworded by Federal Law No. 326-FZ of 29.09.2019]
17) with respect to jet fuel – operations such as are referred to in subsections 1 and 6 to 13 of clause 1 of Article 182 of this Code;
subsection 17 inserted by Federal Law No. 366-FZ of 24.11.2014

18) with respect to benzene, paraxylene and orthoxylene – operations such as are referred to in subsections 1 and 6 to 13 of clause 1 of Article 182 of this Code;
subsection 18 inserted by Federal Law No. 366-FZ of 24.11.2014

19) with respect to petroleum feedstocks – operations referred to in subsections 1 and 6 to 13 of clause 1 of Article 182 of this Code;
subsection 19 inserted by Federal Law No. 301-FZ of 03.08.2018


21) with respect to grapes – the operations referred to in subsections 1 and 6 to 13 of clause 1 of Article 182 of this Code.
subsection 21 inserted by Federal Law No. 326-FZ of 29.09.2019

[EY Note: Subsections 22 and 23 are appended to clause 1 of Article 183 from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]

24) the sale (including on the basis of contracts of delegation, contracts of commission or agency contracts) in the territory of the Russian Federation by Russian organizations included in the register of suppliers of bunker fuel, and (or) by Russian organizations possessing a licence to carry on cargo handling activities (with respect to hazardous cargoes on rail transport and inland water transport and at seaports), and (or) by Russian organizations that have concluded contracts with organizations included in the register of suppliers of bunker fuel on the basis of which facilities through which the bunkering (refuelling) of water vessels is carried out are used, to foreign organizations of medium distillates manufactured by those Russian organizations and exported out of the territory of the Russian Federation as stores on water vessels in accordance with Eurasian Economic Union law.
subsection 24 inserted by Federal Law No. 305-FZ of 02.07.2021

2. The operations which are listed in clause 1 of this Article shall be non-taxable (shall be exempt from taxation) only where separate records are maintained and are available of operations involving the production and sale (transfer) of such excisable goods. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003]

3. The import into the territory of the Russian Federation and other territories under its jurisdiction of excisable goods which have been abandoned to the state and are placed under state and (or) municipal ownership or which are held in a port special economic zone shall not be taxable (shall be exempt from taxation). [as amended by Federal Laws No. 240-FZ of 30.10.2007, No. 306-FZ of 27.11.2010]

Article 184. Special Considerations Relating to Exemption from Taxation in the Case of the Sale of Excisable Goods [title as amended by Federal Law No. 305-FZ of 02.07.2021]
[article as reworded by Federal Law No. 110-FZ of 24.07.2002 (Rev. 31.12.2002)]

[1. Lost force from 01.01.2018 – Federal Law No. 353-FZ of 27.11.2017]
2. A taxpayer shall be exempt from paying excise duty when carrying out operations such as are provided for in subsections 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code if it presents a bank guarantee to the tax authority or without the presentation of a bank guarantee in cases provided for in clauses 2.1, 2.2 and 2.3 of this Article. A bank guarantee shall be presented to the tax authority not later than the 25th of the month in which an obligation arises for a taxpayer in accordance with Article 204 of this Code to submit a tax declaration for excise duties to the tax authority for the tax period in which there falls the date of occurrence of the above-mentioned operation which is determined in accordance with Article 195 of this Code. A bank guarantee which is presented to a tax authority later than the above-mentioned date shall not be accepted by the tax authority for the purposes of this Article. [as amended by Federal Laws No. 150-FZ of 08.06.2015, No. 401-FZ of 30.11.2016, No. 353-FZ of 27.11.2017, No. 470-FZ of 29.12.2020]

A bank guarantee must be provided by a bank which is included in the list of banks which meet the requirements established by Article 74.1 of this Code for the acceptance of bank guarantees for taxation purposes. A bank guarantee shall be subject to the requirements established by Article 74.1 of this Code with account taken of the following special considerations:

- the bank guarantee must stipulate a requirement for the bank to pay excise duty in the event that the taxpayer fails to present documents in accordance with the procedure and within the time limits which are established by clauses 7, 7.1 and 7.2 of Article 198 of this Code and the taxpayer fails to pay the appropriate amount of excise duty; [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the amount for which the bank guarantee has been issued must provide for the fulfilment of the obligation to pay to the budget in full the amount of excise duty calculated in accordance with clause 1 of Article 202 of this Code in respect of operations referred to in subsections 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code; [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the period of validity of a bank guarantee which is provided for the purposes of exemption from the payment of excise duty when carrying out operations such as are provided for in subsection 4 of clause 1 of Article 183 of this Code must be not less than 10 months from the date of expiry of the established time limit for the fulfilment by the taxpayer of the excise duty payment obligation which is secured by the bank guarantee. [as amended by Federal Law No. 353-FZ of 27.11.2017]

A tax authority shall be obliged to notify a bank which issued a bank guarantee in order for an exemption from the payment of excise duty to be claimed in relation to operations referred to in subsections 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code that it has been released from obligations under that guarantee in the event that: [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the taxpayer presents the documents specified in clauses 7, 7.1 and 7.2 of Article 198 of this Code within the established time limit – not later than the third day following the date of completion of the audit confirming the full presentation and authenticity of the above-mentioned documents; [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the taxpayer pays the amount of excise duty – not later than the third day after the payment order for the payment of that amount was submitted to the tax authority.
2.1. The right to an exemption from the payment of excise duty when carrying out operations such as are provided for in subsections 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code shall be enjoyed without the presentation of a bank guarantee by taxpayer organizations for which the aggregate amount of value added tax, excise duties, tax on profit of organizations and mineral extraction tax paid over the three calendar years preceding the tax period in which the date of occurrence of the operations which are exempt from assessment to excise duties falls, excluding amounts of taxes paid in connection with the movement of goods across the border of the Russian Federation and in the capacity of a tax agent, is not less than 2 billion roubles, if not less than three years elapsed from the date of establishment of the organization in question to the date of submission of the tax declaration for excise duties. [as amended by Federal Laws No. 353-FZ of 27.11.2017, No. 302-FZ of 03.08.2018]

A bank guarantee shall not be presented by taxpayer organizations which engage in the manufacture of excisable goods on the basis of an agreement on the processing of customer-supplied raw materials (other materials) where the aggregate amount of value added tax, excise duties, tax on profit of organizations and mineral extraction tax paid by the owner of the raw materials (other materials) over the three calendar years preceding the tax period in which the date of occurrence of the operations which are exempt from assessment to excise duties falls, excluding amounts of taxes paid in connection with the movement of goods across the border of the Russian Federation and in the capacity of a tax agent, is not less than 2 billion roubles. Such taxpayers shall not present a bank guarantee on condition of the presentation to the tax authority of a document issued to the owner of the raw materials (other materials) by a tax authority which confirms that the owner of the raw materials (other materials) paid taxes amounting to not less than 2 billion roubles over the above-mentioned period. [as amended by Federal Law No. 302-FZ of 03.08.2018]

An exemption from the payment of excise duties without the presentation of a bank guarantee shall be granted only with respect to the quantity of excisable goods belonging to owners of raw materials (other materials) which meet the criterion specified in this paragraph regarding the amount of taxes paid. [clause 2.1 inserted by Federal Law No. 150-FZ of 08.06.2015]

2.2. The right to an exemption from the payment of excise duty from the payment of excise duty when carrying out operations such as are provided for in subsections 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code shall be enjoyed by taxpayer organizations whose obligation to pay excise duty is secured by a surety bond. [as amended by Federal Law No. 353-FZ of 27.11.2017]

The surety agreement must meet the following requirements:

- the surety agreement must have been drawn up in accordance with Article 74 of this Code and must stipulate that the surety is obliged to pay excise duty in the event that the taxpayer fails to present documents in accordance with the procedure and within the time limits which are established by clauses 7, 7.1 and 7.2 of Article 198 of this Code and the taxpayer fails to pay the appropriate amount of excise duty; [as amended by Federal Law No. 353-FZ of 27.11.2017]
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- the amount for which the surety agreement has been concluded must provide for the fulfilment of the obligation to pay to the budget in full the amount of excise duty calculated in accordance with clause 1 of Article 202 of this Code in respect of operations referred to in subsections 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code; [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the term of a surety agreement which is provided for the purposes of exemption from the payment of excise duty when carrying out operations such as are provided for in subsections 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code must be not less than 10 months from the date of expiry of the established time limit for the fulfilment by the taxpayer of the excise duty obligation which is secured by the surety bond, and must be not more than one year from the date of conclusion of the surety agreement. [as amended by Federal Law No. 353-FZ of 27.11.2017]

A surety must meet the following requirements:

- it must be a Russian organization;

- the aggregate amount of value added tax, excise duties, tax on profit of organizations and mineral extraction tax paid by the surety during the three calendar years preceding the year in which the application for the conclusion of a surety agreement is submitted, excluding amounts of tax paid in connection with the movement of goods across the border of the Russian Federation and in the capacity of a tax agent, is not less than 2 billion roubles; [as amended by Federal Law No. 302-FZ of 03.08.2018]

- the amount of the surety’s obligations under surety agreements in force (including the surety agreement in relation to the taxpayer) which have been concluded in accordance with this Code as at the date of the submission of the application for the conclusion of the surety agreement provided for in this clause does not exceed 50 per cent of the value of the surety’s net assets as determined as at 31 December of the calendar year preceding the year in which the application for the conclusion of the surety agreement has been submitted; [as amended by Federal Law No. 302-FZ of 03.08.2018]

- the surety is not in the process of re-organization or liquidation as at the date of submission of the application for the conclusion of the surety agreement provided for in this clause;

- the surety is not the subject of insolvency (bankruptcy) proceedings in accordance with the insolvency (bankruptcy) legislation of the Russian Federation as at the date of submission of the application for the conclusion of the surety agreement provided for in this clause;

- the surety does not have indebtedness in respect of taxes, levies, insurance contributions, penalties and fines as at the date of submission of the application for the conclusion of the surety agreement provided for in this clause. [as amended by Federal Law No. 302-FZ of 03.08.2018] [clause 2.2 inserted by Federal Law No. 401-FZ of 30.11.2016]

2.3. Taxpayers in relation to which tax monitoring is conducted as at the date of submission of a tax declaration or a revised tax declaration for a tax period of a year for which tax monitoring is or was conducted shall have a right to exemption from the payment of excise duty in relation to operations provided for in subsections 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code without submitting a bank guarantee. [clause 2.3 inserted by Federal Law No. 470-FZ of 29.12.2020]
3. Where excise duty has been paid owing to the absence of a bank guarantee or surety agreement, the amounts of excise duty paid, including in the form of the advance payment of excise duty on alcoholic and (or) excisable alcohol-containing products which is provided for in clause 8 of Article 194 of this Code, shall be reimbursable in accordance with the procedure established by Article 203 of this Code (where tax monitoring is conducted, shall be reimbursable in accordance with the procedure established by Articles 203 and 203.1 of this Code) after the taxpayer has presented to the tax authorities documents which confirm that the excisable goods have actually been exported from the territory of the Russian Federation under the export or re-export customs procedure. [as amended by Federal Law No. 353-FZ of 27.11.2017, No. 470-FZ of 29.12.2020]

Information on volumes of excisable goods exported from the territory of the Russian Federation under the export customs procedure and on corresponding amounts of excise duty must be reflected by a taxpayer in the tax declaration for excise duties which is submitted for the tax period in which there falls the date of sale (transfer) of those goods, which is determined in accordance with Article 195 of this Code. [as amended by Federal Law No. 353-FZ of 27.11.2017]

In a tax declaration for excise duties for a tax period in which a taxpayer presented to a tax authority the documents provided for in clauses 7 and 7.2 of Article 198 of this Code, the following information shall be entered concerning excisable goods exported beyond the boundaries of the territory of the Russian Federation in accordance with the export or re-export customs procedure in relation to which an exemption from the payment of excise duty was previously granted on the basis of a bank guarantee and (or) a surety agreement: [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the volume (quantity) of excisable goods whose actual exportation from the territory of the Russian Federation under the export customs procedure has been confirmed by documents in accordance with the procedure established by clauses 7 and 7.2 of Article 198 of this Code; [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the amount of excise duty which the taxpayer was exempted from paying on the basis of the submitted bank guarantee or surety agreement, corresponding to the volume (quantity) of excisable goods sold whose actual exportation from the territory of the Russian Federation under the export customs procedure has been confirmed by documents;

- amounts of excise duty which are tax-deductible in accordance with Article 200 of this Code;

- the tax period in which there falls the date of sale (transfer) of excisable goods exported from the territory of the Russian Federation under the export customs procedure, which is determined in accordance with clause 2 of Article 195 of this Code;

- the amount of excise duty which the taxpayer was previously exempted from paying on the basis of the submitted bank guarantee or surety agreement, calculated for the tax period in which there falls the date of sale (transfer) of excisable goods exported from the territory of the Russian Federation under the export customs procedure, which is determined in accordance with clause 2 of Article 195 of this Code; [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the number and date of the contract for the supply of excisable goods to a foreign purchaser. [clause 3 as reworded by Federal Law No. 401-FZ of 30.11.2016]
4. Taxpayers which sell alcoholic and (or) excisable alcohol-containing products manufactured by them beyond the boundaries of the territory of the Russian Federation under the export customs procedure and in relation to which clause 8 of Article 194 of this Code establishes an obligation to pay an advance excise duty payment shall have the right to submit one bank guarantee to the tax authority in order to be simultaneously exempted from the payment of an advance excise duty payment and (or) from the payment of excise duty in connection with the sale of alcoholic and (or) excisable alcohol-containing products which are shipped beyond the boundaries of the territory of the Russian Federation under the export customs procedure.

The taxpayers referred to in this clause shall present a bank guarantee and a notice of exemption from the payment of an advance excise duty payment to the tax authority in accordance with the procedure and within the time limits which are laid down in clause 14 of Article 204 of this Code.

A bank guarantee such as is provided for in this clause must be provided by a bank which is on the list of banks which meet the requirements established by Article 74.1 of this Code for the acceptance of bank guarantees for taxation purposes.

A bank guarantee shall be subject to the requirements established by Article 74.1 of this Code, subject to the following special considerations:

- the amount for which the bank guarantee is issued must guarantee the fulfilment of the taxpayer’s obligation to pay to the budget the amount of excise duty (an advance excise duty payment) calculated in accordance with clause 8 of Article 194 of this Code which it is exempted from paying in accordance with that bank guarantee;

- the effective period of the bank guarantee must be not less than 12 months following the tax period in which ethyl alcohol was purchased (imported into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union) or operations took place which are deemed taxable in accordance with subsection 22 of clause 1 of Article 182 of this Code;

- the bank guarantee must stipulate that the bank is obliged, on the basis of a demand from the tax authority, to pay a sum of money under the bank guarantee equal to the unpaid or outstanding amount of excise duty (an advance excise duty payment) in the event of:

  a failure by the taxpayer to pay all or some excise duty within the time limit established by clause 3 of Article 204 of the Code on alcoholic and (or) excisable alcohol-containing products sold which were manufactured from ethyl alcohol in respect of which the taxpayer was, by reason of presenting that bank guarantee, granted exemption from the payment of an advance excise duty payment upon purchase (transfer in accordance with subsection 22 of clause 1 of Article 182 of this Code) and importation into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union;

  a failure to pay within the established time limit an advance excise duty payment the requirement to pay which arises in accordance with subsection 2 of clause 6 of this Article.
The computation period where a bank guarantee such as is provided for in this clause is presented shall be made up of tax periods commencing from the month following the tax period in which ethyl alcohol which is a Eurasian Economic Union good was purchased (transferred in accordance with subsection 22 of clause 1 of Article 182 of this Code) and imported into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union and ending with the tax period in which there falls the 250th calendar day from the beginning of the first tax period of the computation period.

[clause 4 inserted by Federal Law No. 101-FZ of 05.04.2016]

5. A tax authority shall be obliged to send to a bank which issued a bank guarantee such as is provided for in clause 4 of this Article a notification of its release from obligations under that bank guarantee in the event that the total amount of actual performance of obligations secured by that bank guarantee corresponds to the amount of excise duty and (or) an advance excise duty payment in relation to which the exemption from payment to the budget was granted on the basis of that bank guarantee, calculated on the basis of the volume of ethyl alcohol actually purchased (transferred in accordance with subsection 22 of clause 1 of Article 182 of this Code) and imported into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union, with account taken of actual losses occurring in the process of its transportation, storage, movement within the structure of one organization and subsequent processing within the limits of the natural wastage norms approved by the authorized federal executive body.

The above-mentioned notification shall be sent not later than eight days after the date of completion of an in-house tax audit of a tax declaration for excise duties as a result of which the tax authority has confirmed that the total amount of actual performance of obligations secured by that bank guarantee corresponds to the amount of excise duty and (or) an advance excise duty payment in relation to which the exemption from payment to the budget was granted on the basis of that bank guarantee, except in cases provided for in paragraph 3 of this clause.

[as amended by Federal Law No. 470-FZ of 29.12.2020]

In the case of taxpayers referred to in clause 2.3 of this Article, the notification in question shall be sent not later than ninety days after the date of submission of a tax declaration for excise duties and documents confirming that the total amount of actual performance of obligations secured by that bank guarantee corresponds to the amount of excise duty and (or) an advance excise duty payment in relation to which the exemption from payment to the budget was granted on the basis of that bank guarantee, unless a reasoned opinion has been prepared during that period of time.

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

In this respect, the total amount of actual performance by a taxpayer of obligations secured by a bank guarantee shall be calculated by adding together the following values:

- amounts of excise duty paid for tax periods of the computation period on alcoholic and (or) excisable alcohol-containing products sold in the territory of the Russian Federation or shipped beyond the boundaries of the territory of the Russian Federation under the export customs procedure and (or) shipped from the territory of the Russian Federation to the territories of member states of the Eurasian Economic Union, which were manufactured from ethyl alcohol in respect of which the taxpayer was, by reason of presenting that bank guarantee, granted exemption from the payment of an advance excise duty payment upon purchase (transfer in accordance with subsection 22 of clause 1 of Article 182 of this Code) and importation into the...
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territory of the Russian Federation from the territories of member states of the Eurasian Economic Union (with account taken of actual losses occurring in the process of its transportation, storage, movement within the structure of one organization and subsequent processing within the limits of the natural wastage norms approved by the authorized federal executive body);

- amounts of excise duty for which the validity of exemption from the payment thereof for tax periods of the computation period has been confirmed on the basis of an in-house tax audit in respect of alcoholic and (or) excisable alcohol-containing products shipped beyond the boundaries of the territory of the Russian Federation under the export customs procedure or shipped from the territory of the Russian Federation to the territories of member states of the Eurasian Economic Union, which were manufactured from ethyl alcohol in respect of which the taxpayer was, by reason of presenting that bank guarantee, granted exemption from the payment of an advance excise duty payment upon purchase (transfer in accordance with subsection 22 of clause 1 of Article 182 of this Code) and importation into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union (with account taken of actual losses occurring in the process of its transportation, storage, movement within the structure of one organization and subsequent processing within the limits of the natural wastage norms approved by the authorized federal executive body) (except in cases provided for in paragraph 14 of this clause); [as amended by Federal Law No. 470-FZ of 29.12.2020]

- the amount of advance excise duty payment paid in accordance with subsections 2 and 3 of clause 6 of this Article.

Amounts of excise duty paid on alcoholic and (or) excisable alcohol-containing products which were taken into account in determining the amount of actual performance of obligations secured by a bank guarantee shall not be taken into account again for those purposes in relation to other bank guarantees.

The procedure for determining the volume of alcoholic and (or) excisable alcohol-containing products sold which were manufactured from ethyl alcohol in respect of which a taxpayer was, by reason of presenting a bank guarantee, granted exemption from the payment of an advance excise duty payment upon purchase (transfer in accordance with subsection 22 of clause 1 of Article 182 of this Code) and importation into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union shall be established by the accounting policies for taxation purposes adopted by the taxpayer.

The amount of excise duty for which the validity of exemption from the payment thereof on alcoholic and (or) excisable alcohol-containing products shipped beyond the boundaries of the territory of the Russian Federation under the export customs procedure or shipped from the territory of the Russian Federation to the territories of member states of the Eurasian Economic Union has been confirmed on the basis of an in-house tax audit shall be determined on the basis of the following documents:

- a notice from the tax authority confirming the validity of the exemption from the payment of excise duty - if the in-house tax audit did not reveal violations of the tax and levy legislation of the Russian Federation. The tax authority shall send the above-mentioned notice to the tax authority within seven days from the date of completion of the audit;
- the decision issued in accordance with Article 101 of this Code - if a tax audit report was prepared on the basis of the in-house tax audit. Until the date on which that decision is issued, the amount of excise duty for which the validity of exemption from the payment thereof has been confirmed shall be determined on the basis of the in-house tax audit report.

[clause 5 inserted by Federal Law No. 101-FZ of 05.04.2016]

The provisions of paragraphs 10 to 12 of this clause shall not apply to taxpayers referred to in clause 2.3 of this Article.

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

In the case of taxpayers referred to in clause 2.3 of this Article, the amount of excise duty for which the applicability of exemption from payment on alcoholic and (or) excisable alcohol-containing products shipped beyond the boundaries of the territory of the Russian Federation under the export customs procedure or shipped from the territory of the Russian Federation to the territories of member states of the Eurasian Economic Union has been confirmed shall be determined on the basis of the following documents:

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

- a notice from the tax authority confirming the applicability of exemption from payment – if no discrepancies in details contained in documents submitted have been discovered in the course of tax monitoring. The tax authority shall send that notice to the taxpayer during the tax monitoring term provided for in clause 5 of Article 105.26 of this Code, but not later than ninety days after the date of submission of the documents referred to in clause 7 of Article 198 of this Code;

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

- the reasoned opinion of the tax authority.

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

6. The following steps shall be taken to ensure the fulfilment of obligations secured by a bank guarantee such as is provided for in clause 4 of this Article:

1) in the event that the taxpayer which presented the bank guarantee fails to pay within the time limit established by clause 3 of Article 204 of this Code all or some excise duty for each tax period during the effective period of the bank guarantee in which sales of alcoholic and (or) excisable alcohol-containing products took place in the territory of the Russian Federation, the tax authority shall, not later than eight days after the expiry of the time limit established by clause 3 of Article 204 of this Code, send the taxpayer a demand for the payment of excise duty in an amount corresponding to the exempted amount of the advance excise duty payment, calculated on the basis of the volume of ethyl alcohol actually purchased (transferred in accordance with subsection 22 of clause 1 of Article 182 of this Code) and imported into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union (with account taken of actual losses occurring in the process of its transportation, storage, movement within the structure of one organization and subsequent processing within the limits of the natural wastage norms approved by the authorized federal executive body) which was used for the manufacture of alcoholic and (or) excisable alcohol-containing products sold in those tax periods, and the amount of penalties. In this respect, penalties shall be charged in accordance with Article 75 of this Code commencing from the day following the expiry of the time limit established by clause 3 of Article 204 of this Code for the payment of excise duty on alcoholic and (or) excisable alcohol-containing products;
2) if the total amount determined by means of adding together the amounts of excise duty indicated in paragraphs 5 and 6 of clause 5 of this Article is less than the amount of the advance payment which the taxpayer was exempted from paying on the basis of a bank guarantee such as is provided for in clause 4 of this Article, the taxpayer shall lose the right to exemption from the payment of the advance excise duty payment to an extent corresponding to the difference between the above-mentioned amounts of excise duty and the advance excise duty payment. The taxpayer shall be obliged to pay to the budget an advance excise duty payment equal to the amount of that difference not later than the 25th of the month following the month in which there falls the 250th calendar day from the beginning of the first tax period of the computation period; [as amended by Federal Law No. 470-FZ of 29.12.2020]

3) in the event that the taxpayer fails to pay all or some of an advance excise duty payment equal to the amount of the difference which is provided for in subsection 2 of this clause, the tax authority shall, within eight days after the expiry of the time limit established in that subsection, send the taxpayer a demand to pay the appropriate amount of the advance excise duty payment, penalties and fine within eight days. In this respect, penalties shall be charged in accordance with Article 75 of this Code commencing from the 25th of the month following the month in which there falls the 250th calendar day from the beginning of the first tax period of the computation period.

In the event that a taxpayer which is a manufacturer of alcoholic and (or) excisable alcohol-containing products fails to pay all or part of an advance excise duty payment within the time limit established in a demand for the payment of an advance excise duty payment, the tax authority shall, not later than five days from the date of expiry of the time limit for the fulfilment of that demand, send the guarantor bank a demand for the payment of a sum of money under the bank guarantee equal to the unpaid or outstanding amount of the advance excise duty payment.

In the event that the guarantor bank fails to comply with the demand for the payment of a sum of money under the bank guarantee within the established time limit, the tax authority shall exercise the right to enforced collection of the amount indicated in the demand.

Not later than three days after the day on which the guarantor bank performs the obligation to pay a sum of money under the bank guarantee, the tax authority shall send the taxpayer/manufacturer of alcoholic and (or) excisable alcohol-containing products a revised demand for the payment of penalties and a fine.

In the event that the taxpayer fails to pay all or some of the amount indicated in the demand (the revised demand), the obligation to pay the amount in question shall be fulfilled on a compulsory basis by means of levying execution on funds in accounts or on other property of the taxpayer in accordance with a decision of the tax authority on the recovery of the amount in question, adopted after the taxpayer’s failure to comply with the demand (revised demand) within the established time limit, in accordance with the procedure and within the time limits which are established by Articles 46 and 47 of this Code.

[clause 6 inserted by Federal Law No. 101-FZ of 05.04.2016]

7. Amounts of an advance excise duty payment which were paid in accordance with subsections 2 and 3 of clause 6 of this Article and clause 13 of Article 204 of this Code (including by a
guarantor bank) shall subsequently be deducted and (or) reimbursed (credited, refunded) to the
taxpayer in accordance with the procedure established by this Chapter.

[clause 7 inserted by Federal Law No. 101-FZ of 05.04.2016]

8. Not later than the day following the day on which a bank guarantee is issued, the bank shall
notify the tax authority where the taxpayer is registered of the issue of the bank guarantee in
accordance with a procedure to be determined by the federal executive body in charge of control
and supervision in the area of taxes and levies.

[clause 8 inserted by Federal Law No. 101-FZ of 05.04.2016]

9. A taxpayer shall be exempt from paying excise duties in respect of operations provided for
in subsection 24 of clause 1 of Article 183 of this Code if it submits the following documents
(copies thereof) together with a tax declaration:

- a copy of a notification from the federal executive body responsible for the provision of state
  services and the administration of state property in the area of sea and river transport of the
  inclusion of the taxpayer in the register of suppliers of bunker fuel, or a copy of an oil terminal
  technical certificate valid on the date of submission to the tax authority and a copy of a licence
to carry on cargo handling activities (with respect to hazardous cargoes on rail transport and
inland water transport and at seaports), or a copy of the contract on the basis of which facilities
through which the bunkering (refuelling) of water vessels is carried out are used, concluded by
the taxpayer with a Russian organization included in the register of suppliers of bunker fuel;

- a copy of the taxpayer’s contract of delegation, contract of commission or agency contract
  with a representative, commission agent or other agent, providing for the provision to the
taxpayer of services involving
the sale of medium distillates as referred to in clause 4 of Article
183 of this Code (where medium distillates are sold through a representative, a commission
agent or another agent under a contract of delegation, a contract of commission or an agency
contract);

- a copy of the taxpayer’s contract with a foreign legal entity for the supply of fuel that is classed
  as medium distillates for the purposes of this Chapter (or, if that contract contains information
constituting state secrets, an extract from it containing information needed to exercise tax
control);

- copies of documents confirming the sale of fuel that is that is classed as medium distillates
  for the purposes of this Chapter to a foreign organization in accordance with the contract
referred to in paragraph 4 of this clause (primary documents drawn up in the name of the foreign
organization specified in that contract);

- copies of documents confirming that fuel sold by a taxpayer that is classed as medium
  distillates for the purposes of this Chapter has been taken out of the territory of the Russian
Federation as stores on water vessels in accordance with Eurasian Economic Union law (copies
of transport, consignment or other documents containing inter alia information on the quantity
of stores and confirming that the stores have been taken out of the territory of the Russian
Federation by water vessels).
The documents provided for in this clause shall be submitted to the tax authority within 180 calendar days commencing from the 25th of the month following the month in which fuel that is classed as medium distillates for the purposes of this Chapter was shipped.

If the documents provided for in this clause are not submitted within the established time limit, amounts of excise duty must be paid to the budget for the tax period that contained the date of shipment of fuel that is classed as medium distillates for the purposes of this Chapter.

If the documents provided for in this clause are submitted by the taxpayer after the expiry of the time limit established by this clause, amounts of excise duty paid shall be refundable in the manner prescribed by paragraphs 5 to 17 of clause 4 of Article 203 of this Code.

[clause 9 inserted by Federal Law No. 305-FZ of 02.07.2021]

Article 185. Special Considerations Relating to the Levying of Tax Where Goods Are Conveyed Across the Customs Border of the Eurasian Economic Union [title as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 323-FZ of 23.11.2015]

1. Where excisable goods are imported into the territory of the Russian Federation and other territories under its jurisdiction, depending on the selected customs procedure tax shall be levied as follows: [as amended by Federal Law No. 306-FZ of 27.11.2010]

1) where excisable goods are placed under the release for domestic consumption, processing for domestic consumption and free customs zone customs procedures, with the exception of excisable goods imported into a port special economic zone, excise duty shall be payable in full, except as otherwise provided by subsection 1.1 of this clause; [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 353-FZ of 27.11.2017]

1.1) where goods are released in accordance with the release for domestic consumption customs procedure upon the completion of the free customs zone customs procedure in the territory of the Special Economic Zone in the Kaliningrad Province, amounts of calculated excise duty shall not be paid by taxpayers, unless a different procedure for the payment of excise duty is prescribed by paragraph 3 of this subsection.

The taxation procedure laid down in paragraph 1 of this subsection may be applied by taxpayers which are manufacturers of excisable goods referred to in subsections 6 and 6.1 of clause 1 of Article 181 of this Code in relation to those goods if, on the date on which the goods are released in accordance with the release for domestic consumption customs procedure upon the completion of the free customs zone customs procedure in the territory of the Special Economic Zone in the Kaliningrad Province, they are residents which have been included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province or persons whose state registration took place in the Kaliningrad Province and who carried on activities on the basis of Federal Law No. 13-FZ of 22 January 1996 “Concerning the Special Economic Zone in the Kaliningrad Province” as at 1 April 2006 and are registered with the tax authorities of the Kaliningrad Province at the location of the organization (the place of residence of a physical person who is a private entrepreneur).

Amounts of excise duty calculated at the time of declaration for customs purposes which were not paid in accordance with the provisions of paragraph 1 of this subsection must be paid to the budget by the taxpayers concerned within the time limits stipulated by clause 3 of Article 204 of this Code after the end of the tax period in which 180 calendar days elapse from the date on
which goods were released in accordance with the release for domestic consumption customs procedure upon the completion of the free customs zone customs procedure in the territory of the Special Economic Zone in the Kaliningrad Province if the taxpayer fails before the lapse of that time period to use the goods in carrying out operations which are considered taxable objects in accordance with this Chapter. Documents, including in particular copies of contracts for the supply of goods, confirming that the goods were used in carrying out such operations shall be submitted together with the tax declaration for excise duties in which the operations in question are reflected.

Information on the amount of calculated tax not paid by a taxpayer on the basis of paragraph 1 of this subsection and other information which is needed to check that excise duty has been correctly calculated and paid shall be presented by a customs authority to the tax authorities. The composition and procedure for the presentation of the information referred to in this paragraph shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies in conjunction with the federal executive body in charge of control and supervision in the customs sphere;

[subsection 1.1 inserted by Federal Law No. 353-FZ of 27.11.2017]

2) where excisable goods are conveyed under the re-importation customs procedure, the taxpayer shall pay the amounts of excise duty which it was exempted from paying or which were refunded to it in connection with the export of goods in accordance with this Code according to the procedure which is stipulated by Eurasian Economic Union law and customs-related legislation of the Russian Federation; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 306-FZ of 27.11.2010, No. 323-FZ of 23.11.2015]

3) where excisable goods are placed under the transit, customs warehouse, re-exportation, duty-free trade, free warehouse, destruction and abandonment to the state customs procedures or a special customs procedure, or under the free customs zone customs procedure in a port special economic zone, excise duty shall not be payable; [as amended by Federal Laws No. 117-FZ of 22.07.2005, No. 240-FZ of 30.10.2007, No. 306-FZ of 27.11.2010, No. 245-FZ of 19.07.2011]

4) where excisable goods are placed under the processing in the customs territory customs procedure, excise duty shall not be payable on condition that the processed products are exported within the specified time limit. If the processed products are released for free circulation, excise duty shall be payable in full, with account taken of the provisions established by Eurasian Economic Union law and customs-related legislation of the Russian Federation; [as amended by the Customs Code of the Russian Federation No. 61-FZ of 28.05.2003, Federal Laws No. 306-FZ of 27.11.2010, No. 323-FZ of 23.11.2015]

5) where excisable goods are placed under the temporary importation customs procedure, a full or partial exemption from the payment of excise duty shall apply in accordance with the procedure prescribed by Eurasian Economic Union law and customs-related legislation of the Russian Federation. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 306-FZ of 27.11.2010, No. 323-FZ of 23.11.2015]

2. Where excisable goods are exported from the territory of the Russian Federation, tax shall be levied as follows: [as amended by Federal Law No. 306-FZ of 27.11.2010]

1) where goods are exported under the export customs procedure beyond the boundaries of the territory of the Russian Federation, excise duty shall not be payable with account taken of
Article 184 of this Code or amounts of excise duty paid shall be refunded (offset) by the tax authorities of the Russian Federation in accordance with the procedure which is stipulated by this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 306-FZ of 27.11.2010]

The taxation procedure which is laid down in this subsection shall also apply where goods are placed under the customs warehouse customs procedure with a view to the subsequent exportation of those goods in accordance with the export customs procedure, and where goods are placed under the free customs zone customs procedure; [as amended by Federal Laws No. 117-FZ of 22.07.2005, No. 306-FZ of 27.11.2010]

2) where goods are exported under the re-exportation customs procedure beyond the boundaries of the territory of the Russian Federation, amounts of excise duty which were paid upon importing them into the territory of the Russian Federation shall be refunded to the taxpayer according to the procedure provided for by Eurasian Economic Union law and customs-related legislation of the Russian Federation; [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 323-FZ of 23.11.2015]

2.1) excise duty shall not be paid when goods are exported from the territory of the Russian Federation for the purpose of completing a special customs procedure; [subsection 2.1 inserted by Federal Law No. 245-FZ of 19.07.2011]

3) where excisable goods are exported from the territory of the Russian Federation in accordance with customs procedures other than those referred to in subsections 1 to 2.1 of this clause, there shall be no exemption from the payment of excise duty and (or) refund of amounts of excise duty paid unless otherwise stipulated by Eurasian Economic Union law and customs-related legislation of the Russian Federation. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 306-FZ of 27.11.2010, No. 245-FZ of 19.07.2011, No. 323-FZ of 23.11.2015]

3. Where excisable goods intended for personal, family and domestic needs and other needs not connected with entrepreneurial activities are carried by physical persons, the procedure for the payment of excise duty which is payable in connection with the movement of goods across the customs border of the Eurasian Economic Union shall be determined in accordance with Eurasian Economic Union law. [as amended by the Customs Code of the Russian Federation No. 61-FZ of 28.05.2003, Federal Laws No. 306-FZ of 27.11.2010, No. 323-FZ of 23.11.2015]


1. The levying of excise duty on excisable Eurasian Economic Union goods which are imported into the territory of the Russian Federation from the territory of a member state of the Eurasian Economic Union, with the exception of excisable Eurasian Economic Union goods which are subject to marking with excise duty stamps in accordance with the legislation of the Russian Federation, shall be carried out by tax authorities. [as amended by Federal Law No. 323-FZ of 23.11.2015]

The levying of excise duty on excisable Eurasian Economic Union goods which are subject to marking with excise duty stamps in accordance with the legislation of the Russian Federation shall be carried out by customs authorities according to the procedure established by Article
1. The obligation to pay excise duties on marked Eurasian Economic Union goods which are imported into the territory of the Russian Federation from the territory of a member state of the Eurasian Economic Union shall arise from the day on which the marked goods are imported into the territory of the Russian Federation.

2. The tax base for excise duties shall be the volume, quantity or other physical parameters of imported marked goods for which fixed (specific) rates of excise duties have been established, or the value of imported excisable goods for which ad valorem rates of excise duties have been established, or the volume of imported marked goods in physical terms for the purpose of calculating excise duties when applying a fixed (specific) tax rate and the calculated value of imported excisable goods calculated on the basis of maximum retail prices for the purpose of calculating excise duties when applying an ad valorem (percentage) tax rate in the case of goods for which combined rates of excise duty have been established consisting of fixed (specific) and ad valorem (percentage) rates.

For the purposes of calculating excise duties on marked goods the value shall be understood to be the transaction price which is payable to the supplier for the goods under the conditions of the agreement (contract). The value of marked goods received under a goods exchange (barter) agreement (contract) or under a commodity credit agreement (contract) shall be the value of the marked goods which is specified in the agreement (contract), or, if no value is stated in the agreement (contract), the value indicated in the shipping documents, or, if no value is stated in the agreement (contract) or in the shipping documents, the value of the marked goods which is indicated in accounting records.

The calculated value of marked goods for which combined rates of excise duties have been established shall be determined in accordance with Article 187.1 of this Code.

The tax base for the calculation of excise duties on marked Eurasian Economic Union goods which are imported into the territory of the Russian Federation from the territory of a member state of the Eurasian Economic Union shall be determined as at the date on which the taxpayer enters the imported excisable goods in accounting records, but not later than the date of submission of a statistical declaration for the marked goods if the submission of a statistical declaration for the goods in question is required by Eurasian Economic Union law and customs-related legislation of the Russian Federation.
3. The amount of excise duty payable on marked Eurasian Economic Union goods which are imported into the territory of the Russian Federation from the territory of a member state of the Eurasian Economic Union shall be calculated by the taxpayer independently on the basis of the tax rates established by Article 193 of this Code which are in effect as at the date of payment of tax. [as amended by Federal Law No. 323-FZ of 23.11.2015]

4. Excise duty on marked Eurasian Economic Union goods which are imported into the territory of the Russian Federation from the territory of a member state of the Eurasian Economic Union shall be remitted by the taxpayer to a Federal Treasury account not later than five days from the day on which the imported marked goods are entered in accounting records. [as amended by Federal Law No. 323-FZ of 23.11.2015]

5. For the purpose of paying excise duty on marked Eurasian Economic Union goods which are imported into the territory of the Russian Federation from the territory of a member state of the Eurasian Economic Union, the taxpayer shall be obliged to present the following documents to the customs authority: [as amended by Federal Law No. 323-FZ of 23.11.2015]

1) an application in paper and electronic form prepared using a standard form and formats to be approved by the federal executive body in charge of the customs sphere in a number of copies to be determined by the federal executive body in charge of the customs sphere; [as amended by Federal Law No. 97-FZ of 29.06.2012]

2) transport (shipping) documents confirming the movement of the marked goods from the territory of a member state of the Eurasian Economic Union to the territory of the Russian Federation; [as amended by Federal Law No. 323-FZ of 23.11.2015]

3) documents needed to confirm that the marked goods have the status of Eurasian Economic Union goods; [as amended by Federal Law No. 323-FZ of 23.11.2015]

4) VAT invoices drawn up in accordance with the legislation of a member state of the Eurasian Economic Union upon the despatch of the marked goods if the raising (issuance) of such invoices is required by the legislation of the member state of the Eurasian Economic Union; [as amended by Federal Law No. 323-FZ of 23.11.2015]

5) the agreements (contracts) on the basis of which marked goods imported into the territory of the Russian Federation from the territory of another member state of the Eurasian Economic Union were acquired; [as amended by Federal Law No. 323-FZ of 23.11.2015]

6) an information notice presented to a taxpayer of one member state of the Eurasian Economic Union by a taxpayer of another member state of the Eurasian Economic Union or by a taxpayer of a state which is not a member of the Eurasian Economic Union which is the seller of the goods imported from the territory of the other member state of the Eurasian Economic Union, signed by the director (private entrepreneur) and certified by the seal of the organization, containing the following details: [as amended by Federal Law No. 323-FZ of 23.11.2015]

- the number which identifies the person as a taxpayer of a member state of the Eurasian Economic Union; [as amended by Federal Law No. 323-FZ of 23.11.2015]

- the full name of the taxpayer of a member state of the Eurasian Economic Union; [as amended by Federal Law No. 323-FZ of 23.11.2015]
- the location (place of residence) of the taxpayer of a member state of the Eurasian Economic Union;  [as amended by Federal Law No. 323-FZ of 23.11.2015]

- the number and date of the agreement (contract) on the acquisition of the marked goods which are imported;

- the number and date of the specification sheet.

Where a taxpayer of a member state of the Eurasian Economic Union from whom goods are acquired is not the owner of the goods which are sold (is a commission agent, delegate or agent), information shall also be presented regarding the owner of the marked goods which are sold.  [as amended by Federal Law No. 323-FZ of 23.11.2015]

Where an information notice is presented in a foreign language it must be accompanied by a translation into Russian.

An information notice shall not be presented in the event that the details specified in this subsection are contained in the agreement (contract) specified in subsection 5 of this clause;

7) commission agency, delegation or agent service agreements (contracts) where these have been concluded;

8) the agreements (contracts) on the basis of which goods imported into the territory of the Russian Federation from the territory of another member state of the Eurasian Economic Union were acquired.  [as amended by Federal Law No. 323-FZ of 23.11.2015]

6. The documents referred to in subsections 2 to 8 of clause 5 of this Article may be presented in the form of duly certified copies.

7. In the event that excise duties are not paid or are not paid in full on marked Eurasian Economic Union goods which are imported into the territory of the Russian Federation from the territory of a member state of the Eurasian Economic Union or are paid at a later date than the date established by clause 4 of this Article, or in the event that data declared to customs authorities do not correspond to data received in the context of information exchange between tax and customs authorities of the member states of the Eurasian Economic Union, the customs authority shall recover excise duties and penalties according to the procedure and at the rates which are established by the legislation of the Russian Federation and shall apply the methods of securing the payment of customs payments and penalties which are established by Eurasian Economic Union law and customs-related legislation of the Russian Federation.  [as amended by Federal Law No. 323-FZ of 23.11.2015]


1. The tax base shall be determined separately for each type of excisable good.
2. The tax base arising from the sale (or transfer if such transfer is deemed to be taxable in accordance with this Chapter) of excisable goods produced by the taxpayer shall be determined according to the tax rates which are established for those goods:

1) as the volume of excisable goods sold (transferred) in physical terms - in the case of excisable goods for which fixed (specific) tax rates are established (as an absolute amount per unit of measurement);

2) as the value of excisable goods sold (transferred) as calculated on the basis of prices determined with account taken of the provisions of Article 105.3 of this Code, excluding excise duty and value added tax - in the case of excisable goods for which ad valorem rates of tax are established (as a percentage); [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003, No. 227-FZ of 18.07.2011]

3) as the value of excisable goods transferred as calculated on the basis of average selling prices in force in the preceding tax period or, where these do not exist, on the basis of market prices excluding excise duty, value added tax - in the case of excisable goods for which ad valorem (percentage) tax rates are established. The tax base shall be determined similarly in the case of excisable goods for which ad valorem (percentage) tax rates are established when they are sold without consideration, where goods exchange (barter) operations are carried out, where excisable goods are transferred under an indemnity or novation agreement and where excisable goods are transferred as payment for labour in kind; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003]

4) as the volume of excisable goods sold (transferred) expressed in physical terms for the purpose of calculating excise duty using a fixed (specific) tax rate, and as the calculated value of excisable goods sold (transferred), which is calculated on the basis of maximum retail prices, for the purpose of calculating excise duty using an ad valorem (percentage) tax rate – in the case of excisable goods for which combined tax rates have been established consisting of a fixed (specific) tax rate and an ad valorem (percentage) tax rate. The calculated value of tobacco products for which combined tax rates have been established shall be determined in accordance with Article 187.1 of this Code. [subsection 4 inserted by Federal Law No. 134-FZ of 26.07.2006]

2.1. If the tax base for alcoholic and alcohol-containing products as determined by the taxpayer in accordance with subsection 1 of clause 2 of this Article is less than the volume of sales of those excisable goods for the tax period in question which is recorded in the unified state automated information system for the recording of the volume of production and circulation of ethyl alcohol and alcoholic and alcohol-containing products, the tax base for the excisable goods in question shall be determined on the basis of data in that state automated information system. [clause 2.1 inserted by Federal Law No. 401-FZ of 30.11.2016]


4. The tax base arising from the sale of confiscated and (or) ownerless excisable goods, excisable goods which have been abandoned to the state and are placed under state and (or) municipal ownership shall be determined in accordance with subsections 1 and 2 of clause 2 of this Article. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002, No. 134-FZ of 26.07.2006]
5. For the purpose of determining the tax base, a taxpayer’s receipts which have been received in foreign currency shall be translated into roubles on the basis of the exchange rate of the Central Bank of the Russian Federation which is prevailing on the date of sale of the excisable goods. [as amended by Federal Law No. 166-FZ of 29.12.2000]

6. Resources received by a taxpayer which are not connected with the sale of excisable goods shall not be included in the tax base.

7. The tax base for the taxable object referred to in subsection 20 of clause 1 of Article 182 of this Code shall be determined as the volume of denatured ethyl alcohol received, expressed in physical terms. [clause 7 inserted by Federal Law No. 107-FZ of 21.07.2005]

8. The tax base for the taxable objects referred to in subsections 21, 23 and 24 of clause 1 of Article 182 of this Code shall be determined as the volume of straight-run petrol received (recorded as received) in physical terms. [clause 8 as reworded by Federal Law No. 366-FZ of 24.11.2014]

9. The tax base for the taxable objects referred to in subsections 25 to 27 of clause 1 of Article 182 of this Code shall be determined as the volume of benzene, paraxylene or orthoxylene received (recorded as received) in physical terms. [clause 9 inserted by Federal Law No. 366-FZ of 24.11.2014]

10. The tax base for the taxable object referred to in subsection 28 of clause 1 of Article 182 of this Code shall be determined as the volume of jet fuel received in physical terms. [clause 10 inserted by Federal Law No. 366-FZ of 24.11.2014]

11. The tax base for the taxable object referred to in subsection 29 of clause 1 of Article 182 of this Code shall be determined as the volume in physical terms of medium distillates received. [clause 11 inserted by Federal Law No. 323-FZ of 23.11.2015]

12. The tax base for the taxable object referred to in subsection 30 of clause 1 of Article 182 of this Code shall be determined as the volume in physical terms of medium distillates sold and conveyed out of the territory of the Russian Federation as stores on vessels in accordance with Eurasian Economic Union law. [clause 12 inserted by Federal Law No. 323-FZ of 23.11.2015]

13. The tax base for the taxable object referred to in subsection 31 of clause 1 of Article 182 of this Code shall be determined as the volume in physical terms of medium distillates sold for shipment out of the territory of the Russian Federation in accordance with the export customs procedure. [clause 13 inserted by Federal Law No. 323-FZ of 23.11.2015]

14. The tax base calculated by a taxpayer in relation to sales of alcoholic products manufactured by the taxpayer which are marked with federal special stamps shall be determined without taking into account the volume of those products which have been returned by the purchaser. [clause 14 as reworded by Federal Law No. 335-FZ of 27.11.2017]

15. The tax base for the taxable object referred to in subsection 34 of clause 1 of Article 182 of this Code shall be determined as the physical quantity of petroleum feedstocks owned by the
taxpayer which were supplied for processing, determined using data from the measuring instruments located in places specified in the certificate of registration of an entity that carries out petroleum feedstock processing operations issued to the taxpayer or to an organization which directly provides petroleum feedstock processing services to the taxpayer, and (or) in documents submitted by such an organization in accordance with clause 20 of Article 179.7 of this Code.

[clause 15 inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018); as amended by Federal Law No. 321-FZ of 15.10.2020]


19. The tax base for hookah tobacco shall be determined as the weight of raw tobacco in the hookah tobacco, but not less than 20 per cent of the net weight of the hookah tobacco, provided that information on the weight of raw tobacco is given on the consumer packaging (container). If information on the weight of raw tobacco is not given on the consumer packaging (container), the tax base shall be determined as the net weight of the hookah tobacco.

[clause 19 inserted by Federal Law No. 78-FZ of 01.05.2019]

20. The tax base for the taxable object referred to in subsection 38 of clause 1 of Article 182 of this Code shall be determined as the volume (in tonnes) of grapes used for the production of wine, sparkling wine (champagne), liqueur wine with a protected geographical indication or with a protected appellation of origin (special wine), base wine, grape must or alcoholic beverages produced through a fully integrated process that were sold in the tax period.

[clause 20 inserted by Federal Law No. 326-FZ of 29.09.2019]

21. The tax base for the taxable object referred to in subsection 20.1 of clause 1 of Article 182 of this Code shall be determined as the volume of ethyl alcohol received (recorded in accounts) in quantitative terms.

[clause 21 inserted by Federal Law No. 326-FZ of 29.09.2019]

[EY Note: Clauses 22 and 23 are appended to Article 187 from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]

Article 187.1. Procedure for Determining the Calculated Value and Establishing the Maximum Retail Price of Tobacco Products for Which Combined Tax Rates Have Been Established

1. Calculated value shall be understood to mean the product of the maximum retail price stated on a unit of consumer packaging (a pack) of tobacco products for which combined tax rates have been established (hereafter in this Article referred to as “tobacco products”) and the number of units of consumer packaging (packs) of tobacco products which were sold (transferred) in the course of a reporting tax period or are imported into the territory of the Russian Federation and other territories under its jurisdiction. [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 305-FZ of 02.07.2021]

2. The maximum retail price shall be the price above which a unit of consumer packaging (pack) of tobacco products cannot be sold to consumers by retail trade, public catering and service sector enterprises or by private entrepreneurs. The maximum retail price shall be
established by a taxpayer independently per unit of consumer packaging (pack) of tobacco products separately for each brand (each item type) of tobacco products.

For the purposes of this Chapter, a brand (item type) shall be understood to mean a variety of tobacco products which is distinguished from other brands (item types) by one or more of the following attributes – an identifying mark (name) assigned by the manufacturer or licensor, formulation, size, the presence or absence of a filter, and packaging.

3. A taxpayer shall be obliged to submit to the tax authority where it is registered (the customs authority where excisable goods are declared for customs purposes) a notification of the maximum retail prices that are established in accordance with clause 2 of this Article (hereinafter referred to as “notification”) for each brand (each item name) of tobacco products not later than 10 calendar days before the beginning of the tax period commencing from which the maximum retail prices specified in the notification will be displayed. The form and format of the notification and the procedure for submitting it to the tax authority in electronic form shall be determined by the federal executive body in charge of control and supervision in the area of taxes and levies. The format and structure of the notification and the procedure for submitting it to the customs authority in electronic form shall be determined by the federal executive body in charge of control and supervision in the customs sphere. Each notification must contain a full list of brands (item names) of tobacco products.

4. The maximum retail prices specified in the notification which is referred to in clause 3 of this Article and information on the month and year of manufacture of tobacco products must be marked on each unit of consumer packaging (pack) of tobacco products produced during the period of validity of the notification (with the exception of tobacco products which are non-taxable or are exempt from taxation in accordance with Article 185 of this Code). The production during the period of validity of a notification of one brand (one item type) of tobacco products marked with a maximum retail price which is different from the maximum retail price specified in the notification shall not be permitted.

5. The maximum retail prices specified in the notification which is referred to in clause 3 of this Article and information on the month and year of manufacture of tobacco products must be marked on each unit of consumer packaging (pack) of tobacco products commencing from the 1st of the month following the date of submission of the notification, and shall be effective for not less than one calendar month. A taxpayer shall have the right to alter the maximum retail
price for all brands (item types) or some brands (item types) of tobacco products by means of submitting a new notification in accordance with clause 3 of this Article. The maximum retail prices shown in the new notification must be marked on each item of consumer packaging (pack) of tobacco products commencing from the 1st of the month following the date of submission of the notification, but not before the expiration of the minimum period of validity of the preceding notification.

6. Where, in the course of one tax period, a taxpayer sells (transfers) tobacco products of one brand (one item type) with different maximum retail prices shown on a unit of consumer packaging (pack), the calculated value shall be determined as the product of each maximum retail price shown on a unit of consumer packaging (pack) of tobacco products and the number of units of consumer packaging (packs) sold on which that maximum retail price is shown.

7. Where a taxpayer declares tobacco products of one brand (one item type) which are imported into the territory of the Russian Federation and other territories under its jurisdiction with different maximum retail prices shown on a unit of consumer packaging (pack) of tobacco products, the calculated value shall be determined as the product of each maximum retail price shown on a unit of retail packaging (pack) of tobacco products and the quantity of imported units of consumer packaging (packs) on which the respective maximum retail prices are shown.

[clause 7 inserted by Federal Law No. 75-FZ of 16.05.2007, as amended by Federal Law No. 306-FZ of 27.11.2010]

[Article 188. Lost force – Federal Law No. 117-FZ of 07.07.2003]

Article 189. Increasing of the Tax Base Upon the Sale of Excisable Goods [title as amended by Federal Law No. 117-FZ of 07.07.2003]

1. The tax base as determined in accordance with Articles 187 to 188 of this Code shall be increased by amounts which are received in respect of goods sold in the form of financial assistance, in the form of advance payments or other payments received against future supplies of excisable goods the date of sale of which is determined in accordance with clause 2 of Article 195 of this Code, for the replenishment of special-purpose funds or as an increase in income or in the form of interest (discount) on bills of exchange and interest on commercial credit or which are otherwise connected with payment for sold excisable goods. [as amended by Federal Laws No. 118-FZ of 07.08.2001, No. 117-FZ of 07.07.2003, No. 134-FZ of 26.07.2006]

2. The provisions of clause 1 of this Article shall apply to operations involving the sale of excisable goods for which ad valorem (percentage) rates of excise duties are established. [as amended by Federal Law No. 117-FZ of 07.07.2003]

3. The amounts referred to in this Article when received in foreign currency shall be translated into the currency of the Russian Federation on the basis of the exchange rate of the Central Bank of the Russian Federation prevailing as at the date on which they are actually received.


1. For excisable goods for which different tax rates have been established, the tax base shall be determined in relation to each tax rate.
2. Where a taxpayer does not maintain separate records of the tax base in relation to the goods provided for in clause 1 of this Article, a unified tax base shall be determined for all operations involving those goods which are deemed assessable to excise duties in accordance with Article 182 of this Code.

The amounts referred to in clause 1 of Article 189 of this Code shall be included in the unified tax base which is determined for operations deemed assessable to excise duties which are conducted with excisable goods such as are referred to in clause 2 of Article 189 of this Code. [clause 2 as reworded by Federal Law No. 306-FZ of 27.11.2010]


1. Where excisable goods (with account taken of the provisions of Article 185 of this Code) are imported into the territory of the Russian Federation and other territories under its jurisdiction, the tax base shall be determined: [as amended by Federal Law No. 306-FZ of 27.11.2010]

1) in the case of excisable goods for which fixed (specific) tax rates are established (as an absolute amount per unit of measurement) - as the volume of imported excisable goods in physical terms;

2) in the case of excisable goods for which ad valorem (percentage) tax rates are established - as the sum of:

   - their customs value;

   - payable customs duty;

3) in the case of excisable goods for which combined tax rates have been established consisting of a fixed (specific) tax rate and an ad valorem (percentage) tax rate – as the volume of imported excisable goods expressed in physical terms for the purpose of calculating excise duty using the fixed (specific) tax rate, and as the calculated value of imported excisable goods, which is calculated on the basis of maximum retail prices, for the purpose of calculating excise duty using the ad valorem (percentage) tax rate. The calculated value of tobacco products for which combined tax rates have been established shall be determined in accordance with Article 187.1 of this Code. [subsection 3 inserted by Federal Law No. 134-FZ of 26.07.2006]

2. The customs value of excisable goods and payable customs duty shall be determined in accordance with this Code. [as amended by Federal Law No. 166-FZ of 29.12.2000]

3. The tax base shall be determined separately for each consignment of excisable goods imported into the territory of the Russian Federation and other territories under its jurisdiction. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 306-FZ of 27.11.2010]

Where one consignment of excisable goods imported into the territory of the Russian Federation and other territories under its jurisdiction includes excisable goods the import of which is taxable at different rates, the tax base shall be determined separately for each group of
those goods. The tax base shall be determined in similar fashion where a consignment of excisable goods imported into the customs territory of the Russian Federation includes excisable goods which were previously exported from the territory of the Russian Federation in accordance with the processing outside the customs territory customs procedure. [as amended by Federal Law No. 306-FZ of 27.11.2010]

4. Where excisable goods are imported into the territory of the Russian Federation and other territories under its jurisdiction as products of processing outside the customs territory, the tax base shall be determined in accordance with the provisions of this Article. [as amended by Federal Law No. 306-FZ of 27.11.2010]

5. The tax base arising when Russian goods which have been placed under the free customs zone customs procedure are imported into the remaining part of the territory of the Russian Federation and other territories under its jurisdiction or when they are transferred in the territory of a special economic zone to persons who are not residents of such zone shall be determined in accordance with Article 187 of this Code. [clause 5 inserted by Federal Law No. 117-FZ of 22.07.2005, as amended by Federal Laws No. 240-FZ of 30.10.2007, No. 306-FZ of 27.11.2010]

Article 192. Tax Period [article as reworded by Federal Law No. 110-FZ of 24.07.2002]

The tax period shall be deemed to be a calendar month.

Article 193. Tax Rates

1. Excisable goods shall be taxed at the following rates:

1) ethyl alcohol produced from edible or inedible raw materials (including denatured ethyl alcohol, raw alcohol and distillates) that is sold to organizations that pay an advance excise duty payment, including where it is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and is a Eurasian Economic Union product, from 1 January 2021 – 0 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

2) ethyl alcohol produced from edible or inedible raw materials (including denatured ethyl alcohol, raw alcohol and distillates) that is sold to organizations holding certificates provided for in clause 1 of Article 179.2 of this Code, from 1 January 2021 – 0 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

3) ethyl alcohol produced from edible or inedible raw materials (including denatured ethyl alcohol, raw alcohol and distillates) that is transferred in the process of carrying out operations that are deemed to be subject to excise duties in accordance with subsection 22 of clause 1 of Article 182 of this Code, from 1 January 2021 – 0 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

4) ethyl alcohol produced from edible or inedible raw materials (including denatured ethyl alcohol, raw alcohol and distillates) that is sold to organizations that have not fulfilled the
obligation to pay an advance excise duty payment (have not submitted a bank guarantee and a notice of exemption from the payment of an advance excise duty payment) and (or) do not have certificates provided for in clause of Article 179.2 of this Code:

- from 1 January to 31 December 2021 inclusively – 566 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2022 inclusively – 589 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2023 inclusively – 613 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

5) ethyl alcohol produced from edible or inedible raw materials (including denatured ethyl alcohol, raw alcohol and distillates) that is imported into the Russian Federation and is not a Eurasian Economic Union product, or that is a Eurasian Economic Union product and is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union, where there is no obligation to pay an advance excise duty payment (with the exception of the submission of a bank guarantee and a notice of exemption from the payment of an advance excise duty payment) or the obligation to pay an advance excise duty payment has not been fulfilled:

- from 1 January to 31 December 2021 inclusively – 566 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2022 inclusively – 589 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2023 inclusively – 613 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

6) ethyl alcohol produced from edible or inedible raw materials (including denatured ethyl alcohol, raw alcohol and distillates) that is transferred within the structure of one organization when a taxpayer carries out operations that are subject to excise duties, with the exception of the operations provided for in subsection 22 of clause 1 of Article 182 of this Code:

- from 1 January to 31 December 2021 inclusively – 566 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2022 inclusively – 589 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2023 inclusively – 613 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

7) ethyl alcohol produced from edible or inedible raw materials (including denatured ethyl alcohol, raw alcohol and distillates) received (entered in accounts) by organizations holding certificates provided for in clause 1 of Article 179.2 of this Code:
Excise Duties

- from 1 January to 31 December 2021 inclusively – 566 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2022 inclusively – 589 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2023 inclusively – 613 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

8) alcohol-containing products:

- from 1 January to 31 December 2021 inclusively – 566 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2022 inclusively – 589 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2023 inclusively – 613 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

9) grapes used for the production of wine, sparkling wine (champagne), liqueur wine with a protected geographical indication or with a protected appellation of origin (special wine), base wine, grape must or alcoholic beverages produced through a fully integrated process that were sold in the tax period:

- from 1 January to 31 December 2021 inclusively – 31 roubles per 1 tonne;

- from 1 January to 31 December 2022 inclusively – 32 roubles per 1 tonne;

- from 1 January to 31 December 2023 inclusively – 33 roubles per 1 tonne;

10) base wine, grape must, fruit must:

- from 1 January to 31 December 2021 inclusively – 32 roubles per 1 tonne;

- from 1 January to 31 December 2022 inclusively – 33 roubles per 1 tonne;

- from 1 January to 31 December 2023 inclusively – 34 roubles per 1 tonne;

11) alcoholic products with an ethyl alcohol content by volume above 9 per cent (excluding beer, wines, fruit wines, sparkling wines (champagnes), wine-based beverages made without the addition of rectified ethyl alcohol produced from edible raw materials, and (or) alcoholized grape or other fruit must, and (or) distillates):

- from 1 January to 31 December 2021 inclusively – 566 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2022 inclusively – 589 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;
Excise Duties

- from 1 January to 31 December 2023 inclusively – 613 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

12) alcoholic products with an ethyl alcohol content by volume of up to 9 per cent inclusively (excluding beer, beer-based beverages, wines, fruit wines, sparkling wines (champagnes), cider, perry, mead and wine-based beverages made without the addition of rectified ethyl alcohol produced from edible raw materials, and (or) alcoholized grape or other fruit must, and (or) distillates):

- from 1 January to 31 December 2021 inclusively – 452 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2022 inclusively – 471 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

- from 1 January to 31 December 2023 inclusively – 490 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable product;

13) wines, fruit wines (excluding sparkling wines (champagnes) and liqueur wines):

- from 1 January to 31 December 2021 inclusively – 32 roubles per 1 litre;

- from 1 January to 31 December 2022 inclusively – 33 roubles per 1 litre;

- from 1 January to 31 December 2023 inclusively – 34 roubles per 1 litre;

14) wine-based beverages made without the addition of rectified ethyl alcohol produced from edible raw materials, and (or) alcoholized grape or other fruit must, and (or) distillates:

- from 1 January to 31 December 2021 inclusively – 41 roubles per 1 litre;

- from 1 January to 31 December 2022 inclusively – 43 roubles per 1 litre;

- from 1 January to 31 December 2023 inclusively – 45 roubles per 1 litre;

15) cider, perry, mead:

- from 1 January to 31 December 2021 inclusively – 23 roubles per 1 litre;

- from 1 January to 31 December 2022 inclusively – 24 roubles per 1 litre;

- from 1 January to 31 December 2023 inclusively – 25 roubles per 1 litre;

16) sparkling wines (champagnes):

- from 1 January to 31 December 2021 inclusively – 41 roubles per 1 litre;

- from 1 January to 31 December 2022 inclusively – 43 roubles per 1 litre;
- from 1 January to 31 December 2023 inclusively – 45 roubles per 1 litre;

17) beer with a normative (standardized) ethyl alcohol content by volume of up to 0.5 per cent inclusively from 1 January 2021 – 0 roubles per 1 litre;

18) beer with a normative (standardized) ethyl alcohol content by volume above 0.5 per cent and up to 8.6 per cent inclusively, and beer-based beverages:

- from 1 January to 31 December 2021 inclusively – 23 roubles per 1 litre;
- from 1 January to 31 December 2022 inclusively – 24 roubles per 1 litre;
- from 1 January to 31 December 2023 inclusively – 25 roubles per 1 litre;

19) beer with a normative (standardized) ethyl alcohol content by volume above 8.6 per cent:

- from 1 January to 31 December 2021 inclusively – 43 roubles per 1 litre;
- from 1 January to 31 December 2022 inclusively – 45 roubles per 1 litre;
- from 1 January to 31 December 2023 inclusively – 47 roubles per 1 litre;

20) pipe, smoking, chewing, sucking, snuff and hookah tobacco (excluding tobacco used as raw material for the production of tobacco products):

- from 1 January to 31 December 2021 inclusively – 3,806 roubles per 1 kg;
- from 1 January to 31 December 2022 inclusively – 3,958 roubles per 1 kg;
- from 1 January to 31 December 2023 inclusively – 4,116 roubles per 1 kg;

21) cigars:

- from 1 January to 31 December 2021 inclusively – 258 roubles per 1 piece;
- from 1 January to 31 December 2022 inclusively – 268 roubles per 1 piece;
- from 1 January to 31 December 2023 inclusively – 278 roubles per 1 piece;

22) cigarillos, bidis, kreteks:

- from 1 January to 31 December 2021 inclusively – 3,666 roubles per 1,000 pieces;
- from 1 January to 31 December 2022 inclusively – 3,813 roubles per 1,000 pieces;
- from 1 January to 31 December 2023 inclusively – 3,965 roubles per 1,000 pieces;

23) cigarettes, papirosy:
Excise Duties

- from 1 January to 31 December 2021 inclusively – 2,359 roubles per 1,000 pieces plus 16 per cent of the calculated value calculated on the basis of maximum retail price, but not less than 3,205 roubles per 1,000 pieces;

- from 1 January to 31 December 2022 inclusively – 2,454 roubles per 1,000 pieces plus 16 per cent of the calculated value calculated on the basis of maximum retail price, but not less than 3,333 roubles per 1,000 pieces;

- from 1 January to 31 December 2023 inclusively – 2,552 roubles per 1,000 pieces plus 16 per cent of the calculated value calculated on the basis of maximum retail price, but not less than 3,467 roubles per 1,000 pieces;

24) tobacco (tobacco products) intended for consumption by means of heating:

- from 1 January to 31 December 2021 inclusively – 7,248 roubles per 1 kg;

- from 1 January to 31 December 2022 inclusively – 7,538 roubles per 1 kg;

- from 1 January to 31 December 2023 inclusively – 7,839 roubles per 1 kg;

25) electronic nicotine delivery system, tobacco heating devices:

- from 1 January to 31 December 2021 inclusively – 60 roubles per 1 piece;

- from 1 January to 31 December 2022 inclusively – 62 roubles per 1 piece;

- from 1 January to 31 December 2023 inclusively – 64 roubles per 1 piece;

26) liquids for electronic nicotine delivery systems:

- from 1 January to 31 December 2021 inclusively – 16 roubles per 1 ml;

- from 1 January to 31 December 2022 inclusively – 17 roubles per 1 ml;

- from 1 January to 31 December 2023 inclusively – 18 roubles per 1 ml;

27) motor cars with an engine capacity up to 67.5 kW (90 hp) inclusively from 1 January 2021 – 0 roubles per 0.75 kW (1 hp);

[\textit{EY Note: Subsections 28 to 39 of clause 1 of Article 93 are reworded from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021}]
29) motor cars with an engine capacity exceeding 112.5 kW (150 hp) and up to 150 kW (200 hp) inclusively:

- from 1 January to 31 December 2021 inclusively – 491 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2022 inclusively – 511 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2023 inclusively – 531 roubles per 0.75 kW (1 hp);

30) motor cars with an engine capacity exceeding 150 kW (200 hp) and up to 225 kW (300 hp) inclusively:

- from 1 January to 31 December 2021 inclusively – 804 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2022 inclusively – 836 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2023 inclusively – 869 roubles per 0.75 kW (1 hp);

31) motor cars with an engine capacity exceeding 225 kW (300 hp) and up to 300 kW (400 hp) inclusively:

- from 1 January to 31 December 2021 inclusively – 1,370 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2022 inclusively – 1,425 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2023 inclusively – 1,482 roubles per 0.75 kW (1 hp);

32) motor cars with an engine capacity exceeding 300 kW (150 hp) and up to 375 kW (500 hp) inclusively:

- from 1 January to 31 December 2021 inclusively – 1,418 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2022 inclusively – 1,475 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2023 inclusively – 1,534 roubles per 0.75 kW (1 hp);

33) motor cars with an engine capacity exceeding 375 kW (500 hp) inclusively:

- from 1 January to 31 December 2021 inclusively – 1,464 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2022 inclusively – 1,523 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2023 inclusively – 1,584 roubles per 0.75 kW (1 hp);

34) motorcycles with an engine capacity exceeding 112.5 kW (150 hp):
Excise Duties

- from 1 January to 31 December 2021 inclusively – 491 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2022 inclusively – 511 roubles per 0.75 kW (1 hp);
- from 1 January to 31 December 2023 inclusively – 531 roubles per 0.75 kW (1 hp);

35) non-class 5 petrol:
- from 1 January to 31 December 2021 inclusively – 13,624 roubles per 1 tonne;
- from 1 January to 31 December 2022 inclusively – 14,169 roubles per 1 tonne;
- from 1 January to 31 December 2023 inclusively – 14,736 roubles per 1 tonne;

36) class 5 petrol:
- from 1 January to 31 December 2021 inclusively – 13,262 roubles per 1 tonne;
- from 1 January to 31 December 2022 inclusively – 13,793 roubles per 1 tonne;
- from 1 January to 31 December 2023 inclusively – 14,345 roubles per 1 tonne;

37) diesel fuel:
- from 1 January to 31 December 2021 inclusively – 9,188 roubles per 1 tonne;
- from 1 January to 31 December 2022 inclusively – 9,556 roubles per 1 tonne;
- from 1 January to 31 December 2023 inclusively – 9,938 roubles per 1 tonne;

38) motor oils for diesel and (or) carburettor (injection) engines:
- from 1 January to 31 December 2021 inclusively – 5,841 roubles per 1 tonne;
- from 1 January to 31 December 2022 inclusively – 6,075 roubles per 1 tonne;
- from 1 January to 31 December 2023 inclusively – 6,318 roubles per 1 tonne;

39) jet fuel from 1 January 2021 to 31 December 2023 inclusively – 2,800 roubles per 1 tonne.

[clause 1 as reworded by Federal Law No. 321-FZ of 15.10.2020]


4. The excise duty rate of 0 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable good for ethyl alcohol shall apply when a taxpayer sells that excisable good to persons who have submitted notices of the payment by a purchaser – manufacturer of alcoholic and (or) excisable alcohol-containing products of the advance excise duty payment which is provided for in clause 8 of Article 194 of this Code (hereinafter referred to as “notice of payment of an advance excise duty payment”) bearing a mark made by the tax authority where the purchaser
is registered confirming the payment of an advance excise duty payment or notices of exemption from the payment of an advance excise duty payment subject to the submission by the purchaser of ethyl alcohol of a bank guarantee such as is provided for in clause 11 of Article 204 of this Code (hereinafter referred to as “notice of exemption from the payment of an advance excise duty payment”) bearing a mark made by the tax authority where the purchaser is registered confirming exemption from the payment of an advance excise duty payment. [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 326-FZ of 29.09.2019]

The excise duty rate for ethyl alcohol of 0 per cent per 1 litre of anhydrous ethyl alcohol contained in the excisable good shall apply in regard to operations provided for in subsection 22 of clause 1 of Article 182 of this Code subject to the submission by the taxpayer to the tax authority where it is registered of a notice of payment of an advance payment of excise duty on alcoholic and (or) excisable alcohol-containing products in accordance with clause 7 of Article 204 of this Code or a bank guarantee and a notice of exemption from the payment of an advance payment of excise duty on alcoholic and (or) excisable alcohol-containing products in accordance with clause 11 of Article 204 of this Code. [as amended by Federal Law No. 338-FZ of 28.11.2011]

The rate of excise duty on ethyl alcohol of 0 roubles per 1 litre of anhydrous ethyl alcohol contained in the excisable good shall apply in the case of operations involving the importation into the Russian Federation from the territories of member states of the Eurasian Economic Union of ethyl alcohol which is a Eurasian Economic Union good by a purchaser of ethyl alcohol which is a manufacturer of alcoholic and (or) excisable alcohol-containing products and has submitted to the tax authority where it is registered a notice of the payment of an advance payment of excise duty on alcoholic and (or) excisable alcohol-containing products in accordance with clause 7 of Article 204 of this Code or a notice of exemption from the payment of an advance payment of excise duty if the purchaser of the ethyl alcohol has submitted a bank guarantee to the tax authority where it is registered in accordance with clause 11 of Article 204 of this Code. [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013; as amended by Federal Laws No. 323-FZ of 23.11.2015, No. 326-FZ of 29.09.2019] [clause 4 inserted by Federal Law No. 306-FZ of 27.11.2010]

5. Except as otherwise provided by international agreements of the Russian Federation, natural gas shall be taxed at the tax rate of 30 per cent. [clause 5 inserted by Federal Law No. 366-FZ of 24.11.2014]

6. The rate of excise duty on straight-run petrol (ESRP) shall be determined by a taxpayer in roubles per 1 tonne using the formula:

\[ \text{ESRP} = 13,100 + 4,865 \times C_{\text{ADJ}} \]

where \( C_{\text{ADJ}} \) is a coefficient set at:

- 0.167 – for the period from 1 January to 31 December 2019 inclusively;
- 0.333 – for the period from 1 January to 31 December 2020 inclusively;
- 0.500 – for the period from 1 January to 31 December 2021 inclusively;
- 0.667 – for the period from 1 January to 31 December 2022 inclusively;
0.833 – for the period from 1 January to 31 December 2023 inclusively;

1 – from 1 January 2024.

The calculated rate of excise duty on straight-run petrol (E_{SRP}) shall be rounded to a whole value in accordance with the current rounding rules and shall be recognised as a fixed (specific) rate for the purposes of this Chapter.

[clause 6 inserted by Federal Law No. 301-FZ of 03.08.2018]

7. The rate of excise duty on benzene, paraxylene and orthoxylene (E_{BPO}) shall be determined by the taxpayer in roubles per 1 tonne using the formula:

\[ E_{BPO} = 2,800 + 774 \times C_{ADJ}, \]

where \( C_{ADJ} \) is a coefficient determined in accordance with the procedure established by clause 6 of this Article.

The calculated rate of excise duty on benzene, paraxylene and orthoxylene (E_{BPO}) shall be rounded to a whole value in accordance with the current rounding rules and shall be recognised as a fixed (specific) rate for the purposes of this Chapter.

[clause 7 inserted by Federal Law No. 301-FZ of 03.08.2018]

8. Except as otherwise established in this clause, the rate of excise duty on petroleum feedstocks (E_{PF}) shall be determined by a taxpayer in roubles per 1 tonne using the formula:

\[ E_{PF} = ((P_{OIL} \times 7.3 – 182.5) \times 0.3 + 29.2) \times R \times C_{PY} \times C_{ADJ} \times C_{REG}, \]

where \( P_{OIL} \) is the average level of prices for Urals oil in world markets for a calendar month of the tax period in US dollars per barrel, determined in accordance with clause 3 of Article 342 of this Code;

\( R \) is the average value for a calendar month of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation, which is determined as the arithmetic mean of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation for all days in the calendar month;

\( C_{PY} \) is a specific coefficient reflecting the basket of processed products of petroleum feedstocks. The coefficient \( C_{PY} \) calculated in the manner prescribed by this clause shall be rounded to the fourth decimal place in accordance with the current rounding rules; [as amended by Federal Law No. 255-FZ of 30.07.2019]

\( C_{ADJ} \) is a coefficient determined in accordance with the procedure established by clause 6 of this Article;

\( C_{REG} \) is a coefficient reflecting regional characteristics of markets for processed products of petroleum feedstocks.

\( C_{REG} \) shall be determined in relation to petroleum feedstocks supplied for processing at petroleum feedstock processing facilities which are specified in the certificate of registration
of an entity that carries out petroleum feedstock processing operations issued to the taxpayer or to an organization which directly provides petroleum feedstock processing services to the taxpayer, and shall be taken to be equal to:

1.5 – in the case of production facilities located in the Republic of Khakassia and the Krasnoyarsk Territory;

1.4 – in the case of production facilities located in the Republic of Tyva and the Irkutsk Province;

1.3 – in the case of production facilities located in the Yamal-Nenets Autonomous District, the Republic of Komi, the Nenets Autonomous District, the Republic of Sakha (Yakutia) and the Republic of Buryatia;

1.1 – in the case of production facilities located in the Tyumen, Kemerovo, Novosibirsk and Tomsk Provinces, the Transbaikal Territory and the Khanty-Mansiisk Autonomous District-Yugra;

1.05 – in the case of production facilities located in the Omsk Province, the Altai Territory and the Republic of Altai;

1 – in the case of production facilities located in other constituent entities of the Russian Federation.

\( C_{PY} \) shall be determined using the formula:

\[
C_{PY} = \frac{V_{PF} - 0.55 \times V_{SRP} - 0.3 \times V_{LO} - 0.065 \times V_{PC} - V_{DO}}{V_{PF}},
\]

where \( V_{PF} \) is the quantity of petroleum feedstocks owned by the taxpayer and supplied by the taxpayer, or by an organization which directly provides petroleum feedstock processing services to the taxpayer, for processing according to data from measuring instruments located in places specified in the certificate of registration of an entity that carries out petroleum feedstock processing operations, issued to the taxpayer or to an organization which directly provides petroleum feedstock processing services to the taxpayer, for the tax period, expressed in tonnes;

\( V_{SRP} \) is the quantity of straight-run petrol manufactured from petroleum feedstocks supplied for processing and owned by the taxpayer which the taxpayer sold in the tax period (or, if petroleum feedstocks are processed on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer, which was supplied to the taxpayer and (or) to third parties on the taxpayer’s instructions in the tax period), and (or) which was transferred in the tax period within the structure of a taxpayer holding a certificate for the processing of straight-run petrol for processing into petrochemical products, straight-run petrol, benzene, paraxylene and orthoxylene, expressed in tonnes;

\( V_{LO} \) is the quantity of commercial petrol, light and medium distillates in liquid form (at a temperature of 20 degrees Celsius and a pressure of 760 millimetres of mercury), benzene, toluene, xylene and lubricants manufactured from petroleum feedstocks supplied for processing
and owned by the taxpayer, which the taxpayer sold in the tax period (or, where petroleum feedstocks are processed on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer, which were supplied to the taxpayer and (or) to third parties on the taxpayer’s instructions in the tax period), expressed in tonnes;

\( V_{PC} \) is the quantity of petroleum coke manufactured from petroleum feedstocks supplied for processing and owned by the taxpayer, which the taxpayer sold in the tax period (or, where petroleum feedstocks are processed on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer, which were supplied to the taxpayer and (or) to third parties on the taxpayer’s instructions in the tax period), expressed in tonnes;

\( V_{DO} \) is the quantity of fuel oil, petroleum bitumen, paraffin, petroleum jelly, waste oils and other liquid (excluding fractions containing by weight not less than 85 per cent of methyl-tert-butyl ether and (or) other ethers and (or) alcohols) or solid processed products of petroleum feedstocks, produced from petroleum feedstocks supplied for processing and owned by the taxpayer, which the taxpayer sold in the tax period (or, where petroleum feedstocks are processed on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer, which were supplied to the taxpayer and (or) to third parties on the taxpayer’s instructions in the tax period), expressed in tonnes. The aggregate state of processed products of petroleum feedstocks in this paragraph shall be determined with reference to a temperature of 20 degrees Celsius and a pressure of 760 millimetres of mercury. [as amended by Federal Law No. 255-FZ of 30.07.2019]

The volumes of processed products of petroleum feedstocks referred to in paragraphs 18 to 21 of this clause shall be taken into account in determining \( C_{PY} \) with due account taken of normative losses occurring after the shipment of the processed products of petroleum feedstocks until the transfer of ownership of those products by reason of factors inherent in the transportation process. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

In the event that processed products of petroleum feedstocks which a taxpayer shipped (or, where petroleum feedstocks are processed on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer, which were transferred to the taxpayer or to third parties at the taxpayer’s instruction) in preceding tax periods are returned, the values of \( V_{SRP}, V_{LO}, V_{PC} \) and \( V_{DO} \) for the tax periods in question shall not be recalculated, but the volumes of returned processed products of petroleum feedstocks shall be excluded from the corresponding volumes \( V_{SRP}, V_{LO}, V_{PC} \) and \( V_{DO} \) in the tax period in which the products were returned. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

If the value of “\( P_{OIL} \)" calculated for a tax period is found to be less than or equal to US 25 dollars per barrel, the rate of excise duty on petroleum feedstocks ("E_{PF}") for that tax period shall be taken to be equal to the product of 20 US dollars, the average exchange rate of the US dollar to the Russian Federation rouble for a calendar month of the tax period (“R”) and the coefficient “\( C_{ADJ} \)”. Irrespective of whether the other conditions established by this clause are met, the rate of excise duty on petroleum feedstocks (\( E_{PF} \)) for a tax period shall be taken to be equal to 0 if any of the following conditions is met in that tax period:
- the ratio of the sum of the values \( V_{SRP}, V_{LO}, V_{PC} \) and \( V_{DO} \) to the value \( V_{PF} \) for the tax period is found to be less than 0.75; 

- the volume of class 5 petrol and (or) class 5 diesel fuel, produced, inter alia, under a contract for the provision of petroleum feedstock processing services to the taxpayer and sold by a taxpayer holding a certificate of registration of a person that carries out petroleum feedstock processing operations and (or) by another person forming part of the same group of persons as the taxpayer in accordance with the anti-monopoly legislation of the Russian Federation in the tax period in exchange trading conducted by an exchange (exchanges) is found to be less than the lowest amount of sales of class 5 petrol and (or) class 5 diesel fuel respectively in exchange trading determined by the taxpayer independently in accordance with the procedure established by the Government of the Russian Federation. For the purposes of this paragraph, sale shall mean the conclusion of a purchase-sale contract in exchange trading conducted by an exchange (exchanges) in accordance with Federal Law No. 325-FZ of 21 November 2011 “Concerning Organized Trading”. In this respect, the conclusion of that contract shall be confirmed by the appropriate exchange (exchanges) by means of summary extracts from the register of purchase-sale contracts concluded by the taxpayer (at the taxpayer’s instruction) or by another person referred to in this paragraph. The requirements established by this paragraph shall not apply to taxpayers that do not produce class 5 petrol and class 5 diesel fuel in a tax period, including on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer. The requirements of this paragraph shall likewise not apply in determining the excise duty rate for petroleum feedstocks supplied for processing at production facilities located in the Khabarovsk Territory which are specified in the certificate of registration of a person that carries out petroleum feedstock processing operations issued to the taxpayer or to an organization which directly provides petroleum feedstock processing operations to the taxpayer. [as amended by Federal Law No. 255-FZ of 30.07.2019] 

The calculated rate of excise duty on petroleum feedstocks (\( E_{PF} \)) shall be rounded to a whole value in accordance with the current rounding rules and shall be recognised as a fixed (specific) rate for the purposes of this Chapter. 

For the purposes of this clause, types of processed products of petroleum feedstocks (\( V_{SRP}, V_{LO}, V_{PC}, V_{DO} \)) manufactured and sold by the taxpayer (or, where petroleum feedstocks are processed on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer, supplied to the taxpayer and (or) to third parties on the taxpayer’s instructions) shall be determined by the taxpayer independently in accordance with the procedure established by the Government of the Russian Federation on the basis of the unified Goods Nomenclature for Foreign Economic Activities of the Eurasian Economic Union. 

An organization which provides petroleum feedstock processing services to a taxpayer holding a certificate of registration of an entity that carries out petroleum feedstock processing operations shall be obliged to transmit documents and information needed to determine the rate of excise duty on petroleum feedstocks (\( E_{PF} \)) to that taxpayer within 15 calendar days from the first of the month following a month of the tax period. 

For the purposes of this Chapter, where processed products of petroleum feedstocks such as are referred to in this clause were manufactured from petroleum feedstocks owned by the taxpayer and other raw materials (including multifunctional additives and components that are not petroleum feedstocks) that were supplied for processing, the procedure for determining the
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The quantity of oil products that were produced from petroleum feedstocks and sold by the taxpayer in a tax period (or, where petroleum feedstocks are processed on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer, that were transferred to the taxpayer and (or) to third parties at the taxpayer’s instruction) shall be independently established by the taxpayer in its accounting policies for taxation purposes, and the procedure so established may not be changed during the three years immediately following the calendar year in which that procedure was approved. [as amended by Federal Law No. 255-FZ of 30.07.2019]

Where an organization which directly carries on the processing of petroleum feedstocks and holds a certificate of registration of an entity that carries out petroleum feedstock processing operations carries out the processing of its own petroleum feedstocks and (or) petroleum feedstocks of third parties during a tax period, that organization shall be obliged to maintain separate records of petroleum feedstocks supplied for processing and of all processed products thereof in relation to each feedstock owner.

Where an organization which holds a certificate of registration of an entity that carries out petroleum feedstock processing operations carries out the processing of its own petroleum feedstocks on the basis of multiple petroleum feedstock processing agreements, that organization shall determine the rate of excise duty on petroleum feedstocks (E_{PF}) for each such agreement separately.

Where an organization which holds a certificate of registration of an entity that carries out petroleum feedstock processing operations carries out the processing of its own petroleum feedstocks using production facilities for the processing of petroleum feedstocks which are referred to in its certificate and (or) in the certificate of an organization which directly provides petroleum feedstock processing services to that organization and are located in different constituent entities of the Russian Federation, that organization shall determine the rate of excise duty on petroleum feedstocks (E_{PF}) separately for petroleum feedstocks supplied for processing at production facilities located in each of those constituent entities of the Russian Federation.

[clause 8 inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)]


9.1. The rate of excise duty on medium distillates (E_{MDL}) from 1 January to 31 March 2020 shall be taken to be equal to 9,535 roubles per 1 tonne.

The rate of excise duty on medium distillates (E_{MDL}) from 1 April 2020 shall be determined by the taxpayer in roubles per 1 tonne using the formula:

\[
E_{MDL} = (E_{DS} + 750) - D_{DS} \times C_{DS,COMP},
\]

where \(E_{DS}\) is the rate of excise duty established for diesel fuel for the tax period;

\(D_{DS}\) and \(C_{DS,COMP}\) are values determined in the manner prescribed by clause 27 of Article 200 of this Code, with account taken of the special considerations established by this clause. [as amended by Federal Law No. 321-FZ of 15.10.2020]
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The value of $D_{DS}$ determined for the second month preceding the tax period month (the month in which medium distillates are imported) shall be applied for the purposes of this clause. In this respect, if the value of $D_{DS}$ determined in the manner prescribed by clause 27 of Article 200 of this Code is found to be greater than zero, the value of $D_{DS}$ shall be taken to be equal to zero for the purposes of this clause. The calculated rate of excise duty on medium distillates ($E_{MDL}$) shall be rounded to a whole value in accordance with the current rounding rules and shall be taken to be a fixed (specific) rate for the purposes of this Chapter. [paragraph inserted by Federal Law No. 321-FZ of 15.10.2020]
[clause 9.1 inserted by Federal Law No. 326-FZ of 29.09.2019]

10. For the purposes of this Chapter, the date of sale of processed products of petroleum feedstocks which are not excisable goods shall be defined as the day on which the goods in question are shipped (transferred), including to a structural subdivision of an organization which carries out the retail sale of the products.

Where processed products of petroleum feedstocks are manufactured on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer, the date of transfer shall be the date on which an acceptance and transfer certificate is signed for processed products of petroleum feedstocks which are not excisable goods. [clause 10 inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)]

[Clauses 11 and 12 are appended to Article 193 from 1 January 2022 – Federal Law No. 321-FZ of 15.10.2020]


1. The amount of excise duty on excisable goods (including when they are imported into the territory of the Russian Federation) for which fixed (specific) tax rates have been established shall be calculated as the product of the applicable rate of tax and the tax base as calculated in accordance with Articles 187 to 191 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 126-FZ of 08.08.2001]

2. The amount of excise duty on excisable goods (including those which are imported into the territory of the Russian Federation) for which ad valorem (percentage) tax rates have been established shall be calculated as a proportion corresponding to the tax rate of the tax base as determined in accordance with Articles 187 to 191 and 205.1 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002, No. 117-FZ of 07.07.2003, No. 366-FZ of 24.11.2014]

3. The amount of excise duty on excisable goods (including those which are imported into the territory of the Russian Federation) for which combined tax rates have been established (consisting of a fixed (specific) tax rate and an ad valorem (percentage) tax rate) shall be calculated as the amount obtained as a result of adding together the amounts of excise duty calculated as the product of the fixed (specific) tax rate and the volume of excisable goods sold (transferred, imported) expressed in physical terms and as a percentage corresponding to the ad valorem (percentage) tax rate of the maximum retail price of those goods. [clause 3 inserted by Federal Law No. 110-FZ of 24.07.2002, as amended by Federal Laws No. 117-FZ of 07.07.2003, No. 134-FZ of 26.07.2006]
4. The total amount of excise duty due upon carrying out operations involving excisable goods which are deemed to be a taxable object in accordance with this Chapter shall be the amount obtained as a result of adding together the amounts of excise duty calculated in accordance with clauses 1 and 2 of this Article for each type of excisable goods assessable to excise duty at different tax rates. The total amount of excise duty due upon carrying out operations involving excisable oil products and petroleum feedstocks which are deemed to be a taxable object in accordance with this Chapter shall be determined separately for oil products and petroleum feedstocks and separately from the amount of excise duty on other excisable goods. [as amended by Federal Laws No. 110-FZ of 24.07.2002 (Rev. 31.12.2002), No. 301-FZ of 03.08.2018]

5. The amount of excise duty payable in respect of excisable goods shall be calculated on the basis of the results for each tax period with respect to all operations deemed taxable in accordance with Article 182 of this Code for which the occurrence date falls within the tax period in question, taking into account all adjustments which increase or decrease the tax base in the tax period in question. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002, No. 117-FZ of 07.07.2003, No. 326-FZ of 29.09.2019]

6. The amount of excise duty payable where two or more types of excisable goods are imported into the territory of the Russian Federation which are subject to excise duty at different tax rates shall be the amount obtained as a result of adding together the amounts of excise duty calculated for each type of those goods in accordance with clauses 1 to 3 of this Article. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002, No. 134-FZ of 26.07.2006]

7. Where a taxpayer does not maintain the separate records of the tax base in relation to excisable goods such as are referred to in clause 1 of Article 190 of this Code, the amount of excise duty on excisable goods shall be determined using the highest tax rate applied by the taxpayer on the basis of the tax base determined for all operations which are subject to excise duty. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 306-FZ of 27.11.2010]

8. Organizations which manufacture alcoholic products (with the exception of wines, fruit wines, sparkling wines (champagnes), base wine, grape must, fruit must, cider, perry, mead, beer and beer-based beverages and wine-based beverages made without the addition of rectified ethyl alcohol produced from edible raw materials, and (or) alcoholized wine or other fruit must, and (or) wine distillate, and (or) fruit distillate) and (or) excisable alcohol-containing products shall be obliged to pay to the budget an advance payment of excise duty on alcoholic and (or) excisable alcohol-containing products (hereinafter referred to as “advance excise duty payment”), unless otherwise provided by this clause. [as amended by Federal Laws No. 218-FZ of 18.07.2011 (Rev. 28.11.2011), No. 259-FZ of 25.12.2012, No. 326-FZ of 29.09.2019]

[Paragraph lost force from 01.01.2020 – Federal Law No. 326-FZ of 29.09.2019]
with the crude ethyl alcohol. [as amended by Federal Laws No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]

For the purposes of this Chapter an advance payment of excise duty shall be understood to mean the payment of excise duty in advance on alcoholic and (or) alcohol-containing products prior to the acquisition (purchase) of ethyl alcohol (including ethyl alcohol which is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and is a Eurasian Economic Union good) or before the operation provided for in subsection 22 of clause 1 of Article 182 of this Code is carried out. In this respect, for the purposes of this Article the date of acquisition (purchase) of ethyl alcohol manufactured in the territory of the Russian Federation shall be defined as the date on which the alcohol is despatched by the supplier. The date of importation of ethyl alcohol into the Russian Federation from the territories of member states of the Eurasian Economic Union shall be defined as the date on which the ethyl alcohol is recorded as received by the purchaser which manufactures alcoholic and (or) excisable alcohol-containing products. [as amended by Federal Laws No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]

The amount of an advance excise duty payment shall be determined on the basis of the total volume of ethyl alcohol, including crude alcohol (in litres of anhydrous alcohol), that is purchased (transferred within the structure of one organization for subsequent use in manufacturing alcoholic and (or) alcohol-containing products) and (or) imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and the relevant excise duty rate established by clause 1 of Article 193 of this Code for alcoholic and (or) alcohol-containing products. In this respect, the amount of the advance excise duty payment shall be determined for the tax period as a whole on the basis of the total volume of ethyl alcohol purchased from each seller and (or) through the conduct of operations provided for in subsection 22 of clause 1 of Article 182 of this Code. [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]

The payment of an advance excise duty payment shall take place in accordance with the procedure and within the time limits which are established by Article 204 of this Code. [clause 8 inserted by Federal Law No. 306-FZ of 27.11.2010]

9. Taxpayers which manufacture cigarettes and (or) papirosy and (or) cigarillos and (or) bidis and (or) kreteks in the territory of the Russian Federation shall calculate amounts of excise duty on those excisable goods for tax periods commencing in the period from 1 September (inclusively) of each calendar year to 31 December (inclusively) of the same year with account taken of the coefficient T which is determined as follows:

- if the aggregate volume of excisable goods such as are referred to in paragraph 1 of this clause sold by an organization in a tax period ($V_{np}$) exceeds the average monthly aggregate volume of sales of those excisable goods in the preceding calendar year ($V_{av}$), the value of the coefficient $T = 1 + 0.3 \times (V_{np} - V_{av}) / V_{np}$ (the value of the coefficient $T$ shall be rounded to the second decimal place in accordance with current rounding rules);

- in other cases the coefficient $T$ shall be taken to be equal to 1.

The coefficient $T$ shall also be taken to be equal to 1 for persons which have become taxpayers for the first time on grounds provided for in this Chapter in relation to those excisable goods in
the calendar year of the current tax period or in the year preceding the year of the current tax period.

For the purposes of this clause, the average monthly aggregate volume of excisable goods sold shall be determined by dividing the total volume of sales of those goods over a year by 12.

[clause 9 inserted by Federal Law No. 401-FZ of 30.11.2016]

10. Taxpayers that import cigarettes and (or) papirosy and (or) cigarillos and (or) bidis and (or) kreteks into the Russian Federation shall calculate amounts of excise duty on those excisable goods in the period from 1 September to 31 December (inclusively) of each calendar year with account taken of the coefficient $T_i$, which shall be determined as follows:

- if the aggregate volume in physical terms of excisable goods referred to in paragraph 1 of this clause imported into the Russian Federation by the taxpayer from the beginning of the calendar month ($V_{\text{inp}}$) exceeds the monthly average aggregate volume of those excisable goods imported into the Russian Federation by the taxpayer in the preceding calendar year ($V_{\text{iav}}$), the value of the coefficient $T_i = 1 + 0.3 \times (V_{\text{inp}} - V_{\text{iav}}) / V_{\text{inp}}$ (the value of the coefficient $T_i$ shall be rounded to the second decimal point in accordance with current rounding rules);

- in other cases the coefficient $T_i$ shall be taken to be equal to 1.

The coefficient $T_i$ shall be applied by the taxpayer independently when calculating the amount of excise duty payable in relation to a consignment of goods referred to in paragraph 1 of this clause which is imported into the Russian Federation and with respect to which the level specified in paragraph 2 of this clause is exceeded and each subsequent consignment of goods which is imported into the Russian Federation during the calendar month referred to in paragraph 2 of this clause.

In order to confirm the volumes of excisable goods referred to in paragraph 1 of this clause imported into the Russian Federation in the period from 1 September to 31 December (inclusively) of each calendar year, a taxpayer shall be obliged to submit to the customs authority a statement of volumes of excisable goods referred to in paragraph 1 of this clause imported into the Russian Federation in paper or electronic form using a form and formats to be approved by the federal executive body in charge of control and supervision in the customs sphere.

The statement shall be submitted to the customs authority at which goods are declared for customs purposes (excise duty is paid in relation to goods imported into the Russian Federation from the territories of member states of the Eurasian Economic Union) at the same time as the submission of the goods declaration (statement of payment of excise duty in relation to goods imported into the Russian Federation from the territories of member states of the Eurasian Economic Union).

For the purposes of this clause, the monthly average aggregate volume of excisable goods referred to in paragraph 1 of this clause imported into the Russian Federation by the taxpayer shall be determined by dividing the total volume of those goods imported into the Russian Federation in the calendar year by 12.

[clause 10 inserted by Federal Law No. 78-FZ of 01.05.2019]
**Article 195. Definition of the Date of Sale (Transfer) or Receipt of Excisable Goods** [title as amended by Federal Law No. 117-FZ of 07.07.2003] [article as reworded by Federal Law No. 110-FZ of 24.07.2002 (Rev. 31.12.2002)]


2. For the purposes of this Chapter, the date of sale (transfer) of excisable goods shall be defined as the day on which the excisable goods in question are despatched (transferred), including despatch (transfer) to a structural subdivision of an organization which carries out the retail sale of the goods in question. [as amended by Federal Law No. 134-FZ of 26.07.2006]


In the case of the operations which are referred to in subsection 7 of clause 1 of Article 182 of this Code, the date of transfer shall be the date on which the acceptance and transfer certificate for the excisable goods is signed. [as amended by Federal Law No. 134-FZ of 26.07.2006]

In the case of the operations which is referred to in subsection 21 of clause 1 of Article 182 of this Code, the date of receipt of straight-run petrol shall be the day on which it is received by an organization which possesses a certificate for the processing of straight-run petrol. [paragraph inserted by Federal Law No. 134-FZ of 26.07.2006]

In the case of the operations referred to in subsections 23 and 24 of clause 1 of Article 182 of this Code, the date on which straight-run petrol is recorded as received shall be understood to be the day on which it is recorded as received by a person possessing a certificate for the processing of straight-run petrol. [paragraph inserted by Federal Law No. 366-FZ of 24.11.2014]

In the case of the operation referred to in subsection 25 of clause 1 of Article 182 of this Code, the date of receipt of benzene, paraxylene or orthoxylene shall be understood to be the day on which it is received by a person possessing a certificate to carry out operations involving benzene, paraxylene or orthoxylene. [paragraph inserted by Federal Law No. 366-FZ of 24.11.2014]

In the case of the operations referred to in subsections 26 and 27 of clause 1 of Article 182 of this Code, the date on which benzene, paraxylene or orthoxylene is recorded as received shall be understood to be the day on which it is recorded as received by a person possessing a certificate to carry out operations involving benzene, paraxylene or orthoxylene. [paragraph inserted by Federal Law No. 366-FZ of 24.11.2014]

In the case of the operation referred to in subsection 28 of clause 1 of Article 182 of this Code, the date of receipt of jet fuel shall be understood to be the day on which it is received by a person who is included in the Register of Civil Aviation Operators of the Russian Federation and possesses an operator’s certificate. [paragraph inserted by Federal Law No. 366-FZ of 24.11.2014]

In the case of the operation referred to in subsection 29 of clause 1 of Article 182 of this Code, the date of receipt of medium distillates shall be understood to mean the day on which they are received by a Russian organization which holds a certificate such as is provided for in Article 179.5 of this Code. [paragraph inserted by Federal Law No. 323-FZ of 23.11.2015]

In the case of the operation referred to in subsection 30 of clause 1 of Article 182 of this Code, the date of sale of medium distillates shall be understood to mean the last day of the month in
which the full set of documents provided for in clause 23 of Article 201 of this Code is assembled. [paragraph inserted by Federal Law No. 323-FZ of 23.11.2015]

In the case of the operation referred to in subsection 31 of clause 1 of Article 182 of this Code, the date of sale of medium distillates shall be determined in accordance with paragraph 1 of this clause. [paragraph inserted by Federal Law No. 323-FZ of 23.11.2015]

In the case of the operation referred to in subsection 32 of clause 1 of Article 182 of this Code, the date of receipt of medium distillates shall be deemed to be the day on which they are received by a Russian organization possessing a certificate such as is provided for in Article 179.6 of this Code and (or) in documents submitted by that entity in accordance with clause 20 of Article 179.7 of this Code. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017; as amended by Federal Law No. 321-FZ of 15.10.2020]

In the case of the operation referred to in subsection 33 of clause 1 of Article 182 of this Code, the date on which medium distillates are recorded in accounts shall be deemed to be the day on which they are recorded in accounts by a Russian organization possessing a certificate such as is provided for in Article 179.6 of this Code. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]

In the case of the operations provided for in subsection 34 of clause 1 of Article 182 of this Code, the date on which petroleum feedstocks are supplied for processing shall be considered to be the date on which petroleum feedstocks owned by an organization possessing a certificate of registration of an entity that carries out petroleum feedstock processing operations are released for manufacture to be processed at production facilities belonging to that organization or to an organization which directly provides petroleum feedstock processing services to that organization. In this respect, the volume of petroleum feedstocks released for manufacture shall be determined on the basis of data from measuring instruments located in places specified in the certificate of registration of an entity that carries out petroleum feedstock processing operations. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)]

[Paragraphs 16 to 18 lost force from 01.04.2020 – Federal Law No. 255-FZ of 30.07.2019]

In the case of the operation referred to in subsection 38 of clause 1 of Article 182 of this Code, the date on which grapes are used shall be taken to be the last day of the tax period in which wine, sparkling wine (champagne), liqueur wine with a protected geographical indication or a protected appellation of origin (special wine), base wine, grape must and alcoholic beverages produced through a fully integrated process that were produced from those grapes are sold by a person possessing a licence for the production, storage and supply of produced wine (including with a protected geographical indication or a protected appellation of origin), and (or) sparkling wine (champagne) (including with a protected geographical indication or a protected appellation of origin), and (or) liqueur wine with a protected geographical indication or a protected appellation of origin (special wine), or by a person possessing a licence for the production, storage, supply and retail sale of wine, and (or) sparkling wine (champagne), and (or) liqueur wine with a protected geographical indication or a protected appellation of origin (special wine) produced by agricultural producers, or by a person possessing a licence for the production, storage and supply of produced base wine and (or) grape must, or by a person possessing a licence for the production, storage and supply of produced alcoholic beverages. [paragraph inserted by Federal Law No. 326-FZ of 29.09.2019]
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[EY Note: Paragraphs are appended to clause 2 of Article 195 from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]


4. In the event that a shortage of excisable goods is discovered, the date of sale (transfer) of those goods shall be defined as the day on which the shortage is discovered (except in the case of shortages within the limits of natural loss norms which have been approved by an authorized federal executive body).

[clause 4 as reworded by Federal Law No. 107-FZ of 21.07.2005]

5. In the case of the operations referred to in subsections 20 and 20.1 of clause 1 of Article 182 of this Code, the date on which ethyl alcohol was received shall be considered to be the day on which it was received (recorded in accounts) by an organization possessing a certificate (certificates) provided for in clause 1 of Article 179.2 of this Code.

[clause 5 as reworded by Federal Law No. 326-FZ of 29.09.2019]


[Article 197.1. Lost force – Federal Law No. 137-FZ of 27.07.2006]

Article 198. Amount of Excise Duty to be Charged by the Seller to the Purchaser [article as reworded by Federal Law No. 110-FZ of 24.07.2002 (Rev. 31.12.2002)]

1. A taxpayer that carries out operations that are deemed in accordance with this Chapter to be a taxable object, with the exception of operations involving the sale (transfer) of straight-run petrol by a taxpayer possessing a certificate for the production of straight-run petrol to a taxpayer possessing a certificate for the processing of straight-run petrol (including on the basis of administrative documents of the owner of straight-run petrol produced from customer-supplied raw materials (other materials)), operations involving the sale of ethyl alcohol to a taxpayer possessing a certificate (certificates) provided for in clause 1 of Article 179.2 of this Code and operations involving the sale (transfer) of natural gas where the charging of excise duty on those operations is provided for in international agreements of the Russian Federation shall be obliged to charge the purchaser of the excisable goods (the owner of the customer-supplied raw materials (other materials)) an appropriate amount of excise duty.

[clause 1 as reworded by Federal Law No. 326-FZ of 29.09.2019]

2. In settlement documents, including cheque registers and registers of the receipt of funds under a letter of credit, in primary accounting documents and in VAT invoices, the appropriate amount of excise duty shall be indicated in a separate line, except in the case of operations:

1) involving the sale of excisable goods beyond the boundaries of the territory of the Russian Federation;

2) involving the sale (transfer) of straight-run petrol (including on the basis of administrative documents of the owner of straight-run petrol produced from customer-supplied raw materials
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3) involving the sale of ethyl alcohol to a taxpayer possessing a certificate (certificates) provided for in clause 1 of Article 179.2 of this Code.

[clause 2 as reworded by Federal Law No. 326-FZ of 29.09.2019]

3. Where operations involving excisable goods are carried out which are exempt from taxation in accordance with Article 183 of this Code, settlement documents, primary accounting documents and VAT invoices shall be prepared without appropriate amounts of excise duty being specified. In this respect, the documents shall be inscribed or stamped with the words “Without excise duty”. [as amended by Federal Laws No. 117-FZ of 07.07.2003, No. 229-FZ of 27.07.2010, No. 353-FZ of 27.11.2017]

4. Where excisable goods are sold (transferred) on a retail basis, the appropriate amount of excise duty shall be included in the price of those goods. In this respect, the amount of excise duty shall not be indicated separately on goods labels and price-lists displayed by the seller or on receipts and other documents issued to the purchaser. [as amended by Federal Law No. 134-FZ of 26.07.2006]


6. Where excisable goods are imported into the territory of the Russian Federation and other territories under its jurisdiction, the appropriate completed customs forms and settlement documents certifying the payment of excise duty shall be used as control documents to establish the legitimacy of tax deductions. [as amended by Federal Law No. 306-FZ of 27.11.2010]

7. Where excisable goods are shipped beyond the boundaries of the territory of the Russian Federation under the export customs procedure, the following documents shall be presented to the tax authority where the taxpayer is registered for the purpose of supporting the applicability of an excise duty exemption granted in accordance with clauses 2, 2.1, 2.2 and 4 of Article 184 of the Code and obtaining a reimbursement of amounts of excise duty paid by the taxpayer in connection with the absence of a bank guarantee or a surety agreement such as are provided for in clauses 2, 2.2 and 4 of Article 184 of this Code and amounts of excise duty paid by the taxpayer which are tax-deductible in accordance with Article 200 of this Code in accordance with the procedure established by Article 201 of this Code: [as amended by Federal Law No. 401-FZ of 30.11.2016]

1) the contract (a copy of the contract) between the taxpayer and a contracting party for the supply of excisable goods. Where the export supply of excisable goods is carried out under a commission agreement, contract of delegation or agency agreement, the taxpayer shall present to the tax authorities the commission agreement, contract of delegation or agency agreement (copies of those agreements) and the contract (a copy of the contract) between the person who carries out the export supply of the excisable goods on the taxpayer’s behalf (in accordance with the commission agreement, contract of delegation or agency agreement) and the contracting party.

Where the export of excisable goods produced from customer-supplied raw materials is carried out by the owner of the customer-supplied raw materials and other materials, the taxpayer shall present to the tax authorities the agreement between the owner of the excisable goods produced
from the customer-supplied raw materials and the taxpayer on the production of excisable goods and the contract (a copy of the contract) between the owner of the customer-supplied raw materials and the contracting party. [as amended by Federal Law No. 134-FZ of 26.07.2006]

Where the export of excisable goods produced from customer-supplied raw materials is carried out by another person under a commission agreement or another agreement with the owner of the customer-supplied raw materials, the taxpayer which manufactures those goods from customer-supplied raw materials shall present to the tax authorities, in addition to the agreement between the owner of the excisable goods produced from customer-supplied raw materials and the taxpayer on the production of excisable goods, the commission agreement, contract of delegation or agency agreement (copies of these documents) between the owner of those excisable goods and the person who carries out the export supply of the goods and the contract (a copy of the contract) between the person who carries out the export supply of the excisable goods and the contracting party;


[2) lost force from 01.07.2015 – Federal Law No. 150-FZ of 8.06.2015]

3) a customs declaration (a copy thereof) with marks made by the Russian customs authority which cleared the goods under the export customs procedure and by the Russian customs authority at the place of exit through which the goods were removed from the customs territory of the Eurasian Economic Union (hereafter in this Article referred to as “Russian exit customs authority”) is situated. [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 338-FZ of 28.11.2011, No. 323-FZ of 23.11.2015]

Where oil products are shipped out of the territory of the Russian Federation under the export customs procedure by pipeline transport, a full customs declaration shall be presented with marks made by the Russian customs authority which carried out the customs clearance of that shipment of oil products. [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 338-FZ of 28.11.2011]

Where oil products are exported under the export customs procedure across the border of the Russian Federation with a member state of the Eurasian Economic Union on which customs clearance has been abolished to third-party countries, a customs declaration shall be presented bearing marks made by the Russian customs authority which carried out the customs clearance of that exportation of excisable goods; [as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 338-FZ of 28.11.2011, No. 323-FZ of 23.11.2015]

4) [paragraphs 10-16 lost force – Federal Law No. 302-FZ of 3.08.2018]


The documents referred to in this clause shall be submitted to the tax authorities:

[paragraph inserted by Federal Law No. 101-FZ of 05.04.2016]

- by taxpayers which have presented a bank guarantee such as is provided for in clause 2 of Article 184 of this Code, by taxpayers which meet the criteria established by clause 2.1 of Article 184 of this Code, by taxpayers whose obligation to pay excise duty is secured by a surety bond in accordance with clause 2.2 of Article 184 of this Code and by taxpayers referred
to in clause 2.3 of Article 184 of this Code – within six months from the date of submission to the tax authority of a tax declaration for excise duties for the tax period in which there falls the date of occurrence of operations which are exempt from excise duties, as determined in accordance with Article 195 of this Code;  

- by taxpayers which presented a bank guarantee such as is provided for in clause 4 of Article 184 of this Code - not later than the 25th of the month following the month in which there falls the 250th calendar day from the beginning of the first tax period of the computation period.

In the event of a failure to present to the tax authority all or some of the documents referred to in this clause, excise duty on those excisable goods shall be paid in accordance with the procedure established by this Chapter in relation to operations involving excisable goods in the territory of the Russian Federation.

If the taxpayer subsequently submits documents (copies of documents) to the tax authorities supporting the tax exemption for sales of excisable goods beyond the boundaries of the territory of the Russian Federation under the export customs procedure, amounts of excise duty paid shall be reimbursable to the taxpayer in accordance with the procedure and subject to the conditions which are laid down in clause 4 of Article 203 of this Code.

7.1. Where Russian goods which have been placed under the free customs zone customs procedure are imported into a port special economic zone, in order to confirm the legitimacy of exemption from the payment of excise duty and of tax deductions the following documents shall be presented to the tax authority where the taxpayer is registered within 180 days from the day on which those goods are imported into the port special economic zone:  

1) the contract (a copy of the contract) concluded with a resident of the special economic zone;  

2) a copy of the certificate of registration of a person as a resident of a special economic zone, issued by the federal executive body authorized to carry out functions involving the administration of special economic zones or a territorial body thereof;  

3) a customs declaration (a copy thereof) bearing marks made by a customs authority concerning the clearance of the goods in accordance with the free customs zone customs procedure, or, in the case of the importation into a port special economic zone of Russian goods which, outside the port special economic zone, were placed under the export customs procedure, a customs declaration (a copy thereof) bearing marks made by the customs authority which cleared the goods in accordance with the export customs procedure and the customs authority which is authorized to perform customs procedures and customs operations associated with the customs clearance of goods in accordance with the free customs zone customs procedure and in whose region of activity the port special economic zone is situated;  

4) documents confirming the transfer of the goods to a resident of the port special economic zone;
5) the documents specified by subsection 1 of clause 7 of this Article in the case of the importation into a port special economic zone of goods which, outside the port special economic zone, were placed under the export customs procedure. [as amended by Federal Law No. 306-FZ of 27.11.2010]
[clause 7.1 inserted by Federal Law No. 240-FZ of 30.10.2007]

7.2. Where excisable goods are exported beyond the boundaries of the territory of the Russian Federation under the re-export customs procedure, the following documents shall be presented to the tax authority where the taxpayer is registered for the purpose of supporting the validity of an exemption from the payment of excise duty which was granted in accordance with clauses 2, 2.1 and 2.2 of Article 184 of this Code and the reimbursement of amounts of excise duty which were paid by the taxpayer owing to the absence of a bank guarantee or a surety agreement such as are provided for in clauses 2 and 2.2 of Article 184 of this Code:

1) a contract (copy of a contract) between the taxpayer and a foreign person for the supply of excisable goods beyond the boundaries of the customs territory of the Eurasian Economic Union or a contract (copy of a contract) between the taxpayer and a foreign person in accordance with which the transfer takes place of excisable goods exported under the re-export customs procedure which were obtained (formed) as a result of operations involving the processing of goods placed under the processing in the customs territory customs procedure or were manufactured (obtained) from goods placed under the free customs zone and free warehouse customs procedures.

Where the sale (transfer) of excisable goods exported under the re-export customs procedure which were obtained (formed) as a result of operations involving the processing of goods placed under the processing in the customs territory customs procedure or were manufactured (obtained) from goods placed under the free customs zone and free warehouse customs procedures is carried out under a commission agreement, a contract of delegation or an agency agreement, the taxpayer shall present to the tax authorities the commission agreement, contract of delegation or agency agreement (copies of those agreements) and the contract (a copy of the contract) between the person who carries out the above-mentioned operations on the taxpayer’s behalf (in accordance with the commission agreement, contract of delegation or agency agreement) and a contract partner;

2) customs declarations (copies thereof) confirming the placement under the re-export customs procedure of goods which were manufactured (obtained) from goods placed under the free customs zone and customs warehouse customs procedures or which are processed products, waste products and (or) remnants obtained (formed) as a result of operations involving the processing of goods placed under the processing in the customs territory customs procedure.

Where oil products are shipped out of the territory of the Russian Federation under the re-export customs procedure by pipeline transport, a full customs declaration shall be presented with marks made by the Russian customs authority which carried out the customs clearance of that shipment of oil products.

Where oil products are exported under the re-export customs procedure across the border of the Russian Federation with a member state of the Eurasian Economic Union on which customs clearance has been abolished to third-party countries, a customs declaration shall be presented
bearing marks made by the Russian customs authority which carried out the customs clearance of that exportation of excisable goods;

3) [paragraphs 7-13 lost force – Federal Law No. 302-FZ of 3.08.2018]

The documents referred to in this clause shall be submitted to the tax authorities by taxpayers which have presented a bank guarantee such as is provided for in clause 2 of Article 184 of this Code, by taxpayers which meet the criteria established by clause 2.1 of Article 184 of this Code and by taxpayers whose obligation to pay excise duty is secured by a surety bond in accordance with clause 2.2 of Article 184 of this Code within six months from the date of submission to the tax authority of a tax declaration for excise duties for the tax period in which there falls the date of occurrence of operations which are exempt from assessment to excise duties, as determined in accordance with Article 195 of this Code.

In the event of a failure to present to the tax authority all or some of the documents referred to in this clause, excise duty on those excisable goods shall be paid in accordance with the procedure established by this Chapter in relation to operations involving excisable goods in the territory of the Russian Federation. [as amended by Federal Law No. 302-FZ of 03.08.2018]

If the taxpayer subsequently submits documents (copies of documents) to the tax authorities supporting the exemption from taxation of operations such as are referred to in subsections 4.1 and 4.2 of clause 1 of Article 183 of this Code, amounts of excise duty paid shall be reimbursable to the taxpayer in accordance with the procedure and subject to the conditions which are laid down in clause 4 of Article 203 of this Code. [clause 7.2 inserted by Federal Law No. 353-FZ of 27.11.2017]

7.3. Where information submitted by a taxpayer is found to conflict with information possessed by the tax authority, or where the tax authority does not have information received in accordance with clause 17 of Article 165 of this Code, the tax authority shall have the right to request copies of transport, shipping and (or) other documents confirming that goods have been carried out of the customs territory of the Eurasian Economic Union. In this respect, the taxpayer shall submit any of the listed documents within 30 calendar days from the date of receipt of the relevant request of the tax authority, with account taken of the following special considerations.

Where oil products are exported under the export customs regime via seaports, the taxpayer shall submit copies of the following documents to the tax authorities to confirm that goods have been carried out of the territory of the Russian Federation:

- the order for the shipping of the oil products, indicating the port of discharge;

- the bill of lading for the carriage of exported oil products in which a place situated outside the territory of the Russian Federation is indicated in the “Port of discharge” section.

Where oil products are exported under the export (re-export) customs procedure in rail tank cars, the taxpayer shall submit copies of transport, shipping and (or) other documents confirming the carriage of oil products out of the territory of the Russian Federation to the tax authorities for the purpose of confirming the carriage of goods out of the territory of the Russian Federation.
Where goods are exported under the export (re-export) customs procedure by rail transport, requested transport documents may be submitted by a taxpayer to a tax authority in electronic form in the format approved jointly by the federal executive body in charge of control and supervision in the area of taxes and levies and the federal executive body in charge of control and supervision in the customs sphere. Those documents shall be submitted to the tax authority in electronic form via telecommunications channels through an electronic document exchange operator which is a Russian organization and meets the requirements approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 7.3 inserted by Federal Law No. 302-FZ of 03.08.2018]


9. Where straight-run petrol is transferred on the basis of administrative documents of the owner by a taxpayer which possesses a certificate for the production of straight-run petrol to a person which possesses a certificate for the processing of straight-run petrol, settlement documents, primary accounting documents and VAT invoices (which are issued by the producer of straight-run petrol to the owner of that petrol, and by the owner of the straight-run petrol to the purchaser) shall be prepared without the corresponding amounts of excise duty being separately indicated. In this respect, those documents shall be inscribed or stamped with the words “Without excise duty”. [as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 326-FZ of 29.09.2019]

Where straight-run petrol is sold (transferred) by a taxpayer which possesses a certificate for the production of straight-run petrol to a person which possesses a certificate for the processing of straight-run petrol, settlement documents, primary accounting documents and VAT invoices shall be drawn up without the corresponding amounts of excise duty being separately indicated. In this respect, those documents shall be inscribed or stamped with the words “Without excise duty”. [as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 323-FZ of 23.11.2015]

[clause 9 as reworded by Federal Law No. 134-FZ of 26.07.2006]

10. For the purpose of confirming the validity of an excise duty exemption granted in accordance with clauses 2, 2.1 and 4 of Article 184 of the Code and the reimbursement of amounts of excise duty paid by a taxpayer in connection with the absence of a bank guarantee such as is provided for in clauses 2 and 4 of Article 184 of this Code and amounts of excise duty paid by a taxpayer which, in accordance with Article 200 of this Code, are tax-deductible in accordance with the procedure established by Article 201 of this Code, a taxpayer may submit to the tax authority a register of customs declarations (full customs declarations) such as are specified in subsection 3 of clause 7 and subsection 2 of clause 7.2 of this Article containing the registration numbers of the declarations concerned in place of copies of those declarations.

The register provided for in this clause shall be submitted to the tax authority in the prescribed format in electronic form via telecommunications channels through an electronic document exchange operator which is a Russian organization and meets the requirements approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

In the event that a taxpayer submits a register such as is provided for in this clause which contains information which is not included in the list referred to in clause 18 of Article 165 of this Code of information to be transmitted by the federal executive body in charge of the
customs sphere, the tax authority shall have the right to request the taxpayer to present the documents from which information included in the above-mentioned register was taken.

In the event that information received by a tax authority in accordance with clause 17 of Article 165 of this Code is found to be inconsistent with information contained in a register such as is provided for in this clause, the tax authority shall have the right to request the taxpayer to present documents confirming the information in relation to which inconsistencies have been found.

Where a tax authority requests documents from which information included in a register such as is provided for in this clause was taken, copies of those documents shall be submitted by the taxpayer within 30 calendar days from the date of receipt of the tax authority’s request. The documents submitted must meet the requirements laid down in clauses 7 and 7.2 of this Article, unless otherwise provided in this clause.

Where a taxpayer fails to submit upon a tax authority’s request documents such as are referred to in clauses 7 and 7.2 of this Article from which information included in a register such as is provided for in this clause was taken, or those documents have been submitted but do not meet the requirements of clause 7 or clause 7.2 of this Article, the validity of the excise duty exemption shall be considered unconfirmed to the corresponding extent.

In the case of the sale of goods carried out of the customs territory of the Eurasian Economic Union under the export (re-export) customs procedure, copies of requested customs declarations from which information included in a register submitted to a tax authority in electronic form was taken may be submitted to the tax authorities without corresponding marks made by Russian exit customs authorities.

In the event that the carriage of goods out of the customs territory of the Eurasian Economic Union under the export (re-export) customs procedure on the basis of documents submitted by the taxpayer is not confirmed by data received from the federal executive body in charge of control and supervision in the customs sphere in accordance with clause 17 of this Article, notice of this fact shall be given to the taxpayer. The taxpayer may, within 15 calendar days of receiving the tax authority’s notice, submit necessary explanations and any documents in the taxpayer’s possession which confirm the exportation of the goods concerned.

If the carriage of goods out of the customs territory of the Eurasian Economic Union under the export (re-export) customs procedure is not confirmed by data (information) received from the federal executive body in charge of control and supervision in the area of taxes and levies, the validity of the excise duty exemption shall be considered unconfirmed to the corresponding extent. The request of the federal executive body in charge of control and supervision in the area of taxes and levies to the federal executive body in charge of control and supervision in the customs sphere must include explanations and documents, if any, which were submitted by the taxpayer to the tax authority in accordance with paragraph 8 of this clause.

11. The list of details from documents (including stamps and other information made (entered) by the Russian customs authorities on those documents in accordance with Eurasian Economic Union law) submitted to the tax authority in accordance with clauses 7 and 7.2 of this Article
which are to be entered in registers such as are provided for in clause 10 of this Article, the standard forms of and procedure for completing those registers and the formats and procedure for the submission of those registers to the tax authority in electronic form shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. [as amended by Federal Law No. 353-FZ of 27.11.2017]

Details which are entered in registers such as are provided for in this clause shall include information on the amount and units of measure of the tax base arising from operations provided for in subsection 4 of clause 1 of Article 183 of this Code. [clause 11 inserted by Federal Law No. 101-FZ of 05.04.2016]

12. Where excisable goods are exported from the territory of the Russian Federation to the territory of member states of the Eurasian Economic Union, documents provided for in the Agreement on the Eurasian Economic Union of 29 May 2014 shall be submitted to the tax authorities with account taken of the following special considerations.

Transport (shipping) and (or) other documents confirming the movement of goods from the territory of the Russian Federation into the territory of a member state of the Eurasian Economic Union need not be submitted together with the tax declaration if the taxpayer submits to the tax authority in electronic form a list of statements of the importation of goods and the payment of indirect taxes.

A tax authority conducting an in-house tax audit (tax monitoring) shall have the right selectively to request from a taxpayer transport (shipping) and (or) other documents confirming the movement of goods from the territory of the Russian Federation into the territory of a member state of the Eurasian Economic Union information from which is included in the statement of the importation of goods and the payment of indirect taxes whose particulars are stated in the electronically submitted list of statements of the importation of goods and the payment of indirect taxes. The taxpayer shall submit the requested documents (copies thereof) within 30 calendar days from the date of receipt of the relevant request from the tax authority. [as amended by Federal Law No. 470-FZ of 29.12.2020]

In the event a taxpayer fails to submit on a tax authority’s request transport (shipping) and (or) other documents confirming the movement of goods from the territory of the Russian Federation into the territory of a member state of the Eurasian Economic Union information from which is included in a statement of the importation of goods and the payment of indirect taxes whose particulars are stated in an electronically submitted list of statements of the importation of goods and the payment of indirect taxes, the applicability of the excise duty exemption shall be considered unconfirmed to the corresponding extent. [clause 12 inserted by Federal Law No. 302-FZ of 03.08.2018]

13. Contracts (agreements) which this Article requires to be submitted to the tax authorities may be submitted in the form of a single written document signed by the parties or documents indicating the reaching of agreement on all fundamental conditions of a transaction and containing necessary information on the subject of, participants in and conditions of the transaction, including the price and the timeframe for the performance of the transaction.

Where documents provided for in this clause were previously submitted to the tax authority for the purpose of supporting the application of the 0 per cent tax rate for value added tax in
accordance with Article 165 of this Code for preceding tax periods or supporting exemption from the payment of excise duty (reimbursement of amounts of excise duty) in accordance with clause 7 of this Article, they need not be submitted again. Instead of submitting the documents referred to in this paragraph, the taxpayer shall submit to the tax authorities a notification giving the particulars of the document by which (as an appendix to which) the requested documents were submitted and the name of the tax authority to which they were submitted.

[clause 13 inserted by Federal Law No. 302-FZ of 03.08.2018]


1. Amounts of excise duty which are calculated by a taxpayer upon selling excisable goods (with the exception of sale without consideration) and which are charged to the purchaser shall be included by the taxpayer in the value of excisable goods sold, with account taken of the provisions of Chapter 25 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 06.08.2001, No. 117-FZ of 07.07.2003, No. 269-FZ of 30.09.2013]

Amounts of excise duty which are calculated by a taxpayer in respect of operations involving the transfer of excisable goods which are taxable in accordance with this Chapter and upon the sale thereof without consideration shall be charged by the taxpayer to the sources to which expenses associated with those excisable goods are charged. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003]

2. Amounts of excise duty which are charged by a taxpayer to a purchaser upon selling excisable goods shall be included by the purchaser in the value of the acquired excisable goods unless otherwise stipulated by clause 3 of this Article. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003]

Amounts of excise duty actually paid upon importing excisable goods into the territory of the Russian Federation and other territories under its jurisdiction shall be included in the value of those excisable goods unless otherwise stipulated by clause 3 of this Article. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 306-FZ of 27.11.2010]

Amounts of excise duty which are charged by a taxpayer to the owner of customer-supplied raw materials (other materials) shall be included by the owner of the customer-supplied raw materials (other materials) in the value of the excisable goods which are produced from those raw materials (other materials), except where excisable goods produced from customer-supplied raw materials are transferred for the subsequent production of excisable goods, unless otherwise established by clause 3 of Article 200 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 110-FZ of 24.07.2002 (Rev. 31.12.2002), No. 117-FZ of 07.07.2003, No. 134-FZ of 26.07.2006, No. 305-FZ of 02.07.2021]

3. There shall not be included in the value of excisable goods which have been acquired, imported into the territory of the Russian Federation or transferred as customer-supplied raw materials and there shall be deductible or refundable in accordance with the procedure which is laid down in this Chapter amounts of excise duty which are charged to the purchaser upon the acquisition of those goods and amounts of excise duty which are payable upon importation into the customs territory of the Russian Federation or which are charged to the owner of customer-supplied raw materials (other materials) upon the transfer of excisable goods which are used as raw materials for the production of other excisable goods. This provision shall apply
in the event that the rates of excise duty for the excisable goods which are used as raw materials and the rates of excise duty for the excisable goods which are produced from those raw materials are based on the same unit of measurement of the tax base.

[clause 3 as reworded by Federal Law No. 57-FZ of 29.05.2002]

[EY Note: Paragraph 1 of clause 4 of Article 199 is amended from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]

4. When operations such as are referred to in subsections 1 to 10 of this clause are carried out, the amount of excise duty shall be taken into account according to the following procedure: [as amended by Federal Laws No. 323-FZ of 23.11.2015, No. 335-FZ of 27.11.2017, No. 301-FZ of 03.08.2018, No. 326-FZ of 29.09.2019]

1) the amount of excise duty calculated by a taxpayer in respect of operations referred to in subsections 20 and 20.1 of clause 1 of Article 182 of this Code shall not be included in the value of ethyl alcohol received (recorded in accounts) if ethyl alcohol received (recorded in accounts) by the taxpayer is subsequently used by the taxpayer for the production (in the production) of products referred to in clause 1 of Article 179.2 of this Code.

The amount of excise duty calculated by a taxpayer in respect of operations referred to in subsections 20 and 20.1 of clause 1 of Article 182 of this Code shall be included in the value of ethyl alcohol received (recorded in accounts) where a taxpayer possessing a certificate (certificates) provided for in clause 1 of Article 179.2 of this Code uses the ethyl alcohol received (recorded in accounts) for other purposes (not indicated in paragraph 1 of this subsection);

[subsection 1 as reworded by Federal Law No. 326-FZ of 29.09.2019]

2) the amount of excise duty calculated by a taxpayer in respect of operations such as are referred to in subsection 21 of clause 1 of Article 182 of this Code shall not be included in the value of straight-run petrol which is transferred in the event that the straight-run petrol received is subsequently used (including where it is transferred for toll processing) as raw material for the production of petrochemical products, straight-run petrol, paraxylene or orthoxylene. The amount of excise duty calculated in respect of operations such as are referred to in subsection 21 of clause 1 of Article 182 of this Code shall be included in the value of straight-run petrol which is transferred in the event that the straight-run petrol received by the taxpayer is not subsequently used by the taxpayer as raw material for the production of petrochemical products, straight-run petrol, paraxylene or orthoxylene;

[subsection 2 as reworded by Federal Law No. 323-FZ of 23.11.2015]

3) the amount of excise duty calculated by a taxpayer in respect of operations such as are referred to in subsections 23 and 24 of clause 1 of Article 182 of this Code shall not be included in the value of straight-run petrol which has been recorded as received;

[subsection 3 inserted by Federal Law No. 366-FZ of 24.11.2014]

4) the amount of excise duty calculated by a taxpayer in respect of operations such as are referred to in subsections 25 to 27 of clause 1 of Article 182 of this Code shall not be included in the value of benzene, paraxylene or orthoxylene which has been recorded as received;

[subsection 3 inserted by Federal Law No. 366-FZ of 24.11.2014]
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5) the amount of excise duty calculated by a taxpayer in respect of operations such as are referred to in subsection 28 of clause 1 of Article 182 of this Code shall not be included in the value of jet fuel which is received;
[subsection 3 inserted by Federal Law No. 366-FZ of 24.11.2014]

6) the amount of excise duty calculated by a taxpayer in respect of operations such as are referred to in subsections 29 to 31 of clause 1 of Article 182 of this Code shall not be included in the value of medium distillates which are received (sold);
[subsection 6 inserted by Federal Law No. 323-FZ of 23.11.2015]

7) the amount of excise duty calculated by a taxpayer in respect of operations such as are referred to in subsections 32 and 33 of clause 1 of Article 182 of this Code shall not be included in the value of medium distillates which are received (recorded in accounts);
[subsection 7 inserted by Federal Law No. 335-FZ of 27.11.2017]

8) the amount of excise duty calculated by the taxpayer in respect of operations such as are referred to in subsection 34 of clause 1 of Article 182 of this Code shall not be included in the value of goods obtained as a result of the processing of petroleum feedstocks;
[subsection 8 inserted by Federal Law No. 301-FZ of 03.08.2018]


10) the amount of excise duty calculated by a taxpayer in respect of the operation referred to in subsection 38 of clause 1 of Article 182 of this Code shall not be included in the value of the grapes used.
[subsection 10 inserted by Federal Law No. 326-FZ of 29.09.2019]
[clause 4 as reworded by Federal Law No. 134-FZ of 26.07.2006]

[ELY Note: Subsections 11 and 12 are appended to clause 4 of Article 199 from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]

5. Amounts of advance payment which have been calculated in accordance with clause 8 of Article 194 of this Code shall not be included in the value of alcoholic and (or) excisable alcohol-containing products and shall be deductible in accordance with clause 16 of Article 200 of this Code.
[clause 5 inserted by Federal Law No. 306-FZ of 27.11.2010]

Article 200. Tax Deductions

1. A taxpayer shall have the right to reduce the amount of excise duty on excisable goods as determined in accordance with Article 194 of this Chapter by the tax deductions established by this Article, with the exception of the deductions referred to in clause 27 of this Article.

A taxpayer holding a certificate of registration of an entity that carries out petroleum feedstock processing operations shall, upon carrying out the operations referred to in subsection 34 of clause 1 of Article 182 of this Code, apply the tax deductions established by clause 27 of this Article.
[clause 1 as reworded by Federal Law No. 321-FZ of 15.10.2020]
2. Deductions shall be made for amounts of excise duty charged by sellers and paid by the taxpayer upon acquiring excisable goods or paid by the taxpayer upon importing excisable goods into the territory of the Russian Federation and other territories and facilities under its jurisdiction where those goods, having acquired the status of Eurasian Economic Union goods, were subsequently used as raw materials for the manufacture of excisable goods, unless otherwise established by this clause. For the purpose of calculating the amount of excise duty on alcohol-containing products (excluding base wine, grape must and fruit must) and (or) alcoholic products (excluding wines, fruit wines, sparkling wines (champagnes), cider, perry, mead, beer and beer-based beverages and wine-based beverages made without the addition of rectified ethyl alcohol produced from edible raw materials, and (or) alcoholized wine or other fruit must, and (or) wine distillate, and (or) fruit distillate), the above-mentioned tax deductions shall be made within the limits of the amount of excise duty calculated in respect of excisable goods used as raw material which were manufactured in the territory of the Russian Federation, or were imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and are a Eurasian Economic Union good, on the basis of the volume of goods used (in litres of anhydrous ethyl alcohol) and the excise duty rate established by clause 1 of Article 193 of this Code for ethyl alcohol sold to organizations which pay an advance excise duty payment. Where excisable goods imported into the Russian Federation, with the exception of excisable goods which were imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and are Eurasian Economic Union goods, are used as raw materials in the manufacture of alcoholic and (or) excisable alcohol-containing products, tax deductions shall be made within the limits of the amount of excise duty calculated on the basis of the volume of goods used (in litres of anhydrous ethyl alcohol) and the excise duty rate which is established by clause 1 of Article 193 of this Code for ethyl alcohol sold to organizations which do not pay an advance payment of excise duty.

In the event that the above-mentioned excisable goods are irrecoverably lost in the process of their production, storage, transportation or subsequent industrial treatment, amounts of excise duty shall likewise be deductible. In this respect, a deduction shall be made for the amount of excise duty which is attributable to the portion of goods which have been irrecoverably lost within the limits of the norms of process losses and (or) the norms of natural loss approved by the competent federal executive body for the group of goods in question.

Where an acquired excisable good is used by a taxpayer in a tax period in manufacturing both excisable and non-excisable goods, the procedure for the determination of the amount of a deduction relating to the excisable good used for the manufacture of excisable goods shall be established by the accounting policies adopted by the taxpayer for accounting purposes. That procedure may be amended in the event of a change in production methods used or from the beginning of a new tax period, but not earlier than after the lapse of 24 consecutive tax periods.

The deductions referred to in this clause shall not be applied in relation to amounts of excise duty charged by sellers and paid by a taxpayer possessing a certificate of registration of an entity that carries out operations involving the processing of medium distillates upon the acquisition of medium distillates if, upon receiving such medium distillates (recording them in
accounts), the taxpayer claims amounts of excise duty calculated in respect of those operations as deductible amounts in accordance with paragraph 2 of clause 25 of this Article. In this respect, amounts of excise duty charged by sellers and paid by the taxpayer shall be included in the value of the medium distillates acquired.

Paragraph inserted by Federal Law No. 335-FZ of 27.11.2017

3. In the case of the transfer of excisable goods produced from customer-supplied raw materials (other materials) where the customer-supplied raw materials (other materials) are excisable goods, deductions shall be made for amounts of excise duty which were paid by the owner of those customer-supplied raw materials (other materials) upon acquiring them or which it paid upon importing into the territory of the Russian Federation those raw materials (other materials) which acquired the status of Eurasian Economic Union goods, and amounts of excise duty paid by the owner of the customer-supplied raw materials (other materials) in the process of the production thereof. [as amended by Federal Laws No. 110-FZ of 24.07.2002 (Rev. 31.12.2002), No. 134-FZ of 26.07.2006, No. 306-FZ of 27.11.2010, No. 323-FZ of 23.11.2015]

Where customer-supplied raw materials (other materials) that are an excisable good are irretrievably lost by a taxpayer while being stored, transported and subsequently processed in the process of the production of excisable goods, amounts of excise duty shall likewise be deductible in respect of those irretrievably lost customer-supplied raw materials (other materials) within the limits of the process loss allowances and (or) natural wastage allowances approved by the authorized federal executive body for the relevant group of goods.

Paragraph inserted by Federal Law No. 305-FZ of 02.07.2021

Where an excisable good received from the owner as customer-supplied raw materials (other materials) is used by a taxpayer in a tax period for the production of both excisable and non-excisable goods, the procedure for determining the amount of the deduction relating to the excisable good used as customer-supplied raw materials (other materials) for the production of excisable goods shall be established by the accounting policies for taxation purposes adopted by the taxpayer. That procedure may be changed in the event that production methods used are changed or from the beginning of a new tax period, but not earlier than after the lapse of 24 consecutive tax periods.

Paragraph inserted by Federal Law No. 305-FZ of 02.07.2021

The deductions referred to in this clause shall not apply to amounts of excise duty paid by an owner of customer-supplied raw materials (other materials) possessing a certificate of registration of an entity that carries out medium distillate processing operations in respect of medium distillates produced as a result of the rendering to the owner of the customer-supplied raw materials (other materials) of services involving the processing of the customer-supplied raw materials (other materials). In this respect, amounts of excise duty paid by the owner of the customer-supplied raw materials (other materials) possessing a certificate of registration of an entity that carries out medium distillate processing operations shall be included by it in the cost of the medium distillates recorded as received.

Paragraph inserted by Federal Law No. 305-FZ of 02.07.2021


5. Amounts of excise duty paid by a taxpayer shall be deductible in the event that a purchaser returns (including within the warranty period) or rejects excisable goods, with the exception of alcoholic products marked with federal excise stamps, provided that the conditions established
by clause 5 of Article 201 of this Code are met.
[clause 5 as reworded by Federal Law No. 335-FZ of 27.11.2017]


7. A taxpayer shall have the right to reduce the total amount of excise duty on excisable goods as determined in accordance with Article 194 of this Code by the amount of excise duty calculated by the taxpayer on amounts of advance payments and (or) other payments which have been received against future supplies of excisable goods.
[clause 7 inserted by Federal Law No. 118-FZ of 07.08.2001, as amended by Federal Law No. 117-FZ of 07.07.2003]


11. Deductions shall be made for amounts of excise duty charged upon the occurrence of operations provided for in subsections 20 and 20.1 of clause 1 of Article 182 of this Code by a taxpayer possessing a certificate (certificates) provided for in clause 1 of Article 179.2 of this Code if ethyl alcohol received (recorded in accounts) is used for the production of goods specified in that certificate and (or) documents submitted by the taxpayer in accordance with clause 4.5 of Article 179.2 of this Code, subject to the submission of documents in accordance with clause 11 of Article 201 of this Code.
[clause 11 as reworded by Federal Law No. 326-FZ of 29.09.2019]


13. A taxpayer holding a certificate for the production of straight-run petrol may claim deductions for amounts of excise duty calculated upon selling straight-run petrol or transferring straight-run petrol to the owner of the raw material from which the straight-run petrol was produced if the straight-run petrol is sold (resold by the owner of the raw material) to a taxpayer holding a certificate for the processing of straight-run petrol (subject to the submission of documents in accordance with clause 13 of Article 201 of this Code).
[clause 13 as reworded by Federal Law No. 323-FZ of 23.11.2015]

14. Deductions shall be made for amounts of excise duty calculated by a taxpayer holding a certificate for the production of straight-run petrol upon carrying out the operations which are referred to in subsections 7 and 12 of clause 1 of Article 182 of this Code with straight-run petrol (subject to the submission in accordance with clause 14 of Article 201 of this Code of documents confirming that the straight-run petrol produced was supplied for processing into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene to persons holding a certificate for the processing of straight-run petrol and (or) a certificate for the performance of operations involving benzene, paraxylene or orthoxylene).
[clause 14 as reworded by Federal Law No. 323-FZ of 23.11.2015]

15. Deductions shall be made for amounts of excise duty, multiplied by the coefficient established by this clause, which were calculated by a taxpayer holding a certificate for the processing of straight-run petrol upon carrying out operations such as are referred to in subsections 23 and 24 of clause 1 of this Article and upon carrying out operations such as are referred to in subsection 21 of clause 1 of this Article, if straight-run petrol received (recorded in accounts) is used for the production of straight-run petrol or petrochemical products or for the production of benzene, paraxylene or orthoxylene and subject to the submission of
Where straight-run petrol received (recorded as received) is used for the manufacture of petrochemical products (including process losses arising in the process of such manufacture), if those petrochemical products have been obtained as a result of chemical conversions occurring at a temperature exceeding 700 degrees Celsius (according to the technical documentation for the process equipment by means of which the chemical conversions are carried out) or as a result of the dehydration of petrol fractions, the coefficient shall be applied at the following levels: [as amended by Federal Laws No. 323-FZ of 23.11.2015, No. 335-FZ of 27.11.2017]

- from 1 January to 31 July 2016 inclusively – 1.6; [as amended by Federal Law No. 225-FZ of 30.06.2016]

- from 1 August to 31 December 2016 inclusively – 1.40; [as amended by Federal Law No. 225-FZ of 30.06.2016]

- from 1 January 2017 – 1.7. [as amended by Federal Law No. 401-FZ of 30.11.2016]

Amounts of excise duty charged upon the performance of operations such as are referred to in subsection 21 of clause 1 of Article 182 of this Code where straight-run petrol received is used for the manufacture of straight-run petrol, benzene, paraxylene or orthoxylene (including process losses arising in the process of such manufacture) or for the manufacture of petrochemical products (including process losses arising in the process of such manufacture), other than in the cases of such manufacture which are referred to in paragraph 2 of this clause, shall be deductible with a coefficient equal to 1 applied. [as amended by Federal Law No. 335-FZ of 27.11.2017]

Amounts of excise duty charged when carrying out operations such as are referred to in subsections 23 and 24 of clause 1 of Article 182 of this Code, where the straight-run petrol recorded as received is disposed of (used), shall be deductible with a coefficient of 1 applied, except in the cases of the use of straight-run petrol which are referred to in paragraph 2 of this clause. [as amended by Federal Law No. 366-FZ of 24.11.2014]

16. When calculating excise duty on alcoholic and (or) excisable alcohol-containing products sold, the amount of an advance excise duty payment paid by the taxpayer (the guarantor bank in cases provided for in clause 13 of Article 204 and (or) clause 6 of Article 184 of this Code) shall be deductible within the limits of the amount of that payment which corresponds to the volume of ethyl alcohol which was actually used for the manufacture of the alcoholic and (or) excisable alcohol-containing products sold or the volume of crude ethyl alcohol acquired and (or) produced by the taxpayer which was transferred within the structure of one organization for the manufacture of rectified ethyl alcohol which is subsequently used for the manufacture of alcoholic and (or) excisable alcohol-containing products, subject to the presentation of documents in accordance with clauses 17 and (or) 18 of Article 201 of this Code, except as otherwise provided by this clause. [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 101-FZ of 05.04.2016]

The amount of an advance excise duty payment that is attributable to the volume of ethyl alcohol not used in the tax period which has ended for the manufacture of alcoholic and (or)
Excise Duties

Excisable alcohol-containing products sold shall be deductible in the following or other ensuing tax periods in which the acquired ethyl alcohol is used for the manufacture of those alcoholic and (or) excisable alcohol-containing products. [as amended by Federal Law No. 338-FZ of 28.11.2011]

The amount of an advance excise duty payment which was paid upon the acquisition of distillates (including distillates which were imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and are Eurasian Economic Union goods) which are subsequently used in manufacturing alcoholic products shall be deductible as at the date on which the taxpayer records them as received subject to the presentation to the tax authority of the documents provided for in clause 17 of Article 201 of this Code. [as amended by Federal Laws No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]

The amount of an advance payment of excise duty paid after the end of the computation period provided for in clause 11 of Article 204 of this Code shall, where an exemption from the payment of an advance payment of excise duty has been granted subject to the presentation of a bank guarantee in the case of the acquisition of cognac distillates (including those which have been imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and are Eurasian Economic Union goods) which are subsequently used for the manufacture of alcoholic products, be deductible in the tax period in which the date of payment of the advance payment of excise duty falls, subject to the submission to the tax authority of the documents provided for in clause 17 of Article 201 of this Code. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]\n[clause 16 inserted by Federal Law No. 306-FZ of 27.11.2010]

17. The deductible amount of an advance excise duty payment shall be reduced by the amount of excise duty attributable to the volume of ethyl alcohol which was irrecoverably lost in the process of transportation, storage and subsequent processing, excluding losses within the limits of natural wastage norms approved by the authorized federal executive body. [clause 17 inserted by Federal Law No. 306-FZ of 27.11.2010, as amended by Federal Law No. 338-FZ of 28.11.2011]

18. Where an organization which has paid an advance excise duty payment is re-organized, the right to the tax deduction provided for in clause 16 of this Article shall pass to its legal successor subject to compliance with the provisions of clauses 17 and (or) 18 of Article 201 of this Code. [clause 18 inserted by Federal Law No. 306-FZ of 27.11.2010]

19. In calculating excise duty on alcoholic products sold, deductions shall be made for amounts of excise duty paid by the taxpayer upon the acquisition or importation into the Russian Federation of the base wine, grape must or fruit must that were used for the production of those products, subject to the submission of the documents provided for in clause 19 of Article 201 of this Code. [clause 19 as reworded by Federal Law No. 326-FZ of 29.09.2019]

20. Deductions shall be made for amounts of excise duty, multiplied by the coefficient which is established by this clause, which were charged upon the occurrence of operations such as are referred to in subsections 25 to 27 of clause 1 of Article 182 of this Code by a taxpayer possessing a certificate to carry out operations involving benzene, paraxylene or orthoxylene, and subject to the submission of documents in accordance with clause 20 of Article 201 of this Code. [as amended by Federal Law No. 323-FZ of 23.11.2015]
Where benzene, paraxylene or orthoxylene which has been received (recorded as received) is used for the manufacture of petrochemical products, the coefficient shall be applied at the following levels: [as amended by Federal Law No. 323-FZ of 23.11.2015]

- from 1 January to 31 December 2015 inclusively – 2.88;
- from 1 January to 31 December 2016 inclusively – 2.84;
- from 1 January 2017 – 3.4.

In other cases of the disposal (use) of benzene, paraxylene or orthoxylene which has been received (recorded as received), the coefficient shall be taken to be equal to 1. [clause 20 inserted by Federal Law No. 366-FZ of 24.11.2014]  

21. Deductions shall be made for amounts of excise duty, multiplied by the coefficient established by this clause, charged upon the receipt of jet fuel by a taxpayer included in the Register of Civil Aviation Operators of the Russian Federation and holding an operator’s certificate and increased by the value $V_{AVIA}$ determined in accordance with this clause, subject to the submission of documents in accordance with clause 21 of Article 201 of this Code. [as amended by Federal Law No. 255-FZ of 30.07.2019]  

Where jet fuel which has been received is used by the taxpayer itself and (or) by a person with whom the taxpayer has concluded a contract for the provision of aircraft refuelling services for the refuelling of aircraft which are operated by the taxpayer, the coefficient shall be applied at the following levels: [as amended by Federal Law No. 323-FZ of 23.11.2015]

- from 1 January to 31 December 2015 inclusively – 2;
- from 1 January to 31 December 2016 inclusively – 1.84;
- from 1 January 2017 – 2.08.

In other cases of the disposal (use) of jet fuel which has been received, the coefficient shall be taken to be equal to 1.

The value $V_{AVIA}$ shall be determined by the taxpayer independently using the following formula: [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

$$V_{AVIA} = D_{JF} \times V_{JF} \times C_{DF,COMP},$$

where $V_{JF}$ is the volume (in tonnes) of jet fuel received that was used in the tax period by the taxpayer itself and (or) by a person with whom the taxpayer has concluded a contract for the provision of aircraft refuelling services for the refuelling of aircraft operated by the taxpayer; [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]  

$C_{DF,COMP}$ is a coefficient determined in the manner prescribed by clause 27 of this Article; [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]  

$$D_{JF} = P_{JF,exp} - P_{JF,dm},$$

[paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]
where $P_{JFexp}$ is the average price of the export alternative for jet fuel calculated in seaports of the Russian Federation situated in the North-Western Federal District, which shall be determined using the following formula:  

$$
P_{JFexp} = ((P_{JFrt} - T_{DSm} - ED_{JF}) \times R) \times (1 + R_{VAT}),
$$

where $P_{JFrt}$ is the average (arithmetic mean value for all days of trading) price of jet fuel on the Rotterdam petroleum market for the tax period in US dollars per 1 tonne; 

$T_{DSm}$ is a value determined in the manner prescribed by clause 27 of this Article; 

$ED_{JF}$ is the rate of export customs duty for jet fuel that was in force in the tax period in US dollars per 1 tonne; 

$R$ is the average value of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation, to be determined by the taxpayer independently as the arithmetic mean value of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation for all days in the tax period; 

$R_{VAT}$ is the rate of value added tax that was in force in the tax period and is stated in clause 3 of Article 164 of this Code; 

$P_{JFdm}$ is the notional value of the average wholesale price of jet fuel in the territory of the Russian Federation, which shall be taken to be equal to 48,300 roubles per 1 tonne for the period from 1 August to 31 December 2019 inclusively, 50,700 roubles per 1 tonne for the period from 1 January to 31 December 2020 inclusively, 53,250 roubles per 1 tonne for the period from 1 January to 31 December 2021 inclusively, 55,900 roubles per 1 tonne for the period from 1 January to 31 December 2022 inclusively, 58,700 roubles for the period from 1 January to 31 December 2023 inclusively and 61,600 roubles per 1 tonne for the period from 1 January to 31 December 2024 inclusively.

The procedure for the calculation of the value $P_{JFrt}$ shall be determined by the federal executive body responsible for the adoption of regulatory legal acts, control and supervision over compliance with legislation relating to competition on commodity markets, the protection of competition on the financial services market, activities of natural monopolies and advertising. That procedure shall be posted on the official Internet site of that federal executive body. In this respect, if the procedure for the calculation of the value $P_{JFrt}$ has not been determined by the 15th of the month directly following a tax period, the value $P_{JFrt}$ shall be taken to be equal to zero for that tax period.

The values of $D_{JF}$ and $P_{JFexp}$ shall be rounded to whole values in accordance with the current rounding rules.

$P_{JFexp}$ shall be calculated by the federal executive body responsible for the adoption of regulatory legal acts, control and supervision over compliance with legislation relating to
competition on commodity markets, the protection of competition on the financial services market, activities of natural monopolies and advertising in the manner prescribed by this clause and shall be published on the official Internet site of that federal executive body before the lapse of 15 days following the last day of a tax period. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

Where the value of $P_{jFdm}$ has not been established for a tax period, the value $D_{jF}$ shall be taken to be equal to zero in that tax period. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

If the value of $D_{jF}$ independently determined by the taxpayer in the manner prescribed by this clause is found to be less than zero, the value of $D_{jF}$ shall be taken to be equal to zero. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019] [clause 21 inserted by Federal Law No. 366-FZ of 24.11.2014]

22. Amounts of excise duty calculated in respect of operations referred to in subsection 29 of clause 1 of Article 182 of this Code and increased by the value $V_F$ which is determined in accordance with this clause, multiplied by the coefficient established by this clause, shall be deductible subject to the submission of the documents specified in clause 22 of Article 201 of this Code. [as amended by Federal Law No. 301-FZ of 03.08.2018]

Where medium distillates received are used by the taxpayer for the bunkering (refuelling) of water vessels and (or) installations and structures such as are referred to in subsections 1 and 2 of clause 1 of Article 179.5 of this Code which are owned or otherwise legally possessed by the taxpayer, or as fuel in the generation of electrical and (or) thermal energy at assets indicated in subsection 3 of clause 1 of Article 179.5 of this Code for which copies of documents confirming the right of ownership (right of operational management) in those assets have been submitted to the tax authority, a coefficient equal to 2 shall be applied. [as amended by Federal Law No. 255-FZ of 30.07.2019]

In other cases of the disposal (use) of medium distillates received, a coefficient equal to 1 shall be applied.

Unless otherwise indicated in this clause, the value $V_F$ shall be determined as the product of the coefficient 1,000 and the volume of medium distillates received by the taxpayer after 1 January 2022 which were used in the tax period as fuel for the bunkering (refuelling) of water vessels and (or) installations and structures referred to in Article 179.5 of this Code which a taxpayer owns or otherwise legally possesses, or as fuel in the generation of electrical and (or) thermal energy at assets indicated in subsection 3 of clause 1 of Article 179.5 of this Code for which copies of documents confirming the right of ownership (right of operational management) in those assets have been submitted to the tax authority. [as amended by Federal Law No. 255-FZ of 30.07.2019]

The value $V_F$ shall be taken to be equal to zero in the period from 1 January 2019 to 31 December 2021 inclusively. From 1 January 2022 the value $V_F$ shall be taken to be equal to zero if the coefficient applied in calculating tax deductions which is determined in accordance with this clause is found to be less than 2. [as amended by Federal Law No. 321-FZ of 15.10.2020]

The value $V_F$ shall be rounded to whole values in accordance with the current rounding rules. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018] [clause 22 inserted by Federal Law No. 323-FZ of 23.11.2015]
23. Amounts of excise duty calculated in respect of operations referred to in subsection 30 of clause 1 of Article 182 of this Code and increased by the values $V_B$ and $V_{DFO}$ which are determined in accordance with this clause, multiplied by the coefficient established by this clause, shall be deductible subject to the submission of the documents specified in clause 23 of Article 201 of this Code. [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

Where medium distillates are sold (including on the basis of contracts of delegation, commission agency contracts or agency contracts) by a Russian organization included in the register of suppliers of bunker fuel, and (or) by a Russian organization holding a licence to carry out handling activities (with respect to dangerous cargoes on rail transport, inland water transport and in seaports), or by a person which has concluded contracts with an organization included in the register of suppliers of bunker fuel on the basis of which facilities for the bunkering (refuelling) of vessels are used, to a foreign organization, and those medium distillates are conveyed out of the territory of the Russian Federation as stores on vessels in accordance with Eurasian Economic Union law, a coefficient equal to 2 shall be applied.

In other cases of the disposal (use) of such medium distillates, including with respect a quantity of sold medium distillates which were not conveyed out of the territory of the Russian Federation as stores on vessels in accordance with Eurasian Economic Union law, a coefficient equal to 1 shall be applied.

Unless otherwise indicated in this clause, the value $V_B$ shall be determined as the product of the coefficient 1,000 and the volume of sales (including on the basis of contracts of delegation, commission contracts or agency contracts) by a Russian organization included in the register of suppliers of bunker fuel, and (or) by a Russian organization holding a licence to carry out loading and unloading activities (as regards hazardous cargoes on rail transport and inland water transport and at seaports), or by an entity which has concluded contracts with an organization included in the register of suppliers of bunker fuel under which facilities for the bunkering (refuelling) of water vessels of a foreign organization are used, in the tax period of medium distillates removed from the territory of the Russian Federation as stores on water vessels in accordance with Eurasian Economic Union law. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

The value “$V_B$” shall be taken to be equal to zero in the period from 1 January 2019 to 31 December 2021 inclusively. From 1 January 2022 the value $V_B$ shall be taken to be equal to zero if the coefficient applied in calculating tax deductions which is determined in accordance with this clause is found to be less than 2. [as amended by Federal Law No. 321-FZ of 15.10.2020]

The value “$V_B$” shall be rounded to whole values in accordance with the current rounding rules. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

The value $V_{DFO}$ shall be determined as the product of the coefficient $C_{DFO}$ and the volume of sales in the tax period (including on the basis of contracts of delegation, commission agency contracts or agency contracts) by a Russian organization included in the register of suppliers of bunker fuel, and (or) by a Russian organization holding a licence to carry out handling activities (with respect to dangerous cargoes on rail transport, inland water transport and in seaports), or by a person that has concluded contracts with an organization included in the register of suppliers of bunker fuel on the basis of which facilities through which the bunkering
(refuelling) of water vessels of a foreign organization is carried out are used, of medium distillates conveyed out of the territory of the Russian Federation as stores on water vessels in accordance with Eurasian Economic Union law. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

**C**\textsubscript{DFO} is a coefficient reflecting regional factors involved in the production of medium distillates. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

For medium distillates sold by an organization holding a certificate of registration of a person that carries out petroleum feedstock processing operations (hereafter in this Article referred to as “first owner organization”), which are owned by the first owner organization and were manufactured by the first owner organization or by an organization with which it concluded a contract for the provision of petroleum feedstock processing services at petroleum feedstock processing facilities which are specified in the certificate of registration of the person that directly carries out petroleum feedstock processing operations and are situated in the Khabarovsk Territory, or sold by an organization which is deemed to be a related party of the first owner organization in accordance with the provisions of Article 105.1 of this Code and which received ownership of medium distillates referred to in this paragraph as a result of acquiring them directly from the first owner organization, the value of **C**\textsubscript{DFO} shall be taken to be equal to: [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

2,100 – until 31 December inclusively; [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

1,100 – commencing from 1 January 2022. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

Where medium distillates are sold by other organizations, the value of the coefficient **C**\textsubscript{DFO} shall be taken to be equal to 0. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

The value of **V**\textsubscript{DFO} shall be rounded to whole values in accordance with the current rounding rules. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

[clause 23 inserted by Federal Law No. 323-FZ of 23.11.2015]

24. Amounts of excise duty calculated in respect of operations referred to in subsection 31 of clause 1 of Article 182 of this Code and increased by the value **V**\textsubscript{SH} which is determined in accordance with this clause, multiplied by the coefficient established by this clause, shall be deductible subject to the submission of the documents specified in clause 24 of Article 201 of this Code. [as amended by Federal Law No. 301-FZ of 03.08.2018]

Where medium distillates are sold (including on the basis of contracts of delegation, commission agency contracts or agency contracts) by a Russian organization included in the register of suppliers of bunker fuel, for shipment out of the territory of the Russian Federation in accordance with the export customs procedure, to a foreign organization which performs work (renders services) associated with regional geological study, geological study, exploration and (or) extraction of hydrocarbons on the continental shelf of the Russian Federation on the basis of a contract with an organization holding a licence to use a subsurface site of the continental shelf of the Russian Federation, and (or) with a contractor which has been engaged by a subsurface user in accordance with the legislation of the Russian Federation concerning the continental shelf of the Russian Federation for the creation, operation and use of installations and structures such as are referred to in subsection 2 of clause 1 of Article 179.5
of this Code or artificial islands on the continental shelf of the Russian Federation, and (or) with the operator of a new offshore hydrocarbon deposit, a coefficient equal to 2 shall be applied.

In other cases of the disposal (use) of such medium distillates, a coefficient equal to 1 shall be applied.

Unless otherwise indicated in this clause, the value $V_{SH}$ shall be determined as the product of the coefficient 1,000 and the volume of sales (including on the basis of contracts of delegation, commission contracts or agency contracts) of medium distillates in the tax period by a Russian organization included in the register of suppliers of bunker fuel beyond the territory of the Russian Federation under the export customs procedure to a foreign organization which performs work (renders services) associated with regional geological study, geological study, exploration and (or) extraction of hydrocarbons on the continental shelf of the Russian Federation on the basis of an agreement with an organization holding a licence to use a subsurface site of the continental shelf of the Russian Federation, and (or) with a contractor engaged by a subsurface user in accordance with the legislation of the Russian Federation concerning the continental shelf of the Russian Federation for the creation, operation and use of installations and structures referred to in subsection 2 of clause 1 of Article 179.5 of this Code and artificial islands on the continental shelf of the Russian Federation, and (or) with an operator of a new offshore hydrocarbon deposit. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

The value $V_{SH}$ shall be taken to be equal to zero in the period from 1 January 2019 to 31 December 2021 inclusively. From 1 January 2022 the value $V_{SH}$ shall be taken to be equal to zero if the coefficient applied in calculating tax deductions which is determined in accordance with this clause is found to be less than 2. [as amended by Federal Law No. 321-FZ of 15.10.2020]

The value $V_{SH}$ shall be rounded to whole values in accordance with the current rounding rules. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

25. Deductions shall be made for amounts of excise duty calculated in connection with the performance of operations such as are referred to in subsections 32 and 33 of clause 1 of Article 182 of this Code, multiplied by the coefficient established by this clause, subject to the submission of the documents provided for in clause 25 of Article 201 of this Code.

Where medium distillates are processed within production facilities which are needed to carry out the medium distillate processing operations (at least one type) referred to in clause 8 of Article 179.6 of this Code, a coefficient of 2 shall be applied.

In other cases of the disposal (use) of medium distillates, a coefficient of 1 shall be applied. [clause 25 inserted by Federal Law No. 335-FZ of 27.11.2017]

26. Deductions shall be made for amounts of excise duty calculated after the lapse of 180 calendar days from the date on which goods were released in accordance with the release for domestic consumption procedure upon the completion of the free customs zone customs procedure in the territory of the Special Economic Zone in the Kaliningrad Province after those goods have been used in carrying out operations which are considered taxable objects and are taxable in accordance with this Chapter.
Excise Duties

The above-mentioned tax deductions may be claimed by taxpayers which are manufacturers of excisable goods referred to in subsections 6 and 6.1 of clause 1 of Article 181 of this Code in relation to those goods if, on the date on which the goods are released in accordance with the release for domestic consumption customs procedure upon the completion of the free customs zone customs procedure in the territory of the Special Economic Zone in the Kaliningrad Province, they are residents which have been included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province or persons whose state registration took place in the Kaliningrad Province and which carried on activities on the basis of Federal Law No. 13-FZ of 22 January 1996 “Concerning the Special Economic Zone in the Kaliningrad Province” as at 1 April 2006 and are registered with the tax authorities of the Kaliningrad Province at the location of the organization (the place of residence of a physical person who is a private entrepreneur).

[clause 26 inserted by Federal Law No. 353-FZ of 27.11.2017]

27. Amounts of excise duty, multiplied by the coefficient 2, calculated by a taxpayer holding a certificate of registration of an entity that carries out petroleum feedstock processing operations during the period of validity of that certificate upon carrying out operations referred to in subsection 34 of clause 1 of Article 182 of this Code, and increased (reduced) by the value “C_DAMP” which is determined in accordance with this clause and by the investment mark-up for oil refineries, C_INV, which is determined in accordance with clause 27.1 of this Article, shall be deductible subject to the submission of the documents specified in clause 28 of Article 201 of this Code. [as amended by Federal Law No. 321-FZ of 15.10.2020]

Unless otherwise indicated in this clause, the value “C_DAMP” shall be determined by the taxpayer independently as follows:

\[
C_{\text{DAMP}} = D_{\text{PT}} \times V_{\text{PT}} \times C_{\text{PT_COMP}} + D_{\text{DS}} \times V_{\text{DS}} \times C_{\text{DS_COMP}},
\]

[paragraph as reworded by Federal Law No. 305-FZ of 02.07.2021]

where \( V_{\text{PT}} \) and \( V_{\text{DS}} \) are the volumes (in tonnes) of high-octane (research octane number 92 and above) class 5 petrol and class 5 diesel fuel respectively, manufactured from petroleum feedstocks owned by the taxpayer and other raw materials (including multifunctional additives and components that are not petroleum feedstocks) supplied for processing, which the taxpayer sold or used for its own needs in the tax period in the territory of the Russian Federation and in relation to which the taxpayer or an organization that carries out petroleum feedstock processing under a contract for the provision of petroleum feedstock processing services to the taxpayer calculated amounts of excise duty in the current or in preceding tax periods. In this respect, the volume (in tonnes) of other raw materials (including multifunctional additives and components that are not petroleum feedstocks) used in the production of \( V_{\text{PT}} \) and \( V_{\text{DS}} \) respectively must not exceed 10 per cent of the total volume of \( V_{\text{PT}} \) and \( V_{\text{DS}} \) (in tonnes). If the volume of other raw materials (including multifunctional additives and components that are not petroleum feedstocks) exceeds the level of 10 per cent of the total volume of \( V_{\text{PT}} \) and \( V_{\text{DS}} \) (in tonnes), the values of \( V_{\text{PT}} \) and \( V_{\text{DS}} \) must be reduced by the appropriate volume of high-octane (research octane number 92 and above) class 5 petrol and class 5 diesel fuel manufactured from other raw materials (including multifunctional additives and components that are not petroleum feedstocks) to the extent in excess of 10 per cent. For the purposes of this paragraph, the volume of other raw materials used in the production of \( V_{\text{PT}} \) and \( V_{\text{DS}} \) shall be determined without taking
into account volumes of natural fuel gas and associated petroleum gas used in the production of those oil products; [as amended by Federal Law No. 255-FZ of 30.07.2019]

$C_{PT\ COMP}$ shall be taken to be equal to 0.75 in the period from 1 July to 31 December 2019 inclusively, and 0.68 from 1 January 2020; [as amended by Federal Law No. 255-FZ of 30.07.2019]

$C_{DS\ COMP}$ shall be taken to be equal to 0.7 in the period from 1 July to 31 December 2019 inclusively and 0.65 commencing from 1 January 2020; [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

[Paragraphs 7-8 lost force – Federal Law No. 305-FZ of 02.07.2021]

\[D_{PT} = P_{PT\ exp} - P_{PT\ dm} ;\]

\[D_{DS} = P_{DS\ exp} - P_{DS\ dm} ,\]

where $P_{PT\ exp}$ is the average price of the export alternative for class 5 RON 92 petrol calculated at seaports of the North-Western Federal District, which shall be determined using the following formula:

\[P_{PT\ exp} = ((P_{PT\ rt} - T_{PT\ s} - ED_{PT}) \times R + E_{PT}) \times (1 + R_{VAT}) ,\]

where $P_{PT\ rt}$ is the average price (the arithmetic mean for all days of trading) for the tax period for class 5 RON 92 petrol on the Rotterdam petroleum market, in US dollars per 1 tonne;

$T_{PT\ s}$ is average expenditure for the tax period on the transportation by sea and transhipment in ports of 1 tonne of class 5 RON 92 petrol from seaports of the Russian Federation located in the North-Western Federal District to the Rotterdam petroleum market, in US dollars per 1 tonne;

$ED_{PT}$ is the rate of export customs duty for class 5 RON 92 petrol which was in effect in the tax period, in US dollars per 1 tonne;

$R$ is the average value of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation, which is determined by the taxpayer independently as the arithmetic mean of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation for all days in the tax period;

$E_{PT}$ is the excise duty rate which was in effect in the tax period for class 5 petrol;

$R_{VAT}$ is the value added tax rate which was in effect in the tax period, as indicated in clause 3 of Article 164 of this Code;

$P_{PT\ dm}$ is the notional value of the average wholesale price of class 5 RON 92 petrol in the territory of the Russian Federation, which shall be taken to be equal to 51,000 roubles per 1 tonne for the period from 1 July to 31 December 2019 inclusively, 53,600 roubles per 1 tonne for the period from 1 January to 31 December 2020 inclusively, 56,300 roubles per 1 tonne for the period from 1 January to 30 April 2021 inclusively, 52,300 roubles per 1 tonne for the
period from 1 May to 31 December 2021 inclusively, 55,200 roubles per 1 tonne for the period from 1 January to 31 December 2022 inclusively, 56,900 roubles per 1 tonne for the period from 1 January to 31 December 2023 inclusively and 58,650 roubles per 1 tonne for the period from 1 January to 31 December 2024 inclusively;

[paragraph as reworded by Federal Law No. 305-FZ of 02.07.2021]

\( P_{DSexp} \) is the average price of the export alternative for class 5 diesel fuel calculated at seaports of the North-Western Federal District, which shall be determined using the following formula:

\[
P_{DSexp} = ((P_{DSrt} - T_{DSs} - E_{DS}) \times R + E_{DS}) \times (1 + R_{VAT}),
\]

where \( P_{DSrt} \) is the average price (the arithmetic mean for all days of trading) for the tax period for class 5 diesel fuel on the Rotterdam petroleum market, in US dollars per 1 tonne;

\( T_{DSs} \) is average expenditure for the tax period on the transportation by sea and transhipment in ports of 1 tonne of class 5 diesel fuel from seaports of the Russian Federation located in the North-Western Federal District to the Rotterdam petroleum market, in US dollars per 1 tonne;

\( E_{DS} \) is the rate of export customs duty for class 5 diesel fuel which was in effect in the tax period, in US dollars per 1 tonne;

\( E_{DS} \) is the excise duty rate which was in effect in the tax period for class 5 diesel fuel;

\( P_{DSdm} \) is the notional value of the average wholesale price of class 5 RON 92 diesel fuel in the territory of the Russian Federation, which shall be taken to be equal to 46,000 roubles per 1 tonne for the period from 1 July to 31 December 2019 inclusively, 48,300 roubles per 1 tonne for the period from 1 January to 31 December 2020 inclusively, 50,700 roubles per 1 tonne for the period from 1 January to 31 December 2021 inclusively, 52,250 roubles per 1 tonne for the period from 1 January to 31 December 2022 inclusively, 53,850 roubles per 1 tonne for the period from 1 January to 31 December 2023 inclusively and 55,500 roubles per 1 tonne for the period from 1 January to 31 December 2024 inclusively;

[paragraph as reworded by Federal Law No. 305-FZ of 02.07.2021]


The procedure for calculating the indicators \( P_{Prt}, P_{DSrt}, T_{PTs}, T_{DSs} \) shall be determined by the federal executive body which carries out functions involving the adoption of regulatory legal acts and control and supervision over compliance with legislation governing competition in commodity markets, the protection of competition in financial services markets, the activities of natural monopoly holders and advertising. That procedure must be posted on the official Internet site of that federal executive body.

The values of the indicators \( C_{DAMP}, P_{Pтех}, P_{DSexp} \) and “\( P_{DSexp} \)” shall be rounded to whole values in accordance with the current rounding rules.

The indicators \( P_{Pтех} \) and \( P_{DSexp} \) shall be calculated by the federal executive body which carries out functions involving the adoption of regulatory legal acts and control and supervision over compliance with legislation governing competition in commodity markets, the protection of competition in financial services markets, the activities of natural monopoly holders and
advertising in accordance with the procedure established by this clause and shall be published on that federal executive body’s official Internet site before the lapse of 10 days following the day on which the tax period ends. [as amended by Federal Law No. 255-FZ of 30.07.2019]

If the average wholesale price for the sale of class 5 RON 92 petrol or class 5 diesel fuel in the Russian Federation for a tax period deviates upwards by more than 10 per cent in the case of class 5 RON 92 petrol or 20 per cent in the case of class diesel fuel from the values of \( P_{PTdm} \) or \( P_{DSdm} \) respectively, the value of \( C_{DAMP} \) in that tax period shall be taken to be equal to zero. [as amended by Federal Law No. 255-FZ of 30.07.2019]

The procedure for the calculation of average wholesale prices for the sale of class 5 RON 92 petrol and class 5 diesel fuel in the Russian Federation shall be determined by the federal executive body which carries out functions involving the adoption of regulatory legal acts and control and supervision over compliance with legislation governing competition in commodity markets, the protection of competition in financial services markets, the activities of natural monopoly holders and advertising and must be posted on its official Internet site, on which information on those wholesale prices shall also be published before the lapse of 10 calendar days following the last day of a tax period.

In the event that high-octane (research octane number 92 and above) class 5 petrol and (or) class 5 diesel fuel that was manufactured from petroleum feedstocks and other raw materials owned by the taxpayer and supplied for processing and was previously sold by the taxpayer in the territory of the Russian Federation is returned, the values of \( V_{PT} \) and (or) \( V_{DS} \) for the tax period in which that return occurred shall be reduced by the volume (in tonnes) of goods so returned. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]

If the values of \( P_{PTdm} \) and (or) \( P_{DSdm} \) have not been established for a tax period, the value of \( C_{DAMP} \) shall be taken to be equal to zero in that tax period. [paragraph inserted by Federal Law No. 255-FZ of 30.07.2019]
[clause 27 inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)]

27.1. The investment mark-up for oil refineries, \( C_{INV} \), shall be determined by the taxpayer independently in the manner prescribed by this clause.

For the purposes of this Article, an oil refinery shall be understood to mean an integrated production complex, comprising production facilities for the primary or primary and secondary processing of oil and (or) stable gas condensate and for the manufacture of finished products, which is owned or otherwise legally possessed by the taxpayer or an organization that directly provides petroleum feedstock processing services to the taxpayer.

Unless otherwise established by this clause, for taxpayers that concluded with the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex, before 1 October 2021, an agreement on the creation of new production facilities (on the expansion of the capacity, upgrading or renovation of existing production facilities) for the deep conversion of petroleum feedstocks, and (or) natural gas, and (or) straight-run petrol, and (or) medium distillates, and (or) on the creation of new fixed assets needed to supply petroleum feedstocks to deep conversion oil refining enterprises that ensure the timely upgrading of production (hereafter in this Article referred to as “investment agreement”), the investment mark-up for oil refineries, \( C_{INV} \), shall be determined with respect to the amount of excise duty calculated in relation to petroleum
feedstocks owned by the taxpayer that were supplied for processing at production facilities that form part of an oil refinery indicated in an investment agreement and are specified in the certificate of registration of an entity that carries out petroleum feedstock processing operations issued to the taxpayer or to an organization that directly provides petroleum feedstock processing services to the taxpayer using the following formula:

\[ C_{\text{INV}} = E_{\text{PF}} \times (1.3 - C_{\text{REG}}) \times \text{Error!} \times S_{\text{FIN}}, \]

where \( E_{\text{PF}} \) is the rate of excise duty on petroleum feedstocks as determined by the taxpayer in the manner prescribed by clause 8 of Article 193 of this Code in relation to petroleum feedstocks owned by the taxpayer that were supplied for processing at production facilities that form part of an oil refinery specified in an investment agreement and are specified in the certificate of registration of an entity that carries out petroleum feedstock processing operations issued to the taxpayer or to an organization that directly provides petroleum feedstock processing services to the taxpayer. For the purposes of this clause, a taxpayer that holds a certificate for the processing of its own petroleum feedstocks at production facilities specified in its certificate and in the certificate of an organization that directly provides petroleum feedstock processing services to it which are located in the territory of one constituent entity of the Russian Federation, and for which one rate of excise duty is required to be determined in accordance with clause 8 of Article 193 of this Code, shall determine \( E_{\text{PF}} \) in relation to petroleum feedstocks owned by the taxpayer that were supplied for processing at production facilities forming part of the oil refinery specified in the investment agreement;

\( C_{\text{REG}} \) is a coefficient reflecting regional characteristics of markets for products from the processing of petroleum feedstocks which is determined by the taxpayer in the manner prescribed by clause 8 of Article 193 of this Code in relation to petroleum feedstocks owned by the taxpayer that were supplied for processing at production facilities that form part of an oil refinery specified in an investment agreement and are specified in the certificate of registration of an entity that carries out petroleum feedstock processing operations issued to the taxpayer or to an organization that directly provides petroleum feedstock processing services to the taxpayer;

\( S_{\text{FIN}} \) is a coefficient reflecting the share in the financing of an investment agreement, which is taken to be equal to:

- 1 – if the investment agreement has as a party a single taxpayer which is the recipient of the investment mark-up for oil refineries, \( C_{\text{INV}} \);

- the taxpayer’s share in the financing of the investment agreement (including loans and (or) credits raised by the taxpayer) as stated in the investment agreement. In this respect, if the taxpayer’s share is not stated in the investment agreement, \( S_{\text{FIN}} \) shall be taken to be equal to zero.

The calculated investment mark-up for oil refineries, \( C_{\text{INV}} \), shall be rounded to a whole value in accordance with the current rounding rules.

If the investment mark-up for oil refineries, \( C_{\text{INV}} \), calculated by the taxpayer is found to be less than zero, the value of \( C_{\text{INV}} \) shall be taken to be equal to zero.
The investment mark-up for oil refineries, \( C_{\text{INV}} \), shall be taken to equal to zero if the sum of the tax bases determined for tax periods that commenced in 2019 to 2021 in relation to petroleum feedstocks owned by the taxpayer that were supplied for processing at production facilities that form part of an oil refinery specified in an investment agreement and are specified in the certificate of registration of an entity that carries out petroleum feedstock processing operations issued to the taxpayer or to an organization that directly provides petroleum feedstock processing services to the taxpayer is found to be less than 3 million tonnes of petroleum feedstocks.

The investment mark-up for oil refineries, \( C_{\text{INV}} \), shall be determined by a taxpayer for tax periods commencing from the 1st of a quarter in which it concluded an agreement, but not earlier than the 1st of the month in which the amount of costs actually paid by the taxpayer and (or) related parties thereof commencing from 1 January 2019, taking into account advances issued that were directly connected with the creation of the fixed assets that are the subject of the investment agreement, first exceeded an amount equal to 3 billion roubles multiplied by the coefficient \( S_{\text{INV}} \).

Where taxpayers have exercised the right provided for in clause 5.4 of Article 179.7 of this Code (or where that right has been exercised by an organization that concluded an agreement on the upgrading of oil refining facilities and the taxpayer’s direct participating interest in that organization, with which it has concluded a contract for the provision to it of petroleum feedstock processing services, is greater than 50 per cent), the commencement date of the application of the investment mark-up for oil refineries, \( C_{\text{INV}} \), may not be earlier than the 1st of the month in which the organization that concluded the agreement on the upgrading of oil refining facilities received from the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex confirmation of the full (partial) performance of the agreement on the upgrading of oil refining facilities.

If it is found that the requirements relating to an investment agreement (information to be contained in an investment agreement) that are referred to in clause 27.2 of this Article have been violated, and (or) the investment agreement has not been fulfilled, the investment mark-up for oil refineries, \( C_{\text{INV}} \), shall be taken to be equal to zero for its entire effective period commencing from the first tax period in which it was applied by the taxpayer. The amount of tax represented by deductions attributable to the investment mark-up for oil refineries, \( C_{\text{INV}} \), must be restored and paid to the budget in accordance with the established procedure with the payment of appropriate amounts of penalties chargeable from the day following the tax payment deadline prescribed by Article 204 of this Code. In this respect, the organization that owns the oil refinery specified in the investment agreement shall bear joint and several liability for the fulfilment of the obligation established by this paragraph.

The investment mark-up for oil refineries, \( C_{\text{INV}} \), shall not be determined in cases not provided for in this clause and for tax periods commencing from 1 January 2031 inclusively.

27.2. The following information must be contained in an investment agreement:

- a list of fixed assets to be created, indicating the organizations on whose balance sheet they will be recorded and their provisional value;
- the taxpayer identification numbers (TINs) and the full and abbreviated names of the organizations that are to be the recipients of the investment mark-up for oil refineries, C_{INV}, and are parties to the investment agreement, the particulars of their certificates of registration of an entity that carries out petroleum feedstock processing operations, and the shares of those organizations in the financing of the investment agreement (taking into account loans and (or) credits raised by those organizations). In this respect, the sum of all the shares of the organizations indicated in the investment agreement may not be more than 1;

- the taxpayer identification number (TIN) and the full and abbreviated names of the organization that owns the oil refinery that includes within it the production facilities for the processing of petroleum feedstocks in connection with the supply of petroleum feedstocks to which deductible amounts of excise duty are calculated, increased by the investment mark-up for oil refineries, C_{INV}, and the location of that oil refinery.

An investment agreement must satisfy the following requirements:

- only one oil refinery must be specified in the investment agreed during its entire effective period;

- the investment agreement is effective from the moment when it is concluded until the expiry date of the agreement which is set by that agreement, but not earlier than 1 January 2031;

- from 1 October 2021 it shall not be permissible to make amendments to investment agreements regarding organizations that are the recipients of the investment mark-up for oil refineries, C_{INV};

- from 1 January 2024 it shall not be permissible to make amendments to investment agreements regarding fixed assets that are created under the terms of investment agreements;

- the organizations that are the recipients of the investment mark-up for oil refineries, C_{INV}, and the organization that owns the oil refinery specified in the investment agreement are related entities or the same entity;

- fixed assets that are created under the terms of the investment agreement shall be recorded on the balance sheet of the organization that owns the oil refinery, and (or) on the balance sheet of the taxpayer, and (or) on the balance sheet of an organization that is a related party of the taxpayer;

- it shall not be permissible to specify in an investment agreement an oil refinery that is specified in previously concluded investment agreements with the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex which are in effect as at the date of conclusion of the investment agreement, other than agreements on the upgrading of oil refining facilities that are concluded in accordance with clause 5 of Article 179.7 of this Code;

- it shall not be permissible to include in the list of fixed assets to be created that is set forth in an investment agreement fixed assets that form part of secondary oil processing units included as at 1 July 2021 in agreements on the upgrading of oil refining facilities concluded in
accordance with clause 5 of Article 179.7 of this Code (except where the capacity of such secondary oil processing units is increased by more than 15 per cent compared with the capacity that was established (will be established) at the time of the completion by the taxpayer of all measures provided for in an agreement on the upgrading of oil refining facilities concluded in accordance with clause 5 of Article 179.7 of this Code).

An investment agreement shall be considered not to have been fulfilled by a taxpayer in the following cases:

- if costs incurred by the taxpayer in fulfilling an agreement on the upgrading of oil refining facilities concluded in accordance with clause 5 of Article 179.7 of this Code were taken into account in determining the historical cost of the fixed assets that are the subject of the investment agreement;

- if, taking into account advances issued, the amount of costs actually paid by the taxpayer and (or) entities related to the taxpayer directly in connection with the creation of the fixed assets that are the subject of the investment agreement, commencing from 1 January 2019 and as at any date after 1 January 2024, is found to be less than an amount equal to the product of 30 billion roubles (20 billion roubles in the case of agreements that concern only the creation of fixed assets for use in carrying out the processing operations referred to in paragraph 26 of this clause) and the amount $S_{FIN}$ determined for the taxpayer in the manner prescribed by clause 27.1 of this Article;

- if the aggregate historical cost of fixed assets that are the subject of the investment agreement and were placed into service in the period from 1 January 2020 to 31 December 2026 inclusively is found to be less than an amount equal to the product of 50 billion roubles (30 billion roubles or more in the case of agreements that concern only the creation of fixed assets for use in carrying out the processing operation referred to in paragraph 26 of this clause) and the amount $S_{FIN}$ determined for the taxpayer in the manner prescribed by clause 27.1 of this Article.

For the purposes of this clause, the historical cost of a fixed asset shall be determined in the manner prescribed by clause 1 of Article 257 of this Code. Where prices not deemed to be at market level were used in transactions that are taken into account in determining the historical cost of a fixed asset, the historical cost of that fixed asset shall be determined for the purposes of this clause using the prices of those transactions that are taken for taxation purposes in the manner and using the methods prescribed by Chapter 14.3 of this Code. For the purposes of this clause, the market price shall be determined with account taken of the provisions of Article 105.3 of this Code.

In this respect, fixed assets that are the subject of an investment agreement must be created for the purpose of carrying out at least one of the following processing operations:

- catalytic cracking;

- hydrocracking;

- hydroconversion of heavy residues;
- delayed coking and (or) flexicoking;
- catalytic reforming of petrol;
- isomerization of petrol;
- oil extraction for the purposes of the direct and (or) substitute (by means of commodity exchange (“swap”) operations) provision of petroleum feedstocks to deep conversion oil refining enterprises that ensure the timely upgrading of production and are owned by the taxpayer and (or) entities related with the taxpayer, provided that, as at 1 January 2019, this requirement is contained in the subsurface use licence held by the taxpayer and (or) entities related with the taxpayer under which oil extraction is carried out;
- dewaxing;
- hydroisodewaxing;
- production of methyl tert-butyl ether;
- production of methanol;
- production of carbon black (soot).

For the purposes of concluding an investment agreement, the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall carry out, inter alia, a check to ensure that the fixed assets proposed for inclusion in the list of fixed assets to be created that is set forth in the investment agreement conform to the purpose of the creation of those facilities to carry out the processing operations referred to in this clause. In this respect, fixed assets which, according to the findings of the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex, do not conform to that purpose may not be the subject of an investment agreement.

The form of an investment agreement and the procedure for concluding an investment agreement and making amendments to an investment agreement shall be established by the Government of the Russian Federation.

The federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex shall send information on investment agreements that have been concluded and on amendments made to concluded investment agreements to the tax authorities before the lapse of thirty days after the conclusion of an investment agreement (amendment of an investment agreement).

31. Deductions shall be made for amounts of excise duty calculated in connection with the operation referred to in subsection 38 of clause 1 of Article 182 of this Code, multiplied by the
coefficient $C_{GP}$, subject to the submission of the documents provided for in clause 29 of Article 201 of this Code.

The coefficient $C_{GP}$ shall be determined by the taxpayer independently using the following formula:

$$C_{GP} = \frac{1 + C_{GWP}}{C_W},$$

where $C_W$ is a coefficient equal to:

[Paragraphs 5 to 11 of clause 31 of Article 200 are reworded from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

1 – where grapes were used for the production of wine, liqueur wine with a protected geographical indication or a protected appellation of origin (special wine), base wine and (or) grape must that were sold in the tax period;

0.97 – from 1 January 2020 to 31 December 2021 inclusively where grapes were used for the production of sparkling wine (champagne) sold in the tax period;

0.945 – from 1 January to 31 December 2022 inclusively where grapes were used for the production of sparkling wine (champagne) sold in the tax period;

0.983 – from 1 January 2023 where grapes were used for the production of sparkling wine (champagne) sold in the tax period;

0.63 – from 1 January to 31 December 2021 inclusively where grapes were used for the production of alcoholic beverages produced through a fully integrated process that were sold in the tax period;

0.65 – from 1 January to 31 December 2022 inclusively where grapes were used for the production of alcoholic beverages produced through a fully integrated process that were sold in the tax period;

0.67 – from 1 January 2023 where grapes were used for the production of alcoholic beverages produced through a fully integrated process that were sold in the tax period;

$C_{GWP}$ shall be determined by the taxpayer independently using the following formula:

$$C_{GWP} = \frac{V_{GWP}}{V_{GP}},$$

where $V_{GWP}$ is the volume of wine, and (or) sparkling wine (champagne), and (or) liqueur wine with a protected geographical indication or a protected appellation of origin (special wine), and (or) base wine, and (or) grape must, and (or) alcoholic beverages produced through a fully integrated process that were produced from grapes and sold in the tax period, expressed in litres;

$V_{GP}$ is the quantity of grapes used for the production of wine, and (or) sparkling wine (champagne), and (or) liqueur wine with a protected geographical indication or a protected
Appellation of origin (special wine), and (or) base wine, and (or) grape must, and (or) alcoholic beverages produced through a fully integrated process that were sold in the tax period, expressed in tonnes.

The calculated value of $V_{GP}$ shall be rounded to a whole value in accordance with the current rounding rules.

Clause 31 as reworded by Federal Law No. 321-FZ of 15.10.2020

[EY Note: Clauses 32 and 33 are appended to Article 200 from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]

Article 201. Procedure for the Application of Tax Deductions

1. The excise duty deductions which are provided for in clauses 1 to 3 of Article 200 of this Code shall be made shall be made subject to the presentation by the taxpayer to the tax authority of settlement documents and VAT invoices issued by the sellers upon the acquisition of excisable goods by the taxpayer or presented by the taxpayer to the owner of customer-supplied raw materials (other materials) upon the production thereof, or on the basis of customs declarations or other documents which confirm the import of excisable goods into the territory of the Russian Federation and other territories under its jurisdiction and the payment of the appropriate amount of excise duty, unless otherwise provided by this Article. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 134-FZ of 26.07.2006, No. 306-FZ of 27.11.2010, No. 218-FZ of 18.07.2011, No. 269-FZ of 30.09.2013]

Deductions shall be made only for amounts of excise duty which were actually paid to sellers upon the acquisition of excisable goods or charged by the taxpayer and paid by the owner of customer-supplied raw materials (other materials) upon the production thereof, or which were actually paid upon the import into the territory of the Russian Federation and other territories under its jurisdiction and the payment of the appropriate amount of excise duty, unless otherwise provided by this Article. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 57-FZ of 29.05.2002, No. 306-FZ of 27.11.2010]

Where payment for excisable goods used as raw materials for the production of other goods is made by third parties, tax deductions shall be made if the name of the organization on whose behalf payment was made is stated in settlement documents.

Where excisable goods on which excise duty had already been paid in the territory of the Russian Federation were used as customer-supplied raw materials, tax deductions shall be made provided that taxpayers present copies of payment documents with a bank’s note confirming the payment of excise duty by the owner of the raw materials (other materials) or confirming that the owner made payment for the raw materials at prices which included excise duty. [as amended by Federal Law No. 166-FZ of 29.12.2000]

The tax deductions which are provided for when excisable goods previously produced by a taxpayer from customer-supplied raw materials are used as customer-supplied raw materials shall be made on the basis of copies of primary documents which confirm that the taxpayer has charged the owner of those raw materials the stated amounts of excise duty (certificate of acceptance and transfer of the produced excisable goods, certificate of manufacture, certificate of further manufacturing use of excisable goods) and payment documents with a bank’s note confirming that the owner of the raw materials paid the cost of manufacture of the excisable goods with excise duty included. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]
3. The deductions of amounts of excise duty which are referred to in clauses 1 to 3 of Article 200 of this Code shall be made to the extent of the portion of the value of the excisable goods used as the main raw material which was actually included in expenses associated with the production of other excisable goods which are deductible for the purpose of calculating tax on the profit of organizations. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 06.08.2001, No. 134-FZ of 26.07.2006, No. 218-FZ of 18.07.2011]

If, in the reporting tax period, the value of excisable goods (raw materials) was included in expenses associated with the production of other sold (transferred) excisable goods without excise duty being paid on those goods (raw materials) to the sellers, the amounts of excise duty shall be deductible in the reporting period in which it was paid to the sellers. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 134-FZ of 26.07.2006]

4. The deductions of amounts of excise duty which are referred to in clause 5 of Article 200 of this Code shall be made in full after appropriate adjustment operations have been reflected in accounting records in connection with the return or rejection of the goods (excluding alcoholic products marked with federal special stamps), but not later than one year after the goods are returned or rejected, provided that the following conditions are simultaneously met:

1) the taxpayer has presented to the tax authorities primary documents and other documents confirming that the excisable goods have been returned and documents confirming that the taxpayer has refunded (credited) to the purchaser which returned the excisable goods the full amount which was paid by that purchaser upon acquiring the excisable goods which it subsequently returned. The above-mentioned documents shall be presented together with the relevant tax declaration;

2) the taxpayer paid excise duty in full upon selling the excisable goods which were subsequently returned. [clause 5 as reworded by Federal Law No. 335-FZ of 27.11.2017]

6. The tax deductions which are referred to in clause 7 of Article 200 of this Code shall be made after operations involving the sale of excisable goods have been entered in accounting records. [clause 7 inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 117-FZ of 07.07.2003]

8-10. The tax deductions referred to in clause 11 of Article 200 of this Code shall be made on condition that the taxpayer submits to the tax authorities the following documents confirming the production from ethyl alcohol (the use of ethyl alcohol in the process of the production) of goods specified in the certificate (certificates) issued to the taxpayer in accordance with clause 1 of Article 179.2 of this Code and (or) in documents submitted by the taxpayer to the tax authority in accordance with clause 4.5 of Article 179.2 of this Code:
1) a copy of the certificate (copies of certificates) provided for in clause 1 of Article 179.2 of this Code;

2) copies of agreements on the acquisition of ethyl alcohol;

3) in the case of the operations provided for in subsection 20 of clause 1 of Article 182 of this Code – registers of VAT invoices issued by organizations selling denatured ethyl alcohol to the taxpayer/purchaser of the denatured ethyl alcohol possessing a certificate for the production of non-alcohol-containing products and (or) alcohol-containing edible products. The form of those registers of VAT invoices, the procedure for completing them and the procedure for submitting them to the tax authorities 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. 321-FZ of 15.10.2020]

4) in the case of the operations provided for in subsection 20.1 of clause 1 of Article 182 of this Code – registers of VAT invoices issued by organizations selling ethyl alcohol to the taxpayer/purchaser of the ethyl alcohol possessing a certificate (certificates) provided for in subsections 2 to 6 of clause 1 of Article 179.2 of this Code. The form of those registers of VAT invoices, the procedure for completing them and the procedure for submitting them to the tax authorities 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. 321-FZ of 15.10.2020]

5) a register of certificates of transfer of ethyl alcohol to production. The form and procedure for the completion of that register of certificates and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

6) a register of documents confirming the recording (entry in accounting records) of goods indicated in the taxpayer’s certificate issued in accordance with clause 1 of Article 179.2 of this Code and (or) in documents submitted by the taxpayer in accordance with clause 4.5 of Article 179.2 of this Code in the production of which (in the process of the production of which) ethyl alcohol was used. The form and procedure for the completion of that register of documents and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. [clause 11 as reworded by Federal Law No. 326-FZ of 29.09.2019]

[12. Lost force from 01.01.2020 – Federal Law No. 326-FZ of 29.09.2019]

13. The tax deductions which are referred to in clause 13 of Article 200 of this Code shall be made subject to the submission by the taxpayer to the tax authorities of the following documents:

1) a copy of the agreement with the taxpayer which possesses a certificate for the processing of straight-run petrol;

2) registers of VAT invoices issued by owners of straight-run petrol to a taxpayer possessing a certificate for the processing of straight-run petrol (to a purchaser of straight-run petrol), bearing a mark made by the tax authority with which that purchaser is registered. The standard form of and procedure for completing the above-mentioned registers of VAT invoices, the
procedure for submitting them to the tax authorities and the design of the mark to be made on registers of VAT invoices by the tax authority with which the purchaser of the denatured ethyl alcohol is registered shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. The above-mentioned mark shall be made not later than five days from the day on which the taxpayer/purchaser of straight-run petrol submitted the tax declaration for excise duties and the register of VAT invoices to the tax authority (or not later than five days from the latest of the dates on which one of the above-mentioned documents was submitted to the tax authority).

[as amended by Federal Laws No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]
[clause 13 inserted by Federal Law No. 134-FZ of 26.07.2006]

14. The tax deductions referred to in clause 14 of Article 200 of this Code shall be made subject to the submission of the following documents to the tax authorities by a taxpayer holding a certificate for the production of straight-run petrol and (or) a certificate for the performance of operations involving benzene, paraxylene or orthoxylene:

1) where straight-run petrol produced from own raw material is transferred for processing on a toll basis into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene:

- a copy of the taxpayer’s certificate for the production of straight-run petrol;

- a copy of the taxpayer’s contract with a person holding a certificate for the processing of straight-run petrol and (or) a certificate for the performance of operations involving benzene, paraxylene or orthoxylene for the toll processing of transferred straight-run petrol into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene;

- a copy of the certificate for the processing of straight-run petrol and (or) the certificate for the performance of operations involving benzene, paraxylene or orthoxylene of the person with which the taxpayer has concluded a contract for the toll processing of transferred straight-run petrol into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene;

- a copy of the consignment note (or acceptance and transfer certificate) for the supply of straight-run petrol produced by the taxpayer to a person holding a certificate for the processing thereof and (or) a certificate for the performance of operations involving benzene, paraxylene or orthoxylene with which the taxpayer has concluded a contract for the toll processing of transferred straight-run petrol into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene;

- the register of VAT invoices issued to the taxpayer (the owner of straight-run petrol which performed the operation provided for in subsection 12 of clause 1 of Article 182 of this Code) by the person holding a certificate for the processing of straight-run petrol and (or) a certificate for the performance of operations involving benzene, paraxylene or orthoxylene which carried out the toll processing of that straight-run petrol into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene. The standard form of and procedure for the submission of registers of VAT invoices to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

2) where straight-run petrol produced from customer-supplied raw material is transferred for subsequent processing into petrochemical products, straight-run petrol, benzene, paraxylene or
orthoxylene to the owner of the customer-supplied raw material (straight-run petrol) which holds a certificate for the processing of straight-run petrol and (or) a certificate for the performance of operations involving benzene, paraxylene or orthoxylene or to other persons holding the above-mentioned certificates (on the basis of executive documents of that owner):

- a copy of the certificate of the taxpayer/processor of customer-supplied raw material for the production of straight-run petrol;

- a copy of the contract between the owner of the customer-supplied raw material and the taxpayer for the production of straight-run petrol from that raw material on a toll basis;

- a copy of the contract between the owner of the straight-run petrol produced on a toll basis with a person holding a certificate for the processing of straight-run petrol and (or) a certificate for the performance of operations involving benzene, paraxylene or orthoxylene for the toll processing of that straight-run petrol into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene (if such a contract exists);

- a copy of the certificate for the processing of straight-run petrol and (or) the certificate for the performance of operations involving benzene, paraxylene or orthoxylene of the person with which the owner of straight-run petrol has concluded a contract for the toll processing of transferred straight-run petrol into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene (if such a contract exists);

- copies of executive documents issued to the taxpayer by the owner of straight-run petrol produced on a toll basis (if such documents exist) concerning the transfer thereof to a person holding a certificate for the processing of straight-run petrol and (or) a certificate for the performance of operations involving benzene, paraxylene or orthoxylene with which the owner of straight-run petrol concluded a contract for the toll processing of transferred straight-run petrol into petrochemical products, straight-run petrol, benzene, paraxylene or orthoxylene (if such a contract exists);

- a copy of the certificate for the processing of straight-run petrol and (or) the certificate for the performance of operations involving benzene, paraxylene or orthoxylene of the owner of the customer-supplied raw material (if such certificates exist);

- a copy of the consignment note for the supply of straight-run petrol or the certificate of the acceptance and transfer of straight-run petrol to the owner of customer-supplied raw material which holds a certificate for the processing of straight-run petrol and (or) the certificate for the performance of operations involving benzene, paraxylene or orthoxylene (if such certificates exist) or to other persons holding such certificates (if there are executive documents of the owner of the customer-supplied raw material).

[clause 14 as reworded by Federal Law No. 323-FZ of 23.11.2015]

15. The tax deductions which are referred to in clause 15 of Article 200 of this Code shall be made subject to the presentation of the following documents by the taxpayer to the tax authorities:

1) a copy of the taxpayer’s certificate for the processing of straight-run petrol;
2) where a taxpayer receives straight-run petrol – a copy of the taxpayer’s contract with a supplier of straight-run petrol for the supply (purchase and sale) of straight-run petrol;

3) where a taxpayer receives straight-run petrol – the register of VAT invoices issued to the taxpayer by the supplier of straight-run petrol, confirming that the taxpayer received the straight-run petrol in relation to which the amount of excise duty claimed as deductible in the tax period was charged. The standard form and procedure for the completion of the above-mentioned register of VAT invoices and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

4) where a taxpayer records the receipt of straight-run petrol – documents confirming that the taxpayer has recorded the straight-run petrol as received;

5) where straight-run petrol received (recorded in accounts) is used for the manufacture of petrochemical products by the taxpayer itself: [as amended by Federal Law No. 335-FZ of 27.11.2017]

- a copy of one of the documents which confirm that straight-run petrol received (recorded in accounts) has been used for the manufacture of petrochemical products (a release note for the internal handling of straight-run petrol, a certificate of acceptance and transfer of straight-run petrol between structural subdivisions of the taxpayer, certificates of the assignment of straight-run petrol for the manufacture of petrochemical products, a quota card for the tax period); [as amended by Federal Law No. 335-FZ of 27.11.2017]

- copies of documents confirming the recording of the receipt (entry in accounting records) of the petrochemical products for the manufacture of which the straight-run petrol was used;

6) where straight-run petrol is used for the manufacture of petrochemical products by another organization which provides services to the taxpayer involving the manufacture of petrochemical products:

- a copy of the taxpayer’s contract with that organization;

- a copy of one of the documents enumerated in subsection 5 of this clause confirming that straight-run petrol has been used for the manufacture of petrochemical products by that organization;

- a copy of the certificate of acceptance and transfer of petrochemical products.

In the event that a taxpayer simultaneously uses straight-run petrol in a tax period for the production of various petrochemical products and (or) excisable products, the procedure for the determination of the amount of excise duties attributable to straight-run petrol used for the production of those petrochemical products and (or) excisable products shall be established by the accounting policies for taxation purposes which have been adopted by the taxpayer. That procedure may be amended in the event of a change in production methods used or from the beginning of a new tax period, but not before 24 consecutive tax periods have elapsed.

[paragraph inserted by Federal Law No. 323-FZ of 23.11.2015]
[clause 15 as reworded by Federal Law No. 366-FZ of 24.11.2014]

[16. Lost force from 01.01.2020 – Federal Law No. 326-FZ of 29.09.2019]
17. The tax deductions which are provided for in clause 16 of Article 200 of this Code shall be made by taxpayers which acquire (purchase) ethyl alcohol (including ethyl alcohol which is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and is a Eurasian Economic Union good) on the basis of the documents specified in clause 7 of Article 204 of this Code and the following documents (copies thereof) presented to the tax authority together with the tax declaration for excise duties: [as amended by Federal Law No. 323-FZ of 23.11.2015]

1) an agreement on the purchase and sale of ethyl alcohol concluded by a manufacturer of alcoholic and (or) excisable alcohol-containing products with a manufacturer of ethyl alcohol which is a Russian taxpayer organization, or a copy of an agreement (contract) on the supply of ethyl alcohol which is a Eurasian Economic Union good from the territories of member states of the Eurasian Economic Union; [as amended by Federal Law No. 323-FZ of 23.11.2015]

2) transport (carriage) documents for the shipment of the ethyl alcohol by the seller which is a Russian taxpayer organization;

3) a statement of the transfer of ethyl alcohol for use in production and a copy of the blending statement;

4) where ethyl alcohol which is a Eurasian Economic Union good is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union, tax deductions shall be made on the basis of documents submitted to the tax authorities confirming the importation of the ethyl alcohol into the Russian Federation which are specified in international agreements within the framework of the Eurasian Economic Union and (or) in other regulatory legal acts that have been approved in accordance with those international treaties (agreements); [as amended by Federal Law No. 323-FZ of 23.11.2015]

5) where an amount of advance excise duty payment was paid by a guarantor bank (in cases provided for in clause 13 of Article 204 and (or) clause 6 of Article 184 of this Code), a copy of the payment document confirming that payment shall be presented. [subsection 5 inserted by Federal Law No. 101-FZ of 05.04.2016] [clause 17 as reworded by Federal Law No. 269-FZ of 30.09.2013]

18. The tax deductions which are provided for in clause 16 of Article 200 of this Code shall be made by taxpayers which conduct the operations referred to in subsection 22 of clause 1 of Article 182 of this Code on the basis of the documents provided for in clause 7 of Article 204 of this Code and any one of the following documents (copies thereof) presented to the tax authority together with the tax declaration for excise duties which confirm the transfer of ethyl alcohol for use in manufacturing alcoholic and (or) excisable alcohol-containing products: [as amended by Federal Law No. 338-FZ of 28.11.2011]

1) consignment note for internal movement of ethyl alcohol; [as amended by Federal Law No. 338-FZ of 28.11.2011]

2) certificate of transfer and acceptance of ethyl alcohol between structural subdivisions of the taxpayer; [as amended by Federal Law No. 338-FZ of 28.11.2011]
19. The tax deductions provided for in clause 19 of Article 200 of this Code shall be made subject to the submission of the following documents to the tax authority:

1) in the case of the use of base wine, grape must and fruit must imported into the Russian Federation – a register of customs declarations or other documents confirming the importation of those goods into the Russian Federation and the payment of excise duty in relation to those goods. The form and procedure for the completion of that register and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

2) in the case of the use of acquired base wine, grape must and fruit must – a register of VAT invoices issued by organizations selling base wine, grape must and fruit must to the taxpayer/purchaser possessing an appropriate licence for the production, storage and supply of produced alcoholic products. The form and procedure for the completion of that register and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

3) a register of documents confirming the use of base wine, grape must and fruit must for the production of alcoholic products sold in the tax period. The form and procedure for the completion of that register and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

4) a register of documents confirming the recording (entry in accounting records) of alcoholic products in the production of which the base wine, grape must and fruit must in relation to which the tax deduction is made were used. The form and procedure for the completion of that register and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

5) a register of documents confirming the sale by the taxpayer in the tax period of alcoholic products produced by it in the production of which base wine, grape must and fruit must acquired or imported into the Russian Federation were used. The form and procedure for the completion of that register and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

6) a copy of the appropriate licence for the production, storage and supply of produced alcoholic products. The taxpayer shall have the right not to submit copies of the licences referred to in this subsection to the tax authority provided that details of those licences are contained in the unified state automated information system for the recording of the volume of production and circulation of ethyl alcohol and alcoholic and alcohol-containing products;

7) a register of settlement (payment) documents confirming that the taxpayer paid the appropriate amount of excise duty on acquiring the base wine, grape must and fruit must in relation to which the tax deduction is made. The form and procedure for the completion of that
register and the format and procedure for submitting it to the tax authorities in electronic form shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

[subsection 7 inserted by Federal Law No. 305-FZ of 02.07.2021]
[clause 19 as reworded by Federal Law No. 326-FZ of 29.09.2019]

20. The tax deductions referred to in clause 20 of Article 200 of this Code shall be made subject to the presentation by the taxpayer to the tax authorities of the following documents:

1) a copy of the taxpayer’s certificate to carry out operations involving benzene, paraxylene or orthoxylene;

2) where benzene, paraxylene or orthoxylene is received by the taxpayer – a copy of the taxpayer’s contract with a supplier of benzene, paraxylene or orthoxylene for the supply (purchase and sale) of benzene, paraxylene or orthoxylene;

3) where benzene, paraxylene or orthoxylene is received by the taxpayer – a register of VAT invoices issued to the taxpayer by the supplier of the benzene, paraxylene or orthoxylene, confirming the receipt by the taxpayer of the benzene, paraxylene or orthoxylene in relation to which amounts of excise duty claimed as deductions in the tax period were charged. The standard form of and procedure for completing the above-mentioned register of VAT invoices and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

4) where benzene, paraxylene or orthoxylene is recorded as received by the taxpayer – documents confirming that the benzene, paraxylene or orthoxylene has been recorded as received by the taxpayer;

5) where benzene, paraxylene or orthoxylene is used for the manufacture of petrochemical products by the taxpayer itself:

- a copy of one of the documents which confirm that benzene, paraxylene or orthoxylene has been used for the manufacture of petrochemical products (a release note for the internal handling of benzene, paraxylene or orthoxylene, a certificate of acceptance and transfer of benzene, paraxylene or orthoxylene between structural subdivisions of the taxpayer, certificates of the assignment of benzene, paraxylene or orthoxylene for the manufacture of petrochemical products, a quota card for the tax period);

- copies of documents confirming the recording of the receipt (entry in accounting records) of the petrochemical products for the manufacture of which the benzene, paraxylene or orthoxylene was used;

6) where benzene, paraxylene or orthoxylene is used for the manufacture of petrochemical products by another organization which provides services to the taxpayer involving the manufacture of petrochemical products:

- a copy of the taxpayer’s contract with that organization;
- a copy of one of the documents enumerated in subsection 5 of this clause confirming that benzene, paraxylene or orthoxylene has been used for the manufacture of petrochemical products by that organization;

- a copy of the certificate of acceptance and transfer of petrochemical products.  

[clause 20 inserted by Federal Law No. 366-FZ of 24.11.2014]

21. The tax deductions referred to in clause 21 of Article 200 of this Code shall be made subject to the presentation by the taxpayer to the tax authorities of the following documents:

1) a copy of the operator’s certificate;

2) a copy of the taxpayer’s contract with a Russian organization which is a supplier of jet fuel for the supply (purchase and sale) of jet fuel;

3) a register of VAT invoices issued to the taxpayer by the supplier of the jet fuel, confirming the receipt by the taxpayer of the jet fuel in relation to which the amount of excise duty claimed as a deduction in the tax period was charged. The standard form of and procedure for completing the above-mentioned register of VAT invoices and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

4) where jet fuel received is used for the refuelling of aircraft by the taxpayer itself – a register of issue notes (requests, vouchers) for the refuelling of aircraft, confirming that aircraft were refuelled with jet fuel by the taxpayer itself. That register must include the following information: the name of the document, the date and number of the issue note (request, voucher), the place of refuelling (airport), the type of fuel, the quantity of fuel delivered in kilograms and litres, the type of aircraft and the flight number;  

[as amended by Federal Law No. 323-FZ of 23.11.2015]

5) where jet fuel received is used for the refuelling of aircraft by a person with which the taxpayer has concluded a contract for the provision of services involving the refuelling of aircraft operated by the taxpayer with jet fuel:

- a copy of the taxpayer’s contract with the person which carries out the refuelling of aircraft with jet fuel for the provision of services to the taxpayer involving the refuelling of aircraft with jet fuel;

- a register of issue notes (requests, vouchers) for the refuelling of aircraft, confirming that aircraft were refuelled with jet fuel by the person which carries out the refuelling of aircraft with jet fuel under the contract concluded with the taxpayer. That register must include the following information: the name of the document, the name of the person which provides aircraft refuelling services, the date and number of the issue note (request, voucher), the place of refuelling (airport), the type of fuel, the quantity of fuel delivered in kilograms and litres, the type of aircraft and the flight number.  

[as amended by Federal Law No. 323-FZ of 23.11.2015]  

[clause 21 inserted by Federal Law No. 366-FZ of 24.11.2014]

22. The tax deductions which are provided for in clause 22 of Article 200 of this Code shall be made subject to the submission of the following documents to the tax authorities by a taxpayer holding a certificate such as is provided for in Article 179.5 of this Code:
1) a copy of the certificate provided for in Article 179.5 of this Code;

2) a copy of the supply (purchase-sale) contract for fuel which is classed as medium distillates for the purposes of this Chapter between the taxpayer and the Russian organization which is the supplier of that fuel, and copies of or a register of supply (purchase-sale) contracts concluded by the taxpayer or another entity with the Russian organization that manufactures that fuel, and (or) copies of or a register of contracts for the provision of petroleum feedstock processing services concluded by the taxpayer or another entity with the Russian organization that manufactures that fuel. Those registers shall be drawn up in any form and must include the following details: date and number of the contract, subject of the contract, names of the parties to the contract, and term of the contract; [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019, No. 321-FZ of 15.10.2020]

3) if medium distillates received are used by the taxpayer for the bunkering (refuelling) of vessels (installations, platforms situated in the internal sea waters, in the territorial sea or 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), in addition to the documents specified in subsections 1 and 2 of this clause the taxpayer shall submit copies of: [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

- a register of VAT invoices and (or) a register of consignment notes and (or) acceptance and transfer certificates for fuel and (or) other documents for the supply of fuel that is classed as a medium distillate for the purposes of this Chapter which confirm that the taxpayer received that fuel, a register of primary accounting documents, a register of VAT invoices in which the amount of excise duty calculated on that fuel by the manufacturer thereof is indicated in a separate line, and other documents of the taxpayer/manufacturer containing information on fuel that is classed as a medium distillate for the purposes of this Chapter. Those registers shall be drawn up in any form and must include the following details: the name of the document, the date and number of the document for the supply of fuel, the date and number of the document confirming the charging of excise duty on supplied fuel, the type of fuel, the quantity of fuel received, details of the taxpayer/manufacturer, and particulars of a document of the taxpayer/manufacturer containing information on fuel that is classed as a medium distillate for the purposes of this Chapter (including in particular on the quality of the fuel); [as amended by Federal Law No. 321-FZ of 15.10.2020]

- the register of bunker delivery receipts, and (or) consignment notes, and (or) demands, and (or) vouchers, confirming the actual receipt of fuel which is classed as medium distillates for the purposes of this Chapter by vessels (installations or structures such as are referred to in subsection 2 of clause 1 of Article 179.5 of this Code which are situated in the internal sea waters, in the territorial sea or 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) which are operated by the taxpayer on the basis of ownership or another legal basis, signed by the director of the taxpayer’s organization or by an authorized representative. That register shall be drawn up in any form and must include the following details: the name of the document, the date and number of the document, the bunkering (refuelling) location (the port, where applicable), the type of fuel and the quantity of delivered fuel in tonnes; [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]
- a fuel consumption statement (drawn up in any form) confirming the actual use of fuel which is classed as medium distillates for the purposes of this Chapter by vessels (installations or structures such as are referred to in subsection 2 of clause 1 of Article 179.5 of this Code which are situated in the internal sea waters, in the territorial sea or 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) which are operated by the taxpayer on the basis of ownership or another legal basis, signed by the director of the taxpayer’s organization or by an authorized representative; [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

4) if medium distillates received are used by the taxpayer as fuel in the production of electrical and (or) thermal energy through facilities referred to in subsection 3 of clause 1 of Article 179.5 of this Code in relation to which copies of documents confirming the right of ownership (right of operational management) in those facilities have been submitted to the tax authority, the taxpayer shall submit, in addition to the documents referred to in subsections 1 and 2 of this clause, copies of:

- a register of consignment notes and (or) acceptance and transfer certificates for fuel and (or) other documents for the supply of fuel that is classed as a medium distillate for the purposes of this Chapter which confirm that the taxpayer received that fuel, and of primary accounting documents and VAT invoices in which the amount of excise duty calculated on that fuel by the manufacturer thereof is indicated in a separate line. That register shall be drawn up in any form and must include the following details: the name of the document, the date and number of the document for the supply of fuel, the date and number of the document confirming the charging of excise duty on supplied fuel, the type of fuel, and the quantity of fuel used; [as amended by Federal Law No. 321-FZ of 15.10.2020]

- analytical records of the use of types of fuel classed as medium distillates;

- documents confirming relative generation of thermal and (or) electrical energy by type of facility;

- analytical records of thermal and electricity energy supply by type of facility. [subsection 4 inserted by Federal Law No. 255-FZ of 30.07.2019]
[clause 22 inserted by Federal Law No. 323-FZ of 23.11.2015]

23. The tax deductions which are provided for in clause 23 of Article 200 of this Code shall be made subject to the submission of the following documents to the tax authorities by the taxpayer:

1) a copy of the notification from the federal executive body which carries out functions involving the provision of state services and the management of state property in the area of marine and river transport of the inclusion of the taxpayer in the register of suppliers of bunker fuel, or a copy of a tank farm technical certificate which is valid on the date of submission to the tax authority and a copy of a licence to carry out handling activities (with respect to dangerous cargoes on rail transport, inland water transport and in seaports), or a copy of the contract on the basis of which facilities for the bunkering (refuelling) of vessels are used, concluded between the taxpayer and a Russian organization which is included in the register of suppliers of bunker fuel;
2) a copy of the taxpayer’s contract of delegation, commission agency contract or agency contract with a delegate, commission agent or agent providing for the provision to the taxpayer of services involving the sale of medium distillates as referred to in subsection 30 of clause 1 of Article 182 of this Code (where medium distillates are sold through a delegate, a commission agent or an agent under a contract of delegation, a commission agency contract or an agency contract); [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

3) a copy of the taxpayer’s contract with a foreign legal entity for the supply of fuel which is classed as medium distillates for the purposes of this Chapter (or, if that contract contains information which constitutes state secrets, an extract from it containing information needed for the exercise of tax control); [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

4) copies of documents confirming the sale of fuel which is classed as medium distillates for the purposes of this Chapter to a foreign organization in accordance with the contract referred to in subsection 3 of this clause (primary documents made out to the foreign organization specified in that contract); [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

5) where fuel which is classed as medium distillates for the purposes of this Chapter is conveyed out of the territory of the Russian Federation, in addition to the documents referred to in subsections 1 to 4 of this clause documents shall be submitted which confirm that fuel sold by the taxpayer which is classed as medium distillates for the purposes of this Chapter was conveyed out of the territory of the Russian Federation as stores on vessels in accordance with Eurasian Economic Union law (copies of transport, shipping or other documents containing, inter alia, information on the quantity of stores which confirm that the stores were conveyed out of the territory of the Russian Federation by vessels); [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

6) a register of contracts for the supply (purchase and sale) of fuel that is classed as a medium distillate for the purposes of this Chapter between the taxpayer and the Russian organization that supplies that fuel, and copies of or a register of supply (purchase-sale) contracts concluded by the taxpayer or another entity with the Russian organization that manufactures that fuel and (or) copies of or registers of contracts for the provision of petroleum feedstock processing services concluded by the taxpayer or another entity with the Russian organization that manufactures that fuel. Those registers shall be drawn up in any form and must include the following details: date and number of the contract, subject of the contract, names of the parties to the contract, and term of the contract; [subsection 6 inserted by Federal Law No. 321-FZ of 15.10.2020]

7) a register of VAT invoices and (or) a register of consignment notes and (or) acceptance and transfer certificates for fuel and (or) other documents for the supply of fuel that is classed as a medium distillate for the purposes of this Chapter which confirm that the taxpayer received that fuel, a register of primary accounting documents, a register of VAT invoices in which the amount of excise duty charged on that fuel by the manufacturer thereof is indicated in a separate line, and other documents of the taxpayer/manufacturer containing information on fuel that is classed as a medium distillate for the purposes of this Chapter. Those registers shall be drawn up in any form and must include the following details: the name of the document, the date and number of the document for the supply of fuel, the date and number of the document confirming the charging of excise duty on supplied fuel, the type of fuel, the quantity of fuel supplied,
details of the taxpayer/manufacturer, and particulars of a document of the taxpayer/manufacturer containing information on fuel that is classed as a medium distillate for the purposes of this Chapter (including in particular on the quality of the fuel); [subsection 7 inserted by Federal Law No. 321-FZ of 15.10.2020] [clause 23 inserted by Federal Law No. 323-FZ of 23.11.2015]

24. The tax deductions which are provided for in clause 24 of Article 200 of this Code shall be made subject to the submission of the following documents to the tax authorities by the taxpayer:

1) a copy of the notification from the federal executive body which carries out functions involving the provision of state services and the management of state property in the area of marine and river transport of the inclusion of the taxpayer in the register of suppliers of bunker fuel;

2) a copy of the taxpayer’s contract for the supply of fuel which is classed as medium distillates for the purposes of this Chapter (or, if that contract contains information which constitutes state secrets, an extract from it containing information needed for the exercise of tax control) with a foreign organization which performs work (renders services) associated with regional geological study, geological study, exploration and (or) extraction of hydrocarbons on the continental shelf of the Russian Federation on the basis of a contract with a Russian organization holding a licence to use a subsurface site of the continental shelf of the Russian Federation, and (or) with a contractor which has been engaged by a subsurface user in accordance with the legislation of the Russian Federation concerning the continental shelf of the Russian Federation for the creation, operation and use of installations and structures such as are referred to in subsection 2 of clause 1 of Article 179.5 of this Code or artificial islands on the continental shelf of the Russian Federation, and (or) with the operator of a new offshore hydrocarbon deposit. [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

Where the supply of fuel which is classed as medium distillates for the purposes of this Chapter takes place under a commission agency contract, a contract of delegation or an agency contract, the taxpayer shall submit to the tax authorities the commission agency contract, contract of delegation or agency contract (copies of those contracts) and the contract (a copy of the contract) between the person which carries out the supply of fuel which is classed as medium distillates for the purposes of this Chapter at the taxpayer’s instruction and a foreign organization which performs work (renders services) associated with regional geological study, geological study, exploration and (or) extraction of hydrocarbons on the continental shelf of the Russian Federation; [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

3) the register of consignment notes and (or) acceptance and transfer certificates for fuel and (or) other documents for the supply of fuel which is classed as medium distillates for the purposes of this Chapter, confirming that the fuel in question was transferred to a foreign organization which performs work (renders services) associated with regional geological study, geological study, exploration and (or) extraction of hydrocarbons on the continental shelf of the Russian Federation. That register shall be drawn up in any form and must include the following details: the name of the document, the date and number of the document for the supply of fuel, the type of fuel and the quantity of fuel delivered; [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]
4) a copy of the contract of an organization holding a licence to use a subsurface site of the continental shelf of the Russian Federation, and (or) of a contractor engaged by a subsurface user in accordance with the legislation of the Russian Federation concerning the continental shelf of the Russian Federation for the creation, operation and use of installations and structures such as are referred to in subsection 2 of clause 1 of Article 179.5 of this Code and artificial islands on the continental shelf of the Russian Federation, and (or) of an operator of a new offshore hydrocarbon deposit with a foreign organization which purchases fuel which is classed as medium distillates for the purposes of this Chapter; [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

5) a customs declaration (a copy thereof) bearing marks made by the Russian customs authority which cleared the goods under the export customs procedure and by the Russian customs authority of the exit point through which the goods were conveyed out of the customs territory of the Eurasian Economic Union;

6) copies of transport or shipping documents or other documents bearing marks made by the Russian customs authorities for the point of exit:

- the order for the shipment of exported oil products indicating the port of unloading, with a “Loading authorized” mark made by the Russian customs authority for the point of exit;

- the bill of lading for the carriage of exported oil products, with a place outside the territory of the Russian Federation indicated in the “Port of Unloading” column;

7) a register of contracts for the supply (purchase and sale) of fuel that is classed as a medium distillate for the purposes of this Chapter between the taxpayer and the Russian organization that supplies that fuel, and copies of or a register of supply (purchase-sale) contracts concluded by the taxpayer or another entity with the Russian organization that manufactures that fuel, and (or) copies of or registers of contracts for the provision of petroleum feedstock processing services concluded by the taxpayer or another entity with the Russian organization that manufactures that fuel. Those registers shall be drawn up in any form and must include the following details: date and number of the contract, subject of the contract, names of the parties to the contract, and term of the contract; [subsection 7 inserted by Federal Law No. 321-FZ of 15.10.2020]

8) a register of VAT invoices and (or) a register of consignment notes and (or) acceptance and transfer certificates for fuel and (or) other documents for the supply of fuel that is classed as a medium distillate for the purposes of this Chapter which confirm that the taxpayer received that fuel, a register of primary accounting documents, a register of VAT invoices in which the amount of excise duty charged on that fuel by the manufacturer thereof is indicated in a separate line, and other documents of the taxpayer/manufacturer containing information on fuel that is classed as a medium distillate for the purposes of this Chapter. Those registers shall be drawn up in any form and must include the following details: the name of the document, the date and number of the document for the supply of fuel, the date and number of the document confirming the charging of excise duty on supplied fuel, the type of fuel, the quantity of fuel supplied, details of the taxpayer/manufacturer, and particulars of a document of the taxpayer/manufacturer containing information on fuel that is classed as a medium distillate for the purposes of this Chapter (including in particular on the quality of the fuel). [subsection 8 inserted by Federal Law No. 321-FZ of 15.10.2020] [clause 24 inserted by Federal Law No. 323-FZ of 23.11.2015]
25. The tax deductions provided for in clause 25 of Article 200 of this Code shall be made provided that the following documents are presented to the tax authorities by a taxpayer possessing a certificate of registration of an entity that carries out operations involving the processing of medium distillates:

1) a copy of the certificate provided for in Article 179.6 of this Code;

2) a register of VAT invoices issued to the taxpayer by the supplier of medium distillates confirming that the taxpayer received the medium distillates in relation to which the amount of excise duty claimed as deductible in the tax period was charged – if the taxpayer received medium distillates. The form of and procedure for completing the above-mentioned register of VAT invoices and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

3) documents confirming that the taxpayer recorded medium distillates in accounts – if the taxpayer recorded medium distillates in accounts;

4) a copy of one of the documents which confirm that medium distillates were sent for processing within production facilities of the taxpayer which are needed to carry out medium distillate processing operations (at least one type) referred to in clause 8 of Article 179.6 of this Code (in particular, a release note for internal handling, a certificate of acceptance and transfer between structural subdivisions of the taxpayer, certificates of transfer into production use and a quota card for the tax period) – if medium distillates are processed by the taxpayer itself;

5) a copy of one of the documents referred to in subsection 4 of this clause confirming that medium distillates were sent for processing within production facilities needed to carry out medium distillate processing operations (at least one type) referred to in clause 8 of Article 179.6 of this Code which belong to an organization which provides medium distillate processing services to the taxpayer, a copy of the taxpayer’s agreement with that organization and a copy of the certificate of acceptance and transfer of medium distillates – if medium distillates are processed by that organization.

[clause 25 inserted by Federal Law No. 335-FZ of 27.11.2017]

26. Where a taxpayer uses medium distillates both for processing and for other purposes in a tax period, the procedure for determining amounts of excise duty attributable to medium distillates sent for processing and used for other purposes shall be established by the accounting policies adopted by the taxpayer for taxation purposes. That procedure may be amended in the event of changes in the methods used for the processing of medium distillates or from the beginning of a tax period, but not before 24 consecutive tax periods have elapsed from the month in which the procedure to which amendments are made was approved.

[clause 26 inserted by Federal Law No. 335-FZ of 27.11.2017]

27. The tax deductions which are provided for in clause 26 of Article 200 of this Code shall be made in the tax period in which excisable goods in relation to which a tax deduction is applied were used by the taxpayer in carrying out operations which are considered taxable objects and are taxable in accordance with this Chapter on the basis of a tax declaration for excise duties submitted by the taxpayer to the tax authorities.

[clause 27 inserted by Federal Law No. 353-FZ of 27.11.2017]
28. The tax deductions provided for in clause 27 of Article 200 of this Code shall be made provided that the following documents are submitted to the tax authorities by a taxpayer holding a certificate of registration of an entity that carries out petroleum feedstock processing operations:

1) a copy of the certificate of registration of an entity that carries out petroleum feedstock processing operations;

2) where processing of petroleum feedstocks acquired from third parties takes place – a contract for the supply (purchase and sale) of petroleum feedstocks confirming the acquisition of ownership thereof, and (or) other documents confirming ownership of the petroleum feedstocks;

3) where petroleum feedstocks are processed by taxpayers possessing the right to extract hydrocarbons on the basis of licences (other authorizing documents) issued in accordance with the legislation of the Russian Federation, those taxpayers shall also have the right to submit copies of licences to use subsurface sites (other authorizing documents) and copies of documents confirming the extraction of hydrocarbons at those subsurface sites during the tax period;

4) where petroleum feedstocks are processed at production facilities which are owned and (or) otherwise legally possessed by an organization which directly provides petroleum feedstock processing services to the taxpayer – the contract for the provision of petroleum feedstock processing services;

5) where petroleum feedstocks acquired from third parties are processed at production facilities which are owned and (or) otherwise legally possessed by the taxpayer – a register of VAT invoices issued to the taxpayer by suppliers of petroleum feedstocks, confirming the receipt by the taxpayer of petroleum feedstocks supplied for processing. The form of and procedure for completing that register of VAT invoices and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

6) a copy of one of the documents confirming the supply of petroleum feedstocks for processing (in particular, a release note for internal handling, certificates of release (transfer) for manufacture and a quota card for the tax period);

7) a register of documents confirming the shipment for sale by the taxpayer (or, where petroleum feedstocks are processed on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer, transfer to the taxpayer and (or) to third parties on the taxpayer’s instructions) in the tax period of processed products of petroleum feedstocks owned by the taxpayer;

8) where production takes place on the basis of a contract for the provision of petroleum feedstock processing services to the taxpayer – a register of documents confirming the sale by the taxpayer of class 5 RON 92 petrol and class 5 diesel fuel in the territory of the Russian Federation which were previously transferred to the taxpayer by an organization which directly carries out the processing of petroleum feedstocks;
9) where class 5 petrol and (or) class 5 diesel fuel is sold in a tax period in exchange trading conducted by an exchange (exchanges) by a person which, in accordance with the anti-monopoly legislation of the Russian Federation, forms part of the same group of persons as a taxpayer which holds a certificate of registration of a person that carries out petroleum feedstock processing operations – a list of persons forming part of the same group of persons as the taxpayer in the form approved by the authorized federal executive body responsible for the adoption of regulatory legal acts, control and supervision over compliance with legislation relating to competition on commodity markets, the protection of competition on the financial services market, activities of natural monopolies and advertising.

subsection 9 inserted by Federal Law No. 255-FZ of 30.07.2019
clause 28 inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)]

29. The tax deductions provided for in clause 31 of Article 200 of this Code shall be made on condition that the taxpayer submits to the tax authority together with the tax declaration for excise duties:

1) in the case of the use of grapes for the production of base wine – a copy of the licence for the production, storage and supply of produced base wine and (or) grape must;

2) in the case of the use of grapes for the production of wine, sparkling wine (champagne) or liqueur wine with a protected geographical indication or a protected appellation of origin (special wine) – a copy of the licence for the production, storage and supply of produced wine (including with a protected geographical indication or a protected appellation of origin), and (or) sparkling wine (champagne) (including with a protected geographical indication or a protected appellation of origin), and (or) liqueur wine with a protected geographical indication or a protected appellation of origin (special wine) or a copy of the licence for the production, storage, supply and retail sale of wine, and (or) sparkling wine (champagne), and (or) liqueur wine with a protected geographical indication or a protected appellation of origin (special wine) produced by agricultural producers;

3) in the case of the use of grapes for the production of alcoholic beverages through a fully integrated process – a copy of the licence for the production, storage and supply of produced alcoholic beverages and copies of technical documents relating to the manufacture of alcoholic beverages stating the varieties of grapes used and the production process;

[EY Note: Subsection 4 of clause 29 of Article 201 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

4) a register of documents confirming the acquisition of ownership of grapes by persons possessing an appropriate licence referred to in subsections 1 to 3 of this clause for use in producing products mentioned in subsections 1 to 3 of this clause. The form and procedure for the completion of that register and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. For taxpayers that acquire grapes under purchase-sale agreements, the documents in question shall be the purchase-sale agreement and the goods received note; for taxpayers that use internally produced grapes, the documents in question shall be an extract from the register of vine plantations, an internal transfer note and (or) certificates of acceptance and transfer of grapes between structural subdivisions of the organization;
5) a register of documents (internal transfer note for grapes, certificates of acceptance and transfer of grapes between structural subdivisions of the organization, certificates of the transfer of grapes to production) confirming that grapes were used by persons possessing licences referred to in subsections 1 to 3 of this clause for the production of wine, sparkling wine (champagne), liqueur wine with a protected geographical indication or a protected appellation of origin (special wine), base wine, grape must or alcoholic beverages produced through a fully integrated process that were sold in the tax period. The form and procedure for the completion of that register and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

6) a register of documents confirming the recording (entry in accounting records) of wine, sparkling wine (champagne), liqueur wine with a protected geographical indication or a protected appellation of origin (special wine), base wine, grape must or alcoholic beverages produced through a fully integrated process in the production of which grapes in relation to which the tax deduction is made were used. The form and procedure for the completion of that register and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

7) a register of documents confirming that wine, sparkling wine (champagne), liqueur wine with a protected geographical indication or a protected appellation of origin (special wine), base wine, grape must or alcoholic beverages produced through a fully integrated process produced by the taxpayer in the production of which grapes in relation to which the tax deduction is made were used were sold by the taxpayer in the tax period. The form and procedure for the completion of that register and the procedure for submitting it to the tax authorities shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

The taxpayer shall have the right not to submit copies of the licences referred to in subsections 1 to 3 of this clause to the tax authority provided that details of those licences are contained in the unified state automated information system for the recording of the volume of production and circulation of ethyl alcohol and alcoholic and alcohol-containing products.

[clause 29 inserted by Federal Law No. 326-FZ of 29.09.2019]

[EY Note: Clauses 30 and 31 are appended to Article 201 from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]


1. The amount of excise duty payable by a taxpayer which carries out operations which are deemed to be a taxable object in accordance with this Chapter shall be determined on the basis of the results for each tax period as the amount of excise duty as determined in accordance with Article 194 of this Code reduced by the tax deductions which are provided for in Article 200 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002]

3. The amount of excise duty payable upon the import of excisable goods into the territory of the Russian Federation shall be determined in accordance with clause 6 of Article 194 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002]

4. The amount of excise duty payable by taxpayers which carry out the initial sale of excisable goods which originate and are imported from the territory of member states of the Eurasian Economic Union with which the customs clearance of excisable goods moved across the border of the Russian Federation has been abolished shall be determined in accordance with Article 194 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002]

5. Should the amount of excise duty deductions in any tax period exceed the amount of tax calculated on sold excisable goods, the taxpayer shall not pay excise duty in that tax period. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002]

Any amount by which tax deductions exceed the total amount of excise duty calculated on operations which are deemed to be a taxable object in accordance with this Chapter shall be reckoned towards current payments in respect of excise duty and (or) payments in respect of excise duty which are due in the following tax period. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002]

The amount by which tax deductions exceed the amount of excise duty calculated on operations deemed to be a taxable object in accordance with this Chapter which were carried out in the reporting tax period shall be deductible from the amount of excise duty in the following tax period prior to other tax deductions. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 110-FZ of 24.07.2002]


1. In the event that, on the basis of the results for a tax period, the amount of tax deductions exceeds the amount of excise duty calculated in respect of operations involving excisable goods which are a taxable object in accordance with this Chapter, on the basis of the results for the tax period the resulting difference shall be reimbursable (offsettable, refundable) to the taxpayer in accordance with the provisions of this Article. [as amended by Federal Laws No. 110-FZ of 24.07.2002 (Rev. 31.12.2002), No. 117-FZ of 07.07.2003]

2. Where a taxpayer has arrears in respect of excise duty or other taxes or indebtedness in respect of penalties associated with taxes and (or) fines which are payable or recoverable on the basis of a decision of the tax authority in cases provided for in this Code or on the basis of a court decision which has entered into force, the tax authority shall independently credit the above-mentioned amounts against the above-mentioned arrears and indebtedness in respect of penalties and fines in accordance with the procedure established by Article 78 of this Code over the three tax periods following the tax period that has ended. [as amended by Federal Law No. 374-FZ of 23.11.2020]

Where a taxpayer does not have the above-mentioned arrears and indebtedness in respect of penalties and (or) fines, amounts which are reimbursable may be credited towards current payments of excise duty and (or) other taxes on the application of the taxpayer in accordance with the procedure established by Article 78 of this Code. [as amended by Federal Law No. 374-FZ
3. After the end of the three tax periods which follow the reporting period, any amount which has not been offset shall be refundable to the taxpayer upon its application in accordance with the procedure established by Article 78 of this Code. [as amended by Federal Law No. 269-FZ of 30.09.2013]

[Paragraphs 2-3 lost force from 01.01.2014 – Federal Law No. 269-FZ of 30.09.2013]

4. The following shall be reimbursable from the budget (by means of a credit or a refund):

- amounts of excise duty calculated in respect of operations referred to in subsections 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code which were paid by the taxpayer owing to the absence of a bank guarantee or a surety agreement such as are provided for in clauses 2 and 2.2 of Article 184 of this Code; [as amended by Federal Law No. 353-FZ of 27.11.2017]

- amounts of excise duty which were paid by a taxpayer and are tax-deductible in accordance with Article 200 of this Code when calculating excise duty on excisable goods exported from the territory of the Russian Federation in accordance with the export or re-export customs procedure in accordance with the procedure established by Article 201 of this Code (including amounts of excise duty which are deductible when calculating excise duty on excisable goods in relation to which an exemption from excise duties is applicable in accordance with clause 2 of Article 184 of this Code). [as amended by Federal Law No. 353-FZ of 27.11.2017]

The reimbursement of the above-mentioned amounts from the budget shall take place on the basis of the documents specified in clauses 7 and 7.2 of Article 198 of this Code which are submitted by the taxpayer to the tax authority where it is registered together with the tax declaration for excise duties in which is stated the amount of excise duty which the taxpayer paid upon carrying out operations provided for in clauses 4, 4.1 and 4.2 of clause 1 of Article 183 of this Code and which is claimed for reimbursement. [as amended by Federal Law No. 353-FZ of 27.11.2017]

After the taxpayer has submitted a tax declaration the tax authority shall check the validity of the amount of excise duty which is claimed for reimbursement in the process of performing an in-house tax audit in accordance with the procedure established by Article 88 of this Code.

Within seven days after completing the in-house tax audit, the tax authority shall be obliged to adopt a decision to grant a reimbursement of the relevant amounts of excise duty unless violations of tax and levy legislation were found in the process of performing the audit.

In the event that violations of tax and levy legislation are discovered in the process of performing an in-house tax audit, authorized officials of tax authorities must prepare a tax audit report in accordance with Article 100 of this Code.

The report and other materials relating to the in-house tax audit in the course of which violations of tax and levy legislation were discovered, and objections presented by the taxpayer (or the taxpayer’s representative), must be examined by the director (deputy director) of the tax authority which carried out that audit. A decision based on the materials relating to the in-house tax audit must be adopted in accordance with Article 101 of this Code.
After examining the materials relating to the in-house tax audit, the director (deputy director) of the tax authority shall issue a decision concerning the imposition of sanctions on the taxpayer for the commission of a tax offence or concerning the non-imposition of sanctions on the taxpayer for the commission of a tax offence.

At the same time as that decision is adopted, there shall be adopted:

- a decision to grant a reimbursement in full of the amount of excise duty claimed for reimbursement;

- a decision to refuse in full the reimbursement of the amount of excise duty claimed for reimbursement;

- a decision to grant a reimbursement in part of the amount of excise duty claimed for reimbursement and a decision to refuse in part the reimbursement of the amount of excise duty claimed for reimbursement.

Within five days from the day on which the relevant decision is adopted, the tax authority shall be obliged to give written notice of that decision to the taxpayer. That notice may be transmitted to the director of an organization, to a private entrepreneur or to their representatives in person against signed receipt or by another means which provides confirmation of the fact and date of its receipt. If the tax authority adopts a decision to refuse the reimbursement of the amount of excise duty (in whole or in part), that notice must contain a reasoned conclusion.

Where a taxpayer has arrears in respect of excise duty or other taxes and indebtedness in respect of applicable penalties and (or) fines which are payable or recoverable in cases provided for in this Code or on the basis of a court decision which has entered into force, the tax authority shall independently credit the amount of excise duty which is reimbursable towards the settlement of those arrears and indebtedness in respect of penalties and (or) fines in accordance with the procedure established by Article 78 of this Code. [as amended by Federal Law No. 374-FZ of 23.11.2020]

Where a tax authority has adopted a decision to grant a reimbursement of an amount of excise duty (in whole or in part) and excise duty arrears exist which arose in the period between the date of submission of the declaration and the date of reimbursement of the amounts in question and do not exceed the amount which is reimbursable in accordance with the tax authority’s decision, penalties shall not be charged on the amount of arrears.

In the event that a taxpayer does not have arrears in respect of excise duty or other taxes or indebtedness in respect of penalties and (or) fines that are payable or recoverable in cases provided for in this Code, the amount of tax that is reimbursable in accordance with the tax authority’s decision shall be refunded to the taxpayer in accordance with the procedure established by Article 78 of this Code, or, on the basis of a written application (an application submitted in electronic form with an enhanced qualified electronic signature via telecommunications channels) from the taxpayer, shall be credited towards the payment of future payments in respect of excise duty and (or) other taxes. [as amended by Federal Law No. 374-FZ of 23.11.2020]
A tax declaration for excise duties which is submitted for a tax period in which a taxpayer has submitted the documents specified in clauses 7 and 7.2 of Article 198 of this Code to the tax authority must contain the following information on excisable goods exported from the territory of the Russian Federation under the export or re-export customs procedure for which excise duty has been claimed for reimbursement from the budget: [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the volume (quantity) of excisable goods whose exportation has been confirmed by documents; [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the amount of excise duty which was actually paid to the budget owing to the absence of a bank guarantee or a surety agreement and is claimed for reimbursement from the budget; [as amended by Federal Law No. 353-FZ of 27.11.2017]

- the tax period in which there fell the date of the sale (transfer) of the excisable goods for export or re-export, which is determined in accordance with clause 2 of Article 195 of this Code; [as amended by Federal Law No. 401-FZ of 30.11.2016]

- the number and date of the relevant contract referred to in subsection 1 of clause 7 or clause 7.2 of Article 198 of this Code. [as amended by Federal Law No. 353-FZ of 27.11.2017]

[clause 4 as reworded by Federal Law No. 269-FZ of 30.09.2013]

Taxpayers referred to in subsection 10 of clause 1 of Article 203.1 of this Code shall exercise the right to the reimbursement of amounts of excise duty referred to in paragraphs 2 and 3 of this clause in accordance with the procedure established by Article 203.1 of this Code, taking into account the requirements of paragraphs 4 and 18 to 22 of this clause.

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]


6. Where, upon the liquidation of an organization which manufactures alcoholic and (or) excisable alcohol-containing products, it has arrears in respect of excise duties and other taxes and indebtedness in respect of corresponding penalties and (or) fines which are payable or recoverable in accordance with this Code, the tax authority shall allow a credit for the amount of an advance excise duty payment which has actually been paid to the budget, subject to the presentation by the taxpayer to the tax authority of the documents provided for in clause 17 and (or) 18 of Article 201 of this Code, on the basis of a decision concerning the crediting of the amount of the advance excise duty payment towards the settlement of the above-mentioned arrears and indebtedness in respect of penalties and (or) fines. In this respect, penalties shall be charged on the above-mentioned arrears up to the day on which the tax authority adopts the decision concerning the crediting of the amount of the advance excise duty payment.

Where a taxpayer does not have arrears in respect of excise duties and other taxes and indebtedness in respect of corresponding penalties and (or) fines which are payable or recoverable in cases provided for in this Code, and where the amount of an actually paid advance excise duty payment exceeds the amounts of the above-mentioned arrears in respect of excise duties and other taxes and indebtedness in respect of corresponding penalties and (or) fines, the amount of the advance excise duty payment shall be refunded to the taxpayer on the basis of a decision of the tax authority concerning the refund (in whole or in part) of the amount
Article 203.1. Procedure for the Reimbursement of Excise Duty to Certain Categories of Taxpayers

1. Where the final amount of tax deductions for a tax period exceeds the total amount of calculated tax, the difference obtained must be reimbursed (credited, refunded) in accordance with the procedure established by this Article to the following taxpayers:

1) those holding a certificate for the processing of straight-run petrol;

2) those holding a certificate for the performance of operations involving benzene, paraxylene or orthoxylene;

3) those holding a certificate such as is provided for in Article 179.5 of this Code;

4) those included in the Register of Civil Aviation Operators of the Russian Federation and holding an operator’s certificate;

5) those referred to in subsections 30 and (or) 31 of clause 1 of Article 182 of this Code;

6) those holding a certificate of registration of an entity that carries out operations involving the processing of medium distillates;

7) those holding a certificate of registration of an entity that carries out petroleum feedstock processing operations.

10) in relation to which tax monitoring is conducted (was conducted) as at the date of submission of a tax declaration where a tax declaration is submitted for a tax period of a year for which tax monitoring is (was) conducted.

2. Taxpayers shall exercise the right to a reimbursement (credit, refund) by means of submitting to the tax authority, not later than five days from the day on which a tax declaration was submitted, a tax reimbursement claim in which the taxpayer enters the details of an account held by it with a bank for the purpose of the refund of monetary resources, except as otherwise provided in this clause.

Taxpayers referred to in subsection 10 of clause 1 of this Article shall exercise their right to the reimbursement of tax by submitting to the tax authority in the course of tax monitoring, not later than two months from the day on which a tax declaration was submitted, a tax reimbursement claim in which the taxpayer shall enter the details of an account held by it with
Excise Duties

In that claim the taxpayer shall undertake to refund to the budget amounts which it receives (or which are credited to it) in excess, including interest provided for in clause 7 of this Article (where it is paid), and to pay interest charged on those amounts in accordance with the procedure established by clause 14 of this Article in the event that the decision to grant a reimbursement of the amount of tax claimed for reimbursement is rescinded in whole or in part in cases provided for in this Article.

The taxpayer shall submit together with the above-mentioned application a bank guarantee requiring a bank, on the basis of a tax authority’s demand, to pay to the budget on the taxpayer’s behalf amounts of tax which was received by (credited to) it in excess as a result of tax reimbursement, or a surety agreement such as is provided for in clause 2.2 of Article 184 of this Code, in the event that the decision to grant a reimbursement of an amount of tax claimed for reimbursement is rescinded in whole or in part in cases provided for in this Article. [as amended by Federal Laws No. 323-FZ of 23.11.2015, No. 301-FZ of 03.08.2018]

A bank guarantee and (or) a surety agreement need not be provided by the following taxpayer organizations: [as amended by Federal Law No. 470-FZ of 29.12.2020]

- for which the aggregate amount of value added tax, excise duties, tax on profit of organizations and mineral extraction tax paid for the three calendar years preceding the year in which the tax reimbursement claim is submitted, not including amounts of taxes paid in connection with the movement of goods across the border of the Russian Federation and as a tax agent, is not less than 2 billion roubles. Those taxpayers shall have the right not to provide a bank guarantee and (or) a surety agreement if not less three years has passed from the day on which the organization in question was established up to the day on which the tax declaration is submitted; [paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

- those referred to in subsection 10 of clause 1 of this Article. [paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

In the event that a tax reimbursement claim is not submitted or a bank guarantee (surety agreement) is not provided within the above-mentioned five-day period, the reimbursement of excise duty shall take place in accordance with the procedure established by Article 203 of this Code. [as amended by Federal Law No. 301-FZ of 03.08.2018]

3. A bank guarantee must be provided by a bank which has been included in the list of banks which meet the requirements established by Article 74.1 of this Code for the acceptance of bank guarantees for taxation purposes. A bank guarantee shall be subject to the requirements established by Article 74.1 of this Code for the acceptance of bank guarantees for taxation purposes with account taken of the following special considerations:

1) the bank guarantee shall be provided to the tax authority not later than the date specified in paragraph 1 of clause 2 of this Article for the submission of a tax reimbursement claim;

2) the bank guarantee must expire not earlier than eight months from the date of submission of the tax declaration in which the amount of tax is claimed for reimbursement;
3) the amount for which the bank guarantee is issued must provide for the fulfilment of obligations for the full repayment to budgets of the budget system of the Russian Federation of the amount of tax which is claimed for reimbursement.

4. Not later than the day following the day on which a bank guarantee is issued, the bank shall notify the tax authority where the taxpayer is registered of the issue of the bank guarantee in accordance with a procedure to be determined by the federal executive body in charge of control and supervision in the area of taxes and levies.

5. Within five days from the date of submission of a tax reimbursement claim, the tax authority shall check compliance by the taxpayer with the requirements specified by paragraphs 3 and 4 of clause 2 and clause 3 of this Article and check whether the taxpayer has arrears in respect of tax and other taxes and indebtedness in respect of corresponding penalties and (or) fines which are payable or recoverable in cases provided for in this Code, and shall adopt a decision to grant a reimbursement of the amount of tax claimed for reimbursement or a decision to refuse to grant a reimbursement of the amount of tax claimed for reimbursement. [as amended by Federal Law No. 470-FZ of 29.12.2020]

At the same as a decision to grant a reimbursement of the amount of tax claimed for reimbursement, depending on whether or not the taxpayer has indebtedness in respect of the above-mentioned payments the tax authority shall adopt a decision to credit the amount of tax claimed for reimbursement and (or) a decision to refund (in whole or in part) the amount of tax claimed for reimbursement.

The tax authority shall be obliged to give the taxpayer written notice of decisions adopted within five days from the day on which a decision is adopted. In this respect, a notice of the adoption of a decision to refuse to grant a reimbursement of the amount of tax claimed for reimbursement shall indicate the provisions of relevant clauses of this Article which the taxpayer has violated. That notice may be transmitted to the director of an organization, to a private entrepreneur or to their representatives in person against signed receipt or by another means which provides evidence of the fact and date of receipt of the notice.

The adoption of a decision to refuse to grant a reimbursement of the amount of tax claimed for reimbursement shall not alter the procedure and timing of the performance of an in-house tax audit of a submitted tax declaration. In the event that a decision is issued to refuse to grant a reimbursement of the amount of tax claimed for reimbursement, tax reimbursement shall take place in accordance with the procedure and within the time limits which are laid down in Article 203 of this Code. In this respect, in the case referred to in this paragraph, upon the taxpayer’s written request the tax authority shall return the bank guarantee and (or) surety agreement to the taxpayer not later than three working days from the day on which that request is received. [as amended by Federal Law No. 301-FZ of 03.08.2018]

6. Where a taxpayer has arrears in respect of tax and other taxes and indebtedness in respect of corresponding penalties and (or) fines which are payable or recoverable in cases provided for in this Code, the tax authority shall, on the basis of the decision to credit the amount of tax claimed for reimbursement, independently credit the amount of tax claimed for reimbursement towards the settlement of those arrears and indebtedness in respect of penalties and (or) fines.
In this respect, penalties shall be charged on the arrears in question up to the day on which the tax authority adopted the decision to credit the amount of tax claimed for reimbursement.

Where a taxpayer does not have arrears in respect of tax and other taxes and indebtedness in respect of corresponding penalties and (or) fines which are payable or recoverable in cases provided for in this Code, and where the amount of tax claimed for reimbursement exceeds the amounts of those arrears in respect of tax and other taxes and indebtedness in respect of corresponding penalties and (or) fines, the amount of tax which is reimbursable shall be refunded to the taxpayer on the basis of the tax authority’s decision to refund (in whole or in part) the amount of tax claimed for reimbursement.

7. An order for the refund of an amount of tax shall be drawn up by a tax authority on the basis of a decision to grant a refund (in whole or in part) of an amount of tax claimed for reimbursement and must be sent to a territorial body of the Federal Treasury on the next working day after the day on which the tax authority adopted that decision.

Within five days from the day on which it receives the order referred to in paragraph 1 of this clause, the territorial body of the Federal Treasury shall refund the amount of tax to the taxpayer in accordance with the budget legislation of the Russian Federation and, not later than the day following the day on which the refund is effected, notify the tax authority of the date of the refund and the amount of monetary resources refunded to the taxpayer.

In the event that the time limits for the refund of the amount of tax are exceeded, interest shall accrue on that amount, and shall be payable to the taxpayer in accordance with the procedure and within the time limit prescribed by clause 10 of Article 78 of this Code, for each day of the delay commencing from the 12th day after the day on which the taxpayer submitted the application specified in clause 2 of this Article.

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

In the event that interest provided for in this clause has been paid to a taxpayer in less than the full amount, within three days after receiving the notification from the territorial body of the Federal Treasury concerning the date of the refund and the amount of monetary resources refunded to the taxpayer the tax authority shall adopt a decision on the payment of the remaining amount of interest and, not later than the day following the day on which that decision is adopted, shall send to the territorial body of the Federal Treasury an order, drawn up on the basis of that decision, for the payment of the remaining amount of interest.

8. The validity of the amount of tax claimed for reimbursement shall be checked by the tax authority in the process of conducting an in-house tax audit according to the procedure and within the time periods which are established by Article 88 of this Code on the basis of a tax declaration submitted by the taxpayer in which the amount of tax is claimed for reimbursement, except as otherwise provided in this clause.

In the case of taxpayers referred to in subsection 10 of clause 1 of this Article, the validity of the amount of tax claimed for reimbursement in a tax declaration shall be checked by the tax authority during the tax monitoring term provided for in clause 5 of Article 105.26 of this Code.
9. In the event that no violations of the tax and levy legislation of the Russian Federation are discovered in the process of conducting the in-house tax audit or they have been remedied, the tax authority must, within seven days after completing the in-house tax audit, give the taxpayer written notice of the fact that the tax audit has been completed and violations of the tax and levy legislation of the Russian Federation were not found and (or) have been remedied.

Not later than the day following the day on which the notice of the fact that violations of the tax and levy legislation of the Russian Federation were not found and (or) have been remedied is sent to the taxpayer, the tax authority shall send to the bank which issued the bank guarantee a written statement of the release of the bank from obligations under that bank guarantee, and the tax authority shall also be obliged upon the taxpayer’s written request to return the bank guarantee to the taxpayer not later than three days from the day on which that request is received.

Not later than the day following the day on which a notice of the fact that violations of the tax and levy legislation of the Russian Federation have not been found is sent to a taxpayer whose obligation to pay tax is secured by a surety bond, the tax authority shall be obliged to send to the surety a written application for the release of the surety from obligations under that surety agreement. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

10. In the event that violations of the tax and levy legislation of the Russian Federation are discovered in the course of conducting the in-house tax audit, authorized officials of the tax authorities must draw up a tax audit report in accordance with Article 100 of this Code.

The report and other materials relating to the in-house tax audit in the course of which violations of the tax and levy legislation of the Russian Federation were discovered and objections presented by the taxpayer (its representative) must be examined by the director (deputy director) of the tax authority which carried out the tax audit, and a decision must be adopted on them in accordance with Article 101 of this Code.

11. After examining the materials relating to the in-house tax audit, the director (deputy director) of the tax authority shall issue a decision to impose sanctions on the taxpayer for the commission of a tax offence or a decision not to impose sanctions on the taxpayer for the commission of a tax offence.

12. Should the amount of tax reimbursed to a taxpayer in the manner prescribed by this Article exceed the amount of tax which is reimbursable according to the results of the in-house tax audit, at the same as the tax authority adopts the appropriate decision provided for in clause 11 of this Article it shall adopt a decision to rescind (in whole or in part) the decision to grant a reimbursement of the amount of tax claimed for reimbursement and the decision to grant a refund (in whole or in part) of the amount of tax claimed for reimbursement and (or) the decision to grant a credit for the amount of tax claimed for reimbursement with respect to the amount of tax which is not reimbursable according to the results of the in-house tax audit. [as amended by Federal Law No. 470-FZ of 29.12.2020]

Where, in the case of taxpayers referred to in subsection 10 of clause 1 of this Article, the amount of tax reimbursed in the manner prescribed by this Article exceeds the amount of tax that is reimbursable in connection with the preparation of a reasoned opinion by the tax authority.
authority, the tax authority shall, at the same time as preparing a reasoned opinion, adopt a
decision to rescind (in whole or in part) the decision to grant a reimbursement of the amount of
tax claimed for reimbursement and the decision to refund (in whole or in part) the amount of
tax claimed for reimbursement and (or) the decision to allow a credit for the amount claimed
for reimbursement insofar as the relevant non-reimbursable amount of tax is concerned.

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

13. The tax authority shall be obliged to give the taxpayer written notice of decisions made
such as are referred to in clauses 11 and 12 of this Article within five days from the day on
which such a decision is adopted. That notice may be transmitted to the director of an
organization, to a private entrepreneur or to their representatives in person against signed
receipt or by another means which provides evidence of the fact and date of its receipt.

14. Together with the notice of the adoption of the decision referred to in clause 12 of this
Article, the taxpayer shall be sent a demand to repay to the budget any excess amounts which
it received (which were credited to it) (including interest provided for in clause 7 of this Article
(if paid) in an amount corresponding to the proportion of the amount of tax reimbursed in excess
to the total amount of tax) (hereinafter referred to as “demand for repayment”). Interest shall
be charged on amounts repayable by the taxpayer on the basis of an interest rate equal to double
(or, in the case referred to in paragraph 2 of clause 12 of this Article, the single level of) the
refinancing rate of the Central Bank of the Russian Federation which was in effect in the period
in which budgetary resources were used. That interest shall be charged commencing from the
day: [as amended by Federal Law No. 470-FZ of 29.12.2020]

1) on which the taxpayer actually received the resources – in the event that the amount of tax
was refunded;

2) on which a decision was adopted to grant a credit for the amount of tax claimed for
reimbursement – if the amount of tax was credited.

15. The standard form of a demand for repayment shall be approved by the federal executive
body in charge of control and supervision in the area of taxes and levies. The demand for
repayment must contain information:

1) on the amount of tax which is reimbursable according to the results of the in-house tax audit
or in connection with the preparation of a reasoned opinion by the tax authority; [as amended by
Federal Law No. 470-FZ of 29.12.2020]

2) on excess amounts of tax received by the taxpayer (credited to the taxpayer) which are
repayable to the budget;

3) on the amount of interest provided for in clause 7 of this Article which is repayable to the
budget;

4) on the amount of interest charged in accordance with clause 14 of this Article as at the date
of sending the demand for repayment;

5) on the time limit for complying with the demand for repayment, as established by clause 17
of this Article;
6) on measures for the recovery of amounts payable which will be taken in the event that the taxpayer fails to comply with the demand for repayment.

16. A demand for repayment may be transmitted to the director of an organization, to a private entrepreneur or to their representatives in person against signed receipt or by another means which provides evidence of the fact and date of its receipt. If the demand for repayment cannot be served by such means, it shall be sent by registered mail and shall be considered to have been received upon the lapse of six days from the date on which the registered letter was sent.

17. A taxpayer shall be obliged to pay the amounts specified in a demand for repayment independently within five days from the date of receipt of that demand.

Not later than three working days from the day on which a notification is received from a territorial body of the Federal Treasury to the effect that a taxpayer which presented a bank guarantee has repaid the amounts of tax specified in the demand for repayment, the tax authority shall be obliged to notify the bank which issued the bank guarantee of the release of the bank from obligations under that bank guarantee and, upon the taxpayer’s written request, to return the bank guarantee to the taxpayer not later than three working days from the day on which that request is received.

18. In the event that the amounts specified in a demand for repayment are not paid or are not paid in full by a taxpayer within the time limit established by clause 17 of this Article, the tax authority shall, not later than three working days after the expiry of that time limit but not later than six days before the expiry of the term of the bank guarantee and (or) surety agreement, present to the guarantor bank and (or) the surety under the surety agreement a demand to pay a sum of money under the bank guarantee, equal to the amount of tax not paid or not paid in full by the taxpayer, within five days from the day on which the bank receives that demand. [as amended by Federal Law No. 301-FZ of 03.08.2018]

The standard form of a demand to pay a sum of money under a bank guarantee and (or) a surety agreement 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. 301-FZ of 03.08.2018]

A bank (surety) shall not have the right to refuse to comply with a tax authority’s demand to pay a sum of money under a bank guarantee. [as amended by Federal Law No. 301-FZ of 03.08.2018]

In the event that a bank (surety) fails to comply with a demand to pay a sum of money under a bank guarantee (surety agreement) within the established time limit, the tax authority shall exercise the right to collect the amount stated in the demand on an uncontested basis. [as amended by Federal Law No. 301-FZ of 03.08.2018]

Not later than three days after the day on which the bank’s (surety’s) obligation to pay a sum of money under the bank guarantee (surety agreement) is fulfilled, the tax authority shall send the taxpayer a revised demand for the payment of penalties and a fine. [as amended by Federal Law No. 301-FZ of 03.08.2018]

19. In the event that a taxpayer fails to pay or fails to pay in full the amount stated in a demand for repayment (a revised demand), or in the event that a demand to pay a sum of money under a bank guarantee (surety agreement) cannot be sent to a bank (surety) owing to the fact that the
term of the guarantee has expired, the obligation to pay the amount in question shall be enforced by means of levying execution on monetary resources held in accounts or on other property of the taxpayer according to the procedure and within the time periods established by Articles 46 and 47 of this Code on the basis of a decision on the recovery of those amounts adopted by the tax authority after the failure by the taxpayer to comply with the demand for repayment (revised demand) within the established time limit. [as amended by Federal Law No. 301-FZ of 03.08.2018]

20. After a taxpayer has submitted a claim such as is provided for in clause 2 of this Article, before the in-house tax audit has been completed (before the end of the tax monitoring term but not later than the day of the preparation of a reasoned opinion where a claim is submitted by a taxpayer referred to in subsection 10 of clause 1 of this Article) a revised tax declaration shall be submitted in the manner provided for in Article 81 of this Code with account taken of the special considerations established by this clause. [as amended by Federal Law No. 470-FZ of 29.12.2020]

Where a revised tax declaration is submitted by a taxpayer before the adoption of a decision such as is provided for in paragraph 1 of clause 5 of this Article, such a decision shall not be adopted on the basis of the previously submitted tax declaration.

If a revised tax declaration is submitted by the taxpayer after the tax authority has adopted a decision to grant a reimbursement of the amount of tax claimed for reimbursement but before the completion of the in-house tax audit (before the end of the tax monitoring term but not later than the day of the preparation of a reasoned opinion where a revised claim is submitted by a taxpayer referred to in subsection 10 of clause 1 of this Article), the above-mentioned decision made on the previously submitted tax declaration shall be rescinded (in whole or in part) not later than the day following the day on which the revised tax declaration is submitted. Not later than the day following the date of adoption of the decision to rescind (in whole or in part) the decision to grant a reimbursement of the amount of tax claimed for reimbursement, the tax authority shall notify the taxpayer of the adoption of that decision. Excess amounts which the taxpayer received (or which were credited to the taxpayer) must be repaid by the taxpayer together with interest such as is provided for in clause 14 of this Article in accordance with the procedure laid down in clauses 14 to 18 of this Article. [as amended by Federal Law No. 470-FZ of 29.12.2020]


[1. Lost force from 01.01.2007 – Federal Law No. 117-FZ of 07.07.2003]


3. Excise duty due upon the sale (transfer) by taxpayers of excisable goods produced by them shall be paid on the basis of actual sales (transfers) of those goods for the tax period which has ended not later than the 25th of the month following the tax period which has ended, unless otherwise provided by this Article.
[clause 3 as reworded by Federal Law No. 282-FZ of 28.11.2009]

3.1. Excise duty shall be paid not later than the 25th of the third month following a tax period which has ended by the following taxpayers:
1) those holding a certificate of registration of an entity that carries out operations involving straight-run petrol - where operations are carried out involving straight-run petrol;

2) those holding a certificate of registration of an entity that carries out operations involving benzene, paraxylene or orthoxylene - where operations are carried out involving benzene, paraxylene or orthoxylene;


4) those possessing a certificate of registration of an organization that carries out operations involving ethyl alcohol – where operations involving ethyl alcohol are carried out that are deemed taxable in accordance with Article 182 of this Code;

[subsection 4 as reworded by Federal Law No. 326-FZ of 29.09.2019]

5) those included in the Register of Civil Aviation Operators of the Russian Federation and holding an operator’s certificate - where operations are carried out involving jet fuel;

6) those holding a certificate of registration of an entity that carries out operations involving the processing of medium distillates – where operations involving the processing of medium distillates are carried out;

[subsection 6 inserted by Federal Law No. 335-FZ of 27.11.2017]


[clause 3.3 inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)]

3.2. Where operations are carried out which are subject to taxation in accordance with subsections 29, 30 and 31 of clause 1 of Article 182 of this Code, excise duty shall be paid not later than the 25th of the sixth month following the tax period in which the operations in question occurred. [as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019, No. 321-FZ of 15.10.2020]

3.3. Where operations are carried out which are subject to taxation in accordance with subsection 34 of clause 1 of Article 182 of this Code, excise duty shall be paid not later than the 15th of the month following the tax period in which the operations in question occurred.

[clause 3.3 inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)]


[Paragraphs 3-5 lost force from 01.01.2007 – Federal Law No. 134-FZ of 26.07.2006]
Where operations are carried out which are subject to taxation in accordance with subsections 20 and 21 of clause 1 of Article 182 of this Code, excise duty shall be paid at the location where the excisable goods of which ownership has been acquired are recorded in accounts. [paragraph inserted by Federal Law No. 134-FZ of 26.07.2006; as amended by Federal Law No. 305-FZ of 02.07.2021]

Where operations are carried out which are subject to taxation in accordance with subsections 21, 23 to 29 and 34 of clause 1 of Article 182 of this Code, excise duty shall be paid at the taxpayer’s location. [as amended by Federal Laws No. 323-FZ of 23.11.2015, No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

Where operations are carried out which are subject to taxation in accordance with subsections 30 and 31 of clause 1 of Article 182 of this Code, excise duty shall be paid at the taxpayer’s location and (or) at the location of economically autonomous subdivisions insofar as operations carried out by those subdivisions are concerned. [paragraph inserted by Federal Law No. 323-FZ of 23.11.2015; as amended by Federal Laws No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

Where the operation provided for in subsection 38 of clause 1 of Article 182 of this Code is carried out, excise duty shall be paid at the location of the taxpayer or at the location of economically autonomous subdivisions with respect to operations carried out by those subdivisions. [paragraph inserted by Federal Law No. 326-FZ of 29.09.2019]

[EY Note: Paragraphs are added to clause 4 of Article 204 from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]

5. Except as otherwise provided by this clause or clause 5.1 of this Article, taxpayers shall be obliged to submit to the tax authorities with which they are registered at their own location and at the location of each of their economically autonomous subdivisions, not later than the 25th of the month following a tax period which has ended, or not later than the 25th of the third month following a reporting month in the case of taxpayers such as are referred to in clause 3.1 of this Article, a tax declaration for the tax period with respect to operations carried out by them which are deemed to be a taxable object in accordance with this Chapter. [as amended by Federal Law No. 323-FZ of 23.11.2015]

Taxpayers which are classified as major taxpayers in accordance with Article 83 of this Code shall submit tax declarations to the tax authority where they are registered as major taxpayers.

Taxpayers which carry out operations which are subject to taxation in accordance with subsection 34 of clause 1 of Article 182 of this Code shall submit a tax declaration in relation to those operations not later than the 15th of the month following a reporting month. In this respect, those taxpayers shall not submit tax declarations at the location of their economically autonomous subdivisions. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)] [clause 5 as reworded by Federal Law No. 366-FZ of 24.11.2014]

5.1. Taxpayers which carry out operations such as are referred to in subsections 29, 30 and (or) 31 of clause 1 of Article 182 of this Code shall submit a tax declaration in relation to such operations not later than the 25th of the sixth month following the tax period in which the operations in question occurred.
6. An advance excise duty payment shall be paid not later than the 15th of the current tax period on the basis of the total volume of ethyl alcohol which is to be purchased (transferred) or imported into the Russian Federation from the territories of member states of the Eurasian Economic Union by manufacturers of alcoholic and (or) excisable alcohol-containing products in the tax period following the current tax period and in the amount provided for in clause 8 of Article 194 of this Code, unless otherwise provided by this Article.

7. Taxpayers which have paid an advance excise duty payment shall be obliged, not later than the 18th of the current tax period, to present to the tax authority where they are registered:

1) a copy (copies) of the payment documents confirming the remittance of monetary resources by way of payment of the advance excise duty payment with the words “Advance excise duty payment” indicated in the “Purpose of payment” column;

2) a copy (copies) of the bank statement confirming the debiting of the above-mentioned resources from the settlement account of the manufacturer of alcoholic and (or) excisable alcohol-containing products;

3) a notice (notices) of payment of the advance excise duty payment in four copies, one of them in electronic form. [as amended by Federal Law No. 97-FZ of 29.06.2012]

8. Where ethyl alcohol (including ethyl alcohol which is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and is an Eurasian Economic Union good) is purchased from a number of sellers, the documents referred to in clause 7 of this Article must be presented to the tax authority with each notice of payment of an advance excise duty payment on the basis of the volumes of that alcohol purchased from each seller or on the basis of the volumes of ethyl alcohol transferred within the structure of an organization to each structural subdivision.

9. The following details shall be given in a notice of an advance excise duty payment:

1) the full name of the organization – purchaser of ethyl alcohol which manufactures alcoholic and (or) alcohol-containing products and its taxpayer identification number and code of reason for registration; [as amended by Federal Law No. 338-FZ of 28.11.2011]

2) the full name of the organization – seller of ethyl alcohol and the seller’s taxpayer identification number and code of reason for registration; [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 269-FZ of 30.09.2013]

3) the full name of the organization which transfers ethyl alcohol within the structure of the organization for subsequent use in manufacturing alcoholic and (or) excisable alcohol-containing products, and its taxpayer identification number and code of reason for registration...
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(including the code of reason for registration of structural subdivisions of the organization which transfer and receive ethyl alcohol for use in manufacturing alcoholic and (or) excisable alcohol-containing products); [as amended by Federal Law No. 338-FZ of 28.11.2011]

4) the volume of ethyl alcohol purchased (transferred within the structure of an organization) or imported into the Russian Federation from the territories of member states of the Eurasian Economic Union (in litres of anhydrous alcohol); [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]

5) the amount of the advance excise duty payment (in roubles);

6) the date of payment of the advance excise duty payment. [clause 9 inserted by Federal Law No. 306-FZ of 27.11.2010]

10. The standard form of a notice of payment of an advance excise duty payment shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. A notice of payment of an advance excise duty payment shall be effective from the first day of the tax period in which the due date for the payment of the advance excise duty payment falls according to clause 6 of this Article to the last day (inclusively) of the following tax period. The annulment of notices of the payment of an advance payment of excise duty and the replacement of notices in the event of the replacement of the supplier of ethyl alcohol and (or) a change in the volume of ethyl alcohol purchased (including ethyl alcohol which is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union and is a Eurasian Economic Union good) shall take place in the manner prescribed by clause 20 of this Article. [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]

The tax authority where a purchaser of ethyl alcohol which manufactures alcoholic and (or) excisable alcohol-containing products or an organization which carries out operations provided for in subsection 22 of clause 1 of Article 182 of this Code is registered shall, not later than five days after the documents referred to in clause 7 of this Article are presented, place (refuse to place) on each copy of the notice of payment of an advance excise duty payment a mark indicating that the documents presented correspond to the information given in that notice in the form of the tax authority’s stamp and the signature of the official who collated the documents presented and the notice. [as amended by Federal Law No. 338-FZ of 28.11.2011]

In the event that inconsistencies are found between details given in a notice of payment of an advance excise duty payment and details contained in documents which are presented together with that notice, the tax authority shall refuse to place a mark, stating the inconsistencies found.

One copy of the notice of payment of an advance excise duty payment bearing a mark made by the tax authority where the purchaser of ethyl alcohol is registered shall be transmitted by the purchaser of that alcohol to the seller not later than three days before the purchase of ethyl alcohol takes place, the second copy shall be retained by the manufacturer of alcoholic and (or) excisable alcohol-containing products, while the third copy and the fourth copy presented in electronic form shall be retained by the tax authority which made the mark on the notice. Where ethyl alcohol which is a Eurasian Economic Union good is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union, one copy of the notice of payment of an advance payment of excise duty, bearing the mark made by the tax authority where the purchaser of the ethyl alcohol is registered, shall be transmitted by the purchaser of
the alcohol to the person which is to carry out the transportation of the ethyl alcohol through
the territory of the Russian Federation not later than three days before the date of its importation
into the Russian Federation which is determined in accordance with clause 8 of Article 194 of
this Code; the second copy shall be retained by the purchaser of the ethyl alcohol; the third
copy and the fourth copy submitted in electronic form shall be retained by the tax authority
which made the mark on the notice. [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 97-FZ
of 29.06.2012, No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]

The format for the presentation of a notice of payment of an advance excise duty payment in
electronic form shall be approved by the federal executive body in charge of control and
supervision in the area of taxes and levies. [as amended by Federal Law No. 97-FZ of 29.06.2012]

Documents confirming the payment of an advance excise duty payment and a notice (notices)
of payment of an advance excise duty payment shall be retained by the tax authority and by
taxpayers for not less than four years.
[clause 10 inserted by Federal Law No. 306-FZ of 27.11.2010]

11. Taxpayers which are manufacturers of alcoholic and (or) excisable alcohol-containing
products shall be exempted from the payment of an advance excise duty payment subject to the
presentation of a bank guarantee to the tax authority where they are registered together with a
notice of exemption from the payment of an advance excise duty payment.

A bank guarantee shall be provided to a manufacturer of alcoholic and (or) excisable alcohol-
containing products for the purpose of obtaining exemption from the payment of an advance
excise duty payment.

A taxpayer shall have the right to present to a tax authority:

- multiple bank guarantees for volumes of ethyl alcohol purchased in one tax period from
multiple suppliers;

[paragraph lost force from 01.01.2014 – Federal Law No. 269-FZ of 30.09.2013]

- a bank guarantee for the purpose of obtaining exemption from the payment of an advance
excise duty payment for a part of ethyl alcohol purchased in one tax period from one supplier
while at the same time paying an advance excise duty payment to the budget on the other part
of ethyl alcohol purchased from the same supplier.

A bank guarantee such as is referred to in this clause must stipulate that the bank is obliged, on
the basis of a demand from the tax authority, to pay a sum of money under the bank guarantee
equal to the unpaid or outstanding amount of excise duty (an advance excise duty payment) in
the event of: [paragraph inserted by Federal Law No. 101-FZ of 05.04.2016]

- a failure by the taxpayer to pay all or some excise duty within the time limit established by
clause 3 of this Article on alcoholic and (or) excisable alcohol-containing products sold which
were manufactured from ethyl alcohol in respect of which the taxpayer was, by reason of
presenting that bank guarantee, granted exemption from the payment of an advance excise duty
payment upon purchase (transfer in accordance with subsection 22 of clause 1 of Article 182
of this Code) and importation into the territory of the Russian Federation from the territories of
member states of the Eurasian Economic Union; [paragraph inserted by Federal Law No. 101-FZ of 05.04.2016]

- a failure by the taxpayer to pay all or some of an advance excise duty payment the requirement to pay which arises in accordance with subsection 2 of clause 13 of this Article. [paragraph inserted by Federal Law No. 101-FZ of 05.04.2016]

The computation period where a bank guarantee such as is provided for in clause 12 of this Article is presented shall comprise tax periods commencing from the month following the tax period in which ethyl alcohol (other than cognac distillate) which is a Eurasian Economic Union good was purchased (transferred in accordance with subsection 22 of clause 1 of Article 182 of this Code) and imported into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union and ending with the tax period in which there falls the 100th calendar day from the beginning of the first tax period of the computation period. The computation period where a bank guarantee such as is provided for in clause 12 of this Article is presented shall comprise tax periods commencing from the month following the tax period in which cognac distillate which is a Eurasian Economic Union good was purchased (transferred in accordance with subsection 22 of clause 1 of Article 182 of this Code) and imported into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union and ending with the tax period in which there falls the 190th calendar day from the beginning of the first tax period of the computation period. [as amended by Federal Law No. 335-FZ of 27.11.2017]


Not later than the day following the day on which a bank guarantee is issued, the bank shall notify the tax authority where the manufacturer of alcoholic and (or) excisable alcohol-containing products is registered of the issuance of that bank guarantee in accordance with a procedure to be determined by the federal executive body in charge of control and supervision in the area of taxes and levies.

A bank guarantee must be provided by a bank which has been included in the list of banks which is provided for in Article 74.1 of this Code. [as amended by Federal Law No. 248-FZ of 23.07.2013]
[clause 11 as reworded by Federal Law No. 338-FZ of 28.11.2011]

12. A bank guarantee shall be subject to the requirements established by Article 74.1 of this Code, subject to the following special considerations: [as amended by Federal Law No. 101-FZ of 05.04.2016]


2) the period of validity of the bank guarantee must expire not earlier than 7 months after the tax period in which the purchase of ethyl alcohol (other than cognac distillate), including the importation of ethyl alcohol (other than cognac distillate) which is a Eurasian Economic Union good into the Russian Federation from the territories of member states of the Eurasian Economic Union, occurred, except as otherwise established by clause 2 of Article 184 of this Code. The period of validity of the bank guarantee must expire not earlier than 10 months after the tax period in which the purchase of cognac distillate, including the importation of cognac distillate which is a Eurasian Economic Union good into the Russian Federation from the
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territories of member states of the Eurasian Economic Union, occurred, except as otherwise established by clause 2 of Article 184 of this Code. [as amended by Federal Law No. 335-FZ of 27.11.2017]

Where the validity of a bank guarantee ends before the expiry of the above-mentioned time limit, an exemption from the payment of an advance excise duty payment shall not be granted, the tax authority shall not place a mark on the notice of exemption from the payment of an advance excise duty payment and a notice of exemption from the payment of an advance excise duty payment shall not be sent by the manufacturer of alcoholic and (or) excisable alcohol-containing products to the manufacturer of ethyl alcohol; [as amended by Federal Law No. 101-FZ of 05.04.2016]

3) the amount for which the bank guarantee is issued must guarantee the fulfilment of the taxpayer’s obligation to pay to the budget the amount of excise duty (the advance excise duty payment) calculated in accordance with clause 8 of Article 194 of this Code which it is exempted from paying in accordance with that bank guarantee;

[subsection 3 as reworded by Federal Law No. 101-FZ of 05.04.2016]


[clause 12 inserted by Federal Law No. 306-FZ of 27.11.2010]

12.1. A tax authority shall be obliged to send to a bank which issued a bank guarantee such as is provided for in clause 11 of this Article a notification of its release from obligations under that bank guarantee in the event that the total amount of actual performance of obligations secured by that bank guarantee corresponds to the amount of the advance excise duty payment in relation to which the exemption from payment to the budget was granted on the basis of that bank guarantee, calculated on the basis of the volume of ethyl alcohol actually purchased (transferred in accordance with subsection 22 of clause 1 of Article 182 of this Code) and imported into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union, with account taken of actual losses occurring in the process of its transportation, storage, movement within the structure of one organization and subsequent processing within the limits of the natural wastage norms approved by the authorized federal executive body.

The above-mentioned notification shall be sent not later than eight days after the date of completion of an in-house tax audit of a tax declaration for excise duties as a result of which the tax authority has confirmed that the total amount of actual performance of obligations secured by that bank guarantee corresponds to the amount of excise duty and (or) an advance excise duty payment in relation to which the exemption from payment to the budget was granted on the basis of that bank guarantee, except in cases provided for in paragraph 3 of this clause. [as amended by Federal Law No. 470-FZ of 29.12.2020]

In the case of taxpayers referred to in clause 2.3 of Article 184 of this Code, the notification in question shall be sent not later than ninety days after the date of submission of a tax declaration for excise duties and documents confirming that the total amount of actual performance of obligations secured by that bank guarantee corresponds to the amount of excise duty and (or) an advance excise duty payment in relation to which the exemption from payment to the budget was granted on the basis of that bank guarantee, unless a reasoned opinion has been prepared during that period of time. [paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]
In this respect, the total amount of actual performance by a taxpayer of obligations secured by a bank guarantee shall be calculated by adding together the following values:

- amounts of excise duty paid for tax periods of the computation period on alcoholic and (or) excisable alcohol-containing products sold in the territory of the Russian Federation or shipped beyond the boundaries of the territory of the Russian Federation under the export customs procedure and (or) shipped from the territory of the Russian Federation to the territories of member states of the Eurasian Economic Union, which were manufactured from ethyl alcohol in respect of which the taxpayer was, by reason of presenting that bank guarantee, granted exemption from the payment of an advance excise duty payment upon purchase (transfer in accordance with subsection 22 of clause 1 of Article 182 of this Code) and importation into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union (with account taken of actual losses occurring in the process of its transportation, storage, movement within the structure of one organization and subsequent processing within the limits of the natural wastage norms approved by the authorized federal executive body);

- amounts of excise duty for which the validity of exemption from the payment thereof for tax periods of the computation period has been confirmed on the basis of an in-house tax audit in respect of alcoholic and (or) excisable alcohol-containing products shipped beyond the boundaries of the territory of the Russian Federation to the territories of member states of the Eurasian Economic Union, which were manufactured from ethyl alcohol in respect of which the taxpayer was, by reason of presenting that bank guarantee, granted exemption from the payment of an advance excise duty payment upon purchase (transfer in accordance with subsection 22 of clause 1 of Article 182 of this Code) and importation into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union (with account taken of actual losses occurring in the process of its transportation, storage, movement within the structure of one organization and subsequent processing within the limits of the natural wastage norms approved by the authorized federal executive body) (except in cases provided for in paragraph 14 of this clause); [as amended by Federal Law No. 470-FZ of 29.12.2020]

- the amount of an advance excise duty payment paid in accordance with subsections 2 to 4 of clause 13 of this Article.

Amounts of excise duty paid on alcoholic and (or) excisable alcohol-containing products which were taken into account in determining the amount of actual performance of obligations secured by a bank guarantee shall not be taken into account again for those purposes in relation to other bank guarantees.

The procedure for determining the volume of alcoholic and (or) excisable alcohol-containing products sold which were manufactured from ethyl alcohol in respect of which a taxpayer was, by reason of presenting a bank guarantee, an exemption from the payment an advance excise duty payment upon purchase (transfer in accordance with subsection 22 of clause 1 of Article 182 of this Code) and importation into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union shall be established by the accounting policies for taxation purposes adopted by the taxpayer.
The amount of excise duty for which the validity of exemption from the payment thereof on alcoholic and (or) excisable alcohol-containing products shipped beyond the boundaries of the territory of the Russian Federation under the export customs procedure or shipped from the territory of the Russian Federation to the territories of member states of the Eurasian Economic Union has been confirmed on the basis of an in-house tax audit shall be determined on the basis of the following documents:

- a notice from the tax authority confirming the validity of the exemption from the payment of excise duty - if the in-house tax audit did not reveal violations of the tax and levy legislation of the Russian Federation. The tax authority shall send the above-mentioned notice to the tax authority within seven days from the date of completion of the audit;

- the decision issued in accordance with Article 101 of this Code - if a tax audit report was prepared on the basis of the in-house tax audit. Until the date on which that decision is issued, the amount of excise duty for which the validity of exemption from the payment thereof has been confirmed shall be determined on the basis of the in-house tax audit report.

[clause 12.1 inserted by Federal Law No. 101-FZ of 05.04.2016]

The provisions of paragraphs 10 to 12 of this clause shall not apply to taxpayers referred to in clause 2.3 of Article 184 of this Code.

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

In the case of taxpayers referred to in clause 2.3 of this Article, the amount of excise duty for which the applicability of exemption from payment on alcoholic and (or) excisable alcohol-containing products shipped beyond the boundaries of the territory of the Russian Federation under the export customs procedure or shipped from the territory of the Russian Federation to the territories of member states of the Eurasian Economic Union has been confirmed shall be determined on the basis of the following documents:

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

- a notice from the tax authority confirming the applicability of exemption from payment – if no discrepancies in details contained in documents submitted have been discovered in the course of tax monitoring. The tax authority shall send that notice to the taxpayer during the tax monitoring term provided for in clause 5 of Article 105.26 of this Code, but not later than ninety days after the date of submission of the documents referred to in clause 7 of Article 198 of this Code;

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

- the reasoned opinion of the tax authority.

[paragraph inserted by Federal Law No. 470-FZ of 29.12.2020]

13. The following steps shall be taken to ensure the fulfilment of obligations secured by a bank guarantee such as is provided for in clause 11 of this Article:

1) in the event that the taxpayer which presented the bank guarantee fails to pay within the time limit established by clause 3 of this Article all or some excise duty for each tax period during the effective period of the bank guarantee in which sales of alcoholic and (or) excisable alcohol-containing products took place in the territory of the Russian Federation, the tax authority shall, not later than eight days after the expiry of the time limit established by clause 3 of this Article, send the taxpayer a demand for the payment of excise duty in an amount corresponding to the
exempted amount of the advance excise duty payment, calculated on the basis of the volume of ethyl alcohol actually purchased (transferred in accordance with subsection 22 of clause 1 of Article 182 of this Code) and imported into the territory of the Russian Federation from the territories of member states of the Eurasian Economic Union (with account taken of actual losses occurring in the process of its transportation, storage, movement within the structure of one organization and subsequent processing within the limits of the natural wastage norms approved by the authorized federal executive body) which was used for the manufacture of alcoholic and (or) excisable alcohol-containing products sold in those tax periods, and the amount of penalties. In this respect, penalties shall be charged in accordance with Article 75 of this Code commencing from the day following the expiry of the time limit established by clause 3 of this Article 204 for the payment of excise duty on alcoholic and (or) excisable alcohol-containing products;

2) if the total amount determined by means of adding together the amounts of excise duty indicated in paragraphs 5 and 6 of clause 12.1 of this Article is less than the amount of the advance excise duty payment which the taxpayer was exempted from paying on the basis of a bank guarantee such as is provided for in clause 11 of this Article, the taxpayer shall lose the right to exemption from the payment of the advance excise duty payment to an extent corresponding to the difference between the above-mentioned amounts of excise duty and the advance excise duty payment. The taxpayer shall be obliged to pay to the budget an advance excise duty payment equal to the amount of that difference not later than the 25th of the month following the month in which there falls the 100th calendar day from the beginning of the first tax period of the computation period; [as amended by Federal Law No. 470-FZ of 29.12.2020]

2.1) if the total amount determined by means of adding together the amounts of excise duty indicated in paragraphs 5 and 6 of clause 12.1 of this Article is less than the amount of the advance excise duty payment which the taxpayer was exempted from paying upon acquiring cognac distillates on the basis of a bank guarantee such as is provided for in clause 11 of this Article, the taxpayer shall lose the right to exemption from the payment of the advance excise duty payment to an extent corresponding to the difference between the above-mentioned amounts of excise duty and the advance excise duty payment. The taxpayer shall be obliged to pay to the budget an advance excise duty payment equal to the amount of that difference not later than the 25th of the month following the month in which there falls the 190th calendar day from the beginning of the first tax period of the computation period; [subsection 2.1 inserted by Federal Law No. 335-FZ of 27.11.2017; as amended by Federal Law No. 470-FZ of 29.12.2020]

3) in the event that the taxpayer fails to pay all or some of an advance excise duty payment equal to the amount of the difference which is provided for in subsection 2 of this clause, the tax authority shall, within eight days after the expiry of the time limit established in that subsection, send the taxpayer a demand to pay the appropriate amount of the advance excise duty payment, penalties and fine within eight days. In this respect, penalties shall be charged in accordance with Article 75 of this Code commencing from the 25th of the month following the month in which there falls the 100th calendar day from the beginning of the first tax period of the computation period;

3.1) in the event that the taxpayer fails, upon acquiring cognac distillates, to pay all or some of an advance excise duty payment equal to the amount of the difference which is provided for in subsection 2.1 of this clause, the tax authority shall, within eight days after the expiry of the
time limit established by subsection 2.1 of this clause, send the taxpayer a demand to pay the appropriate amount of the advance excise duty payment, penalties and fine within eight days. In this respect, penalties shall be charged in accordance with Article 75 of this Code commencing from the 25th of the month following the month in which there falls the 190th calendar day from the beginning of the first tax period of the computation period;

[subsection 3.1 inserted by Federal Law No. 335-FZ of 27.11.2017]

4) in the event that a taxpayer which is a manufacturer of alcoholic and (or) excisable alcohol-containing products fails to pay all or part of an advance excise duty payment within the time limit established in a demand for the payment of an advance excise duty payment, the tax authority shall, not later than five days from the date of expiry of the time limit for the fulfilment of that demand, send the guarantor bank a demand for the payment of a sum of money under the bank guarantee equal to the unpaid or outstanding amount of the advance excise duty payment.

In the event that the guarantor bank fails to with the demand for the payment of a sum of money under the bank guarantee comply within the established time limit, the tax authority shall exercise the right to enforced collection of the amount indicated in the demand.

Not later than three days after the day on which the guarantor bank performs the obligation to pay a sum of money under the bank guarantee, the tax authority shall send the taxpayer/manufacturer of alcoholic and (or) excisable alcohol-containing products a revised demand for the payment of penalties and a fine.

In the event that the taxpayer fails to pay all or some of the amount indicated in the demand (the revised demand), the obligation to pay the amount in question shall be fulfilled on a compulsory basis by means of levying execution on funds in accounts or on other property of the taxpayer in accordance with a decision of the tax authority on the recovery of the amount in question, adopted after the taxpayer’s failure to comply with the demand (revised demand) within the established time limit, in accordance with the procedure and within the time limits which are established by Articles 46 and 47 of this Code.

[clause 13 as reworded by Federal Law No. 101-FZ of 05.04.2016]

14. In order to obtain exemption from the payment of an advance excise duty payment, taxpayers which are manufacturers of alcoholic and (or) excisable alcohol-containing products must, not later than the 18th of the current tax period, present to the tax authority where they are registered a bank guarantee and a notice (notices) of exemption from the payment of an advance excise duty payment in four copies, including one copy in electronic form. A notice of exemption from the payment of an advance excise duty payment shall be effective from the first day of the tax period in which the due date for the payment of the advance excise duty payment falls according to clause 6 of this Article to the last day (inclusively) of the following tax period. The annulment of notices of exemption from the payment of an advance excise duty payment and the replacement of notices in the event of the replacement of the supplier of ethyl alcohol and (or) a change in the volume of ethyl alcohol which is purchased (including ethyl alcohol imported into the Russian Federation from the territories of member states of the Eurasian Economic Union) during the effective period of the notice shall take place in the manner provided for in clause 20 of this Article. [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 97-FZ of 29.06.2012, No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]
The format for the presentation of a notice of exemption from the payment of an advance excise duty payment in electronic form shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. [as amended by Federal Law No. 97-FZ of 29.06.2012]

Where ethyl alcohol is purchased from multiple suppliers, notices of exemption from the payment of an advance excise duty payment must be presented for the volumes of such alcohol purchased from each supplier (volumes of ethyl alcohol transferred within the structure of an organization to each structural subdivision). [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 269-FZ of 30.09.2013] [clause 14 inserted by Federal Law No. 306-FZ of 27.11.2010]

15. A notice of exemption from the payment of an advance excise duty payment shall contain the following details:

1) the full name of the organization – purchaser of ethyl alcohol which manufactures alcoholic and (or) alcohol-containing products and its taxpayer identification number and code of reason for registration; [as amended by Federal Law No. 338-FZ of 28.11.2011]

2) the full name of the organization – seller of ethyl alcohol and, for a seller which is a Russian taxpayer organization, the taxpayer identification number and code of reason for registration; [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 269-FZ of 30.09.2013]

3) the full name of the organization within which ethyl alcohol is transferred by its structural subdivisions for subsequent use in manufacturing alcoholic and (or) excisable alcohol-containing products, and its taxpayer identification number and code of reason for registration, including the code of reason for registration of structural subdivisions of the organization which transfer and receive ethyl alcohol for use in manufacturing alcoholic and (or) excisable alcohol-containing products (where the operations provided for in subsection 22 of clause 1 of Article 182 of this Code); [as amended by Federal Law No. 338-FZ of 28.11.2011]

4) the volume of ethyl alcohol purchased (transferred within the structure of an organization or imported into the Russian Federation from the territories of member states of the Eurasian Economic Union) (in litres of anhydrous alcohol); [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 269-FZ of 30.09.2013, No. 323-FZ of 23.11.2015]

5) the amount of the advance excise duty payment which the taxpayer is exempted from paying upon presentation of a bank guarantee (in roubles);

6) the name of the bank which issued the guarantee;

7) the bank’s taxpayer identification number and code of reason for registration;

8) the sum of money covered by the bank guarantee;

9) the date of issue and period of validity of the bank guarantee. [clause 15 inserted by Federal Law No. 306-FZ of 27.11.2010]

16. The standard form of a notice of exemption from the payment of an advance excise duty payment shall be approved by the federal executive body in charge of control and supervision
in the area of taxes and levies.  
[clause 16 inserted by Federal Law No. 306-FZ of 27.11.2010]

17. The tax authority where a purchaser of ethyl alcohol or an organization which carries out operations provided for in subsection 22 of clause 1 of Article 182 of this Code is registered shall, not later than five days from the day on which documents confirming exemption from the payment of an advance excise duty payment are presented, place (refuse to place) on each copy of the notice of exemption from the payment of an advance excise duty payment a mark indicating that the documents presented correspond to the information given in that notice in the form of the tax authority’s stamp and the signature of the official who collated the documents presented and the notice.  
[as amended by Federal Law No. 338-FZ of 28.11.2011]

In the event that inconsistencies are found between details given in a notice of exemption from the payment of an advance excise duty payment and details contained in documents which are presented together with that notice, the tax authority shall refuse to place a mark, stating the inconsistencies found.

One copy of the notice of exemption from the payment of an advance excise duty payment bearing a mark made by the tax authority where the purchaser of ethyl alcohol is registered shall be transmitted by the purchaser of the alcohol to the seller not later than three days before the purchase of ethyl alcohol takes place, the second copy shall be retained by the manufacturer of alcoholic and (or) excisable alcohol-containing products, while the third copy and the fourth copy presented in electronic form shall be retained by the tax authority which made the mark on the notice. Documents confirming exemption from the payment of an advance excise duty payment and a notice (notices) of payment of an advance excise duty payment shall be retained by the tax authority and by organizations for not less than four years.  

Where ethyl alcohol which is a Eurasian Economic Union good is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union, one copy of the notice of exemption from the payment of an advance payment of excise duty, bearing the mark made by the tax authority where the purchaser of the ethyl alcohol is registered, shall be transmitted by the purchaser of the alcohol to the person which is to carry out the transportation of the ethyl alcohol through the territory of the Russian Federation not later than three days before the date of its importation into the Russian Federation which is determined in accordance with clause 8 of Article 194 of this Code; the second copy shall be retained by the purchaser of the ethyl alcohol; the third copy and the fourth copy submitted in electronic form shall retained by the tax authority which made the mark on the notice.  
[paragraph inserted by Federal Law No. 269-FZ of 30.09.2013; as amended by Federal Law No. 323-FZ of 23.11.2015]
[clause 17 inserted by Federal Law No. 306-FZ of 27.11.2010]

18. In a tax declaration for excise duties which is submitted by manufacturers of ethyl alcohol, information shall be given for the tax period which has ended concerning the volumes of ethyl alcohol sold to each purchaser or transferred to a structural subdivision which manufactures alcoholic and (or) excisable alcohol-containing products, including:  
[as amended by Federal Law No. 338-FZ of 28.11.2011]

1) the taxpayer identification number and code of reason for registration of a purchaser of alcohol or a structural subdivision which manufactures alcoholic and (or) alcohol-containing products;
2) the volume of alcohol sold or transferred (in litres of anhydrous alcohol);

3) the amount of the advance excise duty payment which is shown in notices of payment of an advance excise duty payment which were received by manufacturers of ethyl alcohol from purchasers, or the amount of the advance excise duty payment for which exemption from payment was granted upon presentation of a bank guarantee and which is shown in notices of exemption from the payment of an advance excise duty payment (the amount of the advance excise duty payment paid before the occurrence of operations involving the transfer of ethyl alcohol to a structural subdivision which manufactures alcoholic and (or) excisable alcohol-containing products or the amount of the advance excise duty payment for which exemption from payment was granted upon presentation of a bank guarantee). [as amended by Federal Law No. 338-FZ of 28.11.2011] [clause 18 inserted by Federal Law No. 306-FZ of 27.11.2010]

19. In a tax declaration for excise duties which is submitted by manufacturers of alcoholic and (or) excisable alcohol-containing products, information shall be given for the tax period which has ended concerning volumes of ethyl alcohol acquired from each seller, including: [as amended by Federal Laws No. 338-FZ of 28.11.2011, No. 326-FZ of 29.09.2019]

1) the taxpayer identification number and code of reason for registration of the seller of the ethyl alcohol and the volume of ethyl alcohol acquired (in litres of anhydrous alcohol); [as amended by Federal Law No. 338-FZ of 28.11.2011]

2) the amount of the advance excise duty payment paid upon the purchase of ethyl alcohol from each seller, as indicated in notices of payment of an advance excise duty payment, or the amount of the advance excise duty payment for which an exemption from payment was granted upon presentation of a bank guarantee, as indicated in notices of exemption from the payment of an advance excise duty payment. [as amended by Federal Law No. 338-FZ of 28.11.2011] [clause 19 inserted by Federal Law No. 306-FZ of 27.11.2010]

20. Should the need arise to replace the supplier of ethyl alcohol and (or) to change the volume of ethyl alcohol that is purchased (transferred), including as a result of actual losses in the process of its transportation, storage, movement within the structure of one organization and subsequent processing (within the limits of the norms of natural loss approved by the authorized federal executive body), a manufacturer of alcoholic and (or) excisable alcohol-containing products (a purchaser of ethyl alcohol) must annul the previously submitted notice of payment (exemption from payment) of an advance payment of excise duty (the initial notice) and submit a new notice in accordance with the following procedure. [as amended by Federal Law No. 269-FZ of 30.09.2013]

If the entire volume of ethyl alcohol which is specified in the initial notice is to be purchased from another supplier, the purchaser of ethyl alcohol shall submit to the tax authority a new notice of payment (or of exemption from payment) of an advance excise duty payment in quadruplicate containing information on that other supplier of ethyl alcohol, accompanied by:

- an application prepared in arbitrary form for the annulment of the initial notice, indicating the reason for that annulment;
- the two copies of the initial notice, marked by the tax authority, which the tax authority previously transmitted to the purchaser of ethyl alcohol, including the single copy of the initial notice which the purchaser transmitted to the ethyl alcohol supplier.

Failure by a purchaser of ethyl alcohol to submit at least one copy of the initial notice marked by the tax authority together with the above-mentioned application shall constitute a basis for the tax authority to refuse to accept the application for the annulment of the initial notice.

If the volume of ethyl alcohol to be purchased and the amount of the advance excise duty payment shown in a newly submitted notice are the same as in the initial notice which is to be annulled, the repeat payment of an advance excise duty payment to the budget (or the repeat submission of a bank guarantee for the purpose of exemption from such payment) shall not be required (if the effective period of the bank guarantee conforms to clause 12 of this Article or clause 2 of Article 184 of this Code).

If the volume of ethyl alcohol to be purchased and the amount of the advance excise duty payment shown in a newly submitted notice are greater than in the initial notice which is to be annulled, the purchaser of the alcohol shall be obliged to pay to the budget the difference between the advance payment amount shown in the initial notice and the amount of the advance excise duty payment which is shown in the newly submitted notice and to submit together with the new notice a payment document concerning the payment of that amount of the advance excise duty payment or to submit a bank guarantee in the manner prescribed by this Code for the additional amount of the advance excise duty payment. At the same time the taxpayer shall be obliged to submit to the tax authority a revised tax declaration for excise duties for the tax period in which the initial payment of the advance excise duty payment took place. In this respect, in the event that the payment of the additional amount of the excise duty advance payment takes place later than the time limit established by clause 6 of this Article, the taxpayer shall be liable to pay penalties calculated in accordance with the provisions of Article 75 of this Code.

If the volume of ethyl alcohol to be purchased and the amount of the advance excise duty payment shown in a newly submitted notice are less than in the initial notice which is to be annulled, the difference between the initially paid amount of the advance excise duty payment and the advance payment amount shown in the newly submitted notice must be credited (refunded) as an amount of overpaid tax in accordance with the procedure established by Article 78 of this Code, subject to the presentation by the taxpayer to the tax authority of a revised tax declaration for excise duties.

If the volume of ethyl alcohol to be purchased (transferred) and the amount of the advance excise duty payment shown in a newly submitted notice of exemption from the payment of an advance excise duty payment are lower, the submission of a new bank guarantee shall not be required subject to compliance with the effective period established by clause 12 of this Article or clause 4 of Article 184 of this Code. [as amended by Federal Law No. 101-FZ of 05.04.2016]

Where ethyl alcohol is purchased from a different supplier in a volume equal to the shortfall in the volume supplied under the initial notice, the purchaser of ethyl alcohol should submit to the tax authority the above-mentioned application for the annulment of the initial notice accompanied by:
- a new notice made out to the seller of ethyl alcohol indicated in the initial notice in which the amount of the advance excise duty payment must be calculated on the basis of the volume of ethyl alcohol actually purchased from that seller, and the copy of the initial notice, bearing the tax authority’s mark, which the tax authority previously transmitted to the purchaser of ethyl alcohol, and copies of VAT invoices or other consignment documents confirming the actual volume of ethyl alcohol supplied by the seller indicated in the initial notice; [as amended by Federal Law No. 269-FZ of 30.09.2013]

- a new notice (containing details of the other seller of ethyl alcohol) in which the amount of the advance excise duty payment must be calculated on the basis of the shortfall in the volume of ethyl alcohol supplied under the initial notice which is to be purchased from the other seller;

- a copy of the letter addressed to the seller of ethyl alcohol indicated in the initial notice, notifying that seller of the annulment of that notice.

Where the total volume of ethyl alcohol to be purchased which is shown in an initial notice is the same as that shown in newly submitted notices, the repeat payment of an advance excise duty payment to the budget (or repeat submission of a bank guarantee for the purpose of exemption from such payment) shall not be required.

The tax authority where the purchaser of ethyl alcohol is registered shall be obliged to inform the tax authority where the seller of the ethyl alcohol is registered of the annulment of the initial notice and of the occurrence and extent of the shortfall in the volume of ethyl alcohol supplied by that seller under the initial notice.

If, during the effective period of a notice of payment (exemption from payment) of an advance excise duty payment which is established by clauses 10 and 15 of this Article, ethyl alcohol is not purchased in the volume stated in that notice, the purchaser of ethyl alcohol shall submit to the tax authority:

- an application prepared in arbitrary form for the annulment of the notice, indicating the reason for that annulment;

- the two copies of the notice marked by the tax authority which the tax authority previously transmitted to the purchaser of ethyl alcohol, including the single copy of the notice which the purchaser transmitted to the ethyl alcohol supplier. Failure by a purchaser of ethyl alcohol to submit at least one notice marked by the tax authority together with the above-mentioned application shall constitute a basis for the tax authority to reject the application for the annulment of the notice;

- a revised tax declaration for excise duties in which the amount of the advance excise duty payment payable to the budget should be shown as equal to 0 roubles.

The overpaid amount of the advance excise duty payment shall be credited (refunded) in accordance with the procedure established by Article 78 of the Code on the basis of a relevant application from the taxpayer.

The tax authority where the purchaser of ethyl alcohol is registered shall be obliged to inform the tax authority where the seller of that alcohol is registered of the annulment of the notice and
of the non-occurrence of the purchase of ethyl alcohol from the seller indicated in the annulled notice.

In the event that, during the effective period of a notice of payment (exemption from payment) of an advance payment of excise duty, a lesser volume of ethyl alcohol has been purchased than is indicated in that notice and the shortfall of alcohol supplied has not been purchased from another seller in the period concerned, the purchaser of the ethyl alcohol shall present the following documents to the tax authority: [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- an application, drawn up in arbitrary form, for the annulment of the initial notice, indicating the reason for the annulment; [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- the copy of the initial notice, bearing the tax authority’s mark, which was previously transmitted by the tax authority to the purchaser of ethyl alcohol; [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- a new notice (in place of the annulled notice) stating the amount of the advance payment of excise duty calculated on the basis of the actually purchased volume of ethyl alcohol (in this respect it shall not be necessary for an advance payment of excise duty to be paid to the budget again or for a new bank guarantee to be presented for the purpose of exemption from the payment thereof); [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- copies of VAT invoices or other consignment documents confirming the actual volume of ethyl alcohol supplied by the seller indicated in the initial notice; [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- a copy of the letter addressed to the seller of the ethyl alcohol concerning the annulment of the initial notice; [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- a revised tax declaration for excise duties in which the amount of the advance payment of excise duty must be calculated on the basis of the volume of ethyl alcohol actually received. [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

The tax authority where the purchaser of the ethyl alcohol is registered shall be obliged to inform the tax authority where the seller of that alcohol is registered of the annulment of the initial notice and of the occurrence and quantity of the shortfall in the supply of ethyl alcohol by that seller. [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

The overpaid amount of the advance payment of excise duty resulting from the shortfall in the supply of ethyl alcohol shall be credited (refunded) in accordance with the procedure established by Article 78 of this Code. [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

In the event that a lesser amount of ethyl alcohol is purchased than is indicated in an initial notice of exemption from the payment of an advance payment of excise duty, the release of a bank from obligations in respect of the bank guarantee which it issued for the purpose of enabling the manufacturer of alcoholic and (or) excisable alcohol-containing products to be exempted from the payment of an advance payment of excise duty shall take place in accordance with the provisions of clause 12 of this Article. [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]
In the event that ethyl alcohol is returned to the seller, the purchaser/manufacturer of alcoholic and (or) excisable alcohol-containing products shall submit the following documents to the tax authority together with the application for the annulment of the initial notice: [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- a revised tax declaration for excise duties for the tax period in which the amount of the advance payment of excise duty which is stated in the initial notice was reflected; [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- the two copies of the initial notice, bearing the tax authority’s mark, which the tax authority previously transmitted to the purchaser of the ethyl alcohol (including the single copy of the initial notice which the purchaser transmitted to the seller of the ethyl alcohol, which the seller shall be obliged to return to the purchaser); [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- copies of primary documents confirming that the ethyl alcohol was returned (consignment notes and other documents); [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

- a copy of the letter addressed to the seller of the ethyl alcohol notifying it of the annulment of the initial notice. [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

The tax authority where the purchaser of the ethyl alcohol is registered shall be obliged to inform the tax authority where the seller of that alcohol is registered of the annulment of the initial notice and of the occurrence and quantity of the return of ethyl alcohol to the seller. [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

The overpaid amount of the advance payment of excise duty shall be credited (refunded) in accordance with the procedure established by Article 78 of this Code. [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013]

In all cases where an initial notice is annulled in connection with the supply (purchase) of a lesser volume of ethyl alcohol as a result of actual losses in the process of its transportation, storage, movement within the structure of an organization and subsequent processing by a manufacturer of alcoholic and (or) alcohol-containing products, there must be presented to the tax authority a statement signed by the director of the organization, the chief accountant and the accountable officer who carried out the acceptance of the ethyl alcohol in which theascertainment by the taxpayer of the occurrence and quantity of the above-mentioned losses of ethyl alcohol is reflected. [paragraph inserted by Federal Law No. 269-FZ of 30.09.2013] [clause 20 inserted by Federal Law No. 338-FZ of 28.11.2011]

21. In the event that the volume of ethyl alcohol actually imported into the Russian Federation from the territories of member states of the Eurasian Economic Union differs (in whole or in part) from the volume indicated in the initial notice, or in the event that the supplier’s name changes, a purchaser of ethyl alcohol which is a manufacturer of alcoholic and (or) alcohol-containing products shall present to the tax authority, together with documents confirming the actual volume of imported ethyl alcohol: [as amended by Federal Law No. 323-FZ of 23.11.2015]

- an application for the annulment of the initial notice;
- a revised tax declaration in which the adjusted amount of the advance payment of excise duty is stated;

- a new (in place of the annulled) notice of the payment (exemption from payment) of an advance payment of excise duty;

- the copy of the initial notice of the payment (exemption from payment) of an advance payment of excise duty which the tax authority previously transmitted to the purchaser of the ethyl alcohol.

In the event that the actually imported volume of ethyl alcohol exceeds the volume stated in the initial notice, the taxpayer shall be obliged to pay an advance payment of excise duty in an amount corresponding to the excess volume of imported ethyl alcohol or to present a bank guarantee for the purpose of obtaining an exemption from the payment of an advance payment of excise duty corresponding to the excess volume of imported ethyl alcohol. In this respect, if the advance payment of excise duty is paid later than the deadline which is established by this Article, the taxpayer shall be charged penalties in accordance with the procedure established by this Code.

In the event that the volume of imported ethyl alcohol is less than the volume stated in the initial notice of payment of an advance payment of excise duty, or in the event that no ethyl alcohol is imported into the Russian Federation from the territories of member states of the Eurasian Economic Union, the reimbursement (refund) of the overpaid amount of excise duty shall take place in accordance with the procedure established by Article 78 of this Code. [as amended by Federal Law No. 323-FZ of 23.11.2015] [clause 21 inserted by Federal Law No. 269-FZ of 30.09.2013]

**Article 205. Time Limits and Procedure for the Payment of Excise Duty When Excisable Goods Are Imported into the Territory of the Russian Federation and Other Territories Under its Jurisdiction** [article as reworded by Federal Law No. 306-FZ of 27.11.2010]

The time limits and procedure for the payment of excise duty when excisable goods are imported into the territory of the Russian Federation and other territories under its jurisdiction shall be established by this Chapter with account taken of the provisions of Eurasian Economic Union law and customs-related legislation of the Russian Federation.

**Article 205.1. Special Considerations Relating to the Establishment, Calculation and Payment of Excise Duty on Natural Gas** [inserted by Federal Law No. 366-FZ of 24.11.2014]

1. Natural gas shall be deemed to be an excisable good where the charging of excise duty on natural gas is provided for in international agreements of the Russian Federation.

2. Excise duty shall be charged on operations involving the sale (transfer) of natural gas for which the charging of excise duty is provided for in international agreements of the Russian Federation.

3. Except as otherwise established by international agreements of the Russian Federation, the tax base arising from operations involving the sale (transfer) of natural gas shall be determined
as the value of natural gas sold (transferred) less customs payments and expenses for the transportation of the gas outside the territory of the Russian Federation.

4. The tax period for operations involving the sale (transfer) of natural gas shall be determined in accordance with Article 192 of this Code, except as otherwise established by international agreements of the Russian Federation.

5. The amount of excise duty on natural gas sold (transferred) shall be determined in accordance with Article 194 of this Code, except as otherwise established by international agreements of the Russian Federation.

6. The date of sale (transfer) of natural gas shall be determined in accordance with Article 195 of this Code, except as otherwise established by international agreements of the Russian Federation.

7. Excise duty on natural gas sold (transferred) shall be paid within the time limit established by clause 3 of Article 204 of this Code at the location where the taxpayer is registered with a tax authority, except as otherwise established by international agreements of the Russian Federation.

8. A tax declaration for excise duties shall be submitted by a taxpayer to the tax authority where it is registered not later than the 25th of the tax period following a tax period which has ended.

[Article 206. Lost force – Federal Law No. 65-FZ of 6.06.2003]

Article 206.1. Special Considerations Relating to the Calculation and Payment of Excise Duty by Entities Whose Details Have Been Entered in the Unified State Register of Legal Entities [inserted by Federal Law No. 379-FZ of 29.11.2014]

1. Taxpayers of excise duty which engage in the manufacture of alcoholic and (or) excisable alcohol-containing products in metal aerosol packaging and alcohol-containing household chemical products in metal aerosol packaging and 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 calculate and pay excise duty in relation to excisable goods in accordance with the procedure established by this Chapter with account taken of the special considerations established by this Article.

2. For the purposes of the application of Article 201 of this Code, organizations such as are referred to in this Article shall be obliged to make an inventory, as at the date of the entry of their details in the unified state register of legal entities, of ethyl alcohol acquired for which the amount of excise duty has not been claimed as a deduction.

3. Organizations such as are referred to in this Article shall send data on balances of ethyl alcohol to the tax authorities where they are registered not later than 20 February 2015.

4. Tax deductions for ethyl alcohol which was used as a raw material in the manufacture of alcoholic and (or) excisable alcohol-containing products and which had been despatched to manufacturers of alcoholic and (or) excisable alcohol-containing products as at the date on
which their details were entered in the unified state register of legal entities shall be made in accordance with the procedure laid down in Article 201 of this Code.

CHAPTER 23. TAX ON INCOME OF PHYSICAL PERSONS

Article 207. Taxpayers

1. Taxpayers of tax on income of physical persons (hereafter in this Chapter referred to as “taxpayers”) shall be physical persons who are tax residents of the Russian Federation and physical persons who receive income from sources in the territory of the Russian Federation but are not tax residents of the Russian Federation. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 137-FZ of 27.07.2006]

2. Except as otherwise provided in this Article, there shall be recognised as tax residents physical persons who are actually in the Russian Federation for not less than 183 calendar days over 12 consecutive months. The period of time for which a physical person is deemed to be in the Russian Federation shall not be interrupted by periods in which he departs from the territory of the Russian Federation for short-term (less than six months) treatment or education or for the purpose of performing employment duties or other duties associated with the performance of work (rendering of services) at offshore hydrocarbon deposits. [clause 2 inserted by Federal Law No. 137-FZ of 27.07.2006, as amended by Federal Laws No. 268-FZ of 30.09.2013, No. 58-FZ of 03.04.2017]

2.1. There shall be recognised as tax residents in 2015 physical persons who are actually present in the Russian Federation in the territories of the Republic of Crimea and (or) the city of federal significance Sevastopol for not less than 183 calendar days during the period from 18 March to 31 December 2014. The period of the presence of a physical person in the Russian Federation in the territories of the Republic of Crimea and (or) the city of federal significance Sevastopol shall not be interrupted by short-term periods (less than six months) of departure from the territory of the Russian Federation. [clause 2.1 inserted by Federal Law No. 379-FZ of 29.11.2014]

2.2. A physical person who is actually present in the Russian Federation for from 90 to 182 calendar days during the period from 1 January to 31 December 2020 shall be deemed a tax resident of the Russian Federation in the 2020 tax period if that physical person submits an application prepared in any form to the tax authority for his or her place of residence (to the tax authority for his or her place of stay if the physical person does not have a place of residence in the territory of the Russian Federation or to the tax authority with which he or she is registered in the case of a physical person who is not a private entrepreneur and does not have a place of residence (place of stay) in the territory of the Russian Federation). That application must contain the surname, first name and patronymic (if any) and the taxpayer identification number of the physical person and must be submitted to the tax authority within the time limit stipulated by clause 1 of Article 229 of this Code for the submission of a tax declaration for tax on income of physical persons for the 2020 tax period. [clause 2.2 inserted by Federal Law No. 265-FZ of 31.07.2020]

3. Russian servicemen serving abroad and employees of state government bodies and local government bodies who have been seconded to work outside the Russian Federation shall be
deemed to be tax residents of the Russian Federation irrespective of the actual time spent by them in the Russian Federation.

4. Where, in a tax period, a physical person was subject to measures of a restrictive nature imposed by a foreign state, a state association and (or) union and (or) a state (interstate) institution of a foreign state or of a state association and (or) union, a list of which shall be determined by the Government of the Russian Federation (hereafter in this Code referred to as “restrictive measures”), that physical person may, irrespective of the period for which he was actually present in the Russian Federation, be exempted from treatment as a tax resident of the Russian Federation if that physical person was a tax resident of a foreign state in the tax period concerned. [as amended by Federal Law No. 490-FZ of 25.12.2018]

A physical person such as is referred to in paragraph 1 of this clause shall be exempted from treatment as a tax resident of the Russian Federation on the basis of an application submitted to the federal executive body in charge of control and supervision in the area of taxes and levies accompanied by a document confirming the tax residence of that physical person issued by a competent authority of a foreign state (a tax residence certificate) or a statement prepared in any form of the reasons why such a certificate cannot be obtained from an authorized body of a foreign state, accompanied by supporting documents. [as amended by Federal Law No. 490-FZ of 25.12.2018]

An application such as is referred to in this clause shall be submitted within the time limit stipulated by this Code for the submission of a tax declaration for the relevant tax period.

The federal executive body in charge of control and supervision in the area of taxes and levies shall, not later than 30 calendar days from the day on which the application and documents referred to in this clause are received, notify the physical person referred to in paragraph 1 of this clause that it is possible for the person in question not to be treated as a tax resident of the Russian Federation in the relevant tax period on the basis of this clause or that this is not possible, stating the grounds for that decision. [paragraph inserted by Federal Law No. 490-FZ of 25.12.2018] [clause 4 inserted by Federal Law No. 58-FZ of 03.04.2017]

Article 208. Income from Sources in the Russian Federation and Income from Sources Outside the Russian Federation

1. For the purposes of this Chapter, income from sources in the Russian Federation shall include:

1) dividends and interest received from a Russian organization and interest received from Russian private entrepreneurs and (or) a foreign organization in connection with the activities of an economically autonomous subdivision thereof in the Russian Federation. [as amended by Federal Laws No. 110-FZ of 06.08.2001, No. 216-FZ of 24.07.2007, No. 424-FZ of 27.11.2018]

For the purposes of this Chapter, income in the form of the amount by which an amount of monetary resources or the value of other property (property rights) which a shareholder (participant) in a Russian organization received upon departure (exit) from the organization or upon the distribution of the property of an organization undergoing liquidation among its shareholders (participants) exceeds the expenditure of the shareholder (participant) concerned on acquiring shares (participating interests, equity units) in the organization undergoing
liquidation shall be equated with income in the form of dividends; [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018]

1.1) dividends paid to a foreign organization on shares (participating interests) in a Russian organization that are deemed to be reflected by the taxpayer in a tax declaration as part of income in accordance with clause 1.1 of this Article; [subsection 1.1 inserted by Federal Law No. 374-FZ of 23.11.2020]

2) insurance payments in connection with the occurrence of an insured accident, including periodic insurance payments (rents, annuities) and (or) payments arising from the participation of the policyholder in investment income of the insurer, and amounts of cash surrender value, which are received from a Russian organization and (or) from a foreign organization in connection with the activities of an economically autonomous subdivision thereof in the Russian Federation; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 216-FZ of 24.07.2007]

3) income received from the use in the Russian Federation of copyrights or related rights; [subsection 3 as reworded by Federal Law No. 152-FZ of 02.07.2013]

4) income received from the renting or other use of property which is situated in the Russian Federation; [subsection 4 as reworded by Federal Law No. 166-FZ of 29.12.2000]

5) income from the sale:

- of immovable property which is situated in the Russian Federation;

- in the Russian Federation of shares or securities and of participating interests in the charter capital of organizations;

- in the Russian Federation of shares, other securities and participating interests in the charter capital of organizations, where it is received from participation in an investment partnership; [paragraph inserted by Federal Law No. 336-FZ of 28.11.2011]

- of claims against a Russian organization or a foreign organization in connection with the activities of an economically autonomous subdivision thereof in the territory of the Russian Federation; [as amended by Federal Law No. 216-FZ of 24.07.2007]

- of other property which is situated in the Russian Federation and belongs to a physical person;

6) remuneration for the performance of employment duties or other duties, work performed, a service rendered or the performance of an act in the Russian Federation. In this respect, directors’ fees and other similar payments which are received by members of the management body of an organization (the board of directors or other similar body) which is a tax resident of the Russian Federation and whose location (place of management) is the Russian Federation shall be regarded as income received from sources in the Russian Federation irrespective of where the management duties assigned to those persons were actually performed or of from where the payments of those fees were made; [as amended by Federal Law No. 166-FZ of 29.12.2000]

6.1) remuneration and other payments for the performance of employment duties which are received by members of the crews of vessels sailing under the State Flag of the Russian
7) pensions, benefits, stipends and other similar payments which have been received by a taxpayer in accordance with current Russian legislation or which have been received from a foreign organization in connection with the activities of an economically autonomous subdivision thereof in the Russian Federation; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 216-FZ of 24.07.2007]

8) income received from the use of any means of transport, including sea-going and river vessels, aircraft and motor vehicles, in connection with carriage to and (or) from or within the Russian Federation, and fines and other sanctions for the demurrage (detention) of such means of transport at points of loading (unloading) in the Russian Federation; [subsection 8 inserted by Federal Law No. 166-FZ of 29.12.2000]

9) income received from the use of pipelines, power supply lines, fibre optic and (or) wireless communication lines and other communications facilities, including computer networks, in the Russian Federation; [subsection 9 inserted by Federal Law No. 166-FZ of 29.12.2000]

9.1) payments to the legal successors of deceased insured persons in cases provided for in the legislation of the Russian Federation concerning compulsory pension insurance; [subsection 9.1 inserted by Federal Law No. 204-FZ of 29.12.2004]

10) other income which is received by a taxpayer as a result of carrying out activities in the Russian Federation. [as amended by Federal Law No. 166-FZ of 29.12.2000]

1.1. Dividends paid to a foreign organization that is a resident of a state (territory) with which there is an international tax agreement of the Russian Federation, with the exception of a state (territory) included in the list established by Article 25.13-1 of this Code of states (territories) that do not provide for the exchange of information for taxation purposes with the Russian Federation, on shares (participating interests) in a Russian organization may be reflected by the taxpayer in a tax declaration as part of income in the amount of dividends before the withholding of tax on profit of organizations to the extent corresponding to the indirect interest of the taxpayer in the Russian organization through that foreign organization (depositary receipts certifying rights to shares in that foreign organization), subject to the special considerations laid down in this clause.

Where a taxpayer holds a direct interest in a foreign organization such as is referred to in paragraph 1 of this clause, the provisions of paragraph 1 of this clause shall apply provided that the following conditions are simultaneously met:

- within 180 calendar days of the payment to a foreign organization such as is referred to in paragraph 1 of this clause of dividends on shares (participating interests) in a Russian organization, the taxpayer received dividends on shares (participating interests) in that foreign organization (depositary receipts certifying rights to shares in that foreign organization);

- the amount of dividends received by a foreign organization such as is referred to in paragraph 1 of this clause on shares (participating interests) in a Russian organization to the extent
corresponding to the taxpayer’s direct interest in that foreign organization is not less than that
the amount of dividends paid by the foreign organization in question to the taxpayer on shares
(participating interests) in that foreign organization (depositary receipts certifying rights to
shares in that foreign organization) plus the amount of tax withheld upon the payment of those
dividends by that foreign organization.

Where a taxpayer holds an indirect interest in a foreign organization such as is referred to in
paragraph 1 of this clause, the provisions of paragraph 1 of this clause shall apply provided that
the following conditions are simultaneously met:

- the taxpayer’s indirect interest in a foreign organization such as is referred to in paragraph 1
of this clause is exercised through another foreign organization (whether or not using a foreign
unincorporated entity) or through a chain of participation exclusively in foreign organizations
(whether or not using foreign unincorporated entities);

- within 180 calendar days of the payment to a foreign organization such as is referred to in
paragraph 1 of this clause of dividends on shares (participating interests) in a Russian
organization, the taxpayer and each foreign organization (foreign unincorporated entity)
through which (using which) the taxpayer indirectly holds an interest in a foreign organization
such as is referred to in paragraph 1 of this clause received dividends on shares (participating
interests) in foreign organizations or depositary receipts certifying rights to shares in foreign
organizations (received a profit distribution from foreign unincorporated entities) through
which (using which) each such foreign organization (foreign unincorporated entity) and the
taxpayer indirectly hold an interest in that Russian organization;

- the amount of dividends referred to in paragraph 7 of this clause on shares (participating
interests) in foreign organizations and depositary receipts certifying rights to shares in foreign
organizations (profit distribution from foreign unincorporated entities) that were received by
each foreign organization (foreign unincorporated entity) through which (using which) the taxpayer
holds an indirect interest in a foreign organization such as is referred to in paragraph 1 of this
clause, to the extent corresponding to the direct interest in each such foreign organization
(foreign unincorporated entity) of the respective participant through which (using which) the
taxpayer holds that indirect interest in a foreign organization such as is referred to in
paragraph 1 of this clause is not less than the amount of dividends referred to in paragraph 7
of this clause on shares (participating interests) in foreign organizations and depositary receipts
certifying rights to shares in a foreign organization (profit distribution from foreign
unincorporated entities) that were paid by each such foreign organization (foreign
unincorporated entity) to the respective participant through which (using which) the taxpayer
holds that indirect interest in a foreign organization such as is referred to in paragraph 1 of this
clause plus the amount of tax withheld upon the payment of those dividends (the distribution
of profit) by each such foreign organization (foreign unincorporated entity). The amount of
dividends (profit distribution) referred to in paragraph 7 of this clause received by a foreign
organization (foreign unincorporated structure) from which the taxpayer received dividends (a
profit distribution), to the extent corresponding to the taxpayer’s direct interest in that foreign
organization (foreign unincorporated structure), shall be not less than the amount of dividends
paid by that foreign organization (foreign unincorporated structure) to the taxpayer plus the
amount of tax withheld upon the payment of the dividends (profit distribution) in question by
that foreign organization (foreign unincorporated structure).
At the same time as submitting a tax declaration in which income referred to in paragraph 1 of this clause is reflected, the taxpayer must submit the following documents (information):

- documentation supporting the indirect interest of the taxpayer in a Russian organization such as is referred to in paragraph 1 of this clause and the chain of that indirect participation;

- copies of payment documents and copies of decisions on the payment of dividends referred to in this clause on shares (participating interests) in foreign organizations and depositary receipts certifying rights to shares in foreign organizations or income in the form of profit distributions of foreign unincorporated structures.

If it is established as a result of a tax audit that the conditions laid down in this clause for the reflection by a taxpayer in a tax declaration of income referred to in subsection 1.1 of clause 1 of this Article are not met, or that the documents referred to in paragraphs 10 and 11 of this clause have not been submitted, the income in question shall be deemed not to have been reflected in the tax declaration.

[clause 1.1 inserted by Federal Law No. 374-FZ of 23.11.2020]

2. For the purposes of this Chapter, income received from sources in the Russian Federation shall not include: [as amended by Federal Law No. 325-FZ of 29.09.2019]

- income of a physical person who is not a tax resident of the Russian Federation in the form of winnings received by him from the playing of games of chance conducted in casinos and gaming machine arcades; [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

- income of a physical person which he received as a result of foreign trade (including commodity exchange) operations carried out exclusively in the name of and in the interests of that physical person and exclusively involving the purchase (acquisition) of goods (performance of work, rendering of services) in the Russian Federation and the importation of goods into the Russian Federation. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

This provision shall apply to operations associated with the import of goods into the territory of the Russian Federation under the release for domestic consumption customs procedure only if the following conditions are met: [as amended by Federal Law No. 306-FZ of 27.11.2010]

1) the physical person supplies the goods not from storage places (including customs warehouses) situated in the territory of the Russian Federation; [as amended by Federal Law No. 166-FZ of 29.12.2000]


3) the goods are not sold through an economically autonomous subdivision of a foreign organization in the Russian Federation. [as amended by Federal Law No. 216-FZ of 24.07.2007]

In the event that any of the above-mentioned conditions is not met, income received from sources in the Russian Federation in connection with the sale of goods shall be deemed to be the part of income received which is attributable to the physical person’s activities in the Russian Federation.
Where goods acquired by a physical person in connection with the foreign trade operations which are provided for in this clause are subsequently sold, income of such physical person which is received from sources in the Russian Federation shall include income from any sale of those goods, including the resale or pledging thereof, from warehouses or other places of storage of such goods which are located in the territory of the Russian Federation and are owned, rented or used by that physical person, with the exception of the sale of the goods outside the Russian Federation from customs warehouses. [as amended by Federal Law No. 166-FZ of 29.12.2000]

3. For the purposes of this Chapter, income received from sources outside the Russian Federation shall include: [as amended by Federal Law No. 166-FZ of 29.12.2000]

1) dividends and interest received from a foreign organization, with the exception of the interest provided for in subsection 1 of clause 1 of this Article, and payments received from an issuer of Russian depositary receipts in respect of underlying securities. [as amended by Federal Laws No. 110-FZ of 06.08.2001, No. 420-FZ of 28.12.2013, No. 424-FZ of 27.11.2018]

For the purposes of this Chapter, income in the form of the amount by which an amount of monetary resources or the value of other property (property rights) which a shareholder (participant) in a foreign organization received upon departure (exit) from the organization or upon the distribution of the property of an organization undergoing liquidation among its shareholders (participants) exceeds the expenditure of the shareholder (participant) concerned on acquiring shares (participating interests, equity units) in the organization undergoing liquidation shall be equated with income in the form of dividends; [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018]

2) insurance payments in connection with the occurrence of an insured accident which are received from a foreign organization, with the exception of the insurance payments which are provided for in subsection 2 of clause 1 of this Article; [subsection 2 as reworded by Federal Law No. 166-FZ of 29.12.2000]

3) income from the use outside the Russian Federation of copyrights or related rights; [subsection 3 as reworded by Federal Law No. 152-FZ of 02.07.2013]

4) income received from the renting or other use of property which is situated outside the Russian Federation; [subsection 4 as reworded by Federal Law No. 166-FZ of 29.12.2000]

5) income from the sale:

- of immovable property which is situated outside the Russian Federation;

- outside the Russian Federation of shares or other securities and of participating interests in the charter capitals of foreign organizations; [as amended by Federal Law No. 166-FZ of 29.12.2000]

- of claims against a foreign organization, with the exception of the claims which are referred to in paragraph 4 of subsection 5 of clause 1 of this Article;

- of other property which is situated outside the Russian Federation;
6) remuneration for the performance of employment duties or other duties, work performed, a service rendered or the performance of an act outside the Russian Federation. In this respect, directors’ fees and other similar payments which are received by members of the management body of a foreign organization (the board of directors or other similar body) shall be regarded as income from sources outside the Russian Federation irrespective of where the management duties assigned to those persons were actually performed; [as amended by Federal Law No. 166-FZ of 29.12.2000]

7) pensions, benefits, stipends and other similar payments which have been received by a taxpayer in accordance with the legislation of foreign states; [as amended by Federal Law No. 166-FZ of 29.12.2000]

8) income received from the use of any means of transport, including sea-going and river vessels, aircraft and motor vehicles, and fines and other sanctions for the demurrage (detention) of such means of transport at points of loading (unloading), with the exception of the types of income provided for in subsection 8 of clause 1 of this Article; [subsection 8 as reworded by Federal Law No. 166-FZ of 29.12.2000]

8.1) amounts of profit of a controlled foreign company which are determined in accordance with this Code – in the case of physical persons who are deemed to be controlling persons of that company in accordance with this Code (with the exception of physical persons who submitted to the tax authority a notification of transfer to the payment of tax on income of physical persons based on fixed profit in accordance with the procedure and subject to the conditions established by this Chapter if the amount of that profit relates to tax periods during which the physical person applied the procedure established by Article 227.1 of this Code involving the payment of tax on income of physical persons based on fixed profit); [subsection 8.1 inserted by Federal Law No. 376-FZ of 24.11.2014; as amended by Federal Law No. 368-FZ of 09.11.2020]

8.2) amounts of fixed profit in relation to which a taxpayer that is a controlling person has submitted to the tax authority a notification of transfer to the payment of tax on income of physical persons based on fixed profit in accordance with the procedure and subject to the conditions established by this Chapter; [subsection 8.2 inserted by Federal Law No. 368-FZ of 09.11.2020]

9) other income which is received by a taxpayer as a result of carrying out activities outside the Russian Federation.
result of the conclusion between those persons of civil-law agreements or employment agreements.

Income in the form of amounts of taxes, levies, insurance contributions, penalties and fines paid in accordance with this Code on a taxpayer’s behalf by another physical person shall also not be recognised as income for the purposes of this Chapter. [paragraph inserted by Federal Law No. 401-FZ of 30.11.2016]

Income in the form of amounts of tax on income of physical persons paid by a tax agent on behalf of a taxpayer shall likewise not be deemed income for the purposes of this Chapter where the amounts concerned are charged (recovered) as a result of a tax audit in accordance with this Code owing to the fact that the tax agent unlawfully failed to withhold those amounts (or to withhold them in full). [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019] [clause 5 inserted by Federal Law No. 166-FZ of 29.12.2000]

Article 209. Taxable Object

The taxable object shall be income received by taxpayers:

1) from sources in the Russian Federation and (or) from sources outside the Russian Federation – for physical persons who are tax residents of the Russian Federation;

2) from sources in the Russian Federation – for physical persons who are not tax residents of the Russian Federation.

Article 210. Tax Base

1. For the purposes of determining the tax base, account shall be taken of all income of a taxpayer which he has received in monetary form or in kind or which he has acquired the right to dispose of, and of income in the form of material gain as defined in accordance with Article 212 of this Code.

Where any deductions are made from a taxpayer’s income on the taxpayer’s instructions or by decision of a court or of other bodies, such deductions shall not reduce the tax base.

Income shall not be deemed to have been received or a right to dispose of income to have arisen by virtue of the receipt of rights of control in relation to a foreign unincorporated entity or a foreign legal entity whose personal law does not provide for participation in capital where those rights were received as a result of the transfer thereof between persons who are members of one family and (or) close relatives in accordance with the Family Code of the Russian Federation (spouses, parents and children, including adoptive parents and adopted children, grandfathers, grandmothers and grandchildren, siblings and half-siblings (having a common father or mother)). [paragraph inserted by Federal Law No. 32-FZ of 15.02.2016]

2. The tax base shall be determined separately for each type of income for which different tax rates have been established.

[Paragraph lost force – Federal Law No. 372-FZ of 23.11.2020]
2.1. The group of tax bases to which the tax rate provided for in clause 1 of Article 224 of this Code applies shall comprise the following tax bases, each of which shall be determined separately in relation to income of physical persons who are tax residents of the Russian Federation:

1) the tax base for income from equity participation (including income in the form of dividends paid to a foreign organization on shares (interests) in a Russian organization that the taxpayer is deemed to have reported in the tax declaration as part of income);

2) the tax base for income in the form of winnings received by players of games of chance and lottery players;

3) the tax base for income from securities transactions and transactions involving derivative financial instruments;

4) the tax base for repo transactions involving securities;

5) the tax base for securities lending transactions;

6) the tax base for income received by members of an investment partnership;

7) the tax base for securities transactions and transactions involving derivative financial instruments recorded in an individual investment account;

8) the tax base for income in the form of amounts of profit of a controlled foreign company (including fixed profit of a controlled foreign company);

9) the tax base for other income in relation to which the tax rate provided for in clause 1 of Article 224 of this Code applies (hereafter in this Chapter referred to as “the principal tax base”).

2.2. The group of tax bases to which the tax rate provided for in paragraph 1 of clause 3 of Article 224 of this Code applies shall comprise the following tax bases, each of which shall be determined separately in relation to income of physical persons who are not tax residents of the Russian Federation:

1) the tax base for income in the form of winnings received by players of games of chance and lottery players;

2) the tax base for income from securities transactions and transactions involving derivative financial instruments;

3) the tax base for repo transactions involving securities;

4) the tax base for securities lending transactions;

5) the tax base for income received by members of an investment partnership;
6) the tax base for securities transactions and transactions involving derivative financial instruments recorded in an individual investment account;

7) the tax base for income from the sale of immovable property and (or) an interest (interests) therein, and for income in the form of an item of immovable property received by way of a gift;

8) the tax base for other income in relation to which the tax rate provided for in paragraph 1 of clause 3 of Article 224 of this Code applies.

[clause 2.2 inserted by Federal Law No. 372-FZ of 23.11.2020]

2.3. The tax bases referred to in clauses 2.1 and 2.2 of this Article, with the exception of the principal tax base, shall be determined as the monetary amount of respective items of income that are taxable and are taken into account in determining the tax base, taking into account the special considerations established by Articles 214.1, 214.3, 214.4, 214.5, 214.7 and 214.9 of this Code which are applied in calculating the respective tax bases.

The tax base for income from equity participation shall be determined taking into account the special considerations established by Article 275 of this Code.

When determining the tax base referred to in subsection 3 of clause 2.1 of this Article, the relevant income shall be reduced by the amount of tax deductions provided for in subsection 1 of clause 1 of Article 219.1 and Article 220.1 of this Code.

When determining the tax base referred to in subsection 7 of clause 2.1 of this Article, the relevant income shall be reduced by the amount of tax deductions provided for in subsection 3 of clause 1 of Article 219.1 and Article 220.1 of this Code.

When determining the tax base referred to in subsection 6 of clause 2.1 of this Article, the relevant income shall be reduced by the amount of tax deductions provided for in Article 220.2 of this Code.

[clause 2.3 inserted by Federal Law No. 372-FZ of 23.11.2020]

3. The principal tax base shall be determined as the monetary amount of income that is taxable and is taken into account in determining that tax base, reduced by the amount of tax deductions provided for in Articles 218 to 221 of this Code (excluding the tax deductions referred to in clauses 2.3 and 6 of this Article), taking into account the special considerations established by this Chapter.

Except as otherwise established by this Article, the tax deductions provided for in Articles 218 to 221 of this Code shall not apply to tax bases not forming part of the principal tax base.

If the amount of tax deductions in a tax period is found to be greater than the amount of income that is taxable and is taken into account in determining the principal tax base for the same tax period, the tax base for that tax period shall be taken to be equal to zero. In this respect, the difference between the amount of tax deductions and the amount of income shall not be carried over to the next tax period unless otherwise provided in this Chapter.

In the case of taxpayers who receive pensions in accordance with the legislation of the Russian Federation, if, in a tax period, they do not have income that is taxable and is taken into account
in determining the principal tax base, the difference between the amount of tax deductions and
the amount of income that is taken into account in determining the principal tax base may be
carried over to preceding tax periods in the manner prescribed by this Chapter.
[clause 3 as reworded by Federal Law No. 372-FZ of 23.11.2020]

3.1. In determining the tax base, income from the sale of interests in the charter capital of a
company shall be reduced by the amount of tax deductions provided for in subsection 2.5 of
clause 2 of Article 220 of this Code, irrespective of the tax base established for such income.
[clause 3.1 inserted by Federal Law No. 372-FZ of 23.11.2020]

4. Except as otherwise established by clause 6 of this Article, in determining a tax base not
referred to in clause 2.1 or 2.2 of this Article, the tax base shall be determined as the monetary
amount of relevant taxable income.
[clause 4 as reworded by Federal Law No. 372-FZ of 23.11.2020]

5. Income (expenses which are deductible in accordance with Articles 214.1, 214.3, 214.4,
214.5 and 218 to 221 of this Code) of a taxpayer which is (are) expressed (denominated) in
foreign currency shall be translated into roubles on the basis of the official exchange rate of the
Central Bank of the Russian Federation which is established as at the date on which the income
is actually received (the date on which expenses are actually incurred), except as otherwise
provided in this Chapter. [as amended by Federal Laws No. 281-FZ of 25.11.2009, No. 336-FZ of 28.11.2011,
No. 200-FZ of 19.07.2018]

6. The tax base for income from the sale of property (other than securities) and (or) an interest
(interests) therein, for income in the form of the value of property (other than securities)
received by way of a gift and for taxable income received by physical persons in the form of
insurance payments under insurance agreements and pension payments, to which the tax rate
established by clause 1.1 of Article 224 of this Code applies, shall be determined as the
monetary amount of such taxable income, reduced by the amount of tax deductions provided
for in subsection 1 (insofar as it concerns the sale of property and or an interest (interests)
therein) and 2 of clause 1 of Article 220 of this Code and taking into account the special
considerations established by Articles 213, 213.1 and 214.10 of this Code.

If, in a tax period, the amount of tax deductions provided for in Articles 218 and 219 and
subsections 3 and 4 of clause 1 of Article 220 of this Code cannot be fully taken into account
in determining the principal tax base, those tax deductions, to the extent that they cannot be
taken into account in determining the principal tax base, shall be taken into account in
determining the tax base for income referred to in paragraph 1 of this clause for the same tax
period, but in an amount not exceeding the amount of that tax base. In this respect, the tax
deductions referred to in this paragraph shall not be carried over to the next tax period unless
otherwise provided in this Chapter.
[clause 6 as reworded by Federal Law No. 372-FZ of 23.11.2020]

7. In the case of income referred to in subsection 1.1 of clause 1 of Article 208 of this Code,
the tax base shall be determined as the monetary amount of dividends on shares (participating
interests) in a Russian organization that are referred to in paragraph 1 of clause 1.1 of Article
208 of this Code.
[clause 7 inserted by Federal Law No. 374-FZ of 23.11.2020]
**Personal Income Tax**

**Article 211. Special Considerations Relating to the Determination of the Tax Base Where Income is Received in Kind**

1. Where a taxpayer receives income from organizations and private entrepreneurs in kind in the form of goods (work and services) and other property, the tax base shall be determined as the value of those goods (work and services) or other property calculated on the basis of the prices thereof as determined according to a procedure similar to that which is laid down in Article 105.3 of this Code. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 227-FZ of 18.07.2011]

In this respect, the appropriate amount of value added tax and excise duties shall be included in the value of such goods (work and services), and any partial payment made by the taxpayer for the goods received by him, the work performed for him or the services rendered to him shall be deducted from that value. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 117-FZ of 07.07.2003, No. 216-FZ of 24.07.2007]

2. Income received by a taxpayer in kind shall include, in particular:

1) the making of payment (in whole or in part) on his behalf by organizations or private entrepreneurs for goods (work and services) or property rights, including public services, meals, leisure and training in the taxpayer’s interests;

1.1) property rights received by a taxpayer upon departure from an organization or upon the distribution of the property of an organization undergoing liquidation among its shareholders (participants, unit holders) and claims against an organization which are received without consideration or for part payment. The value of such property rights for taxation purposes shall be determined in a manner similar to that prescribed by Article 105.3 of this Code; [subsection 1.1 inserted by Federal Law No. 424-FZ of 27.11.2018]

2) goods received by the taxpayer, work performed in the taxpayer’s interests and services rendered in the taxpayer’s interests free of charge or for partial payment; [as amended by Federal Law No. 216-FZ of 24.07.2007]

3) remuneration for labour in kind.

**Article 212. Special Considerations Relating to the Determination of the Tax Base Where Income is Received in the Form of Material Gain**

1. The following shall be income of a taxpayer which is received in the form of material gain:

1) except as otherwise provided in this subsection, material gain received from savings on interest for the use by the taxpayer of borrowed (credit) resources received from organizations or private entrepreneurs, with the exception of: [as amended by Federal Law No. 333-FZ of 27.11.2017]

- material gain received from banks located in the territory of the Russian Federation in connection with bank card operations during an interest-free period which is established in an agreement on the provision of a bank card;

- material gain resulting from savings on interest for the use of borrowed (credit) resources provided for the new construction or acquisition in the territory of the Russian Federation of a
dwellings, a room or share (shares) therein, or of land parcels granted for individual housing generation and land parcels on which dwellings houses to be acquired are situated, or a share (shares) therein;

- material gain resulting from savings on interest for the use of borrowed (credit) resources provided by banks located in the territory of the Russian Federation for the purpose of the refinancing (rearrangement) of loans (credits) received for the new construction or acquisition in the territory of the Russian Federation of a dwelling house, an apartment, a room or a share (shares) therein, or of land parcels granted for individual housing construction and land parcels on which dwellings houses to be acquired are situated, or a share (shares) therein.

Material gain such as is referred to in paragraphs 3 and 4 of this clause shall be exempt from taxation provided that the taxpayer concerned has the right to claim the property-related tax deduction which is established by subsection 3 of clause 1 of Article 220 of this Code and that right has been confirmed in the manner prescribed by clause 3 of Article 220 of this Code. [as amended by Federal Laws No. 306-FZ of 02.11.2013, No. 333-FZ of 27.11.2017]

Material gain received from a saving on interest for the use of borrowed (credit) funds by a taxpayer (with the exception of material gain such as is referred to in paragraphs 2 to 4 of this subsection) shall be considered as income received by the taxpayer in the form of material gain if at least one of the following conditions is met in relation to that saving: [paragraph inserted by Federal Law No. 333-FZ of 27.11.2017]

- the borrowed (credit) funds in question were received by the taxpayer from an organization or a private entrepreneur which (who) is an interdependent person in relation to the taxpayer or with which (whom) the taxpayer has an employment relationship; [paragraph inserted by Federal Law No. 333-FZ of 27.11.2017]

- the saving in question is effectively material assistance or a form of reciprocal performance by an organization or a private entrepreneur of an obligation to the taxpayer, including payment (remuneration) for goods supplied (work performed, services rendered) by the taxpayer. [paragraph inserted by Federal Law No. 333-FZ of 27.11.2017; as amended by Federal Law No. 158-FZ of 03.07.2019]

Material gain resulting from savings on interest for the use of loan (credit) funds during a relief period established in accordance with the legislation of the Russian Federation shall not be recognised as income of a taxpayer in the form of material gain; [paragraph inserted by Federal Law No. 158-FZ of 03.07.2019; as amended by Federal Law No. 150-FZ of 21.05.2020]
[subsection 1 as reworded by Federal Law No. 202-FZ of 19.07.2009]

2) material gain received from the acquisition of goods (work and services) in accordance with a civil-law agreement from physical persons, organizations and private entrepreneurs which are interdependent with the taxpayer; [as amended by Federal Law No. 166-FZ of 29.12.2000]

3) material gain obtained from the acquisition of securities and derivative financial instruments, with the exception of securities such as are referred to in clause 25 of Article 217 of this Code if they were acquired upon initial placement by the issuer and securities acquired from a controlled foreign company by a taxpayer who is deemed to be a controlling person of that foreign company, or by a Russian interdependent party of such a controlling person, subject to the condition that income of the controlled foreign company in question from the sale of those
securities and expenses in the form of the acquisition price of the securities are excluded from the profit (loss) of that foreign company on the basis of clause 10 of Article 309.1 of this Code. [as amended by Federal Laws No. 281-FZ of 25.11.2009, No. 32-FZ of 15.02.2016, No. 242-FZ of 03.07.2016, No. 335-FZ of 27.11.2017]

2. Where a taxpayer receives income in the form of the material gain which is referred to in subsection 1 of clause 1 of this Article, the tax base shall be determined as:

1) the amount by which the amount of interest for the use of borrowed (credit) resources expressed in roubles when calculated on the basis of a rate equal to two thirds of the current refinancing rate established by the Central Bank of the Russian Federation as at the date on which income is actually received by the taxpayer exceeds the amount of interest when calculated on the basis of the conditions of the agreement; [as amended by Federal Laws No. 216-FZ of 24.07.2007, No. 158-FZ of 22.07.2008]

2) the amount by which the amount of interest for the use of borrowed (credit) resources expressed in foreign currency when calculated at a rate of 9 per cent per annum exceeds the amount of interest when calculated on the basis of the conditions of the agreement. [as amended by Federal Law No. 58-FZ of 06.06.2005]

The determination of the tax base when income is received in the form of material gain resulting from interest savings upon the receipt of borrowed (credit) resources and the calculation, withholding and remittance of tax shall be carried out by the tax agent in accordance with the procedure established by this Code. [as amended by Federal Law No. 216-FZ of 24.07.2007]

3. Where a taxpayer receives income in the form of the material gain which is referred to in subsection 2 of clause 1 of this Article, the tax base shall be determined as the amount by which the price of identical (similar) goods (work and services) sold by persons who are interdependent with the taxpayer under normal conditions to persons who are not interdependent exceeds the prices at which identical (similar) goods (work and services) are sold to the taxpayer.

4. Where a taxpayer receives income in the form of a material gain such as is referred to in subsection 3 of clause 1 of this Article, the tax base shall be determined as the amount by which the market value of securities and derivative financial instruments exceeds the amount actually expended by the taxpayer on acquiring them. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Where, in payment for shares placed (issued), shares or participating interests in the charter capital of Russian organizations in relation to which the conditions specified in paragraph 1 of clause 17.2 of Article 217 of this Code are met are transferred to the issuer of those securities, for the purposes of paragraph 1 of this clause the tax base shall be determined as the amount by which the market value of the acquired shares exceeds the market value of the shares (participating interests) transferred in payment for the acquired shares at the time of that transfer. [paragraph inserted by Federal Law No. 305-FZ of 02.07.2021]

For the purposes of this Article, expenses for the acquisition of securities which are the underlying asset of an option contract shall include amounts paid to the seller for the securities in accordance with that contract and amounts of premium and variation margin paid on the option contracts.
Material gain shall not arise where a taxpayer acquires securities in the first or second leg of a repo provided that the parties fulfil their obligations in respect of the first and second legs of the repo, or in the event of the duly executed termination of obligations in respect of the first or second leg of the repo on grounds other than due fulfilment, including the offsetting of homogeneous counter-claims arising from another repo transaction.

The market value of securities which are circulated on the organized securities market shall be determined on the basis of their market price with account taken of the fluctuation limit for that price, unless otherwise established by this Article.

The market value of securities which are not circulated on the organized securities market shall be determined on the basis of the reference price of the securities with account taken of the fluctuation limit for that price, unless otherwise established by this Article.

The market value of securities, whether or not circulated on the organized securities market, shall be determined as at the date of conclusion of a transaction. [paragraph inserted by Federal Law No. 395-FZ of 28.12.2010]

The procedure for determining the market price of securities and the reference price of securities and the procedure for determining the market price fluctuation limit shall be established for the purposes of this Chapter by the Central Bank of the Russian Federation in consultation with the Ministry of Finance of the Russian Federation with account taken of the provisions of this clause. [as amended by Federal Law No. 251-FZ of 23.07.2013]

The reference price of an investment unit in a closed investment fund (interval mutual investment fund) which is not circulated on the organized securities market shall be deemed to be the reference value of the investment unit determined by the management company which carries out fiduciary management of the property forming the relevant mutual investment fund in accordance with the legislation of the Russian Federation concerning investment funds, without taking into account the fluctuation limit for the reference price of the securities.

The market value of an investment unit in a mutual investment fund (whether or not circulated on the organized securities market) where it is acquired from the management company which carries out fiduciary management of the property forming the relevant mutual investment fund shall be deemed to be the last reference value of the investment unit determined by that management company in accordance with the legislation of the Russian Federation concerning investment funds, without taking into account the fluctuation limit for the market or reference price of the securities.

Where, in accordance with the legislation of the Russian Federation concerning investment funds, an investment unit in a mutual investment fund which is restricted for circulation is issued other than on the basis of the reference value of the investment unit, the market value of such investment unit shall be the amount of monetary resources to the value of which one investment unit is issued and which is determined in accordance with the rules for the fiduciary management of the mutual investment fund, without taking into account the fluctuation limit.

The market value of an investment unit in an open mutual investment fund shall be deemed to be the last reference value of the investment unit determined by the management company.
which carries out fiduciary management of the property forming the relevant open mutual investment fund in accordance with the legislation of the Russian Federation concerning investment funds, without taking into account the fluctuation limit for the market price of the securities.

The market value of derivative financial instruments which are circulated on the organized market shall be determined in accordance with clause 1 of Article 305 of this Code. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The market value of derivative financial instruments which are not circulated on the organized market shall be determined in accordance with clause 2 of Article 305 of this Code. [as amended by Federal Law No. 242-FZ of 03.07.2016]

[clause 4 as reworded by Federal Law No. 281-FZ of 25.11.2009]


[article as reworded by Federal Law No. 57-FZ of 29.05.2002]

1. For the purpose of determining the tax base account shall be taken of income received by a taxpayer in the form of insurance payments, with the exception of payments received:

1) under agreements on compulsory insurance which is undertaken in accordance with the procedure established by the legislation of the Russian Federation;

2) under voluntary life insurance agreements (other than the agreements provided for in subsection 4 of this clause) in the case of payments connected with the survival of the insured person to a specified age or date or in the event of the occurrence of another event where, under the conditions of the agreement concerned, insurance contributions are paid by the taxpayer and (or) by members of his family and (or) close relatives in accordance with the Family Code of the Russian Federation (spouses, parents and children, including adoptive parents and adopted children, grandfather, grandmother and grandchildren, siblings and half-siblings (having a common father or mother)) and the amounts of insurance payments do not exceed the amounts of insurance contributions which he has paid plus an amount calculated by consecutively adding together the products of the amounts of insurance contributions paid from the day of the conclusion of the insurance agreement up to the final day of each year of validity of the voluntary life insurance agreement (inclusive) and the average annual refinancing rate of the Central Bank of the Russian Federation which was effective in the corresponding year. Otherwise the difference between those amounts shall be taken into account in determining the tax base and shall be taxable at source. [as amended by Federal Law No. 420-FZ of 28.12.2013]

For the purposes of this Article, the average annual refinancing rate of the Central Bank of the Russian Federation shall be determined as the quotient from dividing the amount obtained as a result of adding together the values of the refinancing rates effective as at the 1st of each calendar month of a year of validity of a life insurance agreement by the number of values of refinancing rates of the Central Bank of the Russian Federation which are added together.

In the event that voluntary life insurance agreements such as are provided for in this subsection are cancelled early (except where voluntary life insurance agreements are cancelled early for reasons beyond the control of the parties) and the cash (surrender) value which is payable in accordance with the rules of insurance and the conditions of those agreements in the event of
the early cancellation of the agreements is refunded to physical persons, the income received, less the amounts of insurance contributions paid by the taxpayer, shall be taken into account when determining the tax base and shall be taxable at source. [as amended by Federal Law No. 382-FZ of 29.11.2014]

Where a voluntary life insurance is rescinded (except in cases of the rescission of voluntary insurance agreements for reasons beyond the control of the parties), amounts of insurance contributions paid by a physical person under that agreement in relation to which he was granted a social tax deduction such as is referred to in subsection 4 of clause 1 of Article 219 of this Code shall be taken into account in determining the tax base. [paragraph inserted by Federal Law No. 382-FZ of 29.11.2014]

In this respect, an insurance organization shall be obliged, when paying amounts of money (redemption sums) to a physical person under a voluntary life insurance agreement, to withhold an amount of tax calculated on an amount of income equal to the sum of insurance contributions paid by the physical person under that agreement for each calendar year in which the taxpayer had the right to receive a social tax deduction such as is referred to in subsection 4 of clause 1 of Article 219 of this Code. [paragraph inserted by Federal Law No. 382-FZ of 29.11.2014]

In the event that the taxpayer has provided a statement issued by the tax authority for the taxpayer’s place of residence confirming that the taxpayer has not received a social tax deduction or confirming that the taxpayer has received the amount of a social tax deduction which was granted such as is referred to in subsection 4 of clause 1 of Article 219 of this Code, the insurance organization shall, accordingly, refrain from withholding an amount of tax or calculate the amount of tax to be withheld; [paragraph inserted by Federal Law No. 382-FZ of 29.11.2014]

3) under voluntary personal insurance agreements which provide for payments to be made in the event of the death of or damage to the health of the insured person and (or) reimbursement for medical expenses of the insured person (excluding payment of the cost of health resort stays);

4) under voluntary pension insurance agreements concluded by physical persons for their own benefit with insurance organizations, upon the onset of pensionable circumstances in accordance with the legislation of the Russian Federation.

In the event that the voluntary pension insurance agreements are cancelled (except where insurance agreements are cancelled for reasons beyond the control of the parties) and the cash surrender (value) which is payable in accordance with the rules of insurance and the conditions of the agreement in the event of the cancellation of such agreements is refunded to a physical person, the income received, less the amounts of insurance contributions paid by the taxpayer, shall be taken into account when determining the tax base and shall be taxable at source.

In the event that a voluntary pension insurance agreement is cancelled (except where insurance agreements are cancelled for reasons beyond the control of the parties), for the purpose of determining the tax base account shall be taken of amounts of insurance contributions paid by the physical person under that agreement in relation to which he was granted the social tax deduction which is referred to in subsection 4 of clause 1 of Article 219 of this Code.
In this respect, an insurance organization shall be obliged, when paying amounts of cash (surrender) value to a physical person under a voluntary pension insurance agreement, to withhold an amount of tax calculated on the basis of an amount of income equal to the amount of insurance contributions paid by the physical person under that agreement for each calendar year in which the taxpayer had the right to receive the social tax deduction which is referred to in subsection 4 of clause 1 of Article 219 of this Code.

In the event that the taxpayer has provided a certificate issued by the tax authority for the taxpayer’s place of residence confirming that the taxpayer did not receive a social tax deduction or confirming that the taxpayer received the amount of the granted social tax deduction which is referred to in subsection 4 of clause 1 of Article 219 of this Code, the insurance organization shall accordingly refrain from withholding the amount of tax or calculate the amount of tax to be withheld.

[clause 1 as reworded by Federal Law No. 216-FZ of 24.07.2007]

1.1. The form of a certificate issued by the tax authority for a taxpayer’s place of residence confirming that the taxpayer did not receive a social tax deduction or confirming that the taxpayer received the amount of a granted social tax deduction shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 1.1 inserted by Federal Law No. 216-FZ of 24.07.2007]


3. For the purpose of determining the tax base amounts of insurance contributions shall be taken into account if those amounts are paid on behalf of physical persons from employers’ resources or from resources of organizations or private entrepreneurs who are not employers in relation to the physical persons for whom they pay the insurance contributions, except where insurance of physical persons is undertaken under compulsory insurance agreements, voluntary personal insurance agreements or voluntary pension insurance agreements.

[clause 3 as reworded by Federal Law No. 216-FZ of 24.07.2007]

4. In the case of a voluntary property insurance agreement (including insurance of civil liability for damage to the property of third parties and (or) insurance of the civil liability of owners of means of transport), upon the occurrence of an insured event the income of a taxpayer which is taxable shall be determined in the case of:

- the loss or destruction of insured property (property of third parties) as the difference between the amount of the insurance payment received and the market value of the insured property as at the date on which that agreement was concluded (as at the date on which the insured event occurred in the case of an agreement on the insurance of civil liability), increased by the amount of insurance contributions paid in respect of the insurance of that property;

- damage to insured property (property of third parties) as the difference between the amount of the insurance payment received and expenditures needed to repair (replace) that property (if it has not been repaired) or the cost of repairing (replacing) that property (if repairs have been carried out), increased by the amount of insurance contributions paid in respect of the insurance of that property.
The validity of expenditures needed to repair (replace) insured property in the event that it has not been repaired (replaced) shall be confirmed by a document (calculation, statement, report) drawn up by the insurer or by an independent expert (appraiser).

The justifiability of expenditures on the repair (replacement) of insured property which has been carried out shall be confirmed by the following documents:

1) the agreement (a copy of the agreement) on the performance of the relevant work (on the rendering of services);

2) documents confirming the acceptance of the work performed (services rendered);

3) payment documents drawn up in accordance with the established procedure which confirm that payment has been made for the work (services).

In this respect, amounts of expenses reimbursed to the policyholder or borne by insurers which were incurred in connection with the investigation of the circumstances of the occurrence of an insured event, the establishment of the extent of damage and the payment of court expenses and other expenses in accordance with current legislation and the conditions of the property insurance agreement shall not be taken into account as income.


**Article 213.1. Special Considerations Relating to the Determination of the Tax Base With Respect to Non-State Pension Agreements and Compulsory Pension Insurance Agreements Which Are Concluded With Non-State Pension Funds** [inserted by Federal Law No. 204-FZ of 29.12.2004]

1. When determining the tax base in relation to non-state pension agreements and compulsory pension insurance agreements which are concluded with non-state pension funds, the following shall not be taken into account:

- insurance contributions for compulsory pension insurance which are paid by organizations and other employers in accordance with the legislation of the Russian Federation;

- a funded pension; [as amended by Federal Law No. 177-FZ of 29.06.2015]

- amounts of pensions which are paid under non-state pension agreements concluded by physical persons with duly licensed Russian non-state pension funds on their own behalf;

- amounts of pensions for physical persons payable under non-state pension agreements concluded by organizations and other employers with duly licensed Russian non-state pension funds where tax on income of physical persons was withheld and paid on pension contributions paid by an employer to those funds under the agreements in question prior to 1 January 2005; [paragraph inserted by Federal Law No. 166-FZ of 23.06.2014]

- amounts of pension contributions under non-state pension agreements concluded by organizations and other employers with duly licensed Russian non-state pension funds;
- amounts of pension contributions under non-state pension agreements concluded by physical persons with duly licensed Russian non-state pension funds on behalf of other persons.

2. The following shall be taken into account in determining the tax base:

- amounts of pensions for physical persons payable under non-state pension agreements concluded by organizations and other employers with duly licensed Russian non-state pension funds, with the exception of amounts such as are referred to in paragraph 5 of clause 1 of this Article; [as amended by Federal Law No. 166-FZ of 23.06.2014]

- amounts of pensions which are paid under non-state pension agreements concluded by physical persons with duly licensed Russian non-state pension funds on behalf of other persons;

- monetary (redemption) amounts, less the amounts of payments (contributions) made by a physical person on his own behalf, which are payable in accordance with pension rules and the conditions of non-state pension agreements concluded with duly licensed Russian non-state pension funds in the event of the early termination of those agreements (except where such early termination occurs as a result of circumstances beyond the parties’ control or the redemption amount is transferred to another non-state pension fund), and in the event that the conditions of those agreements change with respect to the period of validity thereof.

The amounts referred to in this clause shall be taxable at the source of payments.

Amounts of payments (contributions) paid by a physical person under a non-state pension agreement in relation to which the physical person was granted the social tax deduction which is referred to in subsection 4 of clause 1 of Article 219 of this Code shall be taxable upon the payment of the amount of the cash (surrender) value (except where the agreement in question is cancelled early for reasons beyond the control of the parties or the amount of the cash (surrender) value is transferred to another non-state pension fund). [paragraph inserted by Federal Law No. 216-FZ of 24.07.2007]

In this respect, a non-state pension fund shall be obliged when paying amounts of cash (surrender) value to a physical person to withhold an amount of tax calculated on the basis of an amount of income equal to the amount of payments (contributions) paid by the physical person under that agreement for each calendar year in which the physical person had the right to receive the social tax deduction which is referred to in subsection 4 of clause 1 of Article 219 of this Code. [paragraph inserted by Federal Law No. 216-FZ of 24.07.2007]

In the event that the taxpayer has provided a certificate issued by the tax authority for the taxpayer’s place of residence confirming that the taxpayer did not receive a social tax deduction or confirming that the taxpayer received the amount of the social tax deduction which is referred to in subsection 4 of clause 1 of Article 219 of this Code, the non-state pension fund shall accordingly refrain from withholding or calculate the amount of tax to be withheld. [paragraph inserted by Federal Law No. 216-FZ of 24.07.2007]
Article 214. Special Considerations Relating to the Payment of Tax on Income of Physical Persons in Relation to Income from a Participating Interest in an Organization  [article as reworded by Federal Law No. 306-FZ of 02.11.2013]

1. The amount of tax on income of physical persons (hereafter in this Chapter referred to as “tax”) in relation to income from a participating interest in an organization which is received in the form of dividends, insofar as the amount required to be paid by the taxpayer or withheld by the tax agent is concerned, shall be determined with account taken of the provisions of this Article.  [as amended by Federal Law No. 8-FZ of 17.02.2021]

2. The amount of tax on dividends received from sources outside the Russian Federation shall be determined with respect to each amount of dividends received at the rate specified by clause 1 of Article 224 of this Code. In this respect, the tax bases referred to in subsections 2 to 9 of clause 2.1 of Article 210 of this Code shall not be included in the calculation of aggregate of tax bases by the taxpayer for the purposes of the application of the rate specified in clause 1 of Article 224 of this Code.  [as amended by Federal Laws No. 366-FZ of 24.11.2014, No. 8-FZ of 17.02.2021]

In this respect, taxpayers who receive dividends from sources outside the Russian Federation shall have the right to reduce the amount of tax calculated in accordance with this Chapter by the amount of tax calculated and paid at the location of the source of income only if the source of income is located in a foreign state with which a double taxation agreement (treaty) has been concluded.

In the event that the amount of tax paid at the location of the source of income exceeds the amount of tax calculated in accordance with this Chapter, the difference which arises shall not be refundable from the budget.

3. Tax in respect of income from a participating interest in a Russian organization which is received in the form of dividends shall be calculated and paid by a person which is recognised as a tax agent in accordance with this Chapter separately for each taxpayer with respect to each payment of such income at the tax rates specified by Article 224 of this Code, taking into account the provisions of clause 3.1 of this Article.  [as amended by Federal Laws No. 366-FZ of 24.11.2014, No. 8-FZ of 17.02.2021]

When a tax agent determines the amount of tax in accordance with this clause, the tax bases referred to in subsections 2 to 9 of clause 2.1 of Article 210 of this Code shall not be included in the calculation of aggregate of tax bases by the taxpayer for the purposes of the application of the rate specified in clause 1 of Article 224 of this Code.  [paragraph inserted by Federal Law No. 8-FZ of 17.02.2021]

3.1. Tax on profit of organizations calculated and withheld on dividends received by a Russian organization shall be credited in determining the amount of tax payable on income of a taxpayer deemed a tax resident of the Russian Federation from a participating interest in that Russian organization in proportion to the size of that participating interest. In this respect, the amount of tax on profit of organization to be credited shall be determined using the following formula:

\[ C_{PT} = B_C \times 0.13, \]

where \( C_{PT} \) is the amount of tax on profit of organizations that is to be credited;
Bc is the base for determining the amount of tax on profit of organizations that is to be credited. In this respect, Bc shall be taken to be equal to the lesser of the following values:

- the amount of income from the participating interest on which tax was calculated;

- the product of the values R and D2,

where R is the ratio of the amount of dividends distributable in favour of the taxpayer that is the recipient of the dividends to the total amount of dividends distributable by the Russian organization in favour of all recipients;

D2 is the total amount of dividends received by the Russian organization as determined in the manner prescribed by clause 5 of Article 275 of this Code.

The procedure established by this clause for the crediting of tax on profit of organizations shall not apply to amounts of tax calculated on income in the form of dividends referred to in subsection 1.1 of clause 1 of Article 208 of this Code.

The provisions of this clause shall also apply where the recipients of income in the form of dividends paid by a Russian organization to a foreign organization acting in the interests of third parties are physical persons deemed to be tax residents of the Russian Federation.

[clause 3.1 inserted by Federal Law No. 8-FZ of 17.02.2021]

4. Tax in respect of income received in the form of dividends on shares in Russian organizations shall be calculated and paid in accordance with this Article with account taken of the provisions of Article 226.1 of this Code.

**Article 214.1. Special Considerations Relating to the Determination of the Tax Base and the Calculation and Payment of Tax on Income from Securities Transactions and from Transactions Involving Derivative Financial Instruments** [title as amended by Federal Law No. 242-FZ of 03.07.2016] [article as reworded by Federal Law No. 281-FZ of 25.11.2009]

1. In determining the tax base for income from securities transactions and from transactions involving derivative financial instruments, account shall be taken of income received from the following transactions: [as amended by Federal Law No. 242-FZ of 03.07.2016]

1) transactions involving securities circulated on the organized securities market;

2) transactions involving securities not circulated on the organized securities market;

3) transactions involving derivative financial instruments circulated on the organized market; [as amended by Federal Law No. 242-FZ of 03.07.2016]

4) transactions involving derivative financial instruments not circulated on the organized market, not including operations involving derivative financial instruments which are enumerated in accordance with subsection 5 of this clause; [as amended by Federal Laws No. 460-FZ of 29.12.2014, No. 242-FZ of 03.07.2016]

5) transactions involving derivative financial instruments and other instruments which are provided for in clause 1 of Article 4.1 of the Federal Law “Concerning the Securities Market”.

[Article 214.1]
1.1. In this respect, for the purposes of this Article securities and derivative financial instruments shall be classified as circulated or not circulated on the organized securities market as at the date of sale of a security or derivative financial instrument, including the receipt of an amount of variation margin and contract premium, except as otherwise provided by this Article.

2. The procedure for classifying objects of civil rights as securities shall be established by the legislation of the Russian Federation and applicable legislation of foreign states.

3. For the purposes of this Chapter, securities circulated on the organized securities market shall include:

1) securities admitted for trading through a Russian organizer of trade on the securities market, including a stock exchange;

2) investment units in open mutual investment funds which are managed by Russian management companies;

3) securities of foreign issuers which have been admitted for trading on foreign stock exchanges.

4. The securities referred to in clause 3 of this Article (with the exception of investment units in open mutual investment funds which are managed by Russian management companies) shall be classified for the purposes of this Chapter as securities circulated on the organized securities market if a market quotation of a security is calculated for them. The market quotation of a security shall be understood to mean:

1) the weighted-average price of the security in transactions concluded in the course of one trading day through a Russian organizer of trade on the securities market, including a stock exchange – in the case of securities admitted for trading through such organizer of trade on the securities market or on a stock exchange;

2) the closing price of the security which is calculated by a foreign stock exchange for transactions concluded in the course of one trading day through that exchange – in the case of securities admitted for trading on a foreign stock exchange.

4.1. Where information is not available on the weighted-average price of a security traded through a Russian organizer of trade on the securities market, including a stock exchange (the closing price of a security calculated by a foreign stock exchange), as at the date on which it is sold, the market quotation shall be understood to mean the weighted-average price (closing price) as at the date of the most recent trading prior to the day of the transaction in question, provided that the securities have been traded at least once during the last three months.

5. A derivative financial instrument shall be a contract which meets the requirements of the Federal Law “Concerning the Securities Market”. The list of types of derivative financial
instruments (including forward, futures and option contracts and swap contracts) shall be established by the Central Bank of the Russian Federation in accordance with the Federal Law “Concerning the Securities Market”.

Derivative financial instruments shall be classified as circulated on the organized market in accordance with the requirements established by clause 3 of Article 301 of this Code.

For the purposes of this Chapter, derivative financial instruments not circulated on the organized market shall include option contracts not circulated on the organized market.

6. For the purposes of this Chapter securities shall also be deemed to have been sold (acquired) where a taxpayer’s obligations to transfer (accept) those securities are terminated by the offsetting of homogeneous counter-claims, including in the context of clearing in accordance with the legislation of the Russian Federation.

Homogeneous claims shall be claims for the transfer of securities of one issuer, of one class, of one category (type) or of one mutual investment fund (in the case of investment units in mutual investment funds) which bear an equal extent of rights.

In this respect, the offsetting of homogeneous counter-claims must, in accordance with the legislation of the Russian Federation, be confirmed by documents concerning the termination of obligations to transfer (accept) securities, including statements issued by a clearing organization, persons who carry out brokerage activities or managers who, in accordance with the legislation of the Russian Federation, render clearing and brokerage services to the taxpayer or carry out fiduciary management in the taxpayer’s interests.

6.1. For the purposes of this Code, depositary receipts shall be understood to mean Russian depositary receipts and securities of foreign issuers certifying rights in securities of Russian and (or) foreign issuers, and underlying securities shall be understood to mean securities with respect to which rights therein are certified by depositary receipts. The following shall not constitute a sale or other disposal of securities for the purposes of this Chapter:

1) the redemption of depositary receipts when underlying securities are received;

2) the transfer of underlying securities upon the placement of depositary receipts certifying rights in underlying securities.

6.2. The treatment of shares in a foreign organization as shares in an international company registered in accordance with Federal Law No. 290-FZ of 3 August 2018 “Concerning International Companies” shall not constitute the sale or other disposal of securities. In this respect, for the purposes of this Chapter expenditure on the acquisition of, and (or) the value of, shares in an international company shall be taken to mean, respectively, expenditure on the acquisition of, and (or) the value of, shares in the foreign organization through the redomiciliation of which the international company was established.

7. For the purposes of this Article, income from securities transactions shall mean income received in a tax period from the sale (redemption) of securities.
Income in the form of interest (a coupon or discount) on securities which is received in a tax period shall be included in income from securities transactions unless otherwise provided by this Article. [as amended by Federal Laws No. 58-FZ of 03.04.2017 (Rev. 30.09.2017), No. 102-FZ of 01.04.2020]

Income from transactions involving derivative financial instruments shall mean income from the sale of derivative financial instruments which is received in a tax period, including amounts received of variation margin and contract premium. In this respect, income from transactions involving the underlying asset of derivative financial instruments shall mean income received from the delivery of the underlying asset upon execution of such transactions. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Income from transactions involving securities circulated or not circulated on the organized securities market and involving derivative financial instruments circulated or not circulated on the organized market which are carried out by a fiduciary (other than a management company which carries out fiduciary management of property comprising a mutual investment fund) in favour of a beneficiary – physical person shall be included in income of the beneficiary from the transactions enumerated in subsections 1 to 4 of clause 1 of this Article respectively. [as amended by Federal Law No. 242-FZ of 03.07.2016]

8. Income from transactions involving the underlying asset of derivative financial instruments shall be included:

1) in income from securities transactions where the underlying asset of derivative financial instruments is securities;

2) in income from transactions involving derivative financial instruments where the underlying asset of derivative financial instruments is other derivative financial instruments;

3) in other income of a taxpayer according to the type of underlying asset where the underlying asset of a derivative financial instrument is not securities or derivative financial instruments. [clause 8 as reworded by Federal Law No. 242-FZ of 03.07.2016]

9. For the purpose of including income from transactions involving an underlying asset in income from securities transactions and in income from transactions involving derivative financial instruments as referred to in subsections 1 and 2 of clause 8 of this Article, account shall be taken of whether the securities and derivative financial instruments in question are circulated or not circulated on the organized market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

10. For the purposes of this Article expenses associated with securities transactions and expenses associated with transactions involving derivative financial instruments shall mean documented expenses which the taxpayer actually incurred in connection with the acquisition, sale, storage and redemption of securities, the performance of transactions involving derivative financial instruments and the fulfilment and termination of obligations in respect of such transactions. The above-mentioned expenses shall include: [as amended by Federal Law No. 242-FZ of 03.07.2016]
1) sums of money, including coupon amounts, and (or) other property (property rights) in terms of the amount spent on the acquisition thereof, which are paid (transferred):

- to an issuer of securities (the management company of a mutual investment fund) in payment for securities placed (issued);

- in accordance with a contract for the purchase and sale or a contract for the exchange of securities.

In this respect, except as otherwise provided by paragraph 5 of this subsection, where a taxpayer such as is referred to in clauses 60 and (or) 60.1 of Article 217 of this Code transfers property and (or) property rights with respect to which income from the receipt thereof is exempt from taxation in accordance with clauses 60 and (or) 60.1 of Article 217 of this Code to an issuer of securities (the management company of a mutual investment fund) and to third parties in accordance with contracts such as are referred to in paragraph 3 of this subsection, there shall be included in the taxpayer’s expenses associated with the acquisition of securities an amount equal to the value of the property and (or) property rights in question according to accounting data of the foreign organization which is being liquidated (the foreign unincorporated entity which is being terminated (liquidated)) as at the date on which the taxpayer received the property and (or) property rights from that foreign organization (unincorporated entity), but not higher than their market price as determined with account taken of the provisions of Article 105.3 of this Code as at the date on which the taxpayer received the property and (or) property rights from the foreign organization (unincorporated entity). [as amended by Federal Law No. 490-FZ of 25.12.2018]

Where a taxpayer who is subject to restrictive measures at the time of receiving income which is exempt from taxation on the basis of clause 60.1 of Article 217 of this Code transfers shares (depositary receipts for shares) and (or) interests in the charter capital of a company constituting income received which was exempt from taxation on the basis of clause 60.1 of Article 217 of this Code to an issuer of securities (the management company of a mutual investment fund) or to third parties in accordance with agreements such as are referred to in paragraph 3 of this subsection, the taxpayer’s expenses in connection with the acquisition of securities shall be taken to include an amount equal to the value of the transferred shares (depositary receipts for shares), as determined in accordance with the procedure established by clause 13.5 of this Article, and (or) interests in the charter capital of a company, as determined in accordance with the procedure established by subsection 2.5 of clause 2 of Article 220 of this Code; [paragraph inserted by Federal Law No. 490-FZ of 25.12.2018]
[subsection 1 as reworded by Federal Law No. 436-FZ of 28.12.2017]

2) amounts of variation margin and (or) contract premium paid and other periodic or one-time payments provided for in the conditions of derivative financial instruments; [as amended by Federal Law No. 242-FZ of 03.07.2016]

3) payment for services rendered by professional participants in the securities market and by exchange intermediaries and clearing centres;

4) the mark-up payable to the management company of a mutual investment fund when acquiring an investment unit in a mutual investment fund, which is determined in accordance with the legislation of the Russian Federation concerning investment funds;
5) the discount paid to the management company of a mutual investment fund when redeeming an investment unit in a mutual investment fund, which is determined in accordance with the legislation of the Russian Federation concerning investment funds;

6) expenses which are reimbursable to a professional participant in the securities market and to a management company which carries out the fiduciary management of property comprising a mutual investment fund;

7) exchange fee (commission);

8) payment for registrar services;

9) tax paid by a taxpayer upon receiving securities by way of inheritance;

10) tax paid by a taxpayer upon receiving shares and units by way of a gift in accordance with clause 18.1 of Article 217 of this Code;

11) amounts of interest paid by a taxpayer on credits and loans obtained for the purpose of concluding securities transactions (including interest on credits and loans for the purpose of concluding marginal transactions) within the limits of amounts calculated on the basis of a rate equal to 1.1 times the refinancing rate of the Central Bank of the Russian Federation which is current as at the date of payment in the case of credits and loans expressed in roubles and on the basis of a rate equal to 9 per cent in the case of credits and loans expressed in foreign currency;

12) other expenses which are directly connected with securities transactions and transactions involving derivative financial instruments, and expenses associated with the rendering of services by professional participants in the securities market and by management companies which carry out the fiduciary management of property comprising a mutual investment fund within the framework of their professional activities. [as amended by Federal Law No. 242-FZ of 03.07.2016]

11. Expenses associated with securities transactions and expenses associated with derivative financial instruments shall be recognised for the purposes of determining the tax base in relation to those transactions according to the rules laid down in this Article. [as amended by Federal Law No. 242-FZ of 03.07.2016]

12. For the purposes of this Article the financial result from securities transactions and from transactions involving derivative financial instruments shall be defined as income from transactions less related expenses such as are referred to in clause 10 of this Article. [as amended by Federal Law No. 242-FZ of 03.07.2016]

In this respect, expenses which cannot be directly charged against income from securities transactions or from transactions involving derivative financial instruments which are circulated or not circulated on the organized market, or against a particular type of income, shall be allocated according to the proportion of each type of income and shall be included in expenses when the financial result is determined by a tax agent after a tax period has ended or in the event that the last agreement concluded by a taxpayer with a person who acts as a tax agent in accordance with this Article is terminated before a tax period ends. Where, in a tax period in which such expenses have been incurred, there is no income of a corresponding kind,
the expenses shall be taken into account in the tax period in which income is recognised. [as amended by Federal Laws No. 395-FZ of 28.12.2010, No. 242-FZ of 03.07.2016]

The financial result shall be determined for each transaction and for each aggregate group of transactions referred to in sections 1 to 5 of clause 1 of this Article accordingly. The financial result shall be determined after a tax period has ended, unless otherwise established by this Article. In this respect, the financial result from transactions involving derivative financial instruments which are circulated on the organized market and for which the underlying asset is securities, stock indices or other derivative financial instruments for which the underlying asset is securities or stock indices and the financial result from transactions involving other derivative financial instruments which are circulated on the organized market shall be determined separately. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 460-FZ of 29.12.2014, No. 327-FZ of 28.11.2015, No. 242-FZ of 03.07.2016]

A negative financial result obtained in a tax period in respect of particular securities transactions or transactions involving derivative financial instruments shall reduce the financial result obtained in the tax period for the aggregate group of respective transactions. In this respect, in the case of transactions involving securities which are circulated on the organized securities market the amount of a negative financial result which reduces the financial result from transactions involving securities which are circulated on the organized securities market shall be determined with account taken of the market price fluctuation limit for the securities. [as amended by Federal Law No. 242-FZ of 03.07.2016]

When securities circulated on the organized securities market which are the underlying asset of a derivative financial instrument are delivered, the financial result from transactions involving that underlying asset for the taxpayer making the delivery shall be determined on the basis of the price at which the securities are delivered in accordance with the conditions of the agreement. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The financial result obtained in a tax period from particular transactions involving securities not circulated on the organized securities market which, at the time when they were acquired, were classified as securities circulated on the organized securities market may be reduced by the amount of a negative financial result obtained in the tax period from transactions involving securities circulated on the organized securities market. [as amended by Federal Law No. 395-FZ of 28.12.2010]

A negative financial result for each aggregate group of transactions referred to in subsections 1 to 5 of clause 1 of this Article shall be recognised as a loss. Losses from securities transactions and transactions involving derivative financial instruments shall be treated in the manner prescribed by this Article and Article 220.1 of this Code. [as amended by Federal Laws No. 460-FZ of 29.12.2014, No. 242-FZ of 03.07.2016]

13. Special considerations relating to the determination of income and expenses for the purpose of determining the financial result from securities transactions and from transactions involving derivative financial instruments shall be established by this clause. [as amended by Federal Law No. 242-FZ of 03.07.2016]

For the purpose of determining the financial result from securities transactions, income from the purchase and sale (redemption) of state treasury bills, bonds and other state securities of the former USSR, member states of the Union State and constituent entities of the Russian
Federation and bonds and securities issued by decision of representative local government bodies shall be taken into account exclusive of interest (coupon) income payable to the taxpayer which is taxable at a different rate from that provided for in clause 1 of Article 224 of the Code and the payment of which is provided for by the conditions of issue of the security in question.  

[as amended by Federal Law No. 41-FZ of 05.04.2010]

When securities are sold expenses in the form of the acquisition cost of the securities shall be recognised on the basis of the value of those acquired first (FIFO).

Where an issuer organization has exchanged (converted) shares, expenses associated with the acquisition of the shares which the taxpayer had before they were exchanged (converted) shall be recognised as documented expenses when shares received by the taxpayer as a result of the exchange (conversion) are sold.

In the case of the sale of shares (participating interests, units) which were received by a taxpayer in connection with the re-organization of organizations, expenses associated with the acquisition thereof shall be taken to be the value determined in accordance with clauses 4 to 6 of Article 277 of this Code, provided that the taxpayer has documentary evidence of expenses incurred for the acquisition of shares (participating interests, units) in the re-organized organizations.

In the case of the sale of shares in a joint stock company which were received by a taxpayer as a result of a non-state pension fund classed as a non-commercial organization being re-organized in accordance with Federal Law No. 410-FZ of 28 December 2013 “Concerning the Introduction of Amendments to the Federal Law “Concerning Non-State Pension Funds” and Certain Legislative Acts of the Russian Federation”, expenses for the acquisition of shares shall be taken to be the value of the shares as determined in accordance with clause 4 of Article 277 of this Code, provided that the taxpayer provides documentary evidence of expenses incurred in making contributions (additional contributions) to the aggregate investment of the founders of the re-organized non-state pension fund.  

[paragraph inserted by Federal Law No. 167-FZ of 23.06.2014]

Where investment units in one mutual investment fund are exchanged for (converted into) investment units in another mutual investment fund by a taxpayer with a Russian management company which is managing those funds at the time of the exchange (conversion), the financial result from that operation shall not be determined until the investment units received as a result of the exchange (conversion) are sold (redeemed). Expenses associated with the acquisition of the investment units which the taxpayer possessed before they were exchanged (converted) shall be recognised as documented expenses when the investment units received by the taxpayer as a result of the exchange (conversion) are sold.

In the case of the sale (redemption) of investment units which a taxpayer acquired upon contributing property (property rights) to a mutual investment fund, documented expenses associated with the acquisition of the property (property rights) contributed to the mutual investment fund shall be recognised as expenses associated with the acquisition of those investment units.

Where a taxpayer acquired ownership of securities (including by receiving them without consideration or for part payment, or by way of a gift or inheritance), amounts on which tax
was calculated and paid upon the acquisition (receipt) of those securities shall be recognised as documented expenses associated with the acquisition (receipt) of those securities for the purpose of the taxation of income from operations involving the sale (redemption) of the securities. [as amended by Federal Laws No. 395-FZ of 28.12.2010, No. 335-FZ of 27.11.2017]

Where, in accordance with clauses 18 and 18.1 of Article 217 of this Code, tax is not levied in respect of securities received by a taxpayer by way of a gift or inheritance, documented expenses incurred by the donor (testator) for the acquisition of those securities shall also be taken into account for the purpose of the taxation of income from operations involving the sale (redemption) of securities. [as amended by Federal Law No. 395-FZ of 28.12.2010]

If securities and (or) derivative financial instruments transferred by a donor (testator) to a taxpayer as a gift or inheritance were received by it in connection with the liquidation of a foreign organization (the termination (liquidation) of a foreign unincorporated entity) and the income in question is exempt from taxation in accordance with clause 60 of Article 217 of this Code, the taxpayer shall have the right, insofar as the taxation of income from sales (redemptions) of such securities and (or) derivative financial instruments is concerned, to recognise as documented expenses an amount equal to the value of those securities and (or) derivative financial instruments according to accounting data of the foreign organization which is being liquidated (the foreign unincorporated entity) as at the date on which the donor (testator) received the securities and (or) derivative financial instruments from that foreign organization (unincorporated entity), but not higher than their market value as determined with account taken of the provisions of Article 105.3 of this Code as at the date on which the taxpayer received the securities and (or) derivative financial instruments from the foreign organization (unincorporated entity). [paragraph inserted by Federal Law No. 436-FZ of 28.12.2017]

In the case of operations involving the issue and redemption of investment units in mutual investment funds through a management company which carries out fiduciary management of property forming a particular mutual investment fund, the market price shall be the reference value of an investment unit which is determined by the management company in accordance with the legislation of the Russian Federation concerning investment funds, without taking into account the fluctuation limit.

Where, in accordance with the legislation of the Russian Federation concerning investment funds, the redemption of investment units in mutual investment funds which are restricted for circulation takes place on the basis of a value other than the reference value of an investment unit, the market price of such investment unit shall be taken to be the amount of monetary compensation which is payable in connection with the redemption of the investment unit in accordance with the legislation of the Russian Federation concerning investment funds, without taking into account the fluctuation limit.

Where, in accordance with the legislation of the Russian Federation concerning investment funds, investment units in mutual investment funds which are restricted for circulation are issued other than on the basis of the reference value of an investment unit, the market value of such investment unit shall be the amount of monetary resources to the value of which one investment unit is issued and which is determined in accordance with the rules for the fiduciary management of the mutual investment fund, without taking into account the fluctuation limit.
In the case of operations involving the purchase and sale of investment units in mutual investment funds on the organized market, the market price shall be taken to be the price of an investment unit which is prevailing on the organized securities market, taking into account the fluctuation limit for the market price of securities.

In the case of operations involving the purchase and sale of investment units in closed and interval mutual investment funds which are not circulated on the organized market, the market price of an investment unit shall be taken to be the price which is determined for such units in accordance with clause 4 of Article 212 of this Code.

Amounts paid by a taxpayer for the acquisition of the underlying asset of derivative financial instruments, including for the purpose of delivering it when the term transaction is performed, shall be recognised as expenses when the underlying asset is delivered (resold). [as amended by Federal Law No. 242-FZ of 03.07.2016]

Amounts paid by a taxpayer for the acquisition of securities which provide for partial redemption of the nominal value of a security while it is in circulation shall be recognised as expenses when such partial redemption takes place in proportion to the ratio of income received from the partial redemption to the total redeemable amount.

In determining the financial result for operations involving securities received by a taxpayer – donor in connection with the break-up of special-purpose capital of a non-commercial organization or the withdrawal of a donation or in another case where the return of property transferred for the replenishment of special-purpose capital of a non-commercial organization is provided for in the donation agreement and (or) Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”, documented expenses relating to operations involving such securities which were incurred by the taxpayer – donor before the securities were transferred to the non-commercial organization for the replenishment of it charter capital shall be recognised as expenses of the taxpayer – donor in accordance with the established procedure. [paragraph inserted by Federal Law No. 328-FZ of 21.11.2011]

Expenses incurred by a taxpayer in connection with the sale or other disposal of underlying securities received upon the redemption of depositary receipts shall be determined on the basis of the acquisition price of the depositary receipts (including expenses associated with the acquisition thereof) and expenses associated with the sale (disposal) of the underlying securities. In this respect, where a taxpayer acquired depositary receipts when they were placed subject to the transfer of the underlying securities, the acquisition price of those depositary receipts shall be determined on the basis of the acquisition price of the underlying securities (including expenses associated with the acquisition thereof) and expenses associated with the transfer of the underlying securities. [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

Expenses incurred by a taxpayer in connection with the sale or other disposal of depositary receipts received as a result of their placement shall be determined on the basis of the acquisition price of underlying securities transferred upon the placement of the depositary receipts (including expenses associated with the acquisition thereof), expenses associated with that transfer and expenses associated with the sale (disposal) of the depositary receipts. In this respect, where a taxpayer acquired underlying securities upon the redemption of depositary receipts, the acquisition price of those underlying securities shall be determined on the basis of
the acquisition price of the depositary receipts, expenses associated with that acquisition and expenses associated with the redemption of the depositary receipts. [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

In the case of the sale of bonds of the Russian Federation which are denominated in a foreign currency, expenses actually incurred by the taxpayer in acquiring those bonds which are supported by documents and are denominated in a foreign currency shall be translated into roubles using the official exchange set by the Central Bank of the Russian Federation on the date on which income from the sale (redemption) of those bonds is actually received. [paragraph inserted by Federal Law No. 200-FZ of 19.07.2018]

If the conditions of issue of bonds of the Russian Federation which are denominated in a foreign currency provide for settlements upon the acquisition of those bonds to be made in roubles, there shall be taken as expenses incurred in acquiring those bonds an amount equal to the product of the cost of acquisition of those bonds in a foreign currency, determined on the basis of the official exchange rate set by the Central Bank of the Russian Federation on the date on which they were acquired, and the official exchange rate of that foreign currency set by the Central Bank of the Russian Federation on the date on which income is actually received from the sale (redemption) of those bonds, provided that the taxpayer provides documentary evidence of actual expenses incurred in acquiring those bonds. [paragraph inserted by Federal Law No. 200-FZ of 19.07.2018]

13.1. In the case of the sale of securities which were acquired directly from a controlled foreign company, if income of that controlled foreign company from the sale of those securities and expenses in the form of the acquisition price of the securities are excluded from the profit (loss) of that foreign company on the basis of clause 10 of Article 309.1 of this Code, by a taxpayer who is deemed to be a controlling person of the controlled foreign company in question in accordance with the provisions of Chapter 3.4 of this Code or is a Russian interdependent party of such a controlling person, the amount of expenses actually incurred in the form of the value of those securities shall be determined on the basis of the lesser of the following values:

1) the documented value according to the accounting data of the controlled foreign company as at the date of the transfer of ownership of the securities from the controlled foreign company;

2) the market value of the securities as at the date of the transfer of ownership of the securities from the controlled foreign company, as determined in accordance with Article 212 of this Code and with account taken of the provisions of Article 105.3 of this Code. [clause 13.1 inserted by Federal Law No. 32-FZ of 15.02.2016]

13.2. Except as otherwise provided by clause 13.5 of this Article, where securities and (or) derivative financial instruments which were received upon the liquidation of a foreign organization (the termination (liquidation) of a foreign unincorporated entity) are sold (redeemed) by a taxpayer-shareholder (participant, unit holder, founder or controlling person of a foreign organization or controlling person of a foreign unincorporated entity) whose income in the form of the value of those securities and (or) derivative financial instruments is exempt from taxation in accordance with clauses 60 and (or) 60.1 of Article 217 of this Code, there shall be recognised as expenses actually incurred an amount equal to the value of the securities and (or) derivative financial instruments in question according to accounting data of the foreign organization being liquidated (the foreign unincorporated entity being terminated (liquidated)) as at the date on which the securities and (or) derivative financial instruments were
received from that foreign organization (unincorporated entity), but not higher than the market value of the securities and (or) derivative financial instruments in question which is determined with account taken of the provisions of Article 105.3 of this Code as at the date on which the taxpayer received the securities and (or) derivative financial instruments from the foreign organization (foreign unincorporated entity).  \[as amended by Federal Laws No. 436-FZ of 28.12.2017, No. 490-FZ of 25.12.2018\]

13.3. In the case of the sale (redemption) of securities received by the actual owner from their nominal owner where those securities and their nominal owner are indicated in a special declaration submitted in accordance with Federal Law No. 140-FZ of 8 June 2015 “Concerning the Voluntary Declaration of Assets and Bank Accounts (Deposits) by Physical Persons and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”, the taxpayer-declarant shall recognise as expenses actually incurred an amount equal to the documented value of the securities in question according to the accounting data of the transferring party as at the date on which they were transferred, but not higher than the market value of the securities in question as at the date on which they were received, which is determined with account taken of the provisions of Article 105.3 of this Code.  \[clause 13.3 inserted by Federal Law No. 34-FZ of 19.02.2018\]

13.4. In the case of the sale and (or) other disposal (including redemption) of securities and (or) derivative financial instruments received upon the liquidation of an organization (except in the cases referred to in clause 13.2 of this Article) or upon the departure (exit) of a taxpayer from an organization, expenses incurred by the taxpayer for the acquisition of those securities and (or) derivative financial instruments shall be taken to be the full value thereof which is required to be taken into account in determining for taxation purposes income received by the taxpayer in connection with the liquidation of an organization or the departure (exit) of the taxpayer from an organization.  \[clause 13.4 inserted by Federal Law No. 424-FZ of 27.11.2018\]

13.5. In the case of the sale (redemption) of shares (depositary receipts for shares) that were received in ownership (including without consideration or for part payment) from a foreign organization (a foreign unincorporated entity), including upon the liquidation (termination) of that foreign organization (foreign unincorporated entity), the taxpayer/shareholder (participant, unit holder, founder or controlling person of a foreign unincorporated entity) who was subject to restrictive measures as at the date on which the securities were received in ownership shall recognise as expenses actually incurred an amount equal to:

- in the case of shares (depositary receipts for shares) circulated on the organized securities market – the average market value calculated for all days of trading during the six calendar months preceding the month in which restrictive measures were imposed on the physical person in question, as determined in accordance with the procedure laid down in Article 280 of this Code;

- in the case of shares (depositary receipts for shares) not circulated on the organized securities market – the computed value as at the last day of the month preceding the month in which restrictive measures were imposed on the physical person in question, as determined in accordance with the procedure laid down in Article 280 of this Code.

The procedure established by this clause for determining expenses actually incurred shall apply provided that the shares (depositary receipts for shares) in question were owned by the foreign
organization (foreign unincorporated entity) as at the date on which restrictive measures were imposed on the taxpayer concerned and income from the receipt of those shares (depository receipts for shares) by that taxpayer was exempt from taxation on the basis of clause 60.1 of Article 217 of this Code, and provided that the taxpayer held, as at the date on which those restrictive measures were imposed on him, a direct and (or) indirect interest in the organization which issued the shares in question (shares in respect of which rights were certified by the depository receipts in question) and the aggregate size of its direct and (or) indirect interest in that organization concerned was not less than 25 per cent.

[clause 13.5 inserted by Federal Law No. 490-FZ of 25.12.2018]

14. For the purposes of this Article the tax base arising from securities transactions and from transactions involving derivative financial instruments shall be deemed to be the positive financial result from the aggregate of the respective transactions which has been calculated for a tax period in accordance with clauses 6 to 13.2 of this Article. [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 242-FZ of 03.07.2016]

The tax base for each aggregate group of transactions referred to in subsections 1 to 4 of clause 1 of this Article and for operations which are recorded in an individual investment account shall be determined separately with account taken of the provisions of this Article. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 327-FZ of 28.11.2015]

15. The amount of a loss made on transactions involving securities circulated on the organized securities market according to the results of such transactions which occurred in a tax period shall reduce the tax base for transactions involving derivative financial instruments circulated on the organized market for which the underlying asset is securities, stock indices or other derivative financial instruments with securities or stock indices as the underlying asset. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The amount of a loss made on transactions involving securities circulated on the organized securities market according to the results of such transactions which occurred in a tax period which remains after the reduction of the tax base for transactions involving derivative financial instruments circulated on the organized market for which the underlying asset is securities, stock indices or other derivative financial instruments with securities or stock indices as the underlying asset shall be taken into account in accordance with clause 16 of this Article and Article 220.1 of this Code within the limit of the tax base for transactions involving securities circulated on the organized securities market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The amount of a loss which was made on transactions involving derivative financial instruments circulated on the organized market for which the underlying asset is securities, stock indices or other derivative financial instruments with securities or stock indices as the underlying asset according to the results of such transactions which occurred in a tax period, and which remains after the reduction of the tax base for transactions involving derivative financial instruments circulated on the organized market, shall reduce the tax base for transactions involving securities circulated on the organized securities market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The amount of a loss which was made on transactions involving derivative financial instruments circulated on the organized market for which the underlying asset is securities, stock indices or other derivative financial instruments with securities or stock indices as the underlying asset according to the results of such transactions which occurred in a tax period,
and which remains after the reduction of the tax base for transactions involving derivative financial instruments circulated on the organized market and the tax base for transactions involving securities circulated on the organized securities market, shall be taken into account in accordance with clause 16 of this Article and Article 220.1 of this Code within the limit of the tax base for transactions involving derivative financial instruments circulated on the organized market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The amount of a loss which was made on transactions involving derivative financial instruments circulated on the organized market for which the underlying asset is not securities, stock indices or other derivative financial instruments with securities or stock indices as the underlying asset according to the results of such transactions which occurred in a tax period shall reduce the tax base for transactions involving derivative financial instruments circulated on the organized market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The amount of a loss which was made on transactions involving derivative financial instruments circulated on the organized market for which the underlying asset is not securities, stock indices or other derivative financial instruments with securities or stock indices as the underlying asset according to the results of such transactions which occurred in a tax period, and which remains after the reduction of the tax base for transactions involving derivative financial instruments circulated on the organized market, shall be taken into account in accordance with clause 16 of this Article and Article 220.1 of this Code within the limit of the tax base for transactions involving derivative financial instruments circulated on the organized market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Where, in a tax period, a taxpayer made a loss on the aggregate of transactions involving securities circulated on the organized securities market and a loss on the aggregate of transactions involving derivative financial instruments circulated on the organized market, those losses shall be treated separately in accordance with clause 16 of this Article and Article 220.1 of this Code. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The provisions of this clause shall be applied in determining the tax base after a tax period has ended, and in the event that the last agreement concluded by a taxpayer with a person who acts as a tax agent in accordance with this Article is terminated before the tax period ends. [as amended by Federal Law No. 395-FZ of 28.12.2010]


16. Taxpayers who made losses in preceding tax periods on transactions involving securities circulated on the organized securities market and from transactions involving derivative financial instruments circulated on the organized market shall have the right to reduce the tax base for transactions involving securities circulated on the organized securities market and for transactions involving derivative financial instruments circulated on the organized market respectively in the current tax period by the entire amount or part of the amount of the loss which they made (to carry the loss forward). [as amended by Federal Law No. 242-FZ of 03.07.2016]

In this respect, the tax base for the current tax period shall be determined with account taken of the special considerations laid down in this Article and Article 220.1 of this Code.
Amounts of losses made on transactions involving securities circulated on the organized securities market which are carried forward to future periods shall reduce the tax base arising from such transactions for those tax periods.

Amounts of losses made on derivative financial instruments circulated on the organized market which are carried forward to future periods shall reduce the tax base arising from derivative financial instruments circulated on the organized market for those tax periods. [as amended by Federal Law No. 242-FZ of 03.07.2016]

It shall not be permitted to carry forward losses made on transactions involving securities not circulated on the organized securities market or on transactions involving derivative financial instruments not circulated on the organized market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

A taxpayer may carry forward a loss over a period of 10 years following the tax period in which the loss was made.

A taxpayer shall have the right to carry forward to the current tax period the amount of losses made in preceding tax periods. In this respect, a loss which was not carried forward to the year immediately following may be carried forward in whole or in part to the next year of the ensuing nine years, with account taken of the provisions of this clause.

Where a taxpayer has made losses in more than one tax period, such losses shall be carried forward in the order in which they were made.

A taxpayer shall be obliged to keep documents confirming the amount of losses made during the entire period in which it reduces the tax base for the current tax period by amounts of losses previously made.

A taxpayer may take losses into account in accordance with Article 220.1 of this Code when submitting a tax declaration to the tax authority after the end of a tax period.

17. The tax base arising from securities transactions and transactions involving derivative financial instruments which are carried out by a fiduciary shall be determined in accordance with the procedure established by clauses 6 to 15 of this Article with account taken of the requirements of this clause. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Amounts paid under a fiduciary agreement to the fiduciary in the form of a fee and compensation for expenses incurred by the fiduciary in connection with transactions involving securities and derivative financial instruments shall be recognised as expenses which reduce income from the transactions concerned. In this respect, where the principal in respect of fiduciary management is not the beneficiary under the fiduciary agreement, such expenses shall be taken into account in calculating the financial result only for the beneficiary. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Where a fiduciary agreement specifies a number of beneficiaries, income from securities transactions and (or) transactions involving derivative financial instruments which are carried out by the fiduciary on behalf of the beneficiary shall be apportioned to them on the basis of the conditions of the fiduciary agreement. [as amended by Federal Law No. 242-FZ of 03.07.2016]
Where transactions involving securities circulated and (or) not circulated on the organized securities market and (or) involving derivative financial instruments circulated and (or) not circulated on the organized market are concluded in the course of exercising fiduciary management, and where other types of income (including income in the form of dividends and interest) arise in the process of fiduciary management, the tax base shall be determined separately for transactions involving securities circulated or not circulated on the organized securities market, for derivative financial instruments circulated or not circulated on the organized market and for each type of income with account taken of the provisions of this Article. In this respect, expenses which cannot be directly charged against income from securities transactions circulated or not circulated on the organized securities market or against income from transactions involving derivative financial instruments circulated or not circulated on the organized market, or against a particular type of income, shall be allocated according to the proportion of each type of income. [as amended by Federal Law No. 242-FZ of 03.07.2016]

A negative financial result from particular securities transactions undertaken by a fiduciary in a tax period shall reduce the financial result for the aggregate group of such transactions. In this respect, the financial result shall be determined separately for transactions involving securities circulated on the organized securities market and for transactions involving securities not circulated on the organized securities market.

A negative financial result from particular transactions involving derivative financial instruments undertaken by a fiduciary in a tax period shall reduce the financial result for the aggregate group of such transactions. In this respect, the financial result shall be determined separately for transactions involving derivative financial instruments circulated on the organized securities market and for transactions involving derivative financial instruments not circulated on the organized securities market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

[Paragraph lost force – Federal Law No. 306-FZ of 2.11.2013]


19. Special considerations relating to the determination of the tax base arising from repo transactions involving securities and from securities lending transactions are established by Articles 214.3 and 214.4 of this Code respectively.

Special considerations relating to the determination of the tax base and the treatment of losses in relation to operations which are recorded in an individual investment account opened in accordance with the Federal Law “Concerning the Securities Market” (hereafter in this Chapter referred to as “individual investment account”) are established by Article 214.9 of this Code. [paragraph inserted by Federal Law No. 327-FZ of 28.11.2015]

20. The tax base arising from securities transactions, transactions involving derivative financial instruments, repo transactions involving securities and securities lending operations shall be determined by the tax agent after the tax period has ended, except as otherwise established by this Article or Article 226.1 of this Code. [clause 20 inserted by Federal Law No. 420-FZ of 28.12.2013; as amended by Federal Laws No. 327-FZ of 28.11.2015, No. 242-FZ of 03.07.2016]
**Article 214.2. Special Considerations Relating to the Determination of the Tax Base in the Case of the Receipt of Income in the Form of Interest Received on Deposits (Account Balances) with Banks Located in the Territory of the Russian Federation** [article as reworded by Federal Law No. 102-FZ of 01.04.2020]

1. For income in the form of interest received on deposits (account balances) with banks located in the territory of the Russian Federation, the tax base shall be determined by the tax authority as the amount by which the amount of income in the form of interest received by a taxpayer over a tax period on all deposits (account balances) with those banks exceeds an amount of interest calculated as the product of one million roubles and the key rate of the Central Bank of the Russian Federation in effect as at the first day of the tax period, subject to the special considerations established by this Article.

Income in the form of interest received on deposits (account balances) in the currency of the Russian Federation with banks located in the territory of the Russian Federation for which the interest rate does not exceed 1 per cent per annum during the entire the tax period, and on escrow accounts, shall not be taken into account in determining the tax base in accordance with this clause.

2. Where income referred to in clause 1 of this Article is denominated in a foreign currency, that income shall be translated into roubles for the purposes of this clause at the official exchange rate of the Central Bank of the Russian Federation set on the date on which the income was actually received.

[EY Note: Clause 3 of Article 214.2 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

3. The amount of tax for the tax period shall be calculated by the tax authority on the basis of information submitted by banks in accordance with clause 4 of this Article.

[EY Note: Paragraph 1 of clause 4 of Article 214.2 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

4. A bank shall be obliged, not later than 1 February of the year following a reporting tax period, to submit to the tax authority where it is located information on amounts of interest paid (with the exception of interest paid on deposits (account balances) in the currency of the Russian Federation for which the interest rate does not exceed 1 per cent per annum during the entire the tax period, and on escrow accounts) in relation to each physical person to whom payments were made during the tax period.

[EY Note: Paragraph 2 of clause 4 of Article 214.2 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

The forms and formats for the submission of the information referred to in this clause shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.
Article 214.2.1. Special Considerations Relating to the Determination of the Tax Base Where Income is Received in the Form of Charges for the Use of Monetary Resources of Members of a Credit Consumer Co-Operative (Stakeholders) and Interest for the Use by an Agricultural Credit Consumer Co-Operative of Resources Attracted in the Form of Loans from Members of the Agricultural Credit Consumer Co-Operative or Associate Members of the Agricultural Credit Consumer Co-Operative [inserted by Federal Law No. 207-FZ of 27.07.2010]

1. In the case of income in the form of charges for the use of monetary resources of members of a credit consumer co-operative (stakeholders) and interest for the use by an agricultural credit consumer co-operative of resources attracted in the form of loans from members of the agricultural credit consumer co-operative or associate members of the agricultural credit consumer co-operative, the tax base shall be determined as the amount by which the amount of the above-mentioned charges and interest charged in accordance with the conditions of an agreement exceeds the amount of charges and interest calculated on the basis of the refinancing rate of the Central Bank of the Russian Federation which was in effect during the period for which the interest was charged plus five percentage points.

2. Income shall not be taken into account in determining the tax base if interest on the basis of which the amount of the charge for the use of monetary resources of members of a consumer co-operative (stakeholders) was calculated and interest for the use by an agricultural credit consumer co-operative of resources attracted in the form of loans from members of the agricultural credit consumer co-operative or associate members of the agricultural credit consumer co-operative was set at a level not exceeding the current refinancing rate of the Central Bank of the Russian Federation increased by five percentage points at the date of conclusion of the agreement or extension of the agreement, provided that the level of interest under the agreement did not rise during the period of interest accrual and no more than three years has passed since the interest rate under the agreement exceeded the refinancing rate of the Central Bank of the Russian Federation increased by five percentage points. [clause 2 inserted by Federal Law No. 320-FZ of 23.11.2015]

3. In the case of income in the form of the charge for the use of monetary resources of members of a consumer co-operative (stakeholders) and interest for the use by an agricultural credit consumer co-operative of resources attracted in the form of loans from members of the agricultural credit consumer co-operative or associate members of the agricultural credit consumer co-operative which accrued over the period from 15 December 2014 to 31 December 2015, for the purpose of determining the tax base the refinancing rate of the Central Bank of the Russian Federation shall be increased by ten percentage points. [clause 3 inserted by Federal Law No. 320-FZ of 23.11.2015]

4. In the case of income for which the tax base is determined in accordance with this Article, tax shall be calculated, withheld and remitted by the tax agent. [clause 4 inserted by Federal Law No. 320-FZ of 23.11.2015]

Article 214.3. Special Considerations Relating to the Determination of the Tax Base Arising from Repo Transactions the Object of Which is Securities [inserted by Federal Law No. 281-FZ of 25.11.2009]

1. The tax base arising from repo transactions the object of which is securities shall be determined in accordance with this Article.

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2. For the purpose of this Chapter, repo transactions involving securities shall be understood to mean transactions which conform to the provisions of paragraph 1 of clause 1 of Article 282 of this Code.

For the purposes of this Article, the execution of the second leg of a repo, including in the case of repo transactions for which the execution of the second leg is specified as due on demand, must take place not later than one year after the due date specified by the agreement for the execution of the first leg of the repo.

For the purposes of this Article, the dates of execution of the first and second legs of a repo shall be considered to be the dates on which the participants in the repo transaction actually fulfil their obligations in respect of the first and second legs of the repo respectively.

In this respect, the actual sale (acquisition) price of a security both in the first leg of the repo and in the second leg of the repo shall apply, irrespective of the market (reference) price of the securities in question. The sale (acquisition) prices of securities in both parts of a repo shall be calculated with account taken of accumulated interest (coupon) income as at the date of execution of each part of the repo.

For the purposes of this Article the second leg of a repo shall be deemed to have been improperly executed (void) if, after the expiry of the due date for the execution of the second leg of the repo, or upon the lapse of a year after the due date for the execution of the first leg of the repo if the execution of the second leg of the repo is specified as due on demand, the obligation in respect of the second leg of the repo remains wholly or partly unfulfilled.

In the event of the improper execution (non-execution) of the second leg of a repo or the early termination of a repo agreement, the participants in the repo transaction shall recognise income from the sale (expenses associated with the acquisition) of securities in the first leg of the repo in the manner prescribed by Article 214.1 of this Code, unless otherwise established by this Article. In this respect, income from the sale (expenses associated with the acquisition) of securities in the first leg of a repo shall be taken into account as at the execution date of the second leg of the repo (as specified in the agreement) or as at the date of the early termination of the repo agreement by arrangement between the parties. In this respect, income from sale (expenses associated with acquisition) shall be determined on the basis of the market value of the securities as at the date of transfer of ownership rights in the securities upon the performance of the first leg of the repo. [as amended by Federal Law No. 330-FZ of 21.11.2011]

For the purposes of this Article the market value of securities shall be determined in accordance with clause 4 of Article 212 of this Code. [as amended by Federal Law No. 330-FZ of 21.11.2011]

When a repo transaction is carried out the acquisition price of securities and the amount of accumulated interest (coupon) income as at the date of execution of the first leg of the repo shall not change for the purposes of the taxation of income from their resale after the securities are acquired in the second leg of the repo. The tax base shall not be determined in accordance with Article 214.1 of this Code where securities are sold in the first and second legs of a repo.

The taxation procedure established by this Article shall not change where obligations in respect of repo transactions are fulfilled (terminated) by the offsetting of homogeneous counter-claims.
Homogeneous claims shall be claims for the transfer of securities of one issuer, of one class, of one category (type) or of one mutual investment fund (in the case of investment units in mutual investment funds) which bear an equal extent of rights, or claims for the payment of monetary resources in the same currency. [as amended by Federal Law No. 330-FZ of 21.11.2011]

Where, in the period between the dates of execution of the first and second legs of a repo, the securities which are the objects of the repo transaction are converted, including by reason of the splitting or consolidation of the securities or a change in their nominal value, or the individual number (code) of an additional issue of such securities is annulled, or a change occurs in the individual state registration number of an issue (the individual number (code) of an additional issue) or the individual identification number (the individual number (code) of an additional issue) of such securities, those circumstances shall not alter the taxation procedure established by this Article for the repo transaction in question.

The rules of this Article shall apply to repo transactions of a taxpayer which are carried out at his expense by commission agents, agents or fiduciaries (including through an organizer of trade on the securities market and in stock exchange trading) on the basis of appropriate civil contracts. [paragraph inserted by Federal Law No. 330-FZ of 21.11.2011]

3. If, before the date of execution of the second leg of a repo, the seller in the first leg of the repo transferred other securities to the purchaser in the first leg of the repo in place of the securities transferred in the first leg of the repo or securities into which they were converted, the tax base arising from transactions involving the securities transferred (received) in the first leg of the repo and the securities transferred (received) as a result of the exchange shall be determined in accordance with the procedure established by Article 214.1 of this Code for transactions involving the purchase and sale of securities.

The seller in the first leg of a repo shall recognise:

- income (a loss) from the sale of securities transferred in the first leg of the repo, calculated as at the date of execution of the first leg of the repo on the basis of the market price of the securities which are the object of the repo transaction or, where there is no market price for the securities, on the basis of their reference price;

- income (a loss) from the acquisition of the securities transferred in the first leg of the repo, calculated as at the date of exchange of the securities on the basis of the market price of the securities which are the object of the repo transaction or, where there is no market price for the securities, on the basis of their reference price;

- income (a loss) from the sale of securities transferred in exchange for the securities transferred in the first leg of the repo or for securities into which they were converted, calculated as at the date of exchange of the securities on the basis of the market price of the securities transferred by way of exchange or, where there is no market price for the securities, on the basis of their reference price.

The purchaser in the first leg of a repo shall recognise:

- income (a loss) from the acquisition of the securities received in the first leg of the repo, calculated as at the date of execution of the first leg of the repo on the basis of the market price
of the securities which are the object of the repo transaction or, where there is no market price for the securities, on the basis of their reference price;

- income (a loss) from the sale of securities received in the first leg of the repo, calculated as at the date of exchange of the securities on the basis of the market price of the securities which are the object of the repo transaction or, where there is no market price for the securities, on the basis of their reference price;

- income (a loss) from the acquisition of securities received in exchange for the securities transferred in the first leg of the repo or for securities into which they were converted, calculated as at the date of exchange of the securities on the basis of the market price of the securities transferred by way of exchange or, where there is no market price for the securities, on the basis of their reference price.

For the purposes of this Article, a loss shall be a negative financial result as determined in accordance with clause 12 of Article 214.1 of this Code.

4. For the purposes of this Article, for the seller in the first leg of a repo the difference between the acquisition price of securities in the second leg of the repo and the sale price of securities in the first leg of the repo shall be deemed to be:

- loan interest income received in respect of repo transactions – if the difference is negative; [as amended by Federal Law No. 330-FZ of 21.11.2011]

- loan interest payment expenses paid in respect of repo transactions – if the difference is positive. [as amended by Federal Law No. 330-FZ of 21.11.2011]


5. For the purposes of this Article, for the purchaser in the first leg of a repo the difference between the sale price of securities in the second leg of the repo and the acquisition price of securities in the first leg of the repo shall be deemed to be:

- loan interest income received in respect of repo transactions – if the difference is positive; [as amended by Federal Law No. 330-FZ of 21.11.2011]

- loan interest payment expenses paid in respect of repo transactions – if the difference is negative. [as amended by Federal Law No. 330-FZ of 21.11.2011]


6. The tax base for repo transactions shall be determined as loan interest income received in the tax period in respect of all repo transactions taken as a whole, reduced by the amount of loan interest payment expenses paid in the tax period in respect of all repo transactions taken as a whole.

The above-mentioned expenses shall be allowed for taxation purposes within the limits of amounts calculated on the basis of the refinancing rate of the Central Bank of the Russian Federation which is current at the date of payment of interest in respect of repo transactions,
multiplied by 1.8 in the case of expenses expressed in roubles and multiplied by 0.8 in the case of expenses expressed in foreign currency.

Expenses in the form of exchange, broker and depositary commissions associated with the performance of repo transactions shall reduce the tax base for repo transactions after the application of the limitations established by paragraph 2 of this clause.

Should the amount of expenses which are allowable for taxation purposes in accordance with paragraphs 2 and 3 of this clause exceed the amount of income such as is referred to in this clause, the tax base for repo transactions in the tax period in question shall be deemed to be nil.

The excess amount of expenses shall constitute a loss made by the taxpayer on repo transactions.

A loss on repo transactions shall be allowed as a deduction from income from transactions involving securities circulated on the organized securities market and securities not circulated on the organized securities market in a proportion calculated as the correlation of the value of securities circulated on the organized securities market which are the subject of repo transactions and the value of securities not circulated on the organized securities market which are the subject of repo transactions to the total value of securities which are the subject of repo transactions.

The value of securities which is used for the purpose of determining the above-mentioned proportion shall be determined on the basis of the actual value of securities in the second leg of repo transactions which were duly executed in the relevant tax period.

[clause 6 as reworded by Federal Law No. 330-FZ of 21.11.2011]

7. In the context of a repo transaction payments on securities which the purchaser in the first leg of the repo becomes entitled to receive in the period between the dates of execution of the first and second legs of the repo may be deducted from the amount of monetary resources payable by the seller in the first leg of the repo when the securities are subsequently acquired in the second leg of the repo or may be transferred by the purchaser in the first leg of the repo to the seller in the first leg of the repo in accordance with the agreement. In such cases the payments in question shall not be regarded as income of the purchaser in the first leg of the repo and shall be included in income of the seller in the first leg of repo.

Interest (coupon) income shall be taken into account in computing the tax base of the seller in the first leg of the repo with account taken of the provisions of Article 214.1 of this Code and shall not be taken into account in determining the tax base in respect of interest (coupon) income on securities which are the object of the repo transaction for the purchaser in the first leg of the repo.

Income determined by this clause shall be taxed at the rates established by Article 224 of this Code, with account taken of the provisions of clause 25 of Article 217 of this Code. [as amended by Federal Law No. 330-FZ of 21.11.2011]

The provisions of this clause shall not apply to the seller in the first leg of a repo where the securities sold were received by it through another repo transaction or through a securities lending transaction.
8. Where, in the period between the dates of execution of the first and second legs of a repo, the issuer has effected a coupon payment (partial redemption of the nominal value of the securities), such payments shall, if provided for by the agreement, alter the sale (acquisition) price in the second leg of the repo which is used in calculating income (expenses) in accordance with clauses 4 and 5 of this Article.

Where a repo agreement does not provide for coupon payments (partial redemption of the nominal value of securities) to be taken into account in computing the sale (acquisition) price in the second leg of the repo, such payments shall not affect the amount of income (expenses) which is determined in accordance with clauses 4 and 5 of this Article.

9. Where a repo agreement provides for settlements (the remittance of monetary resources and (or) the transfer of securities) to be made in the period between the dates of execution of the first and second legs of the repo between the participants in the repo transaction in the event of a change in the price of the securities which are the object of the repo transaction or in other cases specified in the agreement, such settlements shall, unless otherwise provided by the agreement, alter the sale (acquisition) price in the second leg of the repo which is used in calculating income (expenses) in accordance with clauses 4 and 5 of this Article.

The receipt (transfer) of monetary resources and securities by participants in a repo transaction in connection with a change in the price of securities which are the object of the repo transaction or in other cases specified in the agreement shall not be a basis for adjusting amounts of interest income (expenses) as determined in accordance with clauses 4 and 5 of this Article.

10. For the purposes of this Article the date of the receipt of income (incurring of expenses) in respect of a repo transaction shall be the date of the actual fulfilment (termination) of the obligations of the participants in the second leg of the repo with account taken of the special considerations set out in clauses 4 and 5 of this Article.

11. In the event of the improper execution of the second leg of a repo a mutual claim netting procedure established by the agreement may be applied.

The mutual claim netting procedure applicable in the event of the improper execution (non-execution) of the second leg of a repo must lay down a requirement for the parties to complete mutual settlements under the repo agreement within 30 calendar days after the due date for the execution of the second leg of the repo.

In the event of the execution of a mutual claim netting procedure which is established by a repo agreement and meets the requirements established by this clause, the tax base arising in respect of a repo transaction shall be determined as follows:

- the seller in the first leg of the repo shall recognise for taxation purposes the execution of the second leg of the repo and shall take into account for taxation purposes income (expenses) in the manner prescribed by clause 4 of this Article and income (a loss) from the sale (purchase-sale) of securities not repurchased in the second leg of the repo, calculated as at the date of completion of the mutual claim netting procedure on the basis of the value of the securities which are the subject of the repo transaction, as agreed upon by the parties to the repo transaction, which has been determined with account taken of the market value of the securities
as at the due date for the fulfilment of obligations in respect of the second leg of the repo; [as amended by Federal Law No. 330-FZ of 21.11.2011]

- the purchaser in the first leg of the repo shall recognise for taxation purposes the execution of the second leg of the repo (shall take income (expenses) into account for taxation purposes in the manner prescribed by clause 5 of this Article) and the acquisition of the securities not sold in the second leg of the repo on the basis of the value of the securities which are the subject of the repo, as agreed upon by the parties to the repo transaction, which has been determined with account taken of the market value of the securities as at the due date for the fulfilment of obligations in respect of the second leg of the repo. [as amended by Federal Law No. 330-FZ of 21.11.2011]

Income (expenses) from operations involving the purchase and sale of securities shall be taken into account for taxation purposes in the manner prescribed by Articles 212 and 214.1 of this Code, and the market value of securities shall be determined in accordance with clause 4 of Article 212 of this Code. [as amended by Federal Law No. 330-FZ of 21.11.2011]

Special considerations relating to the procedure for the determination of the tax base in the context of the settlement of mutual claims as a result of the improper execution (non-execution) of the second leg of a repo where the subject of the corresponding repo agreement is clearing participation certificates are established by clause 11.1 of this Article. [paragraph inserted by Federal Law No. 326-FZ of 28.11.2015]

11.1. In the context of the settlement of mutual claims as a result of the improper execution (non-execution) of the second leg of a repo where the subject of the corresponding repo agreement is clearing participation certificates, the procedure for the determination of the tax base which is established by clause 11 of this Article shall be applied subject to the following special considerations:

1) the market value of the clearing participation certificates which are the subject of the repo agreement shall be determined on the basis of the nominal value of those certificates as established by the clearing organization which issued the certificates in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”;

2) in determining income (losses) from the sale of clearing participation certificates which are not repurchased in the second leg of a repo, expenses incurred by the seller in the first leg of the repo shall be considered to be equal to the nominal value of those certificates as established by the clearing organization which issued the certificates in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”. [clause 11.1 inserted by Federal Law No. 326-FZ of 28.11.2015]

12. For the purposes of this Article the opening of a short position on securities (hereafter in this Article referred to as “short position”) which are the object of a repo transaction and are held by the purchaser in the first leg of the repo shall be understood to mean the sale of a security by a taxpayer while there are obligations to return securities received in the first leg of a repo.

The following shall not constitute the opening of a short position:

- the sale of securities in the first or second leg of a repo;
- the transfer of securities to the borrower (return to the lender) under a securities lending agreement;

- the transfer of securities on a returnable basis in accordance with the conditions laid down in clause 9 of this Article; [as amended by Federal Law No. 330-FZ of 21.11.2011]

- the conversion of securities which are the object of a repo transaction, including in connection with splitting or consolidation of the securities or a change in their nominal value, or the annulment of the individual number (code) of an additional issue of such securities, or a change in the individual state registration number of an issue (the individual number (code) of an additional issue) or the individual identification number (the individual number (code) of an additional issue) of such securities;

- the redemption of securities which certify rights in respect of securities of a Russian and (or) foreign issuer (represented securities) upon receipt of the represented securities;

- other disposal of securities income from which is not included in the tax base.

The opening of a short position shall take place provided that the purchaser in the first leg of the repo does not own securities of the same issue (of an additional issue) or investment units in the same mutual investment fund the sale of which would not result in the opening of that short position.

13. The closing of a short position shall take place by means of the acquisition (receipt of ownership other than through a repo transaction, a securities lending agreement or receipt on a returnable basis in accordance with the conditions specified in clause 8 of this Article) of securities of the same issue (additional issue) or investment units in the same mutual investment fund as those on which the short position was opened.

The closing of a short position shall take place before the purchaser in the first leg of the repo acquires securities of the same issue (additional issue) or investment units in the same mutual investment fund the subsequent (immediate) alienation of which would not result in the opening of a short position. Where transactions involving both the acquisition and the sale (disposal) of securities have taken place in the course of one business day, the closing of a short position shall occur at the end of the day only if the number of securities acquired exceeds the number of securities sold.

The short position which was opened first shall be closed first (FIFO). [clause 13 as reworded by Federal Law No. 330-FZ of 21.11.2011]

14. The tax base for transactions involving the opening of a short position shall be determined with account taken of the special considerations established by this clause. [as amended by Federal Law No. 279-FZ of 29.12.2012]

Income (expenses) arising for a taxpayer in connection with the sale (acquisition) or disposal of a security when opening (closing) a short position shall be taken into account in the manner prescribed by Article 214.1 of this Code as at the date on which the short position is closed.
Where a short position is opened on securities which provide for the accrual of interest (coupon) income, the taxpayer who has opened that short position shall recognise an interest (coupon) expense determined as the difference between the amount of accumulated interest (coupon) income as at the date on which the short position is closed (including amounts of interest (coupon) income which were paid by the issuer in the period between the date of opening and date of closing of the short position) and the amount of accumulated interest (coupon) income as at the date of opening of the short position. That interest (coupon) expense shall be recognised as at the date of closing of the short position.

The financial result from operations involving the opening (closing) of a short position shall be taken into account in determining the tax base for the following operations: [paragraph inserted by Federal Law No. 279-FZ of 29.12.2012]

- operations involving securities circulated on the organized securities market; [paragraph inserted by Federal Law No. 279-FZ of 29.12.2012]

- operations involving securities not circulated on the organized securities market. [paragraph inserted by Federal Law No. 279-FZ of 29.12.2012]
[clause 14 as reworded by Federal Law No. 330-FZ of 21.11.2011]


**Article 214.4. Special Considerations Relating to the Determination of the Tax Base Arising from Securities Lending Transactions** [inserted by Federal Law No. 281-FZ of 25.11.2009]

1. The tax base arising from securities lending transactions shall be determined in accordance with this Article.

2. Securities lending shall be carried out on the basis of a loan agreement concluded in accordance with the legislation of the Russian Federation or the legislation of foreign states which meets the conditions set out in this clause (hereafter in this Article referred to also as “loan agreement”).

The procedure established by this Article for determining the tax base shall apply to securities lending transactions carried out at the taxpayer’s expense by an agent, commission agent, delegate or fiduciary acting on the basis of a civil-law agreement, including through an organizer of trade on the securities market (stock exchange).

For the purposes of this Chapter an agreement on a loan issued (received) in the form of securities must provide for interest to be paid in monetary form.

The interest rate or the procedure for determining the interest rate shall be established by the conditions of the loan agreement. For the purposes of calculating interest the value of securities transferred under a loan agreement, including a loan agreement undertaken for the purpose of concluding margin transactions, shall be taken to be equal to the market price of the securities in question as at the date of conclusion of the loan agreement or, if no market price exists, the reference price.
For the purposes of this Article the market price and reference price of a security shall be determined in accordance with Article 280 of this Code respectively. [as amended by Federal Law No. 420-FZ of 28.12.2013]

In cases provided for in a loan agreement, the value of securities transferred by a broker to a client under a loan agreement may also be determined (including on a periodic basis) according to the rules established by the Central Bank of the Russian Federation for evaluating collateral given by the broker’s client for loans provided. In this respect, the value of the securities shall be determined on the basis of the last price of a security which is calculated on the basis of the above-mentioned rules on a trading day defined in accordance with stock exchange documents. [as amended by Federal Law No. 251-FZ of 23.07.2013]

The date of lending (return) shall be defined as the date on which securities are actually received by the borrower (lender).

For the purposes of this Chapter the term of an agreement on a loan issued (received) in the form of securities must not exceed one year.

3. A securities lending transaction shall be considered to have been improperly executed (void) in the following cases:

- if the obligation to return securities remains wholly or partly outstanding at the date specified in the agreement for the return of the loan;

- if the loan agreement does not specify a due date for the return of the securities (open-dated loan agreement) or specifies that they must be returned on demand and the securities are not returned by the borrower to the lender within a year from the date of lending;

- if the obligation to return securities has been terminated by the payment of monetary resources to the lender or the transfer of property other than securities.

In the event of the improper execution (non-execution) of a securities lending transaction, the participants in the transaction shall take income from the sale (expenses associated with the acquisition) of the loaned securities into account in accordance with the procedure established by Article 214.1 of this Code, unless otherwise established by this Article. In this respect, income from the sale (expenses associated with the acquisition) of loaned securities shall be taken into account as at the date of issue of the loan on the basis of the market prices of the securities or, if market prices do not exist, on the basis of reference prices.

4. When securities are loaned and loaned securities are returned the lender shall not determine a tax base in accordance with Article 214.1 of this Code, except in cases established by this Article. In this respect, expenses associated with the acquisition of loaned securities shall be recognised by the lender when the securities are subsequently sold (after the return of the loan) with account taken of the provisions of Article 214.1 of this Code.

5. Interest received by a lender under a loan agreement shall be included in income received by a taxpayer in respect of securities lending transactions.
Interest paid by a borrower under a loan agreement shall be recognised as expenses within the limits of amounts calculated on the basis of a rate equal to 1.1 times the refinancing rate of the Central Bank of the Russian Federation which is current on the date of payment of interest in the case of interest expressed in roubles and on the basis of a rate of 9 per cent in the case of interest expressed in foreign currency.

Expenses in the form of interest paid under a loan agreement shall be deductible from income received from securities lending transactions and income from transactions involving securities obtained under loan agreements (purchase and sale operations in accordance with clause 8 of this Article and repo transactions involving the securities in question).

The tax base arising from securities lending transactions shall be defined as interest income received in the tax period from the aggregate of loan agreements in which the taxpayer is the lender, reduced by the amount of interest expenses paid in the tax period in respect of the aggregate of loan agreements in which the taxpayer is the borrower, with account taken of the provisions of paragraph 2 of this clause.

Where the amount of expenses referred to in this clause, determined with account taken of the provisions of paragraph 2 of this clause, exceeds the amount of income referred to in this clause, the tax base from securities lending transactions in the tax period concerned shall be deemed to be equal to zero.

In this respect, amounts by which expenses referred to in this clause, determined with account taken of the provisions of paragraph 2 of this clause, exceed income referred to in this clause shall be deductible from income from transactions involving securities circulated on the organized securities market and income from transactions involving securities not circulated on the organized securities market which is received by the taxpayer in the same tax period in a proportion calculated as the ratio of the value of loaned securities which are circulated on the organized securities market and the value of loaned securities which are not circulated on the organized securities market to the total value of loaned securities. The value of securities which is used in determining the above-mentioned proportion shall be determined in accordance with Article 280 of this Code. [as amended by Federal Law No. 420-FZ of 28.12.2013]

6. In the context of a loan agreement payments which are made by a securities issuer during the term of the loan agreement may be added to the amount of monetary resources payable by the borrower to the lender or may be remitted by the borrower to the lender in accordance with the loan agreement. In this respect, such payments shall not be deemed to be income of the borrower and shall be included in the lender’s income.

Interest (coupon) income shall be taken into account in calculating a lender’s income with account taken of the provisions of Article 214.1 of this Code and shall not be taken into account in determining the tax base of the borrower in relation to interest (coupon) income from loaned securities.

Income specified in this clause shall be taxed at the tax rates established by Article 224 of this Code.

The provisions of this clause shall not apply to a lender where it received the securities concerned under another loan agreement.
7. In the event of the improper execution (non-execution) of a securities lending transaction, a mutual claim netting procedure established in the loan agreement may be applied.

The mutual claim netting procedure applicable in the event of the improper execution (non-execution) of a securities lending transaction must lay down a requirement for the parties to complete mutual settlements under the loan agreement within 30 calendar days after the due date for the return of the loan.

Upon the execution of a mutual claim netting procedure which is established by a loan agreement and meets the requirements established by this clause, the tax base arising in respect of a securities lending transaction shall be determined as follows:

- the lender shall recognise for taxation purposes income such as is referred to in clause 5 of this Article in accordance with the procedure established by clause 5 of this Article and income (a loss) from the sale of securities not returned under the loan agreement, calculated as at the date of completion of the mutual claim netting procedure on the basis of the market price of the loaned security or, if no market price exists, on the basis of the reference price of the loaned security;

- the borrower shall recognise for taxation purposes income such as is referred to in clause 5 of this Article in accordance with the procedure established by clause 5 of this Article and income (a loss) from the acquisition of securities not returned under the loan agreement, calculated as at the date of completion of the mutual claim netting procedure on the basis of the market price of the loaned security or, if no market price exists, on the basis of the reference price of the security.

Income (expenses) from operations involving the purchase and sale of securities shall be taken into account for taxation purposes in accordance with the procedure established by Article 214.1 of this Code.

8. The sale of securities received under a loan agreement shall take place on condition that the borrower does not own securities of the same issue (an additional issue) or investment units in the same mutual investment fund.

Income from transactions involving the sale of loaned securities shall be taken into account in accordance with the procedure established by Article 214.1 of this Code, with account taken of the provisions of clause 5 of this Article. The income in question shall be taken into account for taxation purposes when the securities are re-acquired.

Expenses for the re-acquisition of securities and expenses associated with the acquisition and sale of particular securities shall be recognised for taxation purposes in the manner laid down in Article 214.1 of this Code. The above-mentioned expenses shall be taken into account for taxation purposes when the securities are re-acquired.

When securities are re-acquired expenses relating to securities which were sold first shall be taken into account first (FIFO method).
9. Where, before the due date for the return of a loan, loaned securities are converted, including by reason of the splitting or consolidation of the securities or a change in their nominal value, or the individual number (code) of an additional issue of such securities is annulled, or a change occurs in the individual state registration number of an issue (the individual number (code) of an additional issue) or the individual identification number (the individual number (code) of an additional issue) of such securities, those circumstances shall not alter the taxation procedure established by this Article.

10. Income associated with repo transactions involving loaned securities shall be taken into account in the manner prescribed by Article 214.3 of this Code.

**Article 214.5. Special Considerations Relating to the Determination of the Tax Base for Income Received by Participants in an Investment Partnership** [inserted by Federal Law No. 336-FZ of 28.11.2011]

1. Physical persons who are participants in an investment partnership shall determine the tax base for income from participation in the investment partnership and pay tax in accordance with this Chapter.

2. The tax base for income from participation in an investment partnership shall be determined by taxpayers on the basis of information on income and losses of the investment partnership which is provided to them by the participant in the investment partnership agreement which is the managing partner responsible for the maintenance of tax records.

3. The tax base for income from participation in an investment partnership shall be determined separately for the following operations carried out within the framework of the investment partnership:

   1) operations involving securities circulated on the organized securities market;

   2) operations involving securities not circulated on the organized securities market;

   3) operations involving derivative financial instruments not circulated on the organized market; [as amended by Federal Law No. 242-FZ of 03.07.2016]

   4) operations involving participating interests in the charter capital of organizations;

   5) other operations of an investment partnership.

4. The tax base for income from participation in an investment partnership shall be determined separately from the tax base for income from operations such as are referred to in Article 214.1 of this Code, except as otherwise established by this Article.

5. Dividends on securities and participating interests in the charter capital of organizations which have been acquired within the framework of the activities of an investment partnership shall be taken into account by taxpayers in accordance with Article 214 of this Code.

6. Amounts corresponding to a taxpayer’s share in expenses incurred by a managing partner in the interests of all partners for the management of the partners’ common affairs shall reduce
income from operations such as are referred to in clause 3 of this Article in proportion to amounts of income from the operations in question.

The taxpayer’s share in such expenses shall be determined in accordance with his participating interest in the profit of the investment partnership, as established by the investment partnership agreement.

Where such expenses are incurred from resources in an investment partnership account, the amount of the expenses in question to be borne by the taxpayer shall be determined by the taxpayer on the basis of information provided by the participant in the investment partnership agreement which is the managing partner responsible for the maintenance of tax records (hereafter in this Article referred to as “managing partner responsible for the maintenance of tax records”).

7. Expenses incurred by a taxpayer for the payment of fees to participants in an investment partnership agreement who are managing partners for the management of the partners’ common affairs shall reduce income from operations such as are referred to in clause 3 of this Article in proportion to amounts of income from the operations in question.

Where fees are paid to participants in an investment partnership agreement who are managing partners out of resources in an investment partnership account, the amount of the expenses in question to be borne by the taxpayer shall be determined by the taxpayer on the basis of information provided by the managing partner responsible for the maintenance of tax records.

8. The tax base for income from participation in an investment partnership shall be determined as amounts of income from operations such as are referred to in clause 3 of this Article, reduced by amounts of expenses such as are referred to in clauses 6 and 7 of this Article and losses (including amounts of tax deductions determined in accordance with Article 220.2 of this Code in connection with the carry-forward of losses made from participation in the investment partnership) incurred in respect of the operations in question, except as otherwise provided by this Article.

Should the value thus obtained be negative, it shall be recognised as a loss made by the taxpayer from participation in the investment partnership in respect of the operations in question, and the tax base for the operations in question shall be deemed to be nil.

9. Where a taxpayer participates in a number of investment partnerships, the tax base for income from participation in investment partnerships shall be determined by the taxpayer as an aggregate amount for all investment partnership agreements in which he participates, with account taken of the provisions of clause 3 of this Article.

The provisions of this clause shall also apply to amounts of tax deductions determined in accordance with Article 220.2 of this Code in connection with the carry-forward of losses made from participation in an investment partnership.

10. Taxpayers who made losses in prior tax periods from participation in an investment partnership in respect of operations such as are referred to in clause 3 of this Article shall have the right to reduce the tax base for income from participation in the investment partnership in
respect of the operations in question by the entire amount of losses made by them or by a portion of that amount (to carry the losses forward), unless otherwise provided by this Article.

In this respect, the tax base for the current tax period shall be determined with account taken of the special considerations laid down in this Article and Article 220.2 of this Code.

Amounts of losses made in respect of operations of an investment partnership involving securities circulated on the organized securities market which have been carried forward shall reduce the tax base for the operations in question for the relevant tax periods.

Amounts of losses made in respect of operations of an investment partnership involving securities not circulated on the organized securities market which have been carried forward shall reduce the tax base for the operations in question for the relevant tax periods.

Amounts of losses made in respect of operations of an investment partnership involving derivative financial instruments not circulated on the organized securities market which have been carried forward shall reduce the tax base for the operations in question for the relevant tax periods. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Amounts of losses made in respect of operations of an investment partnership involving participating interests in the charter capital of organizations which have been carried forward shall reduce the tax base for the operations in question for the relevant tax periods.

Amounts of losses made in respect of other operations of an investment partnership which have been carried forward shall reduce the tax base for the operations in question for the relevant tax periods.

A taxpayer shall have the right to carry a loss forward over the ten years following the tax period in which that loss was made.

A taxpayer shall have the right to carry over to the current tax period the amount of losses made in prior tax periods. In this respect, a loss which has not been carried forward to the year next following may be carried over in whole or in part to the next of the ensuing nine years with account taken of the provisions of this clause.

Where a taxpayer incurred losses in more than one tax period, those losses shall be carried forward in accordance with the order in which they were incurred.

A taxpayer shall be obliged to retain documents confirming amounts of losses incurred for the entire period in which he reduces the tax base for the current tax period by amounts of losses previously made.

A taxpayer shall recognise losses in accordance with Article 220.2 of this Code when submitting a tax declaration to the tax authority after a tax period has ended.

11. Taxpayers shall not have the right to take into account for taxation purposes losses from participation in an investment partnership which were incurred in the tax period in which they acceded to an investment partnership agreement concluded by other
participants, including as a result of the cession of rights and obligations under the agreement by another person.

12. Where a taxpayer withdraws from an investment partnership as a result of the cession of rights and obligations under the investment partnership agreement or the apportionment of a share from the commonly owned property of the partners, the tax base shall be determined as income received by the taxpayer upon withdrawal from the investment partnership agreement, reduced by the amount of the taxpayer’s contribution to the investment partnership which he has paid in by the time of withdrawal from the partnership and (or) amounts paid by the taxpayer for the acquisition of rights and obligations under the investment partnership agreement.

Where, upon withdrawal from an investment partnership, a taxpayer receives income in the form of property and (or) property rights which were commonly owned by the partners, the amount of the income in question shall be determined on the basis of data in the investment partnership’s tax records. In this respect, in the event that the property and (or) property rights are returned to the participants in the investment partnership agreement a negative difference between the value of the property and (or) property rights returned and the value at which the property and (or) property rights were previously transferred under the investment partnership agreement shall not be recognised as a loss for taxation purposes.

Where the value calculated in accordance with this clause is negative, it shall be recognised as a loss made by the taxpayer upon withdrawal from the investment partnership, and the tax base shall be deemed to be nil.

A loss made by a taxpayer upon withdrawal from an investment partnership shall be taken into account in determining the tax base for operations such as are referred to in subsection 2 of clause 1 of Article 214.1 of this Code.

13. When an investment partnership agreement is rescinded or terminated, income in respect of operations such as are referred to in clause 3 of this Article which was received in respect of operations of the investment partnership in the tax period in which the investment partnership agreement ceased to operate shall be included in the tax base, and income received by a taxpayer upon the rescission or termination of the agreement shall not be included in the tax base.

In determining the tax base upon the rescission or termination of an investment partnership agreement, income from operations such as are referred to in clause 3 of this Article shall be reduced by amounts of expenses such as are referred to in clauses 6 and 7 of this Article and shall not be reduced by the amount of the taxpayer’s contribution to the common business of the partners.

Where the value calculated in accordance with this clause for one or more of the types of income referred to in clause 3 of this Article is negative, the amounts in question shall be recognised as a loss made by the taxpayer upon the rescission or termination of the investment partnership agreement, and the tax base shall be deemed to be nil.

Losses made by a taxpayer upon the rescission or termination of an investment partnership agreement shall be taken into account by the taxpayer in determining the tax base in accordance
with clause 9 of this Article and (or) shall be carried forward in accordance with clause 10 of this Article and Article 220.2 of this Code.

A negative difference between the value attributed to property and (or) property rights which are transferred to a taxpayer upon the rescission or termination of an investment partnership agreement and the value at which the property and (or) property rights were previously transferred under the investment partnership agreement shall not be recognised as a loss for that taxpayer.

14. Where taxes have not been fully withheld by an issuer of securities on income of physical persons who are tax residents of the Russian Federation in the form of interest (coupon, discount) on securities acquired within the framework of an investment partnership agreement, the managing partner responsible for the maintenance of tax records shall be deemed to be a tax agent.

**Article 214.6. Special Considerations Relating to the Calculation and Payment of Tax in Respect of Income on State Securities and Municipal Securities and on Issuance Securities Issued by Russian Organizations Which is Paid to Foreign Organizations Acting in the Interests of Third Parties** [article as reworded by Federal Law No. 306-FZ of 02.11.2013]

1. A depositary which is deemed to be a tax agent in accordance with subsection 7 of clause 2 of Article 226.1 of this Code shall calculate, withhold and pay tax with account taken of the requirements of this Article.

2. Where income is paid on securities which are recorded in a depositary account of a foreign nominee holder, the amount of tax shall be calculated and withheld by the tax agent on the basis of the following information:

   1) summarized information on physical persons who exercise rights in respect of securities;

   2) summarized information on persons in whose interests a fiduciary exercises rights in respect of securities of a Russian organization, provided that the fiduciary is acting other than in the interests of a foreign investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme.

3. Where income is paid on securities which are recorded in a depositary programme depositary account, the amount of tax shall be calculated and withheld by the tax agent on the basis of the following information:

   1) summarized information on persons who exercise rights in respect of securities of a foreign issuer which certify rights in securities of a Russian organization;

   2) summarized information on persons in whose interests a fiduciary exercises rights in respect of securities of a foreign issuer which certify rights in respect of securities of a Russian organization, provided that the fiduciary is acting other than in the interests of a foreign investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme.
4. Where income is paid on securities which are recorded in a depositary account of a foreign authorized holder which has been opened other than in the interests of a foreign investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme, the amount of tax shall be calculated and withheld by the tax agent on the basis of summarized information on the persons in whose interests the foreign authorized holder carries out fiduciary management of the securities with respect to which the organization is deemed to be a tax agent in relation to income thereon.

5. Summarized information such as is provided for in clauses 2 to 4 of this Article must contain the following details:

1) in relation to persons such as are referred to in subsection 1 of clause 2 and subsection 1 of clause 3 of this Article – information on the quantity of securities of a Russian organization such as are referred to in subsection 7 of clause 2 of Article 226.1 of this Code and on the quantity of securities of a foreign issuer certifying rights in respect of securities of a Russian organization in relation to which rights are exercised by those persons as at the date specified in a decision to pay income on securities; [as amended by Federal Law No. 366-FZ of 24.11.2014]

2) in relation to persons such as are referred to in subsection 2 of clause 2, subsection 2 of clause 3 and clause 4 of this Article – information on the quantity of securities of a Russian organization such as are referred to in subsection 7 of clause 2 of Article 226.1 of this Code and on the quantity of securities of a foreign issuer certifying rights in respect of securities of a Russian organization in relation to which rights are exercised by a fiduciary in the interests of those persons as at the date specified in a decision to pay income on securities. [as amended by Federal Law No. 366-FZ of 24.11.2014]

6. Information on the quantity of securities such as is provided for in clause 5 of this Article shall be submitted to the tax agent with an indication of the states of which the physical persons who exercise rights in respect of securities (or in relation to whom those rights are exercised) are tax residents. For the purposes of the application of reduced tax rates (a tax exemption) established by this Code or international taxation agreements of the Russian Federation, information on the quantity of securities such as is provided for in clause 5 of this Article shall be submitted to the tax agent with an indication of:

1) the states of which the physical persons who exercise rights in respect of securities (or in relation to whom those rights are exercised) are tax residents;

2) the provisions of this Code or an international taxation agreement of the Russian Federation which establish the reduced tax rate (exemption from taxation).

Where income is paid in the form of dividends on shares in international holding companies, the tax agent shall apply the tax rate established by paragraph 8 of clause 3 of Article 224 of this Code on the basis of documentary confirmation, submitted by the company concerned on the tax agent’s request prior to the income being paid, that it is simultaneously an international holding company and a public company as at the day of the adoption of the international company’s decision to pay dividends and that it was a public company as at 1 January 2018. [paragraph inserted by Federal Law No. 490-FZ of 25.12.2018]
[clause 6 as reworded by Federal Law No. 326-FZ of 28.11.2015]
7. The requirements relating to the presentation of information which are established by clause 2 of this Article shall not apply in the case of the payment of income on securities in relation to which tax was previously calculated and withheld by another depositary, provided that the depositary in question presented relevant information on the withholding of tax to the depositary which pays the income.

8. Where the information specified in clause 5 of this Article has not been presented to a tax agent in full in accordance with the procedure, in the form and within the time periods which are established by this Article, that tax agent must calculate and pay tax in respect of income on the securities in question (those securities in relation to which the information was not properly presented) at the tax rates established by paragraph 2 of clause 3 or clause 6 of Article 224 of this Code (except where income on such securities is not taxable in accordance with this Code or an international agreement of the Russian Federation, or such income is taxable at the tax rate of 0 per cent, or the tax agent does not calculate and withhold tax on such income in accordance with this Code). [as amended by Federal Laws No. 366-FZ of 24.11.2014, No. 326-FZ of 28.11.2015]

With respect to income received in the form of dividends on shares in Russian organizations, a tax agent shall calculate and pay tax on the basis of summarized information such as is provided for in clause 5 of this Article at the tax rate which is established by this Code or an international taxation agreement of the Russian Federation for income in the form of dividends and is not conditional on the participating interest in the capital or the amount invested in the capital of an organization or the period of ownership of the shares concerned. The amount of tax paid in excess in cases provided for in this paragraph shall be refunded to the taxpayer in accordance with the procedure established by this Code. [as amended by Federal Law No. 326-FZ of 28.11.2015]

If the information provided for in clause 5 of this Article has not been submitted in relation to income in the form of dividends on shares (participating interests) in an international holding company which is a public company as at the day of the adoption by that company of the decision to pay dividends and was a public company as at 1 January 2018, that income shall be taxable at the tax rate established by clause 1 of Article 224 of this Code. The provisions of this paragraph shall apply to the taxation of income which is paid before 1 January 2029. [paragraph inserted by Federal Law No. 490-FZ of 25.12.2018]

9. Summarized information such as is provided for in clause 5 of this Article shall be presented to a tax agent by a foreign nominee holder, a foreign authorized holder or a person for whom a depositary opened a depositary programme depositary account within the following time periods:

1) in the case of securities with mandatory centralized custody – not later than five days from the date as at which the depositary which carries out mandatory centralized custody of the securities discloses information on the transfer to its depositors of payments due to them in respect of securities;

2) in the case of shares in Russian organizations – not later than seven days from the date as at which persons who have a right to receive dividends are determined in accordance with a decision of an organization.
10. A tax agent shall be obliged to pay the amount of calculated tax to the budget on the thirtieth day from the date on which it is calculated. If, before that time period expires, the tax agent is presented with a revised version of summarized information such as is provided for in clause 5 of this Article, the tax agent shall adjust the calculated amount of tax and independently pay or refund previously withheld tax on the basis of that information.

A tax agent may refrain from adjusting previously withheld tax in accordance with this clause in the event that revised summarized information was presented to the tax agent less than five days before the expiry of the time period referred to in paragraph 1 of this clause.

The payment of an amount of calculated tax following a tax adjustment shall be effected by a tax agent out of the amount of tax in respect of payments on securities which the tax agent withheld prior to the adjustment and monetary resources of persons such as are referred to in clause 9 of this Article in accordance with the procedure established by an agreement between the tax agent and those persons.

11. Summarized information such as is provided for in clause 5 of this Article which is presented by a foreign organization acting in the interests of third parties must be presented in one or more of the following forms (chosen by the tax agent):

1) a document in paper form signed by an authorized officer of the foreign organization;

2) an electronic document signed with an enhanced qualified electronic signature or an enhanced unqualified electronic signature in accordance with Federal Law No. 63-FZ of 6 April 2011 “Concerning Electronic Signatures” without the presentation of a document in paper form;

3) an electronic document transmitted via the SWIFT international financial telecommunication system without the presentation of a document in paper form.

12. The tax agent shall determine the form (forms) to be used to present summarized information to it out of the forms provided for in clause 11 of this Article, and the conditions for the use of that form (those forms).

13. A tax agent which pays income on securities such as are referred to in clause 1 of this Article shall calculate and pay the amount of tax in accordance with this Article in respect of all amounts of income paid on discount bonds issued by Russian organizations.

An amount of overpaid tax shall be refunded to the taxpayer in accordance with the procedure established by this Code.

14. A tax agent may not be obligated to calculate and pay an amount of tax in respect of payments such as are provided for in this Article which the tax agent did not withhold owing to the fact that an organization acting in the interests of third parties presented inaccurate and (or) incomplete information and (or) documents to the tax agent, or in the event of a refusal by such an organization to present information and (documents) requested in accordance with Article 214.8 of this Code at the request of a tax authority conducting an in-house or on-site tax audit (tax monitoring). [as amended by Federal Law No. 470-FZ of 29.12.2020]
A tax agent shall also not be subject to tax sanctions in the cases referred to in this clause.

15. A foreign nominee holder, a foreign authorized holder and (or) a person for whom a depositary programme depositary account has been opened shall have the right to participate in relations with a tax agent which are regulated by this Article either independently or through an authorized representative in accordance with Article 26 of this Code.

16. The requirements of this Article shall not apply to the calculation and withholding of an amount of tax where income is paid on securities of foreign organizations, including securities which have been admitted for placement and (or) public circulation in the Russian Federation.

17. The provisions of this Article shall also apply in the case of the payment of income on securities which are recorded by the keeper of the register of holders of shares in an international company on the ledger account of a foreign nominee holder, the ledger account of a foreign authorized holder, a depositary programme ledger account or the ledger account of a foreign registrar. In this case tax shall be calculated, withheld and paid on the basis of relevant summarized information by an international company which is recognised as a tax agent in accordance with subsection 3 of clause 2 of Article 226.1 of this Code.

(Article 214.7) Special Considerations Relating to the Determination of the Tax Base and the Calculation and Payment of Tax in Relation to Income in the Form of Winnings Received from Participation in Games of Chance and Lotteries [title as amended by Federal Law No. 325-FZ of 29.09.2019] [article as reworded by Federal Law No. 354-FZ of 27.11.2017 (Rev. 28.12.2017)]

1. The tax base for income equal to or greater than 15,000 roubles in the form of winnings received from participation in games of chance conducted in a bookmaking office and a totalizator shall be determined by the tax agent by means of reducing the amount of the winnings received upon the occurrence of an outcome of a game of chance by the amount of the bet or online bet which serves as the condition for participation in the game of chance.

The amount of tax on income in the form of winnings received by participants in games of chance conducted in a bookmaking office and a totalizator shall be calculated by the tax agent separately for each amount of winnings.

2. The tax base for income equal to or greater than 15,000 roubles in the form of winnings received from participation in a lottery shall be determined by the tax agent as the amount of winnings received upon the occurrence of outcomes of a lottery prize draw or a part thereof in accordance with the conditions of the lottery.

The amount of tax on income in the form of winnings received by participants in lotteries shall be calculated by the tax agent separately for each amount of winnings.

3. The tax base for income in the form of winnings received from the playing of games of chance conducted in casinos and gaming machine arcades shall be determined as the positive difference between funds received by a player of games of chance from organizers of games of chance and funds paid by the player of games of chance to organizers of games of chance in exchange for presented exchangeable tokens of a gaming establishment during the tax period in the manner prescribed by this clause.
The tax base shall be determined and the amount of tax shall be calculated by a tax authority after a tax period has ended on the basis of data received from organizers of games of chance conducted in casinos and gaming machine arcades in accordance with the legislation of the Russian Federation concerning the use of cash registers.

Taxpayers who have received income in the form of winnings from the playing of games of chance conducted in casinos and gaming machine arcades shall pay tax not later than 1 December of the year following a tax period that has ended on the basis of a tax payment notice sent by a tax authority.

[clause 3 inserted by Federal Law No. 325-FZ of 29.09.2019]

Article 214.8. Requesting of Documents Associated with the Calculation and Payment of Tax in the Case of the Payment of Income on State Securities and Municipal Securities and on Issuance Securities Issued by Russian Organizations Which is Paid to Foreign Organizations Acting in the Interests of Third Parties [inserted by Federal Law No. 306-FZ of 02.11.2013]

1. When checking that tax has been correctly calculated and paid by a tax agent in accordance with Article 214.6 of this Code in the course of conducting an in-house tax audit, and (or) an on-site tax audit, and (or) tax monitoring, the tax authorities shall have the right to request the following documents in the manner prescribed by this Code: [paragraph 1 as reworded by Federal Law No. 470-FZ of 29.12.2020]

1) copies of identification documents for a physical person who, at the date specified in the decision of a Russian organization to pay income on securities, exercised rights in respect of securities of the Russian organization (securities of a foreign organization certifying rights in respect of shares in that Russian organization);

2) copies of identification documents for a physical person in whose interests, at the date specified in the decision of a Russian organization to pay income on securities, a fiduciary exercised rights in respect of securities of that Russian organization (securities of a foreign organization certifying rights in respect of shares in the Russian organization);

3) copies and originals of documents confirming that, at the date specified in a decision of a Russian organization to pay income on securities, a physical person exercised rights in respect of securities of that Russian organization (securities of a foreign organization certifying rights in respect of shares in the Russian organization), and documents confirming the tax residence of that person;

4) copies and originals of documents confirming that, at the date specified in a decision of a Russian organization to pay income on securities, a fiduciary exercised rights in respect of securities of that Russian organization (securities of a foreign organization certifying rights in respect of shares in the Russian organization) in the interests of a physical person, and documents confirming the tax residence of that person;

5) other documents confirming the correct calculation and payment of tax, including documents supporting information presented by foreign organizations acting in the interests of third parties.
2. A request to present documents which are referred to in clause 1 of this Article shall be sent to the tax agent which calculated, withheld and paid the relevant tax in accordance with the procedure prescribed by Article 93 of this Code. Where the requested information and (or) documents are not available, the tax agent shall send to the foreign organizations acting in the interests of third parties to which income on securities of Russian organizations was paid a request to present the documents in question.

3. Documents requested in accordance with this Article must be presented to the tax authority not later than three months from the day on which the tax agent receives the relevant request.

The time period for the presentation of documents requested in accordance with this Article may be extended by a decision of a tax authority, but not by more than three months.

4. Documents which are referred to in clause 1 of this Article may also be requested by tax authorities from a competent authority of a foreign state in cases provided for in international agreements of the Russian Federation.

Article 214.9. Special Considerations Relating to the Determination of the Tax Base, the Treatment of Losses and the Calculation and Payment of Tax in Relation to Transactions Which Are Recorded in an Individual Investment Account [inserted by Federal Law No. 327-FZ of 28.11.2015]

1. The tax base for securities transactions and derivative financial instrument transactions which are recorded in an individual investment account shall be understood to be a positive financial result determined in accordance with Article 214.1, with account taken of Articles 214.3 and 214.4 of this Code, for the aggregate of such transactions on a cumulative basis for the period from the effective date of the agreement on the maintenance of the individual investment account and with account taken of the special considerations established by this Article (hereafter in this Chapter referred to as “financial result from transactions recorded in an individual investment account”). [as amended by Federal Law No. 242-FZ of 03.07.2016]

The financial result from transactions recorded in an individual investment account shall be determined by means of adding together financial results from the transactions concerned in accordance with this Code after the end of each tax period in which the agreement on the maintenance of the individual investment account was in effect and the financial result determined as at the termination date of that agreement, except as otherwise provided by this Article. In this respect, the financial result for each tax period shall be determined with account taken of the following special considerations.

An amount of losses on transactions involving securities circulated on the organized securities market which resulted from such transactions which were concluded in a tax period and are recorded in an individual investment account shall reduce the financial result from transactions recorded in the individual investment account involving derivative financial instruments circulated on the organized market for which the underlying asset is securities, stock indices or other derivative financial instruments for which the underlying asset is securities or stock indices. [as amended by Federal Law No. 242-FZ of 03.07.2016]

An amount of losses on transactions involving derivative financial instruments circulated on the organized market for which the underlying asset is securities, stock indices or other
derivative financial instruments for which the underlying asset is securities or stock indices which resulted from such transactions which were concluded in the tax period and are recorded in an individual investment account shall, after reducing the financial result from transactions involving derivative financial instruments circulated on the organized market, reduce the financial result from transactions recorded in the individual investment account involving securities circulated on the organized securities market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

An amount of losses on transactions involving derivative financial instruments circulated on the organized market for which the underlying assets is not securities, stock indices or other derivative financial instruments for which the underlying asset is securities or stock indices which resulted from such transactions which were concluded in a tax period and are recorded in an individual investment account shall reduce the financial result from derivative financial instruments recorded in the individual investment account involving derivative financial instruments circulated on the organized market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

2. The financial result from transactions recorded in an individual investment account shall be determined separately from the financial result from other transactions and shall not be reduced by the amount of a negative financial result (a loss) made on transactions which are not recorded in an individual investment account.

Amounts of a negative financial result (a loss) made on the aggregate of transactions recorded in an individual investment account for each tax period in which the agreement on the maintenance of the individual investment account is in effect shall be deducted from a positive financial result from such transactions in subsequent and (or) preceding tax periods by the tax agent which calculates and pays to the budget amounts of tax on the above-mentioned transactions throughout the effective period of the agreement on the maintenance of the individual investment account.

Amounts of a negative financial result which have not been deducted from a positive financial result of future periods on the basis of this clause as at the date on which the effective period of an agreement on the maintenance of an individual investment account ends shall not be taken into account in determining the tax base.

3. The amount of tax in respect of income from transactions which are recorded in an individual investment account shall be calculated, withheld and paid to the budget by the tax agent. The calculation by the tax agent of the amount of tax in respect of income from transactions which are recorded in an individual investment account shall take place in the following cases:

1) as at the date on which income (including income in kind) is paid to the taxpayer other than to the taxpayer’s individual investment account - on the basis of the amount of the payment made;

2) as at the termination date of the agreement on the maintenance of the individual investment account, except where the termination of that agreement is accompanied by the transfer of all assets which are recorded in the individual investment account to another individual investment account opened for the same physical person, including with the same tax agent.
4. A tax agent shall be obliged to pay the calculated amount of tax to the budget not later than one month from the date specified in subsection 1 or 2 of clause 3 of this Article as at which the amount of tax was calculated.

Article 214.10. Special Considerations Relating to the Determination of the Tax Base and the Calculation and Payment of Tax on Income Received from the Sale of Immovable Property and on Income in the Form of an Item of Immovable Property Received by Way of a Gift [inserted by Federal Law No. 325-FZ of 29.09.2019]

1. The tax base for income received from the sale of immovable property and for income in the form of an item of immovable property received by way of a gift shall be determined in accordance with this Code with account taken of the special considerations laid down in this Article.

2. If a taxpayer’s income from the sale of an item of immovable property is less than the cadastral value of that item which was entered in the Unified State Register of Immovable Property and is applicable from 1 January of the year in which the state registration of the transfer of ownership rights in the sold item of immovable property took place (if the item of immovable property was created during the tax period – the cadastral value of the item of immovable property determined as at the date on which it was entered in state cadastral records), multiplied by a reduction factor of 0.7, the taxpayer’s income from the sale of that item of immovable property shall be taken for taxation purposes to be equal to the appropriate cadastral value of that item of immovable property multiplied by a reduction factor of 0.7.

If the cadastral value of an item of immovable property such as is referred to in this clause is not contained in the Unified State Register of Immovable Property as at 1 January of the year in which the state registration of the transfer of ownership rights in that item of immovable property took place or as at the date on which it was entered in state cadastral records (if the item of immovable property was created during the tax period), the provisions of this clause shall not apply.

3. In the event that a taxpayer does not fulfil the obligation to submit a tax declaration to the tax authority within the established time limit in relation to income received from the sale of immovable property, and an in-house tax audit is conducted in accordance with paragraph 1 of clause 1.2 of Article 88 of this Code, the tax authority shall, on the basis of documents (information) in its possession concerning that taxpayer and the income in question, calculate the amount of tax payable by the taxpayer with account taken of the special considerations laid down in this clause and clauses 4 and 5 of this Article.

The amount of tax shall be calculated by the tax authority as a percentage of the tax base corresponding to the tax rates established by Article 224 of this Code.

In the case of income from the sale of immovable property for which the tax rate established by clause 1.1 of Article 224 of this Code is prescribed, the tax base shall be determined as the amount of that taxable income in monetary terms, reduced by the amount of tax deductions provided for in subsection 1 of clause 2 of Article 220 of this Code or by the amount of expenses associated with the acquisition of that property, as provided for in subsection 2 of clause 2 of Article 220 of this Code, which were actually incurred and documented by the taxpayer. [as amended by Federal Law No. 372-FZ of 23.11.2020]
In the case of income from the sale of immovable property for which other tax rates are prescribed, the tax base shall be determined as the amount of that taxable income in monetary terms. In this respect, the tax deductions provided for in subsection 1 of clause 2 of Article 220 of this Code shall not apply in relation to such income.

For the purposes of this clause, income from the sale of immovable property shall be determined on the basis of the transaction price regarding which the tax authority received information in accordance with Article 85 of this Code, with account taken of the special considerations laid down in clause 2 of this Article.

If the tax authority does not have information on the transaction price or the transaction price is less than the cadastral value of the item which was entered in the Unified State Register of Immovable Property and is applicable from 1 January of the year in which the state registration of the transfer of ownership rights in the item of immovable property concerned took place (if the item of immovable property was created during the tax period – the cadastral value of the item of immovable property determined as at the date on which it was entered in state cadastral records), multiplied by a reduction factor of 0.7, the amount of the taxpayer’s income from the sale of the item of immovable property shall be taken to be equal to the appropriate cadastral value of that item multiplied by a reduction factor of 0.7.

4. When tax is calculated in accordance with clause 3 of this Article in relation to income received from sale of immovable property which was owned in common, the amount of income received by the taxpayer shall be determined in proportion to the taxpayer’s ownership interest in the immovable property.

5. Where tax is calculated in accordance with clause 3 of this Article in relation to income received from the sale of immovable property which was jointly owned, the amount of income received by each of the participants in joint ownership shall be determined equally for all the participants in joint ownership.

6. The amount of tax on income in the form of an item of immovable property received by way of a gift shall be calculated by the tax authority as a percentage of the tax base corresponding to the tax rates established by Article 224 of this Code.

For the purposes of this clause, in determining the tax base income arising for a taxpayer when an item of immovable property is received by way of a gift shall be taken to be equal to the cadastral value of that item which was entered in the Unified State Register of Immovable Property and is applicable from 1 January of the year in which the state registration of the transfer of ownership rights in the item of immovable property concerned took place (if the item of immovable property was created during the tax period – the cadastral value of the item determined as at the date on which it was entered in state cadastral records).

For the purposes of this clause, when an ownership interest in an item of immovable property is received by way of a gift, the taxpayer’s income shall be taken to be equal to an appropriate portion of the cadastral value of that item which was entered in the Unified State Register of Immovable Property and is applicable from 1 January of the year in which the state registration of the transfer of ownership rights in the item of immovable property concerned took place (if the item of immovable property was created during the tax period – an appropriate portion of
the cadastral value of the item determined as at the date on which it was entered in state cadastral records).

In the event that a taxpayer does not fulfil the obligation to submit a tax declaration to the tax authority within the established time limit in relation to income received as a result of the gifting to him of an item of immovable property, and an in-house tax audit is conducted in accordance with paragraph 1 of clause 1.2 of Article 88 of this Code, the tax authority shall, on the basis of documents (information) in its possession concerning that taxpayer and the income in question, calculate the amount of tax payable by the taxpayer with account taken of the special considerations laid down in this clause.

7. Special considerations relating to the exemption from taxation of income from the sale of items of immovable property are laid down in Article 217.1 of this Code.


1. Tax shall not be levied on income of:

1) heads and personnel of representations of a foreign state who are of diplomatic and consular rank and members of their families who reside with them unless they are citizens of the Russian Federation, with the exception of income from sources in the Russian Federation which are not connected with the employment of those physical persons at those representations;

2) the administrative and technical personnel of representations of a foreign state and members of their families who reside with them unless they are citizens of the Russian Federation or are permanently resident in the Russian Federation, with the exception of income from sources in the Russian Federation which are not connected with the diplomatic and consular service of those physical persons; [as amended by Federal Law No. 166-FZ of 29.12.2000]

3) members of the service personnel of representations of a foreign state who are not citizens of the Russian Federation and are not permanently resident in the Russian Federation which is received by them in connection with their service at the representation of a foreign state; [as amended by Federal Law No. 166-FZ of 29.12.2000]

4) employees of international organizations - in accordance with the charters of those organizations.

2. The provisions of this Article shall apply in those cases where the legislation of the relevant foreign state has established a similar procedure for the persons referred to in subsections 1 to 3 of clause 1 of this Article or where such a norm is contained in an international agreement (treaty) entered into by the Russian Federation. The list of foreign states (international organizations) to whose citizens (employees) the norms of this Article apply shall be determined by the federal executive body responsible for international relations in conjunction with the Ministry of Finance of the Russian Federation. [as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 127-FZ of 02.11.2004]
Article 216. Tax Period

The tax period shall be the calendar year.

Article 217. Non-Taxable (Tax-Exempt) Income

The following types of income of physical persons shall not be taxable (shall be exempt from taxation):

1) state benefits, with the exception of temporary incapacity benefits (including benefit for care of a sick child);

except as otherwise provided in this clause, all types of compensation payments established by the legislation of the Russian Federation, legislative acts of constituent entities of the Russian Federation and decisions of representative local government bodies (within the norms established in accordance with the legislation of the Russian Federation) that are connected with:

- compensation for damage caused by physical injury or damage to health;

- reimbursement for expenses associated with payment for utility services (including municipal solid waste handling services) and expenses associated with payment for accommodation provided for temporary use and fuel (and corresponding income received in kind); [as amended by Federal Law No. 374-FZ of 23.11.2020]

- reimbursement for the cost of rations in kind to which a person is entitled (and corresponding income received in kind); [as amended by Federal Law No. 374-FZ of 23.11.2020]

- payment of the value of meals, sports gear, equipment and sporting and parade uniform that are received by athletes and employees of sports and fitness organizations for training activities and participation in sporting competitions, and by sports referees for participation in sporting competitions;

- the dismissal of employees, with the exception of payments in the form of severance pay, average monthly earnings for the period of time taken to find employment and compensation for the director, deputy directors and chef accountant of an organization insofar as they exceed, in total, an amount equal to three times average monthly earnings or six times average monthly earnings in the case of employees dismissed from organizations located in areas of the Far North and equated localities;

- the death of servicemen or public servants in the course of discharging their official duties;

- compensation for the cost of professional development for employees;

- payment made in accordance with the legislation of the Russian Federation and legislative acts of constituent entities of the Russian Federation by an employer to employees working and residing in areas of the Far North and equated localities for the cost of the travel of an employee within the territory of the Russian Federation to and from a vacation destination and the cost of carriage of up to 30 kilograms of luggage, and the cost of the travel of non-working members
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of his family (husband, wife and minor-age children who reside with the employee) and the cost of carriage of luggage by them. Where leave is used outside the territory of the Russian Federation, tax shall not be levied on the cost of vehicular or air travel of the employee and non-working members of his family (including the cost of carriage of up to 30 kilograms of luggage) calculated from the departure point to a crossing point on the State Border of the Russian Federation, including an international airport, at which the employee and non-working members of his family pass through border control at the crossing point on the State Border of the Russian Federation; [as amended by Federal Law No. 374-FZ of 23.11.2020]

- the performance by a taxpayer of employment duties (including when moving to work in another locality and when sent on a business trip).

Where an employer pays business trip-related expenses for a taxpayer, taxable income shall not include per diem allowances paid in accordance with the legislation of the Russian Federation, but not more than 700 roubles for each day of a business trip in the territory of the Russian Federation and not more than 2,500 roubles for each day of a business trip outside the territory of the Russian Federation, actually incurred and documented special-purpose expenses for travel to and from a destination, airport charges, handling fees, resort levy, expenses for travel to an airport or station at places of departure, destination and transfers and the carriage of luggage, expenses for the rent of accommodation, the payment of communications charges, the receipt and registration of an official or diplomatic passport and the receipt of visas and expenses associated with the exchange of foreign currency or a cheque at a bank for foreign currency cash. Where a taxpayer does not submit documents confirming the payment of accommodation expenses, amounts so paid shall be exempt from taxation in accordance with the legislation of the Russian Federation, but not more than 700 roubles for each day of a business trip in the territory of the Russian Federation and not more than 2,500 roubles for each day of a business trip outside the territory of the Russian Federation. Similar tax treatment shall apply to payments made to persons under the authority or command of an organization and to members of the board of directors or any similar body of a company who come (go) to take part in a meeting of a board of directors, management board or other similar body of that company. [as amended by Federal Law No. 374-FZ of 23.11.2020]

Where an employer pays a field allowance in accordance with the legislation of the Russian Federation to employees working in field conditions, amounts of that field allowance not exceeding 700 roubles for each spent in field conditions shall not be included in taxable income.

Income in the form of compensations for unused leave and for unused additional days of rest that have been granted shall not be exempt from taxation on the basis of this Article; [clause 1 as reworded by Federal Law No. 147-FZ of 17.06.2019]

2) state-provided pensions, insurance pensions, the fixed payment on an insurance pension (with account taken of increases in the fixed payment on an insurance pension) and a funded pension which are allocated in accordance with the procedure which is established by current legislation and social pension supplements which are paid in accordance with the legislation of the Russian Federation and the legislation of constituent entities of the Russian Federation; [as amended by Federal Laws No. 204-FZ of 29.12.2004, No. 213-FZ of 24.07.2009, No. 177-FZ of 29.06.2015]

2.1) a monthly payment in connection with the birth (adoption) of a first child and (or) a monthly payment in connection with the birth (adoption) of a second child which are made in
accordance with Federal Law No. 418-FZ of 28 December 2018 “Concerning Monthly Payments to Families with Children”; [clause 2.1 inserted by Federal Law No. 88-FZ of 23.04.2018]

[3] Lost force from 01.01.2020 – Federal Law No. 147-FZ of 17.06.2019

3.1) income received by volunteers (voluntary workers) under civil contracts concerning the performance of work and rendering of services without consideration in accordance with Federal Law No. 135-FZ of 11 August 1995 “Concerning Charitable Activities and Volunteering (Voluntary Work)” and other federal laws which establish special considerations relating to the engagement of volunteers (voluntary workers):

- in the form of payments made to compensate volunteers (voluntary workers) for the cost of acquiring uniforms and special clothing, equipment and personal protective equipment, for the provision of temporary accommodation, for travel to and from the location of the charitable or volunteer activity (voluntary work), for meals (with the exception of meal expenses in excess of the per diem rates provided for in clause 1 of this Article), for the payment of insurance contributions for voluntary medical insurance of volunteers (voluntary workers) or for insurance of their life or health in connection with risks to the life and health of volunteers arising in connection with charitable or volunteer activities (voluntary work); [as amended by Federal Law No. 147-FZ of 17.06.2019]

- in kind, where received under those civil contracts for the purposes provided for in paragraph 2 of this clause;
[clause 3.1 as reworded by Federal Law No. 98-FZ of 23.04.2018]

[3.2] Lost force from 01.05.2018 – Federal Law No. 98-FZ of 23.04.2018


4) remunerations to donors for blood, breast milk and other donor aid; [as amended by Federal Law No. 166-FZ of 29.12.2000]

5) alimony which is received by taxpayers;

6) amounts which are received by taxpayers in the form of grants (unpaid assistance) which are provided for the support of science and education, culture and art in the Russian Federation by international, foreign and (or) Russian organizations according to lists of such organizations to be approved by the Government of the Russian Federation;
[clause 6 as reworded by Federal Law No. 38-FZ of 23.03.2007]

6.1) income received by a taxpayer in the form of grants, rewards and prizes in monetary form and (or) in kind as a result of participation in competitions, contests or other events, which are provided by non-commercial organizations out of grants of the President of the Russian Federation in accordance with the conditions of agreements on the provision of those grants to the non-commercial organizations in question;
[clause 6.1 inserted by Federal Law No. 98-FZ of 23.04.2018]

6.2) income in monetary form and (or) in kind in the form of payment for the cost of travel to and from the venue of competitions and contests, meals (with the exception of meal expenses in excess of the per diem rates provided for in clause 1 of this Article) and the provision of
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temporary accommodation to taxpayers which is made by non-commercial organizations out of grants of the President of the Russian Federation in accordance with the conditions of agreements on the provision of those grants to the non-commercial organizations in question; [clause 6.2 inserted by Federal Law No. 98-FZ of 23.04.2018; as amended by Federal Law No. 147-FZ of 17.06.2019]

7) amounts which are received by taxpayers in the form of international, foreign or Russian prizes for outstanding achievements in the fields of science and technology, culture, literature, art, tourism and mass media according to a list of prizes to be approved by the Government of the Russian Federation, and in the form of prizes awarded by the highest officials of constituent entities of the Russian Federation (the directors of the highest executive state government bodies of constituent entities of the Russian Federation) for outstanding achievements in the above-mentioned fields according to lists of prizes to be approved by the highest officials of constituent entities of the Russian Federation (the directors of the highest executive state government bodies of constituent entities of the Russian Federation); [as amended by Federal Laws No. 239-FZ of 30.10.2007, No. 278-FZ of 05.10.2015]

[7.1) Lost force from 01.01.2016 – Federal Law No. 146-FZ of 8.06.2015]

8) amounts of one-time payments (including in the form of material assistance) which are made: [as amended by Federal Law No. 368-FZ of 27.12.2009]

[paragraph lost force from 01.01.2015 – Federal Law No. 382-FZ of 29.11.2014]

- by employers to members of the family of a deceased employee or of a retired former employee or to an employee or a retired former employee in connection with the death of a member (members) of his family; [as amended by Federal Law No. 202-FZ of 19.07.2009]

[paragraph lost force – Federal Law No. 235-FZ of 18.07.2011]

- to taxpayers among citizens who are classed in accordance with legislation as citizens entitled to social assistance, in the form of amounts of targeted social assistance which is provided out of resources of the federal budget, budgets of constituent entities of the Russian Federation, local budgets and non-budgetary funds; [as amended by Federal Law No. 304-FZ of 30.10.2017]

[paragraph lost force from 01.01.2015 – Federal Law No. 382-FZ of 29.11.2014]

- by employers to employees (parents, adoptive parents, guardians) upon the birth (adoption) of a child or establishment of guardianship over a child, payable during the first year after the birth (adoption) or the establishment of guardianship, but not more than 50,000 roubles for each child. [paragraph inserted by Federal Law No. 257-FZ of 29.12.2006, as amended by Federal Laws No. 213-FZ of 24.07.2009, No. 374-FZ of 23.11.2020]

The provisions of this clause shall also apply to income received by a taxpayer in kind; [paragraph inserted by Federal Law No. 368-FZ of 27.12.2009]

8.1) remunerations which are paid out of the resources of the federal budget or the budget of a constituent entity of the Russian Federation to physical persons for the rendering by them of assistance to federal executive bodies in detecting, preventing, suppressing and disclosing
terrorist acts and identifying and detaining persons who are in the process of preparing or committing or who have committed such acts, and for the rendering of assistance to bodies of the federal security service and federal executive bodies which carry out investigative activities;

[clause 8.1 inserted by Federal Law No. 153-FZ of 27.07.2006]

8.2) amounts of payments in the form of charitable assistance in monetary form and in kind which is rendered in accordance with the legislation of the Russian Federation concerning charitable activities by duly registered Russian and foreign charitable organizations;

[clause 8.2 inserted by Federal Law No. 235-FZ of 18.07.2011]

[8.3)-8.4) lost force – Federal Law No. 323-FZ of 29.09.2019]

8.5) a one-time monetary payment which is made in accordance with the Federal Law “Concerning a One-Time Monetary Payment to Citizens Who Receive a Pension”;

[clause 8.5 inserted by Federal Law No. 400-FZ of 30.11.2016]

[EY Note: Paragraph 1 of clause 9 of Article 217 is amended from 01.01.2022 – Federal Law No. 8-FZ of 17.02.2021]

9) amounts of full or partial compensation paid (payment made) by employers to their employees and (or) members of their families, to former employees who have retired on account of disability or old age and to disabled persons not employed by the organization in question for the cost of acquired vacation vouchers, with the exception of tourist vacation vouchers, on the basis of which services are rendered to the above-mentioned persons by health resort and recreational organizations located in the territory of the Russian Federation, and amounts of full or partial compensation for (payment of) the cost of vacation vouchers for children under the age of 16 years on the basis of which services are rendered to those persons by health resort and recreational organizations located in the territory of the Russian Federation, which are provided:

[EY Note: Paragraph 2 of clause 9 of Article 217 is reworded from 01.01.2022 – Federal Law No. 8-FZ of 17.02.2021]

- from the resources of organizations (private entrepreneurs), where expenses associated with such compensation (payment) are not classified in accordance with this Code as expenses which are taken into account for the purpose of determining the tax base for tax on the profit of organizations;

- from the resources of budgets of the budget system of the Russian Federation;

- from the resources of religious organizations and other non-commercial organizations whose operating objectives include, in accordance with their foundation documents, activities involving the provision of support and protection to citizens who, by reason of their physical or intellectual characteristics or other circumstances, are unable to exercise their rights and legitimate interests on an independent basis;

- from resources received from activities in relation to which organizations (private entrepreneurs) apply special tax regimes.
For the purposes of this Chapter, health resort and recreational organizations shall include sanatoria, preventive therapy sanatoria, preventive clinics, holiday homes and holiday centres, holiday hotels, recreational therapy complexes, and children’s sanatorium, recreational and fitness camps;
[clause 9 as reworded by Federal Law No. 235-FZ of 18.07.2011]

10) amounts paid by employers for the provision of medical services to their employees and their employees’ spouses, parents, children (including adopted children) and wards aged up to 18 years, and to former employees who left employment to take up disability or old-age retirement, and which remain at the employers’ disposal after the payment of tax on profit of organizations; [as amended by Federal Law No. 317-FZ of 25.11.2013]

amounts paid by social organizations of disabled persons for the provision of medical services to disabled persons; [as amended by Federal Law No. 317-FZ of 25.11.2013]

amounts paid by religious organizations, and by charitable organizations and other non-commercial organizations whose operating objectives include, in accordance with their foundation documents, healthcare support for citizens, for medical services provided to persons not employed by them and for medicinal products which are acquired by them for such persons. [as amended by Federal Law No. 317-FZ of 25.11.2013]

The above-mentioned income shall be exempt from taxation where employers and (or) social organizations of disabled persons, religious organizations, charitable organizations and other non-commercial organizations whose operating objectives include, in accordance with their foundation documents, healthcare support for citizens make payment to medical institutions without cash transfer for expenses associated with the provision of medical services to taxpayers, and where cash money intended for such purposes is given directly to a taxpayer (members of his family or his parents or legal representatives) or resources intended for such purposes are paid into taxpayers’ bank accounts; [as amended by Federal Law No. 317-FZ of 25.11.2013]

[clause 10 as reworded by Federal Law No. 235-FZ of 18.07.2011]

11) stipends of students, postgraduate students, trainee physicians and teaching assistants of organizations which carry on educational activities in accordance with basic vocational educational programmes, students of preparatory divisions of educational organizations of higher education and students of religious educational institutions which are paid to those persons by those organizations, stipends of the President of the Russian Federation, stipends of the Government of the Russian Federation, scholarships instituted by federal state bodies, state government bodies of constituent entities of the Russian Federation and local government bodies, stipends instituted by charitable funds and stipends which are paid out of resources of budgets to taxpayers who are undergoing training under the direction of bodies of the employment service;
[clause 11 as reworded by Federal Law No. 346-FZ of 27.11.2017]

12) amounts of labour payments and other amounts in foreign currency which are received by taxpayers from institutions or organizations which are financed from the federal budget and which have sent them to work abroad - within the limits of the norms which are established in accordance with current legislation concerning payment for the labour of employees;
13) income of taxpayers which is received from the sale of products of animal husbandry (both live products and products of slaughter in raw or processed forms) and plant products (in both natural and processed forms) which have been raised on private ancillary farms situated in the territory of the Russian Federation.

Income such as is referred to in paragraph 1 of this clause shall be exempted from taxation if the following conditions are simultaneously met:

- the total area of a land parcel (parcels) which is (are simultaneously) owned and (or) otherwise possessed by physical persons does not exceed the maximum size established in accordance with clause 5 of Article 4 of Federal Law No. 112-FZ of 7 July 2003 “Concerning Private Ancillary Farming”;

- private ancillary farming on the above-mentioned land parcels is carried on by the taxpayer without hiring employees in accordance with labour legislation.

In order for income such as is referred to in paragraph 1 of this clause to be exempted from taxation, the taxpayer shall present a document issued by an appropriate local government body indicating the total area of the land parcel (parcels).

13.1) resources received by a taxpayer from budgets of the budget system of the Russian Federation where are they used as designated for the development of private ancillary farming: the acquisition of seeds and planting material, fodder, fuel, mineral fertilizers, plant protection agents, young livestock and breeding stock, bees and fish, the establishment and maintenance of perennial plantings and vineyards, the maintenance of farm animals (including artificial insemination and veterinary services, and the treatment of animals, fowl and premises in which they are kept), the purchase of equipment for the construction of greenhouses and the storage and processing of products, agricultural machinery, spare parts and repair materials, and insurance against the loss (destruction) or partial loss of agricultural produce.

Income such as is referred to in paragraph 1 of this clause shall be exempt from taxation if the following conditions are simultaneously met:

- the total area of a land parcel (parcels) which is (are simultaneously) owned and (or) otherwise possessed by physical persons does not exceed the maximum size established in accordance with clause 5 of Article 4 of Federal Law No. 112-FZ of 7 July 2003 “Concerning Private Ancillary Farming”;  

- private ancillary farming on the above-mentioned land parcels is carried on by the taxpayer without hiring employees in accordance with labour legislation.

In order for income such as is referred to in paragraph 1 of this clause to be exempted from taxation, the taxpayer shall present a document issued by an appropriate local government body indicating the total area of the land parcel (parcels).
In the event that resources received from budgets of the budget system of the Russian Federation are used other than for their designated purpose, amounts of monetary resources which have been used other than for the designated purpose shall be taken into account in determining the tax base in the tax period in which they were received.

For the purposes of this clause the limit established by clause 5 of Article 4 of Federal Law No. 112-FZ of 7 July 2003 “Concerning Private Ancillary Farming” on the maximum size of the total area of a land parcel (parcels) shall apply in 2011 unless a different size for that area has been established by a law of a constituent entity of the Russian Federation;

14) income of members of a peasant (farm) holding which is received in that holding from the production and sale of agricultural produce and from the production, processing and sale of agricultural produce - for five years from the day on which that holding is registered.

This norm shall apply to income of those members of a peasant (farm) holding in relation to whom such norm has not previously been applied; [as amended by Federal Law No. 166-FZ of 29.12.2000]

14.1) amounts received by heads of peasant (farm) holdings from the resources of budgets of the budget system of the Russian Federation in the form of grants for the creation and development of a peasant farm holding, one-time assistance for the domestic arrangements of a beginning farmer and grants for the development of a family livestock farm;

14.2) subsidies granted to heads of peasant (farm) holdings from the resources of budgets of the budget system of the Russian Federation;

15) income received from the sale of wild fruits, berries, nuts, mushrooms and other forest resources fit for human consumption (edible forest resources) and non-wood forest resources which have been procured by physical persons for own requirements;

16) income (with the exception of labour payments of hired workers) which is received by members of duly registered ancestral and family communes of small national communities of the North which engage in traditional branches of industry from the sale of products obtained as a result of engaging in traditional types of industry; [as amended by Federal Law No. 166-FZ of 29.12.2000]

17) income from the sale of furs, meat of wild animals and other products which are obtained by physical persons in the course of amateur hunting and game hunting;

17.1) income received by physical persons for the tax period concerned: [as amended by Federal Law No. 424-FZ of 27.11.2018]

- from the sale of items of immovable property and equity interests in such property, with account taken of the special considerations established by Article 217.1 of this Code;
- from the sale of other property which a taxpayer has owned for three years or more.

The provisions of this clause shall not apply to income which is received by physical persons from the sale of securities or to income which is received by physical persons from the sale of property (other than dwelling houses, apartments, rooms, including privatized dwellings, garden cottages or a participating interest (participating interests) therein, and means of transport) which is directly used in entrepreneurial activities; [as amended by Federal Laws No. 425-FZ of 27.11.2018, No. 321-FZ of 29.09.2019]

[clause 17.1 as reworded by Federal Law No. 382-FZ of 29.11.2014]

17.2) income received from the sale (redemption) of participating interests in the charter capital of Russian organizations and shares such as are referred to in clause 2 of Article 284.2 of this Code, provided that, as at the date on which the shares (participating interests) are sold (redeemed), they have continuously belonged to the taxpayer on the basis of ownership or another right in rem for more than five years. [as amended by Federal Law No. 167-FZ of 23.06.2014]

In the case of the sale of shares (participating interests, equity units) which were received by a taxpayer as a result of the re-organization of organizations, the period for which such shares have been owned by the taxpayer shall be calculated from the date on which the taxpayer acquired ownership of the shares (participating interests, equity units) in the organizations being re-organized. In the case of the sale of shares in a joint stock company which were received by a taxpayer as a result of a non-state pension fund classed as a non-commercial organization being re-organized in accordance with Federal Law No. 410-FZ of 28 December 2013 “Concerning the Introduction of Amendments to the Federal Law “Concerning Non-State Pension Funds” and Certain Legislative Acts of the Russian Federation”, the period for which such shares have been owned by the taxpayer shall be calculated from the date on which a contribution (an additional contribution) was made to the aggregate investment of the founders of the re-organized non-state pension fund; [paragraph inserted by Federal Law No. 167-FZ of 23.06.2014]

[EY Note: Paragraph 3 of clause 17.2 of Article 217 loses force from 01.01.2023 – Federal Law No. 396-FZ of 29.12.2015]

income received from the sale (redemption) of shares or bonds of Russian organizations and investment units which meet the requirements of Article 284.2.1 of this Code, provided that, on the date on which they are sold (redeemed), they have been continuously possessed by the taxpayer on the basis of ownership or another right in rem for more than one year; [paragraph inserted by Federal Law No. 396-FZ of 29.12.2015]

[paragraph lost force from 01.01.2021 – Federal Law No. 102-FZ of 01.04.2020]


17.3) income received from the sale of domestic waste paper owned by physical persons; [clause 17.3 inserted by Federal Law No. 179-FZ of 03.07.2018]

18) income in monetary form and in kind which is received from physical persons by way of inheritance, with the exception of remuneration which is paid to heirs (legal successors) of
authors of scientific, literary or artistic works and remuneration which is paid to heirs of patent holders for inventions, utility models and industrial samples; [clause 18 as reworded by Federal Law No. 322-FZ of 23.11.2015]

18.1) income in monetary form and in kind which is received from physical persons by way of a gift, except in the case of the gifting of immovable property, means of transport, shares, participating interests and units, unless otherwise provided by this clause.

Income received by way of a gift shall be exempt from taxation in the event that the donor and the donee are members of a family and (or) close relatives in accordance with the Family Code of the Russian Federation (spouses, parents and children, including adoptive parents and adopted children, grandfather, grandmother and grandchildren, full siblings and half siblings (having a common father or mother)); [clause 18.1 inserted by Federal Law No. 78-FZ of 01.07.2005]

19) income received from joint stock companies or other organizations:

- by shareholders of those joint stock companies or participants in other organizations as a result of the revaluation of fixed assets in the form of additionally received shares (participating interests, units) which are distributed among shareholders or participants in an organization in proportion to their share interest and types of shares, or in the form of the difference between the new and original nominal value of shares or of their proprietary interest in the charter capital;

- by shareholders of those joint stock companies or participants in other organizations in connection with a re-organization whereby shares (participating interests, units) in newly established organizations are distributed among shareholders (participants, unit holders) in the organizations being re-organized and (or) shares (participating interests, units) in the organization being re-organized are converted into (exchanged for) shares (participating interests, units) in a newly established organization or an acquiring organization, in the form of shares (participating interests, units) which are received in addition or in exchange;

- by shareholders of those joint stock companies in the form of shares received as a result of the re-organization of a non-state pension fund which is a non-commercial organization in accordance with Federal Law No. 410-FZ of 28 December 2013 “Concerning the Introduction of Amendments to the Federal Law “Concerning Non-State Pension Funds” and Certain Legislative Acts of the Russian Federation”; [paragraph inserted by Federal Law No. 167-FZ of 23.06.2014] [clause 19 as reworded by Federal Law No. 212-FZ of 30.12.2004]

20) prizes in monetary and (or) non-monetary form which are received by sportspersons, including disabled sportspersons, for prize-winning places in the following competitions: [as amended by Federal Law No. 62-FZ of 30.06.2004]

- the Olympic, Paralympic and Deaf Olympic Games, the World Chess Olympics and world and European championships and cup competitions from the official organizers or on the basis of decisions of state bodies and local government bodies from the resources of the appropriate budgets; [as amended by Federal Laws No. 62-FZ of 30.06.2004, No. 253-FZ of 09.11.2009]

- championships and cup competitions of the Russian Federation from the official organizers;
20.1) one-time additional incentive payments in monetary form and (or) in kind which were received from non-commercial organizations which have as a statutory objective the provision of organizational and financial support for projects and programs in the area of high performance sport, according to the list of such organizations approved by the Government of the Russian Federation:

- by athletes for each medal place in the Olympic, Paralympic and Deaflympic Games not later than a year after the year in which the athletes in question achieved the medal places in the respective Games;

- by coaches and other specialists in the field of fitness and sport who directly participated in the training of athletes who achieved medal places in the Olympic, Paralympic and Deaflympic Games, not later than a year after the year in which the athletes in question achieved the medal places in the respective Games;

[clause 20.1 inserted by Federal Law No. 247-FZ of 03.07.2016]

20.2) income in monetary form and (or) in kind received from official organizers or on the basis of decisions of state government bodies and local government bodies from relevant budgets not later than the year following the year in which competitions were held:

- by Russian athletes based on performances in open all-Russian sporting competitions for sports included in the programme of the 2016 XV Summer Paralympic Games in Rio de Janeiro (Brazil), and by coaches and specialists who supported the training of those athletes;

- by Russian athletes based on the results of international qualifying competitions for the 2016 XV Summer Paralympic Games in Rio de Janeiro (Brazil), and by coaches and specialists who supported the training of those athletes;

[clause 20.2 inserted by Federal Law No. 401-FZ of 30.11.2016]

20.3) income in monetary form and (or) in kind which is received by Russian disabled athletes who did not take part in the Paralympic Games and coaches who organized the training of such athletes for prize-winning places in open all-Russian sporting events from the official organizers or, on the basis of decisions of state government bodies and local government bodies, out of the resources of the corresponding budgets not later than the year following the year in which those open all-Russian sporting competitions took place;

[clause 20.3 inserted by Federal Law No. 32-FZ of 19.02.2018]

21) amounts of charges for the provision of education to a taxpayer in accordance with basic and supplementary educational programmes at Russian organizations which carry on educational activities or foreign organizations which have the right to carry on educational activities;

[clause 21 as reworded by Federal Law No. 346-FZ of 27.11.2017]

21.1) amounts of fees for the independent skill assessment of employees or persons seeking to engage in a particular type of work activity for compliance with the provisions of a professional standard or with skill requirements established by federal laws and other regulatory legal acts of the Russian Federation (hereinafter referred to as “skill requirements”), which is carried out in accordance with the legislation of the Russian Federation;

[clause 21.1 inserted by Federal Law No. 251-FZ of 03.07.2016]
22) amounts paid on behalf of disabled persons by organizations or private entrepreneurs for technical equipment for the prevention of disability and the rehabilitation of disabled persons, and payment for the acquisition and maintenance of guide dogs for disabled persons;

23) rewards which are paid for treasure handed over to the state;

[24] *Lost force from 01.01.2013 – Federal Law No. 94-FZ of 25.06.2012*

[25] *Lost force from 01.01.2021 – Federal Law No. 102-FZ of 01.04.2020*

amounts of interest on state treasury bills, bonds and other state securities of the former USSR, member states of the Union State and constituent entities of the Russian Federation and on bonds and securities issued by decision of representative local government bodies;

26) income in the form of charitable assistance which is received by orphaned children, children deprived of parental care and children who are members of families in which income per family member does not exceed the minimum subsistence level which is determined in accordance with the procedure established by laws of constituent entities of the Russian Federation, irrespective of the source of payment;

[clause 26 as reworded by Federal Law No. 382-FZ of 29.11.2014]

[27]-27.1) *Lost force from 01.01.2016 – Federal Law No. 320-FZ of 23.11.2015*

28) income not exceeding 4,000 roubles which is received on each of the following grounds during the tax period: [as amended by Federal Law No. 71-FZ of 30.06.2005]

- the value of gifts received by taxpayers from organizations or private entrepreneurs; [as amended by Federal Law No. 78-FZ of 01.07.2005]

- the value of prizes in monetary and non-monetary form which are received by taxpayers at contests and competitions which are held in accordance with decisions of the Government of the Russian Federation, legislative (representative) state bodies or representative local government bodies;

- amounts of material assistance which is provided by employers to their employees and to former employees who left employment in connection with retirement on a disability or old age pension;

- amounts paid (reimbursed) by employers to their employees or their spouses, parents, children (including adopted children) and wards (aged up to 18 years), to their former employees (old age pensioners) and to disabled persons to cover the cost of medicinal products for medical use acquired by them (for them) which were prescribed for them by a doctor. An exemption from taxation shall be granted subject to the presentation of documents which confirm actual expenditures on the acquisition of such medicinal products for medical use; [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 279-FZ of 29.12.2012, No. 317-FZ of 25.11.2013]

- the value of any winnings and prizes which are received in competitions, games and other events which are organized for the purpose of advertising goods (work and services);
- amounts of material assistance provided to disabled persons by social organizations of disabled persons;  
[in paragraph inserted by Federal Law No. 103-FZ of 20.08.2004]

- the value of winnings received by participants in games of chance and participants in lotteries;  
[in paragraph inserted by Federal Law No. 354-FZ of 27.11.2017]

amounts of material assistance rendered by an organization that carries on core curriculum-based educational activities to students (trainee officers), postgraduate students, postgraduate trainees, staff physicians and research assistants;  
[in paragraph inserted by Federal Law No. 327-FZ of 29.09.2019]

28.1) income received before 1 January 2029 from the sale of electrical energy generated by microgeneration facilities belonging to a taxpayer on the basis of ownership or on another legal basis;  

29) income of soldiers, sailors, sergeants and sergeant-majors who are doing military service on call-up and of persons who have been called up for military preparations in the form of monetary allowances, per diem allowances and other amounts which are received at the place of service or at the place where military preparations are undertaken;  
[as amended by Federal Law No. 166-FZ of 29.12.2000]

30) amounts which are paid to physical persons by electoral commissions, by referendum commissions and from the resources of election funds of candidates for the post of President of the Russian Federation, candidates for the posts of deputies of the State Duma, candidates for posts of deputies of the legislative (representative) state body of a constituent entity of the Russian Federation, candidates for a post in another state body of a constituent entity of the Russian Federation which is provided for in the constitution or charter of the constituent entity of the Russian Federation and is elected directly by citizens, candidates for posts of deputies of the representative body of a municipality, candidates for the post of head of a municipality or for another post which is provided for in the charter of a municipality and is filled by means of direct elections, election funds of electoral associations and election funds of regional divisions of political parties which are not electoral associations, and from the resources of referendum funds of an initiative group for the holding of a referendum of the Russian Federation, a referendum of a constituent entity of the Russian Federation or a local referendum, an initiative campaign group for a referendum of the Russian Federation and other groups of participants in a referendum of a constituent entity of the Russian Federation or a local referendum for the performance by those persons of work which is directly associated with the conduct of election campaigns and referendum campaigns;  

[30.1) applied until 31 December 2020 – Federal Law No. 68-FZ of 26.03.2020]

31) payments which are made by trade union committees (including material assistance) to members of trade unions out of membership fees, with the exception of fees and other payments for the performance of employment duties, and payments which are made by youth and children’s organizations to their members out of membership fees to cover expenses associated with the organization of mass cultural, fitness and sporting events;  
[as amended by Federal Law No. 166-FZ of 29.12.2000]
32) gains from state bonds of the Russian Federation and amounts which are received in redemption of those bonds; [clause 32 inserted by Federal Law No. 71-FZ of 30.05.2001]

33) assistance (in monetary form and in kind) and gifts which are received by veterans of the Great Patriotic War, workers on the Home Front in the Great Patriotic War, persons disabled as a result of the Great Patriotic War, widows of servicemen who were killed during the war with Finland, the Great Patriotic War and the war with Japan, widows of deceased persons who were disabled as a result of the Great Patriotic War, former prisoners of Nazi concentration camps, prisons and ghettos and former prisoners of war during the Great Patriotic War, and by persons who, as minors, were prisoners of concentration camps, ghettos and other places of forced imprisonment set up by the Fascists and their allies during the Second World War, out of: [as amended by Federal Law No. 396-FZ of 29.12.2015]

- resources of budgets of the budget system of the Russian Federation; [paragraph inserted by Federal Law No. 396-FZ of 29.12.2015]

- resources of foreign states - in the amount of assistance rendered; [paragraph inserted by Federal Law No. 396-FZ of 29.12.2015]

- resources of other persons - in an amount not exceeding 10,000 roubles for a tax period; [paragraph inserted by Federal Law No. 396-FZ of 29.12.2015] [clause 33 inserted by Federal Law No. 71-FZ of 30.06.2005]

34) income received by taxpayers in connection with the implementation of additional measures to support families with children in the cases and in accordance with the procedure which are laid down in Federal Law No. 256-FZ of 29 December 2006 “Concerning Additional Measures of State Support for Families with Children” and in laws of constituent entities of the Russian Federation and municipal legal acts which have been adopted in accordance with that Federal Law; [clause 34 as reworded by Federal Law No. 205-FZ of 29.11.2012]

35) amounts received by taxpayers from the resources of budgets of the budget system of the Russian Federation as compensation for expenditures (a portion of expenditures) on the payment of interest on loans (credits); [clause 35 inserted by Federal Law No. 216-FZ of 24.07.2007]

36) amounts of payments for the acquisition and (or) construction of residential accommodation which have been granted from the resources of the federal budget, the budgets of constituent entities of the Russian Federation and local budgets; [clause 36 inserted by Federal Law No. 284-FZ of 29.11.2007]

37) income in the form of amounts of income from investment which are used for the acquisition (construction) of dwellings by participants in the savings and mortgage system of housing provision for servicemen in accordance with Federal Law No. 117-FZ of 20 August 2004 “Concerning the Savings and Mortgage System of Housing Provision for Servicemen”; [clause 37 inserted by Federal Law No. 324-FZ of 04.12.2007]

37.1) amounts of partial payment from federal budget resources for the cost of a new motor vehicle under the experimental scheme to encourage the acquisition of new motor vehicles in
37.2) income received by medical workers and teachers in the form of one-time compensation payments that are financed in accordance with the rules appended to the relevant state programme of the Russian Federation approved by the Government of the Russian Federation;
[clause 37.2 as reworded by Federal Law No. 68-FZ of 26.03.2020]

37.3) amounts of payment of part of the initial instalment towards the purchase of a motor vehicle which are granted out of federal budget resources where credit for the acquisition of a motor vehicle is arranged in accordance with a procedure to be approved by the Government of the Russian Federation;
[clause 37.3 inserted by Federal Law No. 335-FZ of 27.11.2017]

38) contributions for co-financing of the formation of pension savings which are allocated by way of the provision of state support for the formation of pension savings in accordance with the Federal Law “Concerning Additional Insurance Contributions for a Funded Pension and State Support for the Formation of Pension Savings”;
[clause 38 inserted by Federal Law No. 55-FZ of 30.04.2008; as amended by Federal Law No. 177-FZ of 29.06.2015]

39) employer contributions paid in accordance with the Federal Law “Concerning Additional Insurance Contributions for a Funded Pension and State Support for the Formation of Pension Savings”, in the amount of contributions paid, but not more than 12,000 roubles a year calculated for each employee for whom contributions were paid by the employer.
[clause 39 inserted by Federal Law No. 55-FZ of 30.04.2008; as amended by Federal Law No. 177-FZ of 29.06.2015]

40) amounts paid by organizations (private entrepreneurs) to their employees as reimbursement for expenditures on the payment of interest on loans (credits) for the acquisition and (or) construction of a dwelling, which are included in the composition of expenses which are taken into account in determining the tax base for tax on the profit of organizations;
[clause 40 inserted by Federal Law No. 158-FZ of 22.07.2008 (Rev. 21.11.2011)]

41) income in the form of the following property ownership of which was received by a taxpayer free of charge:

- a dwelling provided on the basis of a decision of a federal executive body in cases provided for in Federal Law No. 76-FZ of 27 May 1998 “Concerning the Status of Servicemen”;

- a dwelling and (or) a land parcel from state or municipal ownership in cases and in accordance with the procedure established by the legislation of the Russian Federation and legislation of constituent entities of the Russian Federation;
[clause 41 as reworded by Federal Law No. 205-FZ of 29.11.2012]

41.1) income received by a taxpayer in connection with the implementation of the programme for the renovation of housing stock in the city of Moscow in accordance with Law No. 4802-1 of the Russian Federation of 15 April 1993 “Concerning the Status of the Capital City of the Russian Federation” (hereinafter referred to as “the Moscow housing stock renovation programme”) either in monetary form by way of equivalent compensation or in kind in the form of a dwelling or an interest (interests) therein provided on an ownership basis in place of a
vacated dwelling or interest (interests) therein;
[clause 41.1 inserted by Federal Law No. 352-FZ of 27.11.2017]

41.2) monetary compensation in place of a land parcel allocable from state or municipal ownership if such compensation is established by the legislation of the Russian Federation or the legislation of a constituent entity of the Russian Federation;
[clause 41.2 inserted by Federal Law No. 147-FZ of 17.06.2019]

42) resources which are received by parents (legal representatives) of children who attend educational organizations which carry out a pre-school education programme in the form of compensation for a portion of parents’ fees for the supervision and care of children at those organizations, as provided for in Federal Law No. 273-FZ of 29 December 2012 “Concerning Education in the Russian Federation”;
[clause 42 as reworded by Federal Law No. 285-FZ of 04.10.2014]


44) income in kind in the form of meals provided to employees who are engaged to carry out seasonal agricultural work;
[clause 44 inserted by Federal Law No. 117-FZ of 03.06.2009]

45) income in monetary form and in kind in the form of payment for travel to and from a place of education for persons under the age of 18 years who are pupils of Russian pre-school and general education institutions which have an appropriate licence;
[clause 45 inserted by Federal Law No. 117-FZ of 03.06.2009]

46) income gained from the full or partial termination of the obligation to pay debt, income in the form of material benefit and other income in monetary form and (or) in kind received by taxpayers who are victims of terrorist acts in the territory of the Russian Federation, natural disasters or other extraordinary circumstances, and (or) by physical persons who are members of their families, in connection with those events;
[clause 46 as reworded by Federal Law No. 323-FZ of 29.09.2019]

46.1) income received as a charge for the lease (rent payment) of dwellings from physical persons referred to in clause 46 of this Article within the limit of amounts granted to such persons for the purposes of the lease (rent) of a dwelling from the resources of budgets of the budget system of the Russian Federation;
[clause 46.1 inserted by Federal Law No. 323-FZ of 29.09.2019]

47) income received by taxpayers in the form of the value of air time and (or) print space provided to them without consideration in accordance with the legislation of the Russian Federation concerning elections and referenda;
[clause 47 inserted by Federal Law No. 161-FZ of 17.07.2009]

48) amounts of pension savings recorded in the special part of an individual ledger account and (or) in the pension account for a funded pension with a non-state pension fund which are payable to the legal successors of a deceased insured person; [as amended by Federal Laws No. 330-FZ of 21.11.2011, No. 177-FZ of 29.06.2015]

48.1) income of a borrower (a legal successor of a borrower) in the form of the amount of indebtedness in respect of a credit agreement, interest charges and punitive sanctions and
penalties recognised by a court which is extinguished by the creditor – beneficiary from
insurance benefit under insurance agreements concluded by the borrower (creditor) against the
death or disablement of the borrower and under agreements concluded by the borrower
(creditor) on the insurance of property used as security for the borrower’s obligations (a
pledge), within the limit of the amount of the borrower’s indebtedness in respect of borrowed
(credit) resources, interest charges and punitive sanctions and penalties which have been
recognised by a court;

[clause 48.1 inserted by Federal Law No. 229-FZ of 27.07.2010, as amended by Federal Law No. 420-FZ of
28.12.2013]

[49-51) Lost force from 01.01.2017 – Federal Law No. 242-FZ of 30.07.2010]

52) income in the form of property (including monetary resources) which were transferred for
the formation or replenishment of special-purpose capital of a non-commercial organization
and have been received by a taxpayer – donor in connection with the break-up of the special-
purpose capital of the non-commercial organization or the withdrawal of a donation or in
another case where the return of property transferred for the replenishment of special-purpose
capital of a non-commercial organization is provided for in the donation agreement and (or)
Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation
and Use of Special-Purpose Capital of Non-Commercial Organizations”.

Where the monetary equivalent of immovable property and (or) securities which were
transferred for the replenishment of special-purpose capital of a non-commercial organization
in accordance with Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure
for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations” is
repaid to the donor, the income of the donor shall be exempt from taxation to the extent of the
amount of documented expenses for the acquisition, storage or maintenance of the property in
question which the donor had incurred as at the date on which the property was transferred to
the non-commercial organization which was the owner of the special-purpose capital for the
replenishment of the special-purpose capital of the non-commercial organization.

If , as at the date on which immovable property was transferred to a non-commercial
organization for the replenishment of its special-purpose capital in accordance with the
procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure
for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”, the property in question had been owned by the taxpayer – donor for three or
more years, the full amount of income received by the donor upon the repayment of the
monetary equivalent of that property shall be exempt from taxation; [clause 52 inserted by Federal
Law No. 328-FZ of 21.11.2011]

53) a lump-sum payment which is made in accordance with the procedure established by the
Federal Law “Concerning the Procedure for the Financing of Payments from Pension Savings”;
[clause 53 inserted by Federal Law No. 359-FZ of 30.11.2011]

54) a fixed-term pension payment which is made in accordance with the procedure established
by the Federal Law “Concerning the Procedure for the Financing of Payments from Pension
Savings”;
[clause 54 inserted by Federal Law No. 359-FZ of 30.11.2011]
55) income in kind in the form of payment for services rendered to tourists in the context of the provision of emergency assistance to tourists in accordance with Federal Law No. 132-FZ of 24 November 1996 “Concerning the Fundamental Principles of Tourism Activities in the Russian Federation”;
[clause 55 inserted by Federal Law No. 47-FZ of 03.05.2012]

56) income in monetary form and in kind which is received for the performance of employment duties by way of payments in any form in the period up to 31 December 2019 from FIFA (Fédération Internationale de Football Association) and foreign subsidiary organizations of FIFA, confederations, foreign national football associations, foreign manufacturers of FIFA media information and foreign suppliers of FIFA goods (work and services) which are referred to in the Federal Law “Concerning the Preparation 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 Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”; 
[clause 56 inserted by Federal Law No. 108-FZ of 07.06.2013; as amended by Federal Law No. 101-FZ of 01.05.2019]

57) income in monetary form and in kind which is received for supplies of goods and the rendering of services from foreign organizations by FIFA-listed persons specified in the Federal Law “Concerning the Preparation 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 Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” who entered and left the territory of the Russian Federation within the period sixty days before the first match of the 2018 FIFA World Cup and the 2017 FIFA Confederations Cup and sixty days after the last match of each of the sporting competitions contemplated by the above-mentioned Federal Law;
[clause 57 inserted by Federal Law No. 108-FZ of 07.06.2013; as amended by Federal Law No. 101-FZ of 01.05.2019]

58) income received from a foreign organization for which the actual source is Russian organizations, to which the taxpayer has an actual right and on which tax has been withheld in line with the provisions of Article 312 of this Code. The tax exemption established by this clause shall be applied on the basis of documents confirming that tax has actually been withheld by the tax agent and that the taxpayer has an actual right to the income;
[clause 58 as reworded by Federal Law No. 32-FZ of 15.02.2016]

59) income in monetary form and in kind in the context of measures of support, including compensations and other payments (excluding payments to compensate for accommodation costs), which are provided by an employer within the limits of funds provided for in a certificate for the attraction of labour resources to constituent entities of the Russian Federation included in the list of constituent entities of the Russian Federation for which the attraction of labour resources is a priority, which is received by an employer in accordance with Law No. 1032-1 of the Russian Federation of 19 April 1991 “Concerning Employment in the Russian Federation”; 
[clause 59 inserted by Federal Law No. 465-FZ of 29.12.2014]

60) income in monetary form and (or) in kind received upon the liquidation of a foreign organization (the termination (liquidation) of a foreign unincorporated entity) by a taxpayer-shareholder (participant, unit holder, founder or controlling person of a foreign organization or
controlling person of a foreign unincorporated entity) who has the right to receive the income in question, and in the form of material gain received from the acquisition of securities from such a foreign organization (foreign unincorporated entity) by a taxpayer such as is referred to in this paragraph, provided that the following conditions are simultaneously met: [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 34-FZ of 19.02.2018]

- the taxpayer has presented to the tax authority, together with the tax declaration, an application drawn up in any form for the income in question to be exempted from taxation, stating the characteristics of the property (property rights) received and of the foreign organization (foreign unincorporated entity) being liquidated and accompanied by documents containing information on the value of property (property rights) according to the accounting data of the foreign organization (foreign unincorporated entity) being liquidated as at the date of the receipt of the property (property rights) from the foreign organization in question; [as amended by Federal Law No. 32-FZ of 15.02.2016]

- the process of the liquidation (termination) of the foreign organization (foreign unincorporated entity) is completed by 1 March 2019 (taking into account the special considerations established by paragraphs 4 and 5 of this clause). [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 34-FZ of 19.02.2018]

In the event that the decision of the shareholders (founders) or other authorized persons on the liquidation of a foreign organization was adopted before 1 July 2018 but the liquidation process cannot be completed before 1 March 2019 owing to restrictions and (or) requirements established by the personal law of that organization or its involvement in legal proceedings, the condition established by paragraph 3 of this clause shall be deemed to have been met if the liquidation is completed within 365 consecutive calendar days counting from the date of the termination of those restrictions and requirements and (or) legal proceedings. [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 436-FZ of 28.12.2017, No. 34-FZ of 19.02.2018]

Where the personal law of a foreign organization establishes a condition in the form of a minimum period of possession by a taxpayer of shares (participating interests, units) in that organization and (or) in subsidiary organizations thereof and (or) foreign unincorporated entities below which that taxpayer is required to pay an appropriate amount of foreign tax, and in this respect the commencement of that period fell on a date before 1 January 2015 while the end of that period falls on a date after 1 March 2019, the condition established by paragraph 3 of this clause shall be deemed to have been met if the liquidation of the foreign organization in question is completed within 365 consecutive calendar days counting from the date on which that minimum period of possession ends; [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 34-FZ of 19.02.2018]

[clause 60 inserted by Federal Law No. 150-FZ of 08.06.2015]

60.1) income in the form of securities, interests in the charter capital of a company or property rights received in ownership which was received before 31 December 2019 from a foreign organization (foreign unincorporated entity) by a taxpayer which is a shareholder in that foreign organization (a participant, unit holder, founder or controlling person of such a foreign organization or a controlling person of such a foreign unincorporated entity), and in the form of material gain received from the acquisition of securities from such a foreign organization (foreign unincorporated entity) by a taxpayer such as is referred to in this paragraph, if the following conditions are simultaneously met:
- the taxpayer was subject to restrictive measures at the date on which income was received in the form of securities, interests in the charter capital of a company or property rights received in ownership;

- the securities, interests in the charter capital of a company or property rights received in ownership by the taxpayer concerned belonged to the foreign organization (foreign unincorporated entity) at the date on which the taxpayer began to be subject to restrictive measures;

- the taxpayer submitted to the tax authority, together with a tax declaration, an application prepared in any form for the income in question to be exempted from taxation, stating the characteristics of the property (property rights) received and of the foreign organization (foreign unincorporated entity) transferring them and attaching documents containing information on the value of the property (property rights) according to the accounting data of the transferring foreign organization (foreign unincorporated entity) as at the date on which the property (property rights) was (were) received from that foreign organization (foreign unincorporated entity);

- the taxpayer submitted to the tax authority, together with a tax declaration, information on the liquidation of the foreign organization (foreign unincorporated entity) from which the securities, interests in the charter capital of a company or property rights were received in ownership. The condition established by this paragraph must be met if the income referred to in paragraph 1 of this clause was received by the taxpayer as a result of the liquidation of a foreign organization (the termination of a foreign unincorporated entity);

- the taxpayer submitted to the tax authority, together with a tax declaration, an undertaking drawn up in any form to complete the process of the liquidation of the foreign organization (foreign unincorporated entity) from which the securities, interests in the charter capital of a company or property rights were received in ownership within 365 consecutive calendar days counting from the date of expiry of restrictive measures in relation to the taxpayer, and information on the adoption of a decision of shareholders (founders) or other authorized persons on the liquidation of that foreign organization (termination of the foreign unincorporated entity) if that decision was adopted before 31 December 2019. The condition established by this paragraph must be met if the condition established by paragraph 5 of this clause is not met.

If the taxpayer fails to fulfil the undertaking referred to in paragraph 6 of this clause, the amount of tax not paid by the taxpayer to the budget owing to the application in relation to the income concerned of the tax exemption established by this clause and owing to the application by the taxpayer of the tax deduction established by subsection 2.5 of clause 2 of Article 220 of this Code and the procedure for determining expenses actually incurred which is established by clause 13.5 of Article 214.1 of this Code must be restored and paid to the budget in accordance with the established procedure with the taxpayer being charged appropriate amounts of penalties irrespective of the time of the assumption of the undertaking by the taxpayer. In this respect, the taxpayer shall have the right to apply to income which is taxable in accordance with this paragraph the tax deduction which is established by subsection 1 of clause 1 of Article 220 of this Code and the procedure for determining expenses actually incurred which is established by Article 214.1 of this Code.
Income such as is referred to in paragraph 1 of this clause shall be exempt from taxation if the conditions established by this clause are met irrespective of how the taxpayer acquired ownership of the securities, interests in the charter capital of a company or property rights concerned;

[clause 60.1 inserted by Federal Law No. 490-FZ of 25.12.2018]

61) income in the form of legal expenses provided for by civil procedure, arbitration procedure and administrative litigation legislation which were incurred by a taxpayer in connection with the examination of a case in court and have been reimbursed to the taxpayer on the basis of a court decision;

[clause 61 inserted by Federal Law No. 320-FZ of 23.11.2015]

62) income in the form of an amount of indebtedness to creditors where a taxpayer is released from claims for the payment thereof in the context of procedures applied in a bankruptcy case in accordance with the procedure established by insolvency (bankruptcy) legislation;

[clause 62 inserted by Federal Law No. 396-FZ of 29.12.2015]

62.1) income in the form of an amount of indebtedness to a creditor (an organization or a private entrepreneur) which a taxpayer is wholly or partially relieved of the requirement to pay when the obligation in question is terminated by reason of the indebtedness being declared irrecoverable in accordance with the established procedure, provided that the following conditions are met:

- the taxpayer is not a related party of the creditor and (or) does not have an employment relationship with the creditor during the entire period of existence of the obligation;

- the income in question does not effectively constitute material assistance or a form of reciprocal settlement by the organization or private entrepreneur of an obligation to the taxpayer, including payment (remuneration) for goods supplied (work performed, services rendered) by the taxpayer;

[clause 62.1 inserted by Federal Law No. 210-FZ of 26.07.2019]

62.2) income in connection with the termination in whole or in part of obligations to pay outstanding credit and (or) interest charges and income in the form of material benefit under a credit agreement concluded by the taxpayer where the following conditions are met:

- the credit was granted to the taxpayer in the period from 1 January to 31 December 2020 for the resumption of activity or for urgent needs for the support and retention of employment;

- the credit organization is granted (was granted) an interest rate subsidy in relation to the credit agreement in accordance with the procedure established by the Government of the Russian Federation.

The credit organization shall present information to the taxpayer on the granting of an interest rate subsidy in relation to the credit in the manner agreed upon between the credit organization and the taxpayer;

[clause 62.2 inserted by Federal Law No. 172-FZ of 08.06.2020]

63) income of a taxpayer from the sale of property which is realizable in the event that the taxpayer is declared bankrupt and the procedure of the realization of his property is instituted
in accordance with insolvency (bankruptcy) legislation;
[clause 63 inserted by Federal Law No. 396-FZ of 29.12.2015]

64) income in the form of compensation payments (additional compensation payments) which are payable to depositors in connection with the acquisition from them of rights (claims) in respect of deposits and on other grounds in accordance with Federal Law No. 39-FZ of 2 April 2014 “Concerning Protection of the Interests of Physical Persons Who Have Deposits with Banks and Economically Autonomous Structural Subdivisions of Banks Which Are Registered and (or) Operate in the Territory of the Republic of Crimea and in the Territory of the City of Federal Significance Sevastopol”;
[clause 64 inserted by Federal Law No. 396-FZ of 29.12.2015]

64.1) income arising in connection with the termination of a taxpayer’s obligations (in whole or in part) in accordance with Federal Law No. 422-FZ of 30 December 2015 “Concerning Special Considerations Relating to the Payment and Out-of-Court Settlement of Indebtedness of Borrowers Residing in the Territory of the Republic of Crimea or in the Territory of the City of Federal Significance Sevastopol and Concerning the Introduction of Amendments to the Federal Law “Concerning the Protection of the Interests of Physical Persons Who Have Deposits with Banks and Economically Autonomous Subdivisions of Banks Registered and (or) Operating in the Territory of the Republic of Crimea and in the Territory of the City of Federal Significance Sevastopol””;
[clause 64.1 inserted by Federal Law No. 297-FZ of 03.08.2018]

65) income in the form of an amount of indebtedness on a mortgage housing credit (loan) and material gain in the following cases:

- in the event of the restructuring of a mortgage housing credit (loan) in accordance with programmes of assistance to certain categories of borrowers to be approved by the Government of the Russian Federation, to an extent not exceeding, in aggregate with material gain such as is provided for in subsection 1 of clause 1 of Article 212 of this Code if such material gain arose from that restructuring, the maximum amount of reimbursement for each such credit (loan) established by those programmes;

- in the event that the obligation in respect of a mortgage housing credit (loan) is terminated by the rendering of alternative performance in the form of the transfer to a credit organization which is located in the territory of the Russian Federation of property which was pledged against that credit (loan), to an extent not exceeding the amount of the claims against the debtor-taxpayer under the credit agreement (loan agreement) which are secured by the mortgage;

- in the event of the partial termination of the obligation in respect of a mortgage housing credit (loan) which was issued before 1 October 2014 by a credit organization which is located in the territory of the Russian Federation to a taxpayer who is not an interdependent person in relation to that credit organization;
[clause 65 inserted by Federal Law No. 396-FZ of 29.12.2015]

65.1) income received by a taxpayer in connection with the implementation of measures of state support for families with children in accordance with the Federal Law “Concerning Measures of State Support for Families with Children in Meeting Mortgage Housing Credit (Loan) Obligations and Concerning the Introduction of Amendments to Article 13.2 of the
Federal Law “Concerning Acts of Civil Status”;  
[clause 65.1 inserted by Federal Law No. 158-FZ of 03.07.2019]

66) income of a taxpayer-controlling person which was received from a foreign company controlled by him as a result of the distribution of that company’s profit, if income in the form of profit of that company was indicated by that taxpayer in the tax declaration (tax declarations) submitted for the relevant tax periods in accordance with the procedure established by this clause.  

Income such as is referred to in this clause shall be exempt from taxation in accordance with this clause in an amount not exceeding amounts of income in the form of profit of the controlled foreign company which were indicated by the taxpayer-Russian controlling person in the tax declaration (tax declarations) submitted for the relevant tax periods.  

Income such as is referred to in this clause shall be exempt from taxation provided that the taxpayer concerned submits the following documents together with the tax declaration:

- payment documents (copies thereof) confirming that the taxpayer has paid tax on income in the form of profit of the controlled foreign company which is the source of the income in favour of the Russian controlling person and (or) has paid tax calculated on that profit in accordance with the legislation of foreign states and (or) the legislation of the Russian Federation (including income tax withheld at source) and tax on profit of organizations calculated in respect of profit of a permanent establishment of the controlled foreign company in the Russian Federation which is allowable as a credit in accordance with Article 232 of this Code;  

- documents (copies thereof) confirming that income was paid out of profit of the controlled foreign company which the taxpayer indicated as income in the tax declaration (tax declarations) submitted for the relevant tax periods.  

The provisions of this clause shall not apply to income of a taxpayer that is a controlling person that was received from a foreign company controlled by it as a result of the distribution of the profit of that company, if the date of actual receipt of income in the form of profit of that company (including fixed profit) falls within a tax period in which the taxpayer in question applied the procedure established by Article 227.2 of this Code involving the payment of tax on income of physical persons based on fixed profit;  
[paragraph inserted by Federal Law No. 368-FZ of 09.11.2020]

[clause 66 inserted by Federal Law No. 32-FZ of 15.02.2016]

67) income received in monetary form and (or) in kind from a foreign unincorporated entity, including in connection with its termination (liquidation), which does not constitute a profit distribution of that entity, within the limit of the value of property (including monetary resources) and (or) property rights previously contributed to that entity by the recipient of the income and (or) persons who are members of his family and (or) close relatives in accordance with the Family Code of the Russian Federation (spouses, parents and children, including adoptive parents and adopted children, grandfathers, grandmothers and grandchildren, siblings and half-siblings (having a common father or mother)). In this respect, where there is undistributed profit of a foreign unincorporated entity, any payments from that entity within
the limit of its undistributed profit shall be deemed to be a profit distribution for the purposes of this Code irrespective of the particular manner in which they are legally arranged.

Where property and (or) property rights income from the receipt of which is exempt from taxation in accordance with clause 60 of this Article is (are) contributed to a foreign unincorporated entity by a taxpayer such as is referred to in clause 60 of this Article and (or) persons who are members of his family and (or) close relatives in accordance with the Family Code of the Russian Federation (spouses, parents and children, including adoptive parents and adopted children, grandfathers, grandmothers and grandchildren, siblings and half-siblings (having a common father or mother)), the value of the property and (or) property rights in question shall be determined on the basis of accounting data of the foreign organization being liquidated (the foreign unincorporated entity being terminated (liquidated)) as at the date on which they were received by the taxpayer and (or) other persons referred to in this paragraph from the foreign organization (unincorporated entity) being terminated (liquidated), but not higher than the market value of the property and (or) property rights in question which is determined with account taken of Article 105.3 of this Code as at the date on which the taxpayer and (or) other persons referred to in this paragraph received them from the foreign organization (foreign unincorporated entity) being terminated (liquidated).

Foreign legal entities whose personal law does not provide for participation in capital shall be equated with foreign unincorporated entities for the purposes of this clause;


68) income in monetary form or in kind in the form of funds transferred to the taxpayer’s bank account and (or) full or partial payment made on the taxpayer’s behalf for goods and (or) services by Russian and foreign organizations, which was received as a result of the taxpayer’s participation in programmes of the above-mentioned Russian and foreign organizations involving the use of bank (payment) and (or) discount (reward) cards which are aimed at increasing a client’s level of activity in acquiring goods and services of those organizations and provide for the accrual of bonuses (points or other units reflecting a client’s level of activity in acquiring goods (work and services) of those organizations) on grounds established in the relevant programme and the payment of income in monetary form or in kind based on the quantity of accrued bonuses (points or other units reflecting a client’s level of activity in acquiring goods (work and services) of those organizations).

The tax exemption for income which is provided for in this clause shall not be applied in the following cases:

- where a taxpayer participates in programmes of Russian and foreign organizations such as are referred to in paragraph 1 of this clause which are joined other than on the basis of a public offer;

- where a taxpayer joins programmes of Russian and foreign organizations such as are referred to in paragraph 1 of this clause in which the conditions of the public offer lay down a period of less than 30 days for acceptance and (or) which allow for early revocation of the offer;

- where income such as is referred to in paragraph 1 of this clause is paid a remuneration to persons in the employment of an organization for the performance of their employment duties or as payment (remuneration) for goods supplied (work performed, services rendered) by the

[clause 69 as reworded by Federal Law No. 147-FZ of 17.06.2019]

70) income in the form of payments (remunerations) received by physical persons who are not private entrepreneurs from physical persons for the provision to them of the following services for personal, domestic and (or) other similar needs:

- supervision and care of children, sick persons, persons over 80 years of age and other persons who need constant care according to a report issued by a medical organization;

- private tuition;

- domestic cleaning and housework.

A law of a constituent entity of the Russian Federation may establish other types of services for personal, domestic and (or) other similar needs income from the provision of which is exempt from taxation in accordance with this clause.

The provisions of this clause shall apply to physical persons who have notified the tax authority in accordance with clause 7.3 of Article 83 of this Code and do not engage hired workers for the purpose of providing the services referred to in this clause;

[clause 70 inserted by Federal Law No. 401-FZ of 30.11.2016]


72) income received by taxpayers in the period from 1 January 2015 to 1 December 2017 which was received without tax being withheld by the tax agent and information on which was presented by the tax agent in accordance with the procedure established by clause 5 of Article 226 of this Code:

- in the form of remunerations for the performance of employment or other duties, the performance of work and the rendering of services;

- in the form of dividends and interest;
- in the form of material gain determined in accordance with Article 212 of this Code;

- in kind as determined in accordance with Article 211 of this Code, including gifts received by taxpayers from organizations or private entrepreneurs;

- in the form of winnings and prizes received in competitions, games and other events;  


73) income in the form of a one-time payment for the acquisition or construction of a dwelling or in the form of a dwelling provided in lieu of such a payment which is received by a taxpayer in the cases provided for in Law No. 3132-1 of the Russian Federation of 26 June 1992 “Concerning the Status of Judges in the Russian Federation”;  

[clause 73 inserted by Federal Law No. 389-FZ of 30.10.2018]

74) income in monetary form and in kind received in the period up to 31 December 2021 inclusively from UEFA (Union of European Football Associations), subsidiary organizations of UEFA, national football associations, including 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 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” in the form of payments under employment agreements on the performance of work associated with measures for the preparation for and staging in the Russian Federation of the 2020 UEFA European Football Championship which are provided for in the above-mentioned Federal Law and under civil contracts for the performance of work (rendering of services) associated with 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;  

[clause 74 inserted by Federal Law No. 101-FZ of 01.05.2019; as amended by Federal Law No. 101-FZ of 20.04.2021]

75) income in the form of profit of a controlled foreign company which is taken into account in determining the tax base in 2019 for a taxpayer who is a controlling person of such controlled foreign company.

Income referred to in this clause shall be exempt from taxation if the taxpayer is not deemed to have been a tax resident of the Russian Federation for the 2018 tax period;  

[clause 75 inserted by Federal Law No. 111-FZ of 29.05.2019]


[clause 76 inserted by Federal Law No. 147-FZ of 17.06.2019]
77) income in monetary form and (or) in kind received by taxpayers in accordance with legislative acts of the Russian Federation, acts of the President of the Russian Federation, acts of the Government of the Russian Federation and laws and (or) other acts of state government bodies of constituent entities of the Russian Federation in connection with the birth of a child;
[clause 77 inserted by Federal Law No. 147-FZ of 17.06.2019]

[clause 78 inserted by Federal Law No. 147-FZ of 17.06.2019; as amended by Federal Law No. 374-FZ of 23.11.2020]

79) income in monetary form and (or) in kind received by certain categories of citizens by way of social support (assistance) provided to them in accordance with legislative acts of the Russian Federation, acts of the President of the Russian Federation, acts of the Government of the Russian Federation and laws and (or) other acts of state government bodies of constituent entities of the Russian Federation;
[clause 79 inserted by Federal Law No. 147-FZ of 17.06.2019]

80) income in the form of an annual monetary payment to persons awarded an “Honoured Donor of Russia” badge, as established by Federal Law No. 125-FZ of 20 July 2012 “Concerning the Donation of Blood and Components Thereof”; 
[clause 80 inserted by Federal Law No. 147-FZ of 17.06.2019]

81) income in the form of incentive payments for the performance of especially important work, abnormal working conditions and additional workload for persons involved in the detection, prevention and control of the spread of the novel coronavirus infection, including those who render medical assistance or social services to citizens diagnosed with the novel coronavirus infection and persons in risk groups for the novel coronavirus infection, which are made on the basis of federal laws, acts of the President of the Russian Federation and acts of the Government of the Russian Federation and are funded from budget allocations in the federal budget and (or) the budget of a constituent entity of the Russian Federation;
[clause 81 as reworded by Federal Law No. 172-FZ of 08.06.2020]

82) income in the form of the subsidies referred to in subsection 60 of clause 1 of Article 251 of this Code;
[clause 82 inserted by Federal Law No. 121-FZ of 22.04.2020]

83) income in the form of a subsidy (grant in the form of a subsidy) funded from budget allocations in the federal budget which was received by a physical person in 2020 in an amount corresponding to the amount of tax on professional income paid by that physical person for
2019 as a taxpayer of tax on professional income;

[clause 83 inserted by Federal Law No. 172-FZ of 08.06.2020]

84) income referred to in paragraphs 4 and 8 of clause 1.1 of Article 208 of this Code in the form of dividends on shares, depositary receipts certifying rights to shares, and participating interests in a foreign organization or income in the form of a profit distribution of a foreign unincorporated entity that was received by the taxpayer where, in accordance with clause 1.1 of Article 208 of this Code, income in the form of dividends such as is referred to in subsection 1.1 of clause 1 of Article 208 of this Code is deemed to have been reflected by the taxpayer in a tax declaration;

[clause 84 inserted by Federal Law No. 374-FZ of 23.11.2020]

85) income in kind arising when employees of medical organizations, residential social services organizations, in-patient departments established at non-residential social services organizations and other persons in risk groups for the novel coronavirus infection are provided with meals and (or) temporary accommodation if those persons are obliged, including on the basis of documents of those organizations, to perform their duties in isolation while restrictive measures are in place in connection with the novel coronavirus infection;

[clause 85 inserted by Federal Law No. 374-FZ of 23.11.2020]

86) income referred to in subsection 61 of clause 1 of Article 251 of this Code.

[clause 86 inserted by Federal Law No. 305-FZ of 02.07.2021]

**Article 217.1. Special Considerations Relating to the Exemption from Taxation of Income from the Sale of Items of Immovable Property**

[inserted by Federal Law No. 382-FZ of 29.11.2014]

1. The exemption from taxation of income such as is referred to in paragraph 2 of clause 17.1 of Article 217 of this Code which is received by physical persons for a particular tax period, and the determination of the tax base in the case of the sale of immovable property, shall take place with account taken of the special considerations established by this Article. [as amended by Federal Law No. 424-FZ of 27.11.2018]

2. Except as otherwise established by this Article, income which is received by a taxpayer from the sale of an item of immovable property shall be exempt from taxation provided that the property has been owned by the taxpayer for the minimum period of possession of an item of immovable property or more.

For the purposes of this clause and clause 3 of this Article, in the case of the sale of a dwelling or an interest (interests) therein which were provided on an ownership basis in place of a vacated dwelling or interest (interests) therein in connection with the implementation of the Moscow housing stock renovation programme, in calculating the minimum period of possession of the dwelling or interest (interests) therein being sold the period of time for which a taxpayer has owned that dwelling or interest (interests) therein shall be taken to include the period of time for which the taxpayer owned the vacated dwelling or interest (interests) therein.

[paragraph inserted by Federal Law No. 352-FZ of 27.11.2017]

In calculating the minimum period of possession of a dwelling or an interest (interests) therein which were provided to a taxpayer on an ownership basis in connection with the implementation of the Moscow housing stock renovation programme, the provisions of clause 3 of this Article shall apply if the ownership right in a dwelling or an interest (interests) therein
which were vacated in connection with the implementation of that programme was received subject to at least one of the conditions stipulated by clause 3 of this Article being met. [paragraph inserted by Federal Law No. 352-FZ of 27.11.2017]

For the purposes of this Article, in the case of the sale of a dwelling or an equity interest (equity interests) therein acquired by the taxpayer under an agreement on participation in shared-equity construction (under a shared-equity construction investment agreement or under another agreement related to shared-equity construction) or under an agreement on participation in a housing construction co-operative, the minimum period of ownership of that dwelling or equity interest (equity interests) therein shall be calculated from the date of full payment of the cost of the dwelling or equity interest (equity interests) therein in accordance with the relevant agreement, which shall not include, for those purposes, any additional payment made in connection with the area of the dwelling being increased after the construction project has been commissioned. In the case of the sale of a dwelling or an equity interest (equity interests) therein acquired by the taxpayer under an agreement on the assignment of claims under an agreement on participation in shared-equity construction (under a shared-equity construction investment agreement or under another agreement related to shared-equity construction), the minimum period of ownership of that dwelling or equity interest (equity interests) therein shall be calculated from the date on which full payment was made for the claims in accordance with that agreement on the cession of claims. [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020; as amended by Federal Law No. 305-FZ of 02.07.2021]

3. For the purposes of this Article, the minimum period of possession of an item of immovable property shall be three years for items of immovable property in relation to which at least one of the following conditions is met:

1) the right of ownership in the item of immovable property was received by the taxpayer by inheritance or under a gift agreement from a physical person who is recognised as a member of the family and (or) a close relative of the taxpayer in accordance with the Family Code of the Russian Federation;

2) the right of ownership in the item of immovable property was received by the taxpayer as a result of privatization;

3) the right of ownership in the item of immovable property was received by a taxpayer who is an annuity payer as a result of the transfer of property under a lifetime estate agreement;

4) as at the date of state registration of the transfer from the taxpayer to the buyer of the right of ownership in a sold item of immovable property in the form of a room, an apartment, a dwelling house, a part of an apartment or a part of a dwelling house (hereafter in this subsection referred to as “dwelling”), or of an ownership interest in a dwelling, the taxpayer does not own (including jointly with a spouse) any other dwelling (ownership interest in a dwelling).

In this respect, a dwelling (an ownership interest in a dwelling) that was acquired by a taxpayer and (or) his (her) spouse within 90 calendar days before the date of state registration of the transfer of the right of ownership in the sold dwelling (sold ownership interest in a dwelling) from the taxpayer to the buyer shall not be taken into account for the purposes of this subsection.
Where the conditions established by this subsection are met in relation to a dwelling (an ownership interest in a dwelling), the provisions of this clause shall apply to the land parcel on which the dwelling in question is situated (the ownership interest in the land parcel that is connected with the ownership interest in the dwelling in question) and utility structures and (or) installations that are situated on that land parcel.

[subsection 4 inserted by Federal Law No. 210-FZ of 26.07.2019]

4. In cases not referred to in clause 3 of this Article, the minimum period of possession of an item of immovable property shall be five years.

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

6. A law of a constituent entity of the Russian Federation may, for all or some categories of taxpayers and (or) items of immovable property, reduce as far as zero:

1) the minimum period of possession of an item of immovable property which is referred to in clause 4 of this Article;

2) the level of the decrease coefficient which is referred to in Article 214.10 of this Code. [as amended by Federal Law No. 325-FZ of 29.09.2019]

Article 218. Standard Tax Deductions

1. For the purposes of determining tax bases in accordance with clause 3 or 6 of Article 210 of this Code, a taxpayer shall have a right to the following standard tax deductions: [as amended by Federal Laws No. 216-FZ of 24.07.2007, No. 372-FZ of 23.11.2020]

1) a tax deduction of 3,000 roubles for each month of the tax period shall apply to the following categories of taxpayers:

- persons who contracted or endured radiation sickness and other diseases associated with radiation effects as a result of the disaster at the Chernobyl Atomic Power Plant or in connection with work on the rectification of the consequences of the disaster at the Chernobyl Atomic Power Plant;

- persons who became disabled as a result of the disaster at the Chernobyl Atomic Power Plant among persons who took part in rectifying the consequences of the disaster within the boundaries of the exclusion zone of the Chernobyl Atomic Power Plant, or who were engaged in operation or other work at the Chernobyl Atomic Power Plant (including those who were sent or posted there temporarily), servicemen and reservists called up for special preparations and enlisted to perform work associated with rectifying the consequences of the disaster at the Chernobyl Atomic Power Plant, irrespective of where those persons were stationed and of the nature of the work which they performed, and members of the rank and file and commanding officers of internal affairs bodies, the State Fire-Fighting Service and the federal fire-fighting service of the State Fire-Fighting Service, persons who served in forces of the national guard of the Russian Federation and have special police ranks and employees of internal affairs bodies and the federal fire-fighting service of the State Fire-Fighting Service who served (are serving) in the exclusion zone, persons who were evacuated from the exclusion zone of the Chernobyl Atomic Power Plant and resettled out of the evacuation zone or who departed voluntarily from those zones, and persons who gave their bone marrow in order to save the life of victims of the
disaster at the Chernobyl Atomic Power Plant, irrespective of the period which has elapsed since the bone marrow transplant operation and the time in which they become disabled as a result; [as amended by Federal Laws No. 116-FZ of 25.07.2002, No. 108-FZ of 29.05.2019]

- persons who participated in 1986 to 1987 in work involving the rectification of the consequences of the disaster at the Chernobyl Atomic Power Plant within the boundaries of the exclusion zone of the Chernobyl Atomic Power Plant or who were engaged during that period in work associated with the evacuation of the population, material valuables and farm animals and in operation or other work at the Chernobyl Atomic Power Plant (including those who were sent or posted there temporarily);

- servicemen, citizens discharged from military service and reservists called up for special preparations and enlisted during that period to perform work associated with rectifying the consequences of the disaster at the Chernobyl Atomic Power Plant, including airlift and engineering civil aviation personnel, irrespective of where they were stationed and of the nature of work which they performed; [as amended by Federal Law No. 166-FZ of 29.12.2000]


- servicemen, citizens discharged from military service and reservists called up for military preparations who participated in 1988 to 1990 in work on the “Ukrytiye” site; [as amended by Federal Law No. 166-FZ of 29.12.2000]

- persons who became disabled having contracted or endured radiation sickness and other diseases as a result of the accident in 1957 at the “Mayak” Production Association and the dumping of radioactive waste into the River Techa among persons who directly participated (including those who were sent or posted there temporarily) in 1957 to 1958 in work associated with rectifying the consequences of the accident in 1957 at the “Mayak” Production Association, and those who were engaged in work involving the implementation of protective measures and the rehabilitation of radiation-contaminated areas along the River Techa in 1949 to 1956, persons who directly participated (including those who were sent or posted there temporarily) in 1959 to 1961 in work associated with rectifying the consequences of the accident in 1957 at the “Mayak” Production Association, persons who were evacuated (resettled) or who voluntarily departed from inhabited localities which were exposed to radioactive pollution as a result of the accident in 1957 at the “Mayak” Production Association and the dumping of radioactive waste into the River Techa, including children who at the time of evacuation were at an embryonic stage of development and other children, and servicemen and the civilian staff of military units and other special personnel who were evacuated in 1957 from the radioactive pollution zone (in this respect, citizens who departed voluntarily shall include persons who departed in the period from 29 September 1957 to 31 December 1958 inclusively from inhabited localities which were exposed to radioactive pollution as a result of the accident in 1957 at the “Mayak” Production Association and persons departed between 1949 and 1956 inclusively from inhabited localities which were exposed to radioactive pollution as a result of the dumping of radioactive waste into the River Techa, persons residing in inhabited localities which were exposed to radioactive pollution as a result of the accident in 1957 at the “Mayak” Production Association and the dumping of radioactive waste into the
River Techa where the average annual effective equivalent irradiation dose as at 20 May 1993 exceeded 1 Msv (over and above the natural radiation level for that locality) and persons who voluntarily departed to a new place of residence from inhabited localities which were exposed to radioactive pollution as a result of the accident in 1957 at the “Mayak” Production Association and the dumping of radioactive waste into the River Techa where the average annual effective equivalent irradiation dose as at 20 May 1993 exceeded 1 Msv (over and above the natural radiation level for that locality);

- persons who directly participated in tests of nuclear weapons in the atmosphere and tests of military radioactive substances and in exercises involving the use of such weapons before 31 January 1963;

- persons who directly participated in underground tests of nuclear weapons under irregular radiation conditions and the effects of other damaging factors of nuclear weapons;

- persons who directly participated in rectifying radiation accidents which occurred on nuclear installations of surface and submarine vessels and at other military sites and were registered according to the established procedure by the federal executive body in charge of defence; [as amended by Federal Law No. 58-FZ of 29.06.2004]

- persons (including servicemen) who directly participated in work involving the assembly of nuclear charges before 31 December 1961;

- persons who directly participated in underground tests of nuclear weapons, and in carrying out and supporting work relating to the collection and burial of radioactive substances;

- persons who became disabled as a result of participation in the Great Patriotic War;

- disabled persons among servicemen who became disabled persons of groups I, II and III as a result of wounding, contusion or maiming received while defending the USSR or the Russian Federation or while carrying out other military service duties, or as a result of sickness connected with service at the front, or among former partisans and other categories of disabled persons who are equated with the above-mentioned categories of servicemen for the purposes of pension provision;

2) a tax deduction of 500 roubles for each month of the tax period shall apply to the following categories of taxpayers:

- Heroes of the Soviet Union and Heroes of the Russian Federation and persons awarded three classes of the Order of Glory;

- persons within the civilian staff of the Soviet Army, the USSR Navy, internal affairs bodies of the USSR and state security bodies of the USSR who held established posts in military units, staffs and institutions which were part of the active army during the Great Patriotic War, or persons who, during that period, were resident in towns with respect to which participation in the defence thereof is included for such persons in the period of service for the purposes of the allocation of a pension on the preferential terms which are established for servicemen of units of the active army;
- participants in the Great Patriotic War and in combat operations for the defence of the USSR among servicemen who served in military units, staffs and institutions which were part of the army, and former partisans; [paragraph inserted by Federal Law No. 166-FZ of 29.12.2000]

- persons who were resident in Leningrad during the blockade of that city in the years of the Great Patriotic War from 8 September 1941 to 27 January 1944 inclusively (irrespective of the period for which they were resident);

- persons, including minors, who were prisoners of concentration camps, ghettos and other places of forced imprisonment set up by Fascist Germany and their allies during the Second World War;

- persons disabled from childhood and disabled persons of groups I and II;

- persons who contracted or endured radiation sickness and other sicknesses connected with radiation load as a result of the consequences of radiation disasters at atomic installations, both civil and military, and as a result of tests, drills and other work connected with any types of nuclear installations, including nuclear weaponry and space equipment;

- junior and medium-level medical personnel, doctors and other employees of medical institutions (with the exception of persons whose professional activities involve work with any types of source of ionizing radiation under the conditions of a radiation environment at their place of employment corresponding to the type of work carried out) who received above-normal doses of irradiation while rendering medical assistance and services in the period from 26 April to 30 June 1986 and victims of the disaster at the Chernobyl Atomic Power Plant who are a source of ionizing radiation;

- persons who have donated bone marrow in order to save people’s lives;

- workers and employees, former servicemen and retired members of the rank and file and commanding officers of internal affairs bodies, the State Fire-Fighting Service and the federal fire-fighting service of the State Fire-Fighting Service, persons who served in forces of the national guard of the Russian Federation and have special police ranks and employees of internal affairs bodies, penal institutions and bodies and the federal fire-fighting service of the State Fire-Fighting Service who contracted occupational sicknesses associated with radiation effects during work in the exclusion zone of the Chernobyl Atomic Power Plant; [as amended by Federal Laws No. 116-FZ of 25.07.2002, No. 108-FZ of 29.05.2019]

- persons (including those sent or posted there temporarily) who directly participated in 1957 to 1958 in work on the rectification of the consequences of the accident in 1957 at the “Mayak” Production Association, and those who were engaged in work involving the implementation of protective measures and the rehabilitation of radiation-contaminated areas along the River Techa in the period 1949 to 1956;

- persons who were evacuated (resettled) or who voluntarily departed from inhabited localities which were exposed to radioactive pollution as a result of the accident in 1957 at the “Mayak” Production Association and the dumping of radioactive waste into the River Techa, including children who at the time of evacuation (resettlement) were at an embryonic stage of development and other children, and former servicemen and the civilian staff of military units
and other special personnel who were evacuated in 1957 from the radioactive pollution zone. In this respect, persons who departed voluntarily shall include persons who departed between 29 September 1957 and 31 December 1958 inclusively from inhabited localities which were exposed to radioactive pollution as a result of the accident in 1957 at the “Mayak” Production Association and those who departed between 1949 and 1956 inclusively from inhabited localities which were exposed to radioactive pollution as a result of the dumping of radioactive waste into the River Techa;

- persons who were evacuated (including those who departed voluntarily) in 1986 from the exclusion zone of the Chernobyl Atomic Power Plant which was exposed to radioactive pollution as a result of the accident at the Chernobyl Atomic Power Plant, or who were resettled (are to be resettled), including those who departed voluntarily, from the evacuation zone in 1986 and in subsequent years, including children who at the time of evacuation were (are) at an embryonic stage of development and other children;

- parents and spouses of servicemen who died as a result of wounding, contusion or maiming received while defending the USSR or the Russian Federation or in the performance of other military service duties, or as a result of a sickness connected with service at the front, and parents and spouses of civil servants who died while performing their professional duties. This deduction shall be granted to spouses of deceased servicemen and civil servants provided that they have not remarried;

- citizens retired from military service or called up for military preparations who performed internationalist duty in the Republic of Afghanistan and other countries in which there was combat action, and persons who took part in combat operations in the territory of the Russian Federation in accordance with decisions of state government bodies of the Russian Federation;

[as amended by Federal Law No. 119-FZ of 18.07.2006]


4) a tax deduction for each month of the tax period shall apply to a parent, a spouse of a parent or an adoptive parent on whom a child is dependent in the following amounts:

1,400 roubles for the first child;

1,400 roubles for the second child;

3,000 roubles for the third and each subsequent child;

12,000 roubles for each child where a child under the age of 18 years is a disabled child or for each full-time pupil, post-graduate student, trainee doctor, intern or undergraduate student under the age of 24 years if he is a disabled person of Group I or II;

a tax deduction for each month of the tax period shall apply to a guardian, custodian, foster parent or spouse of a foster parent on whom a child is dependent in the following amounts:

1,400 roubles for the first child;

1,400 roubles for the second child;
3,000 roubles for the third and each subsequent child;

6,000 roubles for each child where a child under the age of 18 years is a disabled child or for each full-time pupil, post-graduate student, trainee doctor, intern or undergraduate student under the age of 24 years if he is a disabled person of Group I or II.

A tax deduction shall be made for each child under the age of 18 years and for each full-time pupil, post-graduate student, trainee doctor, intern, undergraduate student or military school student under the age of 24 years.

A double tax deduction shall be granted to a single parent (foster parent), adoptive parent, guardian or custodian. The granting of such a tax deduction to a single parent shall cease from the month following the month in which he or she marries.

A tax deduction shall be granted to parents, the spouse of a parent, adoptive parents, guardians, custodians, foster parents and the spouse of a foster parent on the basis of their written applications and documents confirming the right to that tax deduction.

In this respect, physical persons whose child (children) resides (reside) outside the Russian Federation shall be granted a tax deduction on the basis of documents certified by the competent authorities of the state in which the child (children) resides (reside).

A double tax deduction may be granted to one of the parents (foster parents) according to their choice on the basis of an application from one of the parents (foster parents) to waive the receipt of a tax deduction.

A tax deduction shall have effect until the month in which income of the taxpayer (with the exception of income from a participating interest in the activities of organizations which is received in the form of dividends by physical persons who are tax residents of the Russian Federation) which has been calculated on a cumulative basis from the beginning of the tax period (and which is subject to the tax rate established by clause 1 of Article 224 of the Code) by the tax agent who grants the standard tax deduction exceeds 350,000 roubles.

Commencing from the month in which the above-mentioned income exceeds 350,000 roubles, the tax deduction provided for in this subsection shall cease to apply.

The reduction of the tax base shall take place from the month in which a child is born (children are born), or from the month in which adoption occurs or a guardianship (custodianship) is established, or from the month in which an agreement on the placement of a child (children) with an adoptive family enters into force, until the end of the year in which the child (children) reaches (reach) the age specified in paragraph 11 of this subsection, or the agreement on the placement of the child (children) with an adoptive family expires or is terminated early, or the child (children) dies (die). The tax deduction shall be granted for the period of the education of the child (children) at an organization which carries on educational activities, including duly documented academic leave during the education period. [as amended by Federal Law No. 346-FZ of 27.11.2017] [subsection 4 as reworded by Federal Law No. 317-FZ of 23.11.2015]
2. Taxpayers who have the right to more than one standard tax deduction in accordance with subsections 1 and 2 of clause 1 of this Article shall be granted the highest of the applicable deductions. [as amended by Federal Law No. 330-FZ of 21.11.2011]

The standard tax deduction which is established by subsection 4 of clause 1 of this Article shall be granted irrespective of whether or not a standard tax deduction which is established by subsections 1 to 3 of clause 1 of this Article is granted. [as amended by Federal Law No. 330-FZ of 21.11.2011]

3. The standard tax deductions which are established by this Article shall be granted to a taxpayer by one of the tax agents which are a source of income at the taxpayer’s choice on the basis of the taxpayer’s written application and documents confirming the right to such tax deductions. [as amended by Federal Law No. 105-FZ of 07.07.2003]

Where a taxpayer begins work in a month other than the first month of a tax period, the tax deductions which are provided for by subsection 4 of clause 1 of this Article shall be granted at that place of work with account taken of income received from the beginning of the tax period at another place of work where the taxpayer was granted tax deductions. The amount of income received shall be confirmed by a statement of income received by the taxpayer which is issued by a tax agent in accordance with clause 3 of Article 230 of this Code. [paragraph inserted by Federal Law No. 166-FZ of 29.12.2000, as amended by Federal Law No. 330-FZ of 21.11.2011]

4. In the event that, during a tax period, standard tax deductions were not granted to a taxpayer or were granted in a lesser amount than is provided for by this Article, then, after the tax period has ended, on the basis of a tax declaration and documents confirming the right to such deductions, the tax authority shall recalculate the tax base to take account of the granting of standard tax deductions in the amounts which are provided for in this Article. [as amended by Federal Laws No. 368-FZ of 27.12.2009, No. 229-FZ of 27.07.2010]

**Article 219. Social Tax Deductions**

1. For the purposes of determining the size of tax bases in accordance with clause 3 or 6 of Article 210 of this Code, the taxpayer shall have a right to the following social tax deductions:


   1) in the amount of income which is transferred by the taxpayer in the form of donations to:

   - charitable organizations;

   - socially-oriented non-commercial organizations for use by them in carrying out activities provided for in the legislation of the Russian Federation concerning non-commercial organizations;

   - non-commercial organizations which carry out activities in the area of science, culture, fitness and sports (with the exception of professional sports), education, knowledge dissemination, health care, the protection of human and civil rights and freedoms, social and legal support and protection for citizens, promotion of the protection of citizens against emergencies, environmental conservation and the protection of animals;

   - religious organizations for use by them in carrying out their statutory activities;
- non-commercial organization for the formation and (or) replenishment of special-purpose capital, which are made in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”.

The deduction referred to in this subsection shall be granted for the amount of expenses actually incurred, but not more than 25 per cent of the amount of income received in the tax period which is taxable. Where the recipients of donations are state and municipal institutions operating in the field of culture, or non-commercial organizations (foundations) where donations are transferred to them for the formation of special-purpose capital for the purpose of supporting those institutions, the deduction limit which is established by this paragraph may be increased by a law of a constituent entity of the Russian Federation to 30 per cent of the amount of taxable income received in a tax period. That law of a constituent entity of the Russian Federation may also establish categories of state and municipal institutions operating in the field of culture and non-commercial organizations (foundations) donations to which are deductible up to an increased limit. [as amended by Federal Law No. 426-FZ of 27.11.2018]

In the event that a donation in respect of which a taxpayer applied a social tax deduction in accordance with this subsection is returned to the taxpayer, including by reason of the break-up of special-purpose capital of a non-commercial organization or the withdrawal of the donation or in another case where the return of property transferred for the formation or replenishment of special-purpose capital of a non-commercial organization is provided for in the donation agreement and (or) Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”, the taxpayer shall be obliged to include the amount of the social tax deduction which was granted in connection with the transfer of the donation in question to the non-commercial organization in the tax base for the tax period in which the property or the monetary equivalent thereof was actually returned; [subsection 1 as reworded by Federal Law No. 235-FZ of 18.07.2011 (Rev. 21.11.2011)]

2) in the amount paid by the taxpayer in the tax period for his own education at organizations which carry on educational activities – to the extent of education expenses actually incurred with account taken of the limitation established by clause 2 of this Article, and in the amount paid by a taxpaying parent for the education of his children under the age of 24 years and by a taxpaying guardian (taxpaying custodian) for the education of his wards under the age of 18 years on an intramural basis at educational institutions – to the extent of expenses actually incurred for such education, but no more than 50,000 roubles for each child in total for both parents (the guardian or custodian). [as amended by Federal Laws No. 216-FZ of 24.07.2007, No. 346-FZ of 27.11.2017]

The right to receive the above-mentioned social tax deduction shall apply to taxpayers who performed the duties of a guardian or custodian over citizens who were their wards after the termination of the guardianship or custodianship in the event that the taxpayers pay for the education of those citizens up to the age of 24 years on an intramural basis at organizations which carry on educational activities. [paragraph inserted by Federal Law No. 51-FZ of 06.05.2003, as amended by Federal Laws No. 216-FZ of 24.07.2007, No. 346-FZ of 27.11.2017]

This social tax deduction shall be granted provided that the organization which carries on educational activities or the private entrepreneur (except where private entrepreneurs carry on
educational activities directly) has a licence to carry on educational activities or provided that the foreign organization has a document confirming the status of an organization which carries on educational activities, or provided that information on the carrying on of educational activities by a private entrepreneur who carries on educational activities directly is contained in the unified state register of private entrepreneurs and provided that the taxpayer presents documents which confirm actual expenses incurred for such education. [as amended by Federal Law No. 346-FZ of 27.11.2017]

The social tax deduction shall be granted for the period of the education of the above-mentioned persons at an organization which carries on educational activities, including duly documented academic leave during the education process. [as amended by Federal Law No. 346-FZ of 27.11.2017]

The social tax deduction shall not apply in the event that payment for education expenses is made out of maternity (family) capital resources which are allocated to provide for the implementation of additional measures of state support for families with children. [paragraph inserted by Federal Law No. 208-FZ of 05.12.2006]

The right to receive the above-mentioned social tax deduction shall also apply to a taxpayer who is the brother (sister) of a student where the taxpayer pays for the education of a brother (sister) aged up to 24 years on an intramural basis at organization which carries on educational activities; [paragraph inserted by Federal Law No. 120-FZ of 03.06.2009; as amended by Federal Law No. 346-FZ of 27.11.2017]

3) in the amount paid by the taxpayer in the tax period for medical services provided by medical organizations and private entrepreneurs who carry out medical activities to him and his spouse, parents, children (including adopted children) aged up to 18 years and wards aged up to 18 years (in accordance with the list of medical services approved by the Government of the Russian Federation) and to the extent of the cost of medicinal products for medical use prescribed for them by an attending doctor which are acquired by the taxpayer at his own expense. [as amended by Federal Laws No. 317-FZ of 25.11.2013, No. 147-FZ of 17.06.2019]

For the purpose of applying the social tax deduction which is provided for in this subsection, account shall be taken of amounts of insurance contributions paid by the taxpayer in the tax period under voluntary personal insurance agreements and under agreements on the voluntary insurance of a spouse, parents, children (including adopted children) aged up to 18 years and wards aged up to 18 years which have been concluded by the taxpayer with insurance organizations possessing licences to carry out the relevant type of activity and which require the insurance organizations concerned to pay only for medical services. [as amended by Federal Law No. 317-FZ of 25.11.2013]

The total amount of the social tax deduction which is provided for in paragraphs 1 and 2 of this subsection shall be taken as the amount of expenses actually incurred, but with account taken of the limitation established by clause 2 of this Article.

In the case of expensive types of treatment undertaken at medical organizations and through private entrepreneurs who carry out medical activities, the amount of the tax deduction shall be taken to be the amount of expenses actually incurred. A list of expensive types of treatment shall be approved by a decree of the Government of the Russian Federation.
The deduction of amounts paid for medical services and (or) payments of insurance contributions shall be granted to a taxpayer where medical services are provided at medical organizations or by private entrepreneurs possessing appropriate licences to carry out medical activities which have been issued in accordance with the legislation of the Russian Federation, and provided that the taxpayer presents documents which confirm his actual expenditure on medical services provided, the acquisition of medicinal products for medical use or the payment of insurance contributions. [as amended by Federal Law No. 317-FZ of 25.11.2013]

The above-mentioned social tax deduction shall be granted to a taxpayer unless payment for medical services and acquired medicinal products for medical use and (or) the payment of insurance contributions were effected at the expense of employers; [as amended by Federal Law No. 317-FZ of 25.11.2013]
[subsection 3 as reworded by Federal Law No. 279-FZ of 29.12.2012]

4) in the amount of pension contributions paid by the taxpayer in the tax period under a non-state pension agreement (non-state pension agreements) concluded by the taxpayer with a non-state pension fund for the taxpayer’s own benefit and (or) for the benefit of the taxpayer’s family members and (or) close relatives in accordance with the Family Code of the Russian Federation (spouses, parents and children, including adoptive parents and adopted children, grandfather, grandmother and grandchildren, siblings and half-siblings (having a common father or mother)) or disabled children who are under guardianship (custodianship), and (or) in the amount of insurance contributions paid by the taxpayer in the tax period under a voluntary pension insurance agreement (voluntary pension insurance agreements) concluded with an insurance organization for the taxpayer’s own benefit and (or) for the benefit of the taxpayer’s spouse (including for the benefit of a widow or widower), parents (including adoptive parents) or disabled children (including those who are adopted and under guardianship (custodianship)), and (or) in the amount of insurance contributions paid by the taxpayer in the tax period under an agreement (agreements) on voluntary life insurance, where such agreements are concluded for a period of not less than five years, which was (were) concluded with an insurance organization for his own benefit and (or) for the benefit of a spouse (including widow or widower), parents (including adoptive parents) and children (including adopted children and children under a guardianship (custodianship)) – to the extent of expenses actually incurred with account taken of the limitation established by clause 2 of this Article. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 382-FZ of 29.11.2014]

The social tax deduction which is referred to in this subsection shall be granted subject to the presentation by the taxpayer of documents confirming the taxpayer’s actual expenditure on non-state pension provision and (or) voluntary pension insurance and (or) voluntary life insurance; [as amended by Federal Law No. 382-FZ of 29.11.2014]
[subsection 4 inserted by Federal Law No. 216-FZ of 24.07.2007]

5) in the amount of additional insurance contributions for a funded pension which were paid by the taxpayer in the tax period in accordance with the Federal Law “Concerning Additional Insurance Contributions for a Funded Pension and State Support for the Formation of Pension Savings” – to the extent of expenses actually incurred with account taken of the limit established by clause 2 of this Article. [as amended by Federal Law No. 177-FZ of 29.06.2015]

The social tax deduction which is referred to in this subsection shall be granted subject to the presentation by the taxpayer of documents confirming actual expenses incurred by the taxpayer for the payment of additional insurance contributions for a funded pension in accordance with
6) in the amount paid by the taxpayer in the tax period for an independent assessment of his skills for compliance with skill requirements at organizations which carry on such activities in accordance with the legislation of the Russian Federation – to the extent of the amount of expenses actually incurred for an independent skill assessment for compliance with skill requirements subject to the limitation on that amount which is established by paragraph 7 of clause 2 of this Article.

2. The social tax deductions provided for in clause 1 of this Article shall be granted when a taxpayer submits a tax declaration to a tax authority after a tax period has ended, except as otherwise provided in this clause.

The social tax deductions provided for in subsections 2 and 3 of clause 1 of this Article and the social tax deduction in the amount of insurance contributions under a voluntary life insurance agreement (voluntary life insurance agreements) which is provided for in subsection 4 of clause 1 of this Article may be granted to a taxpayer before the end of a tax period if he makes a written application to the employer (hereafter in this clause referred to as “tax agent”), provided that the taxpayer presents to the tax agent confirmation of the taxpayer’s right to receive social tax deductions, issued by a tax authority in a form to be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. The right of a taxpayer to receive the above-mentioned social tax deductions must be confirmed by a tax authority within a time period not exceeding 30 calendar days from the date of the submission by the taxpayer to the tax authority of a written application and documents confirming the right to receive the above-mentioned social tax deductions.

The social tax deductions which are provided for in subsections 2 and 3 of clause 1 of this Article and the social tax deduction in the amount of insurance contributions under a voluntary life insurance agreement (voluntary life insurance agreements) which is provided for in subsection 4 of clause 1 of this Article shall be granted to a taxpayer by a tax agent commencing from the month in which the taxpayer applied to the tax agent for the receipt of those deductions in accordance with the procedure established by paragraph 2 of this clause.

[EY Note: A new paragraph 4 is inserted in clause 2 of Article 219 from 01.01.2022 – Federal Law No. 100-FZ of 20.04.2021]
[EY Note: Paragraph 5 of clause 2 of Article 219 is amended from 01.01.2022 – Federal Law No. 100-FZ of 20.04.2021]

In the event that, after a taxpayer applied to a tax agent in accordance with the established procedure for the receipt of the social tax deductions which are provided for in subsections 2 and 3 of clause 1 of this Article and the social tax deduction in the amount of insurance contributions under a voluntary life insurance agreement (voluntary life insurance agreements) which is provided for in subsection 4 of clause 1 of this Article, the tax agent withheld tax without taking the social tax deductions into account, the amount of tax withheld in excess after the receipt of the taxpayer’s written application shall be refundable to the taxpayer in accordance with the procedure established by Article 231 of this Code. [as amended by Federal Law No. 403-FZ of 30.11.2016]

If, during a tax period, the social tax deductions provided for in subsections 2 and 3 of clause 1 of this Article and the social tax deduction for insurance contributions under a voluntary life insurance agreement (voluntary life insurance agreements) which is provided for in subsection 4 of clause 1 of this Article were granted to a taxpayer in a lesser amount than is provided for in this Article, the taxpayer shall have the right to receive them in accordance with the procedure prescribed by paragraph 1 of this clause. [as amended by Federal Law No. 403-FZ of 30.11.2016]

The social tax deductions provided for in subsections 4 and 5 of clause 1 of this Article (with the exception of the social tax deduction in the amount of expenses for the payment of expenses under a voluntary life insurance agreement (voluntary life insurance agreements)) may be granted to a taxpayer before the end of a tax period upon application to a tax agent provided that the taxpayer’s expenses are documented in accordance with subsections 4 and 5 of clause 1 of this Article and provided that contributions under an agreement (agreements) on non-state pension provision or under an agreement (agreements) on voluntary pension insurance and (or) additional insurance contributions for a funded pension have been withheld from payments in favour of the taxpayer and transferred to appropriate funds and (or) insurance organizations by the employer. [as amended by Federal Law No. 403-FZ of 30.11.2016]

The social tax deductions provided for in subsections 2 to 6 of clause 1 of this Article (with the exception of deductions in the amount of expenses for the education of a taxpayer’s children which are referred to in subsection 2 of clause 1 of this Article and expenses for expensive treatment which are referred to in subsection 3 of clause 1 of this Article) shall be granted to the extent of expenses actually incurred, but not more than 120,000 roubles in total for a tax period. Where, in the course of one tax period, a taxpayer has education expenses, medical expenses and expenses under an agreement (agreements) on non-state pension provision, under an agreement (agreements) on voluntary pension insurance or under an agreement (agreements) on voluntary life insurance (where such agreements are concluded for a period of not less than five years) and (or) expenses for the payment of additional insurance contributions for a funded pension in accordance with the Federal Law “Concerning Additional Insurance Contributions for a Funded Pension and State Support for the Formation of Pension Savings” or fees for an independent assessment of his skills, the taxpayer shall independently, including when making an application to a tax agent, choose which types of expenses and what amounts thereof are taken into account within the limit of the maximum amount of the social tax deduction which is specified in this clause. [as amended by Federal Laws No. 251-FZ of 03.07.2016, No. 403-FZ of

1. In determining tax bases in accordance with clause 2.3 or 3 of Article 210 and Articles 214.1 and 214.9 of this Code a taxpayer shall have the right to receive the following investment tax deductions which shall be granted with account taken of the special considerations and in accordance with the procedure which are laid down in this Article: [as amended by Federal Laws No. 327-FZ of 28.11.2015, No. 372-FZ of 23.11.2020]

1) in the amount of the positive financial result obtained by the taxpayer in the tax period from the sale (redemption) of securities circulated on the organized securities market such as are referred to in subsections 1 and 2 of clause 3 of Article 214.1 of this Code which the taxpayer has owned for more than three years;

2) in the amount of monetary resources which the taxpayer deposited in an individual investment account in the tax period;

3) in the amount of a positive financial result received on operations which are recorded in an individual investment account. [as amended by Federal Law No. 327-FZ of 28.11.2015]

2. An investment tax deduction such as is provided for in subsection 1 of clause 1 of this Article shall be granted with account taken of the following special considerations:

1) the amount of the positive financial result for which the tax deduction is granted shall be determined in accordance with Articles 214.1 and 214.9 of this Code; [as amended by Federal Law No. 327-FZ of 28.11.2015]

2) the maximum amount of the tax deduction in the tax period shall be determined as the product of the coefficient Cs and an amount equal to 3,000,000 roubles.

In this respect, the value of the coefficient Cs shall be determined as follows:

- in the case of the sale (redemption) in the tax period of securities which at the time of the sale (redemption) have been owned by the taxpayer for the same length of time calculated in full years – as the number of full years for which the securities sold (redeemed) have been owned by the taxpayer (irrespective of the quantity of securities);

- in the case of the sale (redemption) in the tax period of securities which at the time of the sale (redemption) have been owned by the taxpayer for different lengths of time calculated in full years, the value of the coefficient Cs shall be determined using the formula:

\[ C_s = \frac{\sum_{i=3}^{n} V_i \times i}{\sum_{i=3}^{n} V_i} \]

where \( V_i \) is income from the sale (redemption) in the tax period of all securities which have been owned for “i” number of full years. In determining \( V_i \) income from the sale (redemption) of securities shall be taken into account provided that, upon the sale (redemption) of a security,
the difference between income from the sale (redemption) thereof and its acquisition cost is a positive value;

\( \text{n is the number of periods measured in full years for which the taxpayer owned securities which are sold (redeemed) in the tax period following which the taxpayer is granted the right to receive a tax deduction. In this respect, if the periods measured in full years for which the taxpayer owned two or more securities which are sold (redeemed) in the tax period are the same, for the purposes of determining the indicator } n \text{ the number of such periods shall be taken to be equal to 1;}

3) the period for which a security was owned by a taxpayer shall be calculated on the basis of the method based on the sale (redemption) of securities which were acquired first (FIFO). In this respect:

- the period for which securities were owned by a taxpayer shall include a period during which the taxpayer relinquished ownership of the securities under a securities lending agreement with a broker and (or) under a repo contract;

- the sale (redemption) of securities shall not include operations involving the exchange of investment units in mutual investment funds which are carried out in accordance with Federal Law No. 156-FZ of 29 November 2001 “Concerning Investment Funds”. The period for which investment units are owned by a taxpayer in this case shall be deemed to be the period calculated from the date on which the investment units were acquired until the date of the redemption of the investment units received as a result of such exchange (exchanges);

The period for which investment units are owned by a taxpayer in this case shall be deemed to be the period calculated from the date on which the investment units were acquired until the date of the redemption of the investment units received as a result of such exchange (exchanges);

subsection 3 as reworded by Federal Law No. 327-FZ of 28.11.2015]

4) a tax deduction shall be granted to a taxpayer when tax is calculated and withheld by a tax agent or when a tax declaration is submitted. In this respect, where a tax deduction is granted by a tax agent:

- the coefficient \( Cs \) shall be determined for the purposes of subsection 2 of this clause in relation to securities sold (redeemed) in respect of which income is paid by that tax agent;

- the taxpayer shall be presented with an appropriate computation of the amount of the deduction granted to him;

5) in the event that, where a tax deduction is granted by multiple tax agents, the aggregate amount thereof exceeds the maximum level which is computed in accordance with subsection 2 of this clause, the taxpayer shall be obliged to submit a tax declaration and pay the appropriate amount of the tax shortfall;

6) a tax deduction shall not apply in the case of the sale (redemption) of securities which are recorded in an individual investment account.

3. An investment tax deduction such as is provided for in subsection 2 of clause 1 of this Article shall be granted with account taken of the following special considerations:

1) the tax deduction shall be granted in an amount equal to the amount of monetary resources deposited in an individual investment account, but not more than 400,000 roubles;
2) the tax deduction shall be granted to the taxpayer upon the submission of a tax declaration on the basis of documents confirming the depositing of monetary resources in the individual investment account, except as otherwise provided in this clause; [as amended by Federal Law No. 100-FZ of 20.04.2021]

3) the tax deduction shall be granted to the taxpayer on condition that, during the term of the agreement on the operation of the individual investment account, the taxpayer did not have other agreements on the operation of an individual investment account, except in cases where an agreement was terminated and all assets recorded on the individual investment account were transferred to another individual investment account opened for the same physical person;

4) in the event that an agreement on the operation of an individual investment account is terminated before the expiry of the time periods referred to in subsection 1 of clause 4 of this Article (except in the case of the rescission of an agreement for reasons beyond the control of the parties) without all the assets recorded on that individual investment account being transferred to another individual investment account opened for the same physical person, the amount of tax not paid by the taxpayer to the budget as a result of the application of tax deductions such as are provided for in subsection 2 of clause 1 of this Article in relation to monetary resources deposited in the above-mentioned individual investment account must be restored and paid to the budget in accordance with the established procedure, and appropriate amounts of penalties shall be recovered from the taxpayer.

[EY Note: A subsection 5 is appended to clause 3 of Article 219.1 from 01.01.2022 – Federal Law No. 100-FZ of 20.04.2021]

6) the tax deduction shall be granted to the taxpayer in the manner prescribed by Article 221.1 of this Code if the tax authority has information confirming that the taxpayer has paid money into an individual investment account, submitted by the tax agent in the format approved by the federal executive body in charge of control and supervision in the area of taxes and levies in the context of the exchange of information in accordance with the rules for the exchange of information for the purposes of the granting of tax deductions under the simplified procedure. [subsection 6 inserted by Federal Law No. 100-FZ of 20.04.2021]

4. An investment tax deduction such as is provided for in subsection 3 of clause 1 of this Article shall be granted with account taken of the following special considerations:

1) the tax deduction shall be granted upon the expiry of the agreement on the operation of the individual investment account provided that a period of at least three years has elapsed from the date on which the taxpayer concluded the agreement on the operation of the individual investment account;

2) the taxpayer may not exercise the right to receive a tax deduction if, on any occasion during the term of the agreement on the operation of the individual investment account (or during the term of an agreement on the operation of another individual investment account which was terminated with the transfer of all assets recorded on that other individual investment account to a different individual investment account opened for the same physical person) and prior to the exercise of that right, the taxpayer exercised the right to an investment tax deduction such as is provided for in subsection 2 of clause 1 of this Article; [as amended by Federal Law No. 100-FZ of 20.04.2021]
3) unless otherwise provided in this clause, the tax deduction shall be granted to the taxpayer by a tax authority upon the submission of a tax declaration by the taxpayer or in the process of the calculation and withholding of tax by a tax agent subject to the presentation of a statement from a tax authority to the effect that: [as amended by Federal Law No. 100-FZ of 20.04.2021]

- the taxpayer has not exercised the right to claim a tax deduction such as is provided for in subsection 2 of clause 1 of this Article during the term of the agreement on the operation of the individual investment account or other agreements which were terminated with assets transferred to that individual investment account in accordance with the procedure prescribed by clause 9.1 of Article 226.1 of this Code;

- the taxpayer did not, during the term of the agreement on the operation of the individual investment account, have other agreements on the operation of an individual investment account, except in cases where an agreement was terminated and all assets recorded on the individual investment account were transferred to another individual investment account opened for the same physical person.

4) the tax deduction may be granted to the taxpayer on the basis of his written application submitted to the tax agent upon the rescission of the agreement on the operation of the individual investment account when tax is calculated and withheld by that tax agent, provided that the tax agent has the information provided for in paragraphs 2 and 3 of subsection 3 of this clause, received from the tax authority in the context of the exchange of information in accordance with the rules for the exchange of information for the purposes of the granting of tax deductions under the simplified procedure.

The presentation of information provided for in paragraphs 2 and 3 of subsection 3 of this clause by a tax authority to tax agents in the context of the exchange of information in accordance with the rules for the exchange of information for the purposes of the granting of tax deductions under the simplified procedure shall take place in the format approved by the federal executive body in charge of control and supervision in the area of taxes and levies on the basis of requests from those tax agents. [subsection 4 inserted by Federal Law No. 100-FZ of 20.04.2021]

**Article 220. Property-Related Tax Deductions**

[article as reworded by Federal Law No. 212-FZ of 23.07.2013 (Rev. 02.11.2013)]

1. In determining the amount of tax bases in accordance with clause 3 or 6 of Article 210 of this Code, a taxpayer shall have the right to claim the following property-related tax deductions, which shall be granted with account taken of the special considerations and in accordance with the procedure which are laid down by this Article: [as amended by Federal Law No. 372-FZ of 23.11.2020]

1) a property-related tax deduction in the case of the sale of property or an equity share (equity shares) therein, or of a participating interest (a portion of a participating interest) in the charter capital of a company, in the case of withdrawal from participation in a company, in the case of the receipt of monetary resources and other property (property rights) by a shareholder (participant, unit holder) of an organization in connection with its liquidation, in the case of the reduction of the nominal value of a participating interest in the charter capital of a company or in the case of the cession of claims under an agreement on participation in shared-equity
2) a property-related tax deduction in an amount equal to the purchase value of a land parcel and (or) another item of immovable property situated thereon which is received by a taxpayer in monetary form or in kind in the event that the property in question is appropriated for state or municipal requirements;

3) a property-related tax deduction in the amount of expenses actually incurred by the taxpayer for the new construction or acquisition in the territory of the Russian Federation of dwelling houses, apartments, rooms or an equity share (equity shares) therein, or the acquisition of land parcels or an equity share (equity shares) therein which are granted for individual housing construction and land parcels or an equity share (equity shares) therein on which dwelling houses or an equity share (equity shares) therein being acquired are situated;

4) a property-related tax deduction in the amount of expenses actually incurred by the taxpayer for the payment of interest on special-purpose loans (credits) which have actually been used for the new construction or acquisition in the territory of the Russian Federation of a dwelling house, an apartment, a room or an equity share (equity shares) therein, or the acquisition of land parcels or an equity share (equity shares) therein which are granted for individual housing construction and land parcels or an equity share (equity shares) therein on which dwelling houses or an equity share (equity shares) therein being acquired are situated, and for the payment of interest on credits (loans) received from banks (or organizations if the loans in question were issued in accordance with programmes of assistance to certain categories of mortgage credit (loan) borrowers who are in financial difficulty, approved by the Government of the Russian Federation) for the purpose of the refinancing (relending) of credits for the new construction or acquisition in the territory of the Russian Federation of a dwelling house, an apartment, a room or an equity share (equity shares) therein, or the acquisition of land parcels or an equity share (equity shares) therein which are granted for individual housing construction and land parcels or an equity share (equity shares) therein on which dwelling houses or an equity share (equity shares) therein being acquired are situated. [as amended by Federal Law No. 325-FZ of 29.09.2019]

2. The property-related tax deduction which is provided for in subsection 1 of clause 1 of this Article shall be granted with account taken of the following special considerations:

1) the property-related tax deduction shall be granted:

- in an amount equal to income received by the taxpayer in the tax period from the sale of dwelling houses, apartments, rooms, including privatized dwellings, garden cottages or land parcels or an equity share (equity shares) in such property which were owned by the taxpayer for less than the minimum period of possession of an item of immovable property which is established in accordance with Article 217.1 of this Code, not exceeding in total 1,000,000 roubles; [as amended by Federal Law No. 321-FZ of 29.09.2019]

- in an amount equal to income received by the taxpayer in the tax period from the sale of other immovable property which was owned by the taxpayer for less than the minimum period of
possession of an item of immovable property which is established in accordance with Article 217.1 of this Code, not exceeding in total 250,000 roubles;

- in an amount equal to income received by the taxpayer from the sale of other property (other than securities) which was owned by the taxpayer for less than three years, not exceeding in total 250,000 roubles; [subsection 1 as reworded by Federal Law No. 382-FZ of 29.11.2014]

2) instead of claiming a property-related tax deduction in accordance with subsection 1 of this clause the taxpayer shall have the right to reduce the amount of his taxable income by the amount of documented expenses which he incurred in connection with the acquisition of the property.

In the case of the sale of a participating interest (a portion of a participating interest) in the charter capital of a company, in the case of withdrawal from participation in a company, in the case of the receipt of monetary resources and other property (property rights) by a shareholder (participant, unit holder) of an organization in connection with its liquidation, in the case of the reduction of the nominal value of a participating interest in the charter capital of a company and in the case of the cession of claims under an agreement on participation in shared-equity construction (under a shared-equity construction investment agreement or under another agreement associated with shared-equity construction), the taxpayer shall have the right to reduce the amount of his taxable income by the amount of documented expenses which he actually incurred in connection with the acquisition of the property (property rights). [as amended by Federal Laws No. 146-FZ of 08.06.2015, No. 424-FZ of 27.11.2018]

The following expenses may be included in the composition of expenses incurred by a taxpayer in connection with the acquisition of a participating interest in the charter capital of a company: [paragraph inserted by Federal Law No. 146-FZ of 08.06.2015]

- expenses consisting of the amount of monetary resources and (or) the value of other property (property rights) which was (were) contributed to the charter capital upon the foundation of the company or in connection with an increase in its charter capital; [paragraph inserted by Federal Law No. 146-FZ of 08.06.2015; as amended by Federal Law No. 436-FZ of 28.12.2017]

- expenses consisting of the amount of monetary resources and (or) the value of other property (property rights) for the acquisition or increasing of a participating interest in the charter capital of the company. [paragraph inserted by Federal Law No. 146-FZ of 08.06.2015; as amended by Federal Law No. 424-FZ of 27.11.2018]

Unless otherwise provided by this paragraph, in the event that expenses associated with the acquisition of an interest in the charter capital of a company were incurred by a taxpayer such as is referred to in clauses 60 and (or) 60.1 of Article 217 of this Code by means of the transfer to the company or to third parties of property and (or) property rights with respect to which income from the receipt thereof is exempt from taxation in accordance with clauses 60 and (or) 60.1 of Article 217 of this Code, there shall be included in the taxpayer’s expenses associated with the acquisition of the interest in the company’s charter capital an amount equal to the value of the property and (or) property rights in question according to accounting data of the liquidated foreign organization (the foreign unincorporated entity being terminated (liquidated)) as at the date on which the taxpayer received the property and (or) property rights from the foreign organization (unincorporated entity), but not higher than their market value as determined with account taken of the provisions of Article 105.3 of this Code as at the date on
which the taxpayer received the property and (or) property rights from that foreign organization (unincorporated entity). In this respect, a foreign organization with a charter (pooled) capital divided into founders’ (participants’) interests (contributions) shall also be understood to be a company for the purposes of this clause. Where expenses associated with the acquisition of an interest in the charter capital of a company were incurred by a taxpayer such as is referred to in clause 60.1 of Article 217 of this Code by means of the transfer to that company or to third parties of shares (depositary receipts for shares) and (or) interests in the charter capital of a company income from the receipt of which was exempt from taxation on the basis of clause 60.1 of Article 217 of this Code, the taxpayer’s expenses in connection with the acquisition of an interest in the charter capital of the company shall be taken to include an amount equal to the value of the shares (depositary receipts for shares) transferred as determined in accordance with the procedure laid down in clause 13.5 of Article 214.1 of this Code accordingly and (or) the value of interests in the charter capital of the company as determined in accordance with the procedure laid down in subsection 2.5 of clause 2 of this Article. [paragraph inserted by Federal Law No. 436-FZ of 28.12.2017; as amended by Federal Law No. 490-FZ of 25.12.2018]

In the absence of documented expenses for the acquisition of a participating interest in the charter capital of a company, a property-related tax deduction shall be granted for income received by a taxpayer as a result of the termination of participation in a company in an amount not exceeding 250,000 roubles in total for the tax period. [paragraph inserted by Federal Law No. 146-FZ of 08.06.2015]

In the case of the sale of a portion of a participating interest held by a taxpayer in the charter capital of a company, the taxpayer’s expenses for the acquisition of that portion of a participating interest in charter capital shall be taken into account in proportion to the reduction of the taxpayer’s participating interest in the company’s charter capital. [paragraph inserted by Federal Law No. 146-FZ of 08.06.2015]

Where income is received in the form of payments to a participant in a company in monetary form or in kind in connection with a reduction of the company’s charter capital, the taxpayer’s expenses for the acquisition of a participating interest in the company’s charter capital shall be taken into account in proportion to the reduction of the company’s charter capital. [paragraph inserted by Federal Law No. 146-FZ of 08.06.2015]

Where a company’s charter capital was increased through the revaluation of assets, in the event that it is reduced a taxpayer’s expenses for the acquisition of a participating interest in the charter capital shall be taken into account in an amount equal to the portion of the payment to the company participant in excess of the amount of the increase in the nominal value of his participating interest as a result of the revaluation of assets. [paragraph inserted by Federal Law No. 146-FZ of 08.06.2015]

In the case of the sale of a dwelling or an interest (interests) therein which were provided on an ownership basis in place of a vacated dwelling or interest (interests) therein in connection with the implementation of the Moscow housing stock renovation programme, a taxpayer shall have the right to reduce income received from the sale of the dwelling or interest (interests) therein by the amount of documented expenses incurred by the taxpayer in connection with the acquisition of the vacated dwelling or interest (interests) therein and (or) the dwelling or interest (interests) therein which were provided in connection with the implementation of the Moscow housing stock renovation programme. [paragraph inserted by Federal Law No. 352-FZ of 27.11.2017; as amended by Federal Law No. 424-FZ of 27.11.2018]
Expenses of a taxpayer who is a shareholder (participant, unit holder) of an organization and received monetary resources or other property (property rights) upon its liquidation may be taken to include expenditure on the acquisition of shares (participating interests, equity units) in that organization consisting of the amount of monetary resources and (or) the value of other property (property rights) as at the date on which they were transferred to the charter (pooled) capital of the organization upon its foundation, the increasing of its charter (pooled) capital or the acquisition of shares (participating interests, equity units) in the organization under a purchase-sale contract or an exchange agreement. [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018]

The value of property (property rights) which is referred to in paragraphs 4, 5 and 12 of this subsection for the purpose of determining expenses incurred by an organization for the acquisition of shares (participating interests, equity units) in an organization shall be determined as follows: [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018]

- if the full value of property (property rights) when it was transferred to the charter (pooled) capital of the organization or to third parties was included in the taxpayer’s taxable income or if, as at the date of the transfer of property (property rights) to the charter (pooled) capital of the organization or to third parties, the property (property rights) in question met the conditions for the exemption from taxation of income from the sale (redemption) and (or) other disposal of that property (property rights) in accordance with Article 217 of this Code, the value of the property (property rights) for the purposes of paragraphs 4, 5 and 12 of this subsection shall be determined on the basis of its market value as at the date of its transfer to the charter capital of the organization or to third parties; [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018]

- in other cases the value of property (property rights) for the purposes of paragraphs 4, 5 and 12 of this subsection shall be determined on the basis of documented expenditure of the taxpayer on the acquisition of property (property rights) transferred to the charter (pooled) capital of the organization or to third parties, income in the form of material gain included in the taxpayer’s taxable income as a result of the acquisition of property transferred to the charter (pooled) capital of the organization or to third parties and income included in the taxpayer’s taxable income as a result of the transfer of that property (property rights) by the taxpayer to the charter (pooled) capital of the organization or to third parties. [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018]

In the case of the sale of dwelling houses, apartments, rooms, including privatized dwellings and garden cottages or an interest (interests) therein, and of means of transport, where the taxpayer included expenses associated with the acquisition of property referred to in this paragraph in expenses in determining the tax base in connection with the application of special tax regimes in accordance with Chapters 26.1 and 26.2 (where income reduced by expenses is chosen as the taxable object) of this Code or in professional tax deductions such as are provided for in Article 221 of this Code, a property-related tax deduction shall be granted in the amount of documented expenses actually incurred in connection with the acquisition of that property, reduced by expenses which were taken into account in determining the tax base in connection with the application of those special tax regimes by the taxpayer or were included by the taxpayer in professional tax deductions such as are provided for in Article 221 of this Code, subject to the submission to the tax authority of documents confirming the calculation of the amount of that property-related tax deduction. [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018; as amended by Federal Law No. 321-FZ of 29.09.2019]
On selling property (other than securities) that was received without consideration or for partial consideration, or under a gift agreement, a taxpayer shall have the right to reduce income received from the sale of that property by the amount of documented expenses in the form of amounts on which tax was calculated and paid upon acquiring (receiving) that property. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

Where, in accordance with clauses 18 and 18.1 of Article 217 of this Code, tax is not levied when a taxpayer receives property by way of inheritance or gift, documented expenses incurred by the testator (donor) in acquiring the property in question shall also be taken into account in the taxation of income received upon the sale of that property unless the testator (donor) previously took those expenses into account for taxation purposes, except in the cases provided for in subsections 3 and 4 of clause 1 of this Article. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

On receiving income from the sale of an ownership interest in an item of immovable property that was acquired in accordance with part 4 of Article 10 of Federal Law No. 256-FZ of 29 December 2006 “Concerning Additional Measures of State Support for Families with Children”, a taxpayer shall have the right to reduce the amount of his taxable income by an amount of actually incurred and documented expenses associated with the acquisition of that item of immovable property that is proportional to the taxpayer’s ownership interest in the item of immovable property, provided that the following conditions are simultaneously met: [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

- expenses for the acquisition of the item of immovable property were incurred by a member of the taxpayer’s family who is the holder of a certificate (other document) for maternity (family) capital and (or) his (her) spouse; [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

- the amount of the taxpayer’s share of expenses for the acquisition of the item of immovable property which reduces the amount of the taxpayer’s taxable income has not been taken into account for taxation purposes by other members of the taxpayer’s family (or their spouses), except in the cases provided for in subsections 3 and 4 of clause 1 of this Article. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

The provisions of paragraphs 19 to 21 of this subsection shall also apply where an ownership interest in an item of immovable property was acquired by a taxpayer as a condition of the use of maternity (family) capital funds received from the budgets of constituent entities of the Russian Federation and local budgets; [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

2.1) unless otherwise provided by subsection 2.5 of this clause, in the case of the sale of property (property rights) and (or) the exercise of property rights received upon the liquidation of a foreign organization (the termination (liquidation) of a foreign unincorporated entity) by a taxpayer-shareholder (participant, unit holder, founder or controlling person of a foreign organization or controlling person of a foreign unincorporated entity) whose income in the form of such property (property rights) is exempt from taxation in accordance with clauses 60 and (or) 60.1 of Article 217 of this Code, that taxpayer shall have the right to reduce the amount of his taxable income from the sale of the property (property rights) in question, and income in the form of monetary resources (other property) received by him or remitted (transferred) to third parties on his instruction in connection with the exercise of the above-mentioned property rights previously transferred to him by the foreign organization (entity) being liquidated, by an
amount equal to the value of the property (property rights) according to accounting data of the liquidated organization (entity) as at the date on which the property (property rights) was received from the organization (entity) in question, but not higher than the market value of the property (property rights) in question as determined with account taken of the provisions of Article 105.3 of this Code as at the date on which the taxpayer received the property (property rights) from the foreign organization (entity) in question. [as amended by Federal Law No. 490-FZ of 25.12.2018]

In the case of the sale of property received through the exercise of property rights which were previously transferred to the taxpayer upon the liquidation of a foreign organization (the termination (liquidation) of a foreign unincorporated entity) by a taxpayer-shareholder (participant, unit holder, founder or controlling person of a foreign organization or controlling person of a foreign unincorporated entity) whose income in the form of those property rights is exempt from taxation in accordance with clauses 60 and (or) 60.1 of Article 217 of this Code, the taxpayer shall have the right to reduce the amount of his taxable income from the sale of the property in question by an amount equal to the value of those property rights according to accounting data of the liquidated organization (entity) as at the date on which the property rights were received from that organization (entity), but not higher than their market value as determined with account taken of the provisions of Article 105.3 of this Code as at the date on which the taxpayer received the property rights from the foreign organization (entity) in question; [as amended by Federal Laws No. 436-FZ of 28.12.2017, No. 490-FZ of 25.12.2018]

2.2) in the case of the sale of property rights (including participating interests and equity units) which were acquired from a controlled foreign company, if income of that controlled foreign company from the sale of those property rights (including participating interests and equity units) and expenses in the form of the acquisition price thereof are excluded from the profit (loss) of that foreign company on the basis of clause 10 of Article 309.1 of this Code, by a taxpayer who is deemed to be a controlling person of the controlled foreign company in question or is a Russian interdependent party of such a controlling party, the amount of expenses actually incurred in the form of the value of those property rights (including participating interests and equity units) shall be determined on the basis of the lesser of the following values:

- the documented value according to the accounting data of the controlled foreign company as at the date of the transfer of ownership of the above-mentioned property rights (including participating interests and equity units) from the controlled foreign company;

- the market value of the above-mentioned property rights (including participating interests and equity units) as at the date of the transfer of ownership of the securities from the controlled foreign company, as determined with account taken of the provisions of Article 105.3 of this Code;
[subsection 2.2 inserted by Federal Law No. 32-FZ of 15.02.2016]

2.3) in the case of the sale and (or) other disposal of property (property rights) received by the actual owner from the nominal owner of the property where that property and its nominal owner are indicated in a special declaration submitted in accordance with Federal Law No. 140-FZ of 8 June 2015 “Concerning the Voluntary Declaration of Assets and Bank Accounts (Deposits) by Physical Persons and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”, the taxpayer-declarant shall determine the amount of expenses actually
incurred in the form of the value of the property (property rights) on the basis of the lesser of the following values:

- the documented value of the property (property rights) in question according to accounting data of the transferring party as at the date of the transfer of the property (property rights);

- the market value of the property (property rights) in question as at the date of the transfer of the property (property rights), which is determined with account taken of the provisions of Article 105.3 of this Code;

[subsection 2.3 inserted by Federal Law No. 34-FZ of 19.02.2018]

2.4) in the case of the sale (redemption) and (or) other disposal of property and (or) property rights (other than securities and (or) derivative financial instruments) received by a taxpayer who is a shareholder (participant, unit holder) of an organization in the event of the liquidation of that organization or the departure (exit) of the taxpayer from it (except in cases referred to in subsection 2.1 of this clause), the taxpayer shall have the right to reduce the amount of income from the sale (redemption) and (or) other disposal of that property and (or) property rights by expenses equal to the amount of the documented full value of the property and (or) property rights in question which is required to be taken into account in determining the taxpayer’s income for taxation purposes upon the receipt of that property and (or) property rights;

[subsection 2.4 inserted by Federal Law No. 424-FZ of 27.11.2018]

2.5) in the case of the sale of interests in the charter capital of a company which were received in ownership (including without consideration or for part payment) from a foreign organization (foreign unincorporated entity), including upon the liquidation (termination) of that foreign organization (foreign unincorporated entity), by a taxpayer who is a shareholder (participant, unit holder, founder or controlling person of a foreign organization or controlling person of a foreign unincorporated entity) and in relation to whom restrictive measures had been imposed at the date on which the interests in question were received in ownership, there shall be recognised as expenses actually incurred an amount equal to the market value of those interests as at the last day of the month preceding the month in which restrictive measures were imposed in relation to that taxpayer. In this respect, the market value of such interests in the charter capital of a company shall be determined on the basis of the rules established by Article 105.3 of this Code. The procedure for determining expenses actually incurred which is established by this subsection shall apply provided that the relevant interests in the charter capital of a company belonged to the foreign organization (foreign unincorporated entity) concerned as at the day on which restrictive measures were imposed in relation to the taxpayer in question and income from the receipt of ownership of the interests in question by that taxpayer was exempt from taxation on the basis of clause 60.1 of Article 217 of this Code, and provided that the taxpayer has, at the date on which restrictive measures are imposed on him, a direct and (or) indirect interest in the company concerned and the aggregate size of its direct and (or) indirect interest in that company was not less than 25 per cent;

[subsection 2.5 inserted by Federal Law No. 490-FZ of 25.12.2018]

3) in the case of the sale of property which is under common equity ownership or common joint ownership, the appropriate amount of the property-related tax deduction shall be apportioned among the co-owners of the property in proportion to their equity share or in accordance with an agreement between them (in the case of the sale of property which is under common joint ownership);
4) except as otherwise provided in subsection 2.1 or 2.2 of this clause, the provisions of subsection 1 of clause 1 of this Article shall not apply to income received: [as amended by Federal Law No. 32-FZ of 15.02.2016]

- from the sale of immovable property and or) means of transport which have been used in entrepreneurial activities;

- from the sale of securities;

5) in the case of the sale of property received by a donor taxpayer in the event of the break-up of special-purpose capital of a non-commercial organization or the withdrawal of a donation or in another case where the return of property transferred for the replenishment of special-purpose capital of a non-commercial organization is provided for in the donation agreement and (or) Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”, expenses of the taxpayer-donor shall comprise documented expenses for the acquisition, storage or maintenance of the property which had been incurred by the taxpayer as at the date on which the property was transferred to the non-commercial organization which is the owner of the special-purpose capital for the replenishment of the special-purpose capital of the non-commercial organization. The period of ownership of immovable property which has been received by a taxpayer-donor in connection with the break-up of special-purpose capital of a non-commercial organization or the withdrawal of a donation or in another case where the return of property transferred for the replenishment of special-purpose capital of a non-commercial organization is provided for in the donation agreement and (or) Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations” shall be determined with account taken of the period for which the property in question was owned by the taxpayer-donor prior to the date on which the property was transferred for the replenishment of the special-purpose capital of the non-commercial organization in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”.

3. The property-related tax deduction which is provided for in subsection 3 of clause 1 of this Article shall be granted with account taken of the following special considerations:

1) the property-related tax deduction shall be granted in an amount equal to expenses actually incurred by the taxpayer for the new construction or acquisition in the territory of the Russian Federation of one or more assets referred to in subsection 3 of clause 1 of this Article, not exceeding 2,000,000 roubles.

Where the taxpayer has exercised the right to claim a property-related tax deduction in an amount which is below the maximum amount established by this subsection, the amount of the property-related tax deduction which remains until it is fully used may be taken into account when claiming a property-related tax deduction at a later date for the new construction or acquisition in the territory of the Russian Federation of a dwelling house, an apartment, a room or an equity share (equity shares) therein, or the acquisition of land parcels or an equity share (equity shares) therein which are granted for individual housing construction and land parcels.
or an equity share (equity shares) therein on which dwelling houses or an equity share (equity shares) therein which are to be acquired are situated.

In this respect, the maximum amount of the property-related tax deduction shall be equal to the amount which was applicable in the tax period in which the taxpayer first acquired the right to claim the property-related tax deduction the granting of which resulted in the formation of the remainder which is carried forward to later tax periods;

[EY Note: Subsection 2 of clause 3 of Article 220 is reworded from 01.01.2022 – Federal Law No. 100-FZ of 20.04.2021]

2) in the case of the acquisition of land parcels or an equity share (equity shares) therein for individual housing construction, the property-related tax deduction shall be granted after the taxpayer has received a certificate of the right of ownership in a dwelling house;

[EY Note: A subsection 2.1 is inserted in clause 3 of Article 220 from 01.01.2022 – Federal Law No. 100-FZ of 20.04.2021]

3) the following expenses may be included in actual expenses for the new construction or acquisition in the territory of the Russian Federation of a dwelling house or an equity share (equity shares) therein:

- expenses for the preparation of design and estimate documentation;

- expenses for the acquisition of building and decorating materials;

- expenses for the acquisition of the dwelling house or an equity share (equity shares) therein, whether or not finished;

- expenses for work or services associated with building (completion of an unfinished house or an equity share (equity shares) therein) and decorating;

- expenses for connection to electricity, water and gas supply and sewerage systems or the creation of self-contained sources of electricity, water and gas supply and sewerage;

4) the following expenses may be included in actual expenses associated with the acquisition of an apartment, a room or an equity share (equity shares) therein:

- expenses for the acquisition of an apartment, a room or an equity share (equity shares) therein or of rights in an apartment, a room or an equity share (equity shares) therein in a building which is under construction;

- expenses for the acquisition of decorating materials;

- expenses for work associated with the decoration of the apartment, room or equity share (equity shares) therein and expenses for the preparation of design and estimate documentation for the performance of decoration work;
5) expenses for the completion or decoration of an acquired dwelling house or an equity share (equity shares) therein or the decoration of an acquired apartment, room or equity share (equity shares) therein may be deducted in the event that the agreement on the basis of which the acquisition took place provides for the acquisition of an unfinished dwelling house, apartment or room (rights in an apartment or room) in an undecorated state or of an equity share (equity shares) therein;

[EY Note: Subsection 6 of clause 3 of Article 220 is reworded from 01.01.2022 – Federal Law No. 100-FZ of 20.04.2021]

6) in order to confirm his right to a property-related tax deduction, the taxpayer shall submit to the tax authority:

- the agreement on the acquisition of the dwelling house or an equity share (equity shares) therein and documents confirming the taxpayer’s right of ownership in the dwelling house or an equity share (equity shares) therein – in the case of the construction or acquisition of a dwelling house or an equity share (equity shares) therein;

- the agreement on the acquisition of the apartment, room or equity share (equity shares) therein and documents confirming the taxpayer’s right of ownership in the apartment, room or equity share (equity shares) therein – in the case of the acquisition of an apartment, a room or an equity share (equity shares) therein;

- the agreement on participation in shared-equity construction and the transfer deed and or another document concerning the transfer of the shared-equity construction unit by the developer and the acceptance of that unit by the shared-equity construction participant, signed by the parties – in the case of the acquisition of rights in a shared-equity construction unit (an apartment or a room in a building which is under construction);

- documents confirming the taxpayer’s right of ownership in the land parcel and (or) equity share (equity shares) therein and documents confirming the right of ownership in the dwelling house or equity share (equity shares) therein – in the case of the acquisition of land parcels or an equity share (equity shares) there in which are granted for individual housing construction and land parcels on which dwelling houses or an equity share (equity shares) therein being acquired are situated;

- the birth certificate of a child – where parents acquire a dwelling house, an apartment, a room or an equity share (equity shares) therein, land parcels or an equity share (equity shares) therein which are granted for individual housing construction and land parcels or an equity share (equity shares) therein on which dwelling houses or an equity share (equity shares) therein being acquired are situated as property owned by their children aged under 18 years;

- the decision of a guardianship and custodianship body concerning the establishment of a guardianship or custodianship – where guardians (custodians) acquire a dwelling house, an apartment, a room or an equity share (equity shares) therein, land parcels or an equity share (equity shares) therein which are granted for individual housing construction and land parcels or an equity share (equity shares) therein on which dwelling houses or an equity share (equity shares) therein being acquired are situated as property owned by their wards aged under 18 years;
- documents confirming expenses incurred by the taxpayer (credit voucher receipts, bank statements showing the transfer of funds from a purchaser’s account to a seller’s account, sales receipts, cash register receipts, statements of the purchase of materials from physical persons stating the seller’s address and passport particulars, and other documents);

[EY Note: Subsection 7 of clause 3 of Article 220 loses force from 01.01.2022 – Federal Law No. 100-FZ of 20.04.2021]

7) the property-related tax deduction shall be granted to a taxpayer on the basis of documents confirming the establishment of the right to that deduction and duly executed payment documents confirming expenses incurred by the taxpayer (credit voucher receipts, bank statements showing the transfer of funds from a purchaser’s account to a seller’s account, sales receipts, cash register receipts, statements of the purchase of materials from physical persons stating the seller’s address and passport particulars, and other documents).

4. The property-related tax deduction provided for in subsection 4 of clause 1 of this Article shall be granted in the amount of expenses actually incurred by the taxpayer for the payment of interest in accordance with a loan (credit) agreement, but not more than 3,000,000 roubles, subject to the availability of documents confirming the right to a property-related tax deduction such as are referred to in clause 3 of this Article, the loan (credit) agreement and documents confirming the payment of monetary resources by the taxpayer in settlement of interest, except as otherwise provided in clause 8.1 of this Article. [as amended by Federal Law No. 100-FZ of 20.04.2021]

[EY Note: A paragraph is appended to clause 4 of Article 220 from 01.01.2022 – Federal Law No. 100-FZ of 20.04.2021]

5. The property-related tax deductions which are provided for in subsections 3 and 4 of clause 1 of this Article shall not be granted with respect to expenses incurred by a taxpayer for the new construction or acquisition in the territory of the Russian Federation of a dwelling house, an apartment, a room or an equity share (equity shares) therein which are covered out of resources of employers or other persons, out of maternity (family) capital resources which are allocated to provide for the implementation of additional measures of state support for families with children, or out of payments granted from the resources of budgets of the budget system of the Russian Federation, or in cases where the purchase and sale transaction for a dwelling house, an apartment, a room or an equity share (equity shares) therein takes place between physical persons who are interdependent in accordance with Article 105.1 of this Code.

6. The property-related tax deductions which are provided for in subsections 3 and 4 of clause 1 of this Article may be claimed by taxpayers who are parents (adoptive parents, foster parents, guardians, custodians) and who undertake the new construction or acquisition in the territory of the Russian Federation of a dwelling house, an apartment, a room or an equity share (equity shares) therein at their own expense or acquire land parcels or an equity share (equity shares) therein which are granted for individual housing construction or land parcels or an equity share (equity shares) therein on which dwelling houses or an equity share (equity shares) therein being acquired are situated as property owned by their children aged under 18 years (wards aged under 18 years and children and wards declared legally incapable by a court). The amount of property-related tax deductions in the case referred to in this clause shall be determined on
7. Property-related tax deductions shall be granted when the taxpayer submits a tax declaration to the tax authorities after the tax period has ended, except as otherwise provided by this Article.

[EY Note: Clause 7 of Article 220 is amended from 01.01.2022 – Federal Law No. 305-FZ of 20.04.2021]

8. The property-related tax deductions provided for in subsections 3 and 4 of clause 1 of this Article may be granted to a taxpayer before the end of a tax period on the basis of a written application to an employer (hereafter in this clause referred to as “tax agent”), provided that the taxpayer’s right to the property-related tax deductions is confirmed by a tax authority in a form to be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

The property-related tax deduction provided for in subsection 4 of clause 1 of this Article may be granted only in relation to one item of immovable property.

A taxpayer shall have the right to receive property-related tax deductions from one or more tax agents of his choice. Where, having received a property-related tax deduction from one tax agent, the taxpayer applies to another tax agent for a property-related tax deduction, that property-related tax deduction shall be granted in accordance with the procedure provided for in clause 7 of this Article and this clause. A tax agent shall be obliged to grant property-related tax deductions upon receipt from the taxpayer of a confirmation of the right to the property-related tax deductions which has been issued by a tax authority, stating the amount of the property-related tax deduction which the taxpayer has the right to receive from each tax agent indicated in the confirmation.

A taxpayer’s right to receive property-related tax deductions from tax agents in accordance with this clause must be confirmed by a tax authority within a time period not exceeding 30 calendar days from the date of submission of the taxpayer’s application and documents confirming the right to receive the property-related tax deductions which are provided for in subsections 3 and 4 of clause 1 of this Article.

Where, on the basis of final data for a tax period, the amount of income received by a taxpayer from all tax agents is found to be less than the amount of the property-related tax deduction which is determined in accordance with subsections 3 and 4 of clause 1 of this Article, the taxpayer shall have the right to claim property-related tax deductions in accordance with the procedure provided for in clause 7 of this Article.

In the event that, after a taxpayer submitted to a tax agent in accordance with the established procedure an application for the receipt of property-related tax deductions such as are provided for in subsections 3 and 4 of clause 1 of this Article, the tax agent withheld tax without taking the property-related tax deductions into account, the amount of tax which was withheld in
excess following the receipt of the application must be refunded to the taxpayer in accordance with the procedure established by Article 231 of this Code.

8.1. The property-related tax deduction provided for in subsection 3 of clause 1 of this Article may be granted to a taxpayer in accordance with the procedure established by Article 221.1 of this Code on the basis of information submitted to the tax authorities in accordance with clause 4 of Article 85 of this Code and on the basis of information submitted to a tax authority by a bank in relation to the taxpayer concerned which is contained in documents provided for in subsection 6 of clause 3 of this Article (provided that such documents were submitted by the taxpayer to the bank) in the format approved by the federal executive body in charge of control and supervision in the area of taxes and levies in the context of the exchange of information in accordance with the rules for the exchange of information for the purposes of the granting of tax deductions under the simplified procedure.

The property-related tax deduction provided for in subsection 4 of clause 1 of this Article (with the exception of a property-related tax deduction for the amount of expenses actually incurred by a taxpayer for the payment of interest on credits (loans) received from organizations where those loans were issued in accordance with programmes approved by the Government of the Russian Federation to assist certain categories of mortgage housing credit (loan) borrowers who are suffering financial hardship) may be granted to a taxpayer in accordance with the procedure established by Article 221.1 of this Code on the basis of information submitted to the tax authorities in accordance with clause 4 of Article 85 of this Code and on the basis of information submitted to a tax authority by a bank in relation to the taxpayer concerned which is contained in documents provided for in subsection 6 of clause 3 and clause 4 of this Article (provided that such documents were submitted by the taxpayer to the bank) in the format approved by the federal executive body in charge of control and supervision in the area of taxes and levies in the context of the exchange of information in accordance with the rules for the exchange of information for the purposes of the granting of tax deductions under the simplified procedure.

9. Where the property-related tax deductions provided for in subsections 3 and (or) 4 of clause 1 of this Article cannot be used in full in a tax period, the remainder thereof may be carried over to ensuing tax periods until it has been fully used, except as otherwise provided by this Article. In this respect, the remainder of the tax deduction may be used in the manner prescribed by Article 221.1 of this Code.

10. In the case of taxpayers who receive pensions in accordance with the legislation of the Russian Federation, the property-related tax deductions provided for in subsections 3 and 4 of clause 1 of this Article may be carried over to prior tax periods, but not more than the three which directly precede the tax period in which the transferable remainder of property-related tax deductions arose.

11. The property-related tax deductions provided for in subsections 3 and 4 of clause 1 of this Article may not be granted more than once.

1. In determining the amount of tax bases in accordance with clause 2.3 of Article 210 of this Code, a taxpayer shall have the right to receive tax deductions for the carry-forward of losses from transactions involving securities circulated on the organized securities market and involving derivative financial instruments circulated on the organized market. [as amended by Federal Laws No. 242-FZ of 03.07.2016, No. 372-FZ of 23.11.2020]

The carry-forward of losses from securities transactions and transactions involving derivative financial instruments shall take place in accordance with clause 16 of Article 214.1 of this Code. [as amended by Federal Laws No. 395-FZ of 28.12.2010, No. 242-FZ of 03.07.2016]

2. Tax deductions for the carry-forward of losses from securities transactions and transactions involving derivative financial instruments shall be granted: [as amended by Federal Law No. 242-FZ of 03.07.2016]

1) for amounts of losses made on transactions involving securities circulated on the organized securities market. The tax deduction in question shall be granted for amounts of losses which a taxpayer actually made on transactions involving securities circulated on the organized securities market in preceding tax periods within the limit of the tax base for those transactions;

2) for amounts of losses made on transactions involving derivative financial instruments circulated on the organized market. The tax deduction in question shall be granted for amounts of losses which a taxpayer actually made on transactions involving derivative financial instruments circulated on the organized market in preceding tax periods within the limit of the tax base for those transactions. [as amended by Federal Law No. 242-FZ of 03.07.2016]

3. The amount of tax deductions provided for in this Article shall be determined on the basis of amounts of losses made by the taxpayer in preceding tax periods (over 10 years counting from the tax period for which the tax base is being determined). In this respect, for the purpose of determining the amount of the tax deduction in the tax period for which the tax base is being determined, amounts of losses made by the taxpayer in the course of more than one tax period shall be taken into account in the order in which the losses in question were made.

The amount of tax deductions provided for in this Article which is calculated in the current tax period may not exceed the amount of the tax base determined for the transactions in question in that tax period. In this respect, amounts of losses made by a taxpayer which were not taken into account in determining the amount of a tax deduction may be taken into account in determining the amount of the tax deduction in ensuing tax periods with account taken of the provisions of this Article.

4. For the purpose of confirming the right to tax deductions for the carry-forward of losses from securities transactions and transactions involving derivative financial instruments a taxpayer shall present documents confirming the amount of losses made during the entire period in which it reduces the tax base for the current period by amounts of losses previously made. [as amended by Federal Law No. 242-FZ of 03.07.2016]
5. A tax deduction shall be granted to a taxpayer when a tax declaration is submitted to the tax authorities after the end of a tax period. [as amended by Federal Law No. 229-FZ of 27.07.2010]

6. The provisions of this Article shall not apply to a negative financial result (loss) made on operations which are recorded in an individual investment account. [clause 6 inserted by Federal Law No. 327-FZ of 28.11.2015]

Article 220.2. Tax Deductions in Connection with the Carry-Forward of Losses from Participation in an Investment Partnership [inserted by Federal Law No. 336-FZ of 28.11.2011]

1. In determining tax bases in accordance with clause 2.3 of Article 210 of this Code, a taxpayer shall have the right to receive tax deductions in connection with the carry-forward of losses from participation in an investment partnership. [as amended by Federal Law No. 372-FZ of 23.11.2020]

The carry-forward of losses from participation in an investment partnership shall take place in accordance with clause 10 of Article 214.5 of this Code.

2. Tax deductions in connection with the carry-forward of losses from participation in an investment partnership agreement shall be granted:

- to the extent of amounts of losses made from operations of investment partnerships in which the taxpayer participates involving securities which are circulated on the organized securities market;

- to the extent of amounts of losses made from operations of investment partnerships in which the taxpayer participates involving securities which are not circulated on the organized securities market;

- to the extent of amounts of losses made from operations of investment partnerships in which the taxpayer participates involving derivative financial instruments which are not circulated on the organized securities market; [as amended by Federal Law No. 242-FZ of 03.07.2016]

- to the extent of amounts of losses made from operations of investment partnerships in which the taxpayer participates involving participating interests in the charter capital of organizations;

- to the extent of amounts of losses received from other operations of investment partnerships in which the taxpayer participates.

The above-mentioned tax deductions shall be granted to the extent of amounts of losses which the taxpayer actually made from relevant operations of the investment partnership in prior tax periods within the limits of the amount of the tax base for those operations.

3. The amount of tax deductions such as are provided for in this Article shall be determined on the basis of amounts of losses which the taxpayer made in prior tax periods (over a period of ten years from the tax period for which the tax base is determined). In this respect, in determining the amount of a tax deduction in the tax period for which the tax base is determined, amounts of losses which the taxpayer made over more than one tax period shall be recognised in accordance with the order in which those losses were made.
The amount of tax deductions such as are provided for in this Article which is calculated in the current tax period may not exceed the amount of the tax base determined for the relevant operations in that tax period. In this respect, amounts of losses of a taxpayer which are not taken into account in determining the amount of a tax deduction may be taken into account in determining the amount of a tax deduction in ensuing tax periods with account taken of the provisions of this Article.

4. In order confirm the right to tax deductions in connection with the carry-forward of losses from participation in an investment partnership, a taxpayer shall present documents confirming amounts of losses incurred during the entire period in which he reduces the tax base for the current tax period by amounts of losses previously incurred.

5. A tax deduction shall be granted to a taxpayer when a tax declaration is submitted to the tax authorities after the end of a tax period.

Article 221. Professional Tax Deductions

For the purposes of calculating the tax base in accordance with clause 3 of Article 210 of this Code, the following categories of taxpayers shall have a right to professional tax deductions: [as amended by Federal Law No. 216-FZ of 24.07.2007]

1) the taxpayers referred to in clause 1 of Article 227 of this Code - in the amount of expenses actually incurred by them and confirmed by documents which are directly associated with the derivation of income, but not more than the amount of such income from carrying on entrepreneurial activities. [as amended by Federal Law No. 372-FZ of 23.11.2020]

In this respect, the composition of the above-mentioned deductible expenses shall be determined by the taxpayer independently in accordance with a procedure similar to the procedure for the determination of expenses for taxation purposes which is established by the “Tax on the Profit of Organizations” chapter. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 127-FZ of 02.11.2004, No. 395-FZ of 28.12.2010]

Amounts of tax on property of physical persons paid by the taxpayers referred to in this subsection shall be allowed as deductions if that property, being a taxable object in accordance with articles of the “Tax on Property of Physical Persons” Chapter (with the exception of houses, apartments, garden cottages and garages), is directly used in carrying out entrepreneurial activities. [as amended by Federal Law No. 321-FZ of 29.09.2019]

Where taxpayers are unable to provide documentary confirmation of expenses incurred by them in connection with activities as private entrepreneurs, the professional tax deduction shall be made at 20 per cent of the total amount of income received by the private entrepreneur from entrepreneurial activities. This provision shall not apply to physical persons who carry out entrepreneurial activities without forming a legal entity but have not been registered as private entrepreneurs;

2) taxpayers who receive income from the performance of work (rendering of services) under civil-law agreements - in the amount of expenses actually incurred by them and confirmed by documents which are directly associated with the performance of that work (the rendering of the services);
3) taxpayers who receive royalties or fees for the creation, performance or other use of scientific, literary and artistic works and for the creation of other results of intellectual activity, and fees payable to patent holders for inventions, utility models and industrial samples, in the amount of expenses actually incurred and confirmed by documents. [as amended by Federal Law No. 322-FZ of 23.11.2015]

If those expenses cannot be confirmed by documents, they shall be deductible in the following amounts:

<table>
<thead>
<tr>
<th>Description</th>
<th>Norms of expenditures (as a percentage of the amount of accrued income)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creation of literary works, including for theatre, cinema, stage and circus</td>
<td>20</td>
</tr>
<tr>
<td>Creation of artistic graphical works, photographic works for publications,</td>
<td>30</td>
</tr>
<tr>
<td>works of architecture and design</td>
<td></td>
</tr>
<tr>
<td>Creation of works of sculpture, monumental-decorative painting, decorative</td>
<td>40</td>
</tr>
<tr>
<td>applied and designer art, easel painting, theatre and cinema decoration art</td>
<td></td>
</tr>
<tr>
<td>and graphics executed using various techniques</td>
<td></td>
</tr>
<tr>
<td>Creation of audio-visual works (video, television and cinema films)</td>
<td>30</td>
</tr>
<tr>
<td>Creation of musical works: stage musical works (operas, ballets, musical</td>
<td>40</td>
</tr>
<tr>
<td>comedies), symphonic, choral and chamber works, works for brass band,</td>
<td></td>
</tr>
<tr>
<td>original music for cinema, television and video films and theatre productions</td>
<td></td>
</tr>
<tr>
<td>other musical works, including those prepared for publication</td>
<td>25</td>
</tr>
<tr>
<td>Performance of literary and artistic works</td>
<td>20</td>
</tr>
<tr>
<td>Creation of scientific works and designs</td>
<td>20</td>
</tr>
<tr>
<td>Inventions, utility models and creation of industrial samples (for amount</td>
<td>30</td>
</tr>
<tr>
<td>of income received in the first two years of use)</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this Article, a taxpayer’s expenses shall also include amounts of taxes provided for in tax and levy legislation for the types of activity referred to in this Article (excluding tax on income of physical persons) which have been charged to or paid by the taxpayer during the tax period in accordance with the procedure established by tax and levy legislation, and amounts of insurance contributions for compulsory pension insurance and insurance contributions for compulsory medical insurance which have been charged or paid by the taxpayer for the period concerned in accordance with the procedure established by this Code. [as amended by Federal Laws No. 395-FZ of 28.12.2010, No. 243-FZ of 03.07.2016]

For the purposes of the determination of the tax base, expenses which are confirmed by documents may not be taken into account together with expenses within the limits of the established norm.
The taxpayers which are referred to in this Article shall exercise the right to receive professional tax deductions by means of submitting a written application to the tax agent.

If there is no tax agent, professional tax deductions shall be granted to the taxpayers referred to in this Article when they submit a tax declaration after a tax period has ended.

The above-mentioned expenses of a taxpayer shall also include state duty which is paid in connection with his professional activities.

[clause 3 as reworded by Federal Law No. 368-FZ of 27.12.2009]

**Article 221.1. Simplified Procedure for the Receipt of Tax Deductions** [inserted by Federal Law No. 100-FZ of 20.04.2021]

1. The tax deductions provided for in subsection 2 of clause 1 of Article 219.1 and subsections 3 and 4 of clause 1 of Article 220 of this Code may be granted under the simplified procedure established by this Article (hereinafter referred to as “simplified procedure”).

2. The tax deductions referred to in clause 1 of this Article shall be granted to a taxpayer by a tax authority on the basis of an application from the taxpayer for the receipt of tax deductions under the simplified procedure (hereafter in this Article referred to as “application”) after the end of a tax period for no more than the three years preceding the year in which the application is submitted, provided that the tax authority has information on income of the physical person and amounts of tax calculated, withheld and remitted by the tax agent to the budgetary system of the Russian Federation that was submitted in accordance with clause 2 of Article 230 of this Code. In order for money to be refunded, the taxpayer shall give in the application the particulars of an account that he holds with a bank. The application must be prepared and submitted by the taxpayer to the tax authority through an online taxpayer account in the format approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

3. For the purposes of this Article, amounts of the investment tax deduction provided for in subsection 2 of clause 1 of Article 219.1 of this Code and the property-related tax deductions provided for in subsections 3 and 4 of clause 1 of Article 220 of this Code shall be determined on the basis of information in the possession of the tax authorities that was submitted by tax agents or banks starting from 1 January of the year following the year in which the taxpayer became entitled to the deduction in question in the format approved by the federal executive body in charge of control and supervision in the area of taxes and levies in the context of the exchange of information in accordance with the rules for the exchange of information for the purposes of the granting of tax deductions under the simplified procedure.

The rules for the exchange of information for the purposes of the granting of tax deductions under the simplified procedure and the list of tax agents and banks that participate in the exchange of information in accordance with those rules shall be posted by the federal executive body in charge of control and supervision in the area of taxes and levies on its official Internet site.

4. A tax authority shall place data required to complete an application in an online taxpayer account or send a notice through an online taxpayer account to the effect that a tax deduction cannot be received under the simplified procedure, stating the relevant reasons:
- not later than 20 March of the year following a tax period that has ended – in the case of information submitted by a tax agent or a bank before 1 March of the year following the tax period that has ended;

- within 20 working days following the day on which information is submitted – in the case of information submitted by a tax agent or a bank after 1 March of the year following the tax period that has ended.

The checking of compliance with the requirements prescribed by the procedure established by this Article and other conditions for the receipt of tax deductions that are established by relevant articles of this Code on the basis of an application submitted by the taxpayer shall take place in the form of an in-house tax audit in accordance with the provisions of Article 88 of this Code.

Where a taxpayer simultaneously submits an application (multiple applications) and a tax declaration for tax on income of physical persons for one tax period, the in-house tax audit in relation to each document shall commence from the date on which the relevant document is registered with a tax authority according to the order in which the taxpayer sent them to the tax authority.

Where a tax authority has in relation to one taxpayer multiple documents containing information on income of a physical person and amounts of tax calculated, withheld and remitted to the budgetary system of the Russian Federation that was submitted in accordance with clause 2 of Article 230 of this Code for one tax period, the order in which those documents are considered by the tax authority for the purposes of determining the amount of a tax deduction to be granted by the tax authority under the simplified procedure shall be determined on the basis of the date on which they were submitted to the tax authorities.

5. If no violations of tax and levy legislation are found as a result of an in-house tax audit on the basis of an application, the tax authority shall, within three days after completing the audit, adopt a decision to grant a tax deduction.

If violations of tax and levy legislation are found as a result of considering materials relating to an in-house tax audit on the basis of an application, the tax authority shall, at the same time as issuing a decision in accordance with Article 101 of this Code, adopt a decision to grant a tax deduction in full, or a decision to deny a tax deduction in full, or a decision to grant a tax deduction in part and a decision to deny a tax deduction in part.

6. On the basis of decisions to grant a tax deduction in full or in part, the tax authority shall determine the amount of tax to be refunded to the taxpayer in connection with the granting of the tax deduction to the bank account specified in the application.

Where a taxpayer has arrears in respect of tax or other taxes or outstanding amounts of corresponding penalties and (or) fines, the tax authority shall independently credit the amount of tax refundable to the taxpayer in connection with the granting of a tax deduction towards the settlement of those arrears and outstanding amounts of penalties and (or) fines.
The decision to credit an amount of tax that is refundable to a taxpayer in connection with the granting of a tax deduction shall be adopted by the tax authority not later than two days after the day of the adoption of the relevant decision to grant a tax deduction in whole or in part.

An order to refund an amount of tax that is refundable to a taxpayer in connection with the granting of a tax deduction shall be drawn up on the basis of the relevant decision to grant a tax deduction in whole or in part and the decision to credit the amount of tax refundable to the taxpayer in connection with the granting of a tax deduction and must be sent by the tax authority to a territorial body of the Federal Treasury not later than ten days from the day on which the tax authority adopted the relevant decision.

The territorial body of the Federal Treasury shall, within five days of receiving that order, execute the refund to the taxpayer of the amount of tax refundable to the taxpayer in connection with the granting of a tax deduction in accordance with the budget legislation of the Russian Federation and, within the same period, notify the tax authority of the date of the refund and the amount of money refunded to the taxpayer.

If an amount of tax refundable to the taxpayer in connection with the granting of a tax deduction is not refunded on time, interest shall accrue on the basis of the refinancing rate of the Central Bank of the Russian Federation from the 16th day after the adoption of the relevant decision to grant a tax deduction in whole or in part.

The interest rate shall be taken to be equal to the refinancing rate of the Central Bank of the Russian Federation that was in effect on the days of the delay in executing the refund.

7. In the event that a tax agent or a bank submits revised information in place of information provided for in clause 3 of this Article, which causes the amount of tax refunded to the taxpayer in connection with the granting of a tax deduction to be reduced, the tax authority shall, within five days after receiving that information, adopt a decision to rescind in full or in part the decision to grant a tax deduction in full or in part.

The decision referred to in paragraph 1 of this clause, indicating amounts of tax and (or) interest to be repaid by the taxpayer, shall be sent by the tax authority to the taxpayer through an online taxpayer account (or, if the taxpayer has ceased to have access to an online taxpayer account, by registered mail) not later than three days from the date of adoption of that decision.

Amounts repayable by the taxpayer must be paid by the taxpayer not later than 30 calendar days from the day on which the decision referred to in paragraph 1 of this clause was sent by the tax authority through an online taxpayer account (or, if the taxpayer has ceased to have access to an online taxpayer account, by registered mail).

Interest shall be charged on the amounts repayable by the taxpayer on the basis of an interest rate equal to the refinancing rate of the Central Bank of the Russian Federation in effect during the period in which budget resources were used. That interest shall be charged on the amount of tax received by the taxpayer in an account held by him with a bank starting from the date on which money entered his bank account, and on the amount of tax credited towards the settlement of arrears in respect of tax and other taxes and outstanding amounts of corresponding penalties and (or) fines starting from the date of adoption of the decision to credit the amount
of tax repayable to the taxpayer in connection with the granting of a tax deduction until the date of adoption of the decision referred to in paragraph 1 of this clause inclusively.

8. If amounts of tax repayable by a taxpayer in accordance with clause 7 of this Article are not paid or are not paid in full by the taxpayer within the time limit established by paragraph 3 of clause 7 of this Article, the tax authority shall send to the taxpayer a demand to pay tax and (or) interest. The demand to pay tax and (or) interest shall be sent to the taxpayer through an online taxpayer account (or, if the taxpayer has ceased to have access to an online taxpayer account, by registered mail) within the time limit established by clause 2 of Article 70 of this Code.

9. If amounts specified in a demand to pay tax and (or) interest are not paid or are not paid in full by the taxpayer within the established time limit, the amounts in question shall be recovered in accordance with the procedure established by Article 48 of this Code.

**Article 222. Powers of Legislative (Representative) Bodies of Constituent Entities of the Russian Federation With Respect to the Establishment of Social and Property-Related Deductions**

Within the limits of the rates of the social tax deductions which are established by Article 219 of this Code and of the property-related tax deductions which are established by Article 220 of this Code, legislative (representative) bodies of constituent entities of the Russian Federation may establish other rates of deductions to take account of particular regional considerations.

**Article 223. Date of Actual Receipt of Income**

1. For the purposes of this Chapter and unless otherwise stipulated by clauses 2 to 5 of this Article, the date of the actual receipt of income shall be defined as the day: [as amended by Federal Laws No. 41-FZ of 05.04.2010, No. 23-FZ of 07.03.2011, No. 465-FZ of 29.12.2014]

1) on which income is paid, including the transfer of income to the taxpayer’s bank accounts or, on the taxpayer’s instructions, to accounts of third parties - where income is received in monetary form;

2) on which income in kind is transferred - where income is received in kind;

3) on which goods (work and services) are acquired or securities are acquired - where income is received in the form of material benefit. Where payment for acquired securities is made after ownership of the securities is transferred to the taxpayer, the date of actual receipt of income shall be defined as the day on which a relevant payment is made by way of payment for securities acquired; [subsection 3 as reworded by Federal Law No. 113-FZ of 02.05.2015]

4) on which the offsetting of counter-claims of a similar kind occurs; [subsection 4 inserted by Federal Law No. 113-FZ of 02.05.2015]

5) on which the taxpayer’s obligation to pay indebtedness is wholly or partially terminated by reason of the indebtedness being declared irrecoverable in accordance with the established procedure; [subsection 5 as reworded by Federal Law No. 210-FZ of 26.07.2019]
6) the last day of the month in which an expense report was approved after the return of an employee from a business trip;
   [subsection 6 inserted by Federal Law No. 113-FZ of 02.05.2015]

7) the last day of each month during the period for which loan (credit) funds were provided where income is received in the form of material benefit obtained from a saving on interest payable upon the receipt of loan (credit) funds.
   [subsection 7 inserted by Federal Law No. 113-FZ of 02.05.2015]

1.1. In the case of income in the form of amounts of profit of a controlled foreign company (including fixed profit), the date of actual receipt of income shall be deemed to be the last day of the tax period for tax following the tax period in which there falls the end date of the period for which financial statements for a financial year are prepared in accordance with the personal law of the foreign organization (foreign unincorporated entity). [as amended by Federal Law No. 368-FZ of 09.11.2020]

Where the personal law of a controlled foreign company does not require the preparation and submission of financial statements, the date of actual receipt of income in the form of amounts of profit of that company (including fixed profit) shall be deemed to be the last day of the calendar year following the calendar year for which its profit is determined.
   [clause 1.1 as reworded by Federal Law No. 32-FZ of 15.02.2016]

1.2. In the case of income referred to in subsection 1.1 of clause 1 of Article 208 of this Code, the date of actual receipt of income shall be deemed to be the date on which the taxpayer received income in the form of dividends on shares (participating interests) in a foreign organization (depositary receipts certifying rights to shares in a foreign organization) or in the form of the amount of a profit distribution of a foreign unincorporated entity such as are referred to in paragraphs 4 and 8 of clause 1.1 of Article 208 of this Code, including the date on which they were remitted to accounts of third parties at the taxpayer’s instruction.
   [clause 1.2 inserted by Federal Law No. 374-FZ of 23.11.2020]

2. Where income is received in the form of payment for labour, the date of the actual receipt of such income by the taxpayer shall be deemed to be the last day of the month for which income was credited to him for the performance of employment duties in accordance with the employment agreement (contract). [as amended by Federal Law No. 166-FZ of 29.12.2000]

In the event that an employment relationship is terminated before the end of a calendar month, the date of the actual receipt by the taxpayer of income in the form of payment for labour shall be considered to be the last day of work for which income accrued to him. [paragraph inserted by Federal Law No. 216-FZ of 24.07.2007]

3. Amounts of payments which have been received as self-employment assistance for unemployed citizens and to encourage unemployed citizens who have started their own business to create further jobs for unemployed citizens from the resources of budgets of the budget system of the Russian Federation in accordance with programmes approved by relevant state government bodies shall be included in income over three tax periods, and corresponding amounts shall simultaneously be included in expenses within the limits of expenses actually incurred for each tax period which are provided for by the conditions of receipt of the above-mentioned amounts of payments.
In the event that the conditions of receipt of payments such as are provided for in this clause are violated, amounts of payments received shall be wholly included in income for the tax period in which the violation occurred. If, after the end of the third tax period, the amount of payments received such as are referred to in paragraph 1 of this clause exceeds the amount of expenses taken into account in accordance with this clause, the remaining amounts which were not taken into account shall be wholly included in income for that tax period.

[clause 3 inserted by Federal Law No. 41-FZ of 05.04.2010]

4. Financial support resources in the form of subsidies which have been received in accordance with Federal Law No. 209-FZ of 24 July 2007 “Concerning the Development of Small and Medium-Sized Business in the Russian Federation” (hereinafter referred to as “the Federal Law “Concerning the Development of Small and Medium-Sized Business in the Russian Federation””) shall be included in income in proportion to expenses actually incurred from that source, but not for more than two tax periods from the date of receipt. If, after the end of the second tax period, the amount of financial support resources received such as are referred to in this clause exceeds the amount of recognised expenses actually incurred from that source, the difference between those amounts shall be wholly included in income for that tax period. This treatment of financial support resources shall not apply to cases where amortizable property is acquired from the above-mentioned source.

Where amortizable property is acquired from financial support resources such as are referred to in this clause, those financial support resources shall be included in income as and when expenses for the acquisition of amortizable property are recognised in accordance with the procedure established by Chapter 25 of this Code.

[clause 4 inserted by Federal Law No. 23-FZ of 07.03.2011]

5. Financial support funds which are received by private entrepreneurs out of resources of budgets of the budget system of the Russian Federation on the basis of a certificate for the attraction of labour resources to constituent entities of the Russian Federation included in the list of constituent entities of the Russian Federation for which the attraction of labour resources is a priority in accordance with Law No. 1032-1 of the Russian Federation of 19 April 1991 “Concerning Employment in the Russian Federation” shall be included in income over three tax periods, and corresponding amounts shall simultaneously be included in expenses within the limits of expenses actually incurred for each tax period which are provided for in the conditions of receipt of those financial support funds.

In the event that the conditions of receipt of financial support funds which are laid down in this clause are violated, the amount of financial support funds received shall be wholly included in income for the tax period in which the violation occurred. If, after the third tax period has ended, the amount of financial support funds received such as are referred to in paragraph 1 of this clause exceeds the amount of expenses taken into account in accordance with this clause, the remaining amounts which have not been taken into account shall be wholly included in income for that tax period.

[clause 5 inserted by Federal Law No. 465-FZ of 29.12.2014]

**Article 224. Tax Rates**

1. The tax rate shall be set as follows:
- 13 per cent – if the sum of the tax bases referred to in clause 2.1 of Article 210 of this Code for the tax period amounts to less than 5 million roubles or is equal to 5 million roubles;

- 650,000 roubles and 15 per cent of the sum of the tax bases referred to in clause 2.1 of Article 210 of this Code in excess of 5 million roubles – if the sum of the tax bases referred to in clause 2.1 of Article 210 of this Code for the tax period amounts to more than 5 million roubles.

The tax rate set by this clause shall be applied to the aggregate of all taxable income of a physical person who is a tax resident of the Russian Federation, excluding income that is taxable at the tax rates provided for in clauses 1.1, 2, 5 and 5 of this Article.

1.1. The tax rate shall be set at 13 per cent for physical persons who are tax residents of the Russian Federation with respect to income from the sale of property (other than securities) and (or) an interest (interests) therein, income in the form of property (other than securities) received by way of a gift, and taxable income received by such physical persons in the form of insurance payments under insurance agreements and pension payments.

2. The tax rate shall be established at 35 per cent for the following types of income:

- the value of any winnings and prizes which are received in competitions, games and other events organized for the purpose of advertising goods, work and services insofar as it exceeds the amounts indicated in clause 28 of Article 217 of this Code;

- the amount of interest savings where taxpayers receive borrowed (credit) resources insofar as they exceed the amounts indicated in clause 2 of Article 212 of this Code; [as amended by Federal Laws No. 112-FZ of 20.08.2004, No. 216-FZ of 24.07.2007]

- income in the form of the charge for the use of monetary resources of members of a consumer co-operative (stakeholders) and interest for the use by an agricultural credit consumer co-operative of resources attracted in the form of loans from members of the agricultural credit consumer co-operative or associate members of the agricultural credit consumer co-operative, for which the tax base is determined in accordance with Article 214.2.1 of this Code. [as amended by Federal Law No. 320-FZ of 23.11.2015]

3. The tax rate shall be established at 30 per cent for all income received by physical persons who are not tax residents of the Russian Federation, with the exception of income received:

- in the form of dividends from a participating interest in the activities of Russian organizations, for which the tax rate shall be established at 15 per cent;
- from carrying out labour activities such as are referred to in Article 227.1 of this Code, for which the tax rate shall be established at the level provided for in clause 3.1 of this Article; [as amended by Federal Law No. 372-FZ of 23.11.2020]

- from carrying out labour activities as a highly qualified specialist in accordance with Federal Law No. 115-FZ of 25 July 2002 “Concerning the Legal Status of Foreign Citizens in the Russian Federation”, for which the tax rate shall be established at the level provided for in clause 3.1 of this Article; [as amended by Federal Law No. 372-FZ of 23.11.2020]

- from the carrying out of labour activities by participants in the State Programme to Facilitate the Voluntary Resettlement in the Russian Federation of Compatriots Who Reside Abroad and members of their families who have jointly moved to take up permanent residence in the Russian Federation, for which the tax rate shall be established at the level provided for in clause 3.1 of this Article; [paragraph inserted by Federal Law No. 77-FZ of 21.04.2011; as amended by Federal Law No. 372-FZ of 23.11.2020]

- from the performance of employment duties by members of the crews of vessels sailing under the State Flag of the Russian Federation, for which the tax rate shall be established at the level provided for in clause 3.1 of this Article; [paragraph inserted by Federal Law No. 305-FZ of 07.11.2011; as amended by Federal Law No. 372-FZ of 23.11.2020]

- from the performance of work activities by foreign citizens or stateless persons who have been recognised as refugees or have received temporary asylum in the territory of the Russian Federation in accordance with the Federal Law “Concerning Refugees”, for which the tax rate shall be established at the level provided for in clause 3.1 of this Article; [paragraph inserted by Federal Law No. 285-FZ of 04.10.2014; as amended by Federal Law No. 372-FZ of 23.11.2020]

- in the form of dividends on shares (participating interests) in international holding companies which are public companies as at the day of the adoption of the decision of the company concerned to pay the dividends for which a tax rate of 5 per cent is established. The tax rate specified in this paragraph shall apply in relation to income received before 1 January 2029 and on condition that the foreign organizations through whose redomiciliation the companies in question were registered were public companies as at 1 January 2018; [paragraph inserted by Federal Law No. 490-FZ of 25.12.2018]

- in the form of interest on deposits (balances of accounts) with banks located in the territory of the Russian Federation, for which the tax shall be set at the level provided for in clause 3.1 of this Article. [paragraph inserted by Federal Law No. 102-FZ of 01.04.2020; as amended by Federal Law No. 372-FZ of 23.11.2020]

[clause 3 as reworded by Federal Law No. 86-FZ of 19.05.2010]

3.1. For income of physical persons who are not tax residents of the Russian Federation such as is referred to in paragraphs 3 to 7 and 9 of clause 3 of this Article, the tax rate shall be set at the following levels:

- 13 per cent – if the amount of relevant income for the tax period amounts to less than 5 million roubles or is equal to 5 million roubles;
- 650,000 roubles and 15 per cent of the amount of relevant income in excess of 5 million roubles – if the amount of relevant income for the tax period amounts to more than 5 million roubles.


5. The tax rate shall be established at 9 per cent for income in the form of interest on mortgage-backed bonds issued before 1 January 2007 and for income of institutors of the fiduciary management of a mortgage pool which has been received by means of the acquisition of mortgage participation certificates issued by the fiduciary manager before 1 January 2007.

[clause 5 inserted by Federal Law No. 112-FZ of 20.08.2004]

6. The tax rate shall be established at 30 per cent for income on securities (with the exception of income in the form of dividends) issued by Russian organizations with respect to which rights are recorded in a depositary account of a foreign nominee holder, a depositary account of a foreign authorized holder and (or) a depositary programme depositary account where that income is paid to persons in relation to whom information was not provided to the tax agent in accordance with the requirements of Article 214.6 of this Code.


Article 225. Procedure for the Calculation of Tax

1. When applying the tax rate set by clause 1 of Article 224 of this Code, the amount of tax shall be calculated as follows:

1) if the sum of the tax bases referred to in clause 2.1 of Article 210 of this Code amounts to less than 5 million roubles or is equal to 5 million roubles – as a percentage of that sum of tax bases that corresponds to the tax rate set by paragraph 2 of clause 1 of Article 224 of this Code;

2) if the sum of the tax bases referred to in clause 2.1 of Article 210 of this Code amounts to more than 5 million roubles – as the sum of 650,000 roubles and an amount equal to a percentage of the sum of the tax bases referred to in clause 2.1 of Article 210 of this Code, reduced by 5 million roubles, that corresponds to the ad valorem tax rate set by paragraph 3 of clause 1 of Article 224 of this Code;

[as amended by Federal Law No. 8-FZ of 17.02.2021]

Where tax is calculated by a taxpayer deemed to be a tax resident of the Russian Federation or by a tax agent on income from a participating interest in an organization received in the form of dividends, the provisions of this clause shall apply with account taken of the special considerations established by clauses 2 and 3 of Article 214 of this Code.

[paragraph inserted by Federal Law No. 8-FZ of 17.02.2021]
[clause 1 as reworded by Federal Law No. 372-FZ of 23.11.2020]

1.1. When applying the tax rate set by paragraph 1 of clause 3 of Article 224 of this Code, the amount of tax shall be calculated as a percentage of the sum of the tax bases referred to in clause 2.2 of Article 210 of this Code that corresponds to the tax rate.

[clause 1.1 inserted by Federal Law No. 372-FZ of 23.11.2020]
1.2. When applying the tax rates set by clauses 2, 5 and 6 of Article 224 of this Code, the amount of tax shall be calculated as a percentage of the tax base referred to in clause 4 of Article 210 of this Code that corresponds to the tax rate.
[clause 1.2 inserted by Federal Law No. 372-FZ of 23.11.2020]

1.3. When applying the tax rates set by clause 1.1 of Article 224 of this Code, the amount of tax shall be calculated as a percentage of the tax base referred to in clause 6 of Article 210 of this Code that corresponds to the tax rate.
[clause 1.3 inserted by Federal Law No. 372-FZ of 23.11.2020]

1.4. When applying the tax rate set by clause 3.1 of Article 224 of this Code, the amount of tax shall be calculated as follows:

1) if the amount of income that is taxable and is taken into account in determining the tax base
is less than 5 million roubles or is equal to 5 million roubles – as a percentage of the tax base
that corresponds to the tax rate set by paragraph 2 of clause 3.1 of Article 224 of this Code;

2) if the amount of income that is taxable and is taken into account in determining the tax base
is more than 5 million roubles – as 650,000 roubles and an amount equal to a percentage of the
tax base, reduced by 5 million roubles, that corresponds to the ad valorem rate set by paragraph
3 of clause 3.1 of Article 224 of this Code.
[clause 1.4 inserted by Federal Law No. 372-FZ of 23.11.2020]

2. For a physical person who is a tax resident of the Russian Federation, the total amount of tax
shall be the amount obtained as a result of adding together the amounts of tax calculated in
accordance with clauses 1, 1.2 and 1.3 of this Article and clauses 2 to 3.1 of Article 214 of this Code.
[as amended by Federal Laws No. 372-FZ of 23.11.2020, No. 8-FZ of 17.02.2021]

2.1. For a physical person who is not a tax resident of the Russian Federation, the total amount of tax
shall be the amount obtained as a result of adding together amounts of tax calculated in
accordance with clauses 1.1, 1.2 and 1.4 of this Article.
[clause 2.1 inserted by Federal Law No. 372-FZ of 23.11.2020]

3. The total amount of tax shall be calculated on the basis of the results for the tax period in
relation to all income of the taxpayer for which the date of receipt thereof falls within the tax
period in question.

5. Where a taxpayer carries on in the constituent entity of the Russian Federation where he is
registered a type of entrepreneurial activity in relation to which the trade levy has been
established in accordance with Chapter 33 of this Code, the taxpayer shall have the right to
reduce the amount of tax calculated on the basis of results for a tax period at the rate established
by clause 1 of Article 224 of this Code by the amount of the trade levy paid in that tax period.
The provisions of this clause shall not be applied in the event that a taxpayer fails to present a
notification of registration as a payer of the trade levy in relation to a facility for carrying on
entrepreneurial activities in respect of which the trade levy has been paid.
[clause 5 inserted by Federal Law No. 382-FZ of 29.11.2014]
Article 226. Special Considerations Relating to the Calculation of Tax by Tax Agents. The Procedure and Time Limits for the Payment of Tax by Tax Agents

1. Russian organizations, private entrepreneurs, privately practising notaries and lawyers who have founded legal offices and economically autonomous subdivisions of foreign organizations in the Russian Federation from which or as a result of relations with which a taxpayer has received the types of income which are referred to in clause 2 of this Article shall be obliged to calculate, withhold from the taxpayer and pay the amount of tax calculated in accordance with Article 225 of this Code with account taken of the special considerations which are laid down in this Article. Tax on income of lawyers shall be calculated, withheld and paid by Bar associations, law bureaus and legal advice bureaus. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 187-FZ of 31.12.2002, No. 137-FZ of 27.07.2006, No. 216-FZ of 24.07.2007, No. 372-FZ of 23.11.2020]

The persons referred to in paragraph 1 of this clause shall hereafter in this Chapter be referred to as “tax agents”. [as amended by Federal Law No. 137-FZ of 27.07.2006]

Except as otherwise provided in clause 2 or paragraph 2 of clause 6 of Article 226.1 of this Federal Law, Russian organizations and private entrepreneurs which make payments under agreements concluded by them with taxpayers on the purchase and sale (exchange) of securities shall also be deemed to be tax agents. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019; as amended by Federal Law No. 374-FZ of 23.11.2020]

In determining the tax base for securities transactions, tax agents referred to in this clause shall, on the basis of an application from the taxpayer, take into account actually incurred and documented expenses which are connected with the acquisition and storage of the securities in question and which the taxpayer incurred without the involvement of the tax agent. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

A physical person must submit as documentary evidence of such expenses the originals or duly certified copies of documents on the basis of which that physical person incurred the expenses concerned, brokerage statements and documents confirming the transfer to the taxpayer of the rights in respect of the securities in question, the actual payment of the expenses concerned and the amount paid. Where a physical person submits originals of documents, the tax agent shall be obliged to make certified copies of those documents and retain them for five years. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

2. Amounts of tax shall be calculated and paid in accordance with this Article in relation to all income of a taxpayer of which a tax agent is the source with credits made for previously withheld amounts of tax (with the exception of income in relation to which amounts of tax are calculated in accordance with Article 214.7 of this Code) and, in the cases and in accordance with the procedure laid down in Article 227.1 of this Code, with deductions made for amounts of fixed advance payments paid by the taxpayer.

Special considerations relating to the calculation and (or) payment of tax on certain types of income are established by Articles 214.3, 214.4, 214.5, 214.6, 226.1, 227 and 228 of this Code.

3. Amounts of tax shall be calculated by tax agents as at the date of actual receipt of income, as determined in accordance with Article 223 of this Code, on a cumulative basis from the
beginning of the tax period with respect to all income covered by the tax rate set by clause 1 or 3.1 of Article 224 of this Code which was credited to the taxpayer over the period concerned, offset by the amount of tax withheld in preceding months of the current tax period. [as amended by Federal Laws No. 113-FZ of 02.05.2015, No. 354-FZ of 27.11.2017, No. 372-FZ of 23.11.2020]

The amount of tax in the case of income in relation to which other tax rates apply shall be calculated by a tax agent separately with respect to each amount of such income which has been credited to a taxpayer. [as amended by Federal Laws No. 113-FZ of 02.05.2015, No. 372-FZ of 23.11.2020]

The amount of tax shall be calculated without taking into account income received by the taxpayer from other tax agents and amounts of tax withheld by other tax agents.

4. Tax agents shall be obliged to withhold the assessed amount of tax directly from the taxpayer’s income when that income is actually paid, with account taken of the special considerations established by this clause. [as amended by Federal Law No. 113-FZ of 02.05.2015]

Where a taxpayer is paid income in kind or receives income in the form of material benefit, the calculated amount of tax shall be withheld by the tax agent out of any income which is paid by the tax agent to the taxpayer in monetary form. In this respect, the amount of tax which is withheld may not exceed 50 per cent of the amount of income paid in monetary form. [as amended by Federal Law No. 113-FZ of 02.05.2015]

The provisions of this clause shall not apply to tax agents which are credit organizations with respect to the withholding and payment of amounts of tax on income received by clients of those credit organizations (with the exception of clients who are employees of those credit organizations) in the form of material gain as defined in accordance with subsections 1 and 2 of clause 1 of Article 212 of this Code. [paragraph inserted by Federal Law No. 202-FZ of 19.07.2009]

5. In the event that it is impossible for the calculated amount of tax to be withheld from the taxpayer during a tax period, the tax agent shall be obliged to notify the taxpayer and the tax authority where the tax agent is registered of the impossibility of withholding tax and of amounts of income on which tax was not withheld and the amount of non-withheld tax not later than 1 March of the year following the tax period which has ended in which those circumstances arose. [as amended by Federal Law No. 113-FZ of 02.05.2015]

The form of the notice of the impossibility of withholding tax, amounts of income on which tax was not withheld and the amount of non-withheld tax, and the procedure for the submission thereof to the tax authority 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. 113-FZ of 02.05.2015]

Tax agents which are Russian organizations with economically autonomous subdivisions, organizations classed as major taxpayers and private entrepreneurs who are registered with the tax authority for the place where they carry on activities in connection with the application of the licence-based taxation system shall report amounts of tax on which tax was not withheld and the amount of non-withheld tax in accordance with a procedure similar to that which is prescribed by clause 2 of Article 230 of this Code. [paragraph inserted by Federal Law No. 113-FZ of 02.05.2015; as amended by Federal Law No. 305-FZ of 02.07.2021]
[clause 5 as reworded by Federal Law No. 202-FZ of 19.07.2009 (Rev. 27.12.2009)]
6. Tax agents shall be obliged to remit amounts of tax which has been calculated and withheld not later than the day on which income is paid to the taxpayer.

Where a taxpayer is paid income in the form of allowances for temporary incapacity for work (including an allowance for care of a sick child) and in the form of vacation pay, tax agents shall be obliged to remit amounts of tax which has been calculated and withheld not later than the last day of the month in which such payments were made. [clause 6 as reworded by Federal Law No. 113-FZ of 02.05.2015]

7. The amount of tax calculated at the tax rate specified in clause 1 or 3.1 of Article 224 of this Code and withheld by a tax agent from the taxpayer in relation to whom it is a source of income shall be paid to the budget as follows: [as amended by Federal Law No. 372-FZ of 23.11.2020]

- if, at the time when tax is paid to the budget, the amount of tax calculated and withheld by the tax agent from the taxpayer, calculated on a cumulative basis from the beginning of the tax period, is less than 650,000 roubles or is equal to 650,000 roubles, tax shall be paid at the place of the tax agent’s registration with a tax authority (residence) and at the location of each economically autonomous subdivision of the tax agent; [as amended by Federal Law No. 372-FZ of 23.11.2020]

- if, at the time when tax is paid to the budget, the amount of tax calculated and withheld by the tax agent from the tax agent, calculated on cumulative basis from the beginning of the tax period, has exceeded 650,000 roubles, tax shall be paid at the place of the tax agent’s registration with a tax authority (residence) and at the location of each economically autonomous subdivision of the tax agent as follows: [paragraph inserted by Federal Law No. 372-FZ of 23.11.2020]

the amount of tax short of 650,000 roubles that relates to the part of the tax base up to 5 million roubles inclusively shall be paid separately; [paragraph inserted by Federal Law No. 372-FZ of 23.11.2020]

the amount of tax in excess of 650,000 roubles that relates to the part of the tax base in excess of 5 million roubles shall be paid separately. [paragraph inserted by Federal Law No. 372-FZ of 23.11.2020]

The amount of tax calculated at other tax rates and withheld by a tax agent from a taxpayer in relation to whom it is deemed to be a source of income shall be paid to the budget at the place of the tax agent’s registration with a tax authority (residence) and at the location of each economically autonomous subdivision of the tax agent. [paragraph inserted by Federal Law No. 372-FZ of 23.11.2020]

The amount of tax which is payable to the budget at the location of an economically autonomous subdivision of an organization shall be determined on the basis of the amount of taxable income which is credited and paid to employees of that economically autonomous subdivision and on the basis of amounts of income credited and paid under civil contracts which are concluded with physical persons by the economically autonomous subdivision (authorized persons of the economically autonomous subdivision) in the name of the organization in question. [as amended by Federal Law No. 327-FZ of 28.11.2015]
Tax agents who are private entrepreneurs registered with the tax authority for the place where they carry on activities in connection with the application of the licence-based taxation system shall be obliged to remit amounts of tax calculated and withheld on income of hired workers to the budget for the place where they are registered in connection with those activities. [paragraph inserted by Federal Law No. 113-FZ of 02.05.2015; as amended by Federal Law No. 305-FZ of 02.07.2021]

Tax agents which are Russian organizations as referred to in clause 1 of this Article and have multiple economically autonomous subdivisions in the territory of one municipality shall have the right to remit calculated and withheld amounts of tax to the budget at the location of one of those economically autonomous subdivisions or at the location of the organization if that organization and its economically autonomous subdivisions are located in the territory of one municipality, chosen by the tax agent independently with account taken of the procedure established by clause 2 of Article 230 of this Code. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

7.1. Russian organizations which transfer amounts of monetary allowances, pay, salary and other remuneration (other payments) to servicemen and civilian personnel (federal civil servants and employees) of the Armed Forces of the Russian Federation shall also be recognised as tax agents for the purposes of this Chapter.

The aggregate amount of tax calculated and withheld by a tax agent on the above-mentioned amounts shall be remitted to the budget in the manner prescribed by clause 7 of this Article without the application of the provisions requiring tax to be paid to the budget at the location of economically autonomous subdivisions of the tax agent. [as amended by Federal Law No. 372-FZ of 23.11.2020]
[clause 7.1 inserted by Federal Law No. 399-FZ of 30.11.2016]

8. Any aggregate amount of tax in excess of 100 roubles which is withheld by a tax agent from income of physical persons for whom that tax agent is deemed to the source of income shall be transferred to the budget in accordance with the procedure which is established by this Article. If the aggregate amount of withheld income tax which is payable to the budget is less than 100 roubles, it shall be added to the amount of tax which is transferable to the budget in the following month, but no later than December of the current year.

9. Tax may not be paid out of the resources of tax agents. When concluding agreements and other transactions it shall be forbidden to include therein tax provisions in accordance with which tax agents which pay income assume obligations to bear expenses associated with the payment of tax on behalf of physical persons, except where tax is additionally charged (recovered) as a result of a tax audit in accordance with this Code owing to the unlawful failure by a tax agent to withhold tax (or to withhold it in full). [as amended by Federal Law No. 325-FZ of 29.09.2019]

**Article 226.1. Special Considerations Relating to the Calculation and Payment of Tax by Tax Agents in the Context of Securities Transactions and Transactions Involving Derivative Financial Instruments and with Respect to Payments on Securities of Russian Issuers** [as amended by Federal Law No. 242-FZ of 03.07.2016] [inserted by Federal Law No. 306-FZ of 02.11.2013]

1. The tax base arising from securities transactions, transactions involving derivative financial instruments, repo transactions involving securities and securities lending operations shall be
determined by the tax agent after the end of the tax period, except as otherwise established by this Article. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 327-FZ of 28.11.2015, No. 242-FZ of 03.07.2016]

2. The tax agent in the case of the receipt of income from securities transactions (including those recorded in an individual investment account) and derivative financial instrument transactions where payments are made on securities for the purposes of this Article and Articles 214.1 and Articles 214.3, 214.4 and 214.9 of this Code and income received in the form of material gain from the above-mentioned transactions which is determined in accordance with Article 212 of this Code shall be: [as amended by Federal Laws No. 327-FZ of 28.11.2015, No. 242-FZ of 03.07.2016, No. 58-FZ of 03.04.2017, No. 102-FZ of 01.04.2020]

1) a fiduciary or broker which carries out the above-mentioned transactions in the interests of the taxpayer on the basis of a fiduciary management agreement, a brokerage agreement, a contract of delegation, a commission agency contract or an agency contract with the taxpayer. In this respect, each tax agent shall determine the tax base of the taxpayer for all types of income from transactions carried out by the tax agent in the interests of that taxpayer in accordance with the above-mentioned agreements, less appropriate expenses. [as amended by Federal Law No. 372-FZ of 23.11.2020]

Where a fiduciary or a broker carries out transactions in the interests of the taxpayer involving the redemption of investment units in mutual investment funds, the provisions of this subsection shall apply as follows:

- where an application for the redemption of investment units is submitted to a management company of a mutual investment fund by a broker or a fiduciary with an instruction to credit monetary resources from that redemption to an account with that broker (fiduciary), the tax agent shall be the broker (fiduciary) which submits the application for the redemption of the investment units in the interests of its clients;

- in all other cases the tax agent shall be the management company of the mutual investment fund; [subsection 1 as reworded by Federal Law No. 327-FZ of 28.11.2015]

1.1) a forex dealer which carries out operations with physical persons on the basis of contracts such as are provided for in clause 1 of Article 4.1 of the Federal Law “Concerning the Securities Market”. In this respect, the tax agent shall determine the tax base of the taxpayer with respect to all types of income from the above-mentioned operations which the tax agent has carried out in the interests of that taxpayer; [subsection 1.1 inserted by Federal Law No. 460-FZ of 29.12.2014]

2) a fiduciary in relation to income which is paid to the taxpayer on securities issued by Russian organizations for which related rights are recorded in the ledger account or depositary account of that fiduciary as at the date specified in the decision to pay (declare) income on the securities, if the fiduciary is a professional participant in the securities market on the date as at which persons having the right to receive income are determined in accordance with a decision of an organization; [as amended by Federal Law No. 326-FZ of 28.11.2015]

3) a Russian organization which pays income to the taxpayer on securities issued by that organization for which related rights are recorded in the register of securities of the Russian
organization as at the date specified in the decision to pay (declare) income on the securities in question in the following accounts:

- the ledger account of the holder of the securities;

- a deposit ledger account;

- the ledger account of the fiduciary if that fiduciary is not a professional participant in the securities market;

- a ledger account of a foreign nominee holder, a ledger account of a foreign authorized holder, a depositary programme ledger account and a ledger account of a foreign registrar opened in accordance with Federal Law No. 290-FZ of 3 August 2018 “Concerning International Companies”; [paragraph inserted by Federal Law No. 490-FZ of 25.12.2018]

4) a Russian organization which pays income to the taxpayer on securities issued by that Russian organization which, at the date specified in the decision to pay (declare) income, are recorded in an unidentified persons’ account opened by the register keeper, for persons identified as having the right to receive the income in question;

5) a depositary which pays income to the taxpayer on securities issued by Russian organizations for which, as at the date specified in the decision to pay (declare) income, related rights are recorded with that depositary in the following accounts:

- the depositary account of the holder of the securities, including the holder’s trading depositary account;

- a deposit depositary account;

- the depositary account of the fiduciary if that fiduciary is not a professional participant in the securities market on the date as at which persons having the right to receive income are determined in accordance with a decision of an organization; [as amended by Federal Law No. 326-FZ of 28.11.2015]

- a depositary subaccount opened with the depositary in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”, with the exception of a depositary subaccount of a nominee holder;

- a depositary subaccount opened in accordance with Federal Law No. 156-FZ of 29 November 2001 “Concerning Investment Funds”;

6) a depositary which pays income to the taxpayer on securities issued by a Russian organization which, at the date specified in the decision to pay (declare) income on the securities, are recorded in an unidentified persons’ account opened by that depositary, for persons identified as having the right to receive the income in question;

7) a depositary which pays (transfers) income in monetary form to the taxpayer on the following types of securities which are recorded in a depositary account of a foreign nominee holder, a
depositary account of a foreign authorized holder and (or) a depositary programme depositary account:

- state securities of the Russian Federation with mandatory centralized custody;

- state securities of constituent entities of the Russian Federation with mandatory centralized custody;

- municipal securities with mandatory centralized custody, irrespective of the date of state registration of the securities issue;

- issuance securities with mandatory centralized custody issued by Russian organizations with respect to which the issue (state registration) thereof or assignment of an identification number thereto took place after 1 January 2012;

- other issuance securities issued by Russian organizations, with the exception of issuance securities with mandatory centralized custody of issues which underwent state registration or were assigned an identification number before 1 January 2012.

3. A person who pays income to a taxpayer on securities issued by Russian organizations shall not be deemed to be a tax agent in relation to those payments if they are made in favour of a management company acting in the interests of a mutual investment fund.

4. Where a tax agent determines the tax base for securities transactions, on the basis of an application from the taxpayer the tax agent may take into account actually incurred and documented expenses which are connected with the acquisition and storage of the securities in question and which the taxpayer incurred without the involvement of the tax agent, including prior to the conclusion of the agreement with the tax agent by reason of which the tax agent determines the tax base of the taxpayer.

In order to document the expenses in question a physical person must present originals or duly certified copies of the documents on the basis of which the physical person incurred the expenses in question, brokerage reports and documents confirming the transfer to the taxpayer of rights in respect of the relevant securities and the actual payment and amount of the expenses in question. Where a physical person presents original documents, the tax agent shall be obliged to make certified copies of those documents and retain them for five years.

The provisions of paragraphs 1 and 2 of this clause shall not apply to tax agents referred to in paragraph 2 of clause 6 of this Article. [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

Tax agents referred to in paragraph 2 of clause 6 of this Article shall, when determining the tax base for income from the performance of operations involving the redemption and repurchase (acquisition) by an issuer of its own bonds, take into account actually incurred and documented expenses which relate to the acquisition and storage of the securities in question and which the taxpayer incurred with the participation of the tax agent and the financial platform operator. Supporting documents for expenses shall be drawn up in accordance with the rules of the financial platform and may be transmitted by the financial platform operator to the tax agent using the electronic document exchange system of the financial platform.
5. A tax agent shall also be obliged to calculate and withhold amounts of tax which were not withheld in full by other persons who are deemed to be tax agents in relation to income paid (if the tax agent possesses the relevant information), including where payments are made to a taxpayer as a result of operations for which the tax base is determined in accordance with Articles 214.1, 214.3 and 214.4 of this Code. [as amended by Federal Law No. 326-FZ of 28.11.2015]

The calculation and withholding of tax in accordance with this clause shall take place on the basis of information to be presented to the tax agent by the issuer of the securities and (or) other persons in accordance with the procedure and within the time periods which are established by the federal executive body in charge of control and supervision in the area of taxes and levies. [as amended by Federal Law No. 326-FZ of 28.11.2015]

6. A depositary which pays (transfers) income on issuance securities with mandatory centralized custody or centralized recording of bond rights shall not be deemed to be a tax agent when making payments to taxpayers by way of settlement of the nominal value of securities. The payment of tax in this case shall take place in accordance with Article 228 of this Code except in the case referred to in paragraph 2 of this clause. [as amended by Federal Law No. 374-FZ of 23.11.2020]

A depositary and a register keeper (registrar) shall be deemed to be a tax agent upon the receipt of income and payments that are recorded (remitted) by those persons in connection with the redemption of the nominal value and the performance of repurchases of bonds placed using a financial platform in accordance with Federal Law No. 211-FZ of 20 July 2020 “Concerning the Conclusion of Financial Transactions Using a Financial Platform”. [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

7. The calculation and withholding of tax by a tax agent in relation to securities transactions and derivative financial instrument transactions shall take place in accordance with the procedure established by this Chapter at the following times: [as amended by Federal Laws No. 327-FZ of 28.11.2015, No. 242-FZ of 03.07.2016]

- after the end of a tax period;
- before the expiry of a tax period;
- before the expiry of a contract in favour of a physical person.

The amount of tax in respect of income on securities shall be calculated and paid by a tax agent with respect to payments of such income in favour of a physical person in accordance with the procedure established by this Chapter.

8. Where a tax agent pays monetary resources (income in kind) before the expiry of a tax period or before the expiry of a contract in favour of a physical person, the amount of tax shall be calculated with reference to a tax base which is determined in accordance with Articles 214.1, 214.3 and 214.4 of this Code.

9. Except as otherwise established by Article 214.9 of this Code, a tax agent shall pay tax withheld from a taxpayer not later than one month from the earliest of the following dates: [as amended by Federal Law No. 327-FZ of 28.11.2015]
1) the end date of the relevant tax period;

2) the date of expiry of the contract with the most recent commencement date on the basis of which the tax agent pays to the taxpayer the income in relation to which it is deemed to be a tax agent;

3) the date on which monetary resources are paid (securities are transferred).


Where an agreement on the operation of an individual investment account is terminated and all assets recorded on the individual investment account are transferred to another individual investment account opened for the same physical person, for the purposes of computing the tax base the date of opening of the account shall be the date on which that physical person opened the individual investment account with respect to which the agreement on the operation thereof has been terminated in the manner indicated in this paragraph.

The composition of the details of a physical person and his individual investment account which are to be provided by a professional participant in the securities market to another professional participant in the securities market where an agreement on the operation of an individual investment account is terminated and all assets recorded on the individual investment account are transferred to another individual investment account opened for the same physical person shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.


10. A tax agent shall be obliged to withhold the calculated amount of tax from rouble monetary resources of the taxpayer which are at the disposal of the tax agent in brokerage accounts, special brokerage accounts, special client accounts or special depositary accounts, in nominal accounts of a forex dealer or in bank accounts of a tax agent/fiduciary which are used by that fiduciary for the separate holding of monetary resources of principals, on the basis of the balance of rouble monetary resources of a client which has accrued in the accounts concerned at the date on which tax is withheld. [as amended by Federal Law No. 460-FZ of 29.12.2014]

It shall not be permitted for the amount of tax in respect of the tax base which is determined by a tax agent for transactions which are not recorded in an individual investment account to be withheld from monetary resources of the taxpayer which are held in an individual investment account. [paragraph inserted by Federal Law No. 327-FZ of 28.11.2015]

For the purposes of this Article, the payment of monetary resources shall be understood to mean the payment of cash by a tax agent to a taxpayer or to a third party at the taxpayer’s request, or the remittance of monetary resources to a taxpayer’s bank account or to the bank account of a third party at the taxpayer’s request.

For the purposes of this Article, the payment of income in kind shall be understood to mean the transfer by a tax agent to a taxpayer (or to third parties at the taxpayer’s instruction) of securities from a depositary account (ledger account) of the tax agent or a depositary account (ledger account) of the taxpayer in relation to which the tax agent has been granted the right of disposal.
A payment of income in kind shall not be deemed to arise for the purposes of this Article in the
case of the transfer of securities by a tax agent at the request of a taxpayer in connection with
the performance of securities transactions by the taxpayer, provided that monetary resources
relating to the transactions in question have been paid in full into an account (including a bank
account) held by the taxpayer with the tax agent in question, or in the case of the transfer (re-
registration) of securities to the depositary account in respect of which the ownership rights of
the taxpayer in question are certified and which is held with a depositary which carries out its
activities in accordance with the legislation of the Russian Federation.

Where income is paid in kind, the amount of the payment shall be determined as the amount of
actually incurred and documented expenses for the acquisition of securities transferred to the
taxpayer or to another person.

11. For the purpose of determining the tax base, a tax agent shall compute in accordance with
Articles 214.1, 214.3 and 214.4 of this Code the financial result for a taxpayer to whom
monetary resources (income in kind) are paid as at the date on which income is paid.

If the amount of tax computed on a cumulative basis exceeds the amount of the current payment
of monetary resources (income in kind), tax shall be calculated and paid by the tax agent on the
amount of the current payment. [as amended by Federal Law No. 372-FZ of 23.11.2020]

If the amount of tax computed on a cumulative basis does not exceed the amount of the current
payment of monetary resources (income in kind), tax shall be calculated and paid by the tax
agent on the amount of the financial result computed on a cumulative basis. [as amended by Federal
Law No. 372-FZ of 23.11.2020]

12. Where monetary resources (income in kind) are paid by a tax agent to a taxpayer more than
once in the course of a tax period, the amount of tax shall be calculated on a cumulative basis
with a credit made for previously paid amounts of tax.

13. Where a taxpayer has various types of income (including income taxable at different tax
rates) from operations carried out by a tax agent in favour of the taxpayer, the order in which
they are paid to the taxpayer where monetary resources (income in kind) are paid before the
expiry of a tax period (before the expiry of a fiduciary agreement) shall be established by
agreement between the taxpayer and the tax agent.

14. Where it is impossible for the calculated amount of tax to be withheld in full in accordance
with this Article, the tax agent shall determine whether it is possible for the amount of tax to
be withheld before the earlier of the following dates:

- one month from the end date of the tax period in which the tax agent was unable to withhold
  the calculated amount of tax in full;

- the date of expiry of the last agreement concluded between the taxpayer and the tax agent by
  reason of which the tax agent calculated tax.

Where it is impossible for the calculated amount of tax to be withheld from the taxpayer in full
or in part owing to the expiry of the contract with the most recent commencement date on the
basis of which the tax agent makes a payment in respect of which it is deemed to be a tax agent,
the tax agent shall, within one month of that circumstance arising, notify the tax authority with which it is registered in writing of the impossibility of withholding tax and of the amount of the taxpayer’s indebtedness. In this case tax shall be paid by the taxpayer in accordance with Article 228 of this Code.

Notices of the impossibility of withholding tax on the basis of results for a tax period shall be sent by a tax agent to the tax authorities by 1 March of the year following the tax period which has ended.

[EY Note: Paragraph 1 of clause 15 of Article 226.1 is reworded from 01.01.2022 – Federal Law No. 100-FZ of 20.04.2021]

15. A tax agent for operations recorded in an individual investment account shall be obliged to report the opening or closing of an individual investment account to the tax authority for its location within three days from the date of the relevant event in electronic form via telecommunications channels. [as amended by Federal Law No. 327-FZ of 28.11.2015]

The forms and formats for notices of the opening or closing of an individual investment account and the procedure for completing and submitting them shall be established by the federal executive body in charge of control and supervision in the area of taxes and levies. [clause 15 inserted by Federal Law No. 420-FZ of 28.12.2013]

16. The amount of tax shall be paid by a tax agent in the manner prescribed by clause 7 of Article 226 of this Code. [clause 16 inserted by Federal Law No. 372-FZ of 23.11.2020]

17. Tax shall not be calculated and withheld by the tax agent on income paid to physical persons who are not tax residents of the Russian Federation where interest income is paid on state securities of the Russian Federation, state securities of constituent entities of the Russian Federation and municipal securities. [clause 17 inserted by Federal Law No. 305-FZ of 02.07.2021]


1. The following taxpayers shall calculate and pay tax in accordance with this Article:

1) physical persons who have been registered in accordance with the procedure which is established by current legislation and carry out entrepreneurial activities without forming a legal entity - in respect of amounts of income received from carrying out such activities;

2) privately practising notaries, lawyers who have founded legal offices and other persons who engage in private practice in accordance with the procedure which is established by current legislation - in respect of amounts of income received from such activities. [as amended by Federal Law No. 137-FZ of 27.07.2006]
2. The taxpayers referred to in clause 1 of this Article shall independently calculate amounts of tax which are payable to the appropriate budget in accordance with the procedure which is established by Article 225 of this Code.

3. The total amount of tax which is payable to the appropriate budget shall be calculated by the taxpayer with account taken of amounts of tax withheld by tax agents when paying income to the taxpayer and of amounts of advance tax payments which have actually been paid to the appropriate budget.

4. Prior year losses incurred by the physical person shall not reduce the tax base.

5. The taxpayers referred to in clause 1 of this Article shall be obliged to submit an appropriate tax declaration to the tax authority where they are registered within the time limits which are established by Article 229 of this Code. [as amended by Federal Law No. 166-FZ of 29.12.2000]

6. The total amount of tax which is payable to the appropriate budget as calculated in accordance with the tax declaration with account taken of the provisions of this Article shall be paid at the taxpayer’s place of registration no later than 15 July of the year following the tax period which has ended. [as amended by Federal Law No. 166-FZ of 29.12.2000]

If, at the time when tax is paid to the budget, the amount of tax calculated for the tax period without taking into account the reductions of the amount of tax that are provided for in clause 3 of this Article exceeds 650,000 roubles, the portion of the amount of tax in excess of 650,000 roubles that relates to the portion of the tax base in excess of 5 million roubles shall be paid separately from the amount of tax short of 650,000 roubles that relates to the portion of the tax base up to 5 million roubles inclusively. [paragraph inserted by Federal Law No. 372-FZ of 23.11.2020]

7. Taxpayers such as are referred to in clause 1 of this Article shall calculate the amount of advance payments due for the first quarter, six months and nine months on the basis of the tax rate, income actually received and professional and standard tax deductions, and with account taken of previously calculated amounts of advance payments. [clause 7 as reworded by Federal Law No. 63-FZ of 15.04.2019]

8. Advance payments due for the first quarter, six months and nine months shall be paid not later than the 25th of the first month following the first quarter, six months and nine months of the tax period respectively.

If, at the time when an advance payment is paid to the budget, the amount of the advance payment calculated on a cumulative basis from the beginning of the tax period exceeds 650,000 roubles, the portion of the amount of the advance payment in excess of 650,000 roubles that relates to the portion of the tax base in excess of 5 million roubles shall be paid separately from the amount of the advance payment short of 650,000 roubles that relates to the portion of the tax base up to 5 million roubles inclusively. [paragraph inserted by Federal Law No. 372-FZ of 23.11.2020]

[clause 8 as reworded by Federal Law No. 63-FZ of 15.04.2019]


1. The procedure established by this Article shall apply for the purpose of the calculation of the amount and the payment of tax on income of physical persons from engagement in employed work activities in the Russian Federation on the basis of a licence issued in accordance with Federal Law No. 115-FZ of 25 July 2002 “Concerning the Legal Status of Foreign Citizens in the Russian Federation” (hereafter in this Article referred to as “licence”) by the following categories of foreign citizens who engage in such activity:

1) foreign citizens who engage in work activities in the employment of physical persons for personal, domestic and other similar needs which are not connected with entrepreneurial activities;

2) foreign citizens who engage in employed work activities at organizations and (or) for private entrepreneurs or for privately practising notaries, lawyers who have founded law offices and other persons who engage in private practice in accordance with the procedure established by the legislation of the Russian Federation.

2. Fixed advance tax payments shall be paid for the period of operation of a licence in the amount of 1,200 roubles per month with account taken of the provisions of clause 3 of this Article.

3. The level of fixed advance payments which is specified in clause 2 of this Article shall be indexed by the deflator coefficient established for the relevant calendar year and by a coefficient reflecting regional characteristics of the labour market (hereinafter referred to as “regional coefficient”) which is established for the relevant calendar year by a law of a constituent entity of the Russian Federation.

Where a regional coefficient for the ensuing calendar year has not been established by a law of a constituent entity of the Russian Federation, its value shall be taken to be equal to 1.

4. A fixed advance tax payment shall be paid by a taxpayer at the location where he carries on activity on the basis of an issued licence before the date of commencement of the period for which the licence is issued (extended) or re-issued.

In this respect, the taxpayer shall enter “Tax on income of physical persons in the form of a fixed advance payment” as the type of payment in the payment document.

5. The total amount of tax on income of taxpayers such as are referred to in subsection 1 of clause 1 of this Article shall be calculated by the taxpayers with account taken of fixed advance payments paid over the period of operation of a licence in respect of the tax period concerned.

6. The total amount of tax on income of taxpayers such as are referred to in subsection 2 of clause 1 of this Article shall be calculated by tax agents and should be reduced by the amount
of fixed advance payments paid by the taxpayers in question over the period of operation of the licence in respect of the tax period concerned in the manner laid down in this clause.

The calculated amount of tax shall be reduced during a tax period by only one tax agent of the taxpayer’s choice, provided that the tax agent has received from the tax authority for the location (place of residence) of the tax agent a notification of confirmation of the right to reduce the calculated amount of tax by the amount of fixed advance payments paid by the taxpayer.

The tax agent shall reduce the calculated amount of tax by the amount of fixed advance payments by the taxpayer on the basis of a written application of the taxpayer and documents confirming payment of the fixed advance payments, and following the receipt from the tax authority of the notification which is referred to in paragraph 2 of this clause.

A tax authority shall send the notification which is referred to in paragraph 2 of this clause within a time period not exceeding 10 days from the day on which it received the tax agent’s application, provided that the tax authority has information received from a territorial body of the federal executive body for migration to the effect that the tax agent has concluded with the taxpayer an employment agreement or a civil-law contract for the performance of work (rendering of services) and the taxpayer has been issued a licence, and provided that no such notification has previously been sent by tax authorities to tax agents in relation to that taxpayer in respect of the tax period concerned.

7. In the event that the amount of fixed advance payments paid over the period of operation of a licence in respect of a particular tax period exceeds the final amount of tax calculated for that tax period on the basis of income actually received by the taxpayer, the amount of that excess shall not be an amount of overpaid tax and shall not be refunded or credited to the taxpayer.

8. Taxpayers such as are referred to in subsection 1 of clause 1 of this Article shall be exempt from the obligation to submit a tax declaration for tax to the tax authorities, except in cases where:

1) the total amount of tax payable to a particular budget, calculated by the taxpayer on the basis of income actually received from activities such as are referred to in subsection 1 of clause 1 of this Article, exceeds the amount of fixed advance payments paid for the tax period;

2) the taxpayer departs from the territory of the Russian Federation before the end of the tax period and the total amount of tax payable to a particular budget, calculated by the taxpayer on the basis of income actually received from activities such as are referred to in subsection 1 of clause 1 of this Article, exceeds the amount of fixed advance payments which have been paid;

3) a licence has been annulled in accordance with Federal Law No. 115-FZ of 25 July 2002 “Concerning the Legal Status of Foreign Citizens in the Russian Federation”.

Personal Income Tax
Article 227.2. Special Considerations Relating to the Calculation of Amounts of Tax Based on Fixed Profit of Controlled Foreign Companies [inserted by Federal Law No. 368-FZ of 09.11.2020]

1. A taxpayer shall have the right to submit to a tax authority a notification of transfer to the payment of tax on income of physical persons based on fixed profit in accordance with the procedure and subject to the conditions established by this Chapter.

The taxpayer shall submit that notification to the tax authority for his place of residence by 31 December of the year that is the tax period beginning from which the taxpayer pays tax based on fixed profit.

2. The fixed amount of profit shall be established at 38,460,000 roubles for the 2020 tax period and 34,000,000 roubles for ensuing tax periods beginning from 2021 irrespective of the number of controlled foreign companies in relation to which a taxpayer that has transferred to the payment of tax based on fixed profit is a controlling person.

3. The procedure involving the payment of tax based on fixed profit must be applied by a taxpayer for not less than five tax periods beginning from the tax period in which the taxpayer submitted the notification referred to in clause 1 of this Article, unless otherwise provided by this Article.

Where a notification of transfer to the payment of tax based on fixed profit was submitted by a taxpayer to a tax authority during 2020 or 2021, the procedure involving the payment of tax based on fixed profit must be applied by the taxpayer for not less than three tax periods beginning from the tax period in which the taxpayer submitted the notification referred to in clause 1 of this Article, unless otherwise provided by this Article.

If, during the tax periods referred to in paragraph 1 or 2 of this clause, the taxpayer ceased to be a controlling person in relation to all controlled foreign companies of which he was a controlling person during those tax periods, the obligation to pay tax based on fixed profit shall not arise in relation to tax periods in which the taxpayer was not a controlling person in relation to all foreign companies controlled by him which fall within the tax periods referred to in paragraph 1 or 2 of this clause.

Where a notification of transfer to the payment of tax based on fixed profit has been submitted by a taxpayer who previously exercised the right provided for in paragraph 3 of clause 4 of this Article, including in the period referred to in paragraph 2 of this clause, the period of application of the tax payment procedure based on fixed profit may not be less than five tax periods beginning from the tax period in which the taxpayer submitted that notification.

4. A taxpayer who has transferred to the payment of tax based on fixed profit shall have the right to withdraw from that tax payment procedure by submitting a notification of withdrawal from the payment of tax on income of physical persons based on fixed profit, but not before the time periods established by paragraphs 1 and 2 of clause 3 of this Article, unless otherwise provided by this clause.

The taxpayer shall submit the notification referred to in this clause to the tax authority for his place of residence by 31 December of the year that is the tax period beginning from which the
taxpayer withdraws from the payment of tax based on fixed profit (subject to the special considerations established by this clause).

If, in the period in which a taxpayer applies the tax payment procedure based on fixed profit, a federal law makes amendments to this Code that cause the amount of tax based on fixed profit to be increased, the taxpayer shall have the right to submit a notification of withdrawal from the payment of tax on income of physical persons based on fixed profit to the tax authority before the expiry of the time periods established by paragraphs 1 and 2 of clause 3 of this Article. In this case, the taxpayer shall submit that notification to the tax authority for his place of residence by 31 December of the year preceding the year beginning from which the amendments made to this Code that cause the amount of tax based on fixed profit to be increased apply according to the provisions of the federal law in question and in respect of which the taxpayer is withdrawing from the payment of tax based on fixed profit.

A notification of transfer to the payment of tax on income of physical persons based on fixed profit and a notification of withdrawal from the payment of tax on income of physical persons based on fixed profit shall be submitted to the tax authority by the taxpayer in the prescribed forms (formats).

The forms (formats) of a notification of transfer to the payment of tax on income of physical persons based on fixed profit and a notification of withdrawal from the payment of tax on income of physical persons based on fixed profit, and the procedure for completing the relevant forms and the procedure for submitting the relevant notifications in electronic form, shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies in consultation with the Ministry of Finance of the Russian Federation. [as amended by Federal Law No. 100-FZ of 20.04.2021]

**Article 228. Special Considerations Relating to the Calculation of Tax on Certain Types of Income. The Procedure for the Payment of Tax**

1. The following categories of taxpayers shall calculate and pay tax in accordance with this Article:

1) physical persons – on the basis of amounts of remunerations received from physical persons and organizations who or which are not tax agents on the basis of employment agreements and civil-law agreements, including income under tenancy agreements or agreements on the rent of any property; [as amended by Federal Laws No. 158-FZ of 29.11.2001, No. 216-FZ of 24.07.2007]

2) physical persons – on the basis of amounts received from the sale of property which is owned by those persons, and of property rights, except in cases provided for in clause 17.1 of Article 217 of this Code where such income is not taxable, and except as otherwise provided in this Chapter; [subsection 2 inserted by Federal Law No. 158-FZ of 29.11.2001, as amended by Federal Laws No. 224-FZ of 26.11.2008, No. 202-FZ of 19.07.2009, No. 325-FZ of 29.09.2019]

3) physical persons who are tax residents of the Russian Federation, with the exception of the Russian servicemen referred to in clause 3 of Article 207 of this Code, and receive income from sources located outside the Russian Federation – on the basis of amounts of such income; [as amended by Federal Law No. 216-FZ of 24.07.2007]
4) physical persons who receive other income on which tax was not withheld by tax agents when it was received, with the exception of income concerning which information has been presented by tax agents in accordance with the procedure established by clause 5 of Article 226 and clause 14 of Article 226.1 of this Code - on the basis of amounts of such income; [as amended by Federal Law No. 396-FZ of 29.12.2015]

5) physical persons who receive winnings paid by lottery operators and distributors and organizers of games of chance conducted in a bookmaking office and a totalizator – on the basis of amounts of such winnings not exceeding 15,000 roubles; [subsection 5 as reworded by No. 354-FZ of 27.11.2017 (Rev. 28.12.2017); as amended by Federal Law No. 325-FZ of 29.09.2019]

6) physical persons who receive income in the form of a remuneration which is payable to them as the heirs (legal successors) of authors of scientific, literary and artistic works and authors of inventions, utility models and industrial designs; [subsection 6 inserted by Federal Law No. 216-FZ of 24.07.2007]

7) physical persons who receive income in monetary form and in kind by way of a gift from physical persons who are not private entrepreneurs, except in cases provided for in clause 18.1 of Article 217 of this Code where such income is not taxable; [subsection 7 as reworded by Federal Law No. 224-FZ of 26.11.2008]

8) physical persons who receive income in the form of the monetary equivalent of immovable property and (or) securities transferred for the replenishment of special-purpose capital of a non-commercial organization in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”, except in the cases provided for in paragraph 3 of clause 52 of Article 217 of this Code; [subsection 8 inserted by Federal Law No. 328-FZ of 21.11.2011]

9) physical persons who are foreign citizens or stateless persons registered in accordance with clause 7.4 of Article 83 of this Code and receive income from organizations (private entrepreneurs) which are sources of payment of income to those physical persons who are foreign citizens or stateless persons, which was received without tax being withheld by those organizations (private entrepreneurs) and information on which was submitted by those organizations (private entrepreneurs) in accordance with the procedure established by clause 5 of Article 226 and clause 14 of Article 226.1 of this Code – on the basis of the amounts of such income; [subsection 9 inserted by Federal Law No. 325-FZ of 29.09.2019]

10) physical persons who have submitted to a tax authority a notification of transfer to the payment of tax based on fixed profit – with respect to the calculation and payment of the appropriate amount of tax. [subsection 10 inserted by Federal Law No. 368-FZ of 09.11.2020]

2. The taxpayers referred to in clause 1 of this Article shall independently calculate amounts of tax which are payable to the appropriate budget in accordance with the procedure which is established by Article 225 of this Code.
The total amount of tax which is payable to the appropriate budget shall be calculated by the taxpayer with account taken of amounts of tax withheld by tax agents when paying income to the taxpayer. In this respect, prior year losses incurred by the physical person shall not reduce the tax base.

[EY Note: Clause 3 of Article 228 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

3. The taxpayers referred to in clause 1 of this Article shall be obliged to submit an appropriate tax declaration to the tax authority where they are registered.


4. The total amount of tax which is payable to the appropriate budget as calculated on the basis of the tax declaration with account taken of the provisions of this Article shall be paid at the taxpayer’s place of residence (place of registration on another ground established by this Code in the absence of a place of residence) no later than 15 July of the year following the tax period which has ended. [as amended by Federal Law No. 325-FZ of 29.09.2019]

If, at the time when tax is paid to the budget, the amount of tax exceeds 650,000 roubles, the portion of the amount of tax in excess of 650,000 roubles that relates to the portion of the tax base in excess of 5 million roubles shall be paid separately from the amount of tax short of 650,000 roubles that relates to the portion of the tax base up to 5 million roubles inclusively. [paragraph inserted by Federal Law No. 372-FZ of 23.11.2020]


6. Tax shall also be paid in accordance with this Article by taxpayers who pay tax on the basis of a tax notice for the payment of tax sent by a tax authority.

Except as otherwise provided by this Article, tax shall be paid not later than 1 December of the year following the tax period that has ended on the basis of a tax notice for the payment of tax sent by the tax authority by taxpayers for whom at least one of the following conditions is met:

- information on income received by the taxpayer in the tax period was submitted by banks to the tax authorities in the manner prescribed by clause 4 of Article 214.2 of this Code and by tax agents to the tax authorities in the manner prescribed by clause 5 of Article 226 and clause 14 of Article 226.1 of this Code, with the exception of income that is not taxable in accordance with clause 7.2 of Article 217 of this Code;

- the total amount of income calculated by the tax authority in the manner prescribed by Article 225 of this Code exceeds the aggregate of the amount of tax withheld by tax agents and the amount of tax calculated by taxpayers on the basis of a tax declaration in relation to income of a taxpayer for which the date of receipt falls within the tax period in question. [clause 6 as reworded by Federal Law No. 372-FZ of 23.11.2020]

7. As regards income which tax agents reported to the tax authorities for 2016 in accordance with the procedure established by clause 5 of Article 226 and clause 14 of Article 226.1 of this Code, with the exception of income which is non-taxable in accordance with clause 72 of Article 217 of this Code, taxpayers who received such income shall pay tax not later than 1
December 2018 on the basis of a tax demand sent by a tax authority.

**Article 229. Tax Declaration**

1. A tax declaration shall be submitted by the taxpayers referred to in Articles 227 and 227.1 and clause 1 of Article 228 of this Code. [as amended by Federal Laws No. 86-FZ of 19.05.2010, No. 327-FZ of 28.11.2015]

A tax declaration shall be submitted no later than 30 April of the year following the tax period which has ended, unless otherwise provided by Article 227.1 of this Code. [as amended by Federal Law No. 86-FZ of 19.05.2010]

2. Persons who are obliged to submit a tax declaration shall have the right to submit that declaration to the tax authority for their place of residence.

3. In the event that the activities which are referred to in Article 227 of this Code cease before the end of a tax period, taxpayers shall be obliged to submit a tax declaration concerning income actually received in the current tax period within five days from the day on which such activities or such payments cease. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 229-FZ of 27.07.2010]

In the event that a foreign physical person ceases during a calendar year to engage in activities income from which is taxable in accordance with Articles 227 and 228 of this Code and departs from the territory of the Russian Federation, he must submit a tax declaration on income actually received during the period of his stay in the territory of the Russian Federation in the current tax period no later than one month before he departs from the territory of the Russian Federation.

Tax which is additionally charged on the basis of tax declarations which are submitted according to the procedure which is laid down by this clause shall be paid no later than 15 calendar days after such declaration is submitted. [as amended by Federal Law No. 137-FZ of 27.07.2006]

[**EY Note: Paragraph 1 of clause 4 of Article 229 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021**]

4. Physical persons shall indicate in tax declarations all income received by them in the tax period (including fixed profit), except as otherwise provided by this clause, the sources from which it was paid, tax deductions, amounts of tax withheld by tax agents and amounts of advance payments actually paid during the tax period and amounts of tax which are payable (payable in addition) or are to be credited (refunded) on the basis of the results of the tax period. [as amended by Federal Laws No. 166-FZ of 29.12.2000, No. 153-FZ of 27.07.2006, No. 368-FZ of 27.12.2009, No. 325-FZ of 29.09.2019, No. 368-FZ of 09.11.2020]

Taxpayers shall have the right not to include in a tax declaration items of income that are not taxable (are exempt from taxation) in accordance with Article 217 of this Code (with the exception of income referred to in clauses 60 and 66 of Article 217 of this Code), and income referred to in Article 214.2 of this Code, income concerning which information has been submitted to the tax authorities in the manner prescribed by clause 5 of Article 226 and clause
14 of Article 226.1 of this Code, and income from which tax had been withheld in full by tax agents at the time when it was received, unless this impedes the receipt by the taxpayer of tax deductions provided for in Articles 218 to 221 of this Code. [paragraph inserted by Federal Law No. 368-FZ of 27.12.2009; as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 102-FZ of 01.04.2020]

[EY Note: A new paragraph 3 and paragraphs 4 and 5 are inserted in clause 4 of Article 229 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

Taxpayers shall have the right to submit an application for a credit (refund) of overpaid tax as part of a tax declaration. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

**Article 230. Ensuring Compliance With the Provisions of This Chapter**

1. Tax agents shall maintain records of income received from them by physical persons in a tax period, of tax deductions granted to physical persons and of taxes calculated and withheld in tax ledgers.

The standard forms of tax ledgers and the procedure for the reflection therein of analytical tax accounting data and data from primary accounting documents shall be developed by a tax agent independently and must contain particulars which make it possible to identify the taxpayer, the type of income paid to the taxpayer and tax deductions granted, and expenses and amounts which reduce the tax base, in accordance with codes approved by the federal executive body in charge of control and supervision in the area of taxes and levies, amounts of income and the dates on which they were paid, the dates on which tax was withheld and remitted to the budget system of the Russian Federation and the details of the relevant payment document. [as amended by Federal Law No. 327-FZ of 28.11.2015] [clause 1 as reworded by Federal Law No. 229-FZ of 27.07.2010]

2. Tax agents shall submit to the tax authority where they are registered, using the forms and formats and in accordance with the procedure approved by the federal executive body in charge of control and supervision in the area of taxes and levies:

- a computation of amounts of tax on income of physical persons calculated and withheld by the tax agent for the first quarter, six months and nine months – not later than the last day of the month following the period concerned, and for a year – not later than 1 March following a tax period that has ended;

- a document containing information on income of physical persons for a tax period that has ended and amounts of tax calculated, withheld and remitted to the budget system of the Russian Federation for that tax period for each physical person (except in cases where information constituting state secrets may be transmitted) – not later than 1 March of the year following the tax period that has ended.

Tax agents which are Russian organizations and have economically autonomous subdivisions shall submit a document containing information on income of physical persons for a tax period that has ended and amounts of tax calculated, withheld and remitted to the budget system of the Russian Federation and a computation of amounts of tax on income of physical persons calculated and withheld by the tax agent in relation to employees of those economically autonomous subdivisions to the tax authority with which those economically autonomous subdivisions are registered and in relation to physical persons who received income under civil
contracts to the tax authority with which the economically autonomous subdivisions which concluded those contracts are registered, except as otherwise provided in this clause.

Tax agents who are private entrepreneurs and are registered with the tax authority for the place where they carry on activities in connection with the application of the licence-based taxation system shall submit a document containing information on income of physical persons for a tax period that has ended and amounts of tax calculated, withheld and remitted to the budget system of the Russian Federation and a computation of amounts of tax on income of physical persons calculated and withheld by the tax agent in relation to their employees to the tax authority where they are registered in connection with those activities. [as amended by Federal Law No. 305-FZ of 02.07.2021]

A document containing information on income of physical persons for a tax period that has ended and amounts of tax calculated, withheld and remitted to the budget system of the Russian Federation and a computation of amounts of tax on income of physical persons calculated and withheld by a tax agent shall be submitted by a tax agent in electronic form via telecommunications channels. Where the number of physical persons who received income in a tax period is under 10, the tax agent may submit the above-mentioned information and computation of amounts of tax in paper form.

Tax agents which are Russian organizations and have multiple economically autonomous subdivisions, where the organization and its economically autonomous subdivisions are located in the territory of one municipality or where economically autonomous subdivisions are located in the territory of one municipality, shall submit a document containing information on income of physical persons for a tax period that has ended and amounts of tax calculated, withheld and remitted to the budget system of the Russian Federation and a computation of amounts of tax on income of physical persons calculated and withheld by the tax agent in relation to employees of those economically autonomous subdivisions to the tax authority where one of those economically autonomous subdivisions of the tax agent’s choice is registered or where the organization concerned is located. In this respect, the tax agent shall be obliged to notify its choice of tax authority not later than the 1st of the tax period to the tax authorities with which it is registered at the location of each economically autonomous subdivision. The notification of the choice of tax authority may not be changed during a tax period for tax. Notifications shall be submitted to the tax authority if the number of economically autonomous subdivisions in the territory of a municipality has changed or other changes have occurred that affect the submission of information on income of physical persons for a tax period that has ended and on amounts of tax calculated, withheld and transferred to the budget system of the Russian Federation and a computation of amounts of tax on income of physical persons calculated and withheld by the tax agent.

A document containing information on income of physical persons for a tax period that has ended and amounts of tax calculated, withheld and remitted to the budget system of the Russian Federation for 2021 and subsequent tax periods shall be submitted as part of the computation of amounts of tax on income of physical persons calculated and withheld by the tax agent. [clause 2 as reworded by Federal Law No. 325-FZ of 29.09.2019]

3. Tax agents shall issue to physical persons upon their request statements of income received by physical persons and amounts of tax withheld in the form approved by the federal executive body in charge of taxes and levies. [as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 95-FZ of 29.07.2004]

5. In the event that an organization which has been (is in the process of being) re-organized (irrespective of the form of re-organization) fails to perform the obligations provided for in this Article before the re-organization has been completed, the information provided for in clause 2 of this Article must be submitted by the legal successor (legal successors) to the tax authority where it is (they are) registered. [as amended by Federal Law No. 325-FZ of 29.09.2019]

If there are a number of legal successors, the obligation of each of the legal successors with respect to the performance of the obligations provided for in this Article shall be determined on the basis of the transfer deed or partition balance sheet. [clause 5 inserted by Federal Law No. 335-FZ of 27.11.2017]


1. An amount of tax which has been withheld in excess by a tax agent from a taxpayer’s income must be refunded by the tax agent on the basis of a written application from the taxpayer, except as otherwise provided by this Chapter. [as amended by Federal Law No. 166-FZ of 29.12.2000]

A tax agent shall be obliged to inform a taxpayer of each instance which has become known to him of the excess withholding of tax and of the amount of tax withheld in excess within 10 days of discovering that fact.

The refund to a taxpayer of an amount of tax which was withheld in excess shall be effected by the tax agent out of amounts of that tax which are due to be remitted to the budget system of the Russian Federation towards future payments both in respect of the taxpayer in question and in respect of other taxpayers on whose income the tax agent withholds such tax, and shall take place within three months from the day on which the tax agent receives the relevant application from the taxpayer.

The refund to a taxpayer of amounts of tax which have been withheld in excess shall be effected by the tax agent without cash transfer by means of the remittance of monetary resources to a bank account of the taxpayer which is specified in its application.

Where the refund of an amount of tax withheld in excess is effected by a tax agent not in compliance with the time limit established by paragraph 3 of this clause, the tax agent shall assess interest on the amount of excess withheld tax not refunded to the taxpayer within the established time limit for each calendar day by which the refund time limit is exceeded. The interest rate shall be taken to be equal to the refinancing rate of the Central Bank of the Russian Federation which was in effect on the days on which the refund time limit was exceeded.

Where the amount of tax due to be remitted by a tax agent to the budget system of the Russian Federation is not sufficient to enable an amount of tax withheld in excess and remitted to the budget system of the Russian Federation to be refunded to the taxpayer within the time limit established by this clause, the tax agent shall send to the tax authority where it is registered, within 10 days from the day on which the relevant application was submitted to it by the
taxpayer, an application for the excess amount of tax withheld by the tax agent to be refunded to the tax agent.

The refund to a tax agent of an excess amount of tax remitted to the budget system of the Russian Federation shall be effected by a tax authority in accordance with the procedure established by Article 78 of this Code.

A tax agent shall present to a tax authority, together with an application for the refund of an excess amount of tax withheld and remitted to the budget system of the Russian Federation, an extract from the tax ledger for the relevant tax period and documents confirming the excess withholding and remittance of an amount of tax to the budget system of the Russian Federation.

Before a tax agent receives a refund from the budget system of the Russian Federation of an amount of tax which it withheld from a taxpayer in excess and remitted to the budget system of the Russian Federation, the taxpayer may refund the amount of tax in question out of its own resources.

Where a tax agent no longer exists, a taxpayer shall have the right to submit an application to a tax authority for a refund of an amount of tax which the tax agent previously withheld from the taxpayer in excess and remitted to the budget system of the Russian Federation at the same time as submitting a tax declaration after the end of a tax period.

1.1. The refund of an amount of tax to a taxpayer in connection with an adjustment made for a tax period in accordance with the status of tax resident of the Russian Federation which has been acquired by that taxpayer shall be effected by the tax authority with which the taxpayer has been registered at his place of residence (place of stay) in accordance with the procedure established by Article 78 of this Code upon the submission by the taxpayer after the end of that tax period of a tax declaration and documents confirming the status of tax resident of the Russian Federation in that tax period.

2. Lost force from 01.01.2016 – Federal Law No. 113-FZ of 02.05.2015

3. Lost force from 01.01.2011 – Federal Law No. 229-FZ of 27.07.2010

Article 231.1. Special Considerations Relating to the Refund of Tax Withheld by a Tax Agent on Certain Types of Income

1. Amounts of tax withheld by a tax agent on the following types of income shall be deemed to have been paid in excess and shall be refundable in accordance with this Article:

1) amounts of pensions for physical persons which are payable under non-state pension agreements concluded by organizations and other employers with duly licensed Russian non-state pension funds where tax on income of physical persons was withheld and paid on pension contributions paid by an employer to those funds under the agreements in question prior to 1 January 2005;
2) income of taxpayers in connection with the payment on behalf of taxpayers of insurance contributions under voluntary long-term life insurance agreements concluded by employers prior to 1 January 2008 where insurance contributions prior to that date were not paid wholly at the employers’ expense.

2. Amounts of tax such as are referred to in clause 1 of this Article shall be refundable according to a procedure similar to that which is established by Article 78 of Part One of this Code with interest added.

Interest on amounts of tax paid in excess shall be calculated from the date following the date of the withholding up to and including the date of the actual refund.

The interest rate shall be taken to be equal to the refinancing rate of the Central Bank of the Russian Federation which was effective on those days.

**Article 232. Elimination of Double Taxation**

[article as reworded by Federal Law No. 146-FZ of 08.06.2015]

1. Amounts of tax which a physical person who is a tax resident of the Russian Federation actually paid outside the Russian Federation in accordance with the legislation of other states on income received in a foreign state shall not be allowed as a credit when paying tax in the Russian Federation unless otherwise provided by an appropriate international taxation agreement of the Russian Federation.

Where an international taxation agreement of the Russian Federation provides for the crediting in the Russian Federation of an amount of tax which a physical person who is a tax resident of the Russian Federation paid in a foreign state on income received by him, that credit shall be applied by the tax authority in accordance with the procedure established by clauses 2 to 4 of this Article.

A taxpayer who has transferred to the payment of tax based on fixed profit shall forego the reduction of the amount of tax calculated on fixed profit by amounts of tax paid by a physical person who is a tax resident of the Russian Federation in a foreign state on income received by him. The basis for foregoing that reduction shall be the fact of the submission to the tax authority of a notification of transfer to the payment of tax on income of physical persons based on fixed profit. [paragraph inserted by Federal Law No. 368-FZ of 09.11.2020]

2. A credit in the Russian Federation for an amount of tax which a physical person who is a tax resident of the Russian Federation paid in a foreign state on income received by him shall be applied after the tax period has ended on the basis of a tax declaration submitted by that physical person which indicates the amount of tax paid in a foreign state which is to be credited. In this respect, amounts of tax which a physical person who is a tax resident of the Russian Federation paid in a foreign state on income received by him and which are eligible to be credited in the Russian Federation may be claimed in tax declarations submitted within three years after the end of the tax period in which the income in question was received.

3. In order for a credit to be applied in the Russian Federation for an amount of tax which a physical person who is a tax resident of the Russian Federation paid in a foreign state on income received by him, a tax declaration shall be accompanied by documents confirming the amount
of income received in the foreign state and tax paid on that income in the foreign state, issued (certified) by an authorized body of the relevant foreign state, and a notarized translation of those documents into Russian.

The documents accompanying the tax declaration must show the type of income, the amount of income, the calendar year in which income was received and the amount of tax and the date on which it was paid by the taxpayer in the foreign state.

In place of the above-mentioned documents a taxpayer shall have the right to submit a copy of the tax declaration which it submitted in the foreign state and a copy of the payment document confirming the payment of tax, and a notarized translation of those documents into Russian.

In the event that tax on income received in a foreign state was withheld at source, information on amounts of income for each month of the relevant calendar year and on amounts of tax withheld at source in the foreign state shall be submitted by the taxpayer on the basis of a document issued by the source of payment of the income together with a copy of that document and a notarized translation thereof into Russian.

4. The amount of tax to be credited shall be determined with account taken of the provisions of the relevant international taxation agreement of the Russian Federation. The provisions of this Code concerning the procedure for the calculation of tax which were in force in the period in which income was received in the foreign state shall be applied in calculating the amount of tax which is to be credited in the Russian Federation.

5. Where an international taxation agreement of the Russian Federation provides for a full or partial exemption from taxation in the Russian Federation for any types of income of physical persons who are tax residents of the foreign state with which that agreement was concluded, exemption from the payment (withholding) of tax at source in the Russian Federation or a refund of tax previously withheld in the Russian Federation shall be granted in accordance with the procedure established by clauses 6 to 9 of this Article.

6. Except as otherwise provided by this Code, a tax agent which is a source of payment of income shall not withhold tax when paying that income to a physical person (or shall withhold a different amount from that provided for by the provisions of this Code) in the event that the physical person in question is a tax resident of a foreign state with which the Russian Federation has concluded an international taxation agreement which provides for a full or partial exemption from taxation in the Russian Federation for the relevant type of income. In order to confirm the status of tax resident of the foreign state in question, the physical person shall have the right to present to the tax agent/source of payment of income a passport of a foreign citizen or another document established by federal law or recognised in accordance with an international agreement of the Russian Federation as a document which certifies the identity of a foreign citizen.

If the documents enumerated above, when presented, do not enable it to be confirmed that a foreign citizen has the status of a tax resident of a foreign state with which the Russian Federation has concluded an international taxation agreement on the basis of which income is exempted from taxation in the Russian Federation, the tax agent/source of payment of income to a physical person shall request that physical person to present official confirmation of his
status as a tax resident of a state with which the Russian Federation has concluded an international taxation agreement.

The above-mentioned confirmation must be issued by a competent authority of the relevant foreign state which is authorized to issue such confirmations on the basis of the international taxation agreement of the Russian Federation. Where such a confirmation has been prepared in a foreign language, the physical person shall also present a notarized translation thereof into Russian.

7. In the event that a confirmation of the status of tax resident of a foreign state such as is referred to in clause 6 of this Article is presented by a physical person to a tax agent/source of payment of income after the date on which income which is eligible for exemption from taxation on the basis of an international taxation agreement of the Russian Federation was paid and tax was withheld on that income, the tax agent in question shall refund the tax withheld in accordance with the procedure laid down in clause 1 of Article 231 of this Code for the refund of amounts of overpaid tax.

8. Information on foreign physical persons and income paid to them on which tax was not withheld by reason of an international taxation agreement of the Russian Federation, and on amounts of tax refunded by a tax agent/source of payment of income, shall be presented by that tax agent to the tax authority where he is registered within thirty days from the date on which such income is paid.

The above-mentioned information must enable the taxpayer, the type of income paid, the amounts of income paid and the dates on which it was paid to be identified.

Information which enables a taxpayer to be identified includes passport details and an indication of citizenship.

9. In the event that a tax agent does not exist on the date on which a physical person receives confirmation of the status of tax resident of a foreign state which confers the right to exemption from the payment of tax on the basis of an international taxation agreement of the Russian Federation, that physical person shall have the right to present a confirmation of the status of tax resident of a foreign state and a notarized translation thereof into Russian, together with a tax refund claim, a tax declaration and documents confirming the withholding of tax and the grounds for the refund, to the tax authority for the physical person’s place of residence (place of stay) in the Russian Federation or, if the physical person does not have a place of residence (place of stay) in the Russian Federation, to the tax authority where the tax agent is registered.

Amounts of tax shall be refunded by the tax authority in accordance with the procedure laid down in Article 78 of this Code.

10. The amount of tax calculated on profit of a controlled foreign company for a particular period shall be reduced by the amount of tax calculated on that profit in accordance with the legislation of foreign states and (or) the legislation of the Russian Federation (including tax on income which is withheld at the source of payment of that income) and by the amount of tax on profit of organizations calculated on profit of a permanent establishment of that controlled foreign company in the Russian Federation in proportion to the participating interest of a controlling person in that company.
The amount of tax calculated in accordance with the legislation of a foreign state must be confirmed by documents or, if the Russian Federation does not have a current international taxation agreement with the foreign state (territory) concerned, must be certified by the competent authority of the foreign state which is responsible for control and supervision in the area of taxes.

[clause 10 inserted by Federal Law No. 32-FZ of 15.02.2016]

11. The amount of tax calculated on income referred to in subsection 1.1 of clause 1 of Article 208 of this Code that is deemed to have been reflected by the taxpayer in a tax declaration shall be reduced by the amount of tax on profit of organizations withheld at source in the Russian Federation upon the payment of that income.

[clause 11 inserted by Federal Law No. 374-FZ of 23.11.2020]


CHAPTER 25. TAX ON PROFIT OF ORGANIZATIONS

Article 246. Taxpayers

1. The taxpayers of tax on the profit of organizations (hereafter in this Chapter referred to as “taxpayers”) shall be: [as amended by Federal Law No. 310-FZ of 01.12.2007]

- Russian organizations;

- foreign organizations which carry out their activities in the Russian Federation through permanent establishments and (or) receive income from sources in the Russian Federation.

Organizations which are responsible members of a consolidated group of taxpayers shall be deemed to be taxpayers with respect to tax on profit of organizations for that consolidated group of taxpayers. [paragraph inserted by Federal Law No. 321-FZ of 16.11.2011]

Members of a consolidated group of taxpayers shall perform the obligations of taxpayers of tax on profit of organizations for the consolidated group of taxpayers to the extent necessary for that tax to be calculated by the responsible member of the group. [paragraph inserted by Federal Law No. 321-FZ of 16.11.2011]

[2. Lost force from 01.01.2017 – Federal Law No. 310-FZ of 1.12.2007]


4. 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 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. [as amended by Federal Law No. 100-FZ of 20.04.2021]

Confederations, national football associations, manufacturers of FIFA media information, suppliers of FIFA goods (work, services), commercial partners of UEFA, suppliers of UEFA goods (work, services) and UEFA broadcasters 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” and are foreign organizations shall not be deemed to be taxpayers in respect of income received by them from activities associated with the carrying out of measures provided for in the above-mentioned Federal Law.
[clause 4 as reworded by Federal Law No. 101-FZ of 01.05.2019]

5. Foreign organizations which are recognised as tax residents of the Russian Federation in accordance with the procedure established by Article 246.2 of this Code shall be equated with Russian organizations for the purposes of this Chapter.
[clause 5 inserted by Federal Law No. 376-FZ of 24.11.2014]

Article 246.1. Exemption of an Organization Which Has Acquired the Status of Participant in a Project Involving the Conduct of Research and Science and Technology Activities from the Performance of Taxpayer Obligations [title as amended by Federal Law No. 373-FZ of 30.10.2018] [article as reworded by Federal Law No. 243-FZ of 28.09.2010]

1. Organizations which have acquired the status of participant 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” or project participants 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” (hereafter in this Article referred to as “project participant”) shall have the right to an exemption from the performance of taxpayer obligations (hereafter in this Article referred to as “right to an exemption”) according to the procedure and subject to the conditions which are laid down in this Chapter for ten years from the day on which they acquired the status of project participants in accordance with those federal laws. [as amended by Federal Laws No. 395-FZ of 28.12.2010, No. 373-FZ of 30.10.2018]

2. A project participant shall lose the right to an exemption from taxpayer obligations in following cases:

- where project participant status has been lost – from the 1st day of the tax period in which that status was lost;

- where the project participant’s annual receipts from the sale of goods (work, services, property rights) as calculated in accordance with this Chapter 21 have exceeded one billion roubles – from the 1st day of the tax period in which that excess occurred. [as amended by Federal Law No. 339-FZ of 28.11.2011]

3. The amount of tax for the tax period in which the circumstances referred to in clauses 2 and 2.1 of Article 145.1 of this Code occurred shall be restored and paid to the budget in accordance
with the established procedure with corresponding amounts of penalties recovered from the project participant.
[clause 3 as reworded by Federal Law No. 475-FZ of 28.12.2016]

4. A project participant may exercise the right to an exemption from the 1st of the month following the month in which project participant status was acquired.

A project participant which has begun to exercise the right to an exemption must send a written notification and the documents referred to in paragraph 2 of clause 7 of this Article to the tax authority where it is registered not later than the 20th of the month following the month in which the project participant begun to exercise the right to an exemption.

The standard form of a notification of the exercise of the right to an exemption (of the extension of the period of validity of the right to an exemption) shall be approved by the Ministry of Finance of the Russian Federation.

5. A project participant which has sent a notification of the exercise of the right to an exemption (of the extension of the exemption period) to a tax authority shall have the right to renounce the exemption by sending an appropriate notification to the tax authority where it is registered as a project participant not later than the 1st day of the tax period commencing from which the project participant intends to renounce the exemption.

A project participant which has renounced the exemption shall not be granted that exemption a second time.

6. After the end of a tax period and not later than the 20th of the following month, a project participant which has exercised the right to an exemption shall send to the tax authority:
- the documents referred to in clause 7 of this Article;
- a notification of continuation of the exercise of the right to an exemption for the ensuing tax period or of the relinquishment of the exemption.

In the event that a project participant has not sent the documents referred to in clause 7 of this Article (or has presented documents containing false information), the amount of tax must be restored and paid to the budget in accordance with the established procedure and appropriate amounts of penalties must be recovered from the project participant. [as amended by Federal Law No. 339-FZ of 28.11.2011]

7. Documents which confirm the right to an exemption (an extension of the exemption period) in accordance with clauses 4 and 6 of this Article shall be:
8. In the cases provided for in clauses 4 and 6 of this Article, a project participant shall have the right to send the notification and documents to the tax authority by registered mail. In that case the date of their submission to the tax authority shall be deemed to be the sixth day from the day on which the registered letter was sent.

9. Amounts of losses which a taxpayer made prior to exercising the right to an exemption in accordance with this Article may not be carried forward after the organization has been recognised as a taxpayer.

**Article 246.2. Organizations Which Are Deemed to be Tax Residents of the Russian Federation** [article as reworded by Federal Law No. 150-FZ of 08.06.2015]

1. The following organizations shall be deemed to be tax residents of the Russian Federation for the purposes of this Code:

   1) Russian organizations;

   2) foreign organizations which are deemed to be tax residents of the Russian Federation in accordance with an international taxation agreement of the Russian Federation – for the purposes of the application of that international agreement;

   3) foreign organizations whose place of management is the Russian Federation, except as otherwise provided by an international taxation agreement of the Russian Federation.

2. For the purposes of subsection 3 of clause 1 of this Article, the place of management of a foreign organization shall be deemed to be the Russian Federation if any of the following conditions is met in relation to that foreign organization and its activities:

   1) the executive body (executive bodies) of the organization regularly carries on its activities in relation to that organization from the Russian Federation.

   For the purposes of this subsection, activities shall not be deemed to be carried on regularly where activities are carried on in the Russian Federation to a substantially lesser extent than in another state (other states);

   2) the chief (executive) officers of the organization (persons who are authorized to carry out and responsible for planning, control and management of an enterprise’s activities) primarily carry out executive management of that foreign organization in the Russian Federation.

   For the purposes of this subsection, executive management of an organization shall be understood to mean the adoption of decisions and the performance of other actions pertaining to the organization’s current activities which fall within the competence of the executive management bodies.
3. The fact that the following activities (either individually or combined) are carried on in the Russian Federation shall not in itself signify that management of a foreign organization is exercised in the Russian Federation:

1) the preparation and (or) adoption of decisions on matters falling within the competence of the general meeting of shareholders (participants) of the foreign organization;

2) preparation for the holding of a meeting of the board of directors and other collegiate management bodies of the foreign organization, including the preparation of meeting agendas and draft decisions;

3) the performance by a Russian organization or a physical person considered a tax resident of the Russian Federation which are interdependent persons in relation to a foreign organization which does not carry on activities in the Russian Federation of functions pertaining to the planning and supervision of the activities of the foreign organization.

For the purposes of this subsection, planning and supervision of the activities of a foreign organization shall include, in particular, the following functions carried out in relation to the foreign organization (organizations):

- strategic planning and budgeting;

- preparation and drawing-up of consolidated financial and management reports;

- analysis of activities;

- internal auditing and internal control;

- preparation and organization of finance raising;

- management of investment, financial, production and other risks;

- the adoption (approval) of standards, methodologies and (or) policies applicable to foreign organizations which have as an interdependent person a Russian organization or a physical person considered a tax resident of the Russian Federation which perform similar functions or belong to particular operating segments or business segments;

- the co-ordination of decisions made by foreign organizations for the purpose of checking that those decisions comply with the standards, methodologies and (or) policies referred to in this subsection.

In determining the composition and substance of functions associated with the planning and supervision of the activities of a foreign organization, a taxpayer shall follow the provisions of this Code and shall be obliged to follow the provisions of internal policies and internal regulations (where these exist);

4) monitoring (including co-ordination of decisions made by the foreign organization) of the progress of exploratory work and (or) mineral extraction work carried on outside the Russian Federation by a foreign organization which does not carry on activities in the Russian Federation.
Federation.

4. For the purposes of this Code, a foreign organization shall be deemed to be a foreign organization in relation to which management is exercised outside the Russian Federation, in particular, if its activities are carried on using its own qualified personnel and assets in the state (territory) of its residence with which the Russian Federation has an international taxation agreement, and (or) in the foreign state (territory) of the location of its economically autonomous subdivisions with which an international taxation agreement of the Russian Federation exists. In this respect, the foreign organization shall present documentary confirmation that the conditions referred to in this clause are met.

5. Where the conditions established by subsection 1 or 2 of clause 2 of this Article are met in relation to a foreign organization and the organization has presented documents confirming that the same conditions are met in relation to a foreign state, the Russian Federation shall be deemed to be the place of management of that foreign organization if at least one of the following conditions is met in relation to that organization:

1) the maintenance of the organization’s accounting or management records (with the exception of activities associated with the preparation of consolidated financial and management reports and analysis of the activities of the foreign organization) takes place in the Russian Federation;

2) the organization’s records management is conducted in the Russian Federation;

3) day-to-day management of the organization’s personnel takes place in the Russian Federation.

6. Irrespective of whether or not the conditions laid down in clauses 2 to 5 of this Article are met in relation to a foreign organization, that foreign organization shall be deemed to be a tax resident of the Russian Federation solely in the manner provided for in clause 8 of this Article if any of the following conditions is met in relation to that organization:

1) the foreign organization participates in projects involving the extraction of commercial minerals which are carried out in accordance with production sharing agreements, concession agreements, licence agreements or other risk-based agreements (contracts), provided that the following conditions are simultaneously met:

- the foreign organization is a party to the agreements (contracts) concerned or the establishment of the foreign organization is provided for in those agreements (contracts) and it carries on mineral extraction activities solely on the basis of and in accordance with the conditions of those agreements (contracts);

- the agreements (contracts) concerned were concluded with a foreign state (territory), the government of a particular state (territory) or institutions (state government bodies, state companies) authorized by that government, or activities under the agreements (contracts) concerned are carried out on the basis of a licence to use a subsurface site (another similar authorization issued by an authorized body of such a state); [as amended by Federal Law No. 424-FZ of 27.11.2018]
- income received from participation in agreements (contracts) such as are referred to in paragraph 1 of this subsection for the period for which financial statements for a financial year are prepared in accordance with the personal law of the foreign organization accounts for not less than 90 per cent of the total amount of income of the organization concerned according to data in its financial statements for that period, or the organization has no income for that period; [subsection 1 as reworded by Federal Law No. 436-FZ of 28.12.2017]

2) the foreign organization is deemed to be an active foreign holding company or an active foreign subholding company in accordance with Part One of this Code;

3) the foreign organization is an operator of a new offshore hydrocarbon deposit or a direct shareholder (participant) of an operator of a new offshore hydrocarbon deposit;

4) the foreign organization carries on activities involving the rental or subleasing of marine vessels and mixed (river-sea) navigation vessels and aircraft and (or) activities involving the international carriage of freight, passengers and passenger baggage and the provision of other services relating to such carriage, and the proportion of income from such activities to the total amount of income for the period for which financial statements for a financial year are prepared in accordance with the personal law of the foreign organization is not less than 80 per cent of the total amount of the foreign organization’s income according to data in its financial statements for the period concerned. [subsection 4 inserted by Federal Law No. 32-FZ of 15.02.2016; as amended by Federal Law No. 424-FZ of 27.11.2018]

7. Foreign organizations which simultaneously meet all the following conditions shall not be deemed to be tax residents of the Russian Federation:

1) the foreign organization is an issuer of circulated bonds or an organization to which there have been assigned rights and obligations in respect of issued circulated bonds the issuer of which is another foreign organization;

2) the requirements established by subsection 1 of clause 2.1 of Article 310 of this Code are met in relation to circulated bonds such as are referred to in subsection 1 of this clause;

3) foreign organizations such as are referred to in subsection 1 of this clause are residents of states with which the Russian Federation has international taxation agreements;

4) circulated bonds such as are referred to in subsection 1 of this clause give rise to debt obligations of Russian or foreign organizations to foreign organizations such as are referred to in subsection 1 of this clause, as is confirmed by at least one of the following documents:

- the agreement in which the debt obligation in question is formally established;

- the conditions of issue of the circulated bonds in question;

- the issue prospectus for the circulated bonds in question;

5) interest expenses in respect of circulated bonds such as are referred to in subsections 1 and 2 of this clause which were incurred for the period for which financial statements for a financial year are prepared in accordance with the personal law of a foreign organization account for not
less than 90 per cent of the total amount of all expenses of the foreign organization in question according to data in its financial statements for the period concerned.

clause 7 as reworded by Federal Law No. 32-FZ of 15.02.2016]

8. Except as otherwise provided in an international taxation agreement of the Russian Federation and this Article, a foreign organization which is a resident of a foreign state and carries on activities in the Russian Federation through economically autonomous subdivisions shall have the right independently to declare itself a tax resident of the Russian Federation.

In this respect, that organization shall be obliged to ensure that an economically autonomous subdivision in the territory of the Russian Federation possesses documents which serve as a basis for the calculation and payment of relevant taxes.

For the purposes of the calculation of tax on profit of organizations in accordance with this Chapter and tax on income of physical persons in accordance with Chapter 23 of this Code, a foreign organization may opt to declare itself a tax resident of the Russian Federation either from 1 January of the calendar year in which an application for self-declaration as a tax resident of the Russian Federation is submitted or from the moment when an application for self-declaration as a tax resident of the Russian Federation is submitted to the tax authority. [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 424-FZ of 27.11.2018]

A foreign organization which has independently declared itself a tax resident of the Russian Federation shall have the right to renounce the status of tax resident of the Russian Federation on the basis of a notice to be submitted to a tax authority after the tax authority has checked the grounds for the loss of the status of tax resident of the Russian Federation. [as amended by Federal Law No. 32-FZ of 15.02.2016]

Where a foreign organization has independently declared itself a tax resident of the Russian Federation, provided that the foreign organization complies with the provisions of this Code and other regulatory legal acts of the Russian Federation in relation to tax residents of the Russian Federation that foreign organization shall not be deemed to be a controlled foreign company on the basis of Article 25.13 of this Code.

A notice of a foreign organization such as is referred to in this clause of self-declaration as a tax resident of the Russian Federation (renunciation of the status of tax resident of the Russian Federation) shall be submitted to the tax authority for the location of the economically autonomous subdivision of that organization (or, if there is more than one economically autonomous subdivision, to the tax authority for the location of one of them selected by the taxpayer) using a standard form to 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. 32-FZ of 15.02.2016]

The provisions of this clause regarding independent self-declaration by a foreign organization as a tax resident of the Russian Federation (independent renunciation of the status of tax resident of the Russian Federation) shall not prevent the organization in question from being declared a tax resident of the Russian Federation by the tax authorities in the event that other conditions established by this Article are met (with the exception of foreign organizations such as are referred to in clause 6 of this Article). [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 436-FZ of 28.12.2017]
9. The fact that a manager of a foreign investment fund (another collective investment vehicle) is deemed to be a tax resident of the Russian Federation and the fact that such manager carries on activities involving the management of the assets of such a fund (other collective investment vehicle) in the territory of the Russian Federation shall not automatically constitute grounds for the fund (other collective investment vehicle) in question to be deemed a tax resident of the Russian Federation.

[clause 9 as reworded by Federal Law No. 32-FZ of 15.02.2016]

10. There may not be regarded as executive management of a foreign investment fund (a mutual investment fund) or of foreign organizations in whose capital such a fund has a direct or indirect participating interest the performance in the territory of the Russian Federation by its manager, persons hired by him or their employees or representatives of functions such as are referred to in clause 3 of this Article in relation to Russian and foreign organizations in whose capital the fund in question has a direct or indirect participating interest and other activities directly connected with the performance of those functions.

[clause 10 inserted by Federal Law No. 32-FZ of 15.02.2016]

Article 247. Taxable Object

The taxable object for tax on the profit of organizations (hereafter in this Chapter referred to as “tax”) shall be profit earned by a taxpayer.

For the purposes of this Chapter, profit shall be understood to mean:

1) in the case of Russian organizations which are not members of a consolidated group of taxpayers – income received, reduced by the amount of expenses incurred, which shall be determined in accordance with this Chapter; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 321-FZ of 16.11.2011]

2) in the case of foreign organizations which carry out activities in the Russian Federation through permanent establishments – income received through those permanent establishments, reduced by the amount of expenses incurred by those permanent establishments, which shall be determined in accordance with this Chapter; [as amended by Federal Law No. 57-FZ of 29.05.2002]

3) in the case of other foreign organizations – income received from sources in the Russian Federation. Income of such taxpayers shall be determined in accordance with Article 309 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

4) in the case of organizations which are members of a consolidated group of taxpayers – the amount of the aggregate profit of the members of the consolidated group of taxpayers which is attributable to a particular member and is calculated in accordance with the procedure established by clause 1 of Article 278.1 and clause 6 of Article 288 of this Code. [clause 4 inserted by Federal Law No. 321-FZ of 16.11.2011]

Article 248. Procedure for Determining Income. Classification of Income

1. For the purposes of this Chapter, income shall include:

1) income from the sale of goods (work and services) and property rights (hereinafter referred to as “sales income”).
For the purposes of this Chapter goods shall be defined in accordance with clause 3 of Article 38 of this Code; [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

2) non-sale income.

In determining income there shall be deducted therefrom amounts of taxes which are charged in accordance with this Code by a taxpayer to a purchaser (acquirer) of goods (work, services, property rights).

Income shall be determined on the basis of primary documents, other documents confirming income received by the taxpayer and tax accounting documents. [as amended by Federal Law No. 58-FZ of 06.06.2005]

Sales income shall be determined in accordance with the procedure which is established by Article 249 of this Code with account taken of the provisions of this Chapter.

Non-sale income shall be determined in accordance with the procedure which is established by Article 250 of this Code with account taken of the provisions of this Chapter.

2. For the purposes of this Chapter, property (work, services) or property rights shall be deemed to have been received without consideration if the receipt of that property (work, services) or property rights does not give rise for the recipient to an obligation to transfer property (property rights) to the transferring party (to perform work for the transferring party, to render services to the transferring party).

3. Income received by a taxpayer whose value is expressed in foreign currency shall be taken into account together with income whose value is expressed in roubles.

Income received by a taxpayer whose value is expressed in nominal units shall be taken into account together with income whose value is expressed in roubles.

The translation of the above-mentioned income shall be carried out by the taxpayer depending on the method of recognising income which has been chosen in the accounting policies for taxation purposes in accordance with Articles 271 and 273 of this Code.

For the purposes of this Chapter, amounts which have been included in the composition of a taxpayer’s income shall not be included in the composition of its income a second time. [clause 3 as reworded by Federal Law No. 57-FZ of 29.05.2002]

**Article 249. Sales Income**

1. For the purposes of this Chapter, sales income shall be understood to mean receipts from the sale of goods (work and services), whether of own production or previously acquired, and receipts from the sale of property rights. [clause 1 as reworded by Federal Law No. 57-FZ of 29.05.2002]

2. Sales receipts shall be determined on the basis of all amounts received which are connected with settlements in respect of sold goods (work and services) or property rights and are expressed in monetary form and (or) in kind. Depending on the method of recognising income
and expenses that has been chosen by the taxpayer, receipts associated with settlements in respect of goods (work and services) or property rights which have been sold shall be recognised for taxation purposes in accordance with Article 271 or Article 273 of this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]

3. Special considerations relating to the determination of sales income for certain categories of taxpayers or sales income which is received in connection with particular circumstances are established by the provisions of this Chapter.

**Article 250. Non-Sale Income**

For the purposes of this Chapter, non-sale income shall be types of income not referred to in Article 249 of this Code.

Non-sale income of a taxpayer shall include, in particular, income:

1) from a share participation in other organizations, with the exception of income which is used to pay for additional shares (participating interests) which are distributed among shareholders (participants) of an organization. [as amended by Federal Laws No. 58-FZ of 06.06.2005, No. 424-FZ of 27.11.2018]

For the purposes of this Chapter, income from a participating interest in other organizations which is paid in the form of dividends shall also include income in the form of property (property rights) which a shareholder (participant) in an organization received upon departure from the organization or upon the distribution of the property of an organization undergoing liquidation among its shareholders (participants) to the extent that it exceeds the amount actually paid (irrespective of the form of payment) by the shareholder (participant) in question for the shares (participating interests, equity units) in that organization and the amount of the contribution made by it in the form of monetary resources, less the amount of monetary resources referred to in subsection 11.1 of clause 1 of Article 251 of this Code, to the property of the organization. [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018; as amended by Federal Laws No. 325-FZ of 29.09.2019, No. 368-FZ of 09.11.2020]

For the purposes of this Chapter, income from a participating interest in other organizations which is paid in the form of dividends shall include, inter alia, income which is paid by a foreign organization in favour of a Russian organization which is a shareholder (participant) in that foreign organization upon the distribution of profit remaining after taxation, irrespective of how that payment is taxed in a foreign state; [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

2) in the form of a positive (negative) exchange rate difference arising as a result of the deviation of the exchange rate at which foreign currency is sold (purchased) from the official exchange rate established by the Central Bank of the Russian Federation as at the date of the transfer of ownership of the foreign currency (special considerations relating to the determination of the income of banks from such operations are established by Article 290 of this Code); [clause 2 as reworded by Federal Law No. 57-FZ of 29.05.2002]

3) in the form of fines, penalties and (or) other sanctions for the violation of contractual obligations which have been acknowledged by the debtor or are payable by the debtor on the basis of a court decision which has entered into legal force, and amounts of compensation for
losses or damage; [clause 3 as reworded by Federal Law No. 57-FZ of 29.05.2002]

4) from the leasing (subleasing) of property (including land parcels), unless such income is determined by the taxpayer in accordance with the procedure established by Article 249 of this Code; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 268-FZ of 30.12.2006]

5) from the granting for use of rights to results of intellectual activity and rights to equated means of individualization (in particular, from the granting for use of rights arising from patents for inventions, utility models and industrial samples), unless such income is determined by the taxpayer in accordance with the procedure established by Article 249 of this Code; [clause 5 as reworded by Federal Law No. 322-FZ of 23.11.2015]

6) in the form of interest received under loan, credit, bank account and bank deposit agreements and on securities and other debt obligations (special considerations relating to the determination of income of banks in the form of interest are established by Article 290 of this Code);

7) in the form of amounts of restored reserves expenses for the formation of which were included in expenses in accordance with the procedure and subject to the conditions which are established by Articles 266, 267, 267.2, 267.4, 292, 294, 294.1, 297.3, 300, 324 and 324.1 of this Code; [as amended by Federal Laws No. 268-FZ of 30.09.2013, No. 301-FZ of 02.11.2013]

8) in the form of property (work and services) or property rights which are received without consideration, except in the cases referred to in Article 251 of this Code.

Income arising from the receipt of property (work and services) without consideration shall be measured on the basis of the market prices as determined with account taken of the provisions of Article 105.3 of this Code, but not lower than the net book value which is determined in accordance with this Chapter in the case of amortizable property and not lower than production (acquisition) costs in the case of other property (work performed, services rendered). Information concerning prices must be confirmed by the taxpayer which receives the property (work and services) either by documents or by means of carrying out an independent valuation; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 227-FZ of 18.07.2011]

9) in the form of income which is distributed in favour of a taxpayer when it participates in a simple partnership, which is taken into account in accordance with the procedure which is laid down in Article 278 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

10) in the form of income of prior years which is discovered in the reporting (tax) period;

11) in the form of a positive exchange rate difference, with the exception of a positive exchange rate difference arising from the revaluation of advances issued (received).

For the purposes of this Chapter, a positive exchange rate difference shall be understood to be an exchange rate difference which arises in connection with an increase in the value of property in the form of currency assets (with the exception of securities denominated in foreign currency) and of claims whose value is expressed in foreign currency, or in connection with a decrease in the value of obligations whose value is expressed in foreign currency.
The provisions of this clause shall apply where the above-mentioned increase or decrease in value occurs in connection with changes in the official exchange rate of a foreign currency to the Russian Federation rouble which is set by the Central Bank of the Russian Federation, or in connection with changes in the exchange rate of a foreign currency (notional monetary units) to the Russian Federation rouble which is established by law or by an agreement between the parties where the value expressed in that foreign currency (notional monetary units) for claims (obligations) which are payable in roubles is determined on the basis of an exchange rate established by law or by an agreement between the parties respectively;

[clause 11 as reworded by Federal Law No. 81-FZ of 20.04.2014]


12) in the form of fixed assets and intangible assets which have been received without consideration in accordance with international agreements entered into by the Russian Federation or the legislation of the Russian Federation by atomic power stations for the purpose of increasing their safety and which are used other than for production purposes;

[clause 12 as reworded by Federal Law No. 57-FZ of 29.05.2002]

13) in the form of the value of materials or other property which are obtained upon the liquidation of fixed assets which are removed from service when they are dismantled and disassembled (except in the cases provided for in subsection 18 of clause 1 of Article 251 of this Code); [as amended by Federal Law No. 58-FZ of 06.06.2005]

14) in the form of property (including monetary resources), work and services used other than for their designated purpose which were received through charitable activities (including in the form of charitable assistance and donations), special-purpose receipts and special-purpose financing, with the exception of budgetary resources. In the case of budgetary resources which are used other than for their designated purpose, the norms of the budgetary legislation of the Russian Federation shall apply.

Taxpayers that have received property (including monetary resources), work and services through charitable activities, special-purpose receipts or special-purpose financing shall, after the end of a tax period, submit to the appropriate tax authorities where they are registered a report on the purpose-oriented use of the resources received as part of the tax declaration for tax; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 29.06.2004, No. 206-FZ of 29.11.2012]

15) in the form of resources intended for the formation of reserves for the maintenance of the safety of especially radiation-hazardous and nuclear-hazardous plants and facilities at all stages of their life cycle and development in accordance with the legislation of the Russian Federation concerning the use of atomic energy where such resources have been used other than for their designated purpose by enterprises and organizations of which such plants and facilities form part;

[clause 15 as reworded by Federal Law No. 58-FZ of 06.06.2005]

16) in the form of amounts by which an organization’s charter (pooled) capital was reduced in the reporting (tax) period if such reduction was accompanied by a simultaneous refusal to refund the value of the appropriate portion of contributions (holdings) to the organization’s shareholders (participants) (except in the cases provided for in subsection 17 of clause 1 of Article 251 of this Code); [as amended by Federal Law No. 58-FZ of 06.06.2005]
17) in the form of amounts of refunds from a non-commercial organization of previously paid fees (contributions) in the event that those fees (contributions) were previously included in the composition of expenses when determining the tax base;

18) in the form of amounts of accounts payable (obligations to creditors) which have been written off in connection with the expiry of the period of limitation or on other grounds, except in cases provided for in subsections 21, 21.1, 21.3 and 21.4 of clause 1 of Article 251 of this Code. The provisions of this clause shall not apply to the write-off by a mortgage agent of accounts payable in the form of obligations to holders of mortgage-backed bonds, or to the write-off by a specialized company of accounts payable in the form of obligations to holders of debentures issued by that company; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 105-FZ of 20.08.2004, No. 58-FZ of 06.06.2005, No. 379-FZ of 21.12.2013, No. 105-FZ of 23.04.2018, No. 125-FZ of 06.06.2019, No. 172-FZ of 08.06.2020]

19) in the form of income received from operations involving derivative financial instruments with account taken of the provisions of Articles 301 to 305 of this Code; [as amended by Federal Law No. 242-FZ of 03.07.2016]

20) in the form of the value of surpluses of inventories and other property which have been discovered as a result of making an inventory; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

21) in the form of the value of mass media products and book products which are replaceable when returned or when such products are written off on the grounds provided for in subsections 43 and 44 of clause 1 of Article 264 of this Code. The value of the products referred to in this clause shall be determined in accordance with the procedure for the valuation of finished products which is established by Article 319 of this Code;
[clause 21 inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 58-FZ of 06.06.2005]

22) in the form of amounts of adjustment made to a taxpayer’s profit as a result of using the methods provided for in Articles 105.12 and 105.13 of this Code for determining for taxation purposes the conformity of prices used in transactions to market prices (profit margins);
[clause 22 inserted by Federal Law No. 227-FZ of 18.07.2011]

23) in the form of the monetary equivalent of immovable property and (or) securities transferred for the replenishment of special-purpose capital of a non-commercial organization in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations” which has been repaid to the donor, less the following amounts:

- the value (net book value) of immovable property at which it was recorded in the donor’s tax records at the date on which the property was transferred for the replenishment of the special-purpose capital of the non-commercial organization in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations” – in the case of the repayment of the monetary equivalent of immovable property;

- the value at which securities were recorded in the donor’s tax records at the date on which they were transferred for the replenishment of the special-purpose capital of the non-
commercial organization in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations” – in the case of the repayment of the monetary equivalent of securities;
[clause 23 inserted by Federal Law No. 328-FZ of 21.11.2011]

[EY Note: Clause 24 of the second part of Article 250 is amended from 01.01.2022 – Federal Law No. 321-FZ of 15.10.2020]

24) in the form of the difference between the amount of tax deductions from amounts of excise duty charged in respect of operations such as are referred to in subsections 21 and 23 to 34 of clause 1 of Article 182 of this Code and those amounts of excise duty; [as amended by Federal Laws No. 323-FZ of 23.11.2015, No. 335-FZ of 27.11.2017, No. 301-FZ of 03.08.2018, No. 255-FZ of 30.07.2019]

25) in the form of profit of a controlled foreign company which is determined in accordance with this Code – in the case of organizations which are deemed to be controlling persons of that foreign company in accordance with this Code.
[clause 25 inserted by Federal Law No. 376-FZ of 24.11.2014]

Where the value of immovable property and securities referred to in clause 23 of the second part of this Article exceeds the monetary equivalent of such property which is repaid to the donor or the donor’s legal successors, the difference between those amounts shall be recognised as a loss and shall be taken into account for taxation purposes in accordance with Articles 268 and 280 of this Code.
[third part inserted by Federal Law No. 328-FZ of 21.11.2011]

Article 251. Income Not Taken into Account in Determining the Tax Base
[article as reworded by Federal Law No. 57-FZ of 29.05.2002]

1. The following types of income shall not be taken into account when determining the tax base:

1) in the form of property, property rights, work or services which have been received from other persons by way of advance payment for goods (work and services) by taxpayers which recognise income and expenses according to the accrual-basis method;

2) in the form of property and property rights which have been received in the form of a pledge or deposit as security for obligations;

3) in the form of property, property rights or non-property rights having a monetary value which have been received in the form of contributions (share contributions) to the charter (pooled) capital (fund) of an organization (including income in the form of the amount by which the price at which shares (shareholdings) are distributed exceeds the nominal value (initial amount) thereof);

3.1) in the form of amounts of value added tax which are tax-deductible for the receiving party in accordance with Chapter 21 of this Code when property, intangible assets and property rights are transferred as a contribution to the charter (pooled) capital of business companies and partnerships or as share contributions to mutual funds of co-operatives;
[subsection 3.1 inserted by Federal Law No. 216-FZ of 24.07.2007]
3.2) in the form of a property contribution of the Russian Federation or a property contribution of the Central Bank of the Russian Federation to the property of a state corporation, state company or fund which has been established by the Russian Federation on the basis of a federal law and for which the formation of a charter capital is not envisaged;


3.4) in the form of dividends or part of the distributed profit of a business company or partnership which have remained unclaimed by participants in the business company or partnership and have been restored as part of the undistributed profit of the business company or partnership;

[subsection 3.4 as reworded by Federal Law No. 286-FZ of 30.09.2017]

3.5) in the form of property (other than subsidies) received in accordance with the procedure established by the Government of the Russian Federation by a management company which is a joint stock company in which the Russian Federation owns 100 per cent of the shares and whose activities are provided for in Federal Law No. 473-FZ of 29 December 2014 “Concerning Priority Socio-Economic Development Areas in the Russian Federation”;

[subsection 3.5 inserted by Federal Law No. 56-FZ of 03.04.2017]

3.6) in the form of property rights in results of intellectual activity which have been discovered in the course of an inventory of property and property rights carried out by the taxpayer;

[subsection 3.6 inserted by Federal Law No. 166-FZ of 18.07.2017]

3.7) in the form of the monetary value of property, property rights or non-property rights which were received as a contribution to the property of a business company or partnership in accordance with the procedure established by the legislation of the Russian Federation;

[subsection 3.7 inserted by Federal Law No. 286-FZ of 30.09.2017]

3.8) in the form of rights in results of intellectual activity commissioned by the Advanced Research Foundation and transferred without consideration to persons referred to in clause 1 of Article 9 of Federal Law No. 174-FZ of 16 October 2012 “Concerning the Advanced Research Foundation”;

[subsection 3.8 inserted by Federal Law No. 344-FZ of 27.11.2017]

4) in the form of property and property rights which a participant in an organization (a legal successor or heir of such participant) received within the limits of its investment (contribution) upon the reduction of the charter (pooled) capital (fund), upon departure from the organization or upon the distribution of the property of an organization which is undergoing liquidation among its participants;

[subsection 4 as reworded by Federal Law No. 325-FZ of 29.09.2019]

5) in the form of property, property rights and (or) non-property rights having a monetary value which have been received within the limits of the investment by a party to a simple partnership agreement (joint activity agreement) or a legal successor thereof in the event that its shareholding is apportioned from the property which is jointly owned by the parties to the agreement or in the event that that property is divided up; [as amended by Federal Law No. 58-FZ of 06.06.2005]
6) in the form of resources and other property which have been received in the form of aid (assistance) provided without consideration in accordance with the procedure which is established by the Federal Law “Concerning Aid (Assistance) Provided to the Russian Federation Without Consideration and the Introduction of Amendments and Additions to Certain Legislative Acts of the Russian Federation Concerning Taxes and Concerning the Establishment of Exemptions in Respect of Payments to State Non-Budgetary Funds in Connection With the Provision of Aid (Assistance) to the Russian Federation Without Consideration”;

7) in the form of fixed assets and intangible assets which have been received without consideration in accordance with international agreements entered into by the Russian Federation and in accordance with the legislation of the Russian Federation by atomic power stations for the purpose of increasing their safety and which are used for production purposes;

8) in the form of property received by state and municipal institutions by decision of executive bodies at all levels; [as amended by Federal Law No. 175-FZ of 03.11.2006]

9) in the form of property (including monetary resources) received by a commission agent, agent and (or) other proxy under a commission, agency or other similar agreement and by way of reimbursement for expenditures incurred by the commission agent, agent and (or) other proxy on behalf of the client or principal, unless such expenditures are included in the composition of the expenses of the commission agent, agent and (or) other proxy in accordance with the conditions of the agreements concluded. Such income shall not include the commission fee, agent’s fee or other similar fee;

9.1) in the form of a charge for the use of resort infrastructure (hereinafter referred to as “resort levy”) collected by resort levy operators; [subsection 9.1 inserted by Federal Law No. 325-FZ of 29.09.2019]

10) in the form of resources or other property which were received under credit or loan agreements (other similar resources or other property, irrespective of the form in which borrowings are arranged, including securities for debt obligations), and resources or other property which were received in settlement of such borrowings;

11) in the form of property and property rights received by a Russian organization without consideration:

- from an organization, if the organization transferring the property and property rights holds a direct and (or) indirect interest in the charter (pooled) capital (fund) of the organization receiving the property and property rights and that interest, determined in accordance with the provisions of Article 105.2 of this Code, amounts to not less than 50 per cent;

- from an organization, if the organization receiving the property and property rights holds a direct and (or) indirect interest in the charter (pooled) capital (fund) of the organization transferring the property and property rights and that interest, determined in accordance with the provisions of Article 105.2 of this Code, amounts to not less than 50 per cent. In this respect, if the transferring organization is a foreign organization, income referred to in this subsection shall not be taken into account in determining the tax base only if the state of residence of the
transferring organization, and of organizations (unincorporated entities) through which the interest of the receiving organization in the transferring organization is held (in the case of an indirect interest), is not included in the list of states and territories approved by the Ministry of Finance of the Russian Federation in accordance with paragraph 2 of subsection 1 of clause 3 of Article 284 of this Code;

- from a physical person, if that physical person holds a direct and (or) indirect interest in the organization in question and that interest in the charter (pooled) capital (fund) of the organization, determined in accordance with the provisions of Article 105.2 of this Code, amounts to not less than 50 per cent;

- from an organization possessing a licence (licences) to use subsurface sites referred to in clause 2 of Article 343.5 of this Code to compensate for costs incurred by the taxpayer for the creation of fixed assets referred to in clause 6 of Article 343.5 of this Code.

In this respect, property and property rights received shall not be deemed to be income for taxation purposes only if the property and property rights (other than monetary resources) are not transferred to third parties within one year from the day on which they were received;

[subsection 11.1 as reworded by Federal Law No. 374-FZ of 23.11.2020]

11.1) in the form of monetary resources received by an organization without consideration from a business company or partnership of which that organization is a shareholder (participant) within the limit of the amount of its property contribution (contributions) in the form of monetary resources previously received by the business company or partnership from the organization in question.

The business company or partnership and organization referred to in paragraph 1 of this subsection (or their legal successors) shall be obliged to retain documents confirming the amount of their respective property contributions and amounts of monetary resources received without consideration;

[subsection 11.1.1 inserted by Federal Law No. 424-FZ of 27.11.2018]

11.2) in the form of the results of work involving the relocation or rebuilding of fixed assets possessed by the taxpayer on the basis of ownership or operational management that was performed by outside organizations in connection with the building or renovation of another capital facility (facilities) or linear facilities that are in state or municipal ownership, which is wholly or partially financed from resources of budgets of the budget system of the Russian Federation;

[subsection 11.2 as reworded by Federal Law No. 325-FZ of 29.09.2019]

11.3) income in the form of the value of property referred to in subsection 19.5 of clause 1 of Article 265 of this Code that were received without consideration by state government and administrative bodies and (or) local government bodies, state and municipal institutions and state and municipal unitary enterprises;

[subsection 11.3 inserted by Federal Law No. 172-FZ of 08.06.2020]

12) in the form of amounts of interest received in accordance with the requirements of Articles 78, 79, 176, 176.1 and 203 of this Code from the budget (a non-budgetary fund); [as amended by Federal Law No. 318-FZ of 17.12.2009]
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13) in the form of amounts of guarantee contributions to special funds created in accordance with the legislation of the Russian Federation and intended to reduce risks associated with the non-fulfilment of transaction obligations, which are received when carrying out clearing activities or activities involving the organization of trade on the securities market;

13.1) in the form of contributions to compensation funds which are created in accordance with the legislation of the Russian Federation and are intended to provide compensation for losses caused as a result of the insolvency (bankruptcy) of forex dealers;

13.2) in the form of clearing participation certificates received from the clearing organization which issued those certificates, and in the form of property received from a clearing organization upon the redemption of clearing participation certificates belonging to the taxpayer in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”;
[subsection 13.2 inserted by Federal Law No. 326-FZ of 28.11.2015]

14) in the form of property received by a taxpayer as special-purpose financing. In this respect, taxpayers which have received special-purpose financing resources shall be obliged to maintain separate records of income (expenses) received (incurred) within the framework of special-purpose financing. Where such records are not maintained by a taxpayer which has received special-purpose financing resources, those resources shall be regarded as taxable from the date on which they were received. [as amended by Federal Law No. 284-FZ of 29.11.2007]

Special-purpose financing resources shall include property received by a taxpayer and used by it according to their designated purpose as specified by the organization (or physical person) which is the source of the special-purpose financing or by federal laws: [as amended by Federal Law No. 178-FZ of 23.12.2003]

- in the form of budget obligation (budget appropriation) limits assigned to state-owned institutions in accordance with the established procedure, and in the form of subsidies granted to budgetary institutions and autonomous institutions; [as amended by Federal Law No. 83-FZ of 08.05.2010]

- in the form of budget obligation limits (budget appropriations) which were communicated in accordance with the established procedure before 1 July 2012 to budgetary institutions which are recipients of budgetary resources; [paragraph inserted by Federal Law No. 239-FZ of 18.07.2011]

- in the form of budget resources which are allocated to housing owner partnerships, housing and housing construction co-operatives or other specialized consumer co-operatives which carry out the management of apartment blocks and to management organizations chosen by the owners of premises within apartment blocks for the participatory financing of capital repairs to apartment blocks in accordance with the Federal Law “Concerning the Housing and Utility Reform Foundation”; [paragraph inserted by Federal Law No. 323-FZ of 30.12.2008]

- in the form of budget resources which are allocated for the shared financing of capital repairs to the common property in apartment buildings in accordance with the Housing Code of the Russian Federation to housing owner partnerships, housing and housing construction co-operatives or other specialized consumer co-operatives which were established and carry out the management of apartment buildings in accordance with the Housing Code of the Russian
Federation, or, where the management of apartment buildings is carried out directly by the owners of premises in those building, to management organizations which render services and (or) perform work associated with the maintenance and repair of the common property in those buildings; [paragraph inserted by Federal Law No. 271-FZ of 25.12.2012]

- in the form of grants received. For the purposes of this Chapter, monetary resources or other property shall be deemed to be grants if the transfer (receipt) thereof meets the following criteria:

the grants are provided on a non-chargeable and non-repayable basis by Russian physical persons, non-commercial organizations and foreign and international organizations and associations, according to a list of such organizations to be approved by the Government of the Russian Federation, for the implementation of specific programmes in the sphere of education, art, culture, science, fitness and sports (with the exception of professional sports), health care, environmental conservation, the protection of human and civil rights and freedoms provided for in the legislation of the Russian Federation and the provision of social care to low-income and socially vulnerable categories of citizens, by innovation development institutes and other organizations that support state programmes and projects from subsidies granted by the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the field of information technologies for the implementation of those state programmes and projects, or, in the case of the provision of grants of the President of the Russian Federation, for the performance of activities (programmes, projects) specified by acts of the President of the Russian Federation; [as amended by Federal Laws No. 235-FZ of 18.07.2011, No. 98-FZ of 23.04.2018, No. 374-FZ of 23.11.2020]

[paragraph lost force – Federal Law No. 58-FZ of 6.06.2015]

the grants are provided subject to conditions determined by the grant donor with the obligatory provision to the grant donor of a report on the proper use of the grant;

- in the form of investments received when investment tenders (auctions) are held in accordance with the procedure established by the legislation of the Russian Federation;

- in the form of investments received from foreign investors for the financing of capital investments of a production nature provided that they are used within one calendar year after they are received;

- in the form of resources of interest holders and (or) investors which have been accumulated in accounts of a developer organization;

- in the form of resources received by a mutual insurance company from organizations which are members of the mutual insurance company;

- in the form of resources received from foundations for the support of scientific, scientific and technical and innovation activities established in accordance with Federal Law No. 127-FZ of 23 August 1996 “Concerning Science and State Scientific and Technical Policy” for the realization of specific scientific and scientific and technical programmes and projects and innovation projects; [as amended by Federal Law No. 249-FZ of 20.07.2011]
- in the form of resources received for the formation of foundations for the support of scientific, scientific and technical and innovation activities established in accordance with Federal Law No. 127-FZ of 23 August 1996 “Concerning Science and State Scientific and Technical Policy”; [as amended by Federal Law No. 249-FZ of 20.07.2011]

- in the form of resources received by enterprises and organizations which have especially radiation-hazardous and nuclear-hazardous production units and facilities from reserves which are intended to maintain the safety of those production units and facilities at all stages of the life cycle and development thereof in accordance with the legislation of the Russian Federation concerning the use of atomic energy. Those resources shall be included in the composition of non-sale income in the event that the recipient has actually used such resources other than for their designated purpose or has not used them for their designated purpose within one year after the end of the tax period in which they were received;

[paragraph lost force – Federal Law No. 17-FZ of 21 February 2014]

- in the form of insurance contributions made by banks to the deposit insurance fund in accordance with the federal law concerning the insurance of deposits of physical persons with banks of the Russian Federation; [paragraph inserted by Federal Law No. 178-FZ of 23.12.2003]

- in the form of resources which are received by medical organizations which carry out medical activities within the compulsory medical insurance system for the rendering of medical services to insured persons from insurance organizations which provide compulsory medical insurance for those persons; [paragraph inserted by Federal Law No. 204-FZ of 29.12.2004]

- in the form of special-purpose resources which are received by medical insurance organizations which are participants in compulsory medical insurance from a territorial compulsory medical insurance fund in accordance with an agreement on the financing of compulsory medical insurance; [paragraph inserted by Federal Law No. 313-FZ of 29.11.2010]

- in the form of resources of owners of premises in apartment buildings which are received in accounts of partnerships of housing owners, housing and housing construction co-operatives and other specialized consumer co-operatives and management organizations which carry out the management of apartment buildings, and in accounts of specialized non-commercial organizations which carry out activities aimed at arranging capital repairs to the common property in apartment buildings and were established in accordance with the Housing Code of the Russian Federation, for the financing of repairs and capital repairs to common property within apartment buildings; [paragraph inserted by Federal Law No. 320-FZ of 16.11.2011, as amended by Federal Law No. 271-FZ of 25.12.2012]

- in the form of interest credited for the use of money held in a special account, an account or accounts of specialized non-commercial organizations that carry on activities aimed at providing for capital repairs to communal facilities in apartment buildings, in which capital repair funds are accumulated, and income of such specialized non-commercial organizations that is received from the investment of resources in a fund for the capital repair of communal facilities in apartment buildings; [paragraph inserted by Federal Law No. 137-FZ of 06.06.2019]

- in the form of amounts of admission fees and guarantee contributions of non-state pension funds and guarantee contributions of the Pension Fund of the Russian Federation which are


- in the form of subsidies received to compensate for expenses referred to in Article 270 of this Code (excluding expenses referred to in clause 5 of Article 270 of this Code); [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018]

- in the form of charges paid by owners and other rights holders of gardening or kitchen gardening plots who are not members of a partnership association for the acquisition, creation and maintenance of communal property, for the upkeep and capital repair of capital facilities classed as communal property and situated within the boundaries of a gardening or kitchen gardening area and for services and work of a partnership association relating to management of such property in the manner prescribed by Federal Law No. 217-FZ of 29 July 2017 “Concerning the Conduct of Gardening and Kitchen Gardening by Citizens for Their Own Needs and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” for the payment of contributions by members of a partnership association. [paragraph inserted by Federal Law No. 321-FZ of 29.09.2019]

There shall also be equated with special-purpose financing resources for the purposes of this Chapter resources of participants in shared-equity construction that have been deposited in escrow accounts in accordance with Federal Law No. 214-FZ of 30 December 2004 “Concerning Participation in the Shared-Equity Construction of Apartment Buildings and Other Items of Immovable Property and Concerning Amendments to Certain Other Legislative Acts of the Russian Federation”. Expenses of a developer organization that must subsequently be reimbursed from those resources shall be recorded separately as having been incurred within the framework of special-purpose financing. For the purposes of this Chapter, such resources shall be deemed to be used for their intended purpose where they are used to reimburse the developer for expenses incurred in connection with the construction (creation) of apartment buildings and other items of immovable property provided for in the agreement on participation in shared-equity construction; [paragraph inserted by Federal Law No. 368-FZ of 09.11.2020]

15) in the form of the value of shares additionally received by a shareholder organization which were distributed among shareholders by decision of the general meeting of shareholders in
proportion to the number of shares owned by them, or the difference between the nominal value of new shares (participating interests) received in place of original shares (participating interests) and the nominal value of the shares (participating interests) when shares (participating interests) are distributed among shareholders in connection with an increase in the charter capital of a joint stock company (limited liability company) (without a change in the participatory share of the shareholder (participant) in that joint stock company (limited liability company);

[subsection 15 as reworded by Federal Law No. 325-FZ of 29.09.2019]

16) in the form of a positive difference arising as a result of the revaluation of precious stones when price lists of reference prices for precious stones are adjusted in accordance with the established procedure;

17) in the form of amounts by which the charter (pooled) capital of an organization was reduced in the reporting (tax) period in accordance with the requirements of the legislation of the Russian Federation or if the amount of a company’s charter capital became greater than the value of its net assets after the end of the reporting year; [as amended by Federal Law No. 305-FZ of 02.07.2021]

18) in the form of the value of materials and other property which have been obtained as a result of the dismantling and disassembly of decommissioned facilities upon their liquidation where such facilities are destroyed in accordance with Article 5 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Part 5 of the Verification Annex to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

19) in the form of the value of land reclamation facilities and other facilities of an agricultural nature (including intra-organizational water pipes and gas and electricity systems) constructed at the expense of resources of budgets at all levels which have been received by agricultural goods producers;

20) in the form of property and (or) property rights which have been received by organizations of the state reserve of special (radioactive) raw materials and fissile materials of the Russian Federation from operations involving tangible assets of the state reserves of special (radioactive) raw materials and fissile materials and which have been used for the replacement and maintenance of those reserves;

21) in the form of amounts of accounts payable of a taxpayer with respect to the payment of taxes and levies, penalties and fines to budgets of various levels and with respect to the payment of contributions, penalties and fines to the budgets of state non-budgetary funds which have been written off and (or) otherwise reduced in accordance with the legislation of the Russian Federation or by decision of the Government of the Russian Federation;

[subsection 21 as reworded by Federal Law No. 216-FZ of 24.07.2007]

21.1) in the form of amounts of obligations of a bank under subordinated credit (deposit, loan, funded loan) agreements which have been terminated on grounds provided for in Article 25.1 of the Federal Law “Concerning Banks and Banking Activities”, where bankruptcy prevention measures are carried out in relation to the bank in question with the participation of the Central
Bank of the Russian Federation or the “Deposit Insurance Agency” State Corporation;
[subsection 21.1 inserted by Federal Law No. 105-FZ of 23.04.2018]

21.2) in the form of property (including monetary resources) received by a bank from the sale to the Central Bank of the Russian Federation of federal bonds such as are referred to in part 6 of Article 3 of Federal Law No. 451-FZ of 29 December 2014 “Concerning the Introduction of Amendments to Article 11 of the Federal Law “Concerning Insurance of Deposits of Physical Persons with Banks of the Russian Federation” and Article 46 of the Federal Law “Concerning the Central Bank of the Russian Federation (Bank of Russia)”; 
[subsection 21.2 inserted by Federal Law No. 105-FZ of 23.04.2018]

[subsection 21.3 inserted by Federal Law No. 125-FZ of 06.06.2019]

21.4) in the form of amounts of terminated obligations to pay outstanding credit and (or) interest charges under a credit agreement concluded by the taxpayer where the following conditions are met:

- the credit was granted to the taxpayer in the period from 1 January to 31 December 2020 for the resumption of activity or for urgent needs for the support and retention of employment;

- the credit organization is granted (was granted) an interest rate subsidy in relation to the credit agreement in accordance with the procedure established by the Government of the Russian Federation.

The credit organization shall present information to the taxpayer on the granting of an interest rate subsidy in relation to the credit in the manner agreed upon between the credit organization and the taxpayer; 
[subsection 21.4 inserted by Federal Law No. 172-FZ of 08.06.2020]

22) in the form of property received without consideration by state and municipal educational institutions for the purpose of carrying on their main activities, and in the form of property received without consideration by organizations which carry on educational activities and are non-commercial organizations for the purpose of carrying on educational activities; 
[subsection 22 as reworded by Federal Law No. 346-FZ of 27.11.2017]

23) in the form of fixed assets received by organizations within the structure of the “Voluntary Society for Assistance to the Russian Army, Air Force and Navy” All-Russian Public State Organization (DOSAAF) (where they are transferred between two or more organizations within the structure of DOSAAF) which are used for the training of citizens in military specialties, for the military-patriotic education of young people and for the development of aviation, technical and applied military sports in accordance with the legislation of the Russian Federation; 

24) in the form of a positive difference resulting from the revaluation of securities according to their market value;
25) in the form of amounts of restored reserves against the devaluation of securities (with the exception of reserves in respect to which expenses for the creation thereof previously reduced the tax base in accordance with Article 300 of this Code);

26) in the form of property (other than monetary resources) which have been received without consideration by unitary enterprises from the owner of the property of the enterprise or a body authorized by it. The procedure for recognising monetary resources received as part of income is similar to the procedure laid down in clause 4.1 of Article 271 of this Code for recognising subsidies as income;

[subsection 26 as reworded by Federal Law No. 335-FZ of 27.11.2017]

27) in the form of property (including monetary resources) and (or) property rights which have been received by a religious organization in connection with the performance of religious rites and ceremonies and from the sale of religious literature and articles of a religious nature; [as amended by Federal Law No. 117-FZ of 07.07.2003]

28) in the form of amounts received by operators of universal services from the universal services reserve in accordance with the communications legislation of the Russian Federation;

[subsection 28 inserted by Federal Law No. 117-FZ of 07.07.2003]

29) in the form of property, including monetary resources, and (or) property rights which have been received by a mortgage agent or a specialized company in connection with their statutory activities;


31) in the form of amounts of income from the investment of pension savings which are formed in accordance with the legislation of the Russian Federation, when received by organizations which act as insurers in respect of compulsory pension insurance;


32) in the form of capital investments in the form of inseparable improvements to leased property carried out by the lessee, and capital investments in fixed assets provided under an agreement on use without consideration in the form of inseparable improvements made by the borrower organization;

[subsection 32 inserted by Federal Law No. 58-FZ of 06.06.2005, as amended by Federal Law No. 224-FZ of 26.11.2008]

33) income of shipowners which is received from the operation and (or) sale of 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” or in the Russian International Register of Vessels. For the purposes of this Article, the operation of 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” or in the Russian International Register of Vessels shall be
understood to mean the use of such vessels to transport cargoes, passengers and luggage and to render other services related to such transportation provided that the departure point and (or) the destination point are situated outside the territory of the Russian Federation, and the leasing of such vessels for the purpose of rendering such services;


33.1) in the form of resources received by state-owned institutions from income-bearing activities that are required in accordance with the budget legislation of the Russian Federation to be remitted to the budget system of the Russian Federation; [as amended by Federal Laws No. 366-FZ of 24.11.2014, No. 325-FZ of 29.09.2019]

33.2) income of shipowners which is received from the operation and (or) sale of vessels which were built by Russian shipbuilding organizations after 1 January 2010 and have been 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” or in the Russian International Register of Ships. In this respect, for the purposes of this subsection the operation of such vessels shall be understood to mean the use thereof for the carriage of cargoes, passengers and luggage, for towing and to provide support for those services and activities, irrespective of the location of the departure point and (or) the destination point, and the leasing of such vessels for such use;

[subsection 33.2 inserted by Federal Law No. 305-FZ of 07.11.2011; as amended by Federal Law No. 324-FZ of 29.09.2019]

34) income of a development bank-state corporation and income in the form of profit of foreign companies controlled by such a bank;

[subsection 34 inserted by Federal Law No. 83-FZ of 17.05.2007; as amended by Federal Law No. 466-FZ of 29.12.2017]

34.1) income of the autonomous non-commercial organization established in accordance with the Federal Law “Concerning the Protection of the Interests of Physical Persons Who Have Deposits with Banks and Economically Autonomous Structural Subdivisions of Banks Which Are Registered and (or) Operate in the Territory of the Republic of Crimea and in the Territory of the City of Federal Significance Sevastopol”;

[subsection 34.1 inserted by Federal Law No. 78-FZ of 20.04.2014]

34.2) in the form of monetary resources which remain after the liquidation of the autonomous non-commercial organization established in accordance with the Federal Law “Concerning the Protection of the Interests of Physical Persons Who Have Deposits with Banks and Economically Autonomous Structural Subdivisions of Banks Which Are Registered and (or) Operate in the Territory of the Republic of Crimea and in the Territory of the City of Federal Significance Sevastopol” and are credited to the compulsory deposit insurance fund;

[subsection 34.2 inserted by Federal Law No. 78-FZ of 20.04.2014]

35) in the form of amounts of income from the investment of savings for housing provision which are intended to be allocated to individual savings accounts of participants in the savings and mortgage system of housing provision for servicemen;

[subsection 35 inserted by Federal Law No. 324-FZ of 04.12.2007]

[36] Lost force from 01.01.2017 – Federal Law No. 310-FZ of 1.12.2007]
37) in the form of property and (or) property rights received under a concession agreement, a state-private partnership agreement or a municipal-private partnership agreement in accordance with the legislation of the Russian Federation, with the exception of monetary resources received from the concession grantor or the public partner under those agreements;

[subsection 37 as reworded by Federal Law No. 493-FZ of 25.12.2018]

[EY Note: Subsection 38 of clause 1 of Article 251 as amended by Federal Law No. 398-FZ of 29.12.2015 loses force from 01.01.2026. From that date, subsection 38 of clause 1 of Article 251 will revert to the previous wording]

38) income of a non-commercial organization which carries out functions involving the provision of financial support for the performance of capital repairs to apartment blocks, the relocation of citizens from unfit housing facilities and the upgrading of communal infrastructure facilities in accordance with Federal Law No. 185-FZ of 21 July 2007 “Concerning the Support Fund for the Reform of the Housing and Utilities Sector” (hereinafter referred to as “the Federal Law “Concerning the Support Fund for the Reform of the Housing and Utilities Sector””), which was received from the placement (investment) of temporarily disposable monetary resources;

[subsection 38 as reworded by Federal Law No. 398-FZ of 29.12.2015 (Rev. 25.12.2018)]

39) monetary resources within the amount of the payment to an injured party which are received by an insurer which directly indemnified the injured party in accordance with the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport from the insurer which insured the civil liability of the tortfeasor;


40) in the form of the value of air time and (or) print space received by taxpayers without consideration in accordance with the legislation of the Russian Federation concerning elections and referenda;

[subsection 40 inserted by Federal Law No. 161-FZ of 17.07.2009]

[40.1) applied until 31 December 2020 – Federal Law No. 68-FZ of 26.03.2020]

41) income in monetary form and (or) in kind received by an all-Russian social association which carries on its activities in accordance with the legislation of the Russian Federation concerning social associations and the Olympic Charter of the International Olympic Committee and on the basis of recognition by the International Olympic Committee, or by an all-Russian social association which carries on its activities in accordance with the legislation of the Russian Federation concerning social associations and the Constitution of the International Paralympic Committee and on the basis of recognition by the International Paralympic Committee, and specifically:

- income from the sale of advertising services, including sponsor advertising;

- income from the sale of property rights (including rights to use results of intellectual activity and (or) means of individualization);
- in the form of property (including monetary resources) and property rights received from the
“Organizing Committee of the Sochi 2014 XXII Olympic Winter Games and XI Paralympic
Winter Games” autonomous non-commercial organization;

- income received from the placement of temporary available monetary resources.

Income such as is referred to in this subsection shall not be taken into account in determining
the tax base provided that income received is used for the operating objectives which are
provided for in Articles 11 and 12 of Federal Law No. 329-FZ of 4 December 2007
“Concerning Physical Education and Sport in the Russian Federation” and the statutory
documents of the above-mentioned all-Russian social associations;

42) in the form of monetary resources, immovable property and securities which were
transferred for the formation or replenishment of special-purpose capital of a non-commercial
organization in accordance with the procedure established by Federal Law No. 275-FZ of 30
December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose
Capital of Non-Commercial Organizations” and have been returned to the donor or the donor’s
legal successors in connection with the break-up of special-purpose capital of the non-
commercial organization or the withdrawal of a donation or in another case where the return of
property is provided for in the donation agreement and (or) Federal Law No. 275-FZ of 30
December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose
Capital of Non-Commercial Organizations”. In the case of the return of immovable property or
securities the donor shall record the property in question at the value (net book value) at which
it was recorded in the donor’s tax records at the time when the property was transferred for the
replenishment of the special-purpose capital of the non-commercial organization. Legal
successors of a donor shall record such property at the value (net book value) current at the date
on which they were transferred for the replenishment of the special-purpose capital of the non-
commercial organization;

43) interest from the placement in deposit accounts with credit organizations of monetary
resources which were received for the formation or replenishment of special-purpose capital of
a non-commercial organization or have been repaid by a management company in connection
with the termination of an agreement on the fiduciary management of property, and dividends,
interest (coupon) income and other redemption income, constituting income which is required
to be placed under the management of a management company in accordance with Federal Law
No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of
Special-Purpose Capital of Non-Commercial Organizations”, which a non-commercial
organization which is the owner of special-purpose capital has received in respect of securities
which were received for the formation or replenishment of special-purpose capital of the non-
commercial organization or have been returned by the management company in connection
with the termination of the agreement on the fiduciary management of property;

44) monetary resources received by the responsible member of a consolidated group of
taxpayers from other members of that group for the purpose of the payment of tax (advance
payments, penalties and fines) in accordance with the procedure established by this Code for a
consolidated group of taxpayers, and monetary resources received by a member of a
consolidated group of taxpayers from the responsible member of that group of taxpayers in connection with the adjustment of amounts of tax (advance payments, penalties and fines) payable for that group of taxpayers;

[subsection 44 inserted by Federal Law No. 321-FZ of 16.11.2011]

45) income received by the “Russia 2018” Organizing Committee, subsidiary organizations of the “Russia 2018” Organizing Committee, the Russian Football Union, the local organizing structure, manufacturers of FIFA media information, suppliers of FIFA goods (work, services), commercial partners of UEFA, suppliers of UEFA goods (work, services) and UEFA broadcasters 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” and are Russian organizations in connection with the carrying out of measures provided for in the above-mentioned Federal Law, including from the investment of temporarily available monetary resources, in the form of exchange rate differences, fines, penalties and (or) other sanctions for the violation of contractual obligations, in the form of amounts of compensation for losses or damage resulting from any use of stadia, training bases and other sports facilities designated for the preparation for and staging of sporting competitions and in the form of property (property rights) received without consideration. Income in the form of dividends paid to such taxpayers shall not be included in the tax base if it is indicated by data for each tax period from the foundation of the organization paying the dividends that income received in connection with the carrying out of measures provided for in the above-mentioned Federal Law accounts for not less than 90 per cent of the amount of all income for the relevant tax period;

[subsection 45 as reworded by Federal Law No. 101-FZ of 01.05.2019]

46) in the form of amounts of charges for air navigation services for aircraft flights in the airspace of the Russian Federation, and in the form of resources received from the federal budget as compensation for expenses associated with air navigation services for flights of state aircraft which are exempted in accordance with the legislation of the Russian Federation from payment for air navigation services;

[subsection 46 inserted by Federal Law No. 17-FZ of 21.02.2014]

47) pension contributions to non-state pension funds where not less than 97 per cent of them are used for the formation of pension reserves of a non-state pension fund;

[subsection 47 inserted by Federal Law No. 167-FZ of 23.06.2014]

48) pension savings, including insurance contributions for compulsory pension insurance, which are formed in accordance with the legislation of the Russian Federation and this Code;

[subsection 48 inserted by Federal Law No. 167-FZ of 23.06.2014; as amended by Federal Law No. 243-FZ of 03.07.2016]

49) income of a non-state pension fund which is a non-commercial organization which has been received from the sale of shares in a joint stock pension fund which were acquired by that non-commercial organization as a result of undergoing re-organization in the form of the spin-off of a non-commercial pension fund and the simultaneous conversion of that fund into a joint stock pension fund, provided that the income in question is allocated to the insurance reserve of the non-state pension fund;

[subsection 49 inserted by Federal Law No. 167-FZ of 23.06.2014]
50) in the form of dividends received from foreign organizations for which the actual source of payment is Russian organizations, to which the taxpayer has an actual right and to which the tax rate set by subsection 2 of clause 3 of Article 284 of this Code has been applied in line with the procedure laid down in Article 312 of this Code. [as amended by Federal Laws No. 294-FZ of 03.08.2018, No. 374-FZ of 23.11.2020]

Income such as is referred to in this subsection shall not be taken into account in determining the tax base provided that there is documentary evidence of the withholding of tax by the tax agent and the possession of an actual right to the dividends; [as amended by Federal Laws No. 294-FZ of 03.08.2018, No. 374-FZ of 23.11.2020]

[subsection 50 as reworded by Federal Law No. 32-FZ of 15.02.2016]

50.1) in the form of dividends received from a foreign organization to which the taxpayer has an actual right in accordance with clause 1.6 of Article 312 of this Code; [subsection 50.1 inserted by Federal Law No. 493-FZ of 25.12.2018]

51) in the form of exclusive rights to inventions, utility models, industrial designs, computer programmes, databases, integrated circuit topographies and production secrets (know-how) created in the course of the performance of a state contract which have been transferred to the performer of that contract by the state customer under an agreement on alienation without consideration; [subsection 51 inserted by Federal Law No. 463-FZ of 29.12.2014]

52) in the form of income received by an organization which carries out in accordance with federal law functions associated with the compulsory insurance of deposits of physical persons with banks of the Russian Federation (hereafter in this subsection referred to as “the organization”) in the context of the implementation of measures provided for in Articles 3 to 3.2 of Federal Law No. 451-FZ of 29 December 2014 “Concerning the Introduction of Amendments to Article 11 of the Federal Law “Concerning Insurance of Deposits of Physical Persons with Banks of the Russian Federation” and Article 46 of the Federal Law “Concerning the Central Bank of the Russian Federation (the Bank of Russia)”, and specifically: [as amended by Federal Law No. 326-FZ of 28.11.2015]

- coupon income on federal bonds contributed as a property contribution of the Russian Federation to the property of the organization;

- income in the form of interest received by the organization under subordinated loan agreements concluded with banks and on subordinated bonds of banks;


- income in the form of dividends received by an organization on preference shares in banks which were acquired by making payment for those shares using federal bonds contributed as a
property contribution of the Russian Federation to the property of the organization; [paragraph inserted by Federal Law No. 326-FZ of 28.11.2015]

- income in the form of dividends received by an organization on ordinary shares in banks which were acquired as a result of exchanging the organization’s claims under subordinated loan agreements for ordinary shares in banks or the conversion of subordinated bonds of banks into ordinary shares in banks; [paragraph inserted by Federal Law No. 326-FZ of 28.11.2015]

- coupon income on federal bonds transferred by an organization to banks under subordinated loan agreements, which is included in the organization’s income on the basis of clause 5 of Article 282.1 of this Code. [paragraph inserted by Federal Law No. 326-FZ of 28.11.2015]

Income such as is referred to in paragraphs 2 to 6 of this subsection shall not be taken into account in determining the tax base provided that the income in question is remitted to the federal budget in full in accordance with federal law, the agreement on the making of a property contribution of the Russian Federation to the property of the organization or a decision of the board of directors of the organization. In the case of income such as is referred to in paragraph 3 of this subsection, the condition concerning remittance to the federal budget shall not apply where a bank’s obligations are terminated or where claims under a subordinated credit (deposit, loan) agreement or under the conditions of a funded loan are exchanged for bank shares on grounds provided for in Article 25.1 of the Federal Law “Concerning Banks and Banking Activities”; [as amended by Federal Laws No. 326-FZ of 28.11.2015, No. 105-FZ of 23.04.2018] [subsection 52 inserted by Federal Law No. 32-FZ of 08.03.2015]

53) income received by a taxpayer-controlling person from a foreign company controlled by it as a result of the distribution of that company’s profit, if income in the form of profit of that company was indicated by that taxpayer in the tax declaration (tax declarations) submitted for the relevant tax periods and provided that the conditions established by this subsection are met. [as amended by Federal Law No. 436-FZ of 28.12.2017]

Income such as is referred to in this subsection shall not be taken into account in determining the tax base in accordance with this clause to the extent of an amount not exceeding amounts of income in the form of profit of the controlled foreign company which were indicated by the taxpayer-Russian controlling person in the tax declaration (tax declarations) submitted for the relevant tax periods. [as amended by Federal Law No. 436-FZ of 28.12.2017]

Income such as is referred to in this clause shall be exempt from taxation provided that the taxpayer concerned has the following documents:

- payment documents (copies thereof) confirming that the taxpayer has paid tax on income in the form of profit of the controlled foreign company which is the source of the income in favour of the Russian controlling person and (or) has paid tax calculated on that profit in accordance with the legislation of foreign states and (or) the legislation of the Russian Federation and tax on profit of organizations calculated in respect of profit of a permanent establishment of the controlled foreign company in the Russian Federation which is allowable as a credit in accordance with clause 11 of Article 309.1 of this Code; [as amended by Federal Law No. 436-FZ of 28.12.2017]

- documents (copies thereof) confirming that the income was paid out of profit of the controlled foreign company which the taxpayer indicated as income in the tax declaration (tax
declarations) submitted for the relevant tax periods; [as amended by Federal Law No. 436-FZ of 28.12.2017]
[subsection 53 inserted by Federal Law No. 32-FZ of 15.02.2016]

54) income received by a joint stock company in which the Russian Federation owns 100 per cent of the shares from the sale of shares in other organizations, provided that the entire amount of such income is transferred to the federal budget;
[subsection 54 inserted by Federal Law No. 401-FZ of 30.11.2016]

55) in the form of services received without consideration which are the subject of transactions such as are referred to in subsection 6 of clause 4 of Article 105.14 of this Code;
[subsection 55 as reworded by Federal Law No. 286-FZ of 30.09.2017]

56) in the form of funds received by all-Russian sports federations or professional sports leagues from organizers of games of chance at betting offices on the basis of agreements concluded in accordance with Federal Law No. 244-FZ of 29 December 2006 “Concerning the State Regulation of Activities Involving the Organization and Conduct of Games of Chance and Amendments to Certain Legislative Acts of the Russian Federation” or from a public company that administers the implementation of legislative provisions concerning the state regulation of activities involving the organization and conduct of games of chance in the form of special-purpose contributions withheld from organizers of games of chance in accordance with Federal Law No. 493-FZ of 30 December 2020 “Concerning the “Unified Regulator of Games of Chance” Public Company and Amendments to Certain Legislative Acts of the Russian Federation”. Those funds shall not be taken into account in determining the tax base provided that they are used within time limits and for purposes which are determined in accordance with Federal Law No. 329-FZ of 4 December 2007 “Concerning Physical Education and Sport in the Russian Federation”;
[subsection 56 as reworded by Federal Law No. 305-FZ of 02.07.2021]

[ELY Note: Subsection 57 loses force from 01.01.2025 – Federal Law No. 335-FZ of 27.11.2017]

57) income from the sale of shares (equity interests) which has been received by an organization which, on the date on which the agreement providing for the transfer of ownership of the shares (equity interests) is concluded, falls within the scope of prohibitive, restrictive and (or) other similar measures which have been introduced by foreign states, economic, political, military or other associations of countries and international financial and other organizations in relation to the Russian Federation, constituent entities of the Russian Federation, other State entities, legal entities registered in the territory of the Russian Federation and citizens of the Russian Federation and consist in the imposition of prohibitions and (or) restrictions on the performance of settlements and (or) the carrying out of financial operations or restrictions on the performance of operations associated with debt financing and (or) the acquisition or alienation of securities (interests in charter capitals), provided that the following conditions are simultaneously met:

- after the sale of the above-mentioned shares (equity interests) the organization referred to in paragraph 1 of this subsection has a direct or indirect participating interest in the organization whose shares (equity interests) are sold, and that interest amounts to not less than 50 per cent;
- the purchaser of the shares (equity interests) is not an interdependent person in relation to the organization referred to in paragraph 1 of this clause on the grounds provided for in Article 105.1 of this Code;

- on the date on which the agreement providing for the transfer of ownership of the shares (equity interests) is concluded, the Russian Federation directly or indirectly controls more than 50 per cent of the total number of votes conferred by voting shares (equity interests) which make up the charter capital of the organization referred to in paragraph 1 of this subsection;

- on the date on which the shares (equity interests) are sold the organization referred to in paragraph 1 of this subsection has had a direct or indirect participating interest in the organization whose shares (equity interests) are sold for not less than 365 consecutive calendar days, and that interest amounts to not less than 50 per cent.

[subsection 57 inserted by Federal Law No. 335-FZ of 27.11.2017]

58) income of an international holding company in the form of profit of controlled foreign companies in relation to which that international holding company is considered a controlling person which must be taken into account in determining the tax base of that international holding company for tax periods ending before 1 January 2029, if that international company is recognised as an international holding company in accordance with Article 24.2 of this Code as at the date determined in accordance with clause 3 of Article 25.15 of this Code;

[subsection 58 inserted by Federal Law No. 294-FZ of 03.08.2018]

59. income received for the performance of the functions of an agent of the Russian Federation in the manner prescribed by Federal Law No. 161-FZ of 24 July 2008 “Concerning the Promotion of the Development of Housing Construction”;

[subsection 59 inserted by Federal Law No. 255-FZ of 30.07.2019]

60) in the form of subsidies received from the federal budget in connection with an unfavourable situation resulting from the spread of the novel coronavirus infection by taxpayers that were included in the unified register of small and medium-sized business entities in accordance with Federal Law No. 209-FZ of 24 July 2007 “Concerning the Development of Small and Medium-Sized Business in the Russian Federation” as at 1 March 2020 and carry on activities in sectors of the Russian economy that have most suffered from the deterioration of the situation as a result of the spread of the above-mentioned infection, the list of which shall be approved by the Government of the Russian Federation;

[subsection 60 inserted by Federal Law No. 121-FZ of 22.04.2020]

61) in the form of work (services) and property rights received without consideration from state bodies, local government bodies, the small and medium-sized enterprise development corporation and its subsidiaries and organizations included in the unified register of support infrastructure organizations in accordance with Federal Law No. 209-FZ of 24 July 2007 “Concerning the Development of Small and Medium-Sized Entrepreneurship in the Russian Federation” in the course of the performance by the above of powers conferred on them to support small and medium-sized enterprises in accordance with Federal Law No. 209-FZ of 24 July 2007 “Concerning the Development of Small and Medium-Sized Entrepreneurship in the Russian Federation”, and from organizations that perform export support functions in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activities” in the course of the performance by them of powers conferred on them to support small and medium-sized enterprises in
accordance with powers conferred on them to support exports in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activities”, where the performance of that work (rendering of services) and the transfer of property rights take place in accordance with the legislation of the Russian Federation, the legislation of constituent entities of the Russian Federation and acts of local government bodies. The provisions of this subsection shall also apply to income in the form of work (services) and property rights received from physical persons and legal entities where payment for the work (services) or property rights was made by persons referred to in paragraph 1 of this subsection in the course of the performance by them of the above-mentioned powers.

[subsection 61 inserted by Federal Law No. 305-FZ of 02.07.2021]

2. Special-purpose receipts (with the exception of special-purpose receipts in the form of excisable goods) shall also not be taken into account in determining the tax base. These shall include special-purpose receipts for the maintenance of non-commercial organizations and the conduct of their statutory activities that were received without consideration from organizations and (or) physical persons and on the basis of decisions of state bodies and local government bodies and decisions of management bodies of state non-budgetary funds and were used by those recipients according to their designated purpose. In this respect, taxpayers that receive the above-mentioned special-purpose receipts shall be obliged to maintain separate records of income (expenses) received (incurred) by way of special-purpose receipts. [as amended by Federal Law No. 374-FZ of 23.11.2020]

Special-purpose receipts for the maintenance of non-commercial organizations and the conduct by them of their statutory activities shall include: [as amended by Federal Law No. 284-FZ of 29.11.2007]

1) founders’ (participants’, members’) contributions which are made in accordance with the legislation of the Russian Federation concerning non-commercial organizations, donations made in accordance with legislation concerning non-commercial organizations which are recognised as such in accordance with the civil legislation of the Russian Federation, income in the form of work (services) received without consideration by non-commercial organizations which is (are) performed (rendered) on the basis of relevant contracts, and allocations for the formation in accordance with the procedure established by Article 324 of this Code of a reserve for the renovation and capital repair of common property which are made to a partnership association of owners of immovable property, a housing co-operative, a garage construction or housing construction co-operative or another specialized consumer co-operative by members thereof; [as amended by Federal Laws No. 235-FZ of 18.07.2011, No. 321-FZ of 29.09.2019]

1.1) special-purpose receipts for the formation of foundations for the support of scientific, scientific and technical and innovation activities established in accordance with Federal Law No. 127-FZ of 23 August 1996 “Concerning Science and State Scientific and Technical Policy”; [subsection 1.1 as reworded by Federal Law No. 249-FZ of 20.07.2011]

2) property and property rights which are bequeathed to non-commercial organizations; [subsection 2 as reworded by Federal Law No. 235-FZ of 18.07.2011]
3) resources granted from the federal budget, budgets of constituent entities of the Russian Federation, local budgets and budgets of state non-budgetary funds to provide for the statutory activities of non-commercial organizations; [as amended by Federal Law No. 83-FZ of 08.05.2010]

4) resources and other property and property rights which have been received for the purpose of carrying out charitable activities; [subsection 4 as reworded by Federal Law No. 235-FZ of 18.07.2011]

5) the aggregate contribution of the founders of non-state pension funds;

[6)-6.1) lost force – Federal Law No. 167-FZ of 23.06.2014]

7) amounts given by owners to institutions established by them which are used according to their designated purpose;

8) contributions of law chambers of constituent entities of the Russian Federation for the general requirements of the Federal Chamber of Lawyers in amounts and according to the procedure which are determined by the All-Russian Congress of Lawyers; contributions made by lawyers for the general requirements of the law chamber of the relevant constituent entity of the Russian Federation in amounts and according to the procedure which are determined by the annual meeting (conference) of lawyers of the law chamber of that constituent entity of the Russian Federation, and for the maintenance of the relevant legal office, Bar association or law bureau; [subsection 8 as reworded by Federal Law No. 187-FZ of 31.12.2002]

9) resources received by trade union organizations in accordance with collective agreements (accords) on the arrangement by trade union organizations of social and cultural events and other measures which are provided for by their statutory activities;

10) resources which were received by structural organizations of DOSAAF from the federal executive body in charge of defence and (or) another executive body under a general agreement and which have been used according to their designated purpose, and special-purpose contributions from organizations within the structure of DOSAAF which are used in accordance with the foundation documents for the training of citizens in military specialities in accordance with the legislation of the Russian Federation, for the military-patriotic education of young people and for the development of aviation, technical and applied military sports; [as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 397-FZ of 28.12.2010]

10.1) resources received by non-commercial organizations without consideration, in order to enable them to carry out statutory non-entrepreneurial activities, from structural subdivisions (divisions) established by them in accordance with the legislation of the Russian Federation which are taxpayers (hereafter for the purposes of this Article referred to as “structural subdivisions (divisions)”), which the structural subdivisions (divisions) transferred from special-purpose receipts which they received for their maintenance and for the purpose of carrying out statutory activities; [subsection 10.1 inserted by Federal Law No. 235-FZ of 18.07.2011]

10.2) resources received by structural subdivisions (divisions) from the non-commercial organizations which established them in accordance with the legislation of the Russian Federation, which were transferred by the non-commercial organization from resources...
received by them for their maintenance and for the purpose of carrying out statutory activities; [subsection 10.2 inserted by Federal Law No. 235-FZ of 18.07.2011]

11) property (including monetary resources) and (or) property rights which have been received by religious organizations for use in carrying out their statutory activities;

12) resources which have been received by a professional association of insurers established in accordance with Federal Law No. 40-FZ of 25 April 2002 “Concerning Compulsory Insurance of the Civil Liability of Owners of Means of Transport”:

- for the financing of compensation payments provided for in that Federal Law;
- as compensation for a shortfall of assets upon the transfer of an insurance portfolio;
- for the formation of a fund in accordance with the requirements of international systems of insurance of the civil liability of owners of means of transport in which the professional association of insurers is a participant;
- in accordance with that Federal Law in the form of amounts of reimbursement for compensation payments and for expenses incurred in connection with the consideration of victims’ claims for compensation payments;
- as fees for the accreditation of technical inspection operators in accordance with legislation concerning the technical inspection of means of transport; [subsection 12 as reworded by Federal Law No. 427-FZ of 27.11.2018]

13) monetary resources, immovable property and securities received by non-commercial organizations for the formation or replenishment of special-purpose capital in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”; [subsection 13 as reworded by Federal Law No. 328-FZ of 21.11.2011]

14) monetary resources which have been received by non-commercial organizations which are owners of special-purpose capital from management companies which carry out the fiduciary management of property constituting special-purpose capital in accordance with the Federal Law “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”; [subsection 14 inserted by Federal Law No. 276-FZ of 30.12.2006]

15) monetary resources which have been received by non-commercial organizations from specialized organizations for the management of special-purpose capital in accordance with the Federal Law “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations”; [subsection 15 inserted by Federal Law No. 276-FZ of 30.12.2006]

16) property rights in the form of the right to use property without consideration that were received by non-commercial organizations for the purpose of conducting their statutory activities; [subsection 16 as reworded by Federal Law No. 374-FZ of 23.11.2020]
17) resources that have been received by a professional association of insurers established in accordance with Federal Law No. 67-FZ of 13 June 2012 “Concerning Compulsory Insurance of the Civil Liability of a Carrier for Damage to the Life, Health and Property of Passengers and Concerning the Procedure for the Payment of Compensation for Such Damage Caused in the Process of the Carriage of Passengers by Metropolitan Railway”:

- to finance compensation payments provided for in that Federal Law;

- to compensate for a shortfall of assets upon the transfer of an insurance portfolio;

- in accordance with that Federal Law in the form of amounts of reimbursement for compensation payments and for expenses incurred in connection with the consideration of victims’ claims for compensation payments;

[subsection 17 as reworded by Federal Law No. 427-FZ of 27.11.2018]

17.1) resources which have been received by a professional association of insurers established in accordance with Federal Law No. 225-FZ of 27 July 2010 “Concerning Compulsory Insurance of the Civil Liability of the Owner of a Dangerous Facility for Damage Resulting from an Accident at the Dangerous Facility”:

- for the purpose of making compensation payments provided for in that Federal Law;

- as compensation for a shortfall of assets upon the transfer of an insurance portfolio;

- in accordance with that Federal Law in the form of amounts of reimbursement for compensation payments and for expenses incurred in connection with the consideration of victims’ claims for compensation payments;

[subsection 17.1 inserted by Federal Law No. 427-FZ of 27.11.2018]

18) resources which have been received by an association of tour operators in the area of outbound tourism established in accordance with Federal Law No. 132-FZ of 24 November 1996 “Concerning the Fundamental Principles of Tourism Activities in the Russian Federation” in the form of contributions transferred to the reserve fund of the association of tour operators in the area of outbound tourism and personal liability funds of tour operators in the area of outbound tourism which are intended for the financing of expenses provided for in the above-mentioned Federal Law for the rendering of emergency assistance to tourists and the payment of compensation for actual damage caused to tourists as a result of the non-fulfilment by a tour operator of obligations under an agreement on the sale of a travel product in the area of outbound tourism;

[subsection 18 as reworded by Federal Law No. 128-FZ of 01.05.2016]

19) resources which have been received by an association of insurers established in accordance with Federal Law No. 260-FZ of 25 July 2011 “Concerning State Support in the Area of Agricultural Insurance and Concerning the Introduction of Amendments to the Federal Law “Concerning the Development of Agriculture”” and are intended to be used to form a compensation payment fund and to make compensation payments which are provided for in the above-mentioned Federal Law;

[subsection 19 inserted by Federal Law No. 162-FZ of 02.10.2012]
20) monetary resources in the form of allocations which are received by a non-commercial organization whose founder is the Russian Federation in the person of the Government of the Russian Federation and whose main activities consist in supporting domestic cinematography, increasing its competitiveness, providing conditions for the creation of good-quality films conforming to national interests and popularizing national films in the Russian Federation, within the limits of amounts derived from budget appropriations which have been granted by that non-commercial organization on an equity interest basis for the purpose of the production of national films or as reimbursement for expenses incurred for those purposes;

[subsection 20 inserted by Federal Law No. 108-FZ of 05.05.2014]

21) resources in the form of contributions of financial organizations that are received by the fund for the financing of activities of the financial ombudsman that was formed in accordance with Federal Law No. 123-FZ of 4 June 2018 “Concerning the Ombudsman for Rights of Consumers of Financial Services”.

[subsection 21 inserted by Federal Law No. 374-FZ of 23.11.2020]

3. When organizations are re-organized, for the purpose of determining the tax base there shall not be included in the composition of income of organizations which have been newly established, are being re-organized or have been re-organized the value of property, property and non-property rights possessing a monetary value and (or) obligations which are received (transferred) by way of legal succession upon the re-organization of legal entities where they were acquired (created) by the organizations being re-organized before the date of completion of the re-organization.

The provisions of this clause shall also apply to legal regulations that have arisen between federal executive bodies (federal agencies) and organizations (state corporations) established in accordance with special federal laws regulating the activities of those organizations (state corporations) in connection with the process of the transfer of assets (including rights under agreements (contracts, accords)) that is provided for in federal law. [paragraph inserted by Federal Law No. 368-FZ of 09.11.2020]

[clause 3 inserted by Federal Law No. 58-FZ of 06.06.2005]

**Article 252. Expenses. Classification of Expenses**

1. For the purposes of this Chapter, a taxpayer shall reduce income received by the amount of expenses incurred (with the exception of the expenses referred to in Article 270 of this Code).

Expenses shall be understood to mean justified and documented expenditures (and, in the cases provided for in Article 265 of this Code, losses) which are made (incurred) by a taxpayer.

Justified expenses shall be understood to mean economically justified expenditures measured in monetary form.

Documented expenses shall be understood to mean expenditures which are confirmed by documents drawn up in accordance with the legislation of the Russian Federation or documents drawn up in accordance with customary business practices applicable in the foreign state in whose territory the expenses in question were incurred, and (or) documents which indirectly confirm expenses incurred (including a customs declaration, business trip order, travel documents or a report on work performed in accordance with an agreement). Any expenditures shall be recognised as expenses provided that they were incurred for the purpose of carrying
out activities which are aimed at receiving income. [as amended by Federal Law No. 58-FZ of 06.06.2005]

2. Expenses shall be subdivided according to their nature, the conditions under which they are incurred and the areas of activity of the taxpayer into expenses associated with production and sales and non-sale expenses. [as amended by Federal Law No. 57-FZ of 29.05.2002]

[Paragraph excluded – Federal Law No.57-FZ of 29.05.2002]

2.1. For the purposes of this Chapter, expenses of newly established and re-organized organizations shall be understood to be mean the value (net book value) of property, property and non-property rights possessing a monetary value and (or) obligations which are received (transferred) by way of legal succession upon the re-organization of legal entities where they were acquired (created) by the organizations being re-organized before the date of completion of the re-organization. The value of property and property and non-property rights possessing a monetary value shall be determined on the basis of the tax accounting data and documents of the transferring party as at the date on which ownership of that property and property and non-property rights is transferred. [as amended by Federal Law No. 224-FZ of 26.11.2008]

Expenses of newly established and re-organized organizations shall also be understood to include expenses (and, in cases provided for in this Code, losses) provided for in Articles 255, 260 to 268, 275, 275.1, 279, 280, 283, 304 and 318 to 320 of this Chapter which were incurred (borne) by the organizations being re-organized to the extent not taken into account by them in determining the tax base. For taxation purposes those expenses shall be taken into account by the successor organizations according to the procedure and subject to the conditions which are laid down in this Chapter. The composition and amount of such expenses shall be determined on the basis of the tax accounting data and documents of the organizations being re-organized as at the date of completion of the re-organization (the date on which an entry is made concerning the cessation of activities of each acquired legal entity in the case of re-organization in the form of acquisition).

Additional expenses associated with the transfer (receipt) of property (property and non-property rights) upon the re-organization of organizations shall be taken into account for taxation purposes according to the procedure established by this Chapter. [as amended by Federal Law No. 224-FZ of 26.11.2008]
[clause 2.1 inserted by Federal Law No. 58-FZ of 06.06.2005]

3. Special considerations relating to the determination of expenses which are recognised for taxation purposes for particular categories of taxpayers or expenses incurred in connection with particular circumstances are established by the provisions of this Chapter.

4. Where particular expenditures may with equal justification be assigned to more than one expense group, the taxpayer may independently decide to which group it will assign those expenditures. [as amended by Federal Law No. 58-FZ of 06.06.2005]

5. Expenses incurred by a taxpayer whose value is expressed in foreign currency shall be taken into account together with expenses whose value is expressed in roubles.

Expenses incurred by a taxpayer whose value is expressed in nominal units shall be taken into account together with expenses whose value is expressed in roubles.
The translation of the above-mentioned expenses shall be carried out by the taxpayer depending on the method of recognising such expenses which has been chosen in the accounting policies for taxation purposes in accordance with Articles 272 and 273 of this Code.

For the purposes of this Chapter, amounts which have been included in the composition of taxpayers’ expenses shall not be included in the composition of its expenses a second time. [clause 5 inserted by Federal Law No. 57-FZ of 29.05.2002]

**Article 253. Expenses Associated with Production and Sales**

1. Expenses associated with production and sales shall include:

   1) expenses associated with the manufacture (production), storage and delivery of goods, the performance of work, the rendering of services and the acquisition and (or) sale of goods (work, services, property rights);

   2) expenses for the maintenance and operation, repair and technical servicing of fixed assets and other property, and on keeping them in working order (up-to-date);

   3) expenses for the development of natural resources;

   4) expenses for research and development;

   5) expenses for compulsory and voluntary insurance;

   6) miscellaneous expenses associated with production and (or) sales.

2. Expenses associated with production and sales shall be subdivided into:

   1) material expenses;

   2) labour payment expenses;

   3) amounts of amortization charged;

   4) miscellaneous expenses.

3. Special considerations relating to the determination of expenses of banks, insurance organizations, the organization which carries out activities involving the insurance of export credits and investments against entrepreneurial and (or) political risks in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activity”, non-state pension funds, credit consumer co-operatives, microfinance organizations, clearing organizations, professional participants in the securities market and foreign organizations shall be established with account taken of the provisions of Articles 280, 291, 292, 294, 296, 297.2, 297.3, 299, 299.2, 300 to 304 and 307 to 310 of this Code. [as amended by Federal Laws No. 131-FZ of 07.06.2013 (Rev. 02.11.2013), No. 326-FZ of 28.11.2015, No. 63-FZ of 15.04.2019]
Article 254. Material Expenses

1. Material expenses shall include, in particular, the following expenditures of a taxpayer:

1) expenditures on the acquisition of raw materials and (or) other materials which are used in the production of goods (performance of work, rendering of services) and (or) form the basis thereof or which are an essential component in the production of goods (performance of work, rendering of services);

2) expenditures on the acquisition of materials which are used:

   - for the packing and other preparation of goods produced and (or) sold (including pre-sale preparation);

   - for other production and economic requirements (the conduct of tests and control, the maintenance, repair and operation of fixed assets and other similar purposes);

3) expenditures on the acquisition of tools, appliances, instruments, devices, laboratory equipment, special clothing and other personal and collective protective equipment required by the legislation of the Russian Federation, and other property that is not amortizable property. The value of such property shall be included in the composition of material expenses in full as and when it is placed into service. For the purpose of writing off the value of property referred to in this subsection over more than one reporting period, a taxpayer may independently determine the procedure for the recognition of material expenses in the form of the value of such property, taking into account the period of use of the property or other economically justified indicators; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005, No. 81-FZ of 20.04.2014]

4) expenditures on the acquisition of components which undergo assembly and (or) semi-finished products which undergo further processing by the taxpayer; [subsection 4 as reworded by Federal Law No. 57-FZ of 29.05.2002]

5) expenditures on the acquisition of fuel, water and all kinds of energy used for technological purposes, the generation (including generation by the taxpayer itself for its own needs) of all kinds of energy and the heating of buildings, and expenses incurred for the production and (or) acquisition of power and for energy transformation and transmission; [subsection 5 as reworded by Federal Law No. 158-FZ of 22.07.2008]

6) expenditures on the acquisition of work and services of a production nature which are performed by outside organizations or private entrepreneurs and on the performance of such work (rendering of services) by structural subdivisions of a taxpayer. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Work (services) of a production nature shall include the performance of particular operations involving the production (manufacture) of products, the performance of work, the rendering of services and the processing of raw materials (other materials), monitoring of observance of prescribed technological processes, the technical servicing of fixed assets and other similar work.
Work (services) of a production nature shall also include transportation services of outside organizations (including private entrepreneurs) and (or) structural subdivisions of the taxpayer itself involving the transportation of loads within the organization, and in particular the transportation of raw materials (other materials), tools, components, intermediate products and other types of loads from a base (central) warehouse to production units (divisions), and the delivery of finished products in accordance with the conditions of agreements (contracts); [as amended by Federal Law No. 57-FZ of 29.05.2002]

7) expenditures associated with the maintenance and operation of fixed assets and other property intended for nature protection purposes (including expenses associated with the maintenance and operation of purification installations, ash traps, filters and other nature protection facilities, expenses for the burial of environmentally hazardous waste, expenses for the acquisition of services of outside organizations involving the acceptance, storage and destruction of environmentally hazardous waste, sewage purification, the formation of sanitary protection zones in accordance with current state sanitary and epidemiological rules and standards, payments for emissions of pollutants into the atmosphere and discharges of pollutants contained in effluents into bodies of water within the norms of admissible emissions and norms of admissible discharges and for the disposal of industrial and consumer waste within the prescribed limits for the disposal of such waste. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005, No. 219-FZ of 21.07.2014]

2. The value of inventories which are included in material expenses shall be determined on the basis of the prices at which they were acquired (excluding value added tax and excise duties, except in cases provided for in this Code), including commission payable to intermediary organizations, import customs duties and fees, transportation expenses and other expenditures associated with the acquisition of inventories. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

The value of inventories and other property in the form of surpluses discovered in the course of an inventory count, and (or) property received without consideration, and (or) property obtained upon the dismantling or disassembly of fixed assets which are removed from service and upon carrying out the repair, upgrading, renovation, retooling or partial abandonment of fixed assets shall be determined as the amount of income recognised by the taxpayer in the manner prescribed by clauses 8, 13 and 20 of the second part of Article 250 of this Code. [as amended by Federal Law No. 81-FZ of 20.04.2014]

3. Where the cost of returnable containers received from a supplier together with inventories has been included in the price of those inventories, the total amount of expenses for the acquisition thereof shall be reduced by the cost of the returnable containers according to the price at which they could be used or sold. The cost of non-returnable containers and packaging received from a supplier together with inventories shall be included in the amount of expenses for the acquisition thereof. [as amended by Federal Law No. 58-FZ of 06.06.2005]

Whether containers are classified as returnable or non-returnable shall be determined by the conditions of the agreement (contract) on the acquisition of the inventories. [as amended by Federal Law No. 58-FZ of 06.06.2005]

4. Where a taxpayer uses products of own manufacture as raw materials, spare parts, components, semi-finished products and other material expenses and where a taxpayer includes
the results of work or services of own production in the composition of material expenses, those products and results of work or services of own production shall be valued on the basis of the valuation of the finished products (work, services) in accordance with Article 319 of this Code. [clause 4 inserted by Federal Law No. 57-FZ of 29.05.2002]

5. The amount of material expenses for the current month shall be reduced by the value of balances of inventories which have been transferred for production use but have not been used in production as at the end of the month. The value attributed to those inventories must correspond to the value attributed to them when they were written off. [as amended by Federal Law No. 58-FZ of 06.06.2005]

6. The amount of material expenses shall be reduced by the value of recyclable waste. For the purposes of this Chapter, recyclable waste shall be understood to mean residual raw materials (other materials), semi-finished products, heat-transfer agents and other types of material resources which are formed in the process of the production of goods (performance of work, rendering of services) and have partially lost the consumer attributes of the original resources (chemical or physical properties) with the result that their use entails increased expenditure (lower output) or they cannot be used directly for their designated purpose.

Recyclable waste shall not include residual inventories which, in accordance with the technological process, are transferred to other subdivisions as full-value raw materials (other materials) for the production of other kinds of goods (work and services), and concurrent (associated) products which are obtained as a result of the technological process.

Recyclable waste shall be valued as follows:

1) at the reduced price of the original material resource (at the price of possible use) if the waste can be used for the main or ancillary production activities but at a higher cost (with a lower output of finished products);

2) at the selling price if the waste is sold to third parties.

7. The following shall be equated with material expenses for taxation purposes:

1) expenses for the recultivation of lands and other nature protection measures unless otherwise established by Article 261 of this Code;

2) losses due to shortage and (or) impairment during storage and transportation of inventories within the limits of the norms of natural loss which have been approved in accordance with the procedure established by the Government of the Russian Federation; [as amended by Federal Law No. 58-FZ of 06.06.2005]

3) process losses during production and (or) transportation. Process losses shall be understood to mean losses occurring in the process of the production and (or) transportation of goods (work and services) which are attributable to technological characteristics of the production cycle and (or) transportation process and to the physical and chemical characteristics of raw materials used; [subsection 3 as reworded by Federal Law No. 58-FZ of 06.06.2005]
4) expenses for mine preparation work for the extraction of commercial minerals, for quarry stripping and for cutting operations for underground mining within the boundaries of the mining allotment of mining enterprises. [as amended by Federal Law No. 57-FZ of 29.05.2002]

8. For the purpose of determining the amount of material expenses when writing off raw materials and other materials which are used in the production (manufacture) of goods (performance of work, rendering of services), in accordance with the accounting policies adopted by an organization for taxation purposes one of the following methods of valuing those raw materials and other materials shall be applied:

- the method of valuation on the basis of the value of a unit of reserves; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- the method of valuation on the basis of the average value; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- the method of valuation on the basis of the value of those first acquired (FIFO); [as amended by Federal Law No. 57-FZ of 29.05.2002]

[paragraph lost force – Federal Law No. 81-FZ of 20.04.2014]

**Article 255. Labour Payment Expenses**

A taxpayer’s labour payment expenses shall include any accruals to workers in monetary form and (or) in kind, incentive accruals and increments, compensation accruals connected with the work schedule or working conditions, bonuses and one-time incentive accruals and expenses associated with the maintenance of those workers which are provided for by norms of the legislation of the Russian Federation, labour agreements (contracts) and (or) collective agreements. [as amended by Federal Law No. 57-FZ of 29.05.2002]

For the purposes of this Chapter, labour payment expenses shall include, in particular:

1) amounts accrued on the basis of pay rates, position salaries or piece rates or as a percentage of receipts in accordance with the forms and systems of labour payment adopted by the taxpayer; [as amended by Federal Law No. 57-FZ of 29.05.2002]

2) accruals of an incentive nature, and in particular bonuses for production results, increments to pay rates and salaries for professional skill, high achievements in work and other similar indicators;

3) accruals of an incentive and (or) compensatory nature associated with the work schedule or working conditions, including increments to pay rates and salaries for night work and work in a multi-shift environment, for job combination and extension of service areas, for work under harsh, harmful or highly harmful working conditions and for overtime work and work on days of rest and public holidays, which are made in accordance with the legislation of the Russian Federation;

4) the value of utility services, meals and food products which are provided free of charge to employees in accordance with the legislation of the Russian Federation and of accommodation which is provided free of charge to employees of a taxpayer in accordance with the procedure
which is established by the legislation of the Russian Federation (or amounts of monetary compensation for the non-provision of free housing and utility services and other similar services); [as amended by Federal Law No. 57-FZ of 29.05.2002]

5) expenses associated with the acquisition (manufacture) of uniforms and outfits which are issued to employees free of charge in accordance with the legislation of the Russian Federation or are sold to employees at reduced prices (to the extent not compensated by the employees), and of which the employees retain permanent personal use. The same procedure shall apply to expenses associated with the acquisition or manufacture by an organization of clothing and footwear which identify employees as belonging to that organization; [clause 5 as reworded by Federal Law No. 58-FZ of 06.06.2005]

6) the amount of accrued average earnings retained for employees for time taken to perform state and (or) social duties and in other cases provided for in the labour legislation of the Russian Federation;

7) expenses in the form of average pay which is retained for employees for periods of leave provided for by the legislation of the Russian Federation, actual expenses associated with payment for travel of employees and persons dependent on those employees to and from a holiday location in the territory of the Russian Federation (including expenses associated with payment for the transportation of luggage of employees of organizations located in regions of the Far North and equated localities) in accordance with the procedure prescribed by current legislation in the case of organizations which are financed from relevant budgets and in accordance with the procedure prescribed by the employer in the case of other organizations, expenses associated with payment for reduced working hours of adolescents, expenses associated with payment for nursing breaks taken by mothers and expenses associated with payment for time taken to undergo medical examinations; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 122-FZ of 22.08.2004, No. 366-FZ of 24.11.2014]

8) monetary compensation for unused leave in accordance with the labour legislation of the Russian Federation; [as amended by Federal Law No. 57-FZ of 29.05.2002]

9) accruals to employees who are made redundant, including in connection with the re-organization or liquidation of the taxpayer or a reduction in the number of employees or size of the staff of the taxpayer. For the purposes of this clause, accruals to employees who are made redundant shall include, in particular, redundancy allowances paid by an employer upon the termination of an employment agreement which are provided for in employment agreements and (or) separate accords between the parties to an employment agreement, including accords on the rescission of the employment agreement, and in collective agreements, accords and internal regulations containing norms of labour law; [clause 9 as reworded by Federal Law No. 382-FZ of 29.11.2014]

10) one-time remunerations for long service (increments for length of service within a specialization) in accordance with the legislation of the Russian Federation; [as amended by Federal Law No. 122-FZ of 22.08.2004]

11) increments based on the regional regulation of labour payments, including accruals based on regional coefficients and coefficients for work under harsh natural and climatic conditions; [as amended by Federal Law No. 122-FZ of 22.08.2004]
12) increments for continuous service in regions of the Far North and equated localities, in regions of the European North and in other regions with harsh natural and climatic conditions;  
[clause 12.1 inserted by Federal Law No. 58-FZ of 06.06.2005]

12.1) the cost of travel according to actual expenses and the cost of transporting luggage calculated on the basis of no more than 5 tonnes per family according to actual expenses, but not higher than the tariffs prescribed for transportation by rail, for an employee of an organization which is located in areas of the Far North and equated localities (where there is no railway the expenses in question shall be recognised in an amount equal to the minimum cost of travel by air) and members of his family in the event that they move to another locality in connection with the termination of the employment agreement with the employee on any grounds, including as a result of his death, with the exception of dismissal for culpable acts;

13) expenses in the form of average pay which is retained in accordance with the legislation of the Russian Federation for the period of study leave granted to employees of a taxpayer, and expenses associated with payment for travel to and from the place of study;


14) expenses for labour payments for periods of forced leave or low-paid employment in cases provided for in the legislation of the Russian Federation;


16) amounts of payments (contributions) made by employers under compulsory insurance agreements, amounts of employer contributions which are paid in accordance with the Federal Law “Concerning Additional Insurance Contributions for a Funded Pension and State Support for the Formation of Pension Savings” and amounts of payments (contributions) made by employers under voluntary insurance agreements (non-state pension agreements) which have been concluded for the benefit of employees with insurance organizations (non-state pension funds) which possess licences issued in accordance with current legislation to engage in the relevant types of activity in the Russian Federation.  
[as amended by Federal Laws No. 55-FZ of 30.04.2008, No. 177-FZ of 29.06.2015]

In the case of voluntary insurance (non-state pension provision), the above-mentioned amounts shall be classified as labour payment expenses in the case of agreements:

- on life insurance, if those agreements are concluded for a period of not less than five years with Russian insurance organizations which possess a licence to carry out the type of activity concerned and, during those five years, do not provide for any insurance payments to be made, including in the form of rents and (or) annuities, with the exception of insurance payments in the event of the death of and (or) damage to the health of the insured person;  
[as amended by Federal Law No. 216-FZ of 24.07.2007]

- on non-state pension provision, provided that a pension scheme is used whereby pension contributions are recorded in individual accounts of members of non-state pension funds, and (or) on voluntary pension insurance when pensionable circumstances arise for a member and (or) insured person which are provided for in the legislation of the Russian Federation as at the date of conclusion of the relevant agreements and entitle him to the allocation of a state-provided pension and (or) an insurance pension, and while those pensionable circumstances remain in effect. In this respect, non-state pension agreements must provide for the payment of
pensions until resources on the member’s individual account are used up, but not for less than five years, or for life, while voluntary pension insurance agreements must provide for the payment of pensions for life; [as amended by Federal Laws No. 204-FZ of 29.12.2004, No. 216-FZ of 24.07.2007, No. 177-FZ of 29.06.2015, No. 374-FZ of 23.11.2020]

- on voluntary personal insurance of employees (concluded for a period of not less than one year) which provide for the payment by the insurers of medical expenses for insured employees;

- on voluntary personal insurance which provide for payments to be made only in the event of the death of and (or) damage to the health of an insured person. [as amended by Federal Law No. 216-FZ of 24.07.2007]

The aggregate amount of employer contributions paid in accordance with the Federal Law “Concerning Additional Insurance Contributions for a Funded Pension and State Support for the Formation of Pension Savings” and employers’ payments (contributions) which is paid under agreements on long-term life insurance for employees, voluntary pension insurance for employees and non-state pension provision for employees shall be taken into account for taxation purposes in an amount not exceeding 12 per cent of the amount of labour payment expenses. [as amended by Federal Laws No. 204-FZ of 29.12.2004, No. 55-FZ of 30.04.2008, No. 177-FZ of 29.06.2015]

In the event that amendments are made to the conditions of a life insurance agreement or of a voluntary pension insurance agreement and (or) a non-state pension agreement in relation to some or all insured employees (members) and, as a result of those amendments, the conditions of the agreement cease to conform to the requirements of this clause, or in the event that such agreements are cancelled in relation to some or all insured employees (members), employer contributions under those agreements in relation to the employees in question which were previously included in the composition of expenses shall be deemed taxable from the date on which such amendments were made to the conditions of those agreements and (or) the term of the agreements was reduced or the agreements were cancelled (except where an agreement is cancelled early as a result of force majeure circumstances, i.e. extreme and unavoidable circumstances). [as amended by Federal Law No. 216-FZ of 24.07.2007]

Contributions under voluntary personal insurance agreements which provide for insurers to pay medical expenses of insured employees, employers’ expenses in connection with medical service agreements concluded for the benefit of employees for a term of not less than one year with medical organizations which have relevant licences to carry on medical activities which were issued in accordance with the legislation of the Russian Federation and expenses such as are referred to in clause 24.2 of this part may not, in the aggregate, exceed 6 per cent of the amount of labour payment expenses. [as amended by Federal Law No. 113-FZ of 23.04.2018]

Contributions under voluntary personal insurance agreements which provide for payments to be made only in the event of the death of and (or) damage to the health of an insured person shall be included in the composition of expenses in an amount not exceeding 15,000 roubles per year calculated as the ratio of the total amount of contributions payable under such agreements to the number of insured employees. [as amended by Federal Law No. 216-FZ of 24.07.2007]

For the purpose of computing the maximum amounts of payments (contributions) which are calculated in accordance with this subsection, amounts of payments (contributions) which are
provided for in this subsection shall not be included in labour payment expenses; [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

17) amounts which are accrued on the basis of a tariff rate or official rate of pay (where work is performed on a rotational basis) and are provided for by collective agreements for calendar days spent in travel from the location of an organization (assembly point) to the place of work and back which are provided for in the rotation work schedule and for days during which workers’ travel is delayed owing to weather conditions; [as amended by Federal Law No. 137-FZ of 27.07.2006]

18) amounts accrued for work performed to physical persons engaged to work for a taxpayer under special agreements on the provision of labour with state organizations; [as amended by Federal Law No. 57-FZ of 29.05.2002]

19) in cases provided for by the legislation of the Russian Federation, accruals made at the main place of work to workers, managers or specialists of a taxpayer while they study without continuing normal work within the system of the improvement of the qualifications or retraining of staff; [as amended by Federal Law No. 57-FZ of 29.05.2002]

20) expenses associated with labour payments for workers who are donors for days of examination, blood donation and rest which are granted after each day of blood donation;

21) expenses associated with payment for the labour of workers who are not on a taxpaying organization’s staff for the performance of work by them under civil-law agreements (including contractual agreements), with the exception of payments made for labour under civil-law agreements concluded with private entrepreneurs; [as amended by Federal Law No. 57-FZ of 29.05.2002]

22) accruals provided for in the legislation of the Russian Federation to servicemen doing military service at state unitary enterprises and construction organizations of federal executive bodies in which the legislation of the Russian Federation provides for military service and to employees of internal affairs bodies, penal institutions and bodies and the federal fire-fighting service of the State Fire-Fighting Service and persons who serve in forces of the national guard of the Russian Federation and have special police ranks; [as amended by Federal Laws No. 116-FZ of 25.07.2002, No. 108-FZ of 29.05.2019]

23) supplementary payments to disabled persons which are provided for by the legislation of the Russian Federation;

24) expenses in the form of allocations to the reserve for future vacation pay for employees and (or) to the reserve for the payment of the annual bonus for long service and annual performance bonus which are made in accordance with Article 324.1 of this Code; [clause 24 inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 382-FZ of 29.11.2014]

24.1) expenses associated with the reimbursement of employees’ expenditures on the payment of interest on loans (credits) for the acquisition and (or) construction of a dwelling. Such expenses shall be recognised for taxation purposes in an amount not exceeding 3 per cent of the amount of labour payment expenses; [clause 24.1 inserted by Federal Law No. 158-FZ of 22.07.2008 (Rev. 21.11.2011)]
24.2) expenses associated with payment for services involving the organization of tourism, health resort treatment and leisure in the territory of the Russian Federation in accordance with an agreement on the sale of a tourism product, which are rendered to employees and their spouses, parents and children (including adopted children) up to the age of 18 years, wards aged up to 18 years and children (including adopted children) aged up to 24 years who are in full-time education at educational organizations and former wards (after the termination of guardianship or custodianship) aged up to 24 years who are in full-time education at educational organizations.

For the purposes of this clause, services involving the organization of tourism, health resort treatment and leisure in the territory of the Russian Federation shall include the following services rendered under an agreement on the sale of a tourism product which has been concluded by an employer with a tour operator or a travel agent:

- services involving the carriage of a tourist within the territory of the Russian Federation by air, water, road and (or) rail transport to a destination and back or on another route agreed upon in the agreement on the sale of the tourism product;

- services involving the accommodation of a tourist in a hotel (hotels) or other boarding facility (facilities) or health resort and leisure establishment located in the territory of the Russian Federation, including tourist meal services if meal services are provided as a package with accommodation in a hotel or other boarding facility or a health resort and leisure establishment;

- health resort services;

- excursion services.

Expenses such as are referred to in this clause shall be taken into account to the extent of expenses actually incurred for services involving the organization of tourism, health resort treatment and leisure in the territory of the Russian Federation, but not more than 50,000 roubles in the aggregate for a tax period for each of the citizens enumerated in paragraph 1 of this clause, and provided that the requirement established by paragraph 9 of clause 16 of this part is met;

[clause 24.2 inserted by Federal Law No. 113-FZ of 23.04.2018]

25) other types of expenses incurred on behalf of an employee which are provided for by a labour agreement and (or) a collective agreement.

**Article 256. Amortizable Property**

1. For the purposes of this Chapter, amortizable property shall be understood to mean property, results of intellectual activity and other intellectual property assets that are possessed by a taxpayer on the basis of ownership (except as otherwise provided in this Chapter) and are used by it for the derivation of income. Amortizable property shall be property, results of intellectual
activity and other intellectual property assets with a useful life of more than 12 months and a historical cost of more than 100,000 roubles. [as amended by Federal Law No. 325-FZ of 29.09.2019]

Amortizable property received by a unitary enterprise from the owner of the property of the unitary enterprise for operational management or economic jurisdiction shall be amortizable for that unitary enterprise in accordance with the procedure established by this Chapter. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Amortizable property received by an investor organization from the owner of the property in accordance with the legislation of the Russian Federation concerning investment agreements in the sphere of activities involving the provision of utility services shall be amortized by the organization concerned during the period of validity of the investment agreement in accordance with the procedure which is established by this Chapter. [paragraph inserted by Federal Law No. 110-FZ of 20.08.2004]

Property that is classified as mobilization capacities shall be amortized in accordance with the procedure established by this Chapter. [paragraph inserted by Federal Law No. 206-FZ of 29.11.2012]

There shall be recognised as amortizable property capital investments in leased fixed assets in the form of inseparable improvements carried out by the lessee with the lessor’s consent and capital investments in fixed assets provided under an agreement on use without consideration in the form of inseparable improvements carried out by the borrower organization with the consent of the lender organization. [as amended by Federal Law No. 158-FZ of 22.07.2008]

Amortizable property received by an organization from the owner of the property or created in accordance with the legislation of the Russian Federation concerning investment agreements in the sphere of activities involving the provision of utility services or the legislation of the Russian Federation concerning concession agreements shall be amortized by that organization during the period of validity of the investment agreement or concession agreement in accordance with the procedure established by this Chapter. [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005, as amended by Federal Law No. 108-FZ of 30.06.2008]

2. Land and other natural resource sites (water, subsurface resources and other natural resources) and inventory, goods, incomplete capital construction projects, securities and derivative financial instruments (including forward and futures contracts and option contracts) shall not be subject to amortization. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 242-FZ of 03.07.2016]

The following types of amortizable property shall not be subject to amortization: [as amended by Federal Law No. 57-FZ of 29.05.2002]

1) property of budgetary organizations, with the exception of property that was acquired as a result of carrying out entrepreneurial activities and is used for the purpose of carrying on such activities; [as amended by Federal Law No. 110-FZ of 24.07.2002]

2) property of non-commercial organizations that was received as special-purpose receipts or acquired using resources received as special-purpose receipts and is used for the purpose of carrying on non-commercial activities; [subsection 2 as reworded by Federal Law No. 57-FZ of 29.05.2002]
3) property that was acquired (created) out of budgetary special-purpose financing resources. This norm shall not apply to property received by a taxpayer as a result of privatization; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 215-FZ of 23.07.2013]

4) outside facilities and improvements (forest facilities, road facilities which were constructed using sources of budgetary or other similar special-purpose financing, specialized navigation facilities) and other similar facilities; [as amended by Federal Law No. 57-FZ of 29.05.2002]


6) acquired publications (books, brochures and other similar items) and works of art. In this respect, the value of acquired publications and the value of cultural valuables acquired by museums which are budgetary institutions for the Museum Fund of the Russian Federation shall be included in the composition of miscellaneous expenses associated with production and sales in the full amount at the time of the acquisition of those items; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 215-FZ of 23.07.2013]

7) property that was acquired (created) using resources received in accordance with subsections 14, 19, 22, 23 and 30 of clause 1 of Article 251 of this Code, and property referred to in subsection 6 and 7 of clause 1 of Article 251 of this Code; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 191-FZ of 31.12.2002, No. 204-FZ of 29.12.2004]

8) acquired rights to results of intellectual activity and other intellectual property assets where, under the agreement on the acquisition of those rights, payment must be made by means of periodic payments over the period of validity of that agreement; [subsection 8 inserted by Federal Law No. 57-FZ of 29.05.2002]

[ EY Note: Subsection 9 of clause 2 of Article 256 loses force from 01.01.2028 – Federal Law No. 335-FZ of 27.11.2017]

9) fixed assets in relation to which the taxpayer has exercised the right to apply an investment tax deduction, with account taken of the special considerations established by clause 7 of Article 286.1 of this Code; [subsection 9 inserted by Federal Law No. 335-FZ of 27.11.2017]

10) property created as a result of the work referred to in subsection 11.2 of clause 1 of Article 251 of this Code; [subsection 10 inserted by Federal Law No. 424-FZ of 27.11.2018]

11) medical devices expenses for the acquisition of which have been taken into account by the taxpayer in accordance with subsection 48.12 of clause 1 of Article 264 of this Code; [subsection 11 inserted by Federal Law No. 121-FZ of 22.04.2020]

12) fixed assets in relation to which the taxpayer has exercised the right to apply a tax deduction in accordance with Article 343.6 of this Code; [subsection 12 inserted by Federal Law No. 195-FZ of 13.07.2020]

13) intangible assets created as a result of expenditure on research and (or) development in relation to which the taxpayer exercised the right to apply an investment tax deduction, subject to the special considerations established by clause 7 of Article 286.1 of this Code. [subsection 13 inserted by Federal Law No. 374-FZ of 23.11.2020]
3. The following fixed assets shall be excluded from the composition of amortizable property for the purposes of this Chapter:

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

- those which, by decision of the management of an organization, have been temporarily removed from service for a period of over three months;

- those which, by decision of the management of an organization, are undergoing renovation and upgrading for a period of over 12 months, except in cases where fixed assets undergoing renovation or upgrading continue to be used by the taxpayer in activities aimed at the receipt of income; [as amended by Federal Law No. 382-FZ of 29.11.2014]

[paragraph lost force - Federal Law No. 137-FZ of 4.06.2018]

When a fixed asset is put back into service, amortization shall be charged on that item in accordance with the procedure which was in effect before it was temporarily removed from service. [as amended by Federal Law No. 325-FZ of 29.09.2019]

[clause 3 as reworded by Federal Law No. 305-FZ of 07.11.2011]

4. Amortization charged on fixed assets which have been transferred for use without consideration to state government and administrative bodies and local government bodies, state and municipal institutions and state and municipal unitary enterprises in cases where such an obligation of the taxpayer is established by the legislation of the Russian Federation shall be taken into account in determining the tax base in accordance with Article 274 of this Code. [clause 4 inserted by Federal Law No. 382-FZ of 29.11.2014]

Article 257. Procedure for Determining the Value of Amortizable Property [title as amended by Federal Law No. 57-FZ of 29.05.2002]

1. For the purposes of this Chapter, fixed assets shall be understood to mean property that is used as instruments of labour in the production and sale of goods (the performance of work, the rendering of services) or for the management of an organization and have a historical cost of more than 100,000 roubles. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 216-FZ of 24.07.2007, No. 229-FZ of 27.07.2010, No. 150-FZ of 08.06.2015]

The historical cost of a fixed asset shall be determined as the amount of expenditure on its acquisition (or, in the event that the fixed asset was received by the taxpayer without consideration or was discovered as a result of an inventory, as the amount at which the asset has been valued in accordance with clauses 8 and 20 of Article 250 of this Code), erection, manufacture and delivery and on rendering it fit for use, excluding value added tax and excise duties, except in cases provided for in this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005, No. 224-FZ of 26.11.2008]

The historical cost of property that is the subject of a lease shall be the amount of the lessor’s expenditure on their acquisition, erection, delivery and manufacture and on rendering them fit for use, excluding amounts of taxes which are deductible or are included in the composition of expenses in accordance with this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]
The replacement value of amortizable fixed assets which were acquired (created) prior to the entry into force of this Chapter shall be determined as their historical cost with account taken of revaluations carried out before the date of entry into force of this Chapter. [as amended by Federal Law No. 110-FZ of 24.07.2002]

In determining the replacement value of amortizable fixed assets for the purposes of this Chapter account shall be taken of a revaluation of fixed assets which was carried out by decision of the taxpayer as at 1 January 2002 and reflected in the taxpayer’s accounting records after 1 January 2002. That revaluation shall be taken into account for taxation purposes in an amount not exceeding 30 per cent of the replacement value of the items of fixed assets in question as reflected in the taxpayer’s accounting records as at 1 January 2001 (with account taken of a revaluation as at 1 January 2001 which was carried out by decision of the taxpayer and reflected in accounting records in 2001). In this respect, the amount of the revaluation (reduction in value) as at 1 January 2002 which has been reflected by the taxpayer in 2002 shall not be recognised as income (an expense) of the taxpayer for taxation purposes. The corresponding revaluation of amounts of amortization shall be taken into account for taxation purposes according to a similar procedure. [as amended by Federal Law No. 110-FZ of 24.07.2002]

In the event that, in subsequent reporting (tax) periods after the entry into force of this Chapter, the taxpayer makes a revaluation (reduction of the value) of items of fixed assets according to the market value, the positive (negative) amount of such revaluation shall not be recognised as income (an expense) which is taken into account for taxation purposes, and shall not be taken into account for the purpose of determining the replacement value of amortizable property and for the purpose of charging amortization which is taken into account for taxation purposes in accordance with this Chapter. [paragraph inserted by Federal Law No. 110-FZ of 24.07.2002]

The net book value of fixed assets which were commissioned prior to the entry into force of this Chapter shall be determined as the difference between the replacement value of such fixed assets and the amount of amortization as determined in accordance with the procedure which is established in paragraph 5 of this clause. [paragraph inserted by Federal Law No. 110-FZ of 24.07.2002]

The net book value of fixed assets which were placed into service after the entry into force of this Chapter shall be determined as the difference between their historical cost and the amount of amortization charged over the period of use. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 110-FZ of 24.07.2002]

Where a taxpayer uses items of fixed assets of own production, the historical cost of those items shall be determined as the value of the finished products as calculated in accordance with clause 2 of Article 319 of this Code, increased by the amount of applicable excise duties in the case of fixed assets which are excisable goods. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The historical cost of property received as a concession facility shall be determined as the market value of the property determined at the time of the receipt of the property, increased by the amount expended on the extension, further equipping, renovation, upgrading, retooling and making ready for use of the property, excluding amounts of taxes that are deductible or are included in expenses in accordance with this Code. [paragraph inserted by Federal Law No. 108-FZ of 30.06.2008]
The net book value of amortizable assets on which amortization is charged using the non-linear method shall, unless otherwise established by this Chapter, be determined according to the formula: [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

$$S_n = S \times (1 - 0.01 \times k)^n,$$ [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

where $S_n$ is the net book value of the items concerned upon the lapse of $n$ months after they were included in a particular amortization group (subgroup); [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

$S$ is the historical (replacement) cost of the items concerned; [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

$n$ is the number of full months which elapsed from the day on which the items concerned were included in a particular amortization group (subgroup) up to the day of their exclusion from that group (subgroup), not counting the period of time measured in full months during which those items were not included in the composition of amortizable property in accordance with clause 3 of Article 256 of this Code; [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

$k$ is the amortization rate (with account taken of any increase (reduction) coefficient) applicable to the relevant amortization group (subgroup). [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

In determining the net book value of fixed assets in relation to which the provisions of paragraph 2 of clause 9 of Article 258 of this Code have been applied, the value at which the assets in question were included in the appropriate amortization groups (subgroups) shall be used instead of their historical cost. [paragraph inserted by Federal Law No. 206-FZ of 29.11.2012]

The historical cost of property created using budgetary special-purpose financing resources shall be determined as the amount of expenses incurred for the acquisition, erection, manufacture, delivery and making ready for use of the property, excluding value added tax and excise duties except in cases provided for in this Code, minus the amount of expenses incurred out of budgetary special-purpose financing resources. [paragraph inserted by Federal Law No. 215-FZ of 23.07.2013]

[EY Note: Paragraph 1 of clause 2 of Article 257 is reworded from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

2. The historical cost of fixed assets shall be adjusted in the event that the assets in question are extended, further equipped, reconstructed, modernized, retooled or partially dismantled and on other similar grounds. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Extension, retrofitting and upgrading work shall include work necessitated by changes in the technological or business function of equipment, a building, a structure or any other amortizable fixed asset or by increased loads and (or) other new attributes.

For the purposes of this Chapter, renovation shall include the rebuilding of existing items of fixed assets which is aimed at enhancing production and increasing the technical and economic indicators thereof and is carried out on the basis of a plan for the renovation of fixed assets with
a view to increasing production capacities and improving the quality and altering the range of products.

Retooling shall include a set of measures to enhance the technical and economic characteristics of fixed assets or of individual parts thereof through the introduction of advanced techniques and technology, the mechanization and automation of production, upgrading and the replacement of obsolete and physically worn equipment with new and more productive equipment and (or) software. [as amended by Federal Law No. 57-FZ of 29.05.2002]

3. For the purposes of this Chapter, intangible assets shall be understood to mean results of intellectual activity and other items of intellectual property (exclusive rights thereto) which have been acquired and (or) created by a taxpayer and are used in the production of goods (the performance of work, the rendering of services) or for the management requirements of an organization over a prolonged period of time (more than 12 months).

In order for an intangible asset to be recognised it must be capable of bringing the taxpayer economic benefits (income) and there must be properly executed documents which confirm the existence of the intangible asset itself and (or) the possession by the taxpayer of exclusive rights to results of intellectual activity (including patents, certificates, other protective documents, an agreement on the cession (acquisition) of a patent or trademark).

Intangible assets shall include, in particular:

1) the exclusive right of a patent-holder to an invention, industrial sample or working model;

2) the exclusive right of an author or other possessor of rights to the use of a computer programme or database;

3) the exclusive right of an author or other possessor of rights to the use of an integrated microcircuit topology;

4) exclusive rights to a trademark, service mark, appellation of origin of goods and company name;

5) exclusive rights of a patent-holder to selection achievements;

6) possession of “know-how”, a secret formula or process or information concerning industrial, commercial or scientific experience;

7) an exclusive right in audiovisual works. [paragraph inserted by Federal Law No. 215-FZ of 23.07.2013]

The historical cost of amortizable intangible assets shall be determined as the amount of expenditure on acquiring (creating) them and rendering them fit for use, excluding value added tax and excise duties, except in cases provided for in this Code. [as amended by Federal Law No. 58-FZ of 06.06.2005]

The value of intangible assets created by an organization itself shall be determined as the amount of actual expenditures on creating and manufacturing them (including material
expenses, labour payment expenses, expenses for the services of outside organizations, patent fees associated with the receipt of patents and certificates), excluding amounts of taxes which are included in the composition of expenses in accordance with this Code.

The net book value of intangible assets shall be determined as the difference between their historical cost and the amount of amortization charged over the period of use. [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

The following shall not be classified as intangible assets:

1) research, development and technological work which has not yielded a positive result;

2) the intellectual and business qualities, qualifications and capacity for work of the employees of an organization.

**Article 258. Amortization Groups (Subgroups). Special Considerations Relating to the Inclusion of Amortizable Property in Amortization Groups (Subgroups)**

[article as reworded by Federal Law No. 224-FZ of 26.11.2008]

1. Amortizable property shall be allocated to amortization groups in accordance with its useful life. The useful life shall be understood to be the period during which a fixed asset or an intangible asset can be used in achieving the goals of a taxpayer’s activities. The useful life shall be determined by a taxpayer independently as at the date on which an amortizable asset is placed into service in accordance with the provisions of this Article and with account taken of the classification of fixed assets approved by the Government of the Russian Federation.

A taxpayer shall have the right to increase the useful life of a fixed asset after the date on which it is placed into service in the event that its useful life has increased following the renovation, upgrading or retooling of the asset. In this respect, the useful life of fixed assets may be increased within the limits of the periods established for the amortization group in which the fixed asset in question was previously included.

[EY Note: Paragraph 3 of clause 1 of Article 258 is reworded from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

If the useful life of a fixed asset has not increased as a result of renovation, upgrading or retooling, the taxpayer shall take the residual useful life into account for the purpose of calculating amortization.

Capital investments in leased fixed assets such as are referred to in paragraph 1 of clause 1 of Article 256 of this Chapter shall be amortized according to the following procedure:

- capital investments for which reimbursement is made to the lessee by the lessor shall be amortized by the lessor according to the procedure established by this Chapter;

- capital investments which have been made by the lessee with the lessor’s consent and for which reimbursement is not made by the lessor shall be amortized by the lessee during the term of the lease agreement on the basis of amortization amounts calculated with account taken of the useful life which is determined for the leased fixed assets or for capital investments in those
assets in accordance with the classification of fixed assets which is approved by the
Government of the Russian Federation. [as amended by Federal Law No. 281-FZ of 25.11.2009]

Capital investments in fixed assets received under an agreement on use without consideration
such as are referred to in paragraph 1 of clause 1 of Article 256 of this Code shall be amortized
according to the following procedure:

- capital investments for which reimbursement is made to the borrower organization by the
lender organization shall be amortized by the lender organization according to the procedure
established by this Chapter;

- capital investments which have been made by the borrower organization with the consent of
the lender organization and for which reimbursement is not made by the lender organization
shall be amortized by the borrower organization during the term of the agreement on use
without consideration on the basis of amortization amounts calculated with account taken of
the useful life which is determined for the fixed assets received or for capital investments in
those assets in accordance with the classification of fixed assets which is approved by the
Government of the Russian Federation. [as amended by Federal Law No. 281-FZ of 25.11.2009]

2. The useful life of an intangible asset shall be determined on the basis of the period of validity
of a patent or certificate and (or) other limits on the periods of use of items of intellectual
property in accordance with the legislation of the Russian Federation or applicable legislation
of a foreign state, and on the basis of the useful life of intangible assets which is stipulated by
relevant agreements. In the case of intangible assets for which the useful life of an item of
intangible assets cannot be determined, amortization rates shall be established on the basis of a
useful life equal to 10 years (but no more than the period of activity of the taxpayer).

In the case of intangible assets such as are referred to in subsections 1 to 3 and 5 to 7 of
paragraph 3 of clause 3 of Article 257 of this Code, the taxpayer may independently determine
the useful life, which may not be less than two years. [paragraph inserted by Federal Law No. 395-FZ

3. Amortizable property shall be organized into the following amortization groups:

- first group – all short-life property with a useful life of from 1 year to 2 years inclusively;
- second group – property with a useful life of over 2 years and up to 3 years inclusively;
- third group – property with a useful life of over 3 years and up to 5 years inclusively;
- fourth group – property with a useful life of over 5 years and up to 7 years inclusively;
- fifth group – property with a useful life of over 7 years and up to 10 years inclusively;
- sixth group – property with a useful life of over 10 years and up to 15 years inclusively;
- seventh group – property with a useful life of over 15 years and up to 20 years inclusively;
- eighth group – property with a useful life of over 20 years and up to 25 years inclusively;
- ninth group – property with a useful life of over 25 years and up to 30 years inclusively;

- tenth group – property with a useful life of over 30 years.

4. The classification of fixed assets included in amortization groups shall be approved by the Government of the Russian Federation.

5. Intangible assets shall be included in amortization groups on the basis of the useful life determined in accordance with clause 2 of this Article.

6. For those types of fixed assets that are not specified in amortization groups, the useful life shall be established by the taxpayer in accordance with manufacturers’ specifications or recommendations.

7. An organization that acquires previously used fixed assets (including in the form of a charter (pooled) capital contribution or by way of legal succession in connection with the re-organization of legal entities) may, for the purposes of applying the linear method of charging amortization on that property, determine the amortization rate for that property on the basis of the useful life reduced by the number of years (months) for which the property in question was used by previous owners. In this respect, the useful life of the fixed assets in question may be determined as the useful life established by the preceding owner of the fixed assets, reduced by the number of years (months) for which the property in question was used by the preceding owner.

If the actual period for which a particular fixed asset was used by previous owners proves to be equal to or greater than its useful life as determined by the classification of fixed assets approved by the Government of the Russian Federation in accordance with this Chapter, the taxpayer may independently determine the useful life of the fixed asset concerned with account taken of safety requirements and other factors.

8. In the case of amortizable property referred to in paragraph 1 of clause 3 of Article 259 of this Code, amortization shall be charged separately for each asset in accordance with its useful life according to the procedure established by this Chapter.

9. For the purposes of this Chapter, amortizable property shall be entered in accounting records at historical cost as determined in accordance with Article 257 of this Code, unless otherwise stipulated by this Chapter.

A taxpayer shall have the right, except as otherwise provided by this Chapter, to include in expenses for a reporting (tax) period capital investment expenses in an amount not exceeding 10 per cent (not exceeding 30 per cent in the case of fixed assets belonging to the third to the seventh amortization groups) of the historical cost of fixed assets (with the exception of fixed assets received without consideration) and not more than 10 per cent (not more than 30 per cent in the case of fixed assets belonging to the third to the seventh amortization groups) of expenses incurred in connection with the extension, retrofitting, renovation, upgrading, retooling and partial disposal of fixed assets, the amounts of which shall be determined in accordance with Article 257 of this Code. [as amended by Federal Law No. 335-FZ of 27.11.2017]
Where a taxpayer exercises this right, the fixed assets in question shall, after they have been placed into service, be included in amortization groups (subgroups) at their historical cost less the amount of not more than 10 per cent (not more than 30 per cent in the case of fixed assets belonging to the third to the seventh amortization groups) of the historical cost which was included in expenses for the reporting (tax) period, while amounts by which the historical cost of the assets is adjusted in connection with the extension, retrofitting, renovation, upgrading, retooling and partial disposal of the assets shall be included in the aggregate balance of amortization groups (subgroups) (shall adjust the historical cost of assets on which amortization is charged using the linear method in accordance with Article 259 of this Code) less not more than 10 per cent (not more than 30 per cent in the case of fixed assets belonging to the third to the seventh amortization groups) of those amounts.

In the event that a fixed asset in relation to which the provisions of paragraph 2 of this clause have been applied is sold less than five years after being placed into service to a person who is interdependent with the taxpayer, amounts of expenses which were previously included in expenses for the ensuing reporting (tax) period in accordance with paragraph 2 of this clause must be included in non-sale income in the reporting (tax) period in which that sale took place.

10. Property received (transferred) on finance lease under a finance lease agreement (leasing agreement) shall be included in the appropriate amortization group (subgroup) by the party by which the property in question is to be recorded in accordance with the conditions of the finance lease agreement (leasing agreement).


12. Previously used amortizable assets that have been acquired by an organization shall be included in the amortization group (subgroup) in which they were included by the preceding owner.

13. Where an organization which has prescribed the use of the non-linear amortization method in its accounting policies applies increase (reduction) coefficients to amortization rates in accordance with Article 259.3 of this Code and (or) incurs research and (or) development expenses which are provided for in subsection 1 of clause 2 of Article 262 of this Code, amortizable assets to which those coefficients are applied and amortizable assets that are used in performing research and (or) development shall form a subgroup within an amortization group, and separate records shall be maintained of such amortization groups and subgroups. All rules governing the creation or elimination of a group and the increasing or reduction of the aggregate balance of a group shall apply to such subgroups, and they shall be subject to an amortization rate adjusted with the aid of an increase (reduction) coefficient. [as amended by Federal Law No. 132-FZ of 07.06.2011]

The application of increase (reduction) coefficients to amortization rates for amortizable assets shall cause the useful life of those assets to be reduced (increased) accordingly. In this respect, amortization subgroups for amortizable assets in relation to which increase (reduction) coefficients are applied to the relevant amortization rates shall be formed within an amortization group on the basis of the useful life specified by the classification of fixed assets approved by the Government of the Russian Federation without taking that increase (decrease) into account.
Article 259. Methods and Procedure for the Calculation of Amortization Amounts [article as reworded by Federal Law No. 224-FZ of 26.11.2008]

1. For the purposes of this Chapter taxpayers shall have the right to choose one of the following methods of charging amortization with account taken of the special considerations which are laid down in this Chapter:

1) the linear method;

2) the non-linear method.

The method of charging amortization shall be established by the taxpayer independently in relation to all amortizable assets (with the exception of assets on which amortization is charged using the linear method in accordance with clause 3 of this Article) and shall be stated in accounting policies for taxation purposes. The method of charging of amortization may be changed from the beginning of the next successive tax period. In this respect, a taxpayer shall have the right to change the method of charging amortization no more frequently than once every five years. [as amended by Federal Law No. 325-FZ of 29.09.2019]

The amortization methods which are established by this clause shall apply to all fixed assets irrespective of the date on which they were acquired.

2. The amount of amortization for taxation purposes shall be determined by taxpayers on a monthly basis in accordance with the procedure established by this Chapter. Amortization shall be charged separately for each amortization group (subgroup) where the non-linear method of charging amortization is used or separately for each amortizable asset where the linear method of charging amortization is used.

3. Irrespective of the method of charging amortization which is established by a taxpayer in its tax accounting policies, the linear method of charging amortization shall be applied in relation to buildings, installations, transmitters and intangible assets belonging to the eighth to tenth amortization groups, irrespective of when the facilities in question are commissioned, and in relation to amortizable fixed assets which are used by taxpayers such as are referred to in clause 1 of Article 275.2 of this Code exclusively in carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit. [as amended by Federal Law No. 268-FZ of 30.09.2013]

For other amortizable assets, irrespective of when the assets are placed into service, only the amortization method established by the taxpayer in its accounting policies for taxation purposes shall be applied.

4. The charging of amortization on amortizable assets, including fixed assets rights in which are subject to state registration in accordance with the legislation of the Russian Federation, shall commence from the 1st of the month following the month in which the asset was placed into service, irrespective of the date of its state registration. [clause 4 as reworded by Federal Law No. 206-FZ of 29.11.2012]

5. If, during a particular calendar month, an organization was founded, liquidated, re-organized or otherwise transformed so that, in accordance with Article 55 of this Code, the tax period for
that organization begins or ends before the end of the calendar month, amortization shall be charged with account taken of the following special considerations:

1) amortization shall be charged by an organization undergoing liquidation up to (and including) the month in which liquidation is completed, and shall be charged by an organization undergoing re-organization up to (and including) the month in which the re-organization is completed in accordance with the established procedure;

2) amortization shall be charged by an organization which is founded or formed as a result of a re-organization from the 1st of the month following the month in which its state registration took place.

The provisions of this clause shall not apply to organizations which change their organizational-legal form.


7. Theatres, museums, libraries and concert organizations which are budgetary institutions shall have the right to refrain from applying the amortization procedure which is established by this Article in relation to amortizable property other than items of immovable property. In this case, expenses incurred by those organizations out of resources from income-generating activities for the acquisition and (or) creation of amortizable property and (or) expenses incurred in connection with the extension, retrofitting, renovation, upgrading and retooling of fixed assets shall be recognised as material expenses in full as and when the facilities in question are commissioned.

[clause 7 inserted by Federal Law No. 215-FZ of 23.07.2013]

Article 259.1. Procedure for the Calculation of Amortization Amounts Where the Linear Method of Charging Amortization is Applied [inserted by Federal Law No. 158-FZ of 22.07.2008]

1. Where a taxpayer establishes the linear method of charging amortization in its accounting policies for taxation purposes, and where the linear method of charging amortization is applied in relation to amortizable property in accordance with clause 3 of Article 259 of this Code, the procedure for the charging of amortization which is established by this Article shall be applied.

2. The amount of amortization charged on an amortizable asset for one month shall be determined as the product of its historical (replacement) cost and the amortization rate determined for that asset.

The amortization rate for each amortizable asset shall be determined according to the formula:

\[ K = \frac{1}{n} \times 100\% \]

where K is the amortization rate as a percentage of the historical (replacement) cost of the amortizable asset;

n is the useful life of the amortizable asset in question expressed in months (without taking into account the reduction of (increase in) the useful life in accordance with paragraph 2 of clause 13 of Article 258 of this Code).
3. The charging of amortization on amortizable property in the form of capital investments in fixed assets that are amortizable in accordance with this Chapter and on which amortization is charged using the linear method shall commence for the lessor from the 1st of the month following the month in which the property concerned was placed into service, and shall commence for the lessee from the 1st of the month following the month in which the property concerned was placed into service.

4. The charging of amortization on amortizable property in the form of capital investments in items of fixed assets received under an agreement on use without consideration which are amortizable in accordance with this Chapter and on which amortization is charged using the linear method shall commence for the lender organization from the 1st of the month following the month in which the property concerned was placed into service, and shall commence for the borrower organization from the 1st of the month following the month in which the property concerned was placed into service.

[EY Note: Clause 5 of Article 259.1 is reworded from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

5. The charging of amortization shall cease from the 1st of the month following the month in which the value of an amortizable asset was written off in full or in which, for whatever reason, the asset in question ceased to be part of the taxpayer’s amortizable property.

6. The charging of amortization on assets that have been excluded from the composition of amortizable property in accordance with clause 3 of Article 256 of this Code shall cease from the 1st of the month following the month in which the asset in question was excluded from the composition of amortizable property.

7. When a fixed asset is placed back into service or the renovation (upgrading) of a fixed asset is completed, amortization shall be charged on it from the 1st of the month following the month in which the fixed asset was placed back into service or renovation (upgrading) was completed.

[clause 7 as reworded by Federal Law No. 325-FZ of 29.09.2019]

Article 259.2. Procedure for the Calculation of Amortization Amounts Where the Non-Linear Method of Charging Amortization is Applied [inserted by Federal Law No. 158-FZ of 22.07.2008]

1. Where a taxpayer establishes the non-linear method of charging amortization in its accounting policies for taxation purposes, the procedure for charging amortization which is established by this Article shall be applied.

2. As at the 1st day of a tax period from the beginning of which the accounting policies for taxation purposes prescribe that the non-linear method of charging amortization is to be applied, the aggregate balance of each amortization group (subgroup), which is calculated as the aggregate value of all amortizable assets assigned to the amortization group (subgroup), shall be determined according to the procedure established by Article 322 of this Code with account taken of the provisions of this Article.
The aggregate balance of each amortization group (subgroup) shall subsequently be determined according to the procedure established by this Article as at the 1st of each month for which the amount of amortization charged is determined.

The aggregate balance for amortization groups and their component subgroups shall be determined without taking into account amortizable assets on which amortization is charged using the linear method in accordance with clause 3 of Article 259 of this Code.

3. As amortizable assets are placed into service, the historical cost of those items shall increase the aggregate balance of the relevant amortization group (subgroup). In this respect, the historical cost of the items concerned shall be included in the aggregate balance of the relevant amortization group (subgroup) from the 1st of the month following the month in which they were placed into service.

Where the historical cost of fixed assets is adjusted in accordance with clause 2 of Article 257 of the Code in connection with the extension, retrofitting, renovation, upgrading, retooling and partial disposal of the assets, amounts by which the historical cost of the assets is adjusted shall be included in the aggregate balance of the relevant amortization group (subgroup).

4. The aggregate balance of each amortization group (subgroup) shall be reduced monthly by amounts of amortization charged on that group (subgroup).

The amount of amortization charged for one month for each amortization group (subgroup) shall be determined on the basis of the product of the aggregate balance of a particular amortization group (subgroup) as at the beginning of a month and the amortization rates established by this Article according to the following formula:

$$A = B \times \frac{k}{100},$$

where $A$ is the amount of amortization charged for one month for the amortization group (subgroup) in question;

$B$ is the aggregate balance of the amortization group (subgroup) in question;

$k$ is the amortization rate for the amortization group (subgroup) in question.

5. The following norms shall be used for the purposes of applying the non-linear method of charging amortization:

<table>
<thead>
<tr>
<th>Amortization group</th>
<th>Amortization rate (monthly)</th>
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<tbody>
<tr>
<td>First</td>
<td>14.3</td>
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<tr>
<td>Second</td>
<td>8.8</td>
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<tr>
<td>Third</td>
<td>5.6</td>
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<td>Fourth</td>
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<tr>
<td>Sixth</td>
<td>1.8</td>
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<tr>
<td>Seventh</td>
<td>1.3</td>
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<tr>
<td>Eighth</td>
<td>1.0</td>
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<tr>
<td>Ninth</td>
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<tr>
<td>Tenth</td>
<td>0.7</td>
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</tbody>
</table>
6. The charging of amortization on amortizable property in the form of capital investments in leased fixed assets which are amortizable in accordance with this Chapter and on which amortization is charged using the non-linear method in accordance with Article 259 of this Code shall commence for the lessor from the 1st of the month following the month in which the property was placed into service, and shall commence for the lessee from the 1st of the month following the month in which the property was placed into service.

7. The charging of amortization on amortizable property in the form of capital investments in fixed assets received under an agreement on use without consideration which is amortizable in accordance with this Chapter and on which amortization is charged using the non-linear method in accordance with Article 259 of this Code shall commence for the lender organization from the 1st of the month following the month in which the property was placed into service and shall commence for the borrower organization from the 1st of the month following the month in which the property was placed into service.

8. The charging of amortization on assets on which amortization is charged using the non-linear method and which have been excluded from the composition of amortizable property in accordance with clause 3 of Article 256 of this Code shall cease from the 1st of the month following the month in which the asset in question was excluded from the composition of amortizable property. In this respect, the aggregate balance of the relevant amortization group (subgroup) shall be reduced by the net book value of those assets.

9. Where an agreement on use without consideration is terminated and amortizable assets are returned to the taxpayer, and in the event of the restoration to service and completion of the renovation (upgrading) of a fixed asset on which amortization is charged using the non-linear method, amortization thereon shall be charged from the 1st of the month following the month in which the assets were returned to the taxpayer, the renovation (upgrading) of the fixed asset was completed or the fixed asset was restored to service, and the aggregate balance of the amortization group (subgroup) shall be increased by the net book value of those assets with account taken of the provisions of clause 9 of Article 258 of this Code.

10. Where amortizable assets are disposed of, the aggregate balance of the relevant amortization group (subgroup) shall be reduced by the net book value of those assets.

11. Where, as a result of the disposal of amortizable property, the aggregate balance of the relevant amortization group (subgroup) has been reduced so that the aggregate balance has reached zero, that amortization group (subgroup) shall be eliminated.

12. Where the aggregate balance of an amortization group (subgroup) falls below 20,000 roubles, in the month following the month in which that value was reached, unless the aggregate balance of the amortization group (subgroup) in question has increased during that time as a result of amortizable assets being placed into service, the taxpayer shall have the right to eliminate that group (subgroup) with the amount of the aggregate balance being taken to non-sale expenses for the current period.

13. Upon the expiry of the useful life of an amortizable asset as determined in accordance with Article 258 of this Code, a taxpayer may exclude the asset in question from the composition of the amortization group (subgroup) without adjusting the aggregate balance of the amortization
group (subgroup) as at the date of the removal of the amortizable asset therefrom. In this respect, amortization shall continue to be charged on the basis of the aggregate balance of the amortization group (subgroup) in accordance with the procedure established by this Article.

For the purposes of this clause, the useful life of amortizable assets placed into service before the 1st day of the tax period from the beginning of which the accounting policies for taxation purposes prescribe the application of the non-linear method of charging amortization shall be determined with account taken of the period for which the items in question were used before that date.

**Article 259.3. Application of Increase (Reduction) Coefficients to an Amortization Rate**

[inserted by Federal Law No. 158-FZ of 22.07.2008]

1. Taxpayers shall have the right to apply a special coefficient, but not higher than 2, to the basic amortization rate:

1) in relation to amortizable fixed assets that are used for work under conditions of an aggressive environment and (or) on a multi-shift basis.

Taxpayers that use amortizable fixed assets for work under conditions of an aggressive environment and (or) on a multi-shift basis shall have the right to use the special coefficient referred to in this clause only when charging amortization in relation to those fixed assets.

For the purposes of this Chapter, an aggressive environment shall be understood to mean the totality of natural and (or) artificial factors whose influence causes increased depreciation (aging) of fixed assets in the process of their use. The location of fixed assets in contact with an explosion-hazardous, fire-hazardous, toxic or other aggressive technological environment which may be the cause (source) of an emergency situation shall also be equated with operation in an aggressive environment.

Where the non-linear method of charging amortization is applied, the above-mentioned special coefficient shall not be applied to fixed assets belonging to the first to third amortization groups.

The provisions of this subsection shall apply in relation to amortizable fixed assets which were entered in accounting records before 1 January 2014; [paragraph inserted by Federal Law No. 206-FZ of 29.11.2012]

2) in relation to own amortizable fixed assets of taxpayers which are industrial-type agricultural organizations (poultry plants, cattle-breeding complexes, state fur farms, greenhouse complexes);

3) in relation to own amortizable fixed assets of taxpayer organizations which have the status of resident of an industrial production special economic zone or a tourism and recreation special economic zone or the status of participant in a free economic zone; [subsection 3 as reworded by Federal Law No. 379-FZ of 29.11.2014]

4) in relation to amortizable fixed assets which are classified as highly energy-efficient facilities (other than buildings) in accordance with the list of such facilities approved by the Government of the Russian Federation, or as facilities (other than buildings) having the highest energy efficiency rating where energy efficiency ratings are determined in relation to such facilities in
accordance with the legislation of the Russian Federation;

5) in relation to amortizable fixed assets which are classed as basic process equipment which is used when applying the best available technology, according to the list of basic process equipment approved by the Government of the Russian Federation;
[subsection 5 inserted by Federal Law No. 219-FZ of 21.07.2014]

6) in relation to amortizable fixed assets which are included in the first to the seventh amortization groups and were manufactured in accordance with the conditions of a special investment contract.

The procedure for classing amortizable fixed assets as having been manufactured in accordance with the conditions of a special investment project shall be determined by the Government of the Russian Federation.
[subsection 6 inserted by Federal Law No. 144-FZ of 23.05.2016]

2. Taxpayers shall have the right to apply a special coefficient, but not higher than 3, to the basic amortization rate:

1) in relation to amortizable fixed assets which are the subject of a finance lease agreement (leasing agreement) for the taxpayers by whom the fixed assets in question must be recorded in accordance with the conditions of the finance lease agreement (leasing agreement).

The above-mentioned special coefficient shall not be applied to fixed assets belonging to the first to third amortization groups;

2) in relation to amortizable fixed assets which are used only in carrying out scientific and technical activities;

3) in relation to amortizable fixed assets which are used by taxpayers such as are referred to in clause 1 of Article 275.2 of this Code exclusively in carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit.

In the event that an amortizable fixed asset in relation to which a special coefficient was applied to the basic amortization rate in accordance with this subsection begins to be used in carrying out activities which are not connected with hydrocarbon extraction at a new offshore hydrocarbon deposit before the 1st of the month following the month in which the ratio of the net book value of the fixed asset to its historical cost fell below 0.2, the amount of amortization charged with the special coefficient applied must be recalculated without applying the special coefficient. The difference between amortization thus recalculated and amortization actually charged for each tax (reporting) period must be restored and included in non-sale income commencing from the tax period in which the above-mentioned coefficient was first applied;

4) in relation to amortizable fixed assets which are used in the area of water supply and wastewater disposal according to the list established by the Government of the Russian Federation.
[subsection 4 inserted by Federal Law No. 286-FZ of 30.09.2017]
3. Taxpayers which apply the non-linear method of charging amortization and have transferred (received) fixed assets that are the subject of a lease in accordance with agreements concluded by the parties to the leasing transaction prior to the implementation of this Chapter shall assign the property in question to a separate subgroup within the appropriate amortization groups. Amortization of that property shall be charged on amortizable assets in accordance with the method and rates that existed at the time of the transfer (receipt) of the property and using a special coefficient not higher than 3.

4. Amortization may be charged on the basis of amortization rates lower than those established by this Chapter in accordance with a decision of the director of a taxpayer organization laid down in the accounting policies for taxation purposes in accordance with the procedure established for selecting the applicable method of charging amortization.

Where amortizable property is sold by taxpayers that use reduced amortization rates, the net book value of the amortizable assets sold shall be determined on the basis of the amortization rate actually applied.

5. It shall not be permitted for more than one special coefficient to be applied to the basic amortization rate at the same time on the grounds established by clauses 1 to 3 of this Article.

Article 260. Expenses for the Repair of Fixed Assets and Other Property [title as amended by Federal Law No. 325-FZ of 29.09.2019] [article as reworded by Federal Law No. 57-FZ of 29.05.2002]

1. Expenses for the repair of fixed assets and other property that are incurred by a taxpayer shall be regarded as miscellaneous expenses and shall be recognised for taxation purposes in the reporting (tax) period in which they were incurred in the amount of actual expenditures. [as amended by Federal Law No. 325-FZ of 29.09.2019]

2. The provisions of this Article shall also apply to expenses incurred by a lessee of amortizable fixed assets unless the contract (agreement) between the lessee and the lessor provides that the lessor shall reimburse those expenses.

3. In order to provide for the even inclusion of expenses for the repair of fixed assets over two or more tax periods, taxpayers shall have the right to create reserves against future repairs of fixed assets in accordance with the procedure established by Article 324 of this Code.

Article 261. Expenses for the Development of Natural Resources

1. For the purposes of this Chapter, expenses for the development of natural resources shall mean expenditures of a taxpayer on the geological study of subsurface resources, on prospecting for commercial minerals, on the performance of work of a preparatory nature and on the performance of work involving the sidetracking of development wells. [as amended by Federal Law No. 213-FZ of 23.07.2013]

Expenses for the development of natural resources shall include, in particular:

- expenses for the exploration and appraisal of deposits of commercial minerals (including audits of reserves), including expenses associated with the construction (drilling) and (or) abandonment (temporary shutdown) of wells (with the exception of those recognised as
amortizable property), prospecting for commercial minerals and (or) hydrogeological surveys which are carried out on a site of subsurface resources in accordance with licences or other permits issued by authorized bodies which have been received in accordance with the established procedure, and expenses for the acquisition of necessary geological and other information from third parties, including state bodies; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 229-FZ of 27.07.2010]

- expenses for the preparation of an area for the conduct of mining, construction and other work in accordance with established requirements relating to safety and the protection of lands, subsurface resources and other natural resources and the environment, including the construction of temporary approach paths and roads for the removal of extracted rocks, commercial minerals and waste, the preparation of sites for the construction of appropriate facilities, the preservation of the fertile layer of soil which is intended for subsequent land recultivation and the storage of extracted rocks, commercial minerals and waste;

- expenses for the payment of compensation for complex damage inflicted on natural resources by taxpayers in the process of the construction and operation of facilities, for relocation and the payment of compensation awards for the demolition of housing in the process of the development of deposits. Such expenses shall also include expenses provided for in contracts (agreements) which have been concluded by such taxpayers with state government bodies of constituent entities of the Russian Federation, local government bodies and (or) clan and family communities of small indigenous peoples. [as amended by Federal Laws No. 58-FZ of 06.06.2005, No. 232-FZ of 18.12.2006, No. 224-FZ of 26.11.2008, No. 229-FZ of 27.07.2010]

2. Expenses for the development of natural resources which are incurred after the implementation of this Chapter shall be included in the composition of miscellaneous expenses in accordance with this Chapter unless they are financed by resources of the budget and (or) resources of state non-budgetary funds.

The expenses for the development of natural resources which are referred to in clause 1 of this Article shall be taken into account in accordance with the procedure which is laid down in Article 325 of this Code. Where expenses incurred for the development of natural resources relate to two or more sites of subsurface resources, those expenses shall be recorded separately for each site of subsurface resources in a proportion to be determined by the taxpayer in accordance with the accounting policies adopted by it for taxation purposes. The abovementioned expenses shall be recognised for taxation purposes from the first of the month following the month in which the work (stages of work) in question was (were) completed, and shall be included in the composition of miscellaneous expenses, except as otherwise established by clause 7 of this Article, according to the following procedure: [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 268-FZ of 30.09.2013]

- expenses such as are provided for in paragraph 3 of clause 1 of this Article and expenses for the performance of work involving the sidetracking of development wells shall be included in expenses in even portions over 12 months; [as amended by Federal Law No. 213-FZ of 23.07.2013]

- expenses such as are provided for in paragraphs 4 and 5 of clause 1 of this Article shall be included in the composition of expenses evenly over two years, but not more than the period of service. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 229-FZ of 27.07.2010]
4. The procedure for the recognition of expenses for the development of natural resources for taxation purposes which is laid down in this Article shall also apply to expenses for the construction (drilling) of an exploratory well on raw hydrocarbon deposits which has proved unproductive, the performance of a range of geological work and tests using that well and the subsequent abandonment of the well. This procedure shall be applied by the taxpayer irrespective of whether further work is continued or terminated on the site of subsurface resources in question after the abandonment of the unproductive well, provided that separate records are maintained of expenses relating to that well. Expenses relating to an unproductive well shall be recognised for taxation purposes evenly over 12 months from the first day of the month following the month in which that well was abandoned in accordance with the established procedure as having fulfilled its purpose, except as otherwise established by clause 7 of this Article. [as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 268-FZ of 30.09.2013]

The decision to recognise a particular well as unproductive shall be adopted by a taxpayer once and may not subsequently be changed. In this respect, the taxpayer shall inform the tax authority with which it is registered of the decision adopted in relation to each well no later than the deadline which is established by this Chapter for the submission of a tax declaration for the reporting (tax) period in which it actually included expenses (or a part of such expenses) relating to the well in the composition of miscellaneous expenses.

5. Expenses for the acquisition of work (services) and geological and other information from third parties, and expenses for the independent performance of work associated with the development of natural resources shall be taken into account for taxation purposes in the amount of actual expenditures. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 229-FZ of 27.07.2010]

7. Expenses for the development of natural resources which were incurred by a taxpayer such as is referred to in subsection 1 of clause 1 of Article 275.2 of this Code at a subsurface site in carrying out activities associated with prospecting, appraisal and (or) exploration of a new offshore hydrocarbon deposit shall be recognised for taxation purposes from the 1st of the month in which the taxpayer adopted a decision to treat the entire amount of those expenses or any part of that amount as expenses associated with hydrocarbon extraction activities at a new offshore hydrocarbon deposit situated within the boundaries of the relevant subsurface site. [as amended by Federal Law No. 463-FZ of 28.12.2016]

Where more than one new offshore hydrocarbon deposit has been designated at a subsurface site, the taxpayer may elect to attribute the above-mentioned expenses or any part thereof to hydrocarbon extraction activities at a new offshore hydrocarbon deposit which are carried out at any new offshore hydrocarbon deposit which has been designated at that subsurface site.

For the purposes of this Code, a new offshore hydrocarbon deposit shall be deemed to have been identified at a subsurface site from the date on which the process plan for the development of the deposit in question is first approved in accordance with the established procedure.
8. If, before the first new offshore hydrocarbon deposit has been designated at a subsurface site, a taxpayer has made a decision to terminate a phase (phases, stages, types) of natural resource development work at that subsurface site or to cease work at that subsurface site completely for reasons of economic unviability or lack of geological prospectiveness or for other reasons, the taxpayer shall have the right to treat the entire amount of expenses incurred for the performance of the natural resource development work specified in that decision, provided that the expenses in question have not previously been taken into account for taxation purposes, or any part of that amount, as expenses associated with hydrocarbon extraction activities at a new offshore hydrocarbon deposit which are carried out at another subsurface site (other subsurface sites).


Taxpayers such as are referred to in subsection 1 of clause 1 of Article 275.2 of this Code shall, on an annual basis and not later than the deadline established by this Chapter for the submission of a tax declaration for the tax period, notify the tax authority where they are located (where they are registered as major taxpayers), in a form to be approved by the federal executive body in charge of control and supervision in the area of taxes and levies:

- of the amount of expenses for the development of natural resources which were incurred in the tax period which has ended for each subsurface site at which hydrocarbon extraction activities at a new offshore hydrocarbon deposit are carried out (were carried out in the tax period which has ended);

- of new offshore hydrocarbon deposits designated in the tax period which has ended at subsurface sites at which hydrocarbon extraction activities at a new offshore hydrocarbon deposit are carried out (were carried out in the tax period which has ended);

- of each decision adopted in the tax period which has ended to attribute expenses for the development of natural resources to hydrocarbon extraction activities at a new offshore hydrocarbon deposit with respect to each new hydrocarbon deposit (indicating the amounts of those expenses);

- of decisions adopted in the tax period which has ended to terminate work at the subsurface site on the grounds that it is economically unviable or geologically unprospective or for other reasons.

[clause 8 inserted by Federal Law No. 268-FZ of 30.09.2013]

9. Expenses which a taxpayer carrying on geological study, including exploration and appraisal of new offshore hydrocarbon deposits in accordance with duly received licences for subsurface use incurs for the exploration and appraisal of such hydrocarbon deposits shall be recognised for taxation purposes in accordance with the procedure established by this Article in the amount of actual expenditure with a coefficient of 1.5 applied.

10. Expenses incurred by a taxpayer which granted a loan for the financing of a foreign geological exploration project which meets the conditions established by clause 11 of this Article, comprising the amount of that loan (excluding interest charges), shall also be treated as expenses for the performance of natural resource development work if obligations under that loan agreement are wholly terminated without the property claims of the taxpayer being satisfied owing to the fact that work on that foreign geological exploration project has ended and the project has been declared economically unviable and (or) geologically unprospective. Those expenses shall be recognised in accordance with the procedure established by clause 12 of this Article.

A taxpayer shall independently declare a foreign geological exploration project to be successful or economically unviable and (or) geologically unprospective in accordance with the procedure (including stipulation of the criteria for defining a project as successful, economically unviable and (or) geologically unprospective) established in the taxpayer’s accounting policies for taxation purposes. That procedure shall be developed by the taxpayer independently and must be approved before the date on which it issues the first loan for the financing of a foreign geological exploration project. That procedure may not be amended for ten consecutive tax periods counting from the tax period in which it was approved.

For the purposes of this Code, a foreign geological exploration project shall mean activities of a foreign organization outside the territory of the Russian Federation and the boundaries of the continental shelf of the Russian Federation and within the boundaries of a spatial feature with defined geographical co-ordinates involving the geological study of subsurface resources, prospecting for and appraisal of deposits of commercial minerals and commercial mineral exploration where the following conditions are simultaneously met:

- the foreign organization in question has, as its main activity, participation in commercial mineral extraction projects carried out in accordance with production sharing agreements, concession agreements, licence agreements or other similar agreements on a risk basis;

- the foreign organization in question is a party to one or more of the agreements referred to in paragraph 4 of this clause or the establishment of the foreign organization in question is provided for in one or more such agreements, and it carries on commercial mineral extraction activities on the basis of and in accordance with the conditions of one or more such agreements;

- the agreements referred to in paragraph 4 of this clause clearly establish the geographical co-ordinates of the spatial features within whose boundaries activities involving the geological study of subsurface resources, prospecting for and appraisal of deposits of commercial minerals and commercial mineral exploration are to be carried on.

[clause 10 inserted by Federal Law No. 199-FZ of 19.07.2018]

11. For the purposes of this Code, a loan for the financing of a foreign geological exploration project shall mean the granting of property under a loan agreement which simultaneously meets the following conditions:

- the loan agreement has been concluded between a Russian organization as the lender and a foreign organization which actually carries on activities involved in executing the foreign geological exploration project as the borrower, which is an interdependent entity in relation to
that Russian organization in accordance with clause 2 of Article 105.1 of this Code during the entire term of the loan agreement;

- the loan agreement was first concluded after 1 January 2018;

- the loan agreement contains a condition requiring the borrower to use the property received under the loan agreement exclusively for the purpose of carrying on activities involved in executing the foreign geological exploration project;

- the Russian taxpayer organization has made a decision to treat the amount of the loan granted under the loan agreement in question as a loan for the financing of a foreign geological exploration project for taxation purposes.

The decision referred to in paragraph 5 of this clause shall be made by a Russian taxpayer organization once and thereafter may not be changed. In this respect, the taxpayer shall notify the tax authority with which it is registered of that decision not later than the first day of the quarter following the quarter in which the loan agreement in question was concluded. [as amended by Federal Law No. 325-FZ of 29.09.2019]

For the purposes of this Chapter, the date of issuance of a loan for the financing of a foreign geological exploration project shall be the date on which the lender first transfers funds to the borrower under the relevant loan agreement.

In the event that a new loan agreement for the financing of a foreign geological exploration project is concluded in place of one which was previously concluded (the conditions of a previously concluded loan agreement are amended), the date of issuance of the loan for the financing of the foreign geological exploration project shall be the date on which the original obligation which existed between the parties arose. [clause 11 inserted by Federal Law No. 199-FZ of 19.07.2018]

12. Expenses for the performance of natural resource development work which are provided for in clause 10 of this Article shall be recognised by the taxpayer as other expenses in even amounts over two years from the 1st of the month following the month in which obligations under the loan agreement were terminated in full as a result of the relevant foreign geological exploration project being declared economically unviable and (or) geologically unprospective. [clause 12 inserted by Federal Law No. 199-FZ of 19.07.2018]

**Article 262. Research and (or) Development Expenses** [article as reworded by Federal Law No. 132-FZ of 07.06.2011]

1. For the purposes of this Chapter research and (or) development expenses shall be understood to mean expenses associated with the creation of new or improvement of existing products (goods, work and services) and the creation of new or improvement of existing technologies and methods of organizing production and management.

2. Research and (or) development expenses shall include:

1) amounts of amortization on fixed assets and intangible assets (excluding buildings and installations) used for the performance of research and (or) development which were charged in accordance with this Chapter over a period determined as the number of full calendar months...
during which those fixed assets and intangible assets were used solely for the performance of research and (or) development;

2) expenses associated with payment for the labour of employees involved in the performance of research and (or) development projects, as provided for in clauses 1 to 3 and 21 of the second part of Article 255 of this Code, for the period in which those employees perform the research and (or) development projects, and amounts of insurance contributions calculated in accordance with the procedure established by this Code on the above-mentioned labour payment expenses; [subsection 2 as reworded by Federal Law No. 166-FZ of 18.07.2017]

3) material expenses such as are provided for in subsections 1 to 3 and 5 of clause 1 of Article 254 of this Code which are directly connected with the performance of research and (or) development;

[3.1) applied until 01.01.2021 – Federal Law No. 166-FZ of 18.07.2017] [EY Note: A subsection 3.2 is inserted in clause 2 of Article 262 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

4) other expenses which are directly connected with the performance of research and (or) development in an amount not exceeding 75 per cent of the amount of expenses referred to in subsection 2 of this clause; [as amended by Federal Law No. 166-FZ of 18.07.2017]

5) the cost of work under contracts for the performance of research work and contracts for the performance of development and technological work – for a taxpayer which acts as a customer for research and (or) development;

6) allocations for the formation of funds for the support of scientific, technical research and innovation activities which have been created in accordance with the Federal Law “Concerning Science and State Scientific and Technical Policy” in an amount not exceeding 1.5 per cent of income from sales which is determined in accordance with Article 249 of this Code.

3. Where, during the period in which employees such as are referred in subsection 2 of clause 2 of this Article performed research and (or) development, they were also engaged in carrying out other activities of the taxpayer which were not connected with the performance of research and (or) development, amounts of labour payment expenses for those employees shall be recognised as research and (or) development expenses in proportion to the time during which the employees were engaged in performing research and (or) development.

4. Research and (or) development expenses incurred by a taxpayer which are provided for in subsections 1 to 5 of clause 2 of this Article shall be recognised for taxation purposes irrespective of the result of the research and (or) development in the manner provided for in this Article after the research or development has been completed (or individual phases of work have been completed) and (or) the parties have signed a delivery and acceptance certificate.

A taxpayer shall have the right to include research and (or) development expenses in miscellaneous expenses in the reporting (tax) period in which the research and (or) development was completed (or individual phases of work were completed), except as otherwise provided by this Article.
5. A taxpayer shall have the right to include expenses directly connected with the performance of research and (or) development (with the exception of expenses provided for in subsections 1 to 3, 5 and 6 of clause 2 of this Article), to the extent in excess of 75 per cent of the amount of expenses referred to in subsection 2 of clause 2 of this Article, in miscellaneous expenses in the reporting (tax) period in which the research and (or) development was completed (or individual phases of work were completed). [as amended by Federal Law No. 166-FZ of 18.07.2017]

6. Research and (or) development expenses incurred by a taxpayer which are provided for in subsection 6 of clause 2 of this Article shall be recognised for taxation purposes in the reporting (tax) period in which those expenses were incurred.

7. A taxpayer which incurs expenses for research and (or) development projects included in the list of research and (or) development projects established by the Government of the Russian Federation shall have the right to include those expenses in miscellaneous expenses for the reporting (tax) period in which those expenses were incurred.

For the purposes of this clause, actual expenditures incurred by a taxpayer for research and (or) development shall consist of expenditures such as are provided for in subsections 1 to 5 of clause 2 of this Article.

8. A taxpayer which exercises the right provided for in clause 7 of this Article shall submit to the tax authority for the organization’s location a report on research and (or) development projects (individual phases of work) performed (hereinafter referred to as “report”), except as otherwise provided in this clause, for which expenses incurred are recognised in the amount of actual expenditure with a coefficient of 1.5 applied. [as amended by Federal Law No. 166-FZ of 18.07.2017]

The report shall be submitted to the tax authority together with the tax declaration for the tax period in which the research and (or) development projects (individual phases of work) were completed.

A report shall be submitted by the taxpayer in relation to each research and development project (individual phase of work) and must meet the general requirements for the structure and rules for the presentation of scientific and technical reports which are established by the national standard.

A taxpayer who has been categorized as a major taxpayer in accordance with Article 83 of this Code shall submit a report to the tax authority where it is registered as a major taxpayer.

A tax authority shall have the right to order the performance of an expert examination of a report in accordance with the procedure established by Article 95 of this Code for the purpose of checking that research and (or) development projects performed fall within the list of research and (or) development projects which has been approved by the Government of the Russian Federation. That expert examination may be carried out by state academies of sciences, federal and national research universities, state scientific centres or national research centres.
A taxpayer may refrain from submitting a report to a tax authority if it has been posted on an information system designated by the Government of the Russian Federation. In this respect, when submitting a tax declaration the taxpayer shall be obliged to present to the tax authority information confirming the posting of the report and identifying the report within the relevant state information system in the format and form which have been approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

In the event that a report on research and (or) development projects (individual phases of work) performed is not submitted or is not available in the state information system designated by the Government of the Russian Federation, or if information confirming the posting of the report and identifying the report within the relevant state information system is not available, amounts of expenses for the performance of research and (or) development projects (individual phases of work) in question shall be included in miscellaneous expenses in the amount of actual expenditure.

[clause 8 as reworded by Federal Law No. 166-FZ of 18.07.2017]

9. Where, as a result of expenses incurred for research and (or) development, a taxpayer obtains exclusive rights in results of intellectual activity such as are referred to in clause 3 of Article 257 of this Code, those rights shall be recognised as intangible assets which are subject to amortization in accordance with the procedure established by this Chapter, or, at the taxpayer’s option, the expenses in question shall be included in miscellaneous production and sale expenses over a period of two years. The treatment chosen by the taxpayer’s for the above-mentioned expenses shall be reflected in its accounting policies for taxation purposes. In this respect, amounts of research and (or) development expenses which were previously included in miscellaneous expenses in accordance with this Chapter shall not be restored and included in the historical cost of the intangible asset.

In the event that a taxpayer sells an intangible asset obtained as a result of incurring research and (or) development expenses such as are referred to in clause 7 of this Article at a loss, that loss shall not be recognised for taxation purposes.

10. The provisions of this Article shall not apply to the recognition for taxation purposes of expenses incurred by taxpayers which perform research and (or) development under a contract as a service provider (contractor or subcontractor).

11. Amounts of expenses for research and (or) development activities included in the list provided for in clause 7 of this Article which commenced before 1 January 2012, whether or not the activities have yielded a positive result, shall be included by the taxpayer in miscellaneous expenses in the reporting (tax) period in which they were incurred in the amount of actual expenditures with a coefficient of 1.5 applied according to the procedure effective in 2011. In this respect, the taxpayer shall not submit a report such as is provided for in clause 8 of this Article in relation to such research and (or) development (or individual phases of work).


1. Expenses for compulsory and voluntary property insurance shall include insurance premiums for all types of compulsory insurance and the following types of voluntary property insurance:

[as amended by Federal Law No. 224-FZ of 26.11.2008]
1) voluntary insurance of means of transport (water, air, land, pipeline), including rented transport, expenses for the maintenance of which are included in expenses associated with production and sales;

2) voluntary insurance of freight;

3) voluntary insurance of fixed assets of a production nature (including leased fixed assets), intangible assets and incomplete capital construction projects (including leased projects);

4) voluntary insurance of risks associated with the performance of construction and installation work;

5) voluntary insurance of inventory;

6) voluntary insurance of crop harvests and animals;

7) voluntary insurance of other property used by the taxpayer in carrying out activities aimed at receiving income;

8) voluntary insurance of liability for injury or liability under an agreement if such insurance is a condition of the carrying out of activities by the taxpayer in accordance with international obligations of the Russian Federation or generally accepted international requirements; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 224-FZ of 26.11.2008]

9) voluntary insurance of the risk of liability for the non-fulfilment or improper fulfilment of obligations associated with the financing of the construction and (or) the construction of Olympic facilities which is undertaken in accordance with Article 14 of Federal Law No. 310-FZ of 1 December 2007 “Concerning the Organization and Holding of the Sochi 2014 XXII Olympic Winter Games and XI Paralympic Winter Games, the Development of the City of Sochi as a Mountain Climate Resort and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”; [subsection 9 inserted by Federal Law No. 224-FZ of 26.11.2008]

9.1) voluntary insurance of property interests associated with the circulation of bank cards issued by a taxpayer in case of losses suffered by the insurance holder as a result of the performance of transactions by third parties using counterfeit or lost bank cards or bank cards which have been stolen from the card holders, the withdrawal of monetary resources on the basis of forged electronic terminal slips or receipts confirming transactions performed by a bank card holder, or the performance of other illegal operations with bank cards; [subsection 9.1 inserted by Federal Law No. 202-FZ of 19.07.2009]

9.2) the voluntary insurance of export credits and investments against entrepreneurial and (or) political risks; [subsection 9.2 inserted by Federal Law No. 245-FZ of 19.07.2011]

9.3) voluntary insurance which is undertaken in accordance with the legislation of the Russian Federation in order to guarantee the financing of measures provided for in a plan for the prevention of and response to spills of oil and oil products; [subsection 9.3 inserted by Federal Law No. 268-FZ of 30.09.2013]
10) other types of voluntary property insurance where, in accordance with the legislation of the Russian Federation, such insurance is a condition of the carrying out of activity by a taxpayer. [subsection 10 inserted by Federal Law No. 224-FZ of 26.11.2008]

2. Expenses for compulsory types of insurance (established by the legislation of the Russian Federation) shall be included in the composition of miscellaneous expenses within the limits of the insurance rates approved in accordance with the legislation of the Russian Federation and the requirements of international conventions. In the event that those rates have not been approved, expenses for compulsory insurance shall be included in the composition of miscellaneous expenses in the amount of actual expenditures.

3. Expenses for the voluntary types of insurance which are referred to in this Article shall be included in the composition of miscellaneous expenses in the amount of actual expenditures. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Article 264. Miscellaneous Expenses Associated With Production and Sales

1. Miscellaneous expenses associated with production and sales shall include the following expenses of a taxpayer:

1) amounts of taxes and levies, customs duties and fees and insurance contributions for compulsory pension insurance, compulsory social insurance in case of temporary incapacity for work and maternity and compulsory medical insurance which are charged in accordance with the procedure established by this Code, with the exception of those enumerated in Article 270 of this Code; [as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016, No. 335-FZ of 27.11.2017]

2) expenses for the certification of products and services, and for the declaration of conformity with the participation of a third party; [as amended by Federal Law No. 313-FZ of 30.12.2008]

2.1) standardization expenses with account taken of the provisions of clause 5 of this Article; [subsection 2.1 inserted by Federal Law No. 330-FZ of 21.11.2011]

3) amounts of commission fees and other similar expenses for work performed (services provided) by outside organizations;

4) amounts of port and aerodrome fees, expenses for pilotage services and other similar expenses; [as amended by Federal Law No. 57-FZ of 29.05.2002]

5) amounts of removal expenses paid within the limits of the norms established in accordance with the legislation of the Russian Federation;

6) expenses associated with ensuring the fire safety of a taxpayer in accordance with the legislation of the Russian Federation, expenses for the maintenance of a gas rescue service, expenses for services associated with property protection and the servicing of security and fire alarms, expenses for the acquisition of fire safety and other security services, including services rendered by non-departmental security forces in accordance with the legislation of the Russian Federation, and expenses for the maintenance of a security department to perform functions associated with the economic protection of banking and economic operations and the safekeeping of tangible assets (other than expenses for the provision of equipment and
acquisition of weapons and other special means of protection); [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005, No. 108-FZ of 29.05.2019]

7) expenses associated with ensuring normal working conditions and safety measures which are required by the legislation of the Russian Federation, expenditures on civil defence in accordance with the legislation of the Russian Federation, expenses for the treatment of occupational illnesses of workers engaged in work under harmful or difficult working conditions and expenses associated with the maintenance of the premises and equipment of first-aid stations which are situated directly on the premises of an organization. Such expenses shall also include expenses for the disinfection of premises and the acquisition of devices, laboratory equipment, overalls and other items of personal and collective protective equipment not referred to in subsection 3 of clause 1 of Article 254 of this Code for the purpose of complying with public health and hygiene requirements of state government bodies and local government bodies and their officials in connection with the spread of the novel coronavirus infection; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 121-FZ of 22.04.2020]

8) expenses for the recruitment of staff, including expenses for the services of specialized recruitment organizations; [as amended by Federal Law No. 57-FZ of 29.05.2002]

9) expenses for the rendering of services involving warranty repair and servicing, including allocations to the reserve for future expenses associated with warranty repair and warranty servicing (with account taken of the provisions of Article 267 of this Code);

10) rental (lease) payments for rented (leased) property (including land parcels), and expenses associated with the acquisition of leased property. Where property received under a leasing agreement is recorded by the lessee, the following shall be recognised as expenses that are taken into account in accordance with this subsection: [as amended by Federal Law No. 268-FZ of 30.12.2006]

- for the lessee – rental (lease) payments less the amount of amortization charged on that property in accordance with Articles 259 to 259.2 of this Code; [as amended by Federal Law No. 158-FZ of 22.07.2008]

- for the lessor – expenses associated with the acquisition of the leased property;
[subsection 10 as reworded by Federal Law No. 58-FZ of 06.06.2005]

10.1) the fee which is payable by a concessionaire to a concession grantor during the period of use (operation) of a concession facility (the concession fee);
[subsection 10.1 inserted by Federal Law No. 108-FZ of 30.06.2008]

11) expenses for the maintenance of transport for business use (motor, rail, air and other forms of transport). Expenses for the payment of compensation for the use of private motor cars and motorcycles for business travel within the limits of the norms established by the Government of the Russian Federation; [as amended by Federal Law No. 57-FZ of 29.05.2002]

12) business trip expenses, and in particular expenses for:

- travel by an employee to a business trip destination and back to the place of permanent work;

- the rent of residential accommodation. This expense item shall also include reimbursement of an employee’s expenses for additional services provided in hotels (excluding expenses for bar
and restaurant services, expenses for room service and expenses for the use of recreational and leisure facilities);

- per diem subsistence allowances or field allowances; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 158-FZ of 22.07.2008]

- the processing and issue of visas, passports, vouchers, invitations and other similar documents;

- consular and aerodrome fees, fees for right of entry, passage and transit of motor vehicles and other means of transport and for the use of sea canals and other similar facilities, and other charges and fees;

12.1) expenses for the transportation from a place of residence (assembly point) to a place of work of workers employed in organizations which carry out their activities under a rotation system or under field (expedition) conditions. The above-mentioned expenses must be provided for by collective agreements; [subsection 12.1 inserted by Federal Law No. 57-FZ of 29.05.2002]

13) expenses for meal allowances for the crews of sea-going and river vessels and aircraft; [as amended by Federal Law No. 248-FZ of 23.07.2013]

14) expenses for legal and information services; [subsection 14 as reworded by Federal Law No. 57-FZ of 29.05.2002]

15) expenses for consulting and other similar services; [subsection 15 as reworded by Federal Law No. 57-FZ of 29.05.2002]

16) charges payable to a state and (or) private notary for notarization. In this respect, such expenses shall be taken into account within the limits of the tariffs which have been approved in accordance with the established procedure;

17) expenses for auditing services; [subsection 17 as reworded by Federal Law No. 57-FZ of 29.05.2002]

18) expenses associated with the management of an organization or of individual subdivisions thereof, and expenses for the acquisition of services involving the management of an organization or of individual subdivisions thereof; [subsection 18 as reworded by Federal Law No. 57-FZ of 29.05.2002]

19) expenses for services involving the provision of workers (technical and managerial staff) by outside organizations for participation in the production process or production management or for the performance of other functions associated with production and (or) sales; [subsection 19 as reworded by Federal Law No. 116-FZ of 05.05.2014]

20) expenses for the publication of accounting (financial) statements and the publication and other disclosure of other information where the taxpayer is obliged by legislation to publish (disclose) them; [as amended by Federal Law No. 97-FZ of 29.06.2012]
21) expenses associated with the presentation of state statistical forms and information where the taxpayer is obliged by the legislation of the Russian Federation to present such information;

22) representational expenses associated with the official reception of and provision of services to representatives of other organizations who participate in negotiations with a view to establishing and maintaining co-operation in accordance with the procedure prescribed by clause 2 of this Article;

23) expenses associated with the training and independent skill assessment for compliance with skill requirements of employees of the taxpayer in accordance with the procedure prescribed by clause 3 of this Article;  
[subsection 23 as reworded by Federal Law No. 169-FZ of 18.07.2017]

24) expenses for stationery;

25) expenses for postal, telephone, telegraph and other similar services, expenses associated with payment for communications services and services of computer centres and banks, including expenses for facsimile and satellite communications services, electronic mail services and services of information systems (SWIFT, the “Internet” telecommunications network and other similar systems);  
[as amended by Federal Law No. 200-FZ of 11.07.2011]

26) expenses associated with the acquisition of the right to use computer programmes and databases under contracts with the rights owner (under licensing and sublicensing agreements). Those expenses shall include expenses incurred for the acquisition of exclusive rights in computer programmes with a value which is less than the amount of the value of amortizable property specified by clause 1 of Article 256 of this Code;  
[subsection 26 as reworded by Federal Law No. 132-FZ of 07.06.2011]

27) expenses associated with the day-to-day study (examination) of the state of the market and the gathering of information which is directly related to the production and sale of goods (work and services);  
[as amended by Federal Law No. 57-FZ of 29.05.2002]

28) expenses for the advertising of goods (work and services) which are produced (acquired) and (or) sold, of the taxpayer’s activities, trademarks and service marks, including participation in exhibitions and fairs, with account taken of the provisions of clause 4 of this Article;  
[as amended by Federal Law No. 57-FZ of 29.05.2002]

29) fees, contributions and other compulsory payments which are paid to non-commercial organizations if the payment of such fees, contributions and other compulsory payments is a condition of the carrying-out of activities by the taxpayers which pay those fees, contributions or other compulsory payments;

30) fees which are paid to international organizations and organizations which provide payment systems and electronic data transfer systems if the payment of such fees is a mandatory condition of the carrying-out of activities by the taxpayers which pay those fees or is a condition of the provision by the international organization of services which the taxpayers which pay those fees require in order to engage in such activities;  
[as amended by Federal Law No. 58-FZ of 06.06.2005]
31) expenses associated with payments to outside organizations for services associated with the maintenance and sale in accordance with the procedure which is established by the legislation of the Russian Federation of items which are pledged or deposited for the time during which those items are in the possession of the pledgee after they have been transferred by the pledgor;

32) expenses for the maintenance of rotation workers’ and temporary settlements, including all housing and utilities, social and cultural facilities, ancillary holdings and other similar services, at organizations which carry out their activities under a rotation system or operate under field (expedition) conditions. The above-mentioned expenses shall be recognised for taxation purposes within the limits of the norms for the maintenance of similar facilities and services which have been approved by local government bodies at the place of activity of the taxpayer. Where such norms have not been approved by local government bodies, the taxpayer shall have the right to apply the procedure for the determination of expenses for the maintenance of those facilities which is in force for similar facilities situated in the territory in question which are under the jurisdiction of the above-mentioned bodies; 

[subsection 32 as reworded by Federal Law No. 57-FZ of 29.05.2002]

33) allocations of enterprises and organizations which operate especially radiation-hazardous and nuclear-hazardous production units and facilities for the formation of reserves which are intended to maintain the safety of those production units and facilities at all stages of the life cycle and development thereof in accordance with the legislation of the Russian Federation concerning the use of atomic energy and in accordance with the procedure which is established by the Government of the Russian Federation; [as amended by Federal Law No. 57-FZ of 29.05.2002]

34) expenses for the preparation and assimilation of new production units, departments and hardware;

35) expenses associated with the implementation of production technologies and methods of organizing production and management;  

[subsection 35 as reworded by Federal Law No. 132-FZ of 07.06.2011]

36) expenses for accounting services rendered by outside organizations or private entrepreneurs; [as amended by Federal Law No. 57-FZ of 29.05.2002]

37) periodic (current) payments for the use of rights to results of intellectual activity and rights to means of individualization (in particular, rights arising from patents for inventions, utility models and industrial samples);  

[subsection 37 as reworded by Federal Law No. 322-FZ of 23.11.2015]

38) expenses incurred by a taxpaying organization which uses the labour of disabled persons in the form of resources used for purposes associated with the social protection of disabled persons if disabled persons account for not less than 50 per cent of the total number of employees of the taxpayer and expenses associated with payment for the labour of disabled persons account for not less than 25 per cent of labour payment expenses. [as amended by Federal Law No. 57-FZ of 29.05.2002]

In accordance with the legislation of the Russian Federation concerning the social protection of disabled persons, purposes associated with the social protection of disabled persons shall be understood to mean:
- the improvement of working conditions and labour protection for disabled persons; [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- the creation and preservation of jobs for disabled persons (the purchase and assembly of equipment, including the organization of the labour of homeworkers); [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- the training (including training in new occupations and work practices) and job placement of disabled persons; [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- the manufacture and repair of prosthetic appliances; [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- the acquisition and maintenance of rehabilitation equipment (including the acquisition of guide dogs); [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- health resort services for disabled persons and persons accompanying Group I disabled persons and disabled children; [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- the protection of the rights and legitimate interests of disabled persons; [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- measures aimed at integrating disabled persons into society (including cultural, sporting and other similar activities); [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- ensuring that disabled persons have opportunities equal to those of other citizens (including transport services for persons accompanying Group I disabled persons and disabled children); [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- the acquisition and distribution among disabled persons of printed publications of social organizations of disabled persons; [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- the acquisition and distribution among disabled persons of video materials with subtitles or sign-language translation; [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

- contributions made by the above-mentioned organizations to social organizations of disabled persons for the maintenance of those organizations. [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

For purposes of determining the total number of disabled persons, disabled persons working by way of secondary employment or under contractual agreements and other civil-law agreements shall not be included in the average number of employees;

39) expenses of taxpaying social organizations of disabled persons and of taxpaying institutions whose property is solely owned by social organizations of disabled persons in the form of resources which are used for activities carried out by those social organizations of disabled persons and for the purposes referred to in subsection 38 of this clause.

Recipients of resources which are intended for the conduct of the activities of a social organization of disabled persons and for purposes associated with the social protection of
disabled persons shall, after a tax period has ended, submit to the appropriate tax authorities where they are registered a report on the purpose-oriented use of the resources received. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Where such resources are used other than for their designated purpose, from the moment when the recipient actually used those resources other than for their designated purpose (violated the conditions under which the resources were granted) those resources shall be deemed to be income for the taxpayer which received those resources.

The expenses which are referred to in subsection 38 of this clause and in this subsection may not be included in expenses associated with the production and (or) sale of excisable goods, mineral raw materials, other commercial minerals and other goods according to a list to be determined by the Government of the Russian Federation in consultation with all-Russian organizations of disabled persons and with the rendering of intermediary services associated with the sale of such goods, mineral raw materials and commercial minerals; [as amended by Federal Law No. 57-FZ of 29.05.2002]

39.1) expenses of taxpaying organizations whose charter (pooled) capital consists entirely of a contribution made by religious organizations in the form of amounts of profit earned from the sale of religious literature and articles of a religious nature, provided that those amounts are transferred for the conduct of the statutory activities of those religious organizations; [subsection 39.1 inserted by Federal Law No. 57-FZ of 29.05.2002]

39.2) expenses associated with the formation in accordance with the procedure established by Article 267.1 of this Code of reserves for future expenses for purposes associated with the social protection of disabled persons as provided for in subsection 38 of this clause, where incurred by a taxpayer which is a social organization of disabled persons or a taxpayer – organization which uses the labour of disabled persons where disabled persons account for not less than 50 per cent of the total number of employees of that taxpayer and expenses associated with payment for the labour of disabled persons account for not less than 25 per cent of labour payment expenses; [subsection 39.2 inserted by Federal Law No. 58-FZ of 06.06.2005]

39.3) expenses for the formation of reserves for future research and (or) development expenses in accordance with the procedure established by Article 267.2 of this Code; [subsection 39.3 inserted by Federal Law No. 132-FZ of 07.06.2011]

40) payments for the registration of rights to immovable property and land and of transactions involving such items, payments for the provision of information on registered rights, and payments for the services of authorized bodies and specialized organizations involving the valuation of property and the preparation of cadastral and technical records (inventorying) of items of immovable property;

41) expenses under civil-law agreements (including contractual agreements) concluded with private entrepreneurs who are not on the organization’s staff;

42) expenses of taxpayers which are agricultural organizations for the provision of meals for workers engaged in agricultural work;
43) expenses for the replacement of copies of periodical printed publications in packs which are defective, have become unsaleable in the process of transportation and (or) sale or are missing, but not more than 7 per cent of the cost of circulation of a particular issue of a periodical printed publication;

44) losses in the form of the value of mass media products and book products which are defective, have become unsaleable or are not sold within the time periods specified in this subsection (are obsolete) and are written off by taxpayers which produce and issue mass media products and book products within a limit of not more than 30 per cent of the cost of circulation of a particular issue of a periodical printed publication or a particular edition of a book product, and expenses for the writing-off and utilization of defective, unsaleable and unsold mass media products and book products. [as amended by Federal Law No. 323-FZ of 15.10.2020]

The value of mass media products and book products not sold within the following time periods shall be deemed an expense:

- in the case of periodical printed publications - within the period up to the publication of the next issue of the periodical printed publication in question;

- in the case of books and other non-periodical printed publications - within a period of 24 months after publication;

- in the case of calendars (irrespective of the type thereof) - by the first of April of the year to which they relate;

45) contributions for compulsory social insurance against industrial accidents and occupational illnesses which are made in accordance with the legislation of the Russian Federation;

46) allocations made by taxpayers to provide for supervisory activities provided for in the legislation of the Russian Federation which are carried out by specialized institutions for the purpose of monitoring compliance by such taxpayers with appropriate requirements and conditions, and allocations made by taxpayers to reserves which are created in accordance with legislation of the Russian Federation which regulates activities in the field of communications;

47) losses due to spoilage;

[subsection 47 inserted by Federal Law No. 57-FZ of 29.05.2002]

48) expenses associated with the maintenance of the premises of catering facilities which serve work collectives (including amounts of amortization charged, expenses for repairs to premises and expenses for lighting, heating, water supply and electricity supply and for fuel used in preparing food), unless such expenses are taken into account in accordance with Article 275.1 of this Code;

[subsection 48 inserted by Federal Law of 29.05.2002 No. 57-Ф, as amended by Federal Law No. 58-FZ of 06.06.2005]

48.1) expenses incurred by an employer in connection with the payment in accordance with the legislation of the Russian Federation of a temporary incapacity allowance (excluding industrial accidents and occupational illnesses) for days of an employee’s temporary incapacity for work which are paid out of the employer’s resources, the number of which is established by Federal Law No. 255-FZ of 29 December 2006 “Concerning Compulsory Social Insurance Against
Temporary Incapacity for Work and in Connection with Maternity”, to the extent not covered by insurance payments made to employees by insurance organizations which possess licences issued in accordance with the legislation of the Russian Federation to carry out the type of activity in question under agreements with employers on behalf of employees against their temporary incapacity for work (excluding industrial accidents and occupational illnesses) for days of temporary incapacity for work which are paid out of the employer’s resources, the number of which is established by Federal Law No. 255-FZ of 29 December 2006 “Concerning Compulsory Social Insurance Against Temporary Incapacity for Work and in Connection with Maternity”;


48.2) payments (contributions) made by employers under voluntary personal insurance agreements concluded with insurance organizations possessing licences issued in accordance with the legislation of the Russian Federation to carry out the type of activity in question on behalf of employees against their temporary incapacity for work (excluding industrial accidents and occupational illnesses) for days of temporary incapacity for work which are paid out of the employer’s resources, the number of which is established by Federal Law No. 255-FZ of 29 December 2006 “Concerning Compulsory Social Insurance Against Temporary Incapacity for Work and in Connection with Maternity”. The above-mentioned payments (contributions) shall be included in the composition of expenses if the amount of the insurance payment under such agreements does not exceed the level determined in accordance with the legislation of the Russian Federation of the temporary incapacity allowance (excluding industrial accidents and occupational illnesses) for days of an employee’s temporary incapacity for work which are paid out of the employer’s resources, the number of which is established by Federal Law No. 255-FZ of 29 December 2006 “Concerning Compulsory Social Insurance Against Temporary Incapacity for Work and in Connection with Maternity”. In this respect, the aggregate amount of such employers’ payments (contributions) and the contributions referred to in paragraph 10 of clause 16 of the second part of Article 255 of this Code shall be included in the composition of expenses in an amount not exceeding 3 per cent of the amount of labour payment expenses;


48.3) expenses incurred by taxpayers in connection with the provision of air time and (or) print space without consideration in accordance with the legislation of the Russian Federation concerning elections and referenda;

[subsection 48.3 inserted by Federal Law No. 161-FZ of 17.07.2009]

48.4) expenses incurred by taxpayers in connection with the rendering without consideration of services involving the production and (or) distribution of social advertising in accordance with the advertising legislation of the Russian Federation. The expenses referred to in this subsection shall be recognised for taxation purposes on condition that requirements relating to social advertising which are established by subsection 32 of clause 3 of Article 149 of this Code are met;

[subsection 48.4 inserted by Federal Law No. 235-FZ of 18.07.2011]

48.5) expenses incurred by a taxpayer to which the right to use a subsurface site passes in accordance with the procedure established by the legislation of the Russian Federation in the form of compensation for expenses for the development of natural resources which were incurred by the previous holder of the licence to use that subsurface site for the purpose of acquiring that licence, in the amount of the taxpayer’s actual expenditures;

[subsection 48.5 inserted by Federal Law No. 268-FZ of 30.09.2013]
48.6) amounts of admission fees and guarantee contributions of non-state pension funds and guarantee contributions of the Pension Fund of the Russian Federation which are paid to the pension asset guarantee fund in accordance with Federal Law No. 422-FZ of 28 December 2013 “Concerning the Guaranteeing of Rights of Insured Persons Within the Compulsory Pension Insurance System of the Russian Federation in the Process of the Formation and Investment of Pension Assets and the Setting and Making of Payments from Pension Assets”;
[subsection 48.6 inserted by Federal Law No. 167-FZ of 23.06.2014]

48.7) expenses associated with the provision of property (work, services) without consideration to state government bodies or local government bodies, state and municipal institutions and state and municipal unitary enterprises in cases where such an obligation of the taxpayer is established by the legislation of the Russian Federation;
[subsection 48.7 inserted by Federal Law No. 382-FZ of 29.11.2014]

48.8) expenses for payment for services of clearing organizations associated with the issue, handling of the circulation and redemption of clearing participation certificates;
[subsection 48.8 inserted by Federal Law No. 326-FZ of 28.11.2015]

48.9) funds transferred to the budget of a constituent entity of the Russian Federation on the basis of agreements (contracts) on non-repayable special-purpose contributions concluded in accordance with the legislation of the Russian Federation concerning the electric power industry;
[subsection 48.9 inserted by Federal Law No. 286-FZ of 30.09.2017]

48.10) expenses incurred by the unitary non-commercial organization established for the purpose of implementing the programme for the renovation of housing stock in Moscow in accordance with Article 7.7 of Law No. 4802-I of the Russian Federation of 15 April 1993 “Concerning the Status of the Capital City of the Russian Federation” in acquiring (creating) items of immovable property in implementation of the Moscow housing stock renovation programme, with the exception of expenses incurred within the limits of special-purpose financing and special-purpose receipts in accordance with subsection 14 of clause 1 and clause 2 of Article 251 of this Code. The above-mentioned expenses shall be recognised for taxation purposes as at the date on which items of immovable property owned by that organization are transferred to the city of Moscow in connection with the implementation of the Moscow housing stock renovation programme;
[subsection 48.10 inserted by Federal Law No. 352-FZ of 27.11.2017]


48.12) expenses for the acquisition of medical devices for the diagnosis (treatment) of the novel coronavirus infection according to a list to be approved by the Government of the Russian Federation, and for the construction, manufacture, delivery and commissioning of medical devices;
[subsection 48.12 inserted by Federal Law No. 121-FZ of 22.04.2020]

49) other expenses associated with production and (or) sales.

2. Representational expenses shall include expenses incurred by a taxpayer for the official reception of and (or) provision of services to representatives of other organizations who
participate in negotiations with a view to establishing and (or) maintaining mutual co-operation and participants who arrive to attend meetings of the board of directors (board of management) or other management body of the taxpayer, irrespective of where those events take place. Representational expenses shall include expenses for the holding of an official reception (luncheon, dinner or other similar function) for such persons and for officials of the taxpaying organization who are participating in the negotiations, the provision of transport to take such persons to and from the place at which the representational function and (or) meeting of the management body is to take place, buffet services provided during negotiations and payments for the services of interpreters who are not on the staff of the taxpayer for interpreting during representational functions. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Representational expenses shall not include expenses for the organization of entertainment, recreation, preventive treatment or treatment of illnesses.

Representational expenses shall be included in the composition of miscellaneous expenses during a reporting (tax) period in an amount not exceeding 4 per cent of the taxpayer’s labour payment expenses for that reporting (tax) period.

3. Expenses incurred by a taxpayer for the training under basic vocational education programmes, basic professional training programmes and supplementary professional programmes and independent skill assessment for compliance with skill requirements of employees of the taxpayer shall be included in the composition of miscellaneous expenses if:

1) the training under basic vocational education programmes, basic professional training programmes and supplementary professional programmes takes place on the basis of an agreement with a Russian educational organization or research organization or a foreign educational organization which have the right to carry on educational activities, and the independent skill assessment for compliance with skill requirements of an employee of the taxpayer takes place on the basis of a contract for the provision of services involving the conduct of independent skill assessment for compliance with skill requirements in accordance with the legislation of the Russian Federation;

2) training under basic vocational education programmes, basic professional training programmes and supplementary professional programmes is undertaken by employees of the taxpayer who have concluded employment agreements with the taxpayer which require the physical person to conclude an employment agreement with the taxpayer not later than three months after completing the above-mentioned training paid for by the taxpayer and to work for the taxpayer for not less than one year, and independent skill assessment for compliance with skill requirements in accordance with the legislation of the Russian Federation is undergone by employees of the taxpayer who have concluded an employment agreement with the taxpayer.

If the employment agreement between the above-mentioned physical person and the taxpayer is terminated before the lapse of one year from its commencement date, except where an employment agreement is terminated for reasons beyond the parties’ control (Article 83 of the Labour Code of the Russian Federation), the taxpayer shall be obliged to include in non-sale income for the reporting (tax) period in which the employment agreement ceased to have effect the amount of payment for the above-mentioned training of the physical person concerned which was previously taken into account in calculating the tax base. If an employment agreement has not been concluded between the physical person and the taxpayer three months
after the completion of the training paid for by the taxpayer, the expenses in question shall likewise be included in non-sale income for the reporting (tax) period in which the time limit for the conclusion of an employment agreement expired.

A taxpayer shall be obliged to retain documents supporting training expenses for the entire term of the relevant training agreement and one year of the employment of the physical person whose training was paid for by the taxpayer in accordance with the employment agreement concluded with the taxpayer, but not less than four years.

A taxpayer shall be obliged to retain documents supporting expenses incurred for the independent skill assessment of an employee for compliance with skill requirements for the entire term of the contract for the provision of services involving the conduct of independent skill assessment for compliance with skill requirements and one year of employment of a physical person in relation to whom independent skill assessment for compliance with skill requirements was paid for by the taxpayer in accordance with the employment agreement concluded with the taxpayer, but not less than four years.

[EY Note: Paragraph 7 of clause 3 of Article 264 loses force from 01.01.2023 – Federal Law No. 169-FZ of 18.07.2017]

Training expenses shall also include expenses incurred by a taxpayer on the basis of agreements on the network-based conduct of educational programmes concluded in accordance with Federal Law No. 273-FZ of 29 December 2012 “Concerning Education in the Russian Federation” with educational organizations, including in particular expenses for the maintenance of premises and equipment of the taxpayer which are used for training, payment for labour, the cost of property transferred for the purpose of supporting the training process and other expenses incurred within the framework of the above-mentioned agreements. Such expenses shall be recognised in the tax period in which they were incurred provided that, in the tax period concerned, at least one of the trainees who completed training at the above-mentioned educational organizations concluded an employment agreement with the taxpayer for a term of at least one year.

Expenses associated with the organization of entertainment, recreation or medical treatment shall not be recognised as expenses for the training of physical persons such as are provided for in this clause.

[clause 3 as reworded by Federal Law No. 169-FZ of 18.07.2017]

4. For the purposes of this Chapter, advertising expenses of an organization shall include:

- expenses for promotions through mass media (including press advertisements, radio and television broadcasts) and telecommunications networks and in the context of film and video services; [as amended by Federal Law No. 215-FZ of 23.07.2013]

- expenses for illuminated signs and other exterior advertising, including the manufacture of advertising stands and billboards;

- expenses for participation in exhibitions, fairs and expositions, for the designing of display windows, exhibition-sales, sample rooms and showrooms, for the preparation of advertising brochures and catalogues containing information about goods sold, work performed, services
rendered, trademarks and service marks and (or) about the organization itself, for the reduction of the prices of goods which have lost all or part of their original attributes as a result of having been displayed. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

Expenses of a taxpayer for the acquisition (manufacture) of prizes awarded to winners of prize draws during mass advertising campaigns and expenses for other types of advertising not referred to in paragraphs 2 to 4 of this clause which were incurred by the taxpayer during the reporting (tax) period shall be recognised for taxation purposes in an amount not exceeding 1 per cent of sales receipts as determined in accordance with Article 249 of this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]

5. Standardization expenses shall mean expenses incurred for work involving the development of national standards included in the programme for the development of national standards which has been approved by the national standardization body of the Russian Federation and expenses incurred for work involving the development of regional standards, provided that, respectively, standards have been approved as national standards by the national standardization body of the Russian Federation and regional standards have been registered in the Federal Information Fund of Technical Regulations and Standards in accordance with the procedure established by the technical regulation legislation of the Russian Federation.

Expenses incurred for the performance of work involving the development of national and regional standards by organizations which develop such standards in the capacity of an executing agency (contractor or subcontractor) shall not be recognised as standardization expenses.
[clause 5 inserted by Federal Law No. 330-FZ of 21.11.2011]

Article 264.1. Expenses Associated With the Acquisition of a Right in Land Parcels
[inserted by Federal Law No. 268-FZ of 30.12.2006]

1. For the purposes of this Chapter, expenses associated with the acquisition of a right in land parcels shall mean expenses associated with the acquisition of land parcels from among lands in state or municipal ownership on which buildings, structures or installations are situated or which are acquired for the purpose of the capital construction of fixed assets on those land parcels.

2. Expenses associated with the acquisition of a right in land parcels shall also be deemed to include expenses associated with the acquisition of a right to conclude an agreement on the lease of land parcels provided that such a lease agreement is concluded.

3. Expenses associated with the acquisition of a right in the land parcels which are referred to in clause 1 of this Article shall be included in the composition of miscellaneous production- and (or) sale-related expenses according to the following procedure:

1) at the taxpayer’s choice, the amount of expenses associated with the acquisition of a right in land parcels shall be recognised as expenses of a reporting (tax) period on an even basis over a period which is to be determined by the taxpayer independently and must not be less than five years, or shall be recognised as expenses of a reporting (tax) period to the extent of an amount not exceeding 30 per cent of the tax base of the preceding tax period as calculated in accordance with Article 274 of this Code until the entire amount of the expenses in question has been fully recognised, unless otherwise provided by this Article.
The procedure for the recognition of expenses associated with the acquisition of a right in land parcels shall be applied in accordance with the accounting policies for taxation purposes which have been adopted by an organization.

For the purpose of computing the limits of expenses which are calculated in accordance with this Article, the tax base for the preceding tax period shall be determined without taking into account the amount of expenses associated with the acquisition of a right in land parcels for that tax period.

Where land parcels are acquired on the basis of an instalment plan the period of which exceeds the period referred to in paragraph 1 of this subsection, such expenses shall be recognised as expenses of the reporting (tax) period on an even basis over the period established by the agreement;

2) the amount of expenses associated with the acquisition of a right in land parcels should be included in the composition of miscellaneous expenses from the moment of the documentarily confirmed filing of documents for the state registration of that right.

For the purposes of this Article, documentary confirmation of the filing of documents for the state registration of rights shall be understood to mean an acknowledgement of the receipt by a body which carries out the state registration of rights in immovable property and transactions involving such property of documents required for the state registration of those rights.

4. The rules established by clause 3 of this Article shall also apply with respect to the recognition of the expenses referred to in clause 2 of this Article, unless otherwise provided by this clause.

Where, in accordance with the legislation of the Russian Federation, an agreement on the lease of a land parcel is not subject to state registration, expenses associated with the acquisition of a right to conclude such a lease agreement shall be recognised as expenses on an even basis over the period of validity of that lease agreement.

5. Upon the sale of a land parcel and buildings (structures, installations) situated thereon, profit (loss) shall be determined as follows:

1) profit (loss) from the sale of buildings (structures, installations) shall be recognised for taxation purposes in accordance with the procedure established by this Chapter;

2) profit (loss) from the sale of the right in the land parcel shall be determined as the difference between the sale price and expenditures associated with the acquisition of the right in that parcel which have not been recovered by the taxpayer. For the purposes of this Article, non-recovered expenditures shall be understood to mean the difference between the taxpayer’s expenditures on acquiring the right in the land parcel and the amount of expenses which were taken into account for taxation purposes prior to the sale of that right in accordance with the procedure established by this Article;

3) a loss from the sale of the right in the land parcel shall be included in the composition of miscellaneous expenses of the taxpayer in equal portions over the period established in
accordance with subsection 1 of clause 3 of this Article and the actual period of possession of the parcel.

Article 265. Non-Sale Expenses

1. Non-sale expenses not associated with production and sales shall include justified expenditures on carrying out activities which are not directly associated with production and (or) sales. Such expenses shall include, in particular:

1) expenses for the maintenance of property transferred under a rental (leasing) agreement (including amortization on such property).

For organizations which provide their own property and (or) exclusive rights arising from patents for inventions, utility models and industrial samples and (or) exclusive rights to other types of intellectual property for temporary use and (or) temporary possession and use at a charge on a systematic basis, expenses associated with those activities shall be considered as expenses associated with production and sales; [as amended by Federal Law No. 322-FZ of 23.11.2015]

2) expenses in the form of interest on debt obligations of any kind, including interest accrued on securities and other obligations issued by the taxpayer with account taken of the special considerations which are laid down in Article 269 of this Code (special considerations relating to the determination of interest expenses for banks shall be determined in accordance with Articles 269 and 291 of this Code), and interest payable in connection with the restructuring of tax and levy indebtedness in accordance with the procedure established by the Government of the Russian Federation. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

In this respect, interest on debt obligations of any kind shall be deemed an expense irrespective of the nature of the credit or loan provided (current and (or) investment). Only the amount of interest accrued for the actual time of use of the borrowed resources (the actual time for which the securities are held by third parties) and the original rate of return established by the issuer (lender) in the conditions of issuance (issue conditions, agreement conditions), but not higher than the actual rate of return, shall be deemed an expense; [as amended by Federal Laws No. 58-FZ of 06.06.2005, No. 216-FZ of 24.07.2007]

3) expenses associated with the organization of an issue of securities, and in particular the preparation of an issue prospectus for securities, the manufacture or acquisition of blank forms and the registration of securities, expenses associated with the servicing of own securities, including expenses for the services of a registrar, depositary and payment agent in respect of interest (dividend) payments, expenses associated with the maintenance of a register and the provision of information to shareholders in accordance with the legislation of the Russian Federation, and other similar expenses;
[subsection 3 as reworded by Federal Law No. 57-FZ of 29.05.2002]

3.1) expenses associated with the redemption by an issuer of its own issuance securities which are circulated on the organized securities market, in an amount equal to the difference between their redemption value and their nominal value;

4) expenses associated with the servicing of securities acquired by the taxpayer, including payment for the services of a registrar and depositary, expenses associated with the receipt of
information in accordance with the legislation of the Russian Federation and other similar expenses;
[subsection 4 as reworded by Federal Law No. 57-FZ of 29.05.2002]

5) expenses in the form of a negative exchange rate difference, with the exception of a positive exchange rate difference arising from the revaluation of advances issued (received).

For the purposes of this Chapter, a negative exchange rate difference shall be understood to be an exchange rate difference which arises in connection with a decrease in the value of property in the form of currency assets (with the exception of securities denominated in foreign currency) and of claims whose value is expressed in foreign currency, or in connection with an increase in the value of obligations whose value is expressed in foreign currency.

The provisions of this clause shall apply where the above-mentioned decrease or increase in value occurs in connection with changes in the official exchange rate of a foreign currency to the Russian Federation rouble which is set by the Central Bank of the Russian Federation, or in connection with changes in the exchange rate of a foreign currency (notional monetary units) to the Russian Federation rouble which is established by law or by an agreement between the parties where the value expressed in that foreign currency (notional monetary units) for claims (obligations) which are payable in roubles is determined on the basis of an exchange rate established by law or by an agreement between the parties respectively;
[subsection 5 as reworded by Federal Law No. 81-FZ of 20.04.2014]


6) expenses in the form of a negative (positive) difference which arises as a result of the deviation of the exchange rate at which foreign currency is sold (purchased) from the official exchange rate of the Central Bank of the Russian Federation which is established as at the date of the transfer of ownership of the foreign currency (special considerations relating to the determination of the expenses of banks are established by Article 291 of this Code); [as amended by Federal Law No. 57-FZ of 29.05.2002]

7) expenses of a taxpayer which uses the accrual-basis method for the formation of doubtful debt reserves (in accordance with the procedure which is established by Article 266 of this Code);

7.1) expenses incurred by an organization which holds a licence to use a subsurface site within whose boundaries a new offshore hydrocarbon deposit is situated for the formation of reserves for future expenses associated with the completion of hydrocarbon extraction activities at that new offshore hydrocarbon deposit (in accordance with the procedure established by Article 267.4 of this Code); [subsection 7.1 inserted by Federal Law No. 268-FZ of 30.09.2013]

8) expenses for the liquidation of fixed assets which are taken out of operation and the write-off of intangible assets, including amounts of amortization remaining to be charged in accordance with the established useful life, and expenses for the liquidation of incomplete construction projects and other property that has not been fully assembled (expenses for the dismantling, disassembly and removal of disassembled property), the protection of the subsurface and other similar work, except as otherwise established by Article 267.4 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 224-FZ of 26.11.2008, No. 268-FZ of 30.09.2013]
Expenses in the form of amounts of amortization remaining to be charged in accordance with the established useful life shall be included in non-sale expenses not connected with production and sale only in relation to amortizable property on which amortization is charged using the linear method. Amortizable property on which amortization is charged using the non-linear method shall be removed from service in accordance with the procedure established by clause 13 of Article 259.2 of this Code; [paragraph inserted by Federal Law No. 224-FZ of 26.11.2008]

9) expenses associated with the temporary removal from service and restoration to service of production capacities and facilities, including expenditures on the maintenance of production capacities and facilities which have been temporarily removed from service; [subsection 9 as reworded by Federal Law No. 57-FZ of 29.05.2002]

10) court costs and arbitration fees;

11) expenditures on cancelled production orders and expenditures on production activity which has not yielded products. Expenses associated with cancelled orders and expenditures on production activity which has not yielded products shall be recognised on the basis of certificates of the taxpayer which have been approved by the director or by a person authorized by him in the amount of direct expenditures as determined in accordance with Articles 318 and 319 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

12) expenses for packaging operations, unless otherwise provided by the provisions of clause 3 of Article 254 of this Code; [subsection 12 as reworded by Federal Law No. 57-FZ of 29.05.2002]

13) expenses in the form of fines, penalties and (or) other sanctions for the violation of contractual or debt obligations which have been acknowledged by the debtor or are payable by the debtor on the basis of a court decision which has entered into legal force, and expenses for the payment of compensation for damage caused; [subsection 13 as reworded by Federal Law No. 57-FZ of 29.05.2002]

14) expenses in the form of amounts of taxes relating to supplied inventories, work and services, where accounts payable (obligations to creditors) in respect of such supplies have been written off in the reporting period in accordance with clause 18 of Article 250 of this Code; [as amended by Federal Law No. 58-FZ of 06.06.2005]

15) expenses for bank services, including services associated with the sale of foreign currency in connection with the recovery of tax, a levy, penalties and a fine in accordance with the procedure prescribed by Article 46 of this Code and with the installation and operation of electronic systems of document flow between a bank and clients, including “client-bank” systems; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 137-FZ of 27.07.2006]

16) expenses for the holding of meetings of shareholders (participants, unit holders), and in particular, expenses associated with the renting of premises, the preparation and distribution of information required for the holding of meetings and other expenses directly associated with the holding of a meeting; [as amended by Federal Law No. 58-FZ of 06.06.2005]

17) expenses for the performance of mobilization preparation work, including expenditures on the maintenance of capacities and facilities which are necessary for the fulfilment of the
mobilization plan, with the exception of expenses for the acquisition, creation, renovation, upgrading and retooling of amortizable property classed as mobilization capacities;

[subsection 17 as reworded by Federal Law No. 206-FZ of 29.11.2012]

18) expenses for operations involving derivative financial instruments, with account taken of the provisions of Articles 301 to 305 of this Code;  
[as amended by Federal Law No. 242-FZ of 03.07.2016]

19) expenses in the form of allocations of organizations within the structure of DOSAAF for the accumulation and redistribution of resources to organizations within the structure of DOSAAF to provide for the training of citizens in military registration specialties in accordance with the legislation of the Russian Federation, for the military-patriotic education of young people and for the development of aviation, technical and applied military sports;  

19.1) expenses in the form of a bonus (discount) paid (granted) by a seller to a purchaser as a result of the fulfilment of certain conditions of an agreement, in particular conditions relating to the volume of purchases;  
[subsection 19.1 inserted by Federal Law No. 58-FZ of 06.06.2005]

19.2) expenses in the form of special-purpose allocations from lotteries which are made in the amount and according to the procedure prescribed by the legislation of the Russian Federation;  
[subsection 19.2 inserted by Federal Law No. 58-FZ of 06.06.2005]

19.3) expenses for the formation of reserves for future expenses by a taxpayer which is a non-commercial organization and has been registered in accordance with the Federal Law “Concerning Non-Commercial Organizations”, determined in the amount and according to the procedure which are established by Article 267.3 of this Code;  
[subsection 19.3 inserted by Federal Law No. 235-FZ of 18.07.2011]

19.4) expenses for the creation of social infrastructure assets that are to be transferred without consideration into state or municipal ownership;  

19.5) expenses in the form of the value of property (including monetary resources) intended for use for the prevention and containment and the diagnosis and treatment of the novel coronavirus infection that were transferred without consideration to medical organizations that are non-commercial organizations, state government and administrative bodies and (or) local government bodies, state and municipal institutions and state and municipal unitary enterprises;  
[subsection 19.5 inserted by Federal Law No. 172-FZ of 08.06.2020]

19.6) expenses in the form of the value of property (including monetary resources) that were transferred without consideration to the following non-commercial organizations:

- socially oriented non-commercial organizations included in the register of socially oriented non-commercial organizations which since 2017 have been recipients of grants of the President of the Russian Federation (as a result of competitions conducted by the Foundation/Operator of Presidential Grants for the Development of Civil Society), recipients of subsidies and grants through programmes executed by federal executive bodies, recipients of subsidies and grants through programmes executed by executive bodies of constituent entities of the Russian
Federation and local government bodies, providers of socially useful services and suppliers of social services. The procedure for the maintenance of that register and the federal executive body responsible for maintaining that register shall be established by the Government of the Russian Federation;

- centralized religious organizations, religious organizations within the structure of centralized religious organizations, and socially oriented non-commercial organizations whose founders are centralized religious organizations or religious organizations within the structure of centralized religious organizations;

- other non-commercial organizations included in the register of non-commercial organizations that have been most adversely affected by the downturn resulting from the spread of the novel coronavirus infection. The criteria for including non-commercial organizations in that register and the procedure for the maintenance of the register and the federal executive body in charge of maintaining it shall be established by the Government of the Russian Federation.

Expenses provided for in this subsection shall be recognised for taxation purposes within an amount not exceeding 1 per cent of revenue from sales as determined in accordance with Article 249 of this Code;

[subsection 19.6 inserted by Federal Law No. 172-FZ of 08.06.2020]

19.7) expenses in the form of the cost of property (property rights) gratuitously transferred into state and (or) municipal ownership which was financed from subsidies referred to in paragraph 3 of clause 4.1 of Article 271 of this Code, in an amount not exceeding the amount of income that is recognised in the manner prescribed by paragraph 3 of clause 4.1 of Article 271 of this Code;

[subsection 19.7 inserted by Federal Law No. 335-FZ of 15.10.2020]

20) other justified expenses.

2. For the purposes of this Chapter, losses incurred by a taxpayer in a reporting (tax) period shall be equated with non-sale expenses, and in particular:

1) in the form of losses of prior tax (reporting) periods which are revealed in the current reporting (tax) period;

2) amounts of bad debts or, in the event that the taxpayer has adopted a decision to create a doubtful debt reserve, amounts of bad debts which are not covered by the resources of the reserve;

[subsection 2 as reworded by Federal Law No. 57-FZ of 29.05.2002]

3) losses from downtime due to internal causes;

4) losses from stoppages due to external causes for which compensation is not received from the guilty parties;

5) expenses in the form of shortages of tangible assets in production and in storage and at trade enterprises in the absence of guilty parties, and losses due to thefts where the guilty parties have not been established. In such cases documentary confirmation of the absence of the guilty parties must be obtained from a competent state authority;
6) losses due to natural disasters, fires, accidents and other emergencies, including expenditures associated with the prevention or rectification of the consequences of natural disasters or emergencies;

7) losses arising from a transaction involving the cession of a claim in accordance with the procedure which is established by Article 279 of this Code;

8) a loss arising for a taxpayer which is a participant (unit holder) of an organization upon its liquidation (including as a result of the application of a bankruptcy procedure) or departure (exit) from the organization, determined as at the date of the liquidation of the organization or departure (exit) from the organization as a negative difference between income in the form of the market price of property (property rights) receivable by that participant (unit holder) and the amount actually paid (irrespective of the form of payment) by the taxpayer which is a participant (unit holder) of the organization for its participating interest (equity unit).

Article 266. Expenses for the Formation of Doubtful Debt Reserves

1. Any indebtedness to a taxpayer that arose in connection with the sale of goods, the performance of work or the rendering of services shall be deemed to be a doubtful debt in the event that the indebtedness has not been settled within the time limits established by an agreement and is not secured by a pledge, a surety bond or a bank guarantee. If the taxpayer has a reciprocal obligation (accounts payable) to the counterparty, the amount by which the indebtedness to the taxpayer exceeds the taxpayer’s accounts payable to the counterparty shall be considered a doubtful debt. Where there are amounts of indebtedness to a taxpayer which arose at different times, indebtedness which arose earliest shall be the first to be reduced by accounts payable of the taxpayer. [as amended by Federal Laws No. 58-FZ of 06.06.2005, No. 401-FZ of 30.11.2016, No. 335-FZ of 27.11.2017]

For taxpayers which are banks, indebtedness which arose after 1 January 2015 with respect to the payment of interest on debt obligations of any kind shall also be deemed to be a doubtful debt if that indebtedness has not been settled within the time limits established by the agreement, irrespective of whether or not a pledge, surety bond or guarantee has been provided. [as amended by Federal Law No. 420-FZ of 28.12.2013]

For taxpayers which are insurance organizations and which recognise income and expenses according to the accrual-basis method with respect to insurance, co-insurance and re-insurance agreements for which insurance reserves have been formed, a doubtful debt reserve shall not be formed for accounts receivable associated with the payment of insurance premiums (contributions). [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

In the case of taxpayers which are credit consumer co-operatives or microfinance organizations, indebtedness for which the creation of reserves for possible losses on loans is provided for in accordance with Article 297.3 of this Code shall not be classed as doubtful indebtedness. [paragraph inserted by Federal Law No. 301-FZ of 02.11.2013]

2. Bad debts (debits which are unlikely to be recovered) shall be those debts to a taxpayer for which the established period of limitation has expired and those debts in relation to which the
obligation has been terminated in accordance with civil legislation owing to the impossibility of its fulfilment, on the basis of an act issued by a state authority or owing to the liquidation of the organization. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Bad debts (irrecoverable debts) shall also include debts which have been confirmed as non-recoverable by a resolution of a bailiff / enforcement officer concerning the completion of enforcement proceedings which was issued in accordance with the procedure established by Federal Law No. 229-FZ of 2 October 2007 “Concerning Enforcement Proceedings” in connection with the return of an enforcement document to the recovering party on the following grounds: [paragraph inserted by Federal Law No. 206-FZ of 29.11.2012]

- it is impossible to establish the whereabouts of the debtor or the debtor’s property or to ascertain what monetary resources and other valuables might be held by the debtor in accounts or deposits or in the custody of banks or other credit organizations; [paragraph inserted by Federal Law No. 206-FZ of 29.11.2012]

- the debtor has no property on which execution may be levied and all legally permitted measures taken by the bailiff / enforcement officer to trace the debtor’s property have been unsuccessful. [paragraph inserted by Federal Law No. 206-FZ of 29.11.2012]

Bad debts (irrecoverable debts) shall also include debts of a citizen who has been declared bankrupt with respect to which he is exempt from the further fulfilment of creditors’ claims (which are considered to have been settled) in accordance with Federal Law No. 127-FZ of 26 October 2002 “Concerning Insolvency (Bankruptcy)”. [paragraph inserted by Federal Law No. 335-FZ of 27.11.2017]

Bad debts (irrecoverable debts) shall also include amounts of terminated monetary obligations to a taxpayer-authorized bank which are listed in an act of the Government of the Russian Federation adopted on the basis of part 3 of Article 5 of Federal Law No. 263-FZ of 29 July 2018 “Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”. [paragraph inserted by Federal Law No. 123-FZ of 06.06.2019]

[EY Note: Paragraph 7 of clause 2 of Article 266 loses force from 01.01.2023 – Federal Law No. 204-FZ of 13.07.2020]

Bad debts (irrecoverable debts) shall also include amounts of terminated monetary obligations to a taxpayer – credit organization relating to indebtedness under a credit agreement where the following conditions are met: [paragraph inserted by Federal Law No. 204-FZ of 13.07.2020]

[EY Note: Paragraph 8 of clause 2 of Article 266 loses force from 01.01.2023 – Federal Law No. 204-FZ of 13.07.2020]

- the credit was granted to legal entities or private entrepreneurs in the period from 1 January to 31 December 2020 for the resumption of activity or for urgent needs for the support and preservation of employment; [paragraph inserted by Federal Law No. 204-FZ of 13.07.2020]

[EY Note: Paragraph 9 of clause 2 of Article 266 loses force from 01.01.2023 – Federal Law No. 204-FZ of 13.07.2020]
Bad debts (irrecoverable debts) shall also include amounts of terminated monetary obligations to a taxpayer credit organization to pay amounts owed under a credit agreement, provided that the following conditions are met:

- the credit was granted to legal entities or private entrepreneurs in the period from 1 January to 31 December 2021 to aid business recovery;

- an interest rate subsidy is granted (was granted) to the credit organization in relation to the credit agreement in 2021 and (or) in 2022 in accordance with the procedure established by the Government of the Russian Federation.

The provisions of this clause shall also apply to rights of claim acquired by banks in respect of credits where the obligations associated with those rights have been declared irrecoverable on the grounds established by this Article.

3. A taxpayer shall have the right to create doubtful debt reserves in accordance with the procedure prescribed by this Article. Amounts of allocations to those reserves shall be included in the composition of non-sale expenses as at the last day of a reporting (tax) period. This provision shall not apply to expenses associated with the formation of reserves for debts which have arisen in connection with the non-payment of interest, except in the case of banks, credit consumer co-operatives and microfinance organizations. Banks shall have the right to form doubtful debt reserves for indebtedness arising in connection with the non-payment of interest on debt obligations and for other indebtedness, with the exception of loan and equated indebtedness. Credit consumer co-operatives and microfinance organizations shall have the right to form doubtful debt reserves for indebtedness which has arisen in connection with the non-payment of interest on debt obligations.

4. The amount of a doubtful debt reserve shall be determined on the basis of the results of an inventory of accounts receivable made as at the last day of the reporting (tax) period and shall be calculated as follows:

1) in the case of doubtful indebtedness over 90 calendar days outstanding ( inclusively) - the full amount of the indebtedness discovered on the basis of the inventory shall be included in the amount of the reserve which is created;

2) in the case of doubtful indebtedness from 45 to 90 calendar days outstanding ( inclusively) - 50 per cent of the amount of the indebtedness discovered on the basis of the inventory shall be included in the amount of the reserve;

3) doubtful indebtedness less than 45 days outstanding shall not increase the amount of the reserve which is created.
In this respect, the amount of a newly created doubtful debt reserve which is calculated on the basis of results for a tax period may not exceed 10 per cent of revenue for that tax period which is determined in accordance with Article 249 of this Code (or, in the case of banks, credit cooperatives and microfinance organizations, of the amount of income which is determined in accordance with this Chapter, excluding income in the form of restored reserves). When a doubtful debt reserve is calculated during a tax period on the basis of results for reporting periods, the amount of that reserve may not exceed the greater of 10 per cent of revenue for the preceding tax period or 10 per cent of revenue for the current reporting period. [as amended by Federal Law No. 405-FZ of 30.11.2016]

A doubtful debt reserve shall be used by an organization only to cover losses from bad debts which have been recognised as such in accordance with the procedure which is established by this Article. [as amended by Federal Law No. 405-FZ of 30.11.2016]

5. The amount of a doubtful debt reserve calculated as at a reporting date according to the rules established by clause 4 of this Article shall be compared with the amount of the balance of the reserve, which is determined as the difference between the amount of the reserve calculated as at the preceding reporting date according to the rules established by clause 4 of this Article and the sum of bad debts which arose after the preceding reporting date. If the amount of the reserve calculated as at the reporting date is less than the amount of the balance of the reserve for the preceding reporting (tax) period, the difference must be included in the taxpayer’s non-sale income in the current reporting (tax) period. If the amount of the reserve calculated as at the reporting date is greater than the amount of the balance of the reserve for the preceding reporting (tax) period, the difference must be included in non-sale expenses in the current reporting (tax) period. [as amended by Federal Law No. 405-FZ of 30.11.2016]

In the event that a taxpayer has decided to create a doubtful debt reserve, debts which are deemed to be bad debts in accordance with this Article shall be charged to the amount of the reserve which has been created. In the event that the amount of the reserve which has been created is less than the amount of bad debts which are to be written off, the difference (loss) must be included in the composition of non-sale expenses. [as amended by Federal Law No. 57-FZ of 29.05.2002]

**Article 267. Expenses for the Formation of a Reserve for Warranty Repair and Warranty Servicing**

1. Taxpayers which sell goods (work) shall have the right to create reserves against future expenses associated with warranty repair and warranty servicing, and allocations for the formation of such reserves shall be taken into account for taxation purposes in accordance with the procedure prescribed by this Article.

2. A taxpayer shall independently adopt a decision on the creation of such a reserve and shall specify the maximum amount of allocations to that reserve in its accounting policies for taxation purposes. In this respect, a reserve shall be created for goods (work) in relation to which servicing and repairs are provided for in accordance with the conditions of the agreement concluded with the purchaser during the guarantee period.

3. Amounts of allocations to the reserve shall be deemed to be expenses as at the date on which the above-mentioned goods (work) are sold. In this respect, the amount of a created reserve
may not exceed a limit determined as the proportion of expenses actually incurred by a taxpayer for warranty repair and servicing to the volume of receipts from the sale of those goods (work) over the last three years, multiplied by the amount of receipts from the sale of those goods (work) for the reporting (tax) period. Where a taxpayer has been selling goods (work) with warranty repair and servicing for less than three years, the volume of receipts from the sale of those goods (work) for the actual period of such sales shall be taken into account for the purpose of computing the maximum amount of the reserve which may be created. [as amended by Federal Law No. 57-FZ of 29.05.2002]

4. A taxpayer which has not previously sold goods (work) with warranty repair and servicing shall have the right to create a reserve for the warranty repair and servicing of goods (work) in an amount not exceeding estimated expenses for those expenditures. Estimated expenses shall be understood to mean expenses which are provided for in the plan for the fulfilment of guarantee obligations with account taken of the guarantee period.

After a tax period has ended the taxpayer must adjust the amount of the created reserve on the basis of the proportion of expenses actually incurred for warranty repair and servicing to the volume of receipts from the sale of the above-mentioned goods (work) over the period which has ended.

5. The amount of the reserve for the warranty repair and servicing of goods (work) which was not fully used by the taxpayer in the tax period to carry out repairs in relation to goods (work) sold under guarantee may be carried forward by the taxpayer to the following tax period. In this respect, the amount of the reserve which is newly created in the following tax period must be adjusted for the amount of the balance of the reserve for the preceding tax period. In the event that the amount of the newly created reserve is less than the amount of the balance of the reserve created in the preceding tax period, the difference between them should be included in the composition of the taxpayer’s non-sale income for the current tax period.

Where a taxpayer has adopted a decision to create a reserve for the warranty repair and servicing of goods (work), expenses for warranty repairs shall be charged to the amount of the created reserve. In the event that the amount of the created reserve is less than the amount of repair expenses incurred by the taxpayer, the difference between them should be included in the composition of miscellaneous expenses. [clause 5 as reworded by Federal Law No. 57-FZ of 29.05.2002]

6. In the event that a taxpayer adopts a decision to cease selling goods (carrying out work) with warranty repair and warranty servicing, the amount of the previously created reserve which remains unused should be included in the composition of the taxpayer’s income after the expiry of the warranty repair and warranty servicing agreements. [clause 6 inserted by Federal Law No. 57-FZ of 29.05.2002]

**Article 267.1. Expenses Associated With the Formation of Reserves for Future Expenses to be Allocated for Purposes Associated With the Social Protection of Disabled Persons** [inserted by Federal Law No. 58-FZ of 06.06.2005]

1. Taxpayers which are social organizations of disabled persons and the organizations referred to in paragraph 1 of subsection 38 of clause 1 of Article 264 of this Code may create a reserve for future expenses to be allocated for purposes associated with the social protection of disabled persons. Such reserves may be created for a period not exceeding five years.
2. A taxpayer shall, on the basis of programmes which it has developed and approved, independently adopt a decision regarding the creation of the reserve which is referred to in clause 1 of this Article, which shall be reflected in accounting policies for taxation purposes. In this respect, expenses incurred by a taxpayer in connection with the implementation of those programmes shall be incurred from the reserve referred to in clause 1 of this Article.

3. The size of a reserve which is created shall be determined by projected expenses (the expense estimate) for the implementation of the programmes approved by the taxpayer. The amount of allocations to the reserve shall be included in the composition of non-sale expenses as at the last day of a reporting (tax) period. In this respect, the maximum amount of allocations to the reserve referred to in clause 1 of this Article may not exceed 30 per cent of taxable profit earned in the current period when calculated without taking that reserve into account. [as amended by Federal Law No. 137-FZ of 27.07.2006]

4. If the amount of the created reserve referred to in clause 1 of this Article proves to be less than the amount of actual expenditure on the implementation of the programmes referred to in clause 2 of this Article, the difference between those amounts shall be included in the composition of non-sale expenses.

Any amount of a reserve which is not fully used by the taxpayer during the planned period must be included in the composition of the taxpayer’s non-sale income for the current reporting (tax) period.

5. Taxpayers which form reserves for future expenses to be allocated for purposes associated with the social protection of disabled persons shall be obliged to present a report to the tax authorities concerning the purpose-oriented use of those resources after a tax period has ended.

In the event that the resources referred to in paragraph 1 of this clause have been used other than for their intended purpose, they must be included in the tax base for the tax period in which that improper use occurred.

Article 267.2. Expenses for the Formation of Reserves for Future Research and (or) Development Expenses [inserted by Federal Law No. 132-FZ of 07.06.2011]

1. A taxpayer shall have the right to create reserves for future research and (or) development expenses (hereafter in this Article referred to as “reserves”) in accordance with the procedure laid down in this Article.

2. A taxpayer shall, on the basis of research and (or) development programmes which it has developed and approved, independently adopt a decision on the creation of each reserve and reflect that decision in its accounting policies for taxation purposes. A reserve for the implementation of each approved programme such as is referred to in this clause may be created for the period over which the research and (or) development in question is planned to be conducted, but not more than two years. The period chosen by the taxpayer for the creation of the reserve shall be reflected in its accounting policies for taxation purposes.
3. The amount of a reserve which is created may not exceed planned expenses (the budget) for the implementation of a research and (or) development programme which has been approved by the taxpayer.

The budget for the implementation of a research and (or) development programme approved by a taxpayer may include only costs which are recognised as research and (or) development expenses in accordance with subsections 1 to 5 of clause 2 of Article 262 of this Code.

In this respect, the maximum amount of allocations to a reserve may not exceed an amount determined according to the formula:

\[ N = I \times 0.03 - S, \]

where \( N \) is the maximum amount of allocations to reserves;

\( I \) is income from sales for the reporting (tax) period as determined in accordance with Article 249 of this Code;

\( S \) is expenses of a taxpayer such as are referred to in subsection 6 of clause 2 of Article 262 of this Code;

4. The amount of allocations to a reserve shall be included in miscellaneous expenses as at the last day of a reporting (tax) period.

5. A taxpayer which forms a reserve for future research and (or) development expenses shall charge expenses incurred in connection with the implementation of research and (or) development programmes to that reserve.

Should the amount of a created reserve such as is referred to in clause 1 of this Article be less than the amount of actual expenses incurred in carrying out the programmes referred to in clause 2 of this Article, the difference between those amounts shall be treated as research and (or) development expenses of the taxpayer in accordance with Articles 262 and 332.1 of this Code.

Any amount of a reserve which is not used by a taxpayer during the period for which the reserve was created must be restored as non-sale income for the reporting (tax) period in which the relevant allocations to the reserve were made.

**Article 267.3. Expenses for the Formation of Reserves for Future Expenses of Non-Commercial Organizations** [inserted by Federal Law No. 235-FZ of 18.07.2011]

1. Taxpayers which are non-commercial organizations (hereafter in this Article referred to as “taxpayer”), except for those established in the form of a state corporation, a state company or an association of legal entities, shall have the right to create a reserve for future expenses associated with entrepreneurial activities which are taken into account in determining the tax base.
2. A taxpayer shall independently adopt a decision to create a reserve for future expenses and shall specify in its accounting policies for taxation purposes the types of expenses for which the reserve is created.

Where a taxpayer has adopted a decision to create a reserve for future expenses, expenses for which that reserve has been formed shall be charged to the amount of the reserve created.

3. The amount of a reserve for future expenses which is created shall be determined on the basis of expense estimates developed and approved by the taxpayer for a period not exceeding three calendar years.

The amount of allocations to the reserve shall be included in non-sale expenses as at the last day of a reporting (tax) period. The maximum amount of allocations to the reserve for future expenses may not exceed 20 per cent of the amount of income for a reporting (tax) period which is taken into account in determining the tax base. In this respect, where a taxpayer has formed a reserve for future expenses to cover expenses provided for in more than one expense estimate, the taxpayer shall independently apportion the amount of allocations to the reserve to expense budgets in its tax records.

4. Any amount of a reserve which is not used by the taxpayer to cover expenses provided for in an expense budget must be included in the taxpayer’s non-sale income as at the last day of the tax (reporting) period in which the end date of the expense budget falls.

Where the amount of a reserve which was created proves to be less than the amount of actual expenses for which the reserve was formed, the difference between those amounts shall be included in expenses which are taken into account in determining the tax base.

Article 267.4. Expenses for the Formation of a Reserve for Future Expenses Associated with the Completion of Hydrocarbon Extraction Activities at a New Offshore Hydrocarbon Deposit [inserted by Federal Law No. 268-FZ of 30.09.2013]

1. An organization which holds a licence to use a subsurface site within whose boundaries a new offshore hydrocarbon deposit is situated shall have the right to create a reserve in the manner prescribed by this Article for future expenses associated with the completion of hydrocarbon extraction activities at the new offshore hydrocarbon deposit commencing in the tax period in which data in the state balance sheet of commercial minerals as at 1 January of that period show the level of depletion of reserves at the relevant new offshore hydrocarbon deposit to have reached 70 per cent.

A reserve for future expenses associated with the completion of hydrocarbon extraction activities at a new offshore hydrocarbon deposit shall be created by a taxpayer only if the duly approved design documentation for the exploitation of the deposit in question contains a list of measures and types of work which are intended to be carried out in connection with the abandonment of facilities which are decommissioned.

2. The organization which holds the licence to use a subsurface site within whose boundaries a new offshore hydrocarbon deposit is situated shall independently adopt a decision to create a reserve for future expenses associated with the completion of hydrocarbon extraction activities at each individual new offshore hydrocarbon deposit, and shall lay down the procedure for the creation and use of that reserve in its tax accounting policies.
3. Expenses associated with the completion of hydrocarbon extraction activities at a new offshore hydrocarbon deposit shall include expenses for the abandonment of fixed assets which are decommissioned and expenses for the abandonment of unfinished construction projects and other property that has not been fully erected (expenses for dismantling, disassembly and removal of disassembled property), protection of the subsurface and the environment and other similar measures provided for in legislation concerning subsurface use.

In this respect, amounts of amortization remaining to be charged on fixed assets which are decommissioned and the value of unfinished construction projects which are abandoned shall not be recognised as expenses associated with the completion of hydrocarbon extraction activities at a new offshore hydrocarbon deposit.

4. Amounts of allocations to a reserve shall be included in expenses which are taken into account in determining the tax base in accordance with Article 275.2 of this Code as at the last day of a reporting (tax) period.

5. The amount of allocations to a reserve in each reporting (tax) period may not exceed 1 per cent of income as determined in accordance with Article 299.3 of this Code which was received in the relevant reporting (tax) period.

6. Expenses associated with the completion of hydrocarbon extraction activities at a new offshore hydrocarbon deposit in relation to which a reserve was formed shall be charged to the amount of the created reserve.

7. The total amount of allocations to a reserve for all reporting (tax) periods may not exceed the total amount of costs for the abandonment of wells and field infrastructure and for land reclamation which is specified in the duly approved design documentation for the exploitation of the relevant new offshore hydrocarbon deposit.

8. In the event that the residual amount of a reserve at the beginning of a reporting (tax) period is found to be less than the amount of expenses referred to in this Article which were actually incurred in the reporting (tax) period, the excess amount shall be included in expenses in that reporting (tax) period in the manner which is prescribed in this Chapter for the relevant types of expenses.

9. Any amount of a reserve which remains unused by the taxpayer in a reporting (tax) period may be carried over to the following reporting (tax) period.

Any amount of a reserve which remains unused by the taxpayer at the time when the taxpayer adopts a decision to complete hydrocarbon extraction activities at a new offshore hydrocarbon deposit must be included in the taxpayer’s non-sale income as at the last day of the reporting (tax) period in which measures provided for in the plan for the abandonment of wells and field infrastructure and land reclamation were actually completed, but not later than the date of expiry of the licence to use the subsurface site within whose boundaries that new offshore hydrocarbon deposit is situated.
Article 268. Special Considerations Relating to the Determination of Expenses Upon the Sale of Goods and (or) Property Rights [title as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

1. Upon selling goods and (or) property rights a taxpayer shall have the right to reduce income from such operations by the value of the goods and (or) property rights sold, determined as follows: [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

1) in the case of the sale of amortizable property (other than a fixed asset in relation to which the taxpayer has exercised the right to apply an investment tax deduction in accordance with Article 286.1 of this Code and a tax deduction in accordance with Article 343.6 of this Code) – by the net book value of the amortizable property as determined in accordance with clauses 1 and 3 of Article 257 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 335-FZ of 27.11.2017, No. 195-FZ of 13.07.2020, No. 374-FZ of 23.11.2020]

In the event that the taxpayer has sold a fixed asset less than five years after it was placed into service to a person who is interdependent with the taxpayer and the provisions of paragraph 2 of clause 9 of Article 258 of this Code were applied in relation to that fixed asset, the net book value determined upon the sale of that amortizable property shall be increased by the amount of expenses that were included in non-sale income in accordance with paragraph 4 of clause 9 of Article 258 of this Code; [paragraph inserted by Federal Law No. 206-FZ of 29.11.2012]

2) in the case of the sale of other property (with the exception of securities, products of own manufacture and bought-in goods) – by the acquisition price (price of creation) of that property, except as otherwise provided in clause 2.2 of Article 277 of this Code, and by the amount of expenses referred to in paragraph 2 of clause 2 of Article 254 of this Code; [as amended by Federal Laws No. 58-FZ of 06.06.2005, No. 281-FZ of 25.11.2009, No. 32-FZ of 15.02.2016]

2.1) in the case of the sale of property rights (participating interests, equity units) – by the acquisition price of those property rights (participating interests, equity units) and by the amount of expenses associated with the acquisition and sale thereof and by the amount of a contribution in the form of monetary resources, less the amount of monetary resources referred to in subsection 11.1 of clause 1 of Article 251 of this Code, to the property of organizations in which participating interests (equity units) were acquired, except as otherwise provided by clause 10 of Article 309.1 or clause 2.2 of Article 277 of this Code. The amount of a contribution in the form of monetary resources to the property of organizations that is deductible from income from the sale of participating interests (equity units) sold to the total amount of participating interests (equity units) possessed by the taxpayer. [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 368-FZ of 09.11.2020]

In the case of the sale of shares and participating interests where, prior to that sale, the charter capital of a business company (partnership) was reduced by means of the reduction of the nominal value of shares and participating interests within the limits of the original investment in (contribution to) the charter capital of the business company (partnership), the acquisition price of the shares and participating interests in question shall be reduced by the value of property (property rights) previously received by a participant in the business company (partnership) in connection with the reduction of the charter capital of the business company (partnership) in accordance with the legislation of the Russian Federation within the limits of the original investment (contribution). This provision shall not apply to cases where a business company (partnership) is obliged to reduce its charter capital in accordance with the

In the case of the sale of participating interests and units received by participants and unit holders upon the re-organization of organizations, the acquisition price of such participating interests and units shall be considered to be their value as determined in accordance with clauses 4 to 6 of Article 277 of this Code.

In the case of the sale of a property right which consists of a debt claim, the tax base shall be determined with account taken of the provisions established by Article 279 of this Code; [subsection 2.1 inserted by Federal Law No. 58-FZ of 06.06.2005]

3) in the case of the sale of bought-in goods – by the cost of acquisition of those goods as determined in accordance with the accounting policies adopted by the organization for taxation purposes using one of the following methods of valuing the bought-in goods:

- based on the value of those first acquired (FIFO); [as amended by Federal Law No. 57-FZ of 29.05.2002]

[paragraph lost force (Federal Law No. 81-FZ of 20.04.2014)]

- based on average value; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- based on the value of a unit of goods. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

Upon selling property and (or) property rights referred to in this Article, the taxpayer shall also have the right to reduce income from such operations by the amount of expenses directly associated with such sale, and in particular by expenses for the valuation, storage, maintenance and transportation of the property that is sold. In this respect, in the case of the sale of bought-in goods, expenses associated with the purchase and sale thereof shall be determined with account taken of the provisions of Article 320 of this Code; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

4) where a fixed asset (intangible asset) in relation to which the taxpayer has exercised the right to apply an investment tax deduction is sold before the expiry of its useful life – by the historical cost of that fixed asset (intangible asset), provided that the amount of tax which was not paid owing to the application of that deduction is restored in accordance with clause 12 of Article 286.1 of this Code; [subsection 4 inserted by Federal Law No. 335-FZ of 27.11.2017; as amended by Federal Law No. 374-FZ of 23.11.2020]

5) in the case of the sale of a fixed asset in relation to which the taxpayer has exercised the right to apply an investment tax deduction in respect of the cost of the fixed asset – by the net book value of amortizable property, as determined in accordance with clause 1 of Article 257 of this Code, corresponding to the portion of the historical value of the fixed asset comprising expenses in respect of which the taxpayer has not exercised the right to apply an investment tax deduction.

[subsection 5 inserted by Federal Law No. 368-FZ of 09.11.2020]
2. If the acquisition price (price of creation) of property (property rights) referred to in subsections 2, 2.1 and 3 of clause 1 of this Article, with account taken of expenses associated with the acquisition and sale thereof, exceeds receipts from the sale of that property (property rights), the difference between those values shall be deemed to be a loss of the taxpayer which is taken into account for taxation purposes. [as amended by Federal Laws No. 158-FZ of 22.07.2008, No. 368-FZ of 09.11.2020]

3. If the net book value of the amortizable property referred to in subsection 1 of clause 1 of this Article, with account taken of expenses associated with the sale thereof, exceeds receipts from the sale of that property, the difference between those values shall be deemed to be a loss of the taxpayer which is taken into account for taxation purposes as follows. The resulting loss shall be included in the composition of miscellaneous expenses of the taxpayer in equal portions over a period of time determined as the difference between the useful life of the property and the actual period for which it was used prior to sale. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Article 268.1. Special Considerations Relating to the Recognition of Income and Expenses in the Case of the Acquisition of an Enterprise as a Property Complex [inserted by Federal Law No. 216-FZ of 24.07.2007]

1. For the purposes of this Chapter the difference between the acquisition price of an enterprise as a property complex and the value of the net assets of the enterprise as a property complex (assets minus liabilities) shall be recognised as an expense (as income) of a taxpayer in accordance with the procedure established by this Article.

The amount by which the purchase price of an enterprise as a property complex exceeds the value of its net assets should be regarded as a price mark-up which is paid by the purchaser in the expectation of future economic benefits.

The amount by which the value of the net assets of an enterprise as a property complex exceeds the purchase price thereof should be regarded as a price discount which is granted to the purchaser in view of the absence of such factors as stable customers, a quality reputation, marketing and selling skills, business contacts, management experience and skilled staff and with account taken of other factors.

2. The amount of the mark-up which is paid (the discount which is received) upon the acquisition of an enterprise as a property complex shall be determined as the difference between the purchase price and the value of the net assets of the enterprise as a property complex as determined on the basis of the transfer deed.

Where an enterprise as a property complex is acquired through privatization by auction or on the basis of a competitive tender, the amount of the mark-up which is paid (the discount which is received) by the purchaser shall be determined as the difference between the purchase price and the appraised (starting) value of the enterprise as a property complex.

3. The amount of the mark-up which is paid (the discount which is received) by a purchaser shall be taken into account for taxation purposes according to the following procedure:

1) a mark-up which is paid by the purchaser of an enterprise as a property complex shall be recognised as an expense evenly over a period of five years commencing from the month
following the month in which the state registration of the purchaser’s ownership of the enterprise as a property complex takes place;

2) a discount which is received by the purchaser of an enterprise as a property complex shall be recognised as income in the month in which the state registration of the transfer of ownership of the enterprise as a property complex took place.

4. A loss resulting for the seller from the sale of an enterprise as a property complex shall be recognised as an expense which shall be taken into account for taxation purposes in accordance with the procedure established by Article 283 of this Code.

5. For the purposes of this Chapter, expenses incurred by a purchaser for the acquisition of property and property rights forming part of an enterprise as a property complex shall be deemed to be the value thereof as determined on the basis of the transfer deed.


1. For the purposes of this Chapter, debt obligations shall be understood to mean credits, trade and commercial credits, loans, bank deposits, bank accounts or other borrowings, irrespective of the form in which they are arranged.

Income (an expense) in respect of debt obligations of any kind shall be understood to mean interest calculated on the basis of the actual rate, except as otherwise established by this Article.

Income (an expense) in respect of debt obligations of any kind which arose as a result of transactions which are recognised as controlled transactions in accordance with this Code shall be understood to mean interest calculated on the basis of the actual rate with account taken of the provisions of Section V.1 of this Code, except as otherwise established by this Article.

[clause 1 as reworded by Federal Law No. 420-FZ of 28.12.2013]

1.1. In the case of a debt obligation which arose as a result of a transaction which is recognised as a controlled transaction in accordance with this Code, the taxpayer shall have the right: [as amended by Federal Law No. 32-FZ of 08.03.2015]

- to recognise interest calculated on such debt obligations on the basis of the actual rate as income if that rate exceeds the lowest value of the range of threshold values which is established by clause 1.2 of this Article;

- to recognise interest calculated on such debt obligations on the basis of the actual rate as an expense if that rate is lower than the highest value of the range of threshold values which is established by clause 1.2 of this Article.

Where the conditions established by paragraphs 1 to 3 of this clause are not met in the case of debt obligations which arose as a result of transactions which are recognised as controlled transactions in accordance with this Code, interest calculated on the basis of the actual rate shall be recognised as income (an expense) with account taken of the provisions of Section V.1 of this Code. [as amended by Federal Law No. 32-FZ of 08.03.2015] [clause 1.1 as reworded by Federal Law No. 420-FZ of 28.12.2013]
1.2. The following ranges of threshold values of interest rates for debt obligations shall be established for the purposes of clause 1.1 of this Article:

1) for debt obligations arranged in roubles:

- in the case of a debt obligation arranged in roubles that arose as a result of a transaction that is deemed to be controlled in accordance with clause 2 of Article 105.14 of this Code – from 75 to 125 per cent (from 0 to 180 per cent for the period from 1 January to 31 December 2015 and the period from 1 January 2020 to 31 December 2021) of the key rate of the Central Bank of the Russian Federation; [as amended by Federal Law No. 374-FZ of 23.11.2020]

- in the case of a debt obligation arranged in roubles which is not indicated in paragraph 2 of this subsection – from 75 to 125 per cent of the key rate of the Central Bank of the Russian Federation (from 75 per cent of the refinancing rate of the Central Bank of the Russian Federation to 180 per cent of the key rate of the Central Bank of the Russian Federation for the period from 1 January to 31 December 2015 and from 75 to 180 per cent of the key rate of the Central Bank of the Russian Federation for the period from 1 January 2020 to 31 December 2021); [as amended by Federal Law No. 374-FZ of 23.11.2020] [subsection 1 as reworded by Federal Law No. 32-FZ of 08.03.2015]

[EY Note: Subsection 2 of clause 1.2 of Article 269 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

2) for a debt obligation arranged in euros – from the European interbank offered rate (EURIBOR) in euros plus 4 percentage points to the EURIBOR rate in euros plus 7 percentage points (from 0 per cent to the EURIBOR rate in euros plus 7 percentage points for the period from 1 January 2020 to 31 December 2021); [as amended by Federal Law No. 374-FZ of 23.11.2020]

3) for a debt obligation arranged in Chinese yuan – from the Shanghai interbank offered rate (SHIBOR) in Chinese yuan plus 4 percentage points to the SHIBOR rate in Chinese yuan plus 7 percentage points (from 0 per cent to the SHIBOR rate in Chinese yuan plus 7 percentage points for the period from 1 January 2020 to 31 December 2021); [as amended by Federal Law No. 374-FZ of 23.11.2020]

[EY Note: Subsection 4 of clause 1.2 of Article 269 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

4) for a debt obligation arranged in pounds sterling – from the LIBOR rate in pounds sterling plus 4 percentage points to the LIBOR rate in pounds sterling plus 7 percentage points (from 0 per cent to the LIBOR rate in pounds sterling plus 7 percentage points for the period from 1 January 2020 to 31 December 2021); [as amended by Federal Law No. 374-FZ of 23.11.2020]

[EY Note: Subsection 5 of clause 1.2 of Article 269 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

5) for a debt obligation arranged in Swiss francs or Japanese yen – from the LIBOR rate in the relevant currency plus 2 percentage points to the LIBOR rate in the relevant currency plus 5 percentage points (from 0 per cent to the LIBOR rate in the relevant currency plus 7 percentage points for the period from 1 January 2020 to 31 December 2021); [as amended by Federal Law No. 374-FZ of 23.11.2020]
6) for a debt obligation arranged in other currencies not mentioned in subsections 1 to 5 of this clause – from the LIBOR rate in US dollars plus 4 percentage points to the LIBOR rate in US dollars plus 7 percentage points (from 0 per cent to the LIBOR rate in US dollars plus 7 percentage points for the period from 1 January 2020 to 31 December 2021). [as amended by Federal Law No. 374-FZ of 23.11.2020]

1.3. For the purposes of applying clause 1.2 of this Article:

1) in the case of debt obligations for which the rate is fixed and does not change during the entire term of the debt obligation, the key rate of the Central Bank of the Russian Federation (LIBOR rate, EURIBOR rate, SHIBOR rate) shall be understood to mean the corresponding rate that was effective at the date of the attraction of monetary resources or other property in the form of a debt obligation; [as amended by Federal Law No. 32-FZ of 08.03.2015]

2) in the case of debt obligations not referred to in subsection 1 of this clause, the key rate of the Central Bank of the Russian Federation (LIBOR rate, EURIBOR rate, SHIBOR rate) shall be understood to mean the corresponding rate that is effective as at the date on which interest income (expenses) is (are) recognised in accordance with this Chapter; [as amended by Federal Law No. 32-FZ of 08.03.2015]

3) in the case of the ranges of threshold values of interest rates for debt obligations which are established by subsections 2 to 6 of clause 1.2 of this Article, the LIBOR rate (EURIBOR rate, SHIBOR rate) for the term most closely corresponding to the term of a debt obligation such as is referred to in clause 1.1 of this Article shall be taken. [clause 1.3 inserted by Federal Law No. 420-FZ of 28.12.2013]

2. For the purposes of this Article controlled indebtedness shall mean outstanding indebtedness of a Russian taxpayer organization in respect of the following debt obligations of that taxpayer (except as otherwise provided in this Article):

1) a debt obligation to a foreign person which is an interdependent person in relation to the Russian taxpayer organization in accordance with subsection 1, 2 or 9 of clause 2 of Article
105.1 of this Code where that foreign person has a direct or indirect participating interest in the Russian taxpayer organization referred to in paragraph 1 of this clause;

2) a debt obligation to a person which is deemed in accordance with subsection 1, 2, 3 or 9 of clause 2 of Article 105.1 of this Code to be an interdependent person in relation to a foreign person such as is referred to in subsection 1 of this clause, except as otherwise provided in clause 8 of this Article;

3) a debt obligation for which a foreign person such as is referred to in subsection 1 of this clause and (or) an interdependent person thereof such as is referred to in subsection 2 of this clause act as a surety or a guarantor or otherwise undertake to ensure the fulfilment of that debt obligation of the Russian taxpayer organization, except as otherwise provided in clause 9 of this Article.

[clause 2 as reworded by Federal Law No. 25-FZ of 15.02.2016]

3. Where the amount of controlled indebtedness of a taxpayer is more than 3 times (or, in the case of banks and organizations engaged in leasing activities, more than 12.5 times) greater than the difference between the amount of the assets and the amount of the obligations of that taxpayer (hereafter in this Article referred to as “internal capital”) as at the last day of a reporting (tax) period, the rules established by clauses 4 to 6 of this Article shall be applied in determining the maximum amount of interest to be included in the expenses of that taxpayer. In the determining the amount of controlled indebtedness of a taxpayer for the purposes of this Article, account shall be taken of controlled indebtedness arising from all obligations of that taxpayer such as are referred to in clause 2 of this Article, taken as a whole.

For the purposes of this Article, an organization engaged in leasing activities shall mean an organization for which, in the reporting (tax) period as at the last date of which the maximum amount of interest to be included in expenses is determined, income from carrying out leasing activities which is taken into account in determining the tax base in accordance with this Chapter accounts for not less than 90 per cent of all income which is taken into account in determining the tax base in accordance with this Chapter for that reporting (tax) period.

[clause 3 as reworded by Federal Law No. 25-FZ of 15.02.2016]

4. The maximum amount of interest on controlled indebtedness to be included in expenses shall be calculated by a taxpayer as at the last date of each reporting (tax) period by means of dividing the amount of interest incurred by that taxpayer in each reporting (tax) period in respect of the controlled indebtedness by a capitalization coefficient which is calculated as at the last reporting date of the relevant reporting (tax) period. In this respect, in the event that the capitalization coefficient changes in an ensuing reporting period or for the overall tax period compared with preceding reporting periods, the maximum amount of interest on controlled indebtedness to be included in expenses shall not be adjusted for the preceding reporting period.

For the purposes of this Article, the capitalization coefficient shall be determined by means of dividing the amount of the relevant outstanding controlled indebtedness by the amount of internal capital corresponding to the participating interest of a foreign person such as is referred to in subsection 1 of clause 2 of this Article in a Russian organization and dividing the result obtained by 3 (or by 12.5 in the case of banks and organizations engaged in leasing activities).
In determining the amount of internal capital, account shall not be taken of amounts of debt obligations in the form of tax and levy indebtedness, including current tax and levy indebtedness and amounts of deferrals, instalment plan payments and investment tax credit. 

[clause 4 as reworded by Federal Law No. 25-FZ of 15.02.2016]

5. Interest on controlled indebtedness shall be included in expenses in an amount not exceeding the maximum amount of interest to be included in expenses which is calculated in accordance with clause 4 of this Article, but not more than interest actually incurred.

In this respect, the rules established by clause 4 of this Article shall not apply to interest on borrowed funds where the outstanding indebtedness on the debt obligation in question is not controlled. 

[clause 5 inserted by Federal Law No. 25-FZ of 15.02.2016]

6. A positive difference between interest charged and maximum interest calculated in accordance with clause 4 of this Article shall be equated for taxation purposes with dividends paid to a foreign person such as is referred to in subsection 1 of clause 2 of this Article and shall be taxed in accordance with paragraph 2 of clause 3 of Article 224 of clause 3 of Article 284 of this Code.  

[clause 6 inserted by Federal Law No. 25-FZ of 15.02.2016]

7. Outstanding indebtedness in respect of a debt obligation shall not be deemed to be controlled indebtedness for a Russian taxpayer organization where tax on interest income of a foreign organization which is payable on the debt obligation in question is not calculated and withheld by the tax agent in accordance with subsection 8 of clause 2 of Article 310 of this Code.  

[clause 7 inserted by Federal Law No. 25-FZ of 15.02.2016]

7.1. Outstanding indebtedness on a debt obligation shall not be considered as controlled indebtedness for a Russian taxpayer organization where the following conditions are simultaneously met:

- the funds comprising that outstanding indebtedness were used exclusively for the financing of an investment project executed by the taxpayer in the territory of the Russian Federation;

- the conditions of the agreement in accordance with which the debt obligation referred to in this clause arose provide for the settlement of the amount of the outstanding indebtedness on that debt obligation to begin no earlier than five years after it arose;

- the aggregate direct and indirect participating interest of the interdependent foreign entity referred to in subsection 1 of clause 2 of this Article in the Russian organization does not exceed 35 per cent;

- the place of registration (place of tax residence) of the person to whom the debt obligation arose is a foreign state with which a double taxation treaty (agreement, convention) has been concluded.

For the purposes of this clause, an investment project shall mean the creation in the territory of the Russian Federation of a new production complex for the manufacture of goods and (or) the provision of services. A production complex shall be considered to be new if it was placed into service after 1 January 2019 and was not previously in operation.
In the event that any of the conditions established by this clause is not met, the outstanding indebtedness on a debt obligation such as is referred to in this clause shall be subject to the provisions of this Article without regard to the provisions of this clause from the date on which the debt obligation in question arose.

[clause 7.1 inserted by Federal Law No. 199-FZ of 19.07.2018]

8. Outstanding indebtedness such as is referred to in subsection 2 of clause 2 of this Article shall not be deemed to be controlled indebtedness for a Russian taxpayer organization if the following conditions are simultaneously met (subject to the special considerations established by clause 11 of this Article):

1) the debt obligation arose to a Russian organization or a physical person which (who) is a tax resident of the Russian Federation in accordance with this Code during the entire reporting (tax) period and is deemed to be an interdependent person in relation to a foreign person such as is referred to in subsection 1 of clause 2 of this Article on the basis of subsection 1, 2, 3 or 9 of clause 2 of Article 105.1 of this Code;

2) the Russian organization or the physical person to which (to whom) the debt obligation arose does not, during the reporting (tax) period, have outstanding indebtedness in respect of comparable debt obligations to a foreign person such as is referred to in subsections 1 and (or) 2 of clause 2 of this Article.

[clause 8 inserted by Federal Law No. 25-FZ of 15.02.2016]

9. Outstanding indebtedness such as is referred to in subsection 3 of clause 2 of this Article shall not be deemed to be controlled indebtedness for a Russian taxpayer organization if the following conditions are simultaneously met:

1) the debt obligation arose to an organization which is a bank (including organizations which are recognised as banks in accordance with the legislation of foreign states), an international financial organization established in accordance with an international agreement of the Russian Federation or a development bank-state corporation and which is not deemed to be interdependent either with the Russian taxpayer organization or with persons acting as a surety or a guarantor or otherwise undertaking to fulfill the taxpayer’s debt obligation; [as amended by Federal Laws No. 466-FZ of 29.12.2017, No. 325-FZ of 29.09.2019]

2) since the taxpayer’s debt obligation arose, that debt obligation has not been terminated (fulfilled) either with respect to the debt principal or with respect to the payment of interest by a foreign person such as is referred to in subsection 1 of clause 2 of this Article and (or) an interdependent person thereof such as is referred to in subsection 2 of clause 2 of this Article acting as a surety or guarantor or otherwise undertaking to ensure the fulfilment of the debt obligation.

[clause 9 inserted by Federal Law No. 25-FZ of 15.02.2016]

10. Outstanding indebtedness in respect of a debt obligation shall not be deemed to be controlled indebtedness on the grounds established by clauses 8 and 9 of this Article on condition that written confirmation of compliance with the conditions established by those clauses has been provided by the creditor in respect of a debt obligation of a Russian taxpayer organization.

[clause 10 inserted by Federal Law No. 25-FZ of 15.02.2016]
11. The comparability of debt obligations for the purposes of subsection 2 of clause 8 of this Article shall be determined with account taken of the following special considerations:

1) in determining the comparability of debt obligations account shall be taken of the amount of those obligations and the term for which they were provided;

2) where there are multiple debt obligations from transactions concluded with a foreign person such as is referred to in subsections 1 and (or) 2 of clause 2 of this Article, the amounts of those obligations shall be added together for the purpose of determining the total amount of debt obligations for the purposes of subsection 1 of this clause;

3) where the currency of a debt obligation to a foreign person such as is referred to in subsections 1 and (or) 2 of clause 2 of this Article differs from the currency of the debt obligation with which comparison is made, the debt obligations shall be converted to a common currency using the exchange rate set by the Central Bank of the Russian Federation on the date on which the debt obligation to the creditor arose;

4) where the term for which a debt obligation was provided to a Russian taxpayer organization does not exceed the term for which outstanding indebtedness has arisen in respect of a debt obligation to a foreign person such as is referred to in subsections 1 and (or) 2 of clause 2 of this Article, those terms shall be considered to be comparable.

[clause 11 inserted by Federal Law No. 25-FZ of 15.02.2016]

12. Where the condition established by subsection 2 of clause 8 of this Article is not met, outstanding indebtedness such as is referred to in subsection 2 of clause 2 of this Article shall be deemed to be controlled indebtedness for a Russian taxpayer organization in an amount not exceeding the amount of the outstanding indebtedness in respect of a comparable debt obligation such as is referred to in subsection 2 of clause 8 of this Article.

[clause 12 inserted by Federal Law No. 25-FZ of 15.02.2016]

13. A court may adjudge outstanding indebtedness of a Russian taxpayer organization in respect of debt obligations not referred to in clause 2 of this Article to be controlled indebtedness if it is established that the ultimate purpose of making payments in respect of those debt obligations is to make payments to organizations such as are referred to in subsections 1 and 2 of clause 2 of this Article.

[clause 13 inserted by Federal Law No. 25-FZ of 15.02.2016]

Article 270. Expenses Which Are Not Taken into Account for Taxation Purposes

The following expenses shall not be taken into account in determining the tax base:

1) in the form of amounts of dividends and other amounts of post-tax profit recognised by the taxpayer;

[as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

[EY Note: Clause 2 of Article 270 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

2) in the form of penalties, fines and other sanctions which are paid to the budget (to state non-budgetary funds), interest payable to the budget in accordance with Article 176.1 of this Code
and fines and other sanctions which are collected by state organizations upon whom the right to impose such sanctions is conferred by the legislation of the Russian Federation; [as amended by Federal Law No. 318-FZ of 17.12.2009]

3) in the form of a contribution to charter (pooled) capital or a contribution to a simple partnership or an investment partnership agreement; [as amended by Federal Law No. 336-FZ of 28.11.2011]

4) in the form of the amount of tax and the amount of payments for emissions of pollutants into the atmosphere and discharges of pollutants contained in effluents into bodies of water in excess of the norms of admissible emissions and norms of admissible discharges and for the disposal of industrial and consumer waste in excess of the prescribed limits for the disposal of such waste; [as amended by Federal Law No. 219-FZ of 21.07.2014]

5) in the form of expenses for the acquisition and (or) creation of amortizable property, and expenses incurred in connection with the extension, retrofitting, renovation, upgrading and retooling of fixed assets, with the exception of the expenses referred to in clause 9 of Article 258 and subsection 48.12 of clause 1 of Article 264 of this Code; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 158-FZ of 22.07.2008, No. 121-FZ of 22.04.2020]

[EY Note: Clause 5.1 of Article 270 loses force from 01.01.2028 – Federal Law No. 335-FZ of 27.11.2017]

5.1) in the form of expenses for the acquisition, creation, extension, retrofitting, renovation, upgrading and retooling of fixed assets in relation to which the taxpayer has exercised the right to apply an investment tax deduction in accordance with Article 286.1 of this Code, unless otherwise provided by this Code; [clause 5.1 inserted by Federal Law No. 335-FZ of 27.11.2017]

5.2) in the form of expenses for the acquisition, building, manufacture, delivery and making ready for use of fixed assets in relation to which the taxpayer has exercised the right to apply a tax deduction in accordance with Article 343.6 of this Code, and in the form of expenses under technological connection agreements, investment agreements and other similar agreements in relation to which the taxpayer has exercised the right to apply a tax deduction in accordance with Article 343.6 of this Code; [clause 5.2 inserted by Federal Law No. 195-FZ of 13.07.2020]

6) in the form of voluntary insurance contributions other than the contributions referred to in Articles 255, 263 and 291 of this Code; [as amended by Federal Law No. 58-FZ of 06.06.2005]

7) in the form of contributions for non-state pension provision, except for the contributions which are referred to in Article 255 of this Code;

8) in the form of interest which is payable by a taxpayer-borrower to a creditor in excess of the amounts which are recognised as expenses for taxation purposes in accordance with Article 269 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

9) in the form of property (including monetary resources) transferred by a commission agent, agent and (or) other proxy in connection with the performance of obligations under a commission agreement, an agency agreement or another similar agreement and by way of
payment of expenditures by a commission agent, agent and (or) other proxy on behalf of a client or principal where such expenditures are not included in the composition of the expenses of the commission agent, other agent and (or) other proxy in accordance with the conditions of the agreements concluded;

[clause 9 as reworded by Federal Law No. 57-FZ of 29.05.2002]

10) in the form of amounts of allocations to reserves against the devaluation of investments in securities which are created by organizations in accordance with the legislation of the Russian Federation, with the exception of amounts of allocations to reserves against the devaluation of securities which are made by professional participants in the securities market in accordance with Article 300 of this Code;

11) in the form of guarantee contributions transferred to special funds which are created in accordance with the requirements of the legislation of the Russian Federation and are intended to reduce risks associated with the non-fulfilment of transaction obligations when carrying out clearing activities or activities involving the organization of trade on the securities market;

11.1) in the form of expenses incurred out of compensation funds which are created in accordance with the requirements of the legislation of the Russian Federation and are intended to provide compensation for losses caused as a result of the insolvency (bankruptcy) of forex dealers;

[clause 11.1 inserted by Federal Law No. 460-FZ of 29.12.2014]

11.2) in the form of property contributed to the property pool of a clearing organization and in the form of clearing participation certificates presented for redemption to the clearing organization which issued those certificates in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”;

[clause 11.2 inserted by Federal Law No. 326-FZ of 28.11.2015]

12) in the form of resources or other property transferred under credit or loan agreements (other similar resources or other property, irrespective of the form which in which borrowings are arranged, including debt securities), and in the form of resources or other property used to settle such borrowings;

[clause 12 as reworded by Federal Law No. 57-FZ of 29.05.2002]

13) in the form of amounts of losses attributable to facilities of service plants and holdings, including housing facilities and social and cultural facilities, insofar as they exceed the maximum amount which is determined in accordance with Article 275.1 of this Code;

[as amended by Federal Law No. 57-FZ of 29.05.2002]

14) in the form of property, work, services and property rights which are transferred by way of advance payment by taxpayers which recognise income and expenses according to the accrual-basis method;

15) in the form of amounts of voluntary membership fees (including admission fees) for social organizations, amounts of voluntary contributions of members of unions, associations and organizations (amalgamations) for the maintenance of those unions, associations and organizations (amalgamations);
16) in the form of the value of property (work, services, property rights) which are transferred free of charge and expenses associated with such transfer, unless otherwise provided by this Chapter; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 161-FZ of 17.07.2009]

16.1) in the form of amounts of amortization charged on fixed assets that are transferred by a taxpayer for use without consideration, with the exception of those that are transferred (provided) for use without consideration in cases where such an obligation on the part of a taxpayer is established by the legislation of the Russian Federation; [clause 16.1 inserted by Federal Law No. 325-FZ of 29.09.2019]

17) in the form of the value of property transferred within the framework of special-purpose financing in accordance with subsection 14 of clause 1 of Article 251 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

18) in the form of a negative difference arising as a result of the revaluation of precious stones when price lists are adjusted in accordance with the established procedure;

19) in the form of amounts of taxes which are charged in accordance with this Code by a taxpayer to a purchaser (acquirer) of goods (work, services, property rights), unless otherwise stipulated by this Code, and amounts of the trade levy; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 382-FZ of 29.11.2014]

20) in the form of resources transferred to trade union organizations;

21) in the form of expenses for any kinds of remunerations provided to management or workers in addition to remunerations which are payable on the basis of labour agreements (contracts);

22) in the form of bonuses which are paid to workers out of special-purpose resources or special-purpose receipts;

23) in the form of amounts of material assistance for workers; [as amended by Federal Law No. 158-FZ of 22.07.2008]

24) associated with payment for supplementary leave (over and above leave prescribed by current legislation) which is granted under a collective agreement to employees, including child-rearing women;

25) in the form of pension increments, one-time benefits payable to retiring labour veterans, income (dividends, interest) payable on shares or deposits of the work collective of an organization, compensation accruals in connection with price increases which are made over and above the indexation of income in accordance with decisions of the Government of the Russian Federation, compensation for increases in the cost of meals in canteens, buffets or dispensaries or the provision of such meals at concessionary prices or free of charge (except for special meals for certain categories of workers in the cases provided for in current legislation and except where the provision of free or subsidized meals is prescribed by labour agreements (contracts)) and (or) collective agreements; [as amended by Federal Law No. 57-FZ of 29.05.2002]

26) associated with payment for travel to and from a place of work by public transport, by special fixed-route taxis or by departmental transport, with the exception of amounts which may be included in the composition of expenses for the production and sale of goods (work and
services) owing to particular technological aspects of the production process and except where expenses associated with payment for travel to and from the place of work are provided for by labour agreements (contracts) and (or) collective agreements; [as amended by Federal Law No. 57-FZ of 29.05.2002]

27) associated with the payment of price differences when goods (work and services) are sold to workers at preferential (lower than market) prices (tariffs);

28) associated with the payment of price differences when products of ancillary holdings are sold at preferential prices for the purpose of organizing catering;

29) associated with payment for booking documents for treatment or recreation, excursions or travel, except as otherwise provided by clause 24.2 of the second part of Article 255 of this Code, activities at sports clubs, study groups or arts clubs, attendance of cultural and entertainment or athletic (sporting) events and subscriptions not classified as subscriptions to normative and technical literature and other literature which is used for production purposes, and payment for goods for workers’ personal use and other similar expenses incurred for the benefit of workers; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 113-FZ of 23.04.2018]

30) in the form of expenses of taxpayers which are organizations of the state reserve of special (radioactive) raw materials and fissile materials of the Russian Federation arising from operations involving tangible assets of the state reserve of special (radioactive) raw materials and fissile materials and associated which the replacement and maintenance of that reserve;

31) in the form of the value of shares transferred by a taxpayer - issuer which are distributed among shareholders by decision of the general meeting of shareholders in proportion to the number of shares belonging to them, or the difference between the nominal value of new shares transferred in place of original shares and the nominal value of the original shares of a shareholder where shares are distributed among shareholders in connection with an increase in the issuer’s charter capital;

32) in the form of property or property rights which are transferred as a deposit or security;

33) in the form of amounts of taxes assessed for payment to budgets at various levels where such taxes were previously included by the taxpayer in the composition of expenses in the event that the taxpayer’s accounts payable in respect of those taxes are written off in accordance with subsection 21 of clause 1 of Article 251 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

34) in the form of amounts of special-purpose contributions which are made by a taxpayer for the purposes specified in clause 2 of Article 251 of this Code, with the exception of special-purpose allocations made in accordance with subsections 19.5 and 19.6 of clause 1 of Article 265 of this Code; [as amended by Federal Law No. 172-FZ of 08.06.2020]

[35] Lost force from 01.01.2011 – Federal Law No. 229-FZ of 27.07.2010

37) in the form of amounts of removal expenses paid over and above the norms established by the legislation of the Russian Federation;

38) associated with compensation for the use of private motor cars and motorcycles for business travel over and above the norms of such expenses which have been established by the Government of the Russian Federation; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 158-FZ of 22.07.2008, No. 248-FZ of 23.07.2013]

39) in the form of charges payable to a state and (or) private notary for notarization over and above the tariffs which have been approved in accordance with the established procedure;

40) in the form of fees, contributions and other compulsory payments which are paid to non-commercial organizations and international organizations other than those which are referred to in subsections 29 and 30 of clause 1 of Article 264 of this Code;

41) for the replacement of copies of periodical printed publications which are defective, have become unsaleable or are missing and losses in the form of the value of unsaleable, defective and unsold mass media products and book products, other than the expenses and losses which are referred to in subsections 43 and 44 of clause 1 of Article 264 of this Code;

42) in the form of representational expenses insofar as they exceed the amounts provided for in clause 2 of Article 264 of this Code;

43) in the form of expenses provided for in paragraph 5 of clause 3 of Article 264 of this Code; [as amended by Federal Law No. 206-FZ of 29.11.2012]

44) for the acquisition (manufacture) of prizes awarded to winners of prize draws during mass advertising campaigns and for other types of advertising not provided for in paragraphs 2 to 4 of clause 4 of Article 264 of this Code over and above the maximum norms which are established by paragraph 5 of clause 4 of Article 264 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

45) in the form of amounts of allocations for the formation of funds for the support of scientific, technical research and innovation activities which have been created in accordance with the Federal Law “Concerning Science and State Scientific and Technical Policy” in excess of the amounts of contributions provided for in subsection 6 of clause 2 of Article 262 of this Code; [clause 45 as reworded by Federal Law No. 132-FZ of 07.06.2011]

46) a negative difference arising from the revaluation of securities according to their market value;

47) in the form of expenses of a principal which are associated with the performance of a fiduciary agreement in the event that the fiduciary agreement stipulates that the principal is not the beneficiary; [clause 47 inserted by Federal Law No. 57-FZ of 29.05.2002]

48) in the form of expenses which are incurred by religious organizations in connection with the performance of religious rites and ceremonies and in connection with the sale of religious literature and articles of a religious nature; [clause 48 inserted by Federal Law No. 57-FZ of 29.05.2002]
48.1) in the form of resources transferred to medical organizations to pay for medical care for insured persons in accordance with an agreement on the provision of and payment for medical care under compulsory medical insurance which has been concluded in accordance with the legislation of the Russian Federation concerning compulsory medical insurance;
[clause 48.1 as reworded by Federal Law No. 313-FZ of 29.11.2010]

48.2) in the form of necessary expenses of a management company that carries out the fiduciary management of pension savings which are directly connected with the investment of pension savings, are incurred out of pension savings and are specified in the agreement on the fiduciary management of pension savings;
[clause 48.2 as reworded by Federal Law No. 162-FZ of 03.07.2019]

48.3) in the form of amounts which have been used by organizations which act as insurers in respect of compulsory pension insurance to replenish pension savings which are formed in accordance with the legislation of the Russian Federation, and which are recorded in pension accounts for a funded pension;
[clause 48.3 inserted by Federal Law No. 204-FZ of 29.12.2004, as amended by Federal Laws No. 359-FZ of 30.11.2011, No. 177-FZ of 29.06.2015]

48.4) in the form of pension savings formed in accordance with the legislation of the Russian Federation which are transferred in accordance with the legislation of the Russian Federation by non-state pension funds to the Pension Fund of the Russian Federation and (or) another non-state pension fund which act as the insurer in respect of compulsory pension insurance;

48.5) expenses incurred by shipowners in connection with the receipt of income referred to in subsections 33 and (or) 33.2 of clause 1 of Article 251 of this Code;
[clause 48.5 as reworded by Federal Law No. 137-FZ of 04.06.2018]

48.6) expenses of a development bank / state corporation;
[clause 48.6 inserted by Federal Law No. 83-FZ of 17.05.2007]

[48.7) Lost force from 01.01.2017 – Federal Law No. 310-FZ of 1.12.2017]

48.8) in the form of amounts of fees and other payments made to members of a board of directors;
[clause 48.8 inserted by Federal Law No. 158-FZ of 22.07.2008]

[EY Note: Clause 48.9 of Article 270 (as amended by Federal Law No. 398-FZ of 29.12.2015) loses force from 01.01.2026. From that date, clause 48.9 of Article 270 will revert to the previous wording]

48.9) expenses of a non-commercial organization which carries out functions involving the provision of financial support for the performance of capital repairs to apartment blocks, the relocation of citizens from unfit housing facilities and the upgrading of communal infrastructure facilities in accordance with the Federal Law “Concerning the Support Fund for the Reform of the Housing and Utilities Sector”, which were incurred in connection with the placement (investment) of temporarily disposable monetary resources;
[clause 48.9 as reworded by Federal Law No. 398-FZ of 29.12.2015 (Rev. 25.12.2018)]
48.10) in the form of payments made to an injured party by way of direct indemnification in accordance with the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport by the insurer which insured the civil liability of the injured party;
[clause 48.10 inserted by Federal Law No. 282-FZ of 25.12.2008]

48.11) expenses incurred by state-owned institutions in connection with the performance of state (municipal) functions, including the rendering of state (municipal) services (performance of work);
[clause 48.11 inserted by Federal Law No. 83-FZ of 08.05.2010]

48.12) Lost force from 01.01.2017 – Federal Law No. 242-FZ of 30.07.2010

48.13) expenses associated with the ensuring of safe working conditions and occupational protection in connection with coal mining which a taxpayer has incurred and has taken as a deduction in accordance with Article 343.1 of this Code, with the exception of expenses such as are provided for in clause 5 of Article 325.1 of this Code;

48.14) in the form of monetary resources transferred by a member of a consolidated group of taxpayers to the responsible member of that group for the purpose of the payment of tax (advance payments, penalties and fines) in accordance with the procedure established by this Code for a consolidated group of taxpayers, and monetary resources transferred by the responsible member of a consolidated group of taxpayers to a member of that group in connection with the adjustment of amounts of tax (advance payments, penalties and fines) payable for that consolidated group of taxpayers;

48.15) expenses incurred by an association of tour operators in the area of outbound tourism out of resources of the reserve fund of the association of tour operators in the area of outbound tourism and personal liability funds of tour operators in the area of outbound tourism which were established in accordance with Federal Law No. 132-FZ of 24 November 1996 “Concerning the Fundamental Principles of Tourism Activities in the Russian Federation”;
[clause 48.15 as reworded by Federal Law No. 128-FZ of 01.05.2016]

48.16) expenses incurred by the “Russia 2018” Organizing Committee, subsidiary organizations of the “Russia 2018” Organizing Committee, the Russian Football Union, the local organizing structure, manufacturers of FIFA media information, suppliers of FIFA goods (work, services), commercial partners of UEFA, suppliers of UEFA goods (work, services) and UEFA broadcasters 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” and are Russian organizations in connection with the carrying out of measures provided for in the above-mentioned Federal Law;
[clause 48.16 as reworded by Federal Law No. 101-FZ of 01.05.2019]

48.17) expenses incurred from amounts of charges for air navigation services for aircraft flights in the airspace of the Russian Federation and (or) from resources received from the federal
budget as compensation for expenses associated with air navigation services for flights of state aircraft which are exempted in accordance with the legislation of the Russian Federation from payment for air navigation services;

48.18) expenses incurred by the autonomous non-commercial organization established in accordance with the Federal Law “Concerning the Protection of the Interests of Physical Persons Who Have Deposits with Banks and Economically Autonomous Structural Subdivisions of Banks Which Are Registered and (or) Operate in the Territory of the Republic of Crimea and in the Territory of the City of Federal Significance Sevastopol”;
[clause 48.18 inserted by Federal Law No. 78-FZ of 20.04.2014]

48.19) in the form of the value of exclusive rights to inventions, utility models, industrial designs, computer programmes, databases, integrated circuit topographies and production secrets (know-how), where those rights were previously received by the taxpayer, as the performer of the state contract in the course of the performance of which the results of intellectual activity in question were created, from the state customer under an agreement on alienation without consideration;

48.20) in the form of amounts of income such as is referred to in subsection 52 of clause 1 of Article 251 of this Code which are remitted to the federal budget;
[clause 48.20 inserted by Federal Law No. 32-FZ of 08.03.2015]

[48.21] Lost force from 01.01.2019 – Federal Law No. 249-FZ of 03.07.2016 (Rev. 30.09.2017)]

[EY Note: Clause 48.22 of Article 270 (as amended by Federal Law No. 335-FZ of 27.11.2017) loses force from 01.01.2025. From that date, clause 48.22 of Article 270 will revert to the previous wording]

48.22) in the form of the value of shares (equity interests) income from the sale of which is not taken into account in determining the tax base in accordance with subsections 54 and 57 of clause 1 of Article 251 of this Code;
[clause 48.22 as reworded by Federal Law No. 335-FZ of 27.11.2017]

48.23) in the form of expenses incurred from funds such as are referred to in subsection 56 of clause 1 of Article 251 of this Code;
[clause 48.23 inserted by Federal Law No. 344-FZ of 27.11.2017]

48.24) expenses for the replenishment of pension reserves or pension savings for the amount of a decrease therein or the amount of a shortfall in income of a non-state pension fund which are incurred out of a fund’s own resources in accordance with clause 15 of Article 25 of Federal Law No. 75-FZ of 7 May 1998 “Concerning Non-State Pension Funds”;
[clause 48.24 inserted by Federal Law No. 162-FZ of 03.07.2019]

48.25) in the form of expenses associated with the performance of the functions of an agent of the Russian Federation in the manner prescribed by Federal Law No. 161-FZ of 24 July 2008 “Concerning the Promotion of the Development of Housing Construction” which are
recoverable from income referred to in subsection 59 of clause 1 of Article 251 of this Code;  

48.26) expenses incurred from subsidies referred to in subsection 60 of clause 1 of Article 251 of this Code;  
[clause 48.26 inserted by Federal Law No. 121-FZ of 22.04.2020]

48.27) in the form of expenses for research and (or) development in relation to which the taxpayer exercised the right to apply an investment tax deduction in accordance with Article 286.1 of this Code;  
[clause 48.27 inserted by Federal Law No. 374-FZ of 23.11.2020]

49) other expenses that do not meet the criteria specified in clause 1 of Article 252 of this Code.

**Article 271. Procedure for the Recognition of Income Where the Accrual-Basis Method is Used**

1. For the purposes of this Chapter income shall be recognised in the reporting (tax) period in which it arose, irrespective of whether or not monetary resources or other property (work, services) and (or) property rights have actually been received (accrual-basis method), except as otherwise provided by clause 1.1 of this Article.  
[as amended by Federal Law No. 335-FZ of 27.11.2017]

1.1. Taxpayers referred to in subsection 1 of clause 1 of Article 275.2 of this Code shall recognise income from carrying on hydrocarbon extraction activities at a new offshore hydrocarbon deposit in the tax (reporting) period in which it arose, irrespective of when monetary resources, other property (work, services) and (or) property rights were actually received (the accrual-basis method), but not earlier than the date on which a new offshore hydrocarbon deposit is designated at a subsurface site or, in cases provided for in clause 8 of Article 261 of this Code, the date on which the taxpayer decides to terminate natural resource development work (or a part of that work) at that subsurface site or to cease work at the subsurface site completely for reasons of economic unviability or lack of geological prospectiveness or for other reasons.  
[as amended by Federal Law No. 199-FZ of 19.07.2018]

Where more than one new offshore hydrocarbon deposit has been designated at a subsurface site, the amount of income prior to the date on which new offshore hydrocarbon deposits are designated at the subsurface site which is attributable to hydrocarbon extraction activities at a new offshore hydrocarbon deposit carried on at each new offshore deposit at that subsurface site shall be determined with account taken of the provisions of clause 3 of Article 299.3 of this Code.

Income such as is referred to in this clause which is denominated in foreign currency shall be translated into roubles for taxation purposes on the basis of the official exchange rate set by the Central Bank of the Russian Federation as at dates corresponding to the dates on which similar types of income are recognised in accordance with clauses 3 to 6 of this Article, without regard to the provisions of paragraph 1 of this clause.  
[clause 1.1 inserted by Federal Law No. 335-FZ of 27.11.2017]

2. In the case of income which relates to two or more reporting (tax) periods and where the link between income and expenditure cannot be clearly defined or is defined indirectly, the taxpayer
shall independently allocate income taking into account the principle of evenness in the recognition of income and expenditure.

In the case of production operations with a prolonged (more than one tax period) technological cycle where the conditions of agreements concluded do not provide for the phased handover of work (services), the taxpayer shall independently allocate income from the sale of that work (those services) in accordance with the principle governing the formation of expenses associated with that work (those services). [paragraph inserted by Federal Law No. 191-FZ of 31.12.2002]

3. In the case of sales income, unless otherwise stipulated by this Chapter the date of receipt of income shall be deemed to be the date on which the sale of goods (work, services, property rights) as defined in accordance with clause 1 of Article 39 of this Code occurs, irrespective of whether or not monetary resources (other property (work, services) and (or) property rights) have actually been received in payment therefor. Where goods (work and services) are sold under a commission agreement (agency agreement), the taxpayer which is the client (principal) shall take the date of receipt of sales income to be the date of sale of the property (property rights) belonging to the client (principal) which is specified in the commission agent’s (agent’s) notification of sale and (or) in the commission agent’s (agent’s) report.

The date of sale of immovable property shall be deemed to be the date on which the immovable property is transferred to the person acquiring that property on the basis of a transfer deed or another document confirming the transfer of the immovable property. [paragraph inserted by Federal Law No. 206-FZ of 29.11.2012]

The date of sale of securities belonging to a taxpayer shall also be deemed to be: [as amended by Federal Law No. 420-FZ of 28.12.2013]

- the date on which obligations to transfer securities are terminated by the offsetting of homogeneous counter-claims; [as amended by Federal Law No. 420-FZ of 28.12.2013]

- the date on which a taxpayer actually receives amounts of partial redemption of the nominal value of a security during the period of circulation of the security which is specified in the conditions of issue. [as amended by Federal Law No. 420-FZ of 28.12.2013]

For the purposes of this Chapter homogeneous claims shall be claims for the transfer of securities of one issuer, of one class, of one category (type) or of one mutual investment fund (in the case of investment units in mutual investment funds) which bear an equal extent of rights. [paragraph inserted by Federal Law No. 281-FZ of 25.11.2009]

In this respect, the offsetting of homogeneous counter-claims must be confirmed in accordance with the legislation of the Russian Federation by documents concerning the termination of obligations to transfer (accept) securities, including statements issued by a clearing organization, persons who carry out brokerage activities or managers who, in accordance with the legislation of the Russian Federation, render clearing and brokerage services to the taxpayer or carry out fiduciary management in the taxpayer’s interests. [paragraph inserted by Federal Law No. 281-FZ of 25.11.2009] [clause 3 as reworded by Federal Law No. 57-FZ of 29.05.2002]

4. In the case of non-sale income the date of receipt of income shall be deemed to be:
1) the date on which the parties sign a delivery acceptance report for property (acceptance report for work, services) - for income: [as amended by Federal Law No. 57-FZ of 29.05.2002]

- in the form of property (work, services) received without consideration;
- for other similar income;

2) the date on which monetary resources are received in a taxpayer’s settlement account (in cash) - for income:

- in the form of dividends from a share participation in the activities of other organizations;
- in the form of monetary resources received without consideration;
- in the form of amounts of refunds of contributions previously paid to non-commercial organizations which were included in the composition of expenses;
- in the form of interest charged on the amount of the claims of a bankruptcy creditor in accordance with the legislation concerning insolvency (bankruptcy); [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]
- in the form of other similar income;
[subsection 2 inserted by Federal Law No. 57-FZ of 29.05.2002]

2.1) the date on which immovable property is received in accordance with a transfer deed or another document concerning the transfer (confirming the transfer) of immovable property, or the date of the transfer of ownership rights in other property (including securities) – in the case of income in the form of dividends received in non-monetary form;
[subsection 2.1 inserted by Federal Law No. 366-FZ of 24.11.2014]

3) the date on which settlements are carried out in accordance with the conditions of agreements concluded or documents constituting a basis for the carrying-out of settlements are presented to the taxpayer, or the last day of the reporting (tax) period - for income:

- from the leasing of property;
- in the form of licence payments (including royalties) for the use of intellectual property;
- in the form of other similar income;
[subsection 3 as reworded by Federal Law No. 57-FZ of 29.05.2002]

4) the date of acknowledgement by the debtor or the date of entry into legal force of a court decision - for income in the form of fines, penalties and (or) other sanctions for the violation of contractual or debt obligations and in the form of amounts of compensation for losses (damage), except as otherwise provided by subsection 15 of this clause; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 374-FZ of 23.11.2020]

5) the last day of the reporting (tax) period - for income:
- in the form of amounts of restored reserves and for other similar income;

- in the form of income distributed in a taxpayer’s favour when it participates in a simple partnership;

- for income from the fiduciary management of property;

- for other similar income;

6) the date on which income is revealed (documents confirming the existence of income are received and (or) discovered) - for income of prior years;

7) the date of the transfer of ownership of foreign currency and precious metals where operations are carried out involving foreign currency and precious metals (including on depersonalized metal accounts), and the last day of the current month - for income in the form of a positive exchange rate difference arising in respect of property and claims (obligations) whose value is expressed in foreign currency (with the exception of advance payments) and a positive revaluation of precious metals and claims (obligations) expressed in precious metals which is carried out in accordance with the procedure established by regulatory acts of the Central Bank of the Russian Federation;

[subsection 7 as reworded by Federal Law No. 328-FZ of 28.11.2015]

8) the date of compilation of a report on the liquidation of amortizable property which is drawn up in accordance with accounting requirements – for income in the form of materials or other property received upon the liquidation of amortizable property that is taken out of service; [as amended by Federal Law No. 248-FZ of 23.07.2013]

9) the date on which the recipient of property (including monetary resources) actually used that property (including monetary resources) other than for their designated purpose or violated the conditions under which they were granted – for income in the form of the property (including monetary resources) referred to in clauses 14 and 15 of Article 250 of this Code;

[subsection 9 as reworded by Federal Law No. 57-FZ of 29.05.2002]

10) the date of the transfer of ownership of foreign currency in the case of income from the sale (purchase) of foreign currency;

[subsection 10 inserted by Federal Law No. 57-FZ of 29.05.2002]

11) the date of receipt of income in the form of the monetary equivalent of property transferred for the replenishment of the special-purpose capital of a non-commercial organization in accordance with the procedure established by Federal Law No. 275-FZ of 30 December 2006 “Concerning the Procedure for the Formation and Use of Special-Purpose Capital of Non-Commercial Organizations” and have been returned to the donor or the donor’s legal successors shall be deemed to be the date on which monetary resources are credited to the taxpayer’s settlement account;

[subsection 11 inserted by Federal Law No. 328-FZ of 21.11.2011]

12) the date of receipt of income in the form of profit of a controlled foreign company shall be deemed to be 31 December of the calendar year following the tax period in which there falls the end date of the period for which financial statements for a financial year are prepared in accordance with the personal law of the company concerned, or, if the personal law of the
company concerned does not impose an obligation to prepare and submit financial statements, 31 December of the calendar year following the tax period in which there falls the end date of the calendar year for which its profit is determined;

[subsection 12 as reworded by Federal Law No. 32-FZ of 15.02.2016]

13) the date of submission of a tax declaration for excise duties to the tax authority for operations referred to in clause 24 of the second part of Article 250 of this Code;

[subsection 13 inserted by Federal Law No. 255-FZ of 30.07.2019]

14) the interest payment date, in the case of income in the form of interest under a credit agreement, which is:

- stipulated by a credit agreement concluded by a specialized developer on the granting of special-purpose credit in accordance with Federal Law No. 214-FZ of 30 December 2004 “Concerning Participation in the Shared-Equity Construction of Apartment Buildings and Other Items of Immovable Property and Amendments to Certain Legislative Acts of the Russian Federation”;

[EY Note: Paragraph 3 of subsection 14 of clause 4 of Article 271 loses force from 01.01.2025 – Federal Law No. 204-FZ of 13.07.2020]

- established when the terms of a credit agreement are altered in accordance with Federal Law No. 106-FZ of 3 April 2020 “Concerning Amendments to the Federal Law “Concerning the Central Bank of the Russian Federation (Bank of Russia)” and Certain Legislative Acts Regarding Special Rules Relating to the Alteration of the Terms of a Credit Agreement or a Loan Agreement”;

[EY Note: Paragraph 4 of subsection 14 of clause 4 of Article 271 loses force from 01.01.2023 – Federal Law No. 204-FZ of 13.07.2020 (Rev. 02.07.2021)]

- stipulated by a credit agreement such as is referred to in clause 62.2 of Article 17 or subsection 21.4 of clause 1 of Article 251 of this Code;

[subsection 14 as reworded by Federal Law No. 204-FZ of 13.07.2020]

15) the date on which monetary resources (property, property rights) are received in the case of income in the form of amounts of reimbursement for losses or damage acknowledged by a debtor or payable by a debtor on the basis of a court decision that has entered into legal force that were caused by actions (inaction) of controlling persons of a credit organization in relation to which bankruptcy prevention measures with the involvement of the Central Bank of the Russian Federation or the “Deposit Insurance Agency” state corporation as provided for in Federal Law No. 127-FZ of 26 October 2002 “Concerning Insolvency (Bankruptcy)” have been carried out.

[subsection 15 inserted by Federal Law No. 374-FZ of 23.11.2020]

4.1. Resources in the form of subsidies, other than those referred to in Article 251 of this Code or those received under a paid contract, shall be included in non-sale income according to the following rules:

- subsidies received to finance expenses not connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property
rights shall be taken into account as and when expenses actually incurred from those funds are recognised; [as amended by Federal Law No. 63-FZ of 15.04.2019]

- subsidies received to finance expenses connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property rights shall be taken into account as and when expenses actually incurred from those funds are recognised. In the event of the sale, liquidation or other disposal of that property or property rights, subsidies received which have not been included in income shall be recognised as non-sale income as at the last day of the reporting (tax) period in which the sale, liquidation or other disposal of that property occurred;

- subsidies received as compensation for expenses previously incurred which are not connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property rights, or for a shortfall in income received, shall be taken into account as a lump sum as at the date on which they are credited;

- subsidies received as compensation for expenses previously incurred which are connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property rights shall be taken into account as a lump sum at the date on which they are credited in an amount corresponding to the amount of amortization charged on previously incurred expenses connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property rights. The difference between the amount of subsidies received and the amount included in income as at the date on which they were credited shall be reflected in income according to a procedure similar to that which is stipulated by paragraph 3 of this clause.

In the event that the conditions of receipt of subsidies which are laid down in this clause are violated, amounts of subsidies received shall be wholly included in income for the tax period in which the violation occurred.

Monetary resources received from the concession grantor under a concession agreement and monetary resources received from the public partner under a state-private partnership agreement or a municipal-private partnership agreement shall be recognised in the manner prescribed by this clause for the treatment of subsidies. [as amended by Federal Law No. 493-FZ of 25.12.2018]
[clause 4.1 as reworded by Federal Law No. 465-FZ of 29.12.2014]

5. In the case of the sale by a financial agent of services involving financing against the cession of a claim, and in the case of the sale of financial services by the new creditor which received that claim, the date of receipt of income shall be defined as the day on which the claim in question is further ceded or on which the claim in question is settled by the debtor. Where a taxpayer which sells goods (work and services) cedes a debt claim to a third party, the date of receipt of income from the cession of the claim shall be determined as the day on which the parties sign the deed of cession of the claim. [as amended by Federal Law No. 57-FZ of 29.05.2002]

6. In the case of loan agreements or other similar agreements (including debt obligations executed in the form of securities) whose period of validity spans more than one reporting (tax)
period, for the purposes of this Chapter income shall be deemed to have been received and shall be included in the composition of relevant income at the end of each month of the relevant reporting (tax) period, irrespective of the date of payment (time limits for payment) thereof which is stipulated in the agreement, with the exception of income such as is referred to in subsection 14 of clause 4 of this Article. [as amended by Federal Law No. 325-FZ of 29.09.2019]

Where a loan agreement or another similar agreement (including debt obligations executed in the form of securities) provides that the performance of the obligation under that agreement depends on the value of (or another value pertaining to) the underlying asset with a fixed interest rate charged during the term of the agreement, income accruing on the basis of that fixed rate shall be recognised as at the last day of each month of the relevant reporting (tax) period, and income actually received on the basis of the prevailing value (or another value pertaining to) the underlying asset shall be recognised as at the date of performance of the obligation under that agreement.

In the event that an agreement ceases to have force (a debt obligation is settled) during a calendar month, income shall be deemed to have been received and shall be included in the composition of relevant income as at the date on which the agreement ceased to have force (the debt obligation was settled).

The provisions of this clause shall not apply to income in the form of interest charged on the amount of a bankruptcy creditor’s claims in accordance with the legislation concerning insolvency (bankruptcy).

Notwithstanding the provisions of paragraphs 1 to 3 of this clause, income in the form of interest charged under a loan agreement for the financing of a foreign geological exploration project which was not recognised for taxation purposes in the period from the date on which the loan was issued up to the last day of the month in which the date of the decision on the foreign geological exploration project falls shall be taken into account for taxation purposes by one of the following methods: [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- if obligations under the loan agreement for the financing of the foreign geological exploration project are wholly terminated without the taxpayer’s property claims being satisfied owing to the fact that work on that foreign geological exploration project has ceased and the project has been declared economically unviable and (or) geologically unprospective, it shall not be taken into account for taxation purposes; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- if the loan agreement for the financing of the foreign geological exploration project fails to meet one of the conditions stated in clause 11 of Article 261 of this Code, it shall be taken into account in full as at the 1st of the month following the month in which the condition was violated; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- in other cases, it shall be taken into account evenly over two years commencing from the month following the month in which the date of the decision on the foreign geological exploration project falls. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

The date of the decision on a foreign geological exploration project shall be deemed to be the earliest of the following dates: [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]
- the date on which the taxpayer adopts a decision declaring the foreign geological exploration project successful; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- the date on which obligations under the loan agreement for the financing of the foreign geological exploration project are wholly terminated without the taxpayer’s property claims being satisfied owing to the fact that work on the foreign geological exploration project has ceased and the project has been declared economically unviable and (or) geologically unprospective; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- the date of the termination (partial termination) of obligations under the loan agreement for the financing of the foreign geological exploration project; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- the date as at which one of the conditions specified in clause 11 of Article 261 of this Code was violated in relation to the loan agreement for the financing of the foreign geological exploration project; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- the last day of the month in which seven consecutive calendar years have elapsed from the date of issuance of the loan for the financing of the project. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

A taxpayer shall independently declare a foreign geological exploration project successful or economically unviable and (or) geologically unprospective in accordance with the same procedure as is established by clause 10 of Article 261 of this Code for the decision referred to in paragraph 5 of clause 11 of Article 261 of this Code. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

Interest income actually received (both in monetary form and in kind, including by means of the netting of reciprocal claims and obligations) by a taxpayer under a loan agreement for the financing of a foreign geological exploration project in the period from the date on which the loan was issued up to the last day of the month in which the date of the decision on the foreign geological exploration project falls shall be recognised as at the date on which it is received, as determined in accordance with the procedure established by clause 2 of Article 273 of this Code. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018] [clause 6 as reworded by Federal Law No. 420-FZ of 28.12.2013]


8. Income expressed in foreign currency shall be translated into roubles for taxation purposes on the basis of the official exchange rate set by the Central Bank of the Russian Federation on the date on which the income in question is recognised, except as otherwise established by this clause.

Claims (obligations) whose value is expressed in foreign currency and property in the form of currency assets shall be translated into roubles on the basis of the official exchange rate set by the Central Bank of the Russian Federation on the date of the transfer of ownership of that property and the termination (fulfilment) of the claims (obligations) and (or) on the last day of the current month, whichever is the earlier.
Where a different foreign currency exchange rate established by law or by an agreement between the parties is used in translating the value expressed in foreign currency (notional monetary units) for claims (obligations) which are payable in roubles, the translation of income and claims (obligations) in accordance with this clause shall take place using that exchange rate.

Where an advance payment or a deposit is received, income expressed in foreign currency shall be translated into roubles on the basis of the official exchange rate set by the Central Bank of the Russian Federation on the date of receipt of the advance payment or deposit (insofar as the amount of the advance payment or deposit is concerned).

Claims denominated in a foreign currency under a loan agreement for the financing of a foreign geological exploration project (including accrued interest indebtedness) shall be translated into roubles at the official exchange rate set by the Central Bank of the Russian Federation as at the date of the decision on the foreign geological exploration project, as determined in accordance with the procedure established by clause 6 of this Article. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

Income in the form of a positive exchange rate difference arising as a result of the translation of claims under a loan agreement for the financing of a foreign geological exploration project as at the date of the decision on the foreign geological exploration project shall be included in non-sale income by one of the following methods: [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- if obligations under the loan agreement are wholly terminated without the taxpayer’s property claims being satisfied owing to the fact that work on the foreign geological exploration project has ceased and the project has been declared economically unviable and (or) geologically unprospective, it shall not be taken into account for taxation purposes; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- if the loan agreement for the financing of the foreign geological exploration project fails to meet one of the conditions stated in clause 11 of Article 261 of this Code, it shall be taken into account in full as at the date on which the condition was violated; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- in other cases, it shall be taken into account evenly over two years commencing from the month following the month in which the date of the decision on the foreign geological exploration project falls. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

Commencing from the day following the date of the decision on a foreign geological exploration project, claims denominated in a foreign currency under the relevant loan agreement for the financing of the foreign geological exploration project shall be translated into roubles in accordance with the general procedure established by paragraphs 1 to 4 of this clause. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]
[clause 8 as reworded by Federal Law No. 81-FZ of 20.04.2014]
Article 272. Procedure for the Recognition of Expenses Where the Accrual-Basis Method is Used

1. Expenses which are recognised for taxation purposes with account taken of the provisions of this Chapter shall be recognised as such in the reporting (tax) period to which they relate, irrespective of when monetary resources were actually paid and (or) some other form of payment was made, except as otherwise provided by clause 1.1 of this Article, and shall be determined with account taken of the provisions of Articles 318 to 320 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 335-FZ of 27.11.2017]

Expenses shall be recognised in the reporting (tax) period in which those expenses arise according to the conditions of transactions. Where a transaction does not contain such conditions and the relationship between income and expenses cannot be clearly determined or is determined indirectly, expenses shall be allocated by the taxpayer independently. [as amended by Federal Laws No. 191-FZ of 31.12.2002, No. 58-FZ of 06.06.2005]

Where the conditions of an agreement provide for income to be received over more than one reporting period and do not provide for the phased delivery of goods (work and services), the taxpayer shall allocate the expenses independently with account taken of the principle of evenness in the recognition of income and expenses. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Expenses of a taxpayer which cannot be directly attributed to expenditures relating to a particular type of activity shall be allocated according to the proportion of the corresponding income to the overall amount of all income of the taxpayer. This procedure shall not apply to expenses of non-commercial organizations relating to statutory non-commercial activities that must be incurred out of special-purpose financing resources and (or) special-purpose receipts that are not taken into account in determining the tax base. [as amended by Federal Law No. 374-FZ of 23.11.2020]

1.1. A taxpayer shall recognise expenses incurred in carrying on hydrocarbon extraction activities at a new offshore hydrocarbon deposit in the tax (reporting) period to which they relate, irrespective of when monetary resources were actually paid and (or) payment was made in another form, but not earlier than the date on which a new offshore hydrocarbon deposit is designated at a subsurface site or, in cases provided for in clause 8 of Article 261 of this Code, the date on which the taxpayer decides to terminate natural resource development work or a part of that work at that subsurface site or to cease work at the subsurface site completely for reasons of economic unviability or lack of geological prospectiveness or for other reasons. [as amended by Federal Law No. 199-FZ of 19.07.2018]

Where more than one new offshore hydrocarbon deposit has been designated at a subsurface site, the amount of expenses prior to the date on which new offshore hydrocarbon deposits are designated at the subsurface site which are attributable to hydrocarbon extraction activities at a new offshore hydrocarbon deposit carried on at each new offshore deposit at that subsurface site shall be determined with account taken of the provisions of clause 4 of Article 299.4 of this Code.

Expenses such as are referred to in this clause which are denominated in foreign currency shall be translated into roubles for taxation purposes on the basis of the official exchange rate set by the Central Bank of the Russian Federation as at dates corresponding to the dates on which
similar types of expenses are recognised in accordance with clauses 2 to 8.1 of this Article, without regard to the provisions of paragraph 1 of this clause and the provisions of clauses 7 and 8 of Article 261 of this Code. 
[clause 1.1 inserted by Federal Law No. 335-FZ of 27.11.2017]

2. The date on which material expenses are incurred shall be deemed to be:

- the date on which raw materials and other materials are transferred for use in production - insofar as raw materials and other materials used in goods (work and services) produced are concerned;

- the date on which the taxpayer signs an acceptance report for services (work) - in the case of services (work) of a production nature.

3. Amortization shall be recognised as an expense monthly on the basis of the amount of amortization charged as calculated in accordance with the procedure which is established by Articles 259, 259.1, 259.2 and 322 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 158-FZ of 22.07.2008]

The expenses in the form of capital investments which are provided for in clause 9 of Article 258 of this Code shall be recognised as indirect expenses for the reporting (tax) period in which the date of commencement of amortization (the date of adjustment of the historical cost) of the fixed assets in relation to which the capital investments were made falls in accordance with this Chapter. [as amended by Federal Law No. 158-FZ of 22.07.2008]

4. Labour payment expenses shall be recognised as an expense monthly on the basis of the amount of labour payment expenses accrued in accordance with Article 255 of this Code.

5. Expenses for the repair of fixed assets shall be recognised as an expense in the reporting period in which they were incurred, irrespective of whether or not they have been paid, with account taken of the special considerations which are laid down in Article 260 of this Code.

5.1. Standardization expenses which are incurred by a taxpayer, whether independently or jointly with other organizations (in an amount corresponding to its share of expenses), shall be recognised for taxation purposes in the reporting (tax) period following the reporting (tax) period in which standards were approved as national standards by the national standardization body of the Russian Federation or were registered as regional standards in the Federal Information Fund of Technical Regulations and Standards in accordance with the procedure established by the technical regulation legislation of the Russian Federation. 
[clause 5.1 inserted by Federal Law No. 330-FZ of 21.11.2011]

6. Expenses for compulsory and voluntary insurance (non-state pension provision) shall be recognised as an expense in the reporting (tax) period in which, in accordance with the conditions of an agreement, the taxpayer transferred (issued from cash) monetary resources for the payment of insurance (pension) contributions. If the conditions of an insurance (non-state pension) agreement require an insurance (pension) contribution to be paid as a lumpsum payment, then, in the case of agreements which have been concluded for a period of more than one reporting period, expenses shall be recognised evenly over the period of validity of the agreement in proportion to the number of calendar days for which the agreement is in effect in a reporting period. Where the conditions of an insurance (non-state pension) agreement provide
for the insurance premium (pension contribution) to be paid on an instalment basis, in the case of agreements concluded for more than one reporting period expenses for each payment shall be recognised evenly over a period corresponding to the period of payment of contributions (year, six months, quarter, month) in proportion to the number of calendar days for which the agreement is in effect in the reporting period. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005, No. 216-FZ of 24.07.2007]

7. The date on which non-sale and miscellaneous expenses are incurred shall be deemed to be, unless otherwise established by Articles 261, 262, 266 and 267 of this Code:

1) the date on which taxes (levies) are charged - in the case of expenses in the form of amounts of taxes (advance tax payments), levies, insurance contributions and other compulsory payments; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 401-FZ of 30.11.2016]

2) the date of accrual in accordance with the requirements of this Chapter - in the case of expenses in the form of amounts of contributions to reserves which are deemed an expense in accordance with this Chapter;
   [subsection 2 inserted by Federal Law No. 57-FZ of 29.05.2002]

3) the date of settlements in accordance with the conditions of agreements concluded or the date on which documents which constitute a basis for the carrying-out of settlements are presented to the taxpayer, or the last day of the reporting (tax) period - in the case of expenses:
   [as amended by Federal Law No. 137-FZ of 27.07.2006]
   - in the form of amounts of commission fees;
   - in the form of expenses associated with payments made to outside organizations for work performed (services provided) by them;
   - in the form of rental (leasing) payments for rented (leased) property;
   - in the form of other similar expenses;
   [subsection 3 as reworded by Federal Law No. 57-FZ of 29.05.2002]

4) the date on which monetary resources are transferred from the taxpayer’s settlement account (paid from cash) - in the case of expenses:
   - in the form of amounts of removal expenses paid;
   - in the form of compensation for the use of private motor cars and motorcycles for business travel; [as amended by Federal Law No. 57-FZ of 29.05.2002]
   - in the form of interest charged on the amount of a bankruptcy creditor’s claims in accordance with the legislation concerning insolvency (bankruptcy); [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

5) the date of the approval of an advance report - in the case of expenses:
   - for business trips;
- for the maintenance of transport for business use;

- for representational expenses;

- for other similar expenses;

[subsection 5 as reworded by Federal Law No. 57-FZ of 29.05.2002]

6) the date of the transfer of ownership of foreign currency and precious metals where operations are carried out involving foreign currency and precious metals (including on depersonalized metal accounts), and the last day of the current month - for expenses in the form of a negative exchange rate difference arising in respect of property and claims (obligations) whose value is expressed in foreign currency (with the exception of advance payments) and a negative revaluation of precious metals and claims (obligations) expressed in precious metals which is carried out in accordance with the procedure established by regulatory acts of the Central Bank of the Russian Federation;

[subsection 6 as reworded by Federal Law No. 328-FZ of 28.11.2015]

7) the date of the sale or other disposal of securities (the partial redemption of the nominal value of a security during the period of circulation thereof which is stipulated in the conditions of issue), including the date on which obligations to transfer securities are terminated by the offsetting of homogeneous counter-claims – for expenses associated with the acquisition of securities, including their cost; [as amended by Federal Laws No. 281-FZ of 25.11.2009, No. 420-FZ of 28.12.2013]

8) the date of acknowledgement by the debtor or the entry into legal force of a court decision - for expenses in the form of amounts of fines, penalties and (or) other sanctions for the violation of contractual or debt obligations, and in the form of amounts of compensation for losses (damage);

[subsection 8 inserted by Federal Law No. 57-FZ of 29.05.2002]

9) the date of the transfer of ownership of foreign currency - for expenses associated with the sale (purchase) of foreign currency;

[subsection 9 inserted by Federal Law No. 57-FZ of 29.05.2002]

10) the date of sale of participating interests and units – for expenses in the form of the acquisition cost of participating interests and units;

[subsection 10 inserted by Federal Law No. 58-FZ of 06.06.2005]

11) the date on which social infrastructure assets are transferred into state or municipal ownership – in the case of expenses for the creation of social infrastructure assets that are to be transferred without consideration into state or municipal ownership;


12) the interest payment date, in the case of expenses in the form of interest under a credit agreement, which is:

- stipulated by a credit agreement concluded by a specialized developer on the granting of special-purpose credit in accordance with Federal Law No. 214-FZ of 30 December 2004 “Concerning Participation in the Shared-Equity Construction of Apartment Buildings and
Other Items of Immovable Property and Amendments to Certain Legislative Acts of the Russian Federation”;

[EY Note: Paragraph 3 of subsection 12 of clause 7 of Article 272 loses force from 01.01.2025 – Federal Law No. 204-FZ of 13.07.2020]

- established when the terms of a credit agreement are altered in accordance with Federal Law No. 106-FZ of 3 April 2020 “Concerning Amendments to the Federal Law “Concerning the Central Bank of the Russian Federation (Bank of Russia)” and Certain Legislative Acts Regarding Special Rules Relating to the Alteration of the Terms of a Credit Agreement or a Loan Agreement”;

[EY Note: Paragraph 4 of subsection 12 of clause 7 of Article 272 loses force from 01.01.2023 – Federal Law No. 204-FZ of 13.07.2020 (Rev. 02.07.2021)]

- stipulated by a credit agreement such as is referred to in subsection 21.4 of clause 1 of Article 251 of this Code.

[subsection 12 as reworded by Federal Law No. 204-FZ of 13.07.2020]

13) the date on which property is transferred – in the case of the expenses referred to in subsections 19.5 and 19.6 of clause 1 of Article 265 of this Code.

[subsection 13 inserted by Federal Law No. 172-FZ of 08.06.2020]

8. In the case of loan agreements or other similar agreements (including debt obligations executed in the form of securities) whose period of validity spans more than one reporting (tax) period, for the purposes of this Chapter an expense shall be deemed to have been incurred and shall be included in the composition of relevant expenses at the end of each month of the relevant reporting (tax) period, irrespective of the date of (time limits for) such payments which is stipulated in the agreement, with the exception of income such as is referred to in subsection 14 of clause 4 of this Article. [as amended by Federal Law No. 325-FZ of 29.09.2019]

Where a loan agreement or another similar agreement (including debt obligations executed in the form of securities) provides that the performance of the obligation under that agreement depends on the value of (or another value pertaining to) the underlying asset with a fixed interest rate charged during the term of the agreement, expenses accruing on the basis of that fixed rate shall be recognised as at the last day of each month of the relevant reporting (tax) period, and expenses actually incurred on the basis of the prevailing value (or another value pertaining to) the underlying asset shall be recognised as at the date of performance of the obligation under that agreement.

In the event that an agreement ceases to have force (a debt obligation is settled) during a calendar month, an expense shall be deemed to have been incurred and shall be included in the composition of relevant expenses as at the date on which the agreement ceases to have force (the debt obligation is settled).

The provisions of this clause shall not apply to expenses in the form of interest charged on the amount of a bankruptcy creditor’s claims in accordance with the legislation concerning insolvency (bankruptcy).

[clause 8 as reworded by Federal Law No. 420-FZ of 28.12.2013]
8.1. The expenses associated with the acquisition of leased property referred to in subsection 10 of clause 1 of Article 264 of this Code shall be recognised as an expense in the reporting (tax) periods in which rental (lease) payments are due in accordance with the conditions of the agreement. In this respect, the above-mentioned expenses shall be taken into account in an amount proportional to the amount of rental (lease) payments.

[clause 8.1 inserted by Federal Law No. 58-FZ of 06.06.2005]


10. Expenses expressed in foreign currency shall be translated into roubles for taxation purposes on the basis of the official exchange rate set by the Central Bank of the Russian Federation on the date on which an expense is recognised, except as otherwise established by this clause.

Claims (obligations) whose value is expressed in foreign currency and property in the form of currency assets shall be translated into roubles on the basis of the official exchange rate set by the Central Bank of the Russian Federation on the date of the transfer of ownership of that property and the termination (fulfilment) of the claims (obligations) and (or) on the last day of the current month, whichever is the earlier.

Where a different foreign currency exchange rate established by law or by an agreement between the parties is used in translating the value expressed in foreign currency (notional monetary units) for claims (obligations) which are payable in roubles, the translation of expenses and claims (obligations) in accordance with this clause shall take place using that exchange rate.

Where an advance payment or a deposit is remitted, expenses expressed in foreign currency shall be translated into roubles on the basis of the official exchange rate set by the Central Bank of the Russian Federation on the date of remittance of the advance payment or deposit (insofar as the amount of the advance payment or deposit is concerned).

Claims denominated in a foreign currency under a loan agreement for the financing of a foreign geological exploration project (including accrued interest indebtedness) shall be translated into roubles at the official exchange rate set by the Central Bank of the Russian Federation as at the date of the decision on the foreign geological exploration project, as determined in accordance with the procedure established by clause 6 of Article 271 of this Code. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

Expenses in the form of a negative exchange rate difference arising as a result of the translation of claims under a loan agreement for the financing of a foreign geological exploration project as at the date of the decision on the foreign geological exploration project shall be recognised as non-sale expenses by one of the following methods: [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- if obligations under the loan agreement for the financing of the foreign geological project are wholly terminated without the taxpayer’s property claims being satisfied owing to the fact that work on the foreign geological exploration project has ceased and the project has been declared economically unviable and (or) geologically unprospective, they shall not be taken into account for taxation purposes; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]
- if the loan agreement for the financing of the foreign geological exploration project fails to meet any of the conditions stated in clause 11 of Article 261 of this Code, they shall be taken into account in full as at the date on which the condition was violated; [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

- in other cases, they shall be taken into account evenly over two years commencing from the month following the month in which the date of the decision on the foreign geological exploration project falls. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018]

Commencing from the day following the date of the decision on a foreign geological exploration project, claims denominated in a foreign currency under the relevant loan agreement for the financing of the foreign geological exploration project shall be translated into roubles in accordance with the general procedure established by paragraphs 1 to 4 of this clause. [paragraph inserted by Federal Law No. 199-FZ of 19.07.2018] [clause 10 as reworded by Federal Law No. 81-FZ of 20.04.2014]

**Article 273. Procedure for the Determination of Income and Expenses Where the Cash-Basis Method is Used**

1. Organizations (with the exception of banks, credit consumer co-operatives and microfinance organizations, organizations which are deemed to be controlling persons of controlled foreign companies in accordance with this Code and taxpayers such as are referred to in clause 1 of Article 275.2 of this Code) shall have the right to define the date on which income is received (an expense is incurred) according to the cash-basis method if, in the last four quarters, the amount of receipts from the sale of goods (work and services) of those organizations, excluding value added tax, did not on average exceed one million roubles for each quarter. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 117-FZ of 07.07.2003, No. 268-FZ of 30.09.2013, No. 301-FZ of 02.11.2013, No. 376-FZ of 24.11.2014]

Organizations which have acquired the status of participant 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” or 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” shall determine the date on which is received (an expense is incurred) according to the cash-basis method without regard to the limitation which is referred to in paragraph 1 of this clause. [paragraph inserted by Federal Law No. 339-FZ of 28.11.2011; as amended by Federal Laws No. 373-FZ of 30.10.2018, No. 325-FZ of 29.09.2019]

2. For the purposes of this Chapter, the date on which income is received shall be deemed to be the day on which resources are received in bank accounts and (or) in cash or other property (work, services) and (or) property rights are received, and the settlement of indebtedness to the taxpayer by other means (the cash-basis method). [as amended by Federal Law No. 57-FZ of 29.05.2002]

2.1. Funds received by organizations in the form of subsidies, except where subsidies are received under a paid contract, shall be included in non-sale income according to the following rules:
- subsidies received to finance expenses not connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property rights shall be taken into account over a period of not more than three tax periods including the tax period in which those subsidies were received, as and when expenses actually incurred from those funds are recognised. After the third tax period has ended, subsidies received which have not been included in income shall be recognised as non-sale income as at the last reporting date of that tax period;

- subsidies received to finance expenses connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property rights shall be taken into account as and when expenses actually incurred from those funds are recognised.

In the event of the sale, liquidation or other disposal of that property or property rights, subsidies received which have not been included in income shall be recognised as non-sale income as at the last day of the reporting (tax) period in which the sale, liquidation or other disposal of that property occurred;

- subsidies received as compensation for expenses previously incurred which are not connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property rights, or for a shortfall in income received, shall be taken into account as a lump sum as at the date on which they are credited;

- subsidies received as compensation for expenses previously incurred which are connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property rights shall be taken into account as a lump sum at the date on which they are credited in an amount corresponding to the amount of amortization charged on previously incurred expenses connected with the acquisition, creation, renovation, upgrading and retooling of amortizable property and the acquisition of property rights. The difference between the amount of subsidies received and the amount included in income as at the date on which they were credited shall be included in income according to a procedure similar to that which is stipulated by paragraph 3 of this clause.

In the event that the conditions of receipt of subsidies which are laid down in this clause are violated, amounts of subsidies received shall be wholly included in income for the tax period in which the violation occurred.

[clause 2.1 as reworded by Federal Law No. 465-FZ of 29.12.2014]

[2.2-2.4. Lost force from 01.01.2015 – Federal Law No. 465-FZ of 29.12.2014]

3. Expenses of taxpayers shall be recognised after they have actually been paid. For the purposes of this Chapter, the making of payment for goods (work, services and (or) property rights) shall be deemed to be the termination by the taxpayer which acquired those goods (work and services) and property rights of the reciprocal obligation to the seller which is directly connected with the supply of those goods (performance of work, rendering of services, transfer of property rights).

In this respect, expenses shall be included in the composition of expenses with account taken of the following special considerations:
1) material expenses and labour payment expenses shall be included in the composition of expenses at the moment when indebtedness is settled by means of the debiting of monetary resources from the taxpayer’s settlement account or paid out of cash or, where another method of the settlement of indebtedness is used, at the moment of such settlement. A similar procedure shall apply with respect to the payment of interest for the use of borrowed resources (including bank credits) and with respect to payment for the services of third parties. In this respect, expenses for the acquisition of raw materials and other materials shall be included in the composition of expenses as and when the raw materials and other materials are transferred for use in production; [as amended by Federal Law No. 57-FZ of 29.05.2002]

2) amortization shall be included in the composition of expenses in the amounts charged during the reporting (tax) period. In this respect, only amortizable property that has been paid for by the taxpayer and is used in production may be amortized. A similar procedure shall apply to capitalizable expenses which are provided for in Articles 261 and 262 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

3) expenses for the payment of taxes, levies and insurance contributions shall be included in the composition of expenses in the amount actually paid by the taxpayer. Where indebtedness in respect of taxes and levies exists, expenses for the settlement of that indebtedness shall be included in the composition of expenses within the limits of the indebtedness actually settled in the reporting (tax) periods in which the taxpayer settles that indebtedness. [as amended by Federal Law No. 401-FZ of 30.11.2016]

4. If, during a tax period, a taxpayer which has transferred to the cash-basis method of recognising income and expenditure exceeded the maximum amount of receipts from the sale of goods (work and services) which is established by clause 1 of this Article, it shall be obliged to transfer to the accrual-basis method of recognising income and expenditure from the beginning of the tax period during which that excess occurred.

Upon the conclusion of an agreement on the fiduciary management of property, a simple partnership agreement or an investment partnership agreement, parties to those agreements which recognise income and expenses according to the cash-basis method shall be obliged to transfer to the recognition of income and expenses according to the accrual-basis method from the beginning of the tax period in which that agreement was concluded. [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005, as amended by Federal Law No. 336-FZ of 28.11.2011]


Article 274. Tax Base

1. The tax base for the purposes of this Chapter shall be taxable profit, expressed in monetary terms, which is determined in accordance with Article 247 of this Code.

2. The tax base for profit which is assessable at a rate other than the rate which is specified in clause 1 of Article 284 of this Code shall be determined by the taxpayer separately. The taxpayer shall maintain separate records of income (expenses) for operations for which a non-standard procedure for accounting for profit and losses is prescribed in accordance with this Chapter. [clause 2 as reworded by Federal Law No. 57-FZ of 29.05.2002]
3. For the purposes of this Chapter, income and expenses of a taxpayer shall be taken into account in monetary form.

4. Income received in kind as a result of the sale of goods (work and services) and property rights (including goods exchange operations) shall be taken into account, unless otherwise stipulated by this Code, on the basis of the transaction price with account taken of the provisions of Article 105.3 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 227-FZ of 18.07.2011]

5. Non-sale income received in kind shall be taken into account when determining the tax base on the basis of the transaction price with account taken of the provisions of Article 105.3 of this Code, unless otherwise stipulated by this Chapter. [as amended by Federal Law No. 227-FZ of 18.07.2011]

6. For the purposes of this Article, market prices shall be determined according to a procedure similar to the procedure for the determination of market prices which is established by Article 105.3 of this Code as at the time of sale or of the completion of non-sale operations (excluding value added tax and excise duty). [as amended by Federal Laws No. 117-FZ of 07.07.2003, No. 227-FZ of 18.07.2011]

7. For the purpose of determining the tax base, taxable profit shall be determined on a cumulative total from the beginning of the tax period.

8. In the event that a taxpayer makes a loss in a reporting (tax) period, i.e. a negative difference between income as determined in accordance with this Chapter and expenses which are taken into account for taxation purposes in accordance with the procedure prescribed by this Chapter, the tax base in that reporting (tax) period shall be deemed to be equal to zero. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Losses made in a reporting (tax) period shall be recognised for taxation purposes in accordance with the procedure and subject to the conditions which are established by clause 1 of Article 278.1 and Article 283 of this Code. [as amended by Federal Law No. 401-FZ of 30.11.2016]

9. Income and expenses relating to gaming activities which are taxable in accordance with Chapter 29 of this Code shall not be included in the composition of income and expenses of taxpayers when calculating the tax base. [as amended by Federal Law No. 216-FZ of 24.07.2007]

Taxpayers which are gaming organizations and organizations which receive income from activities which are classified as gaming activities must maintain separate records of income and expenses relating to such activities.

In this respect, in the event that they cannot be separated, expenses of organizations which engage in gaming activities shall be determined in proportion to the ratio of the organization’s income from activities which are classified as gaming activities to the organization’s overall income from all types of activity.

A similar procedure shall apply to organizations which have transferred to the payment of tax on imputed income. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 216-FZ of 24.07.2007]
10. Taxpayers which apply special tax regimes in accordance with this Code shall not take income and expenses relating to those regimes into account when calculating the tax base for tax.

11. Special considerations relating to the determination of the tax base for banks shall be established with account taken of the provisions of Articles 290 to 292 of this Code.

12. Special considerations relating to the determination of the tax base for insurers shall be established with account taken of the provisions of Articles 293 and 294 of this Code.

13. Special considerations relating to the determination of the tax base for non-state pension funds shall be established with account taken of the provisions of Articles 295 and 296 of this Code.

14. Special considerations relating to the determination of the tax base for professional participants in the securities market shall be established with account taken of the provisions of Articles 298 and 299 of this Code.

15. Special considerations relating to the determination of the tax base arising from securities transactions shall be established in Article 280 with account taken of the provisions of Articles 281, 282 and 304 of this Code. [as amended by Federal Law No. 420-FZ of 28.12.2013]

16. Special considerations relating to the determination of the tax base arising from operations involving derivative financial instruments shall be established with account taken of the provisions of Article 280 and Articles 301 to 305 of this Code. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]

17. Special considerations relating to the determination of the tax base by clearing organizations shall be established with account taken of the provisions of Articles 299.1 and 299.2 of this Code. [clause 17 inserted by Federal Law No. 281-FZ of 25.11.2009]

18. An organization which has acquired the status of participant 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” or 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” (hereafter in this clause referred to as “project participant”) and has ceased to exercise the right to an exemption from taxpayer obligations on the ground provided for in paragraph 3 of clause 2 of Article 246.1 of this Code shall determine aggregate profit earned for prior tax periods as a cumulative total from the beginning of the tax period in which the project participant’s annual receipts exceeded one billion roubles. [as amended by Federal Laws No. 339-FZ of 28.11.2011, No. 373-FZ of 30.10.2018]

The aggregate profit referred to in this clause shall be determined as amounts of profit (losses) computed on the basis of the results for each preceding tax period. For the purposes of this clause, profit (losses) for tax periods preceding the tax period in which the project participant’s annual receipts exceeded one billion roubles shall not be taken into account in determining aggregate profit.
The standard form of the computation of aggregate profit shall be established by the Ministry of Finance of the Russian Federation.

[clause 18 inserted by Federal Law No. 243-FZ of 28.09.2010]

19. The tax base for profit earned by members of a consolidated group of taxpayers shall be determined by the responsible member of that group in accordance with the procedure established by this Article with account taken of the special considerations established by Articles 278.1 and 288 of this Code.

[clause 19 inserted by Federal Law No. 321-FZ of 16.11.2011]

20. Special considerations relating to the determination of the tax base by taxpayers such as are referred to in clause 1 of Article 275.2 of this Code in relation to hydrocarbon extraction activities at a new offshore hydrocarbon deposit are established by Article 275.2 of this Code.

[clause 20 inserted by Federal Law No. 268-FZ of 30.09.2013]

21. The tax base which is determined by controlling persons for profit of foreign companies which are controlled by them shall be determined with account taken of the special considerations established by Article 309.1 of this Code and shall not be reduced by amounts of expenses relating to other activities or losses resulting from other activities of controlling persons.

[clause 21 inserted by Federal Law No. 376-FZ of 24.11.2014]

**Article 275. Special Considerations Relating to the Determination of the Tax Base for Income Received from a Participating Interest in Other Organizations** [as amended by Federal Law No. 306-FZ of 02.11.2013]

1. The amount of tax on income from a participating interest in the activities of organizations shall be determined with account taken of the provisions of this Article.

2. Where the source of a taxpayer’s income is a foreign organization, including a foreign organization which is an issuer of underlying securities in the case of the payment of income by an issuer of Russian depositary receipts and where income is received by a shareholder (participant) of an organization (or its legal successor) upon the distribution of the property of an organization undergoing liquidation among its shareholders (participants), the amount of tax on dividends received shall be determined by the taxpayer independently on the basis of the amount of dividends received and the appropriate tax rate stipulated by clause 3 of Article 284 of this Code. [as amended by Federal Law No. 424-FZ of 27.11.2018]

In this respect, taxpayers which receive dividends from a foreign organization, including through a permanent establishment of a foreign organization in the Russian Federation, shall not have the right to reduce the amount of tax calculated in accordance with this Chapter by the amount of tax calculated and paid at the location of the source of the income, except as otherwise provided by an international agreement of the Russian Federation.

3. Except as otherwise provided in this Code, a Russian organization which is a source of income of a taxpayer in the form of dividends shall be deemed to be a tax agent.

4. A person which is recognised in accordance with this Code as a tax agent in relation to income in the form of dividends on shares issued by a Russian organization shall determine the
amount of tax separately for each taxpayer with respect to each payment of such income at the
tax rates specified by this Code in accordance with the procedure prescribed by this Article.

5. The amount of tax to be withheld from income of a taxpayer/recipient of dividends which is
not referred to in clause 6 of this Article shall be calculated by a tax agent in accordance with
clause 4 of this Article using the following formula:

\[ T = K \times R_T \times (D_1 - D_2), \]

where \( T \) is the amount of tax to be withheld;

\( K \) is the ratio of dividends to be distributed in favour of the taxpayer/recipient of dividends to
the total amount of dividends to be distributed by the Russian organization;

\( R_T \) is the tax rate established by subsections 1 to 2 of clause 3 of Article 284; [as amended by
Federal Laws No. 294-FZ of 03.08.2018, No. 8-FZ of 17.02.2021]

\( D_1 \) is the total amount of dividends to be distributed by the Russian organization in favour of
all recipients;

\[ EY \text{ Note: Paragraph 7 of clause 5 of Article 275 is amended from 01.01.2022 – Federal Law}
No. 8-FZ of 17.02.2021] \]

\( D_2 \) is the total amount of dividends received by the Russian organization in the current reporting
(tax) period and prior reporting (tax) periods (excluding dividends referred to in subsections 1
and 1.1 of clause 3 of Article 284 of this Code, dividends received from foreign organizations
for which Russian organizations are the actual source of payment, to which the taxpayer has an
actual right and to which the tax rates set by subsections 1 and 1.1 of clause 3 of Article 284 of
this Code were applied, and dividends referred to in subsection 50.1 of clause 1 of Article 251
of this Code) by the time of the distribution of dividends in favour of taxpayers that receive
dividends, provided that the amount of dividends in question was not taken into account in
determining the amount of tax according to the formula prescribed by this clause. [as amended
by Federal Law No. 374-FZ of 23.11.2020]

A Russian organization which pays income in the form of dividends shall be obliged to provide
the values of the indicators \( D_1 \) and \( D_2 \) to the appropriate tax agent in accordance with the
procedure established by clauses 5.1 and (or) 5.2 of this Article.

If the value of \( T \) is negative, no obligation to pay tax shall arise and no reimbursement shall be
made from the budget. [clause 5 as reworded by Federal Law No. 326-FZ of 28.11.2015]

5.1. A Russian organization which is an issuer of securities and pays income in the form of
dividends shall be obliged to communicate the values of the indicators \( D_1 \) and \( D_2 \), as determined
in accordance with clause 5 of this Article, to the tax agent not later than five days from the
date as at which persons having the right to receive dividends are determined in accordance
with the decision to pay (declare) those dividends, but not later than the day on which dividends
are paid, in one or more of the following forms:
Profits Tax

1) an electronic document signed with an electronic signature in accordance with Federal Law No. 63-FZ of 6 April 2011 “Concerning Electronic Signatures”;

2) a paper document signed by an authorized person of the Russian organization/issuer of securities which pays income in the form of dividends;

3) the publication of the values of the indicators $D_1$ and $D_2$ on the official site of the Russian organization/issuer of securities which pays income in the form of dividends;

4) additional information contained in the relevant payment order for the transfer of dividends to the tax agent.

[clause 5.1 inserted by Federal Law No. 326-FZ of 28.11.2015]

5.2. A Russian organization which pays income in the form of dividends on shares in relation to which it is the issuer shall be obliged to communicate the values of the indicators $D_1$ and $D_2$, as determined in accordance with clause 5 of this Article, to the tax agent not later than the day on which the dividends in question are paid, in one or more of the following forms:

1) an electronic document signed with an electronic signature in accordance with Federal Law No. 63-FZ of 6 April 2011 “Concerning Electronic Signatures”;

2) a paper document signed by an authorized person of the Russian organization which pays income in the form of dividends;

3) the publication of the values of the indicators $D_1$ and $D_2$ on the official site of the Russian organization which pays income in the form of dividends;

4) additional information contained in the relevant payment order for the transfer of dividends to the tax agent.

[clause 5.2 inserted by Federal Law No. 326-FZ of 28.11.2015]

6. In the event that an organization which is deemed to be a tax agent in accordance with this Code pays income in the form of dividends to a foreign organization, the tax base of the taxpayer/recipient of the dividends arising from each such payment shall be determined as the amount of dividends paid and shall be subject to the tax rates established by subsection 3 of clause 3 of Article 284 this Code (unless other tax rates are provided for in an international agreement of the Russian Federation governing taxation issues). [as amended by Federal Law No. 8-FZ of 17.02.2021]

Where the recipients of income in the form of dividends paid to a foreign organization acting in the interests of third parties are organizations which are deemed to be tax residents of the Russian Federation, the amount of tax to be withheld from the amount of such dividends shall be determined on the basis of clause 5 of this Article. [paragraph inserted by Federal Law No. 326-FZ of 28.11.2015; as amended by Federal Law No. 8-FZ of 17.02.2021]

7. The tax agent with respect to payments of income in the form of dividends on shares issued by a Russian organization shall be:

1) the Russian organization which pays income in the form of dividends on shares issued by the Russian organization, rights in which are recorded in the register of securities of the Russian
organization as at the date specified in the decision to pay (declare) income on the securities in question in the following accounts:

- the ledger account of the holder;

- a deposit ledger account as regards an organization which has the right to receive securities from that account;

- an unidentified persons account as regards an organization in relation to which the right to receive such income has been established;

- a ledger account of a fiduciary if the fiduciary is not a professional participant in the securities market;

- a ledger account of a foreign nominee holder, a ledger account of a foreign authorized holder, a depository programme ledger account and a ledger account of a foreign registrar opened in accordance with Federal Law No. 290-FZ of 3 August 2018 “Concerning International Companies”; [paragraph inserted by Federal Law No. 490-FZ of 25.12.2018]

2) a fiduciary in the case of the payment of income in the form of dividends on shares issued by a Russian organization rights in which are recorded as at the date specified in the decision to pay (declare) income on the shares in the ledger account or depository account of that fiduciary if the fiduciary is a professional participant in the securities market as at the date of acquisition of the shares referred to in this subsection;

3) a depository which pays income in the form of dividends on shares issued by a Russian organization rights in which are recorded with that depository as at the date specified in the decision to pay (declare) income on the securities in the following accounts (except as otherwise provided by subsection 4 of this clause): [as amended by Federal Law No. 493-FZ of 25.12.2018]

- the depository account of the holder of the securities, including a trading depository account of the holder;

- an unidentified persons account opened by the depository as regards an organization in relation to which the right to receive such income has been established;

- the depository account of a foreign nominee;

- the depository account of a foreign authorized holder;

- a depository programme depository account;

- a deposit depository account as regards an organization which has the right to receive securities from that account;

- a subaccount opened with the depository in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”, with the exception of a depository subaccount of a nominee;
- a depositary subaccount opened in accordance with Federal Law No. 156-FZ of 29 November 2001 “Concerning Investment Funds”;

4) a Russian organization in relation to which the payment of income in the form of dividends on shares therein is effected by a depositary in the case provided for in clause 1.6 of Article 312 of this Code.

8. A fiduciary which carries out the fiduciary management of property in relation to which income has been paid in the form of dividends which are not dividends on shares issued by a Russian organization shall be deemed to be a tax agent in relation to such income if the income in question is paid to a principal (beneficiary) which is a foreign organization, provided that tax was not withheld on the income at source or was withheld in a lesser amount than the amount of tax calculated for the above-mentioned foreign organization.

9. The recipient of income in the form of dividends on property placed under fiduciary management shall be deemed to be the principal (principals) (the beneficiary) where the fiduciary receives the dividend income in question other than in the interests of a mutual investment fund.

The recipient of income in the form of dividends on property placed under the fiduciary management of a foreign investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme shall be deemed to be the fund (company) in question.

10. Tax on income on securities which are recorded in accounts such as are referred to in paragraphs 4, 5 and 6 of subsection 3 of clause 7 of this Article shall be calculated and withheld by the tax agent in accordance with Articles 214.6 and 310.1 of this Code.

Article 275.1. Special Considerations Relating to the Determination of the Tax Base by Taxpayers Which Carry Out Activities Involving the Use of Facilities of Service Plants and Holdings [inserted by Federal Law No. 57-FZ of 29.05.2002]

Taxpayers which have subdivisions which carry out activities involving the use of facilities of service plants and holdings shall determine the tax base for those activities separately from the tax base for other types of activity. [as amended by Federal Law No. 58-FZ of 06.06.2005]

For the purposes of this Chapter, service plants and holdings shall include an ancillary holding, housing and utilities, social and cultural facilities, training centres and other similar holdings, production units and departments which sell goods, work and services both to their own employees and to outside persons. [as amended by Federal Law No. 58-FZ of 06.06.2005]

Housing and utilities shall include housing facilities, hotels (excluding tourist hotels), guest houses and hostels, outside facilities and improvements, artificial structures, swimming pools, beach structures and equipment, public gas, heating and electricity supply facilities, sites, works, depots, workshops, garages, special machinery and mechanisms and storage facilities
intended for the technical maintenance and repair of housing and utilities, social and cultural facilities and sports and fitness facilities.

Social and cultural facilities shall include health care facilities, cultural facilities, children’s pre-school establishments, children’s holiday camps, sanatoria (preventive clinics), holiday centres, holiday hotels, sports and fitness facilities (including tracks, hippodromes, stables, tennis courts, golf courses, badminton courts, recreation centres) and facilities for non-production types of consumer services (banyas, saunas).

Where a subdivision of a taxpayer makes a loss from activities involving the use of the facilities which are referred to in this Article, that loss may be recognised for taxation purposes provided that the following conditions are met: [as amended by Federal Law No. 58-FZ of 06.06.2005]

- the cost of goods, work and services sold by the taxpayer which carries out activities involving the use of the facilities referred to in this Article is consistent with the cost of similar services rendered by specialized organizations which carry out similar activities involving the use of such facilities; [as amended by Federal Law No. 58-FZ of 06.06.2005]

- expenses associated with the maintenance of housing and utilities, social and cultural facilities, ancillary holdings and other similar holdings, production units and services do not exceed the usual expenses for the maintenance of similar facilities by specialized organizations for which such activities are the main activities;

- the conditions of the rendering of services or performance of work by the taxpayer do not differ substantially from the conditions of the rendering of services or performance of work by specialized organizations for which such activities are the main activities. [as amended by Federal Law No. 58-FZ of 06.06.2005]

If any of the above conditions is not met, the taxpayer shall have the right to carry the loss incurred by the taxpayer in carrying out activities involving the use of facilities of service plants and holdings forward over a period not exceeding ten years and to use profit earned from those types of activities to cover it.

Taxpayers whose employees make up not less than 25 per cent of the working population of a particular inhabited locality and which have structural subdivisions responsible for the maintenance of housing facilities and facilities such as are referred to in the third and fourth parts of this Article shall have the right to take expenses actually incurred for the maintenance of those facilities into account for taxation purposes. [seventh part as reworded by Federal Law No. 229-FZ of 27.07.2010]

[Eighth and ninth parts Lost force from 01.01.2011 - Federal Law No. 229-FZ of 27.07.2010]

Article 275.2. Special Considerations Relating to the Determination of the Tax Base in Relation to Hydrocarbon Extraction Activities at a New Offshore Hydrocarbon Deposit [inserted by Federal Law No. 268-FZ of 30.09.2013]

1. The special considerations relating to the determination of the tax base which are established by this Article shall be applied:
1) by organizations which hold licences to use a subsurface site within whose boundaries a new offshore hydrocarbon deposit is situated or within whose boundaries the prospecting for, appraisal and (or) exploration of a new offshore hydrocarbon deposit are intended to be carried out on the basis of a licence to use subsurface resources both for geological study (exploration and prospecting) and the extraction of commercial minerals or for exploration for and extraction of commercial minerals; [as amended by Federal Law No. 335-FZ of 27.11.2017]

2) by operators of a new offshore hydrocarbon deposit.

2. Taxpayers such as are referred to in clause 1 of this Article shall determine the tax base in relation to hydrocarbon extraction activities at a new offshore hydrocarbon deposit separately from the tax base which is determined for other types of activity in accordance with the procedure established by this Article.

Where a taxpayer such as is referred to in clause 1 of this Article has adopted a decision to terminate work at a subsurface site on the grounds that it is economically unviable or geologically unprospective, or for other reasons, and in this respect not a single new offshore hydrocarbon deposit has been designated at the subsurface site in question, activities associated with the prospecting for, appraisal and (or) exploration of new offshore hydrocarbon deposits at that subsurface site shall be equated with hydrocarbon extraction activities at a new offshore hydrocarbon deposit for the purposes of this Chapter.

3. Taxpayers other than those referred to in clause 1 of this Article which carry out hydrocarbon extraction activities at a new offshore hydrocarbon deposit shall take income and expenses associated with those activities into account in determining the tax base to which the tax rate established by clause 1 of Article 284 of this Code is applicable.

4. Profit from carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit shall not be reduced by amounts of losses from carrying out such activities in relation to other deposits or from carrying out other types of activity.

5. Where a taxpayer such as is referred to in clause 1 of this Article carries out hydrocarbon extraction activities at a new offshore hydrocarbon deposit in relation to two or more such deposits, the tax base shall be determined separately for each such deposit with account taken of the special considerations which are established by this Article.

6. Income of a taxpayer such as is referred to in clause 1 of this Article which has been received from carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit shall be determined with account taken of the provisions of Article 299.3 of this Code.

7. Expenses of a taxpayer such as is referred to in clause 1 of this Article which were incurred in carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit shall be determined with account taken of the provisions of Article 299.4 of this Code.

8. In the event that, in the course of a reporting (tax) period, a taxpayer such as is referred to in clause 1 of this Article transfers hydrocarbons extracted at a new offshore hydrocarbon deposit to other structural subdivisions of the same taxpayer for processing or transfers such hydrocarbons to third parties for toll processing, and in this respect the processing of the hydrocarbons by other structural subdivisions of the taxpayer or by third parties does not form
part of hydrocarbon extraction activities at a new offshore hydrocarbon deposit, that taxpayer shall make the following adjustments to income from sales and expenses associated with production and sales when calculating the tax base for the relevant reporting (tax) period:

- in calculating the tax base in relation to hydrocarbon extraction activities at that new offshore hydrocarbon deposit, income from sales shall be increased by the value of the hydrocarbons in question;

- in calculating the tax base to which the tax rate established by clause 1 of Article 284 of this Code is applicable, expenses associated with production and sales shall be increased by the value of the hydrocarbons in question.

For the purposes of this clause, the value of hydrocarbons extracted at a new offshore hydrocarbon deposit shall be taken to be equal to the value of the hydrocarbons which is determined in accordance with Articles 340 and 340.1 of this Code.

9. Where a loss is made from carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit, taxpayers such as are referred to in clause 1 of Article 275.2 of this Code shall have the right to carry that loss (part of the loss) forward in accordance with the procedure established by Article 283 of this Code.

**Article 275.3. Special Considerations Relating to the Determination of the Value of Property (Property Rights) by International Companies and Foreign Organizations That Are Recognised as Tax Residents of the Russian Federation** [inserted by Federal Law No. 294-FZ of 03.08.2018]

1. International companies and foreign organizations which are recognised as tax residents of the Russian Federation shall determine the value of property (property rights) as at the date of registration as an international company or as at the date of recognition as a tax resident of the Russian Federation respectively with account taken of the following special considerations:

1) unless otherwise provided by this clause, property (property rights), including amortizable property, shall be recognised for tax accounting purposes on the basis of the documented value of the property (property rights) according to the accounting data of a foreign organization which is registered as an international company or a foreign organization which is recognised as a tax resident of the Russian Federation as at the date preceding the date of registration of the international company or as at the date preceding the date of the recognition of the foreign organization as a tax resident of the Russian Federation respectively, but not higher than the market value of the property (property rights) in question as determined in accordance with Article 105.3 of this Code. In this respect, the documented value of amortizable property (property rights) shall mean the net book value of relevant fixed assets and (or) intangible assets as determined on the basis of the accounting data of a foreign organization which is registered as an international company or a foreign organization which is recognised as a tax resident of the Russian Federation;

2) unless otherwise provided by subsection 4 of this clause, securities (whether or not circulated on the organized securities market) shall be recognised on the basis of documented actual expenditure on acquiring them according to the financial records of the organization concerned; [as amended by Federal Law No. 490-FZ of 25.12.2018]
3) except as otherwise provided by subsection 4 of this clause, the value of participating interests in the charter (pooled) capital (fund) of Russian and foreign organizations shall be recognised on the basis of documented actual expenditure on acquiring those participating interests according to the financial records of the organization concerned;

4) the value of shares or participating interests in organizations which are not public companies and more than 50 per cent of whose assets as at the last reporting date preceding the date of registration of the international company or the date of the recognition of the foreign organization as a tax resident of the Russian Federation directly or indirectly consist of immovable property situated in the territory of the Russian Federation shall be determined at the time of entering them in accounts on the basis of documented actual expenditure on acquiring those shares (participating interests), but not higher than their market value (price) as calculated in accordance with this subsection and subsection 3 of this clause.

Where the value of shares (participating interests) such as are referred to in this subsection as at the date on which they were recorded in accounts is denominated in a foreign currency, the corresponding value in roubles shall be determined using the official exchange rate of the Central Bank of the Russian Federation which was effective as at the date on which the foreign organization acquired the shares (participating interests) in question. [as amended by Federal Law No. 490-FZ of 25.12.2018]

2. Except as otherwise provided in this Article, where the value of property (property rights) as at the date on which they were recorded in accounts is denominated in a foreign currency, the corresponding value in roubles shall be determined using the official exchange rate of the Central Bank of the Russian Federation which was effective as at the date of the registration of an international company or the recognition of a foreign company as a tax resident of the Russian Federation.

**Article 276. Special Considerations Relating to the Determination of the Tax Base of Parties to an Agreement on the Fiduciary Management of Property** [article as reworded by Federal Law No. 420-FZ of 28.12.2013]

1. For the purposes of this Chapter, property (including property rights) transferred under an agreement on the fiduciary management of property shall not be deemed to be income of the fiduciary.

The fee which is received by the fiduciary in accordance with the agreement on the fiduciary management of property shall constitute the fiduciary’s income from sales and shall be taxable in accordance with the established procedure. In this respect, expenses associated with carrying out fiduciary management shall be recognised as expenses of the fiduciary unless the agreement on the fiduciary management of property provides for those expenses to be reimbursed by the principal.

The fiduciary shall be obliged to determine income and expenses associated with the fiduciary management of property monthly on a cumulative total and to present information on income received and expenses to the principal (beneficiary) so that they may be taken into account by the principal (beneficiary) in determining the tax base in accordance with this Chapter.
In the case of the fiduciary management of securities the fiduciary shall determine income and expenses in accordance with the procedure prescribed by Article 280 of this Code.

2. Where, under the conditions of an agreement on the fiduciary management of property, the principal is the beneficiary, the tax base of that principal shall be determined with account taken of the following special considerations:

1) income of the principal under the agreement on the fiduciary management of property shall be included in its receipts or non-sale income according to the type of income received;

2) expenses associated with the performance of the agreement on the fiduciary management of property (including the amortization of property and the fiduciary’s fee) shall be recognised as production and sale expenses or non-sale expenses of the principal according to the type of expenses incurred;

3) income (expenses) relating to securities transactions and transactions involving derivative financial instruments (with the exception of the fiduciary’s fee) shall be included in income (expenses) relating to securities transactions and transactions involving derivative financial instruments of the relevant category or non-sale income (expenses) of the principal in accordance with the procedure established by Articles 275, 280 to 282.1 and 301 to 305 of this Code. In this respect, expenses for the fiduciary’s fee shall be recorded separately and shall be recognised as expenses of the principal within the composition of non-sale expenses. [as amended by Federal Law No. 242-FZ of 03.07.2016]

3. Where, under the conditions of an agreement on the fiduciary management of property, the principal is not the beneficiary or more than one beneficiary is established, the tax base of the parties to the agreement shall be determined with account taken of the following special considerations:

1) income of the beneficiary under the agreement on the fiduciary management of property shall be included in its income from sales or non-sale income according to the type of income received and shall be taxable in accordance with the established procedure;

2) expenses associated with the performance of the agreement on the fiduciary management of property (excluding the fiduciary’s fee where the agreement in question provides for the fee to be paid other than by reducing income received through performance of the agreement) shall not be taken into account by the principal in determining the tax base but shall be recognised for taxation purposes as expenses of the beneficiary. In this respect, expenses for the fiduciary’s fee (excluding the fiduciary’s fee where the agreement in question provides for the fee to be paid by reducing income received through performance of the agreement) shall be taken into account separately and shall be recognised as expenses of the principal within the composition of non-sale expenses;

3) losses made during the term of a fiduciary management agreement from the use of property placed under fiduciary management shall not be taken into account in the determination of the tax base for tax by the principal or by the beneficiary;
4) where there are multiple beneficiaries under a fiduciary management agreement, those beneficiaries shall recognise income and expenses in accordance with this clause in amounts corresponding to the proportions attributable to them.

4. Upon the termination of a fiduciary agreement the property (including property rights) placed under fiduciary management may, according to the conditions of that agreement, be returned to the principal or transferred to another person.

In the event that the property is returned, no income (loss) shall arise for the principal irrespective of whether a positive (negative) difference arises between the value of the property placed under fiduciary management as at the time of the entry into force and as at the time of the termination of the agreement on the fiduciary management of property.

5. The provisions of this Article (with the exception of the provisions of paragraph 1 of clause 1 of this Article) shall not apply to the management company and the participants (principals) in an agreement on the fiduciary management of property comprising an independent property complex/mutual investment fund.

**Article 277. Special Considerations Relating to the Recognition of Income and Expenses in the Case of the Transfer of Property (Property Rights) to Charter (Pooled) Capital (Fund, Fund Property) as a Property Contribution of the Russian Federation to State Corporations and in the Case of the Re-Organization and Liquidation of an Organization**


1. Upon the distribution of issued shares (participating interests, units), income and expenses of the taxpayer which is the issuer and income and expenses of the taxpayer which acquires such shares (participating interests, units) (hereafter in this Article referred to as “shareholder (participant, unit holder)”) shall be determined with account taken of the following special considerations:

1) no profit (loss) shall arise for a taxpayer – issuer upon receiving property (property rights) as payment for shares (participating interests, units) which are distributed by it;  
[subsection 1 as reworded by Federal Law No. 58-FZ of 06.06.2005]

2) no profit (loss) shall arise for a taxpayer – shareholder (participant, unit holder) upon transferring property (property rights) as payment for distributed shares (participating interests, units).  
[as amended by Federal Law No. 58-FZ of 06.06.2005]

In this respect, for the purposes of this Chapter the value of shares (participating interests, units) that are acquired shall be deemed to be equal to the value (net book value) of the property (property rights or non-property rights possessing a monetary value (hereafter in this Article referred to as “property rights”)) that are contributed as determined on the basis of tax accounting data as at the date of the transfer of ownership of that property (property rights), with account taken of additional expenses that are recognised for taxation purposes for the transferring party upon making that contribution.  
[as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

In this respect, property (property rights) received in the form of a contribution to (investment in) the charter (pooled) capital of an organization shall be recognised for the purposes of the
taxation of profit according to the value (net book value) of the property (property rights) received as a contribution to (investment in) the charter (pooled) capital. The value (net book value) shall be determined on the basis of the tax accounting data of the transferring party as at the date of transfer of ownership rights in that property (property rights), with account taken of additional expenses which are incurred by the transferring party in connection with such contribution (investment), provided that those expenses are specified as a contribution to (investment in) the charter (pooled) capital. If the receiving party is unable to provide documentary evidence of the value of contributed property (property rights) or of any part thereof, then the value of that property (property rights) or such part thereof shall be deemed to be equal to zero. [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

Where property (property rights) is contributed (invested) by physical persons and foreign organizations there shall be recognised as the value (net book value) of that property (property rights) documented expenses associated with the acquisition thereof, with account taken of amortization (depreciation) charged for the purposes of the taxation of profit (income) in the state of which the transferring party is a tax resident, but not higher than the market value of that property (property rights) as confirmed by an independent appraiser acting in accordance with the legislation of that state. [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005, as amended by Federal Law No. 248-FZ of 23.07.2013]

The value of property (property rights) received by way of the privatization of state or municipal property in the form of a contribution to the charter capital of organizations shall be recognised for the purposes of this Chapter according to the value (net book value) which is determined as at the date of privatization in accordance with accounting requirements. [paragraph inserted by Federal Law No. 401-FZ of 30.11.2016]

The value of property (property rights) received by state corporations established on the basis of federal laws as a property contribution of the Russian Federation shall be recognised for the purposes of this Chapter according to the value determined as at the date of receipt of the property (property rights) in accordance with accounting requirements. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

Where property is transferred to the charter fund of a unitary enterprise by the owner of its property, the value of that property shall be taken to be documented expenses for the acquisition (creation) thereof which were incurred in accordance with the budget legislation of the Russian Federation.

2. Where an organization is liquidated and the property of the organization being liquidated is distributed, income of taxpayers that are shareholders (participants, unit holders) of the organization being liquidated shall be determined on the basis of the market price of the property (property rights) received by them as at the time of the receipt of that property, less the cost of the shares (participating interests, units) that was actually paid (irrespective of the form of payment) by the relevant shareholders (participants) of that organization and the amount of contributions made by them in the form of monetary resources, less the amount of monetary resources referred to in subsection 11.1 of clause 1 of Article 251 of this Code, to the property of the organization. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 368-FZ of 09.11.2020]

When a shareholder departs (exits) from an organization, income of that shareholder (participant) shall be determined on the basis of the market value of the property (property
rights) which it receives at the time of the receipt of that property (property rights), less the amount actually paid (irrespective of the form of payment) by the shareholder (participant) of the organization for the shares (participating interests) and the amount of the contribution made by it in the form of monetary resources, less the amount of monetary resources referred to in subsection 11.1 of clause 1 of Article 251 of this Code, to the property of the organization.

[paragraph inserted by Federal Law No. 424-FZ of 27.11.2018; as amended by Federal Law No. 368-FZ of 09.11.2020]

In this respect, property (property rights) received by such a shareholder (participant) upon departure (exit) from or upon the liquidation of an organization shall be recorded in accounts at market value as determined in accordance with the provisions of paragraph 2 of this clause.

[paragraph inserted by Federal Law No. 424-FZ of 27.11.2018]

The procedure established by this clause for determining income and the value of property (property rights) received for profit taxation purposes shall also be applicable by taxpayers possessing debentures in the event of the liquidation of the organization which issued those debentures. [paragraph inserted by Federal Law No. 424-FZ of 27.11.2018]


2.2. Where a foreign organization is liquidated (a foreign unincorporated entity is terminated (liquidated)), a shareholder thereof (a participant, a unit holder or a controlling person of a foreign organization or a controlling person of a foreign unincorporated entity) which has the right to receive income in the form of the value of property (property rights) received may, provided that the conditions established by clause 2.3 or 2.4 of this Article are met, refrain from taking that income into account in determining the tax base. [as amended by Federal Law No. 490-FZ of 25.12.2018]

Unless otherwise established by clause 2.5 of this Article, where a taxpayer has exercised the right established by paragraph 1 of this clause, the value of such property (property rights) shall be recognised for the purposes of this clause on the basis of the documented value of the property (property rights) according to the accounting data of the foreign organization (foreign unincorporated entity) being liquidated as at the date of receipt of the property (property rights), but not higher than the market value of the property (property rights) in question as determined in line with the provisions of Article 105.3 of this Code. [as amended by Federal Law No. 490-FZ of 25.12.2018]

In this respect, the documented value of amortizable property items (property rights) shall be the net book value of the items in question as determined on the basis of the accounting data of the foreign organization (foreign unincorporated entity) being liquidated.

[clause 2.2 as reworded by Federal Law No. 32-FZ of 15.02.2016]

2.3. A taxpayer shall have the right not to take income in the form of property (property rights) received into account in determining the tax base on the basis of clause 2.2 of this Article provided that the process of the liquidation of the foreign organization (foreign unincorporated entity) is completed before 1 January 2018, except as otherwise indicated in subsections 1 to 3 of this clause. The time limit for completing the process of the liquidation of a foreign organization (foreign unincorporated entity) shall be extended in the following cases:
1) where a decision of shareholders (founders) or other authorized persons on the liquidation of a foreign organization (a foreign unincorporated entity) was adopted before 1 January 2017, but the liquidation process cannot be completed before 1 January 2018 owing to restrictions imposed by the personal law of the foreign organization or owing to the involvement of the foreign organization (foreign unincorporated entity) in judicial proceedings, the process of the liquidation of the foreign organization (foreign unincorporated entity) must be completed not later than after 365 consecutive calendar days commencing from the date on which those restrictions and (or) judicial proceedings ended;

2) where the personal law of a foreign organization (a foreign unincorporated entity) establishes a minimum period of possession of shares (participating interests, equity units) in a foreign organization (a foreign unincorporated entity) and (or) in its subsidiaries and (or) foreign unincorporated entities, a failure to meet which gives rise to an obligation to pay tax established by the legislation of a foreign state, and the beginning of that period falls on a date before 1 January 2015 and the end of that period falls on a date after 1 January 2018, the process of the liquidation of the foreign organization (foreign unincorporated entity) must be completed not later than after 365 consecutive calendar days commencing from the date on which the minimum period referred to in this subsection ended;

3) where a decision on the liquidation of a foreign organization (a foreign unincorporated entity) cannot be adopted before 1 January 2018 owing to restrictions established by the conditions of issue of circulated bonds which meet the requirements established by subsection 1 of clause 2.1 of Article 310 of this Code, the process of the liquidation of the foreign organization (foreign unincorporated entity) must be completed not later than after 365 consecutive calendar days commencing from the date on which those restrictions ceased to have effect for the organization (foreign unincorporated entity) concerned.

[clause 2.3 inserted by Federal Law No. 32-FZ of 15.02.2016]

2.4. A taxpayer which is a shareholder in a foreign organization (a participant, unit holder, founder or controlling person of a foreign organization or a controlling person of a foreign unincorporated entity) shall have the right, in determining the tax base, not to take into account income in the form of securities, interests in the charter capital of a company or property rights received in ownership which was received before 31 December 2019 from that foreign organization (foreign unincorporated entity), provided that the following conditions are simultaneously met:

1) a physical person whose aggregate direct and (or) indirect participating interest in the taxpayer is not less than 25 per cent as at the date of the receipt of income in the form of securities, interests in the charter capital of a company or property rights received in ownership was subject to restrictive measures at that date;

2) the securities, interests in the charter capital of a company or property rights received in ownership were owned by the foreign organization (foreign unincorporated entity) transferring them as at the date on which the physical person referred to in subsection 1 of this clause began to be subject to restrictive measures;

3) the taxpayer submitted to the tax authority, together with a tax declaration, an application prepared in any form for the income in question to be exempted from taxation, stating the characteristics of the property (property rights) received and of the foreign organization
(foreign unincorporated entity) transferring it and attaching documents containing information on the value of the property (property rights) according to the accounting data of the transferring foreign organization (foreign unincorporated entity) as at the date on which the property (property rights) was received from that foreign organization;

4) the taxpayer submitted to the tax authority, together with a tax declaration, information on the liquidation of the foreign organization (foreign unincorporated entity) from which the securities, interests in the charter capital of a company or property rights were received in ownership. The condition established by this subsection must be met if the income referred to in paragraph 1 of this clause was received by the taxpayer as a result of the liquidation of a foreign organization (the termination of a foreign unincorporated entity);

5) the taxpayer submitted to the tax authority, together with a tax declaration, an undertaking drawn up in any form to complete the process of the liquidation of the foreign organization (the process of the termination of the foreign unincorporated entity) from which the securities, interests in the charter capital of a company or property rights were received in ownership within 365 consecutive calendar days counting from the earlier of the following dates:

- the date of expiry of restrictive measures in relation to the taxpayer referred to in subsection 1 of this clause;

- the date commencing from which the aggregate direct and (or) indirect participating interest of the physical person referred to in subsection 1 of this clause became less than 25 per cent.

At the same time as the undertaking referred to in paragraphs 1 to 3 of this subsection, for the purpose of complying with the condition established by this subsection the taxpayer shall also submit to the tax authority information on the adoption of the decision of the shareholders (founders) or other authorized persons on the liquidation of the foreign organization (termination of the foreign unincorporated entity) if that decision was adopted before 31 December 2019.

If the taxpayer fails to fulfil the undertaking referred to in this subsection, the amount of tax not paid by the taxpayer to the budget owing to the exercise by the taxpayer of the right established by this clause must be restored and paid to the budget in accordance with the established procedure with the taxpayer being charged appropriate amounts of penalties irrespective of the time of the assumption of the undertaking by the taxpayer.

The condition established by this subsection must be met if the condition established by subsection 4 of this clause is not met.

[clause 2.4 inserted by Federal Law No. 490-FZ of 25.12.2018]

2.5. Where a taxpayer has exercised the right not to take into account, in determining the tax base, income such as is referred to in clause 2.4 of this Article in the form of shares (depositary receipts for shares) and (or) interests in the charter capital of a company which were received in ownership, and a physical person such as is referred to in subsection 1 of clause 2.4 of this Article has, as at the date of the imposition of restrictive measures in relation to that physical person, a direct and (or) indirect interest in the organization which issued the shares in question (shares in respect of which rights are certified by the depositary receipts in question) or the company, and the aggregate size of his direct and (or) indirect interest in that organization
(company) is not less than 25 per cent, the value of the relevant shares (depositary receipts) or interests in the charter capital of a company which were received from the foreign organization (foreign unincorporated entity) shall be determined for taxation purposes as follows:

1) in the case of shares (depositary receipts for shares) circulated on the organized securities market, the value shall be taken to be equal to the average market value of the shares (depositary receipts for shares) in question calculated for the six calendar months preceding the month in which restrictive measures were imposed on the physical person referred to in subsection 1 of clause 2.4 of this Article. The market value of such shares (depositary receipts for shares) shall be determined in accordance with the procedure established by Article 280 of this Code;

2) in the case of shares (depositary receipts for shares) not circulated on the organized securities market, the value shall be taken to be equal to the computed value of those securities as at the last day of the month preceding the month in which restrictive measures were imposed on the physical person referred to in subsection 1 of clause 2.4 of this Article. The market value of such shares (depositary receipts for shares) shall be determined in accordance with the procedure established by Article 280 of this Code;

3) in the case of interests in the charter capital of a company, the value shall be taken to be equal to the market value of the interests in the charter capital of the company as at the last day of the month in which restrictive measures were imposed on the physical person referred to in subsection 1 of clause 2.4 of this Article. The market value of such interests shall be determined on the basis of Article 105.3 of this Code.

[clause 2.5 inserted by Federal Law No. 490-FZ of 25.12.2018]

3. Upon the re-organization of an organization, irrespective of the form of the re-organization, no profit (loss) which is taken into account for taxation purposes shall arise for taxpayers which are shareholders (participants, unit holders). [as amended by Federal Law No. 57-FZ of 29.05.2002]

Where a non-state pension fund which is a non-commercial organization is re-organized in accordance with Federal Law No. 410-FZ of 28 December 2013 “Concerning the Introduction of Amendments to the Federal Law “Concerning Non-State Pension Funds” and Certain Legislative Acts of the Russian Federation”, the receipt of shares in the joint company shall not give rise to a profit (loss) to be taken into account for taxation purposes for the following categories of taxpayers: [paragraph inserted by Federal Law No. 167-FZ of 23.06.2014]

- the founders (entities established as a result of the conversion of the founders) of the non-state pension fund which is re-organized; [paragraph inserted by Federal Law No. 167-FZ of 23.06.2014]

- other entities (entities established as a result of the conversion thereof) which made a contribution to the aggregate investment of the founders of the non-state pension fund before the date on which the board of the fund adopted the decision to re-organize the non-state pension fund in accordance with Federal Law No. 410-FZ of 28 December 2013 “Concerning the Introduction of Amendments to the Federal Law “Concerning Non-State Pension Funds” and Certain Legislative Acts of the Russian Federation”. [paragraph inserted by Federal Law No. 167-FZ of 23.06.2014]

4. In the case of a re-organization in the form of a merger, acquisition or change of form whereby shares in the organization being re-organized are converted into shares in newly
established organizations or into shares of the acquiring organization, the value of shares received by shareholders of the organization being re-organized in newly established organizations or in the acquiring organization shall be deemed to be equal to the value of the converted shares in the organization being re-organized according to the tax accounting data of the shareholder as at the date of completion of the re-organization (as at the date on which an entry concerning the cessation of the activities of each acquired legal entity is included in the unified state register of legal entities in the case of a re-organization in the form of acquisition).

A similar procedure shall apply to the determination of the value of participating interests (units) received as a result of exchanging participating interests (units) in the organization being re-organized.

Where a non-state pension fund which is a non-commercial organization is re-organized in accordance with Federal Law No. 410-FZ of 28 December 2013 “Concerning the Introduction of Amendments to the Federal Law “Concerning Non-State Pension Funds” and Certain Legislative Acts of the Russian Federation”, the value of shares received by a taxpayer which are distributed in accordance with the procedure prescribed by the legislation of the Russian Federation shall be considered to be equal to the value (net book value) of property (property rights) supplied as a contribution to the aggregate investment of the founders of the non-state pension fund which is re-organized, determined on the basis of data in the tax records of the transferring party as at the date of transfer of ownership rights in that property (property rights).

[paragraph inserted by Federal Law No. 167-FZ of 23.06.2014]
[clause 4 inserted by Federal Law No. 58-FZ of 06.06.2005]

5. In the case of a re-organization in the form of a spin-off or demerger whereby shares in newly established organizations are converted or distributed among the shareholders of the organization being re-organized, the aggregate value of shares received by a shareholder as a result of the re-organization in each of the established organizations and in the re-organized organization shall be deemed to be equal to the value of the shares which were owned by the shareholder in the organization being re-organized, as determined on the basis of the shareholder’s tax accounting data.

The value of shares in each newly established and re-organized organization which are received by a shareholder as a result of the re-organization shall be determined according to the following procedure.

The value of shares in each newly established organization shall be deemed to be equal to a portion of the value of shares owned by the shareholder in the organization being re-organized which corresponds to the ratio of the value of the net assets of the established organization to the value of the net assets of the organization being re-organized.

The value of shares owned by a shareholder in the organization which is being re-organized (which has been re-organized after the re-organization has been completed) shall be determined as the difference between the value at which the shareholder acquired shares in the organization being re-organized and the value of shares owned by that shareholder in all the newly established organizations.
The value of the net assets of the organization being re-organized and the newly established organizations shall be determined on the basis of data in the dividing balance sheet as at the date on which it is approved by shareholders in accordance with the established procedure.

A similar procedure shall apply to the determination of the value of participating interests (units) received as a result of exchanging participating interests (units) in the organization being re-organized.

In the case of a re-organization in the form of a spin-off whereby the organization being re-organized acquires shares (participating interests, units) in a spun-off organization, the value of those shares (participating interests, units) shall be deemed to be equal to the value of the net assets of the spun-off organization as at the date of its state registration.

Where the value of the net assets of one or more organizations established (re-organized) with the participation of shareholders is a negative amount, the acquisition cost of shares received by a shareholder as a result of the re-organization in each of the established (re-organized) organizations shall be deemed to be equal to a portion of the value of the shares owned by the shareholder in the organization being re-organized which corresponds to the ratio of the size of the charter capital of each of the organizations established with the participation of the shareholders to the size of the charter capital of the organization being re-organized as at the last reporting date before the re-organization.

[clause 5 inserted by Federal Law No. 58-FZ of 06.06.2005]

6. Information on the net assets of organizations (which are to be re-organized and established) based on data in the dividing balance sheet shall be published by the organization being re-organized within 45 calendar days from the date of adoption of the decision concerning re-organization in a printed publication which is intended for the publication of data concerning the state registration of legal entities, and shall be provided to taxpayers which are shareholders (participants, unit holders) in the organizations being re-organized upon their written request.

[clause 6 inserted by Federal Law No. 58-FZ of 06.06.2005, as amended by Federal Law No. 137-FZ of 27.07.2006]

Article 278. Special Considerations Relating to the Determination of the Tax Base for Income Received by Parties to a Simple Partnership Agreement

1. The transfer by taxpayers of property, including property rights, as contributions of participants in simple partnerships (hereinafter referred to as “partnership”) shall not be deemed to constitute a sale of goods (work and services) for the purposes of this Chapter.

2. Where any of the participants in a partnership is a Russian organization or a physical person who is a tax resident of the Russian Federation, the maintenance of records of income and expenses of that partnership for taxation purposes must be carried out by the Russian participant, irrespective of who is charged with managing the affairs of the partnership in accordance with the agreement.

3. The participant in a partnership which maintains records of income and expenses of that partnership for taxation purposes shall be obliged to determine, on a cumulative total based on the results for each reporting (tax) period, the profit of each participant in the partnership in proportion to the share of that participant in the partnership, as established by agreements, in the profit of the partnership which has been received for the reporting (tax) period from the
activities of all the participants within the framework of the partnership. The participant in the partnership which maintains records of income and expenses shall be obliged to notify each participant in the partnership on a quarterly basis (by the 15th of the month following the reporting (tax) period) of the amounts of income which are payable (distributable) to each participant in the partnership. [as amended by Federal Law No. 58-FZ of 06.06.2005]

4. Income received from participation in a partnership shall be included in the composition of non-sale income of the taxpayers which are participants in the partnership and shall be taxable in accordance with the procedure which is established by this Chapter. Losses of a partnership shall not be allocated among its participants and shall not be taken into account by them for taxation purposes.

5. Upon the termination of a simple partnership agreement, when income from the partnership’s activities is distributed the parties to that agreement shall not adjust income which they previously took into account for taxation purposes for income which is actually received by them upon the distribution of income from the activities of the partnership.

6. In the event that a simple partnership agreement is terminated and property is returned to the parties to that agreement, any negative difference between the value of the property returned and the value at which that property was previously transferred under the simple partnership agreement shall not be deemed to be a loss for taxation purposes.

**Article 278.1. Special Considerations Relating to the Determination of the Tax Base for Income Received by Members of a Consolidated Group of Taxpayers** [inserted by Federal Law No. 321-FZ of 16.11.2011]

1. The tax base for a consolidated group of taxpayers (hereafter in this Chapter referred to as “consolidated tax base”) shall be determined as the sum of all the tax bases of the members of the consolidated group of taxpayers, with account taken of the special considerations established by this Article. In this respect, the tax base of each member of a consolidated group of taxpayers shall be determined in accordance with the procedure established by Article 274 of this Code with account taken of the provisions of Article 283 of this Code.

The tax base of each member of a consolidated group of taxpayers which is included in the consolidated tax base shall not include income of members of the consolidated group of taxpayers which is taxable at source.

Losses made by members of a consolidated group of taxpayers in a reporting (tax) period shall be totalled. The consolidated tax base for the current reporting (tax) period shall be determined taking the above-mentioned amount of losses into account. In this respect, the amount of losses which is taken into account shall not exceed an amount equal to 50 per cent of the consolidated tax base for the current reporting (tax) period. The treatment of losses of members of a consolidated group of taxpayers in determining the consolidated tax base for the current reporting (tax) period shall be established in the accounting policies for taxation purposes of the consolidated group of taxpayers.

An amount of losses of a member of a consolidated group of taxpayers which was not taken into account in determining the consolidated tax base for a tax period shall be recognised for
taxation purposes by that member in accordance with the procedure and subject to the conditions which are established by Article 283 of this Code.

In the event that all the members of a consolidated group of taxpayers made losses in a reporting (tax) period, the consolidated tax base shall be taken to be equal to zero in that reporting (tax) period.

[clause 1 as reworded by Federal Law No. 401-FZ of 30.11.2016]

2. Tax records of operations carried out between members of a consolidated group of taxpayers shall be maintained in accordance with Article 321.2 of this Code.

3. Members of a consolidated group of taxpayers shall not form doubtful debt reserves in accordance with Article 266 of this Code in relation to the indebtedness of particular members of the group to other members of the group.

Members of a consolidated group of taxpayers shall restore a doubtful debt reserve to the extent of the amount of indebtedness relating to other members of that group. The amounts in question shall be included in the composition of non-sale income in the tax period preceding the tax period in which the taxpayer became a member of the consolidated group of taxpayers.

4. Members of a consolidated group of taxpayers shall not form warranty repair and warranty servicing reserves in accordance with Article 267 of this Code in relation to sales of goods (work) to other members of that group.

When a taxpayer joins a consolidated group of taxpayers the warranty repair and warranty servicing reserve shall be restored to the extent of amounts of reserves relating to goods (work) sold to other members of that group. In this respect, the maximum amount of the reserve which is determined in accordance with clause 3 of Article 267 of this Code shall be adjusted so as to exclude operations between members of one consolidated group of taxpayers in determining the amounts of warranty repair and servicing expenses actually incurred by the taxpayer as a proportion of receipts from sales of the goods (work) concerned for the last three years and receipts from sales of the goods (work) concerned for the reporting (tax) period.

No adjustment shall be made to the amount of receipts from sales of goods (work) for the last three years up to the beginning of the tax period in which the taxpayer became a member of the consolidated group of taxpayers. In tax periods in which the taxpayer is a member of a consolidated group of taxpayers, that amount shall not include receipts from sales of the above-mentioned goods (work) to other members of that group.

Amounts of restored warranty repair and warranty servicing reserves, including amounts arising as a result of the reduction of the maximum amount of the reserve, shall be included in non-sale income in the tax period preceding the tax period in which the taxpayer became a member of the consolidated group of taxpayers.

5. Banks which are members of a consolidated group of taxpayers shall not form reserves against possible losses on loans and loan and equated indebtedness, including indebtedness in respect of interbank credits and deposits, in accordance with Article 292 of this Code with respect to indebtedness of members of the consolidated group of taxpayers to other members of that group.
Banks shall restore the reserve against possible losses on loans and loan and equated indebtedness, including indebtedness in respect of interbank credits and deposits, to an extent corresponding to the amount of indebtedness relating to other members of that group. The amounts in question shall be included in non-sale income in the tax period preceding the tax period in which the bank became a member of the consolidated group of taxpayers.

6. Members of a consolidated group of taxpayers which incurred losses calculated in accordance with this Chapter in tax periods preceding the tax period in which they joined the group shall not have the right to reduce the consolidated tax base by the entire amount of the loss sustained by them (by a portion of that amount) (to carry the loss forward) in the manner prescribed by Articles 275.1 and 283 of this Code commencing from the tax period in which they joined that group.

It shall not be permitted for losses of members of a consolidated group of taxpayers (including losses arising from the use of service plants and holdings in accordance with Article 275.1 of this Code) which they incurred before joining the group to be aggregated with the consolidated tax base. This provision shall also apply to losses incurred by organizations which became members of a consolidated group of taxpayers by means of acquisition by or merger with a member of that group.

7. The norms of expenses allowable for taxation purposes which are provided for in clauses 16 and 24.1 of the second part of Article 255, subsection 6 of clause 2 of Article 262, subsections 11 and 48.2 of clause 1 and clauses 2 and 4 of Article 264, clause 4 of Article 266 and subsection 4 of clause 2 of Article 296 of this Code shall be applied by each member of a consolidated group of taxpayers.

8. The special considerations relating to the determination of the tax base for transactions involving securities and derivative financial instruments which are established by this Code for taxpayers which are not professional participants in the securities market in regard to the separate determination of the tax base and in regard to the reduction of the tax base by the amount of losses incurred and the carry-forward of losses shall apply for the purpose of calculating a consolidated tax base. [as amended by Federal Law No. 242-FZ of 03.07.2016]

9. The rules established by this Article shall apply solely to the determination of the tax base which is subject to the tax rate established by clause 1 of Article 284 of this Code.

Members of a consolidated group of taxpayers shall independently determine in accordance with this Chapter the tax base which is subject to other tax rates. The tax base referred to in this paragraph shall not be taken into account in calculating tax for a consolidated group of taxpayers.

Article 278.2. Special Considerations Relating to the Determination of the Tax Base for Income Received by Participants in an Investment Partnership Agreement [inserted by Federal Law No. 336-FZ of 28.11.2011]

1. An organization which is a tax resident of the Russian Federation and is a participant in an investment partnership agreement must maintain records of income and expenses of the investment partnership for taxation purposes in accordance with this Chapter.
A foreign organization may maintain records of income and expenses of an investment partnership for taxation purposes only if its activities give rise to a permanent establishment in the Russian Federation.

2. The participant in an investment partnership agreement which is the managing partner responsible for the maintenance of tax records (hereafter in this Article referred to as “managing partner responsible for the maintenance of tax records”) shall determine profit (losses) from activities within the framework of the investment partnership as a cumulative total based on the results for each reporting (tax) period. In this respect, the profit (loss) of each participant in the investment partnership agreement shall be determined in proportion to the participating interest which the agreement establishes for each such participant in the profit of the investment partnership.

In determining profit (losses) from activities within the framework of an investment partnership, the partner responsible for the maintenance of tax records shall not take into account income which is paid to participants in the investment partnership agreement in the form of dividends on securities and participating interests in the charter capital of organizations which have been acquired within the framework of the investment partnership.

3. Income of a foreign organization from participation in an investment partnership shall be such an amount of the profit of the investment partnership as corresponds to the participating interest which the investment partnership agreement establishes for that organization in the profit of the investment partnership. In this respect, the profit of the investment partnership shall be determined in accordance with this Article.

4. The tax base for income received by participants in an investment partnership agreement shall be determined separately for the following operations carried out within the framework of an investment partnership:

1) operations involving securities circulated on the organized securities market;

2) operations involving securities not circulated on the organized securities market;

3) operations involving derivative financial instruments not circulated on the organized market; [as amended by Federal Law No. 242-FZ of 03.07.2016]

4) operations involving participating interests in the charter capital of organizations;

5) other operations of an investment partnership.

5. The tax base for income from participation in an investment partnership shall be determined separately from the tax base for income from other operations of the taxpayer, except as otherwise established by this Article.

6. Amounts corresponding to a taxpayer’s share in expenses incurred by a managing partner in the interests of all partners for the management of the partners’ common affairs shall reduce income from operations such as are referred to in clause 4 of this Article in proportion to amounts of income from the operations in question.
The taxpayer’s share in the above-mentioned expenses shall be determined in accordance with its participating interest in the profit of the investment partnership, as established by the investment partnership agreement.

Where the above-mentioned expenses are incurred from resources in an investment partnership account, the amount of the expenses in question to be borne by the taxpayer shall be determined by the taxpayer on the basis of information provided by the managing partner responsible for the maintenance of tax records.

Expenses incurred by a managing partner in the interests of all partners for the management of the partners’ common affairs, including those incurred from resources in an investment partnership account, shall not be taken into account by the partner responsible for the maintenance of tax records in determining the tax base in accordance with clause 2 of this Article.

Amounts which are paid by participants in an investment partnership agreement as reimbursement for expenses incurred by a managing partner in the interests of all partners for the management of the partners’ common affairs shall not be recognised as income of the managing partner.

7. Expenses incurred by a taxpayer for the payment of fees to participants in an investment partnership agreement who are managing partners for the management of the partners’ common affairs shall reduce income from operations such as are referred to in clause 4 of this Article in proportion to amounts of income from the operations in question.

Where fees are paid to participants in an investment partnership agreement who are managing partners out of resources in the investment partnership account, the amount of the expenses in question to be borne by the taxpayer shall be determined by the taxpayer on the basis of information provided by the managing partner responsible for the maintenance of tax records.

Expenses for the payment of fees to participants in an investment partnership agreement who are managing partners, including expenses incurred from the investment partnership account, shall not be taken into account by the partner responsible for the maintenance of the tax base in determining the tax base in accordance with clause 2 of this Article.

8. Income of taxpayer – managing partners in the form of amounts of fees for the management of the partners’ common affairs shall be included in their income from sales as determined in accordance with Article 249 of this Code.

9. The tax base for income from participation in an investment partnership shall be determined as amounts of income from operations such as are referred to in clause 4 of this Article, reduced by amounts of expenses such as are referred to in clauses 6 and 7 of this Article and losses (including losses for prior tax periods which are taken into account in accordance with Article 283 of this Code) incurred in respect of the operations in question, except as otherwise provided by this Article.
Should the value thus obtained be negative, it shall be recognised as a loss made by the taxpayer from participation in the investment partnership in respect of the operations in question, and the tax base for the operations in question shall be deemed to be nil.

10. Where a taxpayer participates in a number of investment partnerships, the tax base for income from participation in investment partnerships shall be determined by the taxpayer as an aggregate amount for all investment partnership agreements in which it participates, with account taken of the provisions of clause 4 of this Article.

The provisions of this clause shall also apply to amounts of losses for prior tax periods which are taken into account in accordance with Article 283 of this Code.

11. Losses of an investment partnership in respect of operations such as are referred to in clause 4 of this Article shall be allocated to participants in the investment partnership agreement in proportion to the participating interest which the agreement establishes for each of them in the profit of the investment partnership, and shall be taken into account by them for taxation purposes in accordance with this Article and Article 283 of this Code.

12. Where a taxpayer withdraws from an investment partnership as a result of the cession of rights and obligations under the investment partnership agreement or the apportionment of a share from the commonly owned property of the partners, the tax base shall be determined as income received by the taxpayer upon withdrawal from the investment partnership agreement, reduced by the amount of the taxpayer’s contribution to the investment partnership which it has paid in by the time of withdrawal from the partnership and (or) amounts paid by the taxpayer for the acquisition of rights and obligations under the investment partnership agreement.

Where, upon withdrawal from an investment partnership, a taxpayer receives income in the form of property and (or) property rights that were commonly owned by the partners, the amount of the income in question shall be determined on the basis of data in the investment partnership’s tax records. In this respect, in the event that the property and (or) property rights are returned to the participants in the investment partnership agreement a negative difference between the value of the property and (or) property rights returned and the value at which the property and (or) property rights were previously transferred under the investment partnership agreement shall not be recognised as a loss for taxation purposes.

Where the value calculated in accordance with this clause is negative, it shall be recognised as a loss made by the taxpayer upon withdrawal from the investment partnership, and the tax base shall be deemed to be nil.

A loss made by a taxpayer upon withdrawal from an investment partnership shall be taken into account in determining the tax base for operations involving securities not circulated on the organized securities market.

13. When an investment partnership agreement is rescinded or terminated, income in respect of operations such as are referred to in clause 4 of this Article which was received in respect of operations of the investment partnership in the reporting (tax) period in which the investment partnership agreement ceased to operate shall be included in the tax base, and income received by a taxpayer upon the rescission or termination of the agreement shall not be included in the tax base.
In determining the tax base upon the rescission or termination of an investment partnership agreement, income from operations such as are referred to in clause 4 of this Article shall be reduced by amounts of expenses such as are referred to in clauses 6 and 7 of this Article and shall not be reduced by the amount of the taxpayer’s contribution to the common business of the partners.

Where the value calculated in accordance with this clause for one or more of the types of income referred to in clause 4 of this Article is negative, the amounts in question shall be recognised as a loss made by the taxpayer upon the rescission or termination of the investment partnership agreement, and the tax base shall be deemed to be nil.

Losses made by a taxpayer upon the rescission or termination of an investment partnership agreement shall be taken into account by the taxpayer in determining the tax base in accordance with clause 10 of this Article and (or) shall be carried forward in accordance with Article 283 of this Code.

A negative difference between the value attributed to property and (or) property rights which are transferred to a taxpayer upon the rescission or termination of an investment partnership agreement and the value at which that property and (or) those property rights were previously transferred under the investment partnership agreement shall not be recognised as a loss for that taxpayer.

**Article 279. Special Considerations Relating to the Determination of the Tax Base Upon the Cession (Assignment) of a Claim**

1. Where a taxpayer which sells goods (work and services) and calculates income (expenses) according to the accrual-basis method cedes a debt claim to a third party before the payment deadline stipulated by the contract for the sale of goods (work and services) is reached, any negative difference between income from the sale of the debt claim and the value of the goods (work and services) sold shall be deemed to be a loss of the taxpayer.

In this respect, the amount of the loss for taxation purposes may not exceed the amount of interest which the taxpayer would have paid on the basis of the maximum interest rate which is established for the relevant type of currency by clause 1.2 of Article 269 of this Code or, at the taxpayer’s option, on the basis of the interest rate confirmed in accordance with the methods established by Section V.1 of this Code for a debt obligation equal to income from the cession of a claim for the period from the date of cession to the payment date stipulated in the contract for the sale of goods (work and services). The provisions of this clause and of paragraph 1 of clause 4 of this Article shall also apply to a taxpayer which is a creditor in respect of a debt obligation. The procedure for accounting for a loss in accordance with this clause must be laid down in the taxpayer’s accounting policies.

The provisions of paragraph 2 of this clause limiting the amount of a loss shall not apply in the case of the assignment of rights (claims) by a taxpayer bank where the assignment of rights (claims) takes place as part of measures provided for in a plan for the participation of the Bank of Russia in the implementation of bankruptcy prevention measures in relation to a bank or where the assignment of rights (claims) which are listed in an act of the Government of the Russian Federation adopted on the basis of part 1 of Article 5 of Federal Law No. 263-FZ of
29 July 2018 “Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” takes place in accordance with the procedure prescribed by part 1 of Article 5 of that Federal Law. [paragraph inserted by Federal Law No. 125-FZ of 06.06.2019] [clause 1 as reworded by Federal Law No. 420-FZ of 28.12.2013]

2. Where a taxpayer which sells goods (work and services) and calculates income (expenses) according to the accrual-basis method cedes a debt claim to a third party after the payment deadline stipulated by the agreement on the sale of goods (work and services) has been reached, any negative difference between income from the sale of the debt claim and the value of the goods (work and services) sold shall be deemed to be a loss arising from the transaction involving the cession of the claim as at the date of the cession of the claim. [as amended by Federal Law No. 81-FZ of 20.04.2014]


The provisions of this clause shall also apply to a taxpayer which is a creditor in respect of a debt obligation. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

3. Where a debt claim is subsequently sold by a taxpayer which purchased that claim or received that claim as a result of the liquidation of a foreign organization (the termination (liquidation) of a foreign unincorporated entity), subject to the conditions established by clauses 2.2 and 2.3 of Article 277 of this Code being met, that operation shall be regarded as the sale of financial services. Income (receipts) from the sale of financial services shall be determined as the value of the property due to that taxpayer upon the subsequent cession of the claim or the termination of the relevant obligation. In this respect, when determining the tax base the taxpayer shall have the right to reduce income received from the sale of the claim by the amount of expenses associated with the acquisition of that debt claim, except as otherwise provided by clause 10 of Article 309.1 or clause 2.2 of Article 277 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 32-FZ of 15.02.2016]

4. Where a debt claim is ceded before the payment date which is stipulated in a contract for the sale of goods (work and services) and the cession transaction is recognised as a controlled transaction according to Section V.1 of this Code, the actual price of the transaction shall be recognised as the market price with account taken of the provisions of clause 1 of this Article.

Where a transaction such as is provided for in clause 2 or 3 of this Article involving the cession of a debt claim is recognised as a controlled transaction according to Section V.1 of this Code, the price of that transaction shall be determined with account taken of the provisions of Section V.1 of this Code.


1. The procedure for classifying objects of civil rights as securities and the procedure for classifying securities as issuance securities shall be established by the civil legislation of the Russian Federation and applicable legislation of foreign states.
In this respect, securities issued in accordance with applicable legislation of foreign states shall be classified as issuance securities if they meet the criteria established by the Federal Law “Concerning the Securities Market”.

Where a securities transaction meets the criteria of a transaction involving derivative financial instruments, the taxpayer shall independently classify that transaction for taxation purposes as a securities transaction or as a transaction involving derivative financial instruments. [as amended by Federal Law No. 242-FZ of 03.07.2016]

For the purposes of this Article, the total tax base shall be understood to mean the tax base for profit which is taxable at the rate specified in clause 1 of Article 284 of this Code where no treatment other than the standard treatment of profits and losses is prescribed in relation to that tax base in accordance with this Chapter, with account taken of the special considerations laid down in clause 10 of Article 309.1 or clause 2.2 of Article 277 of this Code. [as amended by Federal Law No. 32-FZ of 15.02.2016]

For the purposes of this Article, applicable legislation shall be understood to mean the legislation of the state in which securities are circulated (in which a taxpayer concludes civil-law transactions which result in the transfer of ownership of securities). Where it is impossible to determine unequivocally in the territory of which state securities transactions outside the organized securities market were concluded, including in the case of transactions concluded through electronic trading systems, the taxpayer may independently establish in its accounting policies the procedure for determining the applicable legislation. In this respect, where securities are recognised as circulating on the Russian organized securities market the applicable legislation shall be understood to be the legislation of the Russian Federation.

2. Income of a taxpayer from operations involving the sale or other disposal of securities (including from the redemption or partial redemption of their nominal value) shall be determined on the basis of the price of sale or other disposal of the security and the amount of accumulated interest (coupon) income paid by the purchaser to the taxpayer and the amount of interest (coupon) income paid to the taxpayer by the issuer (drawer of the bill). In this respect, amounts of interest (coupon) income previously taken into account for taxation purposes shall not be included in a taxpayer’s income from the sale or other disposal of securities.

Income of a taxpayer from sales or other disposals of securities (including from the redemption or partial redemption of their nominal value) whose sale price is expressed in foreign currency shall be determined on the basis of the official exchange rate of the Central Bank of the Russian Federation which was effective as at the date of transfer of ownership or as at the date of actual redemption or the actual receipt by the taxpayer of amounts of partial redemption of the nominal value.

3. Expenses incurred by a taxpayer in connection with the sale or other disposal (including redemption or partial redemption of the nominal value) of securities, including investment units in a mutual investment fund, shall be determined on the basis of the acquisition price of a security (including acquisition expenses) and the amount of the contribution made by it in the form of monetary resources, less the amount of monetary resources referred to in subsection 11.1 of clause 1 of Article 251 of this Code, to the property of the organization whose securities are sold (disposed of), except as otherwise provided by clause 10 of Article 309.1 or clause 2.2 of Article 277 of this Code, expenditures on selling it, the amount of discounts on the reference
value of investment units and the amount of accumulated interest (coupon) income paid by the taxpayer to the seller of the security. In this respect, amounts of accumulated interest (coupon) income which were previously taken into account for taxation purposes shall not be included in expenses. The amount of a contribution to the property of organizations that is deductible from income from the sale of shares shall be calculated based on the proportion of the price at which the securities being sold were acquired to the total value of shares owned by the taxpayer. [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 368-FZ of 09.11.2020]

For the purpose of determining expenses associated with the sale or other disposal (including redemption or partial redemption of the nominal value) of securities whose acquisition price is expressed in foreign currency (including expenses for the acquisition thereof), that price shall be determined on the basis of the official exchange rate of the Central Bank of the Russian Federation which was in effect at the date on which the security was entered in accounting records, with account taken of the provisions of clause 10 of Article 272 of this Code.

Expenses associated with the sale of securities shall also be determined in accordance with this clause in the following cases:

- the liquidation of the organization which is the issuer of the securities;

- the liquidation of the borrower organization for the financing of whose loan (credit) debentures were issued;

- the absence of obligations on the part of the organization which is the issuer of the securities to make payments in respect of those securities upon their redemption on any other grounds specified in the conditions of issue of the securities.

4. Securities denominated (expressed) in foreign currency shall not be routinely revalued on the basis of the official exchange rate of the Central Bank of the Russian Federation for taxation purposes.

5. In the case of the sale of shares which were received by shareholders upon the re-organization of organizations, the acquisition price of the shares shall be taken to be the value thereof which is determined in accordance with clauses 4 to 6 of Article 277 of this Code.

6. Amounts paid by a taxpayer upon the acquisition of securities in relation to which the conditions of issue provide for partial redemption of the nominal value of a security while it is in circulation shall be recognised as expenses as at the date on which the taxpayer actually receives partial redemption of the nominal value in amounts corresponding to the proportion of payments actually received upon partial redemption of the nominal value to the total amount of nominal value payments which are redeemable under the conditions of issue of the security after the date on which the taxpayer acquired the security.

7. For the purposes of this Chapter, securities shall also be considered to have been sold (acquired) in the following cases:

1) where the taxpayer’s obligations to transfer (accept) the securities in question are terminated by the offsetting of homogenous counter-claims, including where such obligations are terminated through clearing in accordance with the legislation of the Russian Federation;
2) in the case of the offsetting of claims arising from contracts concluded on the basis of a general agreement (unified contract) which conforms to the model conditions of contracts which are laid down in the Federal Law “Concerning the Securities Market”, where such offsetting has taken place for the purpose of determining the amount of a net obligation;

3) in the case of the offsetting of counter-claims arising from contracts concluded on the basis of organized trading rules or clearing rules, where such offsetting took place for the purpose of determining the amount of a net obligation.

8. Expenses incurred by a taxpayer in connection with the sale or other disposal of underlying securities received upon the redemption of depositary receipts shall be determined on the basis of the acquisition price of the depositary receipts (including expenses associated with the acquisition thereof) and expenses associated with the sale (disposal) of the underlying securities. In this respect, where a taxpayer acquired depositary receipts when they were placed subject to the transfer of the underlying securities, the acquisition price of those depositary receipts shall be determined on the basis of the acquisition price of the underlying securities (including expenses associated with the acquisition thereof) and expenses associated with the transfer of the underlying securities.

Expenses incurred by a taxpayer in connection with the sale or other disposal of depositary receipts received as a result of their placement shall be determined on the basis of the acquisition price of underlying securities transferred upon the placement of the depositary receipts (including expenses associated with the acquisition thereof), expenses associated with that transfer and expenses associated with the sale (disposal) of the depositary receipts. In this respect, where a taxpayer acquired underlying securities upon the redemption of depositary receipts, the acquisition price of those underlying securities shall be determined on the basis of the acquisition price of the depositary receipts, expenses associated with that acquisition and expenses associated with the redemption of the depositary receipts.”;

The following shall not constitute a sale or other disposal of securities for the purposes of this Chapter:

- the redemption of depositary receipts where underlying securities are received;

- the transfer of underlying securities upon the placement of depositary receipts certifying rights in underlying securities.

8.1. The following shall not be deemed to constitute the sale or other disposal of securities for the purposes of this Chapter:

- the redemption of clearing participation certificates in the case of the receipt from a clearing organization of securities and other property corresponding to those certificates which were contributed to the property pool of the clearing organization;

- the transfer of securities to a clearing organization against clearing participation certificates issued by that clearing organization;
- the treatment of shares in a foreign organization as shares in an international company registered in accordance with Federal Law No. 290-FZ of 3 August 2018 “Concerning International Companies”. In this respect, for the purposes of this Chapter expenditure on the acquisition of, and (or) the value of, shares in an international company shall be taken to mean, respectively, expenditure on the acquisition of, and (or) the value of, shares in the foreign organization through the redomiciliation of which the international company was established.

[paragraph inserted by Federal Law No. 490-FZ of 25.12.2018]
[clause 8.1 inserted by Federal Law No. 326-FZ of 28.11.2015]

9. For the purposes of this Chapter, securities shall be recognised as circulated on the organized securities market (circulated securities) if the following conditions are simultaneously met:

1) they have been admitted for circulation by at least one trade organizer which has the right to do so in accordance with applicable legislation;

2) information on their prices (quotations) is published in mass media (including electronic media) or may be made available by a trade organizer or other authorized person to any interested person within three years after the date on which transactions involving the securities are concluded;

3) a market quotation has been calculated for them at least once during the three consecutive months preceding the date on which a taxpayer concludes a transaction involving those securities (excluding the calculation of a market quotation when the securities were first placed by the issuer).

10. For the purposes of this Chapter, the market quotation of a security shall be understood to mean:

- in the case of securities admitted for trading through a Russian trade organizer (including an exchange) – the weighted-average price of the security in transactions concluded in the course of a day of trading through that trade organizer;

- in the case of securities admitted for trading through a foreign trade organizer (including an exchange) – the closing price of a security which is calculated by the trade organizer on the basis of transactions concluded through that exchange during a day of trading.

Where transactions involving one and the same security have been concluded through two or more trade organizers, the taxpayer shall have the right independently to select the market quotation of one of the trade organizers.

In the event a trade organizer does not calculate the weighted-average price, for the purposes of this Chapter the weighted-average price shall be taken to be one half of the sum of the highest and lowest prices of transactions concluded during a day of trading through that trade organizer.

11. Where a transaction involving circulated securities is concluded through a Russian or foreign trade organizer:

1) the date of conclusion of the transaction shall be understood to mean the date of the trading in which the transaction involving the security was concluded;
2) the actual price of sale (acquisition) or other disposal of securities shall be recognised for taxation purposes, except as otherwise provided by subsection 3 of this clause; [as amended by Federal Law No. 325-FZ of 29.09.2019]

3) in the case of transactions concluded on the basis of targeted trade orders which are classed as controlled in accordance with Section V.1 of this Code, the price of sale (acquisition) or other disposal of securities determined in the manner prescribed by subsections 2 and 3 of clause 12 of this Article shall be recognised for taxation purposes. [subsection 3 inserted by Federal Law No. 325-FZ of 29.09.2019]

12. Where a transaction involving circulated securities is concluded outside the organized securities market (without the participation of a Russian or foreign trade organizer):

1) the date of conclusion of the transaction shall be understood to mean the date of the contract which sets out all the significant conditions of the transfer of the security;

2) except as otherwise established by this Article, the actual price of sale (acquisition) or other disposal of a circulated security shall be recognised as the market price of the security for taxation purposes provided that one of the following conditions is met:

- if, as at the date of conclusion of the transaction, more than one transaction involving the security has been registered, the actual price of the transaction concluded shall be recognised as the market price of the security provided that, at the date on which the transaction is concluded, that price is in the interval between the highest and lowest prices (the price interval) of transactions involving the security in question which was registered by the trade organizer (trade organizers) on that date;

- if, as at the date of conclusion of the transaction, one transaction involving the security has been registered, the actual price of the transaction concluded shall be recognised as the market price of the security if it is consistent with the price of one other transaction involving that security as at the date of conclusion of the transaction in relation to which the market price is determined;

3) for the purposes of the application of subsection 2 of this clause:

- the highest and lowest prices of transactions (price of one transaction) registered by a trade organizer shall be determined with reference to transactions concluded on the basis of open bids;

- where trade organizers do not have information on the price interval (the price of one transaction) as at the date of conclusion of a transaction, the price interval (price of one transaction) for sales of those securities according to data of trade organizers as at the date of the most recent trading prior to the date of conclusion of the transaction in question shall be taken for the purposes of this clause if the securities have been traded at least once through a trade organizer during the three consecutive months preceding the date of conclusion of the transaction;
- where transactions involving one and the same security were concluded on the specified date through two or more trade organizers, the taxpayer shall have the right independently to select the trade organizer whose price interval values (price of one transaction) will be used to determine the price of the security for taxation purposes, except as otherwise established by this clause. In this respect, where some of the trade organizers referred to in this paragraph have registered more than one transaction involving the security, while other trade organizers have registered only one transaction involving the security, the taxpayer shall have the right independently to select the trade organizer whose price interval values will be used in determining the price of the security for taxation purposes from among the trade organizers which have registered more than one transaction involving the security.

13. Where circulated issuance securities are acquired upon their placement and when such securities are offered to the public for the first time after their placement, including through a broker who renders services involving such offering of securities, the actual acquisition price of the securities shall be recognised as the market price and shall be taken for taxation purposes.

14. Where circulated securities are sold at a price which is below the lowest price of transactions on the organized securities market, the lowest price of a transaction on the organized securities market shall be taken for the purpose of determining the financial result.

Where circulated securities are acquired at a price which is above the highest price of transactions on the organized securities market, the highest price of a transaction on the organized securities market shall be taken for the purpose of determining the financial result.

For the purposes of this clause, where only one transaction has been concluded on the organized securities market the price of that transaction shall be taken as the highest (lowest) price.

15. In the case of transactions involving circulated investment units in an open mutual investment fund, including where they are acquired from (redeemed through) a management company which carries out the fiduciary management of property comprising that open mutual investment fund, the actual transaction price shall be recognised as the market price and shall be taken for taxation purposes if it is equal to the reference value of an investment unit determined in accordance with the procedure established by the legislation of the Russian Federation concerning investment funds.

16. In the case of non-circulated securities, the actual price of a transaction shall be recognised as the market price and shall be taken for taxation purposes if that price is in the range between the highest and lowest prices determined on the basis of the reference price of the security and the maximum price deviation, except as otherwise established by this clause.

For the purposes of this Article, the maximum price deviation for non-circulated securities shall be established at 20 per cent above or below the reference price of a security.

Where non-circulated securities are sold at a price which is below the lowest price determined on the basis of the reference price of a security and the maximum price deviation, the lowest price determined on the basis of the reference price of the security and the maximum price deviation shall be taken in determining the financial result for taxation purposes.
Where non-circulated securities are acquired at a price which is above the highest price determined on the basis of the reference price of the security and the maximum price deviation, the highest price determined on the basis of the reference price of the security and the maximum price deviation shall be taken in determining the financial result for taxation purposes.

The procedure for determining the reference price of non-circulated securities shall be established for the purposes of this Chapter by the Central Bank of the Russian Federation in consultation with the Ministry of Finance of the Russian Federation.

17. In the case of transactions involving non-circulated investment units in open mutual investment funds, including where they are acquired from (redeemed through) a management company which carries out the fiduciary management of property comprising that open mutual investment fund, the actual transaction price shall be taken for taxation purposes if it is equal to the reference value of an investment unit determined in accordance with the procedure established by the legislation of the Russian Federation concerning investment funds.

In the case of transactions involving non-circulated investment units in closed and interval mutual investment funds, including where they are acquired from a management company which carries out the fiduciary management of property comprising the relevant mutual investment fund, the actual transaction price shall be taken for taxation purposes if it is equal to the reference value of an investment unit determined in accordance with the procedure established by the legislation of the Russian Federation concerning investment funds.

Where, in accordance with the legislation of the Russian Federation concerning investment funds, the issue, redemption or exchange of investment units in mutual investment funds which are restricted for circulation takes place other than on the basis of the reference value of the investment unit, the actual transaction price shall be taken for taxation purposes if it is equal to the amount of monetary resources for which one investment unit is issued and which is determined in accordance with the rules for the fiduciary management of the mutual investment fund without taking into account the fluctuation limit.

18. The reference price of non-circulated securities for taxation purposes shall be determined as at the date of the contract establishing all the significant conditions of the transfer of a security.

The reference price of non-circulated investment units for taxation purposes shall be determined as at the date of the determination of the reference value of an investment unit which most closely precedes the date on which a transaction is concluded.

19. A taxpayer shall have right to recognise a reference price for a transaction which is determined using the methods established by Chapter 14.3 of this Code for taxation purposes in determining the financial result from transactions (including transactions which are not recognised as controlled) involving circulated securities and to refrain from applying the rules established by this Article for determining the price of a security for taxation purposes where at least one of the following conditions is met:

1) the purchaser of the securities (together with affiliated persons) becomes the owner of more than 5 per cent of the relevant securities issue;
2) the number of securities is greater than 1 per cent of the relevant securities issue;

3) the price of the securities is set by decision of state government bodies or local government bodies;

4) the purchaser (seller) of the securities is the issuer of the securities, including through a securities offering.

20. A taxpayer-shareholder which sells shares which it received in connection with the increasing of the charter capital of a joint stock company shall determine income as the difference between the sale price and the originally paid-in value of the shares, adjusted to allow for the change in the quantity of shares as result of the charter capital increase.

21. Income (expenses) relating to transactions involving circulated securities shall be included in the total tax base in accordance with the generally established procedure.

Except as otherwise established by this Article or Article 304 of this Code, income received from transactions involving circulated securities for a reporting (tax) period may not be reduced by expenses or losses associated with transactions involving non-circulated securities or by expenses or losses associated with transactions involving non-circulated derivative financial instruments. [as amended by Federal Law No. 242-FZ of 03.07.2016]

22. The tax base arising from transactions involving non-circulated securities and non-circulated derivative financial instruments shall be determined on an aggregate basis in accordance with the procedure established by Article 304 of this Code and separately from the total tax base, except as otherwise provided by this Article and Article 304 of this Code. [as amended by Federal Law No. 242-FZ of 03.07.2016]

In this respect, losses made in the preceding tax period (preceding tax periods) on transactions involving non-circulated securities and non-circulated derivative financial instruments may be deducted from the tax base determined in the reporting (tax) period for transactions involving such securities and derivative financial instruments with account taken of the limitation established by clause 2.1 of Article 283 of this Code. [paragraph inserted by Federal Law No. 401-FZ of 30.11.2016]

23. Except as otherwise established by this Chapter, upon the sale or other disposal of securities the taxpayer shall independently, in accordance with the accounting policies adopted for taxation purposes, select one of the following methods of charging the value of the disposed-of securities to expenses:

1) based on the value of those first acquired (FIFO);

2) based on unit value.

24. Losses determined in accordance with Article 274 of this Code, with account taken of all income (expenses) comprising the overall tax base, may be deducted from the tax base (profit) arising from transactions involving non-circulated securities and non-circulated derivative financial instruments. [as amended by Federal Law No. 242-FZ of 03.07.2016]
25. A loss in the form of a negative difference between the market price of receivable property (property rights) and costs actually incurred for the acquisition of issuance securities (shares and debentures) whose issuing organization has been liquidated (including as a result of the application of bankruptcy proceedings) shall be wholly included in the appropriate tax base, according to the category of the securities in question, as at the date of the liquidation of the issuing organization. [as amended by Federal Law No. 424-FZ of 27.11.2018]

The above-mentioned loss shall be increased by the amount of accumulated interest (coupon) income on the securities in question which was previously taken into account in determining the tax base in accordance with Articles 271 and 328 of the Code but was not actually received by the taxpayer as a result of the liquidation of the issuing organization, unless a doubtful debt reserve was created for it, and shall be taken into account in determining the tax base in which the accumulated interest (coupon) in question was included as at the date of liquidation of the issuing organization.

The rules established by this clause for the treatment of losses in the event of the liquidation of an organization shall also apply in relation to a loss made upon the liquidation of:

- a borrower organization in the event of the termination of obligations in respect of securities issued for the purpose of financing a loan (credit);

- an organization which is an issuer of underlying securities where, under the conditions of issue of securities, the performance of obligations in respect of the securities is made dependent on the performance of obligations in respect of the underlying securities.

26. Professional participants in the securities market, trade organizers, management companies and clearing organizations which perform the functions of a central counterparty shall determine the tax base arising from securities transactions and transactions involving derivative financial instruments in accordance with the procedure prescribed by clause 21 of this Article, this clause and Article 304 of this Code. [as amended by Federal Law No. 242-FZ of 03.07.2016]

For the purposes of this Code management companies shall be understood to mean management companies which carry out activities in accordance with Federal Law No. 156-FZ of 29 November 2001 “Concerning Investment Funds”.

For the purposes of this Code, clearing organizations which perform the functions of a central counterparty shall be understood to mean clearing organizations which carry out activities in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”.

Credit organizations which possess an appropriate licence of a professional participant in the securities market issued by the Central Bank of the Russian Federation shall be equated with professional participants in the securities market for the purposes of this Chapter.

Taxpayers such as are referred to in paragraph 1 of this clause shall reduce the total tax base by the amount of losses made on transactions involving non-circulated securities and non-circulated derivative financial instruments. During a tax period losses made by taxpayers such as are referred to in paragraph 1 of this clause in a particular reporting period of the current tax
period may be carried forward only within the limits of the amount of profit earned by those taxpayers. [as amended by Federal Law No. 242-FZ of 03.07.2016]

27. For the purposes of this Chapter, accumulated interest (coupon) income shall be understood to mean a portion of the interest (coupon) income the payment of which is provided for by the conditions of issue of a security, calculated in proportion to the number of calendar days that have elapsed from the date of issue of the security or the date of payment of the last coupon income up to the date on which the security is transferred.

28. In the case of transactions involving mortgage bonds, the tax base shall be determined in accordance with clauses 1 and 3 of Article 279 of this Code.

29. The provisions of subsections 2 and 3 of clause 12 and clauses 14 to 17 and 19 of this Article, insofar as they concern the determination of the prices of securities (investment units) for taxation purposes, shall apply exclusively to transactions which are recognised as controlled in accordance with Section V.1 of this Code.

In the case of transactions which are not recognised as controlled in accordance with Section V.1 of this Code, the actual price of those transactions shall apply for taxation purposes.

30. In the case of bonds of Russian organizations with respect to which the conditions of issue and circulation thereof provide for the receipt of income in the form of interest which is taxable at the tax rate provided for in subsection 1 of clause 4 of Article 284 of this Code, and with respect to which, when they are circulated, a part of accumulated coupon income is included in the transaction price, the accumulated coupon income in relation to which the above-mentioned tax rate is applied shall not be taken into account in calculating the total tax base. [clause 30 inserted by Federal Law No. 242-FZ of 03.07.2016]

**Article 281. Special Considerations Relating to the Determination of the Tax Base Arising from Transactions Involving State and Municipal Securities**

In the case of the placement of state securities of member states of the Union State, state securities of constituent entities of the Russian Federation and municipal securities (hereinafter referred to as “state and municipal securities”), interest income shall be deemed to be income specified (established) by the issuer in the form of an interest rate applicable to the nominal value of those securities or, in the case of securities for which an interest rate has not been established, income in the form of the difference between the nominal value of the security and the value at which it is first placed, which is calculated as the weighted-average price as at the date on which the issue of securities is deemed to have been placed in accordance with the established procedure. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 41-FZ of 05.04.2010]

For the purposes of the taxation of transactions involving the sale or other disposal of securities, the price of issued state and municipal securities shall be taken into account without interest (coupon) income taxable at a rate other than that stipulated by clause 1 of Article 284 of this Code which is due for the time of the possession of those securities by the taxpayer and the payment of which is required by the conditions of issue of that security. [as amended by Federal Law No. 58-FZ of 06.06.2005]
Interest accrued for the time during which a state or municipal security has been on a taxpayer’s balance sheet shall be taxed according to the procedure and subject to the conditions which are established by this Chapter. In the case of state and municipal securities upon the circulation of which a portion of accumulated coupon income is included in the transaction price, receipts shall be reduced by income in the amount of the accumulated coupon income which is due for the time of the possession of that security by the taxpayer.

**Article 282. Special Considerations Relating to the Determination of the Tax Base Arising from Repo Securities Transactions** [as reworded by Federal Law No. 58-FZ of 06.06.2005]

1. A repo transaction shall be understood to be an agreement which meets the requirements which are established for repo agreements by the Federal Law “Concerning the Securities Market”. In this respect, the first and second legs of a repo shall be understood to mean the first and second legs of a repo agreement respectively. The purchaser in the first leg of a repo and the seller in the first leg of a repo shall be the purchaser under a repo agreement and the seller under a repo agreement respectively. For the purposes of this Article, obligations in respect of the second leg of a repo should arise on condition that the first leg of the repo has been executed.

Where, according to the conditions of a repo transaction, the seller in the first leg of the repo has the right, before the date of execution of the second leg of the repo, to transfer other securities to the purchaser in the first leg of the repo in exchange for the securities transferred in the first leg of the repo or for securities into which those securities have been converted, and (or) the purchaser in the first leg of the repo has the right to demand such transfer, the tax treatment established by this Article for the repo transaction shall remain unchanged. [as amended by Federal Law No. 420-FZ of 28.12.2013]


The rules laid down in this Article shall also apply to repo transactions of a taxpayer which have been concluded at its expense by commission agents, delegates, agents or fiduciaries (including through an organizer of trade on the securities market in exchange trading) on the basis of relevant civil-law agreements. [as amended by Federal Law No. 420-FZ of 28.12.2013]

For the purposes of this Article the dates of execution of the first or second leg of a repo shall be considered to be the due dates for the fulfilment by the repo participants of their obligations in the respective leg of the repo. In the event that obligations to deliver securities and obligations to pay for them in the first or second leg of a repo are fulfilled on different dates, the date of the first and second leg of the repo respectively shall be the later of the dates of fulfilment of obligations to pay for or obligations to deliver securities.

Where the date of execution of the first or second leg of a repo which is specified in the agreement falls on a day of rest and (or) a non-working public holiday in accordance with the legislation of the Russian Federation, the date of execution of the first or second leg of the repo shall be the next working day. In this respect the actual sale (acquisition) price of the security in the first leg of the repo and in the second leg of the repo shall be applied, irrespective of the market (reference) value of the securities concerned. That sale (acquisition) price in both legs of the repo shall be calculated with account taken of accumulated interest (coupon) income as at the date of actual execution of each leg of the repo.
The date of fulfilment of obligations in respect of the second leg of a repo may be altered so as to reduce or increase the repo period. Transactions in which the date of execution of the second leg of the repo is specified as “on demand” shall be recognised as repo transactions if the repo agreement sets out the procedure for determining the price of the second leg of the repo and the second leg of the repo is executed within one year from the date on which the parties fulfilled their obligations in respect of the first leg of the repo.

In the case of repo transactions which are concluded through an organizer of trade on the securities market (through an exchange) or for which execution takes place through a clearing organization, any change in the date of execution of the second leg of a repo which is made in accordance with the rules of the organizer of trade on the securities market (on an exchange) or the clearing organization) shall be regarded as a change in the repo period for the purposes of this Article. [as amended by Federal Law No. 420-FZ of 28.12.2013]

For the purposes of this Article the repo rate shall be determined when a repo transaction is concluded and may be a fixed rate or a reference rate. The repo rate must enable the amount of interest to be determined at the end of a reporting (tax) period and may be varied by agreement between the parties to the repo agreement.

If, at the date of execution of the second leg of a repo, the obligation to sell (acquire) securities in the second leg of the repo remains wholly or partially unperformed (hereafter in this Chapter referred to as “improper execution of the second leg of a repo”), but in this respect mutual settlements between the parties have taken place in accordance with the procedure prescribed by paragraph 1 of clause 6 of this Article (performance of a mutual claim netting procedure), the tax base for the repo transaction shall be determined in accordance with the procedure prescribed by clause 6 of this Article. [as amended by Federal Law No. 420-FZ of 28.12.2013]

In other cases of the improper execution of the second leg of a repo, the repo transaction shall be requalified for the purposes of determining the tax base in accordance with the procedure prescribed by clause 1.1 of this Article. [as amended by Federal Law No. 420-FZ of 28.12.2013]

The following shall not be considered as improper execution of the second leg of a repo for the purposes of this Article: [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

- the performance of obligations in the second leg of a repo within 10 days of the date agreed upon by the parties for the execution of the second leg of the repo; [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

- the performance (termination) of obligations by means of the offsetting of counter-claims in the following cases: [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

where such claims arise from contracts concluded on the basis of a general agreement (unified contract) which conforms to the model conditions of contracts approved in accordance with the Federal Law “Concerning the Securities Market”, and the offsetting of counter-claims is carried out for the purpose of determining the amount of the net obligation; [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

where such claims arise from contracts concluded on the basis of organized trading rules and (or) clearing rules and the offsetting of counter-claims is carried out for the purpose of
Expenses associated with the acquisition of securities not transferred in the second leg of a repo shall be recognised by the purchaser in the first leg of the repo according to subsection 7 of clause 7 of Article 272 of this Code as at the date of execution of the second leg of the repo if the repo agreement does not provide for a mutual claim netting procedure, or as at the last day of the expiry of the time limit set by the repo agreement for the parties to carry out a mutual claim netting procedure if the netting procedure has not been properly carried out, or as at the date of the early cancellation of the repo transaction by arrangement between the parties, and shall be determined on the basis of the market prices in effect as at the date of the transfer of ownership of the securities in the first leg of the repo or, if other securities have been transferred to the purchaser in the first leg of the repo in exchange for the securities transferred in the first leg of the repo or for the securities into which they were converted, as at the date on which they were transferred to the purchaser in the first leg of the repo.

When securities are sold in the first leg of a repo and in the second leg of a repo, no financial result shall be determined for taxation purposes in accordance with Article 280 of this Code. Expenses associated with the acquisition of securities which were reflected in tax records before the date of execution of the first leg of a repo shall be taken into account when the securities are sold (disposed of) in accordance with Articles 280, 302 and 303 of this Code. In this respect, the taxpayer shall independently determine the manner in which the securities disposed of (returned) in the repo transaction are treated in accordance with its adopted accounting policies for taxation purposes.

Where obligations in respect of the first and (or) second legs of a repo are fulfilled (terminated) by the offsetting of homogeneous counter-claims (except for the offsetting of homogeneous claims in respect of the first and second legs within a single repo transaction), the taxation procedure which is established by this Article shall remain the same. Homogeneous claims shall be claims for the transfer of securities of one issuer, of one class, of one category (type) or of one mutual investment fund (in the case of investment units in mutual investment funds) or claims for the payment of monetary resources in the same currency which bear an equal extent of rights.

Where, in the period between the dates of execution of the first and second legs of a repo, the securities which are the object of the repo transaction are converted, including by reason of the splitting or consolidation of the securities or a change in their nominal value, or the individual number (code) of an additional issue of such securities is annulled, or a change occurs in the individual state registration number of an issue (the individual number (code) of an additional issue) or the individual identification number (the individual number (code) of an additional issue) of such securities, those actions shall not alter the taxation procedure for the repo transaction in question.

1.1. A repo transaction shall be independently requalified by a taxpayer for the purpose of determining the tax base in the following cases:
1) where the requirements established for repo contracts by the Federal Law “Concerning the Securities Market” and (or) the requirements established by this Article for a repo transaction are not met;

2) in the event of the rescission of a repo transaction;

3) in the event of the improper execution of the second leg of the repo (except in the case provided for in paragraph 10 of clause 1 of this Article).

1.2. The requalification of a repo transaction for the purpose of the determination of the tax base shall take place as at the earliest date on which one of the grounds for such requalification in accordance with this clause arises.

Where a repo transaction is requalified for the purposes of the determination of the tax base, the parties to the repo transaction shall be obliged:

- to recognise expenses associated with the acquisition (income from the sale) of securities in the first and second legs of the repo in determining the relevant tax base in line with the provisions of Article 280 of this Code;

- to restore income (expenses) associated with the repo transaction which was (were) previously taken into account in line with the provisions of this Article.

As a result of the requalification of a repo transaction for the purposes of the determination of the tax base, the taxpayer shall, in the reporting period in which the requalification takes place, restore income and expenses previously recognised in determining the tax base for the repo transaction in accordance with this Article and recognise the sale (acquisition) of the securities in line with the provisions of Article 280 of this Code. In this respect, the market price (reference price) for the purposes of determining the tax base for securities transactions in accordance with Article 280 of this Code shall be determined as at the date of the transfer of ownership of the securities or, if other securities were transferred to the purchaser in the first leg of the repo in exchange for the securities transferred in the first leg of the repo or in exchange for the securities into which they were converted, as at the date of the transfer of those securities to the purchaser in the first leg of the repo.

2. In the context of a repo transaction payments on securities which the purchaser in the first leg of the repo becomes entitled to receive in the period between the dates of execution of the first and second legs of the repo may be deducted from the amount of monetary resources payable by the seller in the first leg of the repo when the securities are subsequently acquired in the second leg of the repo or may be transferred by the purchaser in the first leg of the repo to the seller in the first leg of the repo in accordance with the repo agreement. In such cases the payments in question shall not be regarded as income of the purchaser in the first leg of the repo and shall be included in income of the seller in the first leg of repo in accordance with the procedure established by this Chapter.

Interest (coupon) income on securities which are the object of a repo transaction shall be taken into account in determining the tax base of the seller in the first leg of the repo in accordance
with the procedure established by Articles 271, 273 and 328 of this Code, and shall not be taken into account in determining the tax base in respect of interest (coupon) income on securities which are the object of the repo transaction for the purchaser in the first leg of the repo, with account taken of the special considerations laid down in paragraph 1 of this clause.

Income which is determined in accordance with this clause shall be taxed at the tax rates established by Article 284 of this Code. In this respect, those tax rates shall be applied according to the type of securities (debt obligations), unless otherwise provided by this Article.

[Paragraph lost force – Federal Law No. 306-FZ of 2.11.2013]

Where a repo transaction is concluded between a foreign organization (the seller in the first leg of the repo) and a Russian organization (the purchaser in the first leg of the repo), and in the period between the dates of execution of the first and second legs of the repo dividends are paid (a list is prepared of persons who have the right to receive dividends) on shares (depositary receipts conferring the right to receive dividends) which are the object of the repo transaction, the Russian organization shall be deemed to be a tax agent in relation to income in the form of dividends on which the tax agent did not withhold tax at source or a lesser amount of tax was withheld than the amount of tax calculated on income in the form of dividends for the foreign organization in question. [as amended by Federal Law No. 420-FZ of 28.12.2013]

Where the purchaser in the first leg of a repo is the Central Bank of the Russian Federation or a management company of a mutual investment fund which acts in the interests of that fund, the obligation to pay tax on dividends shall rest with the seller in the first leg of the repo, which shall be deemed to be the recipient of that income in accordance with this clause, except in cases where tax has been withheld by the tax agent. [as amended by Federal Law No. 306-FZ of 02.11.2013]


The provisions of this clause shall not apply to the seller in the first leg of a repo in the event that the securities sold were received by it through another repo transaction or through a securities lending transaction. [clause 2 as reworded by Federal Law No. 281-FZ of 25.11.2009]

3. For the purposes of this Code, for the seller in the first part of a repo the difference between the acquisition price in the second part of the repo and the sale price in the first part of the repo shall be recognised:

1) as expenses associated with the payment of interest on attracted resources, which shall be included in the composition of expenses according to the procedure prescribed by Articles 265, 269 and 272 of this Code – if the difference is positive;

2) as income in the form of interest on a loan provided in the form of securities, which shall be included in the composition of income in accordance with Articles 250 and 271 of this Code (in the case of banks – in accordance with Article 290 of this Code) – if the difference is negative.
4. For the purposes of this Code, for the purchaser in the first part of a repo the difference between the sale price in the second part of the repo and the acquisition price in the first part of the repo shall be recognised:

1) as income in the form of interest on invested resources, which shall be included in the composition of income in accordance with Articles 250 and 271 of this Code (in the case of banks – in accordance with Article 290 of this Code) – if the difference is positive. Where such income is received by a foreign organization and is not connected with entrepreneurial activities carried out by that organization in the territory of the Russian Federation, it shall be regarded as income of the foreign organization from sources in the Russian Federation and shall be subject to tax withheld at source on the basis of subsection 3 of clause 1 of Article 309 of this Code as at the date of execution of the second leg of the repo;

[subsection 1 as reworded by Federal Law No. 281-FZ of 25.11.2009]

2) as expenses in the form of interest on a loan received in the form of securities, which shall be included in the composition of expenses in accordance with Articles 265, 269 and 272 of this Code – if the difference is negative.

5. For the purposes of this Article the date of recognition of income (expenses) relating to a repo operation shall be the date on which the obligations of the participants in respect of the second part of the repo are fulfilled (terminated), with account taken of the special considerations which are established by clauses 3 and 4 of this Article.

Expenses associated with the conclusion and performance of repo transactions shall be classified as non-sale expenses and shall be taken into account in accordance with Articles 265, 272 and 273 of this Code. [paragraph inserted by Federal Law No. 281-FZ of 25.11.2009]

6. Where the second leg of a repo has been improperly executed, provided that the obligations of the parties are terminated within 30 days of the date agreed upon by the parties for the execution of the second leg of the repo in a manner which is specified in an agreement between the parties and which conforms to the Federal Law “Concerning the Securities Market”, the tax base arising from that repo transaction shall be determined as follows:

- the seller in the first leg of the repo shall recognise for taxation purposes the execution of the second leg of the repo and, at the same time, the sale of securities not repurchased in the second leg of the repo on the basis of the price which is determined for the purposes of the termination of obligations in respect of the repo transaction by the repo contract or another agreement between the parties to the repo transaction, with account taken of the requirements relating to the determination of the market price of securities for taxation purposes which are established by Article 280 of the Code, as at the date of the execution of the second leg of the repo under the conditions of the contract or as at the date of the purchase and sale of the security in the context of mutual settlements. Income (expenses) associated with the sale of securities shall be recognised for taxation purposes with account taken of the provisions of Article 280 of this Code;

- the purchaser in the first leg of the repo shall recognise for taxation purposes the execution of the second leg of the repo and, at the same time, the sale of securities not sold in the second leg of the repo on the basis of the price which is determined for the purposes of the termination of obligations in respect of the repo transaction by the repo contract or another agreement between
the parties to the repo transaction, with account taken of the requirements relating to the
determination of the market price of securities for taxation purposes which are established by
Article 280 of the Code, as at the date of the execution of the second leg of the repo under the
conditions of the contract or as at the date of the purchase and sale of the security in the context
of mutual settlements.

There shall not be recognised as income (expenses) of the seller (purchaser) in the first leg of
the repo amounts of monetary resources which are transferred as residual obligations following
mutual settlements in respect of the parties’ obligations in a manner which is specified in an
agreement between the parties and which conforms to the Federal Law “Concerning the
Securities Market”.

Special considerations relating to the determination of the tax base in the event of the improper
execution (non-execution) of the second leg of a repo where the subject of the relevant repo
agreement is clearing participation certificates shall be established by clause 6.1 of this Article.

6.1. In the context of the settlement of mutual claims as a result of the improper execution (non-
execution) of the second leg of a repo where the subject of the relevant repo agreement is
clearing participation certificates, the procedure for the determination of the tax base which is
established by clause 1 of this Article shall be applied with account taken of the following
special considerations:

1) the market value of the clearing participation certificates which are the subject of the repo
agreement shall be determined on the basis of the nominal value of those certificates as
established by the clearing organization which issued those certificates in accordance with
Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”;

2) in determining income (losses) from the sale of clearing participation certificates which are
not repurchased in the second leg of a repo, expenses incurred by the seller in the first leg of
the repo shall be considered to be equal to the nominal value of those certificates as established
by the clearing organization which issued the certificates in accordance with Federal Law No.
7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”.

7. Where, in the period between the dates of execution of the first and second legs of a repo, an
obligation arises for the purchaser in the first leg of the repo to transfer to the seller in the first
leg of the repo payments (coupon payment, partial redemption of the nominal value of
securities) in respect of the securities which are the object of the repo transaction, and the repo
agreement provides for the amounts of those payments to be deducted from the obligations of
the seller in the first leg of the repo with respect to the payment of monetary resources when
subsequently acquiring securities in the second leg of the repo (from the sale (acquisition) price
in the second leg of the repo) rather than the payments being made, the amounts payable shall
be included in the sale (acquisition) price for the second leg of the repo for the purpose of the
computation of income (expenses) in accordance with the procedure laid down in clauses 3 and
4 of this Article.

Where, in accordance with a repo agreement, such payments are not taken into account in
determining obligations in the second leg of the repo, amounts of such payments shall not be
8. Where a repo agreement provides for settlements (the remittance of monetary resources and (or) the transfer of securities) between parties to a repo transaction to take place between the dates of execution of the first and second legs of the repo in the event that the price of the securities which are the object of the repo transaction changes or in other cases provided for in the agreement, and the agreement provides that when such settlements are made the obligations of the seller in the first leg of the repo with respect to the payment of monetary resources shall be reduced by the amounts of remittances when securities are subsequently acquired in the second leg of the repo, the amounts of such remittances shall be included in the sale (acquisition) price for the second leg of the repo for the purpose of the computation of income (expenses) which is (are) determined in accordance with clauses 3 and 4 of this Article.

[clause 7 as reworded by Federal Law No. 281-FZ of 25.11.2009]

9. For the purposes of this Article the opening of a short position on a security (hereafter in this Article referred to as “short position”) shall be understood to mean the sale (disposal) of a security where the taxpayer has obligations to return a security which was received in the first leg of a repo, or received in accordance with clause 8 of this Article where such receipt is not taken into account in determining obligations in the second leg of a repo, or under a loan agreement. A short position shall be opened on condition that the taxpayer does not have securities of the same issue (of an additional issue) or investment units in the same mutual investment fund for which the acquisition cost determined in accordance with Article 280 of this Code has been reflected in tax records but has not been recognised as expenses. [as amended by Federal Law No. 420-FZ of 28.12.2013]

The following shall not constitute a short position:

- the sale of a security in the first (second) leg of a repo;
- the transfer of a security to the borrower (return to the lender) under a securities lending agreement;
- the transfer of a security on a returnable basis in accordance with the conditions laid down in clause 8 of this Article;
- the conversion of securities which are the object of a repo transaction, including in connection with splitting or consolidation of the securities or a change in their nominal value, or the annulment of the individual number (code) of an additional issue of such securities, or a change in the individual state registration number of an issue (the individual number (code) of an additional issue) or the individual identification number (the individual number (code) of an additional issue) of such securities;
- the redemption of a depositary receipt upon receipt of the represented securities;

- other disposal of securities income from which is not included in the tax base.

A short position shall be opened in respect of such a quantity of securities as does not exceed the quantity of securities received by the taxpayer in the first leg of a repo, or received in accordance with clause 8 of this Article where such receipt is not taken into account in determining obligations in the second leg of a repo, and (or) under loan agreements as the borrower. [as amended by Federal Law No. 420-FZ of 28.12.2013]

The date of opening of a short position shall be the date on which ownership of securities is transferred from the seller opening the short position to the purchaser in the transaction involving the sale (disposal) of a security.

The closing of a short position shall take place by means of the acquisition (receipt of ownership on grounds other than receipt of ownership through a repo transaction or a loan agreement or receipt on a returnable basis in accordance with the conditions specified in clause 8 of this Article) of securities of the same issue (an additional issue) or investment units in the same mutual investment fund as those on which the short position was opened.

Where transactions involving both the acquisition and the sale (disposal) of securities have taken place in the course of one day, a short position shall be closed on the basis of results for that day only if the quantity of securities acquired exceeds the quantity of securities sold. A taxpayer shall have the right to make provision in its adopted tax accounting policies for a short position to be closed within one day with account taken of the order of occurrence of transactions involving the acquisition and sale (disposal) of securities.

The date of closing of a short position shall be understood to be the date on which ownership of securities the receipt of which causes the short position to be closed is transferred to the taxpayer in the manner prescribed by this clause.


The order in which short positions on securities of one issue (of an additional issue) or investment units in one mutual investment fund are closed shall be determined by a taxpayer independently in accordance with its adopted tax accounting policies using one of the following methods:

- the short position which was opened first shall be closed first (FIFO);

- a short position shall be closed by the taxpayer according to the value of the securities on which a particular short position was opened.

Income (expenses) arising for a taxpayer from the sale (acquisition) or disposal of a security upon the opening (closing) of a short position shall be determined in accordance with Articles 280, 302, 303, 305, 326 and 329 of this Code (insofar as income from the delivery of the underlying asset and expenses in the form of the value of the underlying asset are concerned), with account taken of the particular considerations established by this Article in relation to
interest (coupon) income, and shall be taken into account in determining the tax base as at the 
date of closing the short position on that security.

Where a short position is opened on securities for which the accrual of interest (coupon) income 
is envisaged, the taxpayer which opened that short position shall recognise an interest expense 
determined as the difference between the amount of accumulated interest (coupon) income as 
at the date of closing of the short position (including amounts of interest (coupon) income which 
were paid by the issuer in the period between the date of opening and date of closing of the 
short position) and the amount of accumulated interest (coupon) income as at the date of 
opening of the short position. Interest (coupon) income shall accrue for the period while the 
short position is open with amounts of accumulated expenditure recognised as at the date on 
which the short position is closed or as at the last day of the reporting (tax) period unless the 
closing of the short position occurred in the reporting (tax) period. Where interest (coupon) 
income is taxed at the tax rates specified in clause 4 of Article 284 of this Code, the above-
mentioned amounts of accrued interest (coupon) income shall be deducted from the amount of 
interest (coupon) income which is taxable at the relevant tax rate.

Where, in the period between the opening date and the closing date of a short position, an 
obligation arose for a taxpayer to effect reimbursement of amounts of the partial redemption of 
the nominal value of a security or amounts of dividends in accordance with Article 51.3 of the 
Federal Law “Concerning the Securities Market” or in accordance with the conditions of a 
securities lending agreement, when the short position is closed amounts which were paid 
(which are payable or are deductible from the amount of monetary resources payable by the 
seller in the first leg of the repo when it subsequently acquires securities in the second leg of 
the repo) to the seller in the first leg of the repo (the lender under a securities lending agreement) 
shall be included in expenses associated with the acquisition of the security within the limits of 
the amount of the partial redemption of the nominal value of the securities according to the 
conditions of issue or amounts of dividends. [as amended by Federal Law No. 420-FZ of 28.12.2013]

A taxpayer shall maintain analytical records of short positions for taxation purposes for each 
short position that is opened. 
[clause 9 as reworded by Federal Law No. 281-FZ of 25.11.2009]


Article 282.1. Special Considerations Relating to Taxation in the Context of Securities 
Lending Operations [inserted by Federal Law No. 281-FZ of 25.11.2009]

1. The lending of securities shall take place on the basis of a loan agreement concluded in 
accordance with the legislation of the Russian Federation or the legislation of foreign states 
which meets the conditions laid down in this clause (hereinafter referred to also as “loan 
agreement”).

The rules laid down in this Article shall apply to transactions involving the lending of a 
taxpayer’s securities which are concluded at the taxpayer’s expense by commission agents, 
delegates, agents and fiduciaries on the basis of corresponding civil-law agreements.

For the purposes of this Chapter an agreement on a loan issued (received) in the form of 
securities must provide for interest to be paid in monetary form.
The interest rate or the procedure for determining the interest rate shall be established by the conditions of the loan agreement. For the purposes of determining interest under a loan agreement, except as otherwise provided by this clause, the value of securities transferred under the loan agreement shall be taken to be equal to the market price of the securities in question as at the date of conclusion of the loan agreement or, if no market price exists, the reference price. In this respect, the market price and reference price of securities shall be determined in accordance with Article 280 of this Code. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 326-FZ of 28.11.2015]

Where federal bonds contributed by the Russian Federation as a property contribution to the property of an organization which carries out functions involving the compulsory insurance of deposits of physical persons with banks of the Russian Federation in accordance with federal law are transferred (received) to banks as subordinated loans in connection with measures to support the stability of the banking system and the protection of the legitimate interests of depositors and creditors of banks on the basis of Articles 3 and 3.1 of Federal Law No. 451-FZ of 29 December 2014 “Concerning the Introduction of Amendments to Article 11 of the Federal Law “Concerning Insurance of Deposits of Physical Persons with Banks of the Russian Federation and Article 46 of the Federal Law “Concerning the Central Bank of the Russian Federation (the Bank of Russia)”, for the purposes of determining interest under a loan agreement the value of securities transferred under the loan agreement shall be taken to be equal to their nominal value. [paragraph inserted by Federal Law No. 326-FZ of 28.11.2015]

In cases provided for in a loan agreement, the value of securities transferred by a commission agent, delegate or agent to a client under a loan agreement may also be determined according to the rules established by the Central Bank of the Russian Federation for evaluating collateral given by a client for loans provided. In this respect, the value of the securities shall be determined on the basis of the last price of a security which is calculated on the basis of the above-mentioned rules on a trading day defined in accordance with exchange documents. [as amended by Federal Laws No. 251-FZ of 23.07.2013, No. 420-FZ of 28.12.2013]

The commencement date of a loan shall be date on which ownership of securities is transferred when they are transferred by the lender to the borrower, and the completion date of a loan shall be the date on which ownership of securities is transferred when they are transferred by the borrower to the lender.

For the purposes of this Chapter the term of an agreement on a loan issued (received) in the form of securities must not exceed one year (except in cases where federal bonds contributed by the Russian Federation as a property contribution to the property of an organization which carries out functions involving the compulsory insurance of deposits of physical persons with banks of the Russian Federation in accordance with federal law are transferred (received) to banks as subordinated loans in connection with measures to support the stability of the banking system and the protection of the legitimate interests of depositors and creditors of banks on the basis of Articles 3 and 3.1 of Federal Law No. 451-FZ of 29 December 2014 “Concerning the Introduction of Amendments to Article 11 of the Federal Law “Concerning Insurance of Deposits of Physical Persons with Banks of the Russian Federation and Article 46 of the Federal Law “Concerning the Central Bank of the Russian Federation (the Bank of Russia)”). [as amended by Federal Laws No. 326-FZ of 28.11.2015, No. 396-FZ of 29.12.2015]
2. Where a loan agreement does not specify a due date for the return of securities or states that they are returnable “on demand” (open-dated loan agreement) and the securities are not returned by the borrower to the lender within a year from the commencement date of the loan, after one year has elapsed from the commencement date of the loan the following shall be recognised for taxation purposes:

- for the lender – income from the sale of securities transferred under the loan agreement, which shall be calculated on the basis of the market price (reference price) of the securities as determined in accordance with Article 280 of this Code as at the commencement date of the loan. The lender’s expenses in this case shall be determined in accordance with the procedure established by Article 280 of this Code; [as amended by Federal Law No. 420-FZ of 28.12.2013]

- for the borrower – non-sale income in an amount calculated on the basis of the market price (reference price) of the securities which is determined in accordance with Article 280 of this Code as at the commencement date of the loan. When the securities received under the loan agreement are subsequently sold, expenses associated with the acquisition of the securities shall be deemed to be equal to the amount of income included in the tax base in accordance with Article 250 of this Code.

The provisions of this clause shall also apply in the following cases:

- where a loan agreement specified the due date for the return of the loan, but one year after the commencement date of the loan the securities have not been returned by the borrower to the lender (except in cases where federal bonds contributed by the Russian Federation as a property contribution to the property of an organization which carries out functions involving the compulsory insurance of deposits of physical persons with banks of the Russian Federation in accordance with federal law are transferred (received) to banks as subordinated loans in connection with measures to support the stability of the banking system and the protection of the legitimate interests of depositors and creditors of banks on the basis of Articles 3 and 3.1 of Federal Law No. 451-FZ of 29 December 2014 “Concerning the Introduction of Amendments to Article 11 of the Federal Law “Concerning Insurance of Deposits of Physical Persons with Banks of the Russian Federation and Article 46 of the Federal Law “Concerning the Central Bank of the Russian Federation (the Bank of Russia)”; [as amended by Federal Laws No. 326-FZ of 28.11.2015, No. 396-FZ of 29.12.2015]

- where an obligation to return securities has been terminated by the payment of monetary resources to the lender or the transfer of property other than securities.

3. In the event of the non-fulfilment or incomplete fulfilment of obligations to return securities in securities lending transactions, the taxation procedure established by clause 1 of Article 282 of this Code for a repo transaction in relation to which improper execution has occurred and a mutual claim netting procedure has not been carried out shall be applied.

The provisions of this clause shall not apply to cases where a bank’s obligations under subordinated loan (funded loan) agreements are terminated on grounds provided for in Article 25.1 of the Federal Law “Concerning Banks and Banking Activities” if bankruptcy prevention measures are carried out in relation to the bank in question with the participation of the Central Bank of the Russian Federation or the “Deposit Insurance Agency” State Corporation.

[paragraph inserted by Federal Law No. 105-FZ of 23.04.2018]
4. When securities are loaned and when loaned securities are returned, the lender shall not
determine a financial result for taxation purposes in accordance with Article 280 of this Code
except in cases established by this Article. In this respect, expenses associated with the
acquisition of securities transferred under a loan agreement shall be taken into account by the
lender when the securities in question are subsequently (after the return of the loan) sold
(disposed of), with account taken of the provisions of Article 280 of this Code.

5. In the context of a loan agreement, payments on securities the right to receive which arises
during the effective period of the loan agreement shall not be deemed to be income of the
borrower and shall be included in the lender’s income.

Interest (coupon) income shall be taken into account in calculating the lender’s tax base in
accordance with the procedure established by Articles 250, 271, 273 and 328 of this Code, and
shall not be taken into account in determining the borrower’s tax base in respect of interest
(coupon) income from loaned securities.

Income specified in this clause shall be taxed at the tax rates established by Article 284 of this
Code. In this respect, the above-mentioned tax rates shall be applied according to the type of
securities (debt obligation).

The provisions of this clause shall not apply to a lender where securities have been received
through another loan agreement and (or) the first leg of a repo transaction.

6. Where a loan agreement has been concluded between a foreign organization (the lender) and
a Russian organization (the borrower) and during the effective period of the loan agreement
interest (discount) income is paid on the securities or dividends are paid on the shares
(depositary receipts conferring the right to receive dividends) which are the object of the loan,
the Russian organization shall be deemed to be a tax agent in relation to the dividend income
or interest (discount) income on which the tax agent did not withhold tax at source or withheld
a lesser amount of tax than the amount of tax calculated for the foreign organization in question.

7. Interest receivable by the lender under a loan agreement shall be recognised as non-sale
income of the lender which is taken into account in accordance with Articles 250, 271 and 290
of this Code.

Interest payable by the borrower under a loan agreement shall be recognised as a non-sale
expense which is taken into account in determining the tax base with account taken of Articles
265, 269 and 272 of this Code.

Where federal bonds contributed by the Russian Federation as a property contribution to the
property of an organization which carries out functions involving the compulsory insurance of
deposits of physical persons with banks of the Russian Federation are received by banks under
an subordinated loan agreement in connection with measures to support the stability of the
banking system and the protection of the legitimate interests of depositors and creditors of
banks on the basis of Articles 3 and 3.1 of Federal Law No. 451-FZ of 29 December 2014
“Concerning the Introduction of Amendments to Article 11 of the Federal Law “Concerning
Insurance of Deposits of Physical Persons with Banks of the Russian Federation and Article 46
of the Federal Law “Concerning the Central Bank of the Russian Federation (the Bank of
Russia), the amount of interest payable by the borrower under the loan agreement shall be included in non-sale expenses in accordance with this clause, minus the amount of coupon income on those bonds which is not recognised as income of the borrower on the basis of clause 5 of this Article. [paragraph inserted by Federal Law No. 326-FZ of 28.11.2015]

8. The provisions of clause 9 of Article 282 of this Code shall apply in the case of the sale (disposal) of securities received under a loan agreement.

9. Where, in the period between the commencement and completion dates of a loan, the loaned securities are converted, including by reason of the splitting or consolidation of the securities or a change in their nominal value, or the individual number (code) of an additional issue of such securities is annulled, or a change occurs in the individual state registration number of an issue (the individual number (code) of an additional issue) or the individual identification number (the individual number (code) of an additional issue) of such securities, those actions shall not alter the taxation procedure which is established by this Article.

10. Taxpayers shall maintain separate tax records in relation to securities transferred (received) by way of securities loans. Analytical records for securities loans shall be maintained for each loan granted (received).

11. Obligations (claims) for the return of a securities loan involving securities denominated in foreign currency which arise for a borrower (lender) shall not be revalued in connection with changes in the official exchange rates of foreign currencies to the Russian Federation rouble which are set by the Central Bank of the Russian Federation.

**Article 283. Carry-Forward of Losses**

1. Taxpayers which made a loss (losses) calculated in accordance with this Chapter in the preceding tax period or in preceding tax periods shall have the right to reduce the tax base for the current reporting (tax) period by the entire amount of the loss made by them or by a part of that amount (to carry the loss forward). In this respect, the tax base for the current reporting (tax) period shall be determined with account taken of the special considerations which are laid down in this Article and Articles 264.1, 268.1, 274, 275.1, 275.2, 278.1, 278.2, 280 and 304 of this Code. [as amended by Federal Laws No. 268-FZ of 30.09.2013, No. 420-FZ of 28.12.2013, No. 366-FZ of 24.11.2014, No. 376-FZ of 24.11.2014]

The provisions of this clause shall not apply to losses that a taxpayer made in a period in which its profit was taxed at the rate of 0 per cent in cases established by clauses 1.1, 1.3, 1.9, 1.12, 5 and 5.1 of Article 284 of this Code. The provisions of this clause shall also not apply to losses that a taxpayer made on the sale or other disposal of shares (participating interests in the charter capital) and bonds of Russian organizations and investment units such as are referred to in Articles 284.2 and 284.2-1 of this Code. [as amended by Federal Law No. 325-FZ of 29.09.2019]

The provision of this clause shall also not apply to losses from participation in an investment partnership which were made in the tax period in which the taxpayer acceded to an investment partnership agreement previously concluded by other partners, including as a result of the cession of rights and obligations by another person. [clause 1 as reworded by Federal Law No. 336-FZ of 28.11.2011]
1.1. The carry-forward of losses made by a taxpayer from operations within the framework of an investment partnership shall take place with account taken of the provisions of clause 4 of Article 278.2 of this Code.

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

2. A taxpayer shall have the right to carry the amount of losses made in prior tax periods forward to the current reporting (tax) period subject to the limitation established by clause 2.1 of this Article.

A loss which has not been carried forward to the year immediately following may similarly be carried forward in whole or in part to ensuing years.

[clause 2 as reworded by Federal Law No. 401-FZ of 30.11.2016]

[EY Note: Clause 2.1 of Article 283 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

2.1. In reporting (tax) periods from 1 January 2017 to 31 December 2021, the tax base for tax for the current reporting (tax) period as calculated in accordance with Article 274 of this Code (excluding the tax base to which the tax rates established by clauses 1.2, 1.5, 1.5-1, 1.7, 1.8, 1.10 and 1.14 of Article 284 and clauses 6 and 7 of Article 288.1 of this Code are applied) may not be reduced by losses made in prior tax periods by more than 50 per cent.

[clause 2.1 inserted by Federal Law No. 401-FZ of 30.11.2016, as amended by Federal Laws No. 269-FZ of 02.08.2019, No. 325-FZ of 29.09.2019]

3. Where a taxpayer has made losses in more than one tax period, such losses shall be carried forward in the order in which they were made.

4. A taxpayer shall be obliged to keep documents confirming the volume of losses made during the entire period in which it reduces the tax base for the current tax period by amounts of losses previously made.

5. In the event that a taxpayer ceases its activities by reason of re-organization, the taxpayer which is the legal successor shall have the right to reduce the tax base, in accordance with the procedure and subject to the conditions which are laid down in this Article, by the amount of losses which were made by the organizations which are being re-organized prior to the re-organization. The provisions of this clause shall not apply if it is established in the course of tax control measures that the principal purpose of the re-organization is to reduce the tax base of the successor taxpayer by the amount of losses made by the organizations being re-organized prior to the re-organization. [as amended by Federal Law No. 325-FZ of 29.09.2019]

6. Where a consolidated group of taxpayers made a loss (losses) in a preceding tax period or preceding tax periods, the responsible member of that group shall have the right to reduce the consolidated tax base for the current tax period by all or part of the amount of the loss in accordance with the procedure laid down in this Article. [as amended by Federal Law No. 401-FZ of 30.11.2016]

After an organization which was a member of a consolidated group of taxpayers has withdrawn from that group (or after the group has ceased to operate), that organization:
1) shall not have the right to reduce the tax base for the current period by the amount (a part of the amount) of a loss which was made by that group while it was in operation, except as otherwise provided by subsection 3 of this clause;

2) shall have the right to reduce the tax base for the current tax period by the amount (a part of the amount) of a loss which that organization made for tax periods in which it was not a member of the consolidated group of taxpayers in accordance with the procedure and subject to the conditions which are laid down in this Article;  

3) shall have the right to reduce the tax base for the current tax (accounting) period by the amount (a part of the amount) of a loss made by that organization in the period in which that organization was a member of the consolidated group of taxpayers, determined in the manner prescribed by clause 1 of Article 278.1 of this Code, which was not taken into account in determining the consolidated tax base on the basis of paragraph 3 of clause 1 of Article 278.1 of this Code. The tax base for the current period shall be reduced in accordance with the procedure and subject to the conditions laid down in this Article. In this respect, the amount of a loss such as is as referred to in this clause may not reduce the tax base may by more than 50 per cent.  

Where an organization which was a member of a consolidated group of taxpayers underwent re-organization in the form of a merger or acquisition during the period in which it was a member of that group, after withdrawing from the group (or after the group has ceased to operate) the organization shall also have the right to reduce the tax base for the current tax period by the amount (a part of the amount) of losses made by organizations of which the organization which has withdrawn from the group is a legal successor for tax periods in which the re-organized organizations were not members of the consolidated group of taxpayers in accordance with the procedure and subject to the conditions which are laid down in this Article.  

Where an organization which was a member of a consolidated group of taxpayers was newly established during the period of its membership of that group by means of the demerger of an organization, after withdrawing from the group (or after the group has ceased to operate) the organization shall also have the right to reduce the tax base for the current tax period by the amount (a part of the amount) of losses made by the organization of which the organization which has withdrawn from the group is a legal successor for tax periods in which the re-organized organization was not a member of the consolidated group of taxpayers in accordance with the procedure and subject to the conditions which are laid down in this Article, with account taken of Article 50 of this Code.

Article 284. Tax Rates

1. The tax rate shall be established at 20 per cent, except as otherwise established by this Article. In this respect:  

- an amount of tax calculated at the tax rate of 2 per cent (3 per cent in the period 2017 to 2024) shall be payable to the federal budget, except as otherwise established by this Chapter;
- an amount of tax calculated at the tax rate of 18 per cent (17 per cent in the period 2017 to 2024) shall be payable to the budgets of constituent entities of the Russian Federation. [as amended by Federal Laws No. 305-FZ of 30.12.2008, No. 401-FZ of 30.11.2016, No. 301-FZ of 03.08.2018]

The tax rate for tax payable to the budgets of constituent entities of the Russian Federation may be reduced by laws of constituent entities of the Russian Federation for certain categories of taxpayers in cases provided for in this Chapter. [as amended by Federal Law No. 325-FZ of 29.09.2019]

Reduced tax rates for tax on profit of organizations payable to the budgets of constituent entities of the Russian Federation which were established by laws of constituent entities of the Russian Federation before the date of entry into force of Federal Law No. 302-FZ of 3 August 2018 “Concerning the Introduction of Amendments to Parts One and Two of the Tax Code of the Russian Federation” shall be applicable by taxpayers until the date on which they expire, but not later than 1 January 2023. In this respect, those tax rates may be increased by laws of constituent entities of the Russian Federation for the tax periods 2019 to 2022. The provisions of this paragraph shall not apply to reduced tax rates for tax on profit of organizations payable to the budgets of constituent entities of the Russian Federation which are established by laws of constituent entities of the Russian Federation for certain categories of taxpayers in cases provided for in this Chapter. [as amended by Federal Laws No. 424-FZ of 27.11.2018, No. 325-FZ of 29.09.2019]

For organizations which are residents of a special economic zone, laws of constituent entities of the Russian Federation may establish a reduced tax rate of profits tax payable to the budgets of constituent entities of the Russian Federation from activities which are carried out in the territory of the special economic zone, provided that separate records are maintained of income (expenses) received (incurred) from activities carried out in the territory of the special economic zone and income (expenses) received (incurred) in connection with activities carried out outside the territory of the special economic zone. [paragraph inserted by Federal Law No. 75-FZ of 03.06.2006, as amended by Federal Laws No. 365-FZ of 30.11.2011, No. 321-FZ of 23.11.2015]

For organizations which are participants in the Special Economic Zone in the Magadan Province, a reduced tax rate may be established for profits tax payable to the budget of the Magadan Province from activities carried on in the territory of the Magadan Province which are specified in an agreement on the conduct of activities in the territory of the Special Economic Zone in the Magadan Province which is concluded in accordance with Federal Law No. 104-FZ of 31 May 1999 “Concerning the Special Economic Zone in the Magadan Province” (hereafter in this Article referred to as “agreement on activities”), provided that separate records are maintained of income (expenses) received (incurred) from activities carried on in the territory of the Magadan Province which are specified in that agreement and income (expenses) received (incurred) in carrying on other activities. [paragraph inserted by Federal Law No. 321-FZ of 23.11.2015]

The level of the tax rate for tax which is referred to in paragraphs 6 and 7 of this clause may not be higher than 13.5 per cent. [paragraph inserted by Federal Law No. 321-FZ of 23.11.2015; as amended by Federal Laws No. 401-FZ of 30.11.2016, No. 348-FZ of 27.11.2017, No. 424-FZ of 27.11.2018]

For organizations which are participants in regional investment projects, laws of constituent entities of the Russian Federation may establish a reduced rate of tax payable to the budgets of constituent entities of the Russian Federation in accordance with the provisions of clause 3 of
Article 284.3 or clause 3 of Article 284.3-1 of this Code. [paragraph inserted by Federal Law No. 267-FZ of 30.09.2013; as amended by Federal Law No. 144-FZ of 23.05.2016]

For taxpayers which are participants in special investment contracts, laws of constituent entities of the Russian Federation may establish a reduced tax rate for tax payable to the budgets of constituent entities of the Russian Federation in accordance with the provisions of clause 3 of Article 284.9 of this Code. [paragraph inserted by Federal Law No. 269-FZ of 02.08.2019]

The provisions of this clause shall not be applied: [as amended by Federal Law No. 376-FZ of 24.11.2014]

- by taxpayers such as are referred to in clause 1 of Article 275.2 of this Code when calculating the tax base in respect of hydrocarbon extraction activities at a new offshore hydrocarbon deposit; [paragraph inserted by Federal Law No. 376-FZ of 24.11.2014]

- by taxable controlling persons when calculating the tax base for profit of foreign companies which are controlled by them. [paragraph inserted by Federal Law No. 376-FZ of 24.11.2014] [clause 1 as reworded by Federal Law No. 95-FZ of 29.07.2004]

1.1. A tax rate of 0 per cent shall be applied to the tax base which is determined by organizations which carry out educational and (or) medical activities (with the exception of the tax base for which tax rates are established by clauses 3 and 4 of this Article), with account taken of the special considerations established by Article 284.1 of this Code. [clause 1.1 inserted by Federal Law No. 395-FZ of 28.12.2010]

1.2. For organizations which are residents of a technology development special economic zone and organizations which are residents of a tourism and recreation special economic zone which have been combined into a cluster by a decision of the Government of the Russian Federation, the tax rate for tax payable to the federal budget shall be established at 0 per cent.

The above-mentioned tax rate shall apply:

- to profit from activities carried out in a technology development special economic zone, provided that separate records are maintained of income (expenses) received (incurred) in respect of activities carried out in the technology development special economic zone and income (expenses) received (incurred) in connection with the carrying out of activities outside the technology development special economic zone;

- to profit from activities carried out in tourism and recreation special economic zones which have been combined into a cluster by a decision of the Government of the Russian Federation, provided that separate records are maintained of income (expenses) received (incurred) in respect of activities carried out in the tourism and recreation special economic zones which have been combined into a cluster by a decision of the Government of the Russian Federation and income (expenses) received (incurred) in connection with the carrying out of activities outside such special economic zones.

Organizations such as are referred to in this clause shall have the right to apply the 0 per cent tax rate for tax payable to the federal budget from the first day of the reporting period following the reporting (tax) period in which the organization acquired in accordance with the legislation of the Russian Federation the status of a resident of a technology development special economic
zone or the status of a resident of tourism and recreation special economic zones which have been combined into a cluster by a decision of the Government of the Russian Federation. The right to apply that tax rate shall be forfeited from the first day of the reporting (tax) period in which the organization lost in accordance with the legislation of the Russian Federation the status of a resident of a technology development special economic zone or the status of a resident of tourism and recreation special economic zones which have been combined into a cluster by a decision of the Government of the Russian Federation.

[clause 1.2 inserted by Federal Law No. 365-FZ of 30.11.2011]

1.2-1. For organizations which are residents of a special economic zone (with the exception of organizations referred to in clause 1.2 of this Article), the tax rate for tax payable to the federal budget shall be established at 2 per cent.

[clause 1.2-1 inserted by Federal Law No. 348-FZ of 27.11.2017]

1.3. For agricultural goods producers which meet the criteria laid down in clause 2 of Article 346.2 of this Code and fishing organizations which meet the criteria laid down in subsection 1 or 1.1 of clause 2.1 of Article 346.2 of this Code, the tax rate for activities associated with the sale of agricultural products produced by them and with the sale of own agricultural products produced and processed by those taxpayers shall be established at 0 per cent.

[clause 1.3 as reworded by Federal Law No. 94-FZ of 07.05.2013]

1.4. A tax rate of 20 per cent shall be applied to the tax base which is determined by taxpayers such as are referred to in clause 1 of Article 275.2 of this Code in relation to hydrocarbon extraction activities at a new offshore hydrocarbon deposit.

[clause 1.4 inserted by Federal Law No. 268-FZ of 30.09.2013]

[EY Note: Clause 1.5 of Article 284 loses force from 01.01.2029 – Federal Law No. 144-FZ of 23.05.2016, Federal Law No. 267-FZ of 30.09.2013]

1.5. For organizations such as are referred to in subsection 1 of clause 1 of Article 25.9 of this Code which are participants in regional investment projects, the tax rate for tax payable to the federal budget shall be established at 0 per cent and shall be applied in accordance with the procedure prescribed by clause 2 of Article 284.3 of this Code.

[clause 1.5 inserted by Federal Law No. 267-FZ of 30.09.2013; as amended by Federal Laws No. 144-FZ of 23.05.2016, No. 269-FZ of 02.08.2019]

1.5-1. For organizations such as are referred to in subsection 2 of clause 1 of Article 25.9 of this Code which are participants in regional investment projects, the tax rate for tax payable to the federal budget shall be established at 0 per cent and shall be applied in accordance with the procedure laid down in clause 2 of Article 284.3-1 of this Code.

[clause 1.5-1 inserted by Federal Law No. 144-FZ of 23.05.2016]

1.6. The tax rate applicable to the tax base which is determined by taxable controlling persons for income in the form of profit of foreign companies controlled by them shall be established at 20 per cent.

[clause 1.6 inserted by Federal Law No. 376-FZ of 24.11.2014]

1.7. For organizations which are participants in a free economic zone:
- the tax rate for tax payable to the federal budget shall be established at 0 per cent for profit earned from the execution of an investment project in the free economic zone concerning which information is contained in an investment declaration which meets the requirements established by Federal Law No. 377-FZ of 29 November 2014 “Concerning the Development of the Republic of Crimea and City of Federal Significance Sevastopol and the Free Economic Zone in the Territories of the Republic of Crimea and the City of Federal Significance Sevastopol” and shall apply for ten consecutive tax periods commencing from the tax period in which the first profit was earned from the execution of that investment project in the free economic zone in accordance with tax accounting data;

- laws of the Republic of Crimea and the city of federal significance Sevastopol may establish the tax rate for tax payable to the budget of the respective constituent entity of the Russian Federation at from 0 per cent to 13.5 per cent depending on the type of activity carried on in the free economic zone for profit earned from the execution of an investment project in the free economic zone concerning which information is contained in an investment declaration which meets the requirements established by Federal Law No. 377-FZ of 29 November 2014 “Concerning the Development of the Republic of Crimea and City of Federal Significance Sevastopol and the Free Economic Zone in the Territories of the Republic of Crimea and the City of Federal Significance Sevastopol”. In this respect, that tax rate shall apply for the period of operation of the agreement on the conditions of activity in the free economic zone.

The tax rates specified in this clause shall be applied on condition that the taxpayer maintains separate records of income (expenses) received (incurred) in connection with the execution of each investment project in the free economic zone and income (expenses) received (incurred) in carrying out other economic activities.

In the event that an 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 reduced rates 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 in accordance with paragraphs 1 and 2 of clause 1 of Article 287 of this Code.

[clause 1.7 as reworded by Federal Law No. 297-FZ of 03.08.2018]

1.8. For organizations that have obtained the status of resident of a priority social and economic development area in accordance with Federal Law No. 473-FZ of 29 December 2014 “Concerning Priority Social and Economic Development Areas in the Russian Federation”, the status of resident of the Vladivostok free port in accordance with Federal Law No. 212-FZ of 13 July 2015 “Concerning the Vladivostok Free Port” or the status of resident of the Arctic Zone of the Russian Federation in accordance with the Federal Law “Concerning State Support for Entrepreneurial Activities in the Arctic Zone of the Russian Federation”, the tax rate for tax payable to the federal budget shall be established at 0 per cent and shall be applied in accordance with the procedure laid down in Article 284.4 of this Federal Law.

For organizations referred to in paragraph 1 of this clause, laws of constituent entities of the Russian Federation may establish a reduced rate for tax payable to the budgets of constituent entities.
entities of the Russian Federation in accordance with the provisions of Article 284.4 of this Code.

[clause 1.8 as reworded by Federal Law No. 195-FZ of 13.07.2020]

1.8-1. For organizations that possess licences to use subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code and calculate tax on additional income from hydrocarbon extraction in relation to hydrocarbons extracted at such subsurface sites, laws of constituent entities of the Russian Federation may establish a reduced tax rate for tax payable to the budgets of constituent entities of the Russian Federation in relation to profit earned from activities involving the development of those subsurface sites, provided that separate records are maintained of income (expenses) received (incurred) in connection with such activities carried on in the territory of the constituent entity of the Russian Federation in question and income (expenses) received (incurred) in connection with other activities.

For the purposes of this clause, the terms “activities involving the development of a subsurface site” and “hydrocarbons” are used as defined in Article 333.43 of this Code.

[clause 1.8-1 inserted by Federal Law No. 65-FZ of 18.03.2020]

1.8-2. For taxpayers that carry on activities involving the production of liquefied natural gas and (or) the processing of hydrocarbons into goods constituting petrochemical products at new production facilities, laws of constituent entities of the Russian Federation may establish a reduced tax rate for tax payable to the budgets of constituent entities of the Russian Federation in relation to profit earned from those activities. The tax rate provided for in this paragraph shall be applicable provided that separate records are maintained of income (expenses) received (incurred) in connection with such activities carried on in the territory of the constituent entity of the Russian Federation in question and income (expenses) received (incurred) in connection with other activities.

In this respect, for the purposes of this clause:

- new production facilities shall be understood to mean facilities for the production of liquefied natural gas and (or) the processing of hydrocarbons into goods constituting petrochemical products that were first placed into service after 1 January 2017;

- the term “petrochemical products” is used as defined in clause 1 of Article 179.3 of this Code.

[clause 1.8-2 inserted by Federal Law No. 65-FZ of 18.03.2020]

1.8-3. For taxpayers that carry on activities involving the granting under a licence agreement of rights to use results of intellectual activity where exclusive rights to the latter belong to the taxpayer and have been registered with the federal executive body for intellectual property, laws of constituent entities of the Russian Federation may establish a reduced tax rate for tax payable to the budgets of constituent entities of the Russian Federation in respect of profit earned from those activities.

The tax rate stipulated by this clause shall be applicable provided that separate records are kept of income (expenses) received (incurred) in connection with such activities carried on in the territory of the relevant constituent entity of the Russian Federation and income (expenses) received incurred in connection with other activities.
The types of results of intellectual activity for which profit from the granting of rights of use may be assessed at the reduced tax rate (in accordance with the provisions of paragraph 1 of this clause), the level of that tax rate and additional conditions of the application of that tax rate shall be determined by a law of the relevant constituent entity of the Russian Federation.

1.9. A tax rate of 0 per cent shall be applied to the tax base which is determined by organizations which provide social care to citizens (with the exception of the tax base for which tax rates are established by clauses 3 and 4 of this Article), with account taken of the special considerations established by Article 284.5 of this Code.

1.10. For organizations which are participants in the Special Economic Zone in the Magadan Province, the tax rate for tax payable to the federal budget shall be established at 0 per cent.

The above-mentioned tax rate shall apply to profit from activities carried on in the territory of the Magadan Province which are specified in an agreement on activities provided that separate records are maintained of income (expenses) received (incurred) from activities carried on in the territory of the Magadan Province which are specified in that agreement and income (expenses) received (incurred) in carrying on other activities.

Organizations such as are referred to in this clause shall have the right to apply the 0 per cent tax rate for tax payable to the federal budget from the 1st of the reporting period following the reporting (tax) period in which the organization acquired the status of participant in the Special Economic Zone in the Magadan Province in accordance with Federal Law No. 104-FZ of 31 May 1999 “Concerning the Special Economic Zone in the Magadan Province”. The right to apply the above-mentioned tax rate shall cease from the 1st of the reporting (tax) period in which the organization lost the status of participant in the Special Economic Zone in the Magadan Province in accordance with Federal Law No. 104-FZ of 31 May 1999 “Concerning the Special Economic Zone in the Magadan Province”.

In the event that a participant in the Special Economic Zone in the Magadan Province violates fundamental conditions of the agreement on activities, the amount of tax must be restored and paid to the budget in accordance with the established procedure with the payment of corresponding penalties charged from the day following the day established by Article 287 of this Code for the payment of tax (an advance tax payment) calculated without taking account of the status of participant in the Special Economic Zone in the Magadan Province for the entire period for which it was listed in the register of participants in the Special Economic Zone in the Magadan Province.

1.11. A tax rate of 0 per cent shall be applied to the tax base determined by organizations which carry on tourism and recreation activities in the territory of the Far Eastern Federal District (with the exception of the tax base for which tax rates are established by clauses 3 and 4 of this Article), with account taken of the special considerations established by Article 284.6 of this Code.

1.12. For organizations that have been assigned the status of regional municipal solid waste management operator in accordance with Federal Law No. 89-FZ of 24 June 1998 “Concerning
Industrial and Consumer Waste”, laws of constituent entities of the Russian Federation may establish a 0 per cent tax rate for tax payable to the budgets of constituent entities of the Russian Federation. Where such a decision is adopted by a constituent entity of the Russian Federation, the tax rate for tax payable to the federal budget shall be established at 0 per cent.

The above-mentioned tax rates shall apply to profit of a regional municipal solid waste management operator from activities under an agreement on the provision of municipal solid waste management services.

1.13. A tax rate of 0 per cent shall be applied to the tax base determined by museums, theatres and libraries founded by constituent entities of the Russian Federation or municipalities (with the exception of the tax base for which tax rates are established by clauses 3 and 4 of this Article), subject to the special considerations established by Article 284.8 of this Code.

1.14. For taxpayers which are participants in special investment contracts, the tax rate for tax payable to the federal budget shall be established at 0 per cent and shall apply as provided for in clause 2 of Article 284.9 of this Code.

1.15. For Russian organizations which operate in the field of information technology, develop and sell their own computer programmes and databases on physical media or in the form of an electronic file via communications channels, irrespective of the type of agreement, and (or) render services (perform work) involving the development, adaptation and modification of computer programmes and databases (computer software and information products) and install, test and support computer programmes and databases, the tax rate for tax payable to the federal budget shall be established at 3 per cent and the tax rate for tax payable to the budget of a constituent entity of the Russian Federation shall be established at 0 per cent.

The tax rates specified in this clause shall apply if the following conditions are simultaneously met:

- the organization has received a state accreditation document for an organization operating in the field of information technology in accordance with the procedure established by the Government of the Russian Federation;

- income from sales of copies of computer programmes and databases developed by the organization, the transfer of exclusive rights to computer programmes and databases developed by the organization and the granting of rights to use those computer programmes and databases under licence agreements, including by means of the granting of remote access to computer programmes and databases referred to in this paragraph, including updates and additional features, via the “Internet” telecommunications network, and from the rendering of services (performance of work) involving the development, adaptation and modification of computer programmes and databases (computer software and information products) and services (work) involving the installation, testing and support of those computer programmes and databases (excluding income from the granting of rights to use computer programmes and databases (including by means of granting remote access to them via the “Internet” telecommunications network) where those rights consist in being enabled to distribute and (or) obtain access to advertising information on the “Internet” telecommunications network, post offers to acquire
(sell) goods (work, services) and property rights on the “Internet” telecommunications network, search for information on potential buyers (sellers) and (or) conclude transactions) for the accounting (tax) period accounts for not less than 90 per cent of the organization’s total income for that period;

- the average number of employees of the organization for the accounting (tax) period is not less than seven.

For the purposes of this clause, the amount of income shall be determined on the basis of the organization’s tax accounting data in accordance with Article 248 of this Code and shall not include income referred to in clauses 2 and 11 of the second part of Article 250 and clause 4.1 of Article 270 of this Code and income from the assignment of debt claims arising in connection with the recognition of income referred to in paragraph 4 of this clause.

In the event that a taxpayer fails to meet one or more of the conditions established by paragraphs 4 and 5 of this clause in a tax (accounting) period or in the event that its state accreditation is withdrawn, that taxpayer shall forfeit the right to apply the tax rates specified in this clause from the beginning of the tax period in which the established conditions were not met or in which its state accreditation was withdrawn.

[clause 1.15 inserted by Federal Law No. 265-FZ of 31.07.2020 (Rev. 23.11.2020)]

1.16. For Russian organizations which carry on activities involving the design and development of electronic components and electronic (radio-electronic) products, the tax rate for tax payable to the federal budget shall be set at 3 per cent and the tax rate for tax payable to the budget of a constituent entity of the Russian Federation shall be set at 0 per cent.

The tax rates specified in this clause shall apply if the following conditions are simultaneously met:

- the organization has been included in the register of organizations which render services (perform work) involving the design and development of electronic components and electronic (radio-electronic) products, which shall be maintained by the federal executive body responsible for the formulation of state policy and statutory regulation in the area of the industrial and defence industry complexes in accordance with the procedure approved by the Government of the Russian Federation;

- income from sales of services (work) involving the design and development of electronic components and electronic (radio-electronic) products for the accounting (tax) period accounts for not less than 90 per cent of the organization’s total income for the accounting (tax) period;

- the average number of employees of the organization for the accounting (tax) period is not less than seven.

For the purposes of this clause, the amount of income shall be determined on the basis of the organization’s tax accounting data in accordance with Article 248 of this Code and shall not include income referred to in clauses 2 and 11 of the second part of Article 250 of this Code and income from the assignment of debt claims arising in connection with the recognition of income referred to in paragraph 4 of this clause.
In the event that a taxpayer fails to meet one or more of the conditions established by paragraphs 4 and 5 of this clause in a tax (accounting) period or in the event that it is excluded from the register, that taxpayer shall forfeit the right to apply the tax rates specified in this clause from the beginning of the tax period in which the established conditions were not met or in which it was excluded from the register.

[clause 1.16 inserted by Federal Law No. 263-FZ of 31.07.2020]

2. The tax rates for income of foreign organizations which is not associated with activities carried out in the Russian Federation through a permanent establishment shall be established as follows:

1) 20 per cent - on all types of income with the exception of those which are referred to in subsection 2 of this clause and clauses 3 and 4 of this Article with account taken of the provisions of Article 310 of this Code;

[subsection 1 as reworded by Federal Law No. 57-FZ of 29.05.2002]

2) 10 per cent - on income from the operation, maintenance or rental (chartering) of vessels, aeroplanes or other mobile means of transport or containers (including trailers and auxiliary equipment required for transportation) in international traffic.

3. The following tax rates shall apply to the tax base which is determined for income received in the form of dividends:

1) 0 per cent – for income received by Russian organizations in the form of dividends provided that, as at the day of the adoption of the decision to pay dividends (as at the day of the adoption of the decision on departure from the organization or the liquidation of the organization accordingly), the organization receiving the dividends has continuously owned for not less than 365 calendar days a holding (participating interest) of not less than 50 per cent in the charter (pooled) capital (fund) of the organization paying the dividends or depositary receipts conferring the right to receive dividends in an amount corresponding to not less than 50 per cent of the total amount of dividends payable by the organization. [as amended by Federal Law No. 424-FZ of 27.11.2018]

In this respect, where the organization paying the dividends is foreign, the tax rate which is established by this subsection shall apply to organizations whose state of residence is not included in the list approved by the Ministry of Finance of the Russian Federation of states and territories which provide preferential tax treatment and (or) do not require the disclosure and provision of information when financial operations are carried out (offshore zones).

The tax rate established by this subsection shall not apply in relation to income received by foreign organizations which are classed as tax residents of the Russian Federation in accordance with the procedure established by Article 246.2 of this Code, except as otherwise established by the tax and levy legislation of the Russian Federation; [paragraph inserted by Federal Law No. 32-FZ of 15.02.2016; as amended by Federal Laws No. 424-FZ of 27.11.2018, No. 374-FZ of 23.11.2020]

1.1) 0 per cent – for income received by an international holding company in the form of dividends provided that, as at the day of the adoption of the decision to pay dividends, the international holding company has continuously owned for not less than 365 calendar days a holding (participating interest) of not less than 15 per cent in the charter (pooled) capital (fund) of the organization paying the dividends or depositary receipts conferring the right to receive
dividends in an amount equal to not less than 15 per cent of the total amount of dividends payable by the organization.

The tax rate established by this subsection shall apply where an international company is recognised as an international holding company in accordance with Article 24.2 of this Code as at the date on which income is paid.

In this respect, if the organization paying the dividends is foreign, the tax rate established by this subsection shall apply to organizations whose state of residence is not included in the list of states and territories approved by the Ministry of Finance of the Russian Federation in accordance with subsection 1 of this clause.

For the purposes of the application of the provisions of this subsection, an international company which receives income in the form of dividends must provide to the tax agent which pays that income confirmation that the conditions stipulated by Article 24.2 of this Code for recognising such an international company as an international holding company are met as at the day on which income is paid.

The provision of that assurance to the tax agent paying the income before the date on which income is paid shall constitute a basis for applying the rate stipulated by this subsection; [subsection 1.1 inserted by Federal Law No. 294-FZ of 03.08.2018]

1.2) 5 per cent – for income received by foreign persons in the form of dividends on shares (participating interests) in international holding companies which are public companies as at the date of the adoption of a decision of such a company to pay dividends.

The tax rate established by this subsection shall apply where an international company is recognised as an international holding company in accordance with Article 24.2 of this Code as at the date of the adoption of the company’s decision to pay dividends.

In order for the provisions of this subsection to be applied, a foreign person whose direct participating interest in an international holding company exceeds 5 per cent and which receives income in the form of dividends must submit to the tax agent which pays that income, before the date on which the income is paid, confirmation that that foreign person has an actual right to receive the income as at the date of payment of the income, unless a different procedure prescribed by Article 310.1 of this Code. If the foreign person acknowledges that it does not have an actual right to the dividend income, the provisions of this subsection may be applied to another foreign person in accordance with the procedure prescribed by clauses 1.1 and 1.2 of Article 312 of this Code.

The tax rate established by this subsection shall apply in relation to income received before 1 January 2029 and provided that the foreign organizations through whose redomiciliation the companies in question were established were public companies as at 1 January 2018; [subsection 1.2 as reworded by Federal Law No. 490-FZ of 25.12.2018]

2) 13 per cent – for income received in the form of dividends from Russian and foreign organizations by Russian organizations not referred to in subsection 1 of this clause, and for income in the form of dividends received on shares for which rights therein are certified by depositary receipts; [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 366-FZ of 24.11.2014]
3) 15 per cent – for income received by a foreign organization in the form of dividends on shares in Russian organizations and dividends from other forms of participation in the capital of an organization. [as amended by Federal Law No. 306-FZ of 02.11.2013]

In this respect, tax shall be calculated with account taken of the special considerations which are laid down in Article 275 of this Code.

For the purpose of confirming the right to apply the tax rate which is established by subsection 1 of this clause, a taxpayer shall be obliged to provide to the tax authorities documents containing information regarding the date (dates) of the acquisition (receipt) of ownership of a holding (share interest) in the charter (pooled) capital (fund) of the organization paying the dividends or of depositary receipts conferring the right to receive dividends. [as amended by Federal Law No. 368-FZ of 27.12.2009]

Such documents may include, in particular, purchase-sale (exchange) agreements, decisions on the distribution of issuance securities, agreements on re-organization in the form of a merger or acquisition, decisions on re-organization in the form of a demerger, spin-off or change of organizational form, liquidation (partition) balance sheets, transfer certificates, decisions on the issue of securities, reports on the results of the issue of securities, issue prospectuses, court decisions, charters, foundation documents (foundation decisions) or equivalents thereof, extracts from a ledger account (ledger accounts) within the system of the maintenance of a register of shareholders (participants), statements of a depositary account (depositary accounts) and other documents containing information regarding the date (dates) of the acquisition (receipt) of ownership of a holding (share interest) in the charter (pooled) capital of the organization paying the dividends or of depositary receipts conferring the right to receive dividends. Where the above-mentioned documents or copies thereof have been prepared in a foreign language, they must be duly legalized and translated into Russian. [as amended by Federal Law No. 368-FZ of 27.12.2009]
[clause 3 as reworded by Federal Law No. 76-FZ of 16.05.2007]

4. The following tax rates shall apply to the tax base which is determined for operations involving particular types of debt obligations:

1) 15 per cent – for income in the form of interest on the following types of securities with respect to which the conditions of the issue and circulation thereof provide for the receipt of income I the form of interest (other than the securities such as are referred to in subsections 2 and 3 of this clause and interest income received by Russian organizations on state and municipal securities which are distributed outside the Russian Federation, with the exception of interest income received by the initial holders of state securities of the Russian Federation which they received in exchange for state short-term zero-coupon bonds in accordance with the procedure established by the Government of the Russian Federation):

- state securities of member states of the Union State;
- state securities of constituent entities of the Russian Federation and municipal securities;
- mortgage-backed bonds issued after 1 January 2007;
- bonds of Russian organizations (other than bonds of foreign organizations which are recognised as tax residents of the Russian Federation) which are classed as circulated on the organized securities market as at the dates on which interest income on them is recognised, which are denominated in roubles and were issued in the period from 1 January 2017 to 31 December 2021 inclusively.

The tax rate established by this subsection shall also apply to the tax base in the form of income of principals in the fiduciary management of a mortgage pool which was received through the acquisition of mortgage participation certificates issued by the manager of the mortgage pool after 1 January 2007;

[subsection 1 as reworded by Federal Law No. 242-FZ of 03.07.2016]

2) 9 per cent – for income in the form of interest on municipal securities issued for a period of not less than three years before 1 January 2007, and for income in the form of interest on mortgage-backed securities issued before 1 January 2007 and income of institutors of the fiduciary management of a mortgage pool which is received by means of the acquisition of mortgage participation certificates issued by the manager of the mortgage pool after 1 January 2007;

3) 0 per cent – for income in the form of interest on state and municipal bonds issued up to 20 January 1997 inclusively, and for income in the form of interest on bonds of the 1999 state currency funded loan which were issued upon the novation of series III bonds of the state domestic currency loan which were issued for the purpose of achieving the conditions required for the settlement of the domestic currency debt of the former USSR and the domestic and foreign currency debt of the Russian Federation.

[clause 4 as reworded by Federal Law No. 107-FZ of 20.08.2004]

[EY Note: Clause 4.1 of Article 284 as amended by Federal Law No. 396-FZ of 29.12.2015 loses force from 01.01.2023. From that date, clause 4.1 of Article 284 will revert to the previous wording]

4.1. A tax rate of 0 per cent shall be applied to the tax base determined in respect of income from sales or other disposals (including redemption) of participating interests in the charter capital of Russian and (or) foreign organizations and shares in Russian and (or) foreign organizations with account taken of the special considerations established by Articles 284.2 and 284.7 of this Code, except as otherwise established by this clause. [as amended by Federal Law No. 294-FZ of 03.08.2018]

A tax rate of 0 per cent shall be applied to the tax base which is determined for income from operations involving the sale or other disposal (including redemption) of shares or bonds of Russian organizations and investment units which are securities of the high-technology (innovation) sector of the economy, subject to the special considerations established by Article 284.2.1 of this Code. [paragraph inserted by Federal Law No. 396-FZ of 29.12.2015]


4.2. The tax rate shall be established at 30 per cent for income on securities (with the exception of income in the form of dividends) issued by Russian organizations rights in which are recorded in a depositary account of a foreign nominee holder, a depositary account of a foreign authorized holder and (or) a depositary programme depositary account where that income is paid to persons in relation to which information was not provided to the tax agent in accordance
with the requirements of Article 310.1 of this Code.

5. Profit earned by the Central Bank of the Russian Federation from carrying out activities associated with the performance by it of the functions which are provided for in the Federal Law “Concerning the Central Bank of the Russian Federation (Bank of Russia)” shall be taxable at the rate of 0 per cent.

Profit earned by the Central Bank of the Russian Federation from carrying out activities not associated with the performance by it of the functions which are provided for in the Federal Law “Concerning the Central Bank of the Russian Federation (Bank of Russia)” shall be taxable at the tax rate which is stipulated by clause 1 of this Article.

5.1. Profit earned by an organization which has acquired the status of participant 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” or 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” (hereafter in this clause referred to as “project participant”) shall be taxable at the tax rate of 0 per cent for profit earned after the project participant ceased to use the right to an exemption from the performance of taxpayer obligations in accordance with paragraph 3 of clause 2 of Article 246.1 of this Code. [as amended by Federal Laws No. 339-FZ of 28.11.2011, No. 373-FZ of 30.10.2018]

In the tax period in which aggregate profit earned by a project participant, determined as a cumulative total from the 1st day of the year in which the project participant ceased to exercise the right to an exemption from the performance of taxpayer obligations in accordance with paragraph 3 of clause 2 of Article 246.1, exceeded 300 million roubles and (or) in which the project participant lost project participant status, profit earned by that project participant shall be taxable at the tax rate which is established by clause 1 of this Article and penalties shall be charged for the late payment of tax and advance tax payments. In this respect, the provisions of this paragraph shall not apply to profit earned in the period from 1 January 2017 to 31 December 2021 inclusively. [as amended by Federal Laws No. 339-FZ of 28.11.2011, No. 475-FZ of 28.12.2016]

In the tax period in which aggregate profit earned by a project participant on a cumulative basis from the 1st of the year in which the project participant ceased to exercise the right to an exemption from the performance of taxpayer duties in accordance with paragraph 3 of clause 2 of Article 246.1 of this Code exceeded 300 million roubles (in the case of a project participant which is a corporate research centre – on billion roubles), and (or) in which income of a corporate research centre from sales of goods (work and services) to interdependent persons and the transfer of property rights accounted for less than 50 per cent of the total income of the corporate research centre, profit earned by the project participant in question shall be taxed at the tax rate established by clause 1 of this Article with penalties charged for the late payment of tax and advance tax payments. In this respect, the provisions of this paragraph shall apply to profit earned in the period from 1 January 2017 to 31 December 2021 inclusively. [paragraph inserted by Federal Law No. 475-FZ of 28.12.2016]
6. The amount of tax calculated at the tax rates which are established by clauses 1.4 and 2 to 4 of this Article shall be paid to the federal budget. [as amended by Federal Laws No. 268-FZ of 30.09.2013, No. 32-FZ of 15.02.2016]

**Article 284.1. Special Considerations Relating to the Application of the 0 Per Cent Tax Rate by Organizations Which Carry Out Educational and (or) Medical Activities** [inserted by Federal Law No. 395-FZ of 28.12.2010]

1. Organizations which carry out educational and (or) medical activities in accordance with the legislation of the Russian Federation shall have the right to apply the 0 per cent tax rate subject to compliance with the conditions established by this Article.

For the purposes of this Article educational and medical activities shall be understood to mean activities included in the List of Types of Educational and Medical Activities which has been established by the Government of the Russian Federation. In this respect, activities associated with health resort treatment shall not be classified as medical activities.

2. The 0 per cent tax rate provided for by this Article shall be applied by organizations which carry out educational and (or) medical activities to the entire tax base which is determined by those taxpayers (with the exception of the tax base for which tax rates are established by clauses 1.6, 3 and 4 of Article 284 of this Code) during the entire tax period. [as amended by Federal Law No. 376-FZ of 24.11.2014]

3. Organizations such as are referred to in clause 1 of this Article shall have the right to apply the 0 per cent tax rate if they meet the following conditions:

1) the organization has a licence (licences) to carry out educational and (or) medical activities issued in accordance with the legislation of the Russian Federation;

2) the organization’s income for the tax period from carrying out educational activities, child supervision and care and (or) medical activities and from the performance of research and (or) development work which is taken into account in determining the tax base in accordance with this Chapter accounts for not less than 90 per cent of its income which is taken into account in determining the tax base in accordance with this Chapter, or the organization does not have income for the tax period which is taken into account in determining the tax base in accordance with this Chapter; [as amended by Federal Law No. 110-FZ of 02.05.2015]

3) the proportion of medical personnel holding a specialist’s certificate or a specialist accreditation certificate on the permanent staff of an organization which carries out medical activities remains continuously over the course of the tax period at not less than 50 per cent of the total number of employees; [as amended by Federal Law No. 62-FZ of 18.03.2020]

4) the organization has no fewer than 15 employees on its permanent staff continuously over the tax period;
5) the organization does not carry out operations involving promissory notes / bills of exchange and derivative financial instruments in the tax period. [as amended by Federal Law No. 242-FZ of 03.07.2016]

4. Where organizations such as are referred to in clause 1 of this Article which have transferred to the application of the 0 per cent tax rate in accordance with this Article fail to meet one or more of the conditions established by clause 3 of this Article, the tax rate established by clause 1 of Article 284 of this Code shall apply from the beginning of the tax period in which those conditions ceased to be met. In this respect, the amount of tax shall be restored and paid to the budget together with corresponding penalties charged from the day following the day established by Article 287 of this Code as the due date for the payment of tax (an advance tax payment).

5. Organizations which have expressed the wish to apply the 0 per cent tax rate in accordance with this Article shall, not later than one month before the beginning of the tax period commencing from which the 0 per cent tax rate is applied, submit to the tax authority for their location an application and copies of their licence (licences) to carry out educational and (or) medical activities issued in accordance with the legislation of the Russian Federation.

An organization shall have the right to adjust the information referred to in paragraph 1 of this clause and present it to the tax authority together with the information referred to in clause 6 of this Article after the end of the first tax period during which it applies the 0 per cent tax rate in accordance with this Article.

6. Organizations which apply the 0 per cent tax rate in accordance with this Article shall, after the end of each tax period during which they apply the 0 per cent tax rate and within the time limits established by this Chapter for the submission of a tax declaration, present to the tax authority for their location the following information:

- concerning the proportion of income received by the organization from educational activities, child supervision and care and (or) medical activities and from the performance of research and (or) development activities which is taken into account in determining the tax base in accordance with this Chapter to the total amount of income of the organization which is taken into account in determining the tax base in accordance with this Chapter; [as amended by Federal Law No. 110-FZ of 02.05.2015]

- concerning the number of employees on the organization’s permanent staff.

Organizations which carry out medical activities shall additionally present information on the number of medical personnel holding a specialist’s certificate or a specialist accreditation certificate on the organization’s permanent staff. [as amended by Federal Law No. 62-FZ of 18.03.2020]

In the event that the information referred to in this clause is not presented to the tax authority for the taxpayer’s location within the established time limit, the tax rate established by clause 1 of Article 284 of the Code shall apply from the beginning of the tax period for which data have not been presented according to the established procedure. In this respect, the amount of tax shall be restored and paid to the budget in accordance with the established procedure and appropriate amounts of penalties shall be recovered from the taxpayer, charged from the day
following the day established by Article 287 of this Code as the due date for the payment of tax (an advance tax payment).

The standard form for the presentation of the information referred to in this clause shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

7. Organizations which apply the 0 per cent tax rate in accordance with this Article shall have the right to transfer to the application of the tax rate established by clause 1 of Article 284 of this Code by sending an appropriate application to the tax authority for their location. In this respect, if that transfer commences other than from the beginning of a new tax period, the amount of tax for the tax period in question must be restored and paid to the budget in accordance with the established procedure together with amounts of penalties charged from the day following the day established by Article 287 of this Code as the due date for the payment of tax (an advance tax payment).

8. Organizations which previously applied the 0 per cent tax rate in accordance with this Article and have transferred to the application of the tax rate established by clause 1 of Article 284 of this Code, including by reason of failure to comply with the conditions established by clause 3 of this Article, shall not have the right to return to the application of the 0 per cent tax rate within a period of 5 years commencing from the tax period in which they transferred to the application of the tax rate established by clause 1 of Article 284 of this Code.

Article 284.2. Special Considerations Relating to the Application of the 0 Per Cent Tax Base to the Tax Base Which is Determined for Transactions Involving Shares in (Participating Interests in the Charter Capital of) Russian Organizations and (or) Foreign Organizations [as amended by Federal Law No. 374-FZ of 23.11.2020] [inserted by Federal Law No. 395-FZ of 28.12.2010]

1. The 0 per cent tax rate which is provided for in clause 4.1 of Article 284 of this Code shall be applied to the tax base which is determined for income from operations involving the sale or other disposal (including redemption) of shares in (interests in the charter capital of) Russian and (or) foreign organizations provided that, as at the date of sale or other disposal (including redemption) of the shares (participating interests in the charter capital of organizations), they have continuously belonged to the taxpayer on the basis of ownership or another right in rem for more than five years. [as amended by Federal Law No. 374-FZ of 23.11.2020]

2. Taking into account the requirement laid down in clause 1 of this Article, the 0 per cent tax rate provided for in clause 4.1 of Article 284 of this Code shall be applied to the tax base determined for income from operations involving the sale or other disposal (including redemption) of shares in (interests in the charter capital of) Russian organizations and (or) foreign organizations provided that those shares (interests) make up the charter capital of organizations whose assets, according to data in financial statements as at the last day of the month preceding the month of sale, derive not more than 50 per cent of their value directly or indirectly from immovable property located in the territory of the Russian Federation, except as otherwise established by this clause.

[EY Note: The force of paragraph 2 of clause 2 of Article 284.2 has been suspended until 01.01.2023 – Federal Law No. 396-FZ of 29.12.2015 (Rev. 23.11.2020)]
Where shares in Russian organizations are classified as at the date of their sale or other disposal (including redemption) as securities circulated on the organized securities market and, as at the same date, constitute shares in the high-technology (innovation) sector of the economy, the 0 per cent tax rate provided for in clause 4.1 of Article 284 of this Code shall apply irrespective of the composition of the assets of those Russian organizations.

3. The procedure for classifying shares in Russian organizations which are circulated on the organized securities market as shares in the high-technology (innovation) sector of the economy shall be established by the Government of the Russian Federation.

4. The provisions of this Article shall be applied by a taxpayer in relation to income from sales or other disposals (including redemption) of shares in (interests in the capital of) foreign organizations only if the state of residence of those foreign organizations is not included in the list approved by the Ministry of Finance of the Russian Federation of states and territories that grant preferential tax treatment and (or) do not require the disclosure and provision of information when financial operations are carried out (offshore zones).

5. For the purposes of this Article, redomiciliation and (or) a change of tax residence either by the taxpayer or by organizations referred to in clause 1 of this Article shall not interrupt the period of ownership of shares in (interests in the charter capital of) those organizations.

6. In the case of the sale or other disposal (including redemption) of shares in (interests in the charter capital of) Russian and (or) foreign organizations, the time period referred to in clause 1 of this Article shall be calculated:

- with respect to shares in (interests in the charter capital of) those organizations that were received by the successor taxpayer as a result of re-organization – from the date on which they were acquired by the re-organized organization (re-organized organizations);

- with respect to shares in (interests in the charter capital of) those organizations where they were established as a result of re-organization in the form of a change of form, spin-off or demerger – from the date on which the taxpayer acquired shares in (participating interests in the charter capital) of the re-organized organization.

In this respect, the provisions of this clause shall not apply if it is established in the course of tax control measures that the principal purpose of the re-organization is to apply the tax rate set by clause 1 of this Article.

[EY Note: Article 284.2.1 loses force from 01.01.2023 (Federal Law No. 396-FZ of 29.12.2015)]
Article 284.2.1. Special Considerations Relating to the Application of the 0 Per Cent Tax Rate to the Tax Base Which is Determined for Operations Involving Shares or Bonds of Russian Organizations and Investment Units Which Are Securities of the High-Technology (Innovation) Sector of the Economy [inserted by Federal Law No. 396-FZ of 29.12.2015]

1. The 0 per cent rate tax rate which is provided for in paragraph 2 of clause 4.1 of Article 284 of this Code shall be applied to the tax base which is determined for income from operations involving the sale or other disposal (including redemption) of shares or bonds of Russian organizations and investment units provided that, on the date of the sale or other disposal (including redemption) thereof, they have been continuously possessed by the taxpayer on the basis of ownership or another right in rem for more than one year and one of the following conditions is met in relation to those shares, bonds or investment units:

1) the shares or bonds of Russian organizations or investment units are classed as securities circulated on the organized securities market and are, during the entire time of the possession by the securities in question by the taxpayer, securities of the high-technology (innovation) sector of the economy;

2) on the date on which they are acquired by the taxpayer the shares or bonds of Russian organizations or investment units are classed as securities not circulated on the organized securities market, and on the date on which they are sold by that taxpayer or otherwise disposed of (including by means of redemption) by that taxpayer they are classed as securities circulated on the organized securities market and as securities of the high-technology (innovation) sector of the economy.

2. The procedure for classing shares in Russian organizations which are circulated on the organized securities market as securities of the high-technology (innovation) sector of the economy shall be determined in accordance with clause 3 of Article 284.2 of this Code.

The procedure for classing bonds of Russian organizations and investments units which are circulated on the organized securities market as securities of the high-technology (innovation) sector of the economy shall be established by the Government of the Russian Federation.

[EY Note: Article 284.3 loses force from 01.01.2029 – Federal Law No. 144-FZ of 23.05.2016; Federal Law No. 167-FZ of 30.09.2013]

Article 284.3. Special Considerations Relating to the Application of the Tax Rate to the Tax Base Which is Determined by Taxpayers Which Are Participants in Regional Investment Projects and Have Been Included in the Register of Participants in Regional Investment Projects [article as reworded by Federal Law No. 144-FZ of 23.05.2016]

1. A taxpayer – participant in a regional investment project such as is referred to in subsection 1 of clause 1 of Article 25.9 of this Code (hereafter in this Article referred to also as “participant”), shall apply tax rates at the levels provided for in this Article:

- to the entire tax base determined in accordance with this Chapter if income from sales of goods manufactured within the framework of an investment project for which the status of regional investment project has been established accounts for at least 90 per cent of all income which is taken into account in determining the tax base for tax in accordance with this Chapter
(excluding income in the form of a positive exchange difference as provided for in clause 11 of the second part of Article 250 of this Code and income in the form of subsidies that is recognised in the manner prescribed by clause 4.1 of Article 271 of this Code in the case of the gratuitous transfer of property (property rights) into state and (or) municipal ownership); [as amended by Federal Law No. 335-FZ of 15.10.2020]

- to the tax base attributable to activities carried on within the framework of an investment project that has the status of regional investment project, provided that separate records are maintained of income (expenses) received (incurred) in connection with activities carried on within the framework of that investment project and income (expenses) received (incurred) in connection with other activities.

In this respect, the chosen method of determining the tax base must be established in the accounting policies and may not be changed while the status of participant in a regional investment project is in effect.
[clause 1 as reworded by Federal Law No. 325-FZ of 29.09.2019]

[EY Note: Paragraph 1 of clause 2 of Article 284.3 is reworded from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

2. The tax rate specified in clause 1.5 of Article 284 of this Code shall be applied:

1) for ten tax periods commencing from the tax period in which, in accordance with tax accounting data, the first profit was earned from sales of goods manufactured as a result of the implementation of the regional investment project, except as otherwise provided in this Article. The tax rate provided for in this subsection shall be applied by participants in regional investment projects which meet the requirement established by subsection 1 of clause 1 of Article 25.8 of this Code;

2) during the period of application of the reduced tax rate for tax payable to the budgets of constituent entities of the Russian Federation in accordance with subsection 2 of clause 3 of this Article. The tax rate provided for in this subsection shall be applied by participants for which laws of constituent entities of the Russian Federation establish a reduced tax rate for tax payable to the budgets of constituent entities of the Russian Federation in accordance with subsection 2 of clause 3 of this Article;

[3] Lost force from 01.01.2020 – Federal Law No. 269-FZ of 02.08.2019]

3. The level of the tax rate for tax payable to constituent entities of the Russian Federation shall be established by laws of constituent entities of the Russian Federation with account taken of the following special considerations:

1) for participants in regional investment projects which meet the requirement established by subsection 1 of clause 1 of Article 25.8 of this Code, laws of constituent entities of the Russian Federation may establish a reduced tax rate for tax payable to the budgets of constituent entities of the Russian Federation not exceeding 10 per cent for five periods commencing from the tax period in which, in accordance with tax accounting data, the first profit was earned from sales of goods manufactured as a result of the implementation of the regional investment project, and not less than 10 per cent for the next five tax periods;
2) laws of constituent entities of the Russian Federation may lower the tax rate for tax payable to the budgets of constituent entities of the Russian Federation to 10 per cent commencing from the tax period in which, in accordance with tax accounting data, the first profit was earned from sales of goods manufactured as a result of the implementation of the regional investment project and ending with the reporting (tax) period in which the amount of tax calculated on the basis of the 20 per cent tax rate and the amount of tax calculated using the reduced tax rates established by laws of constituent entities of the Russian Federation in accordance with this subsection and clause 1.5 of Article 284 of this Code, determined as a cumulative total for those reporting (tax) periods, equalled the amount of capital investments made for the purpose of the implementation of the investment project, as determined in accordance with clause 8 of this Article.

In this respect, laws of constituent entities of the Russian Federation may set a shorter period of application of the reduced tax rate for all or some categories of participants relative to the period of application of the reduced tax rate which is established by this subsection;

[3) Lost force from 01.01.2020 – Federal Law No. 269-FZ of 02.08.2019]

[EY Note: A clause 3.1 is inserted in Article 284.3 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

4. Where, in accordance with paragraph 1 of subsection 2 of clause 3 of this Article, laws of constituent entities of the Russian Federation have established reduced tax rates for participants in regional investment projects which meet the requirement established by subsection 1 of clause 1 of Article 25.8 of this Code, those participants shall be obliged to give information in the application for inclusion in the register of participants in regional investment projects on the chosen procedure for the application of tax rates for tax on profit of organizations, taking into account the special considerations laid down in subsection 1 of clause 2 and subsection 1 of clause 3 of this Article, or taking into account the special considerations laid down in subsection 2 of clause 2 and subsection 2 of clause 3 of this Article.

5. Where a taxpayer which is a participant in a regional investment project which meets the requirements established by paragraph 2 of subsection 4 of clause 1 of Article 25.8 of this Code has not earned a profit from sales of goods manufactured as a result of the implementation of the regional investment project during the three tax periods commencing from the tax period in which the taxpayer was included in the register of participants in regional investment projects, the time limits laid down in clauses 2 and 3 of this Article shall begin to be calculated from the fourth tax period counting from the tax period in which it was included in the register of participants in regional investment projects.

6. Where a taxpayer which is a participant in a regional investment project which meets the requirements established by paragraph 3 of subsection 4 of clause 1 of Article 25.8 of this Code has not earned a profit from sales of goods manufactured as a result of the implementation of the regional investment project during the five tax periods commencing from the tax period in which the taxpayer was included in the register of participants in regional investment projects, the time limits laid down in clauses 2 and 3 of this Article shall begin to be calculated from the sixth tax period counting from the tax period in which it was included in the register of participants in regional investment projects.
7. Taxpayers which are participants in regional investment projects which meet the requirements established by paragraph 2 of subsection 4 of clause 1 of Article 25.8 of this Code shall lose the right to apply tax rates at the levels and in accordance with the procedure laid down in this Article commencing from 1 January 2027.

8. For the purposes of the application of tax rates in accordance with subsection 2 of clause 2 and subsection 2 of clause 3 of this Article, there shall be taken into account the volume, determined in accordance with clauses 3, 4 and 5 of Article 25.8 of this Code, of capital investments made over a period:

- not exceeding three years from the day on which the organization was included in the register of participants in regional investment projects or over the period from 1 January 2016 to 1 January 2019 at the taxpayer’s option, provided that the investment declaration provides for capital investments to be made in an amount between 50 million and 500 million roubles;

- not exceeding five years from the day on which the organization was included in the register of participants in regional investment projects or over the period from 1 January 2016 to 1 January 2021 at the taxpayer’s option, provided that the investment declaration provides for capital investments to be made in an amount not less than 500 million roubles.

In determining the volume of capital investments for the purposes of this clause, account shall not be taken of expenditures on the acquisition of amortizable property that was previously recorded as amortizable property.

Article 284.3-1. Special Considerations Relating to the Application of the Tax Rate to the Tax Base Which is Determined by Taxpayers Which Are Participants in Regional Investment Projects and Have Been Included in the Register of Participants in Regional Investment Projects [inserted by Federal Law No. 144-FZ of 23.05.2016]

1. A taxpayer – participant in a regional investment project such as is referred to in subsection 2 of clause 1 of Article 25.9 of this Code (hereafter in this Article referred to also as “participant”), shall apply tax rates at the levels provided for in this Article:

- to the entire tax base determined in accordance with this Chapter if income from sales of goods manufactured within the framework of an investment project for which the status of regional investment project has been established accounts for at least 90 per cent of all income which is taken into account in determining the tax base for tax in accordance with this Chapter (excluding income in the form of a positive exchange difference as provided for in clause 11 of the second part of Article 250 of this Code and income in the form of subsidies that is recognised in the manner prescribed by clause 4.1 of Article 271 of this Code in the case of the gratuitous transfer of property (property rights) into state and (or) municipal ownership); [as amended by Federal Law No. 335-FZ of 15.10.2020]

- to the tax base attributable to activities carried on within the framework of an investment project that has the status of regional investment project, provided that separate records are maintained of income (expenses) received (incurred) in connection with activities carried on within the framework of that investment project and income (expenses) received (incurred) in connection with other activities.
In this respect, the chosen method of determining the tax base must be established in the accounting policies and may not be changed while the status of participant in a regional investment project is in effect.

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

2. Except as otherwise provided in this Article, the tax rate specified in clause 1.5-1 of Article 284 of this Code shall be applied by participants for a period not exceeding ten tax periods commencing from the tax period in which the following conditions are first all met: [as amended by Federal Law No. 325-FZ of 29.09.2019]

1) in accordance with tax accounting data a profit has been recognised from sales of goods manufactured as a result of the implementation of the regional investment project;

2) the taxpayer - participant in the regional investment project has met the requirement established by subsection 4.1 of clause 1 of Article 25.8 of this Code relating to the minimum volume of capital investments;

3) the taxpayer - participant in the regional investment project has submitted to the tax authority an application such as is referred to in clause 1 of Article 25.12-1 of this Code for the application of a tax relief.

[EY Note: Paragraph 1 of clause 2.1 of Article 284.3-1 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

2.1. If the difference between the amount of tax calculated on the basis of the 20 per cent tax rate and the amount of tax calculated using reduced tax rates established by laws of constituent entities of the Russian Federation in accordance with clause 3 of this Article and clause 1.5-1 of Article 284 of this Code, determined cumulatively starting from the tax period specified in paragraph 1 of clause 2 of this Article, exceeds an amount equal to the volume of capital investments made which are stated in an application such as is provided for in clause 1 of Article 25.12-1 of this Code and the reduced tax rates established by laws of constituent entities of the Russian Federation in accordance with clause 3 of this Article will be the period in which that excess arose. The amount of that excess must be paid to the budget for the tax period according to the generally established procedure.

Where a taxpayer which is a participant in a regional investment project has applied the provisions of clause 4 of Article 342.3-1 of this Code, the last tax period of the application of the tax rate provided for in clause 1.5-1 of Article 284 of this Code and the reduced tax rates established by laws of constituent entities of the Russian Federation in accordance with clause 3 of this Article will be the tax period preceding the calendar year in which the coefficient $C_{te}$ is taken to be equal to 1 in accordance with clause 4 of Article 342.3-1 of this Code.

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

3. The tax rate for tax payable to the budgets of constituent entities of the Russian Federation may be set at from 0 to 10 per cent for five tax periods, except as otherwise provided in clause 2.1 of this Article, starting from the tax period in which the tax rate provided for in clause 1.5-1 of Article 284 of this Code begins to be applied in accordance with clause 2 of this Article, and may not be less than 10 per cent during the next five tax periods except as otherwise
provided in clause 2.1 of this Article.
[clause 3 as reworded by Federal Law No. 325-FZ of 29.09.2019]

4. Participants in regional investment projects which meet the requirements established by paragraph 2 of subsection 4.1 of clause 1 of Article 25.8 of this Code shall lose the right to apply tax rates at the levels and in accordance with the procedure laid down in this Article commencing from 1 January 2029.

5. Participants in regional investment projects which meet the requirements established by paragraph 3 of subsection 4.1 of clause 1 of Article 25.8 of this Code shall lose the right to apply tax rates at the levels and in accordance with the procedure laid down in this Article commencing from 1 January 2031.


1. For the purposes of this Chapter, a taxpayer that is a resident of a priority social and economic development area, a taxpayer that is a resident of the Vladivostok free port or a taxpayer that is a resident of the Arctic Zone of the Russian Federation shall be understood to be a Russian organization that has obtained respectively the status of resident of a priority social and economic development area in accordance with Federal Law No. 473-FZ of 29 December 2014 “Concerning Priority Social and Economic Development Areas in the Russian Federation”, the status of resident of the Vladivostok free port in accordance with Federal Law No. 212-FZ of 13 July 2015 “ Concerning the Vladivostok Free Port” or the status of resident of the Arctic Zone of the Russian Federation in accordance with the Federal Law “Concerning State Support for Entrepreneurial Activities in the Arctic Zone of the Russian Federation” and that continuously meets all the following requirements until the expiry of the time periods specified in clauses 4 to 7 of this Article for the application of the tax rates provided for in clause 1.8 of Article 284 of this Code:

1) the state registration of the legal entity took place in the priority social and economic development area, in the territory of the Vladivostok free port or in the Arctic Zone of the Russian Federation respectively;

2) the organization does not have economically autonomous subdivisions located outside the priority social and economic development area (other than economically autonomous subdivisions located in other priority social and economic development areas), the territory of the Vladivostok free port or the Arctic Zone of the Russian Federation respectively; [as amended by Federal Law No. 374-FZ of 23.11.2020]

3) the organization does not apply special tax regimes provided for in this Code;
4) the organization is not a member of a consolidated group of taxpayers (this requirement does not apply to residents of the Arctic Zone of the Russian Federation);

5) the organization is not a non-commercial organization, a bank, an insurance organization (insurer), a non-state pension fund, a professional participant in the securities market or a clearing organization;

6) the organization is not a resident of a special economic zone of any kind;

7) the organization is not a participant in regional investment projects;

8) in the case of organizations that are residents of the Arctic Zone of the Russian Federation – the organization does not carry on activities involving the extraction of commercial minerals, the production of liquefied natural gas or the processing of raw hydrocarbons into goods that are petrochemical products.

2. Except as otherwise provided by clause 3 of this Article, a resident taxpayer shall have the right to apply the tax rates provided for in clause 1.8 of Article 284 of this Code to the entire tax base if the following conditions are met:

1) income from activities carried on in connection with the execution of one agreement on the carrying on of activities accordingly in a priority social and economic development area or in the territory of the Vladivostok free port or an agreement on the carrying on of investment activities in the Arctic Zone of the Russian Federation (hereafter in this Article referred to as “agreement on the carrying on of activities”) accounts for not less than 90 per cent of all income that is taken into account in determining the tax base for tax in accordance with this Chapter, excluding income in the form of a positive exchange difference such as is provided for in clause 11 of the second part of Article 250 of this Code, or over the three tax periods preceding the current tax period taken as a whole, income from activities carried on in connection with the execution of one agreement on the carrying on of activities accounts for not less than 90 per cent of all income that is taken into account in determining the tax base for tax in accordance with this Chapter, excluding income in the form of a positive exchange difference such as is provided for in clause 11 of the second part of Article 250 of this Code; [as amended by Federal Law No. 374-FZ of 23.11.2020]

2) the taxpayer maintains separate records of income received from activities carried on in connection with the execution of the agreement on the carrying on of activities and income received in connection with other activities during the entire effective period of the agreement on the carrying on of activities.

3. A resident taxpayer shall have the right to apply the tax rates provided for in clause 1.8 of Article 284 of this Code in relation to profit earned from activities carried on in connection with the execution of an agreement on the carrying on of activities if the following conditions are met:

1) the taxpayer maintains separate records of income (expenses) received (incurred) in connection with activities carried on in connection with the execution of one agreement on the carrying on of activities and income (expenses) received (incurred) in connection with other
activities during the entire effective period of the agreement in question; [as amended by Federal Law No. 374-FZ of 23.11.2020]

2) before the tax period in which the first profit from activities carried on in connection with the execution of the agreement on the carrying of activities was earned in accordance with tax accounting data, the taxpayer established in its accounting policies for taxation purposes a procedure for the application of the tax rates provided for in clause 1.8 of Article 284 of this Code in relation to profit earned from activities carried on in connection with the execution of the agreement on the carrying of activities during the entire effective period of the agreement in question.

4. The tax rate provided for in paragraph 1 of clause 1.8 of Article 284 of this Code shall apply for five tax periods (ten tax periods for residents of the Arctic Zone of the Russian Federation) commencing from the tax period in which the first profit from activities carried on in connection with the execution of an agreement on the carrying on of activities was earned in accordance with tax accounting data, except as otherwise provided in this Article.

A resident taxpayer shall apply the tax rate provided for in paragraph 1 of clause 1.8 of this Article provided that constituent entities of the Russian Federation have, in relation to profit earned from activities carried on by the taxpayer in connection with the execution of an agreement on the carrying of activities, established reduced rates of tax payable to the budgets of constituent entities of the Russian Federation at the location of the taxpayer and at the location of each of its economically autonomous subdivisions.

For the purposes of this Article, first profit from activities carried on in connection with the execution of an agreement on the carrying on of activities shall be understood to mean the difference between income and expenses calculated on a cumulative basis for the period from the date on which the taxpayer was included in the register of residents of a priority social and economic development area, in the register of residents of the Vladivostok free port or in the register of residents of the Arctic Zone of the Russian Federation until the end of the tax period in which that difference becomes positive. The difference between the above-mentioned income and expenses shall be determined as at the last day of each tax period until that difference becomes positive. The difference shall be calculated taking into account income and expenses which are recognised from the date on which the taxpayer was included in the respective register and are determined in accordance with this Chapter in relation to activities carried on in connection with the execution of the agreement on the carrying on of activities, excluding income and expenses in the form of the exchange differences provided for in clause 11 of the second part of Article 250 and subsection 5 of clause 1 of Article 265 of this Code.

5. For taxpayers that are residents of a priority social and economic development area or taxpayers that are residents of the Vladivostok free port, the level of the tax rate for tax payable to the budgets of constituent entities of the Russian Federation may not exceed 5 per cent during the five tax periods commencing from the tax period in which the first profit from activities carried out in connection with the execution of an agreement on the carrying on of activities was earned in accordance with tax accounting data, and may not be less than 10 per cent during the following five tax periods.

6. In the event that a resident taxpayer does not earn profit from activities carried on in connection with the execution of an agreement on the carrying on of activities during three
consecutive tax periods (during five consecutive tax periods if the agreement on the carrying on of activities requires capital investments amounting to not less than 500 million roubles; during six consecutive tax periods if the agreement on the carrying on of activities requires capital investments amounting to not less than 1 billion roubles; during nine consecutive tax periods if the agreement on the carrying on of activities requires capital investments amounting to not less than 100 billion roubles) commencing from the tax period in which the taxpayer was included in the register of residents of the priority social and economic development area, in the register of residents of the Vladivostok free port or in the register of residents of the Arctic Zone of the Russian Federation accordingly, the time periods stipulated in clauses 4 and 5 of this Article shall begin to run from the fourth consecutive tax period (from the sixth consecutive tax period if the agreement on the carrying on of activities requires capital investments amounting to not less than 500 million roubles; from the seventh consecutive tax period if the agreement on the carrying on of activities requires capital investments amounting to not less than 1 billion roubles; from the tenth consecutive tax period if the agreement on the carrying on of activities requires capital investments amounting to not less than 100 billion roubles) counting from the tax period in which the taxpayer was included in the register of residents of the priority social and economic development area, in the register of residents of the Vladivostok free port respectively or in the register of residents of the Arctic Zone of the Russian Federation accordingly.

7. In the event that the status of resident of a priority social and economic development area, the status of resident of the Vladivostok free port or the status of resident of the Arctic Zone of the Russian Federation is terminated, the taxpayer shall be considered to have lost the right to apply the tax rates provided for in clause 1.8 of Article 284 of this Code from the beginning of the quarter in which it was excluded from the register of residents of the priority social and economic development area, from the register of residents of the Vladivostok free port or from the register of residents of the Arctic Zone of the Russian Federation accordingly.

In the event that a resident taxpayer violates the conditions established by clause 1 of this Article during a tax period, the taxpayer shall be considered to have forfeited the right to apply the tax rates provided for in clause 1.8 of Article 284 of this Code from the tax period preceding the tax period in which it committed that violation. In this respect, the amount of tax not paid as a result of the application of the reduced tax rates provided for in clause 1.8 of Article 284 of this Code must be calculated and paid to the budget. The amount of unpaid tax shall be calculated commencing from the tax period preceding the tax period in which the violation of the conditions established by clause 1 of this Article was committed.

Article 284.5. Special Considerations Relating to the Application of the 0 Per Cent Tax Rate by Organizations Which Provide Social Care to Citizens [inserted by Federal Law No. 464-FZ of 29.12.2014]

1. Organizations which provide social care to citizens shall have the right to apply a tax rate of 0 per cent provided that the conditions established by this Article are met.

For the purposes of this Article, activities involving the provision of social care to citizens shall be understood to mean activities involving the provision to citizens of social services which are included in the list of social services by type of social services for the purpose of the application of the 0 per cent tax rate by organizations which provide social care to citizens, which is to be approved by the Government of the Russian Federation.
2. The 0 per cent tax rate in accordance with this Article shall be applied by organizations which provide social care to citizens in relation to the entire tax base which is determined by such taxpayers (with the exception of the tax base for which tax rates are established by clauses 3 and 4 of Article 284 of this Code) during the entire tax period.

3. Organizations which provide social care to citizens shall have the right to apply a tax rate of 0 per cent if they meet the following conditions during the tax period in which the tax rate established by clause 1.9 of Article 284 of this Code is applied:

1) the organization has been included in the register of providers of social services of a constituent entity of the Russian Federation;

2) income of the organization for the tax period from activities involving the provision of social services to citizens which is taken into account in determining the tax base in accordance with this Chapter accounts for not less than 90 per cent of its income which is taken into account in determining the tax base in accordance with this Chapter, or the organization which provides social care to citizens does not have, for the tax period, income which is taken into account in determining the tax base in accordance with this Chapter;

3) the organization continuously has a staff of not less than 15 employees during the tax period;

4) the organization does not conclude transactions involving promissory notes/bills of exchange or derivative financial instruments in the tax period. [as amended by Federal Law No. 242-FZ of 03.07.2016]

4. In the event that an organization which provides social care to citizens and has transferred to the application of the 0 per cent tax rate in accordance with this Article fails to comply with one or more of the conditions established by clause 3 of this Article, the tax rate established by clause 1 of Article 284 of this Code shall be applied from the beginning of the tax period in which non-compliance with those conditions occurred. In this respect, the amount of tax must be restored and paid to the budget in accordance with the established procedure together with the payment of appropriate amounts of penalties charged from the day following the day established by Article 287 of this Code for the payment of tax (an advance tax payment).

5. Organizations which provide social care to citizens and have expressed the wish to apply the 0 per cent tax rate in accordance with this Article shall, not later than one month before the beginning of the tax period commencing from which the 0 per cent tax rate is to be applied, submit to the tax authority for their location a written application and proof that the conditions established by clause 3 of this Article are met.

6. Organizations which provide social care to citizens and apply the 0 per cent tax rate in accordance with this Article shall submit to the tax authority for their location, after the end of each tax period during which they apply the 0 per cent tax rate and within the time limits established by this Chapter for the submission of a tax declaration:

1) an extract from the register of providers of social services;
2) information as to the proportion of the organization’s income from carrying out activities involving the provision of social services to citizens which is taken into account in determining the tax base in accordance with this Chapter relative to the total amount of the organization’s income which is taken into account in determining the tax base in accordance with this Chapter;

3) information on the number of employees on the organization’s staff.

7. In the event that the information specified in clause 6 of this Article is not submitted to the tax authority for the taxpayer’s location within the established time limits, the tax rate established by clause 1 of Article 284 of this Code shall be applied from the beginning of the tax period for which data have not been submitted in accordance with the established procedure. In this respect, the amount of tax shall be restored and paid to the budget in accordance with the established procedure with the recovery from the taxpayer of appropriate amounts of penalties charged from the day following the day established by Article 287 of this Code for the payment of tax (an advance tax payment). The standard form for the submission of the information specified in clause 6 of this Article shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

8. Organizations which provide social care to citizens and apply the 0 per cent tax rate in accordance with this Article shall have the right to transfer to the application of the tax rate established by clause 1 of Article 284 of this Code by sending an appropriate written application to the tax authority for their location. In this respect, if that transition is to commence other than from the beginning of a new tax period, the amount of tax for the relevant tax period must be restored and paid to the budget in accordance with the established procedure with the payment of amounts of penalties charged from the day following the day established by Article 287 of this Code for the payment of tax (an advance tax payment).

9. Organizations which provide social care to citizens and which applied the 0 per cent tax rate in accordance with this Article and have transferred to the application of the tax rate established by clause 1 of Article 284 of this Code, including by reason of non-compliance with the conditions established by clause 3 of this Article, shall not have the right to transfer back to the application of the 0 per cent tax rate.

Article 284.6. Special Considerations Relating to the Application of the 0 Per Cent Tax Rate by Organizations Which Carry on Tourism and Recreation Activities in the Territory of the Far Eastern Federal District [inserted by Federal Law No. 168-FZ of 18.07.2017]

1. Organizations which carry on tourism and recreation activities in the territory of the Far Eastern Federal District shall have the right to apply a 0 per cent tax rate for the tax periods from 1 January 2018 to 31 December 2022 provided that the conditions established by this Article are met.

2. The 0 per cent tax rate shall be applied by organizations such as are referred to in clause 1 of this Article to the entire tax base determined by those organizations (with the exception of the tax base for which tax rates are established by clauses 3 and 4 of Article 284 of this Code).

3. The following conditions must be met in order for the 0 per cent tax rate to be applied by organizations such as are referred to in clause 1 of this Article:
1) the organization is located in the territory of the Far Eastern Federal District;

2) the organization carries on activities included in the list of types of tourism and recreation activities for the application of the 0 per cent tax rate, as approved by the Government of the Russian Federation (hereafter in this Article referred to as “list”);

3) the organization owns during the entire tax period a hotel and (or) another accommodation facility which have been entered in state cadastral records in the Far Eastern Federal District;

4) the organization does not apply lower rates of tax on profit of organizations on grounds specified in clauses 1 to 1.10 of Article 284 of the Code during the entire tax period;

5) the organization does not conclude transactions involving securities and derivative financial instruments in the tax period;

6) the organization does not have economically autonomous subdivisions located in the territories of constituent entities of the Russian Federation which do not form part of the Far Eastern Federal District;

7) the organization’s income for the tax period from tourism and recreation activities included in the list accounts for not less than 90 per cent of income which is taken into account in determining the tax base in accordance with this Chapter, not including income in the form of positive exchange rate differences such as are provided for in clause 11 of the second part of Article 250 of this Code.

4. An organization which applies the 0 per cent tax rate in accordance with this Article shall, after the end of each tax period during which it applies the 0 per cent tax rate and within the time limits established by this Chapter for the submission of a tax declaration, submit to the tax authority for its location information on the proportion of the organization’s income from tourism and recreation activities to the total amount of the organization’s income for the relevant tax period which is taken into account in determining the tax base in accordance with this Chapter.

The form in which the information referred to in this clause is to be submitted shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

5. In the event that an organization which applies the 0 per cent tax rate in accordance with this Article does not meet one or more of the conditions specified in clause 3 of this Article, or in the event that the information referred to in clause 4 of this Article is not submitted, the tax rate established by clause 1 of Article 284 of this Code shall apply in relation to the tax period in which the failure to meet those conditions occurred or for which information was not submitted within the established time limit. In this respect, the amount of tax must be restored and paid to the budget in accordance with the established procedure together with amounts of penalties charged from the day following the due date established by Article 287 of this Code for the payment of tax (an advance tax payment).
Article 284.7. Special Considerations Relating to the Application of the 0 Per Cent Tax Rate by International Holding Companies [inserted by Federal Law No. 294-FZ of 03.08.2018]

1. The 0 per cent tax rate established by clause 4.1 of Article 284 of this Code shall apply to the tax base determined in respect of income from the sale or other disposal (including redemption) of shares in (participating interests in the charter capital of) Russian or foreign organizations which is received by an international holding company provided that the following conditions are simultaneously met in relation to those shares (participating interests):

1) the shares in (participating interests in the charter capital of) the Russian or foreign organization as at the date of sale or other disposal (including redemption) have been continuously possessed by an international holding company which is recognised as such in accordance with Article 24.2 of this Code on the basis of ownership or another right in rem for not less than 365 calendar days and constitute a holding (participating interest) of not less than 15 per cent in the charter (pooled) capital (fund) of the organization in question;

2) the shares (participating interests) make up the charter capital of organizations whose assets as at the last reporting date preceding the date of sale or other disposal (including redemption) derive not less than 50 per cent of their value directly or indirectly from immovable property situated in the territory of the Russian Federation;

3) the shares in (participating interests in the charter capital of) a Russian or foreign organization were not contributed (transferred) to the charter capital of an international holding company which is recognised as such in accordance with Article 24.2 of this Code within 365 calendar days before or after the date of the registration of that company as an international company or acquired by such a company as a result of re-organization within 365 calendar days before or after the date of the registration of that company as an international company. [as amended by Federal Law No. 490-FZ of 25.12.2018]

2. The above-mentioned rate shall apply in relation to the tax base determined for income of an international holding company from sales or other disposals (including redemption) of shares in foreign organizations (participating interests in the charter capital of foreign organizations) provided that the state of residence of the foreign organizations in question is not included in the list of states and territories approved by the Ministry of Finance of the Russian Federation in accordance with subsection 1 of clause 3 of Article 284 of this Code.

3. The rate provided for in this Article shall apply where an international company is recognised as an international holding company in accordance with Article 24.2 of this Code as at the date of sale or other disposal (including redemption) of shares in (participating interests in the charter capital of) an organization.

Article 284.8. Special Considerations Relating to the Application of the 0 Per Cent Tax Rate by Museums, Theatres and Libraries Founded by Constituent Entities of the Russian Federation or Municipalities [inserted by Federal Law No. 210-FZ of 26.07.2019]

1. Museums, theatres and libraries founded by constituent entities of the Russian Federation or municipalities shall have the right to apply a tax rate of 0 per cent if the conditions established by this Article are met.
For the purposes of this Article, activities of museums, theatres and libraries founded by constituent entities of the Russian Federation or municipalities shall mean activities included in the List of Types of Cultural Activities established by the Government of the Russian Federation.

2. The 0 per cent tax rate under this Article shall apply to the entire tax base (excluding the tax base for which tax rates are established by clauses 3 and 4 of Article 284 of this Code) if income from activities of museums, theatres and libraries founded by constituent entities of the Russian Federation or municipalities which is taken into account in determining the tax base in accordance with this Chapter accounts for not less than 90 per cent of all income taken into account in determining the tax base in accordance with this Chapter.

3. In order for the 0 per cent tax rate to be applied, the organizations referred to in clause 1 of this Article shall submit to the tax authority where they are located, within the time limits established by this Chapter for the submission of a tax declaration, information on the proportion of income determined in accordance with the provisions of clause 2 of this Article.

The form of submission of the information specified in this clause shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

**Article 284.9. Special Considerations Relating to the Application of the Tax Rate to the Tax Base Determined by Organizations That Have the Status of a Taxpayer Which is a Participant in a Special Investment Contract** [inserted by Federal Law No. 269-FZ of 02.08.2019]

1. Taxpayers which are participants in special investment contracts shall apply the tax rates specified in this Article:

   - to the whole of the tax base determined in accordance with this Chapter if income from the sale of goods produced within the framework of an investment project in relation to which a special investment contract has been concluded accounts for at least 90 per cent of all income taken into account in determining the tax base for tax in accordance with this Chapter (excluding income in the form of a positive exchange difference which is provided for in clause 11 of the second part of Article 250 of this Code);

   - to the tax base from activities carried on within the framework of an investment project in relation to which a special investment contract has been concluded, provided that separate records are kept of income (expenses) received (incurred) from activities carried within the framework of that investment project and income (expenses) received (incurred) in carrying on other activities.

In this respect, the chosen method of determining the tax base must be established in accounting policies and may not be changed during the period for which the special investment project was concluded.

2. The tax rate provided for in clause 1.14 of Article 284 of this Code shall apply during the period of application of a reduced tax rate for tax payable to the budget of a constituent entity of the Russian Federation which has been established in accordance with clause 3 of this Article.
3. The tax rate for tax payable to the budgets of constituent entities of the Russian Federation for taxpayers which are participants in special investment contracts may be reduced to 0 per cent by laws of constituent entities of the Russian Federation.

The tax rate provided for in this clause shall have effect beginning from the tax period in which, in accordance with tax accounting data, the first profit was earned from sales of goods produced within the framework of a special investment project in relation to which a special investment contract has been concluded until the reporting (tax) period in which the organization loses the status of a taxpayer which is a participant in a special investment contract, but not later than the reporting (tax) period in which the aggregate amount of expenses and unreceived revenue of budgets of the budget system of the Russian Federation resulting from the application of industry incentive measures in relation to an investment project carried out in accordance with a special investment contract exceeded 50 per cent of the amount of capital investments in the investment project which is specified in the special investment contract.

The procedure for the calculation of the aggregate amount of expenses and unreceived revenue of budgets of the budget system of the Russian Federation resulting from the application of industry incentive measures in relation to an investment project carried out in accordance with a special investment contract shall be established by the methodology referred to in clause 8 of part 2 of Article 18.3 of Federal Law No. 488-FZ of 31 December 2014 “Concerning Industrial Policy in the Russian Federation”.

4. Where a special investment contract is rescinded owing to the non-fulfilment (improper fulfilment) by an organization of obligations under the special investment contract by decision of a court or where the Russian Federation, a constituent entity of the Russian Federation or a municipality repudiates a special investment contract in accordance with part 9 of Article 18.6 of Federal Law No. 488-FZ of 31 December 2014 “Concerning Industrial Policy in the Russian Federation”, the amount of tax not paid owing to the application of reduced tax rates provided for in this Article must be calculated and paid to the budget. Tax shall be calculated without applying the reduced tax rates provided for in this Article for the entire period of execution of the investment project for which the special investment contract was concluded. The calculated amount of tax shall be payable upon the expiry of the reporting or tax period in which the special investment contract was rescinded and not later than the due dates established for the payment of advance tax payments for a reporting period or tax for a tax period in accordance with paragraphs 1 and 2 of clause 1 of Article 287 of this Code.

Article 285. Tax Period. Reporting Period

1. The tax period for tax shall be the calendar year.

2. The reporting periods for tax shall be the first quarter, the first six months and the first nine months of a calendar year.

The reporting periods for taxpayers which calculate monthly advance payments on the basis of profit actually received shall be a month, two months, three months and so forth until the end of the calendar year. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

3. The first tax (reporting) period for international companies and foreign organizations which are recognised as tax residents of the Russian Federation shall be the period commencing,
respective, from the date of the registration of a foreign organization as an international company or from the date on which a foreign organization is recognised as a tax resident of the Russian Federation in accordance with the procedure established by Article 246.2 of this Code. [clause 3 inserted by Federal Law No. 294-FZ of 03.08.2018]

Article 286. Procedure for the Calculation of Tax and Advance Payments

1. Tax shall be determined as a percentage corresponding to the tax rate of the tax base as determined in accordance with Article 274 of this Code.

2. Unless otherwise established by clauses 4, 5 and 7 of this Article, the amount of tax based on the results for the tax period shall be determined by the taxpayer independently. [as amended by Federal Law No. 321-FZ of 16.11.2011]

Unless otherwise stipulated by this Article, taxpayers shall, on the basis of the results for each reporting (tax) period, calculate the amount of the advance payment on the basis of the rate of tax and taxable profit as calculated on a cumulative total from the beginning of the tax period up to the end of the reporting (tax) period. During a reporting period taxpayers shall calculate the amount of the monthly advance payment in accordance with the procedure which is established by this Article. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The amount of the monthly advance payment which is payable in the first quarter of the current tax period shall be taken to be equal to the amount of the monthly advance payment payable by the taxpayer in the last quarter of the preceding tax period. The amount of the monthly advance payment which is payable in the second quarter of the current tax period shall be taken to be equal to one third of the amount of the advance payment which was calculated for the first reporting period of the current year. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

The amount of the monthly advance payment which is payable in the third quarter of the current tax period shall be taken to be equal to one third of the difference between the amount of the advance payment calculated on the basis of the results for the first half of the year and the amount of the advance payment calculated on the basis of the results for the first quarter. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

The amount of the monthly advance payment which is payable in the fourth quarter of the current tax period shall be taken to be equal to one third of the difference between the amount of the advance payment calculated on the basis of the results for the first nine months and the amount of the advance payment calculated on the basis of the results for the first half of the year. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

If the amount of the monthly advance payment thus calculated is negative or equal to zero, the above-mentioned payments shall not be made in the quarter concerned. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

Taxpayers shall have the right to transfer to the calculation of monthly advance payments on the basis of calculable profit actually earned. In such case, amounts of advance payments shall be calculated by taxpayers on the basis of the rate of tax and profit actually earned which is calculated on a cumulative total from the beginning of the tax period up to the end of the relevant month.
In this respect, the amount of advance payments (amount of tax) payable to the budget shall be determined with account taken of previously charged amounts of advance payments. Except as otherwise provided by clause 2.1 of this Article, a taxpayer shall have the right to transfer to the payment of monthly advance payments on the basis of actual profit by notifying the tax authority of this no later than 31 December of the year preceding the tax period in which the transition to that system of payment of advance payments is to take place. In this respect, the system of payment of advance payments may not be altered by the taxpayer during the tax period (except in the case referred to in clause 2.1 of this Article). The procedure laid down in this paragraph shall also apply where a transition is made from the payment of monthly advance payments on the basis of actual profit to the payment of monthly advance payments during the reporting period. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 366-FZ of 24.11.2014, No. 121-FZ of 22.04.2020]

In a consolidated group of taxpayers the amount of the advance payment for that group shall be calculated and paid by the responsible member in accordance with the rules established by this Article. [paragraph inserted by Federal Law No. 321-FZ of 16.11.2011]

Where a taxpayer which calculated monthly advance payments on the basis of profit actually earned transfers to the payment of monthly advance payments during the reporting period, the amount of that monthly payment which is payable in the first quarter of a tax period shall be taken to be equal to one third of the difference between the amount of the advance payment calculated on the basis of results for the first nine months and the amount of the advance payment calculated on the basis of results for the first six months of the preceding tax period. [paragraph inserted by Federal Law No. 366-FZ of 24.11.2014]

2.1. Taxpayers that pay monthly advance payments during the reporting (tax) period in the 2020 tax period shall have the right to transfer to the payment of monthly advance payments based on actual profit until the end of the 2020 tax period. In this respect, those taxpayers shall have the right to transfer to the payment of monthly advance payments based on actual profit starting from the reporting period of four months, five months, and so on until the end of the calendar year. The amount of advance payments payable to the budget shall be determined with account taken of amounts of advance payments previously assessed.

The change in the procedure for calculating advance tax payments must be reflected in the organization’s accounting policies. In order to exercise the right provided for in this clause, the taxpayer shall be obliged to notify the tax authority where the organization is located (registered as a major taxpayer) of this not later than the 20th of the month that includes the end of the reporting period starting from which it transfers to the payment of monthly advance payments based on actual profit. If transferring to the payment of monthly advance payments based on actual profit starting from the reporting period of four months, the taxpayer shall be obliged to notify the tax authority of this not later than 8 May 2020. [clause 2.1 inserted by Federal Law No. 121-FZ of 22.04.2020]

3. Organizations for which sales income as determined in accordance with Article 249 of this Code has not exceeded 15 million roubles per quarter on average for the last four quarters and budgetary institutions (with the exception of theatres, museums, libraries and concert organizations), autonomous institutions, foreign organizations which carry out activities in the Russian Federation through a permanent establishment, non-commercial organizations which do not have income from the sale of goods (work and services), participants in simple partnerships and investment partnerships with respect to income received by them from
participation in simple partnerships and investment partnerships, investors under production sharing agreements with respect to income received from the implementation of those agreements and beneficiaries under fiduciary agreements shall pay only quarterly advance payments on the basis of the results for the reporting period. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 83-FZ of 08.05.2010, No. 229-FZ of 27.07.2010, No. 336-FZ of 28.11.2011, No. 215-FZ of 23.07.2013, No. 150-FZ of 08.06.2015]

Theatres, museums, libraries and concert organizations which are budgetary institutions shall not calculate and pay advance payments. [paragraph inserted by Federal Law No. 215-FZ of 23.07.2013]

3.1. Organizations that carry on creative activities, activities in the field of art and the organization of entertainments and activities of libraries, archives, museums and other cultural establishments shall be exempt from the obligation to calculate and pay advance payments for the tax periods of 2020 and 2021. The economic activities carried on by those organizations shall be determined by the code of the main economic activity in accordance with the All-Russian Classification of Economic Activities that is contained in the Unified State Register of Legal Entities as at 31 December 2020. [clause 3.1 inserted by Federal Law No. 305-FZ of 02.07.2021]

4. Where the taxpayer is a foreign organization that receives income from sources in the Russian Federation that is not connected with a permanent establishment in the Russian Federation, responsibility for determining the amount of tax, withholding that amount from the taxpayer’s income and transferring that amount to the budget shall rest with the Russian organization or foreign organization carrying out activities in the Russian Federation through a permanent establishment or the private entrepreneur (the tax agents) that pay that income to the taxpayer. [as amended by Federal Law No. 305-FZ of 02.07.2021]

The tax agent shall determine the amount of tax in relation to each payment (transfer) of monetary resources or other receipt of income.

5. Russian organizations which pay income to taxpayers in the form of dividends or in the form of interest on state and municipal securities which are taxable in accordance with this Chapter shall determine the amount of tax separately for each such taxpayer with respect to each such payment of that income:

1) where the source of the taxpayer’s income is a Russian organization, responsibility for withholding tax on the taxpayer’s income and transferring it to the budget shall rest with that source of income.

In this case tax in the form of advance payments shall be withheld from the taxpayer’s income each time that such income is paid;

2) in the case of the sale of state and municipal securities in respect to which it is envisaged that upon the circulation thereof amounts of accumulated interest income (accumulated coupon income) shall be recognised as income received by the seller in the form of interest, the taxpayer which receives the income shall independently calculate and pay tax on such income. [as amended by Federal Law No. 57-FZ of 29.05.2002]

In the case of the sale (disposal) of state and municipal securities in relation to which, upon the circulation thereof, it is not envisaged that amounts of accumulated interest income
(accumulated coupon income) shall be recognised as income received by the seller in the form of interest, the taxpayer which receives the income shall independently charge and pay tax on such income which is taxable at the tax rate established by clause 1 of Article 284 of this Code, unless otherwise provided by this Code. [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

Information on the types of securities to which the procedure which is established by this clause applies shall be communicated to taxpayers by a federal executive body authorized by the Government of the Russian Federation.

6. Organizations established after the entry into force of this Chapter shall begin to pay monthly advance payments after a full quarter has elapsed from the date of their state registration. [clause 6 inserted by Federal Law No. 57-FZ of 29.05.2002]

7. In a consolidated group of taxpayers the amount of tax payable for that group for a tax period shall be determined by the responsible member of that group. [clause 7 inserted by Federal Law No. 321-FZ of 16.11.2011]

8. The amount of the monthly advance tax payment payable by the responsible member of a consolidated group of taxpayers in the first quarter of the tax period in which that group began to operate shall be determined as the sum of the monthly advance payments of all members of the group payable in the third quarter of the tax period preceding the creation of the group. [clause 8 inserted by Federal Law No. 321-FZ of 16.11.2011]

9. Where, in accordance with tax and levy legislation, an agreement on the creation of a consolidated group of taxpayers is registered by an authorized tax authority after the beginning of a tax period, advance payments paid by members of the consolidated group of taxpayers for reporting periods which have elapsed from the beginning of the tax period should be credited for (refunded to) the relevant member of the consolidated group of taxpayers.

In this respect, penalties on an amount of arrears which has arisen as a result of the determination of the consolidated tax base by the responsible member of the consolidated group of taxpayers in respect of periods which have elapsed from the beginning of the tax period shall be charged for each calendar day of the delay in the fulfilment of the tax (advance payment) obligation by the responsible member of the consolidated group of taxpayers following the day prescribed by this Article for the payment of tax (advance payments) for the reporting (tax) period in which the consolidated group of taxpayers was registered. [clause 9 inserted by Federal Law No. 321-FZ of 16.11.2011]

10. Where a taxpayer carries on a type of entrepreneurial activity in relation to which the trade levy has been established in accordance with Chapter 33 of this Code, the taxpayer shall have the right to reduce the amount of tax (an advance payment) calculated on the basis of results for a tax (reporting) period which is payable to the consolidated budget of the constituent entity of the Russian Federation of which the municipality in which that levy has been established forms part (to the budget of the city of federal significance Moscow, Saint Petersburg or Sevastopol) by the amount of the trade levy actually paid from the beginning of the tax period up to the date of payment of tax (the advance payment).

The provisions of this clause shall not be applied in the event that a taxpayer fails to present a notification of registration as a payer of the trade levy in relation to a facility for carrying on
entrepreneurial activities in respect of which the trade levy has been paid.

[clause 10 inserted by Federal Law No. 382-FZ of 29.11.2014]

[EY Note: Article 286.1 loses force from 01.01.2028 – Federal Law No. 210-FZ of 26.07.2019; Federal Law No. 335-FZ of 27.11.2017]

Article 286.1. Investment Tax Deduction [inserted by Federal Law No. 335-FZ of 27.11.2017]

1. Laws of constituent entities of the Russian Federation may, in the manner prescribed by this Article, establish the right of a taxpayer to reduce amounts of tax (an advance payment) payable to the budgets of those constituent entities of the Russian Federation which it has calculated as a taxpayer in accordance with Articles 286 and 288 of this Code at the tax rate established by clause 1 of Article 284 of this Code at the location of the organization and at the locations of each of its economically autonomous subdivisions by the investment tax deduction established by this Article in accordance with the procedure and subject to the conditions established by this Article.

[clause 1 as reworded by Federal Law No. 210-FZ of 26.07.2019]

2. The investment tax deduction for the current tax (reporting) period shall amount in the aggregate to:

1) not more than 90 per cent of the amount of expenses constituting the historical cost of a fixed asset in accordance with paragraph 2 of clause 1 of Article 257 of this Code; [subsection 1 as reworded by Federal Law No. 210-FZ of 26.07.2019]

2) not more than 90 per cent of the amount of expenses constituting the amount of the change in the historical cost of a fixed asset in cases specified in clause 2 of Article 257 of this Code (except in the case of the partial disposal of a fixed asset); [subsection 2 as reworded by Federal Law No. 210-FZ of 26.07.2019]

3) not more than 100 per cent of the amount of expenses in the form of donations transferred to state and municipal institutions operating in the field of culture and transferred to non-commercial organizations (foundations) for the formation of special-purpose capital for the purpose of supporting those institutions;

4) not more than 85 per cent of the amount of expenses in the form of monetary resources transferred under agreements on the financing of activities involving the creation in the territory of, or in a body of water contiguous to, the constituent entity of the Russian Federation granting the investment tax deduction of infrastructure facilities which, in accordance with the legislation of the Russian Federation, may only be held in federal ownership (hereafter in this Article referred to as “expenses for the creation of infrastructure facilities”); [subsection 4 inserted by Federal Law No. 63-FZ of 15.04.2019]

5) not more than 100 per cent of the amount of expenses for the creation of transport and public utility infrastructure assets, and not more than 80 per cent of the amount of expenses for the creation of social infrastructure assets, including expenses incurred to acquire and build them and render them fit for use, inclusive of value added tax and excise duties not deductible in accordance with the provisions of Chapters 21 and 22 of this Code. In this respect, the creation of those transport, public utility and social infrastructure assets shall be an obligation stipulated by the conditions of an agreement on the integrated development of an area that provides for
the construction of an apartment building (buildings) or a terraced housing development or an agreement on the integrated development of an area for the construction of standard housing that was concluded with the taxpayer before the entry into force of Federal Law No. 494-FZ of 30 December 2020 “Concerning Amendments to the Town-Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation for the Purposes of Supporting the Integrated Development of Areas” in accordance with the provisions of the Town-Planning Code of the Russian Federation; [subsection 5 inserted by Federal Law No. 210-FZ of 26.07.2019; as amended by Federal Law No. 305-FZ of 02.07.2021]

6) not more than 90 per cent of the amount of expenses for research and (or) development as referred to in subsections 1 to 5 of clause 2 of Article 262 of this Code. [subsection 6 inserted by Federal Law No. 374-FZ of 23.11.2020]

2.1. A taxpayer shall have the right to reduce in the current tax period amounts of tax (an advance payment) payable as revenue of the budgets of constituent entities of the Russian Federation by the investment tax deduction (part of the investment tax deduction) for the current tax (accounting) period and by the unused investment tax deduction of prior tax (accounting) periods, determined with account taken of the provisions of clause 9 of this Article, but not by more than the maximum amount of the investment tax deduction. [as amended by Federal Law No. 368-FZ of 09.11.2020]

The maximum amount of the investment tax deduction shall be determined as equal to the difference between the computed amount of tax payable to the budget of the relevant constituent entity of the Russian Federation for the tax (reporting) period and the computed amount of tax payable to the budget of the relevant constituent entity of the Russian Federation for the tax (reporting) period when determined without regard to the provisions of this Article based on the application of a tax rate amounting to 5 per cent, unless another rate has been set by a decision of the constituent entity of the Russian Federation. In this respect, the computed amount of tax payable to the budget of the relevant constituent entity of the Russian Federation for the tax (reporting) period shall also be determined without taking into account expenses referred to in clause 9 of Article 258 of this Code and the appropriate amount of amortization for fixed assets referred to in paragraph 1 of clause 4 of this Article. [as amended by Federal Law No. 210-FZ of 26.07.2019]

3. Where a taxpayer has exercised the right to apply an investment tax deduction for expenses referred to in subsections 1 and 2 of clause 2 of this Article, it shall also have the right to reduce the amount of tax (advance payment) payable to the federal budget by an amount equal to 10 per cent of the amount of expenses constituting the historical cost of a fixed asset in accordance with paragraph 2 of clause 1 of Article 257 of this Code and (or) 10 per cent of the amount of expenses constituting the historical cost of a fixed asset in the cases referred to in clause 2 of Article 257 of this Code (with the exception of the partial disposal of fixed assets). [as amended by Federal Law No. 368-FZ of 09.11.2020]

Where a taxpayer has exercised the right to apply an investment tax deduction with respect to expenses referred to in subsection 6 of clause 2 of this Article, it shall also have the right to reduce the amount of tax (advance payment) due to the federal budget by an amount equivalent to 10 per cent of the amount of those expenses. [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]
In this respect, the amount of tax (an advance payment) payable to the federal budget in the current tax (accounting) period may not be reduced by an amount greater than the computed amount of tax calculated on the basis of the amount of profit attributable to a respective economically autonomous subdivision (respective economically autonomous subdivisions) as determined in accordance with clause 2 of Article 288 of this Code and the tax rate established by paragraph 2 of clause 1 of Article 284 of this Code. For the purposes of this paragraph, respective economically autonomous subdivisions shall be understood to mean economically autonomous subdivisions (including the organization) located in the territory of the constituent entity of the Russian Federation whose law established the right to apply the investment tax deduction enjoyed by the taxpayer. [as amended by Federal Law No. 368-FZ of 09.11.2020]

The amount of tax due to the federal budget shall be reduced by the amount of expenses provided for in paragraph 1 of this clause in the tax (reporting) period in which fixed assets were placed into service and (or) their historical cost was changed, and by the amount of expenses provided for in paragraph 2 of this clause in the tax (reporting) period in which research and (or) development (individual phases of work) was completed or the delivery and acceptance certificate for it was signed. In this respect, the reduction in question may also take place in ensuing tax (reporting) periods with account taken of the provision of clause 9 of this Article. [as amended by Federal Law No. 374-FZ of 23.11.2020]

The amount of tax (an advance payment) payable to the federal budget shall be reduced by an amount equal to 15 per cent of the amount of expenses incurred for the creation of infrastructure assets provided that the taxpayer exercised the right to apply the investment tax deduction for expenses referred to in subsection 4 of clause 2 of this Article in relation to the payments concerned.

In this respect, the amount of tax (an advance payment) may be reduced to zero as a result of that reduction. [clause 3 as reworded by Federal Law No. 210-FZ of 26.07.2019]

4. An investment tax deduction in the form of the expenses referred to in subsections 1 and 2 of clause 2 of this Article shall be applied to fixed assets belonging to the third to tenth amortization groups (with the exception of buildings, installations and transmission facilities belonging to the eighth to tenth amortization groups, except as otherwise provided by a decision of a constituent entity of the Russian Federation) at the location of an organization or at the location of economically autonomous subdivisions thereof to which those assets are attributable, with account taken of the provisions of clause 6 of this Article. [as amended by Federal Laws No. 426-FZ of 27.11.2018, No. 210-FZ of 26.07.2019, No. 305-FZ of 02.07.2021]

An investment tax deduction in the form of the expenses referred to in subsection 3 of clause 2 of this Article shall be applied at the location of an organization and at the locations of its economically autonomous subdivisions with due regard to the provisions of clause 6 of this Article. [paragraph inserted by Federal Law No. 426-FZ of 27.11.2018]

An investment tax deduction in the form of expenses for the creation of infrastructure facilities shall be applied at the location of an organization in relation to an infrastructure facility that is created in the territory of, or in a body of water contiguous to, the constituent entity of the Russian Federation which granted the right to apply a deduction in relation to that facility,
provided that the organization and the infrastructure facility that is created are located in the territory of, or in a body of water contiguous to, one constituent entity of the Russian Federation. [paragraph inserted by Federal Law No. 63-FZ of 15.04.2019]

An investment tax deduction in the form of expenses referred to in subsection 5 of clause 2 of this Article shall be applied to transport, public utility and social infrastructure assets at the location of the organization and (or) at the locations of economically autonomous subdivisions thereof to which those assets are attributable with account taken of the provisions of clause 6 of this Article. [paragraph inserted by Federal Law No. 210-FZ of 26.07.2019]

An investment tax deduction in the form of expenses referred to in subsection 6 of clause 2 of this Article shall be applied in relation to research and (or) development at the location of an organization and (or) at the location of its economically autonomous subdivisions with account taken of the provisions of clause 6 of this Article. [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

5. An investment tax deduction in the form of the expenses referred to in subsections 1 and 2 of clause 2 of this Article shall apply to tax (an advance payment) calculated for the tax (reporting) period in which a fixed asset was placed into service or the historical cost of the fixed asset was adjusted and for subsequent tax (reporting) periods, with account taken of the provisions of clause 9 of this Article. [as amended by Federal Laws No. 426-FZ of 27.11.2018, No. 368-FZ of 09.11.2020]

An investment tax deduction in the form of the expenses referred to in subsection 3 of clause 2 of this Article shall be applied to tax calculated for the tax (reporting) period in which the donations concerned were transferred and for subsequent tax (reporting) periods with due regard to the provisions of clause 9 of this Article. [paragraph inserted by Federal Law No. 426-FZ of 27.11.2018]

An investment tax deduction in the form of expenses for the creation of infrastructure facilities shall be applied to tax calculated for the tax (reporting) period in which monetary resources constituting those expenses were transferred. [paragraph inserted by Federal Law No. 63-FZ of 15.04.2019]

An investment tax deduction in the form of expenses referred to in subsection 5 of clause 2 of this Article shall be applied to tax calculated for the tax (reporting) period in which the taxpayer transferred transport, public utility and social infrastructure assets into state or municipal ownership without consideration and for subsequent tax (reporting) periods with account taken of the provisions of clause 9 of this Article. [paragraph inserted by Federal Law No. 210-FZ of 26.07.2019]

An investment tax deduction in the form of expenses referred to in subsection 6 of clause 2 of this Article shall be applied to tax calculated for the tax (reporting) period in which research and (or) development (individual phases of work) was completed or the delivery and acceptance certificate for it was signed and for ensuing tax (reporting) periods with account taken of the provisions of clause 9 of this Article. [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

6. A law of a constituent entity of the Russian Federation may establish:
1) the right to apply an investment tax deduction in relation to expenses of a taxpayer which are referred to in subsections 1 and 2 of clause 2 of this Article with respect to fixed assets which are attributable to organizations or economically autonomous subdivisions of organizations which are located in the territory of that constituent entity of the Russian Federation; [as amended by Federal Law No. 426-FZ of 27.11.2018]

2) the maximum amounts of expenses referred to subsections 1 and 2 of clause 2 of this Article that are taken into account in determining the amount of the investment tax credit for the current tax period the right to apply which is granted in accordance with subsection 1 of this clause, and the level of the tax rate applicable in calculating the maximum amount of the investment tax deduction in accordance with clause 2.1 of this Article; [subsection 2 as reworded by Federal Law No. 368-FZ of 09.11.2020]

3) categories of taxpayers to which the right to apply an investment tax deduction which is provided for in subsection 1 of this clause is granted (is not granted);

4) categories of fixed assets in relation to which taxpayers are granted (are not granted) the right to apply an investment tax deduction which is provided for in subsection 1 of this clause;

4.1) fixed assets in the form of buildings, installations and transmission facilities belonging to the eighth to tenth amortization groups in relation to which taxpayers are granted (are not granted) the right provided for in subsection 1 of this clause to apply an investment tax deduction; [subsection 4.1 inserted by Federal Law No. 305-FZ of 02.07.2021]

4.2) the minimum periods of actual use of fixed assets (categories of fixed assets) until the expiry of which the sale or other disposal (other than retirement) of a fixed asset in relation to which the taxpayer exercised the right to apply the investment tax deduction provided for in subsection 1 of this clause will be accompanied by the restoration and payment to the budget of the amount of tax not paid in connection with the application of such a deduction in relation to that fixed asset and the payment of corresponding amounts of penalties; [subsection 4.2 inserted by Federal Law No. 305-FZ of 02.07.2021]

5) the right to apply an investment tax deduction for expenses of a taxpayer such as are referred to in subsection 3 of clause 2 of this Article in relation to state and municipal institutions operating in the field of culture and non-commercial organizations (foundations) whose location is the territory of that constituent entity of the Russian Federation; [subsection 5 inserted by Federal Law No. 426-FZ of 27.11.2018]

6) the maximum amounts of expenses in the form of donations transferred to state and municipal institutions operating in the field of culture and transferred to non-commercial organizations (foundations) for the formation of special-purpose capital for the purpose of supporting those institutions which are to be taken into account in determining an investment tax deduction; [subsection 6 inserted by Federal Law No. 426-FZ of 27.11.2018]

7) categories of state and municipal institutions operating in the field of culture and non-commercial organizations (foundations) owning special-purpose capital, donations to which are taken into account in determining an investment tax deduction; [subsection 7 inserted by Federal Law No. 426-FZ of 27.11.2018]
8) the right to apply an investment tax deduction in relation to expenses for the creation of infrastructure facilities;
   [subsection 8 inserted by Federal Law No. 63-FZ of 15.04.2019]

9) the amounts of an investment tax deduction the right to apply which is granted in accordance with subsection 8 of this clause;
   [subsection 9 inserted by Federal Law No. 63-FZ of 15.04.2019]

10) the types of infrastructure assets with respect to which the right provided for in subsection 8 of this clause is granted in relation to expenses for the creation thereof;
    [subsection 10 inserted by Federal Law No. 63-FZ of 15.04.2019]

11) the right to apply an investment tax deduction in relation to expenses of a taxpayer which are referred to in subsection 5 of clause 2 of this Article where they relate to transport, public utility and social infrastructure assets in the territory of that constituent entity of the Russian Federation;

12) the maximum amount of expenses for the creation of transport, public utility and social infrastructure assets that are transferred into state or municipal ownership without consideration by a taxpayer;
    [subsection 12 inserted by Federal Law No. 210-FZ of 26.07.2019]

13) categories of taxpayers which are granted (are not granted) the right to apply an investment tax deduction which is provided for in subsection 11 of this clause;
    [subsection 13 inserted by Federal Law No. 210-FZ of 26.07.2019]

14) categories of transport, public utility and social infrastructure assets for which a taxpayer is granted (is not granted) the right to apply an investment tax deduction which is provided for in subsection 11 of this clause in relation to expenses for the creation thereof;
    [subsection 14 inserted by Federal Law No. 210-FZ of 26.07.2019]

15) the right to apply an investment tax deduction in relation to expenses of a taxpayer such as are referred to in subsection 6 of clause 2 of this Article with respect to items of amortizable property for which amortization is included in those expenses and (or) employees for whom labour remuneration expenses are included in those expenses that are attributable to the organization and (or) economically autonomous subdivisions thereof that are located in the territory of that constituent entity of the Russian Federation;
    [subsection 15 inserted by Federal Law No. 374-FZ of 23.11.2020]

16) the maximum amount of expenses for research and (or) development that may be taken into account in determining an investment tax deduction;
    [subsection 16 inserted by Federal Law No. 374-FZ of 23.11.2020]

17) categories of taxpayers that are granted (are not granted) the right to apply an investment tax deduction under subsection 15 of this clause;
    [subsection 17 inserted by Federal Law No. 374-FZ of 23.11.2020]

18) types of research and (or) development with respect to which taxpayers are granted (are not granted) the right to apply an investment tax deduction for related expenses under subsection
15 of this clause.
[subsection 18 inserted by Federal Law No. 374-FZ of 23.11.2020]

7. A taxpayer which has exercised the right to apply the investment tax deduction in relation to a fixed asset such as is referred to in paragraph 1 of clause 4 of this Article shall not have the right to apply the provisions of clause 9 of Article 258 of this Code in relation to that asset insofar as concerns expenses incurred in connection with acquisition, creation, installation, extension, retrofitting, renovation, upgrading and retooling that are taken into account in determining the amount of the investment tax deduction in relation to that asset. [as amended by Federal Laws No. 426-FZ of 27.11.2018, No. 368-FZ of 09.11.2020]

Fixed assets shall not be subject to amortization in respect of that part of their historical cost that is comprised of expenses incurred in connection with acquisition, creation, installation, extension, retrofitting, renovation, upgrading and retooling in relation to which the taxpayer has exercised the right to apply an investment tax deduction in accordance with this Article. [as amended by Federal Law No. 368-FZ of 09.11.2020]

Expenses for the extension, retrofitting, renovation, upgrading and retooling of a fixed asset in relation to which the taxpayer has exercised the right to apply an investment tax deduction in accordance with this Article which were incurred after the taxpayer ceased to exercise the right to apply the investment tax deduction in relation to that asset, including by reason of the abolition of the relevant law of a constituent entity of the Russian Federation, shall be taken into account in the normal manner prescribed by this Chapter. [paragraph inserted by Federal Law No. 368-FZ of 09.11.2020]

A taxpayer that has exercised the right to apply an investment tax deduction in relation to research and (or) development referred to in paragraph 5 of clause 4 of this Article shall not have the right to take expenses for that research and (or) development into account in determining the tax base or to apply the provisions of Article 267.2 of this Code in relation to that research and (or) development. [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

8. A decision to exercise the right to apply the investment tax deduction shall be applied by a taxpayer in relation to all fixed assets referred to in paragraph 1 of clause 4 of this Article and research and (or) development referred to in paragraph 5 of clause 4 of this Article with account taken of clause 6 of this Article and shall be stated in the accounting policies for taxation purposes. In this respect, the decision to exercise the right to apply the investment tax deduction shall be adopted by a taxpayer which has economically autonomous subdivisions separately for each constituent entity of the Russian Federation and shall apply to all economically autonomous subdivisions located in the territory of a respective constituent entity of the Russian Federation. [as amended by Federal Laws No. 426-FZ of 27.11.2018, No. 210-FZ of 26.07.2019, No. 325-FZ of 29.09.2019, No. 374-FZ of 23.11.2020]

The right to apply the investment tax deduction may be exercised (waived) from the beginning of an ensuing tax period. In this respect, a taxpayer shall have the right to amend a previously adopted decision to exercise (waive) the right to apply the investment tax deduction after three consecutive tax periods of applying that decision have elapsed, unless a different period is specified by a decision of a constituent entity of the Russian Federation.

A decision of a taxpayer to exercise the right to apply the investment tax deduction shall have effect in relation to fixed assets and research and (or) development attributable to organizations
or economically autonomous subdivisions of organizations which are located in the territories of constituent entities of the Russian Federation which have granted the right to apply the investment tax deduction in relation to the assets and research and (or) development in question in accordance with clause 6 of this Article while the relevant law remains in force. [as amended by Federal Law No. 374-FZ of 23.11.2020]

9. That part of the investment tax deduction for the current tax (accounting) period which exceeds the maximum amount of the investment tax deduction (the unused investment tax deduction) may be used to reduce amounts of tax (an advance payment) payable as revenue of the budgets of constituent entities of the Russian Federation in ensuing tax (accounting) periods, except as otherwise provided by a law of a constituent entity of the Russian Federation.

The amount determined in accordance with clause 3 of this Article as reducing tax (an advance payment) payable to the federal budget, insofar as it exceeds the calculated amount of tax determined in accordance with paragraph 3 of clause 3 or paragraph 3 of clause 10 of this Article, may be used to reduce the amount of tax (an advance payment) payable to the federal budget in ensuing tax (accounting) periods if a similar right to applies to the investment tax deduction in accordance with paragraph 1 of this clause. [as amended by Federal Law No. 374-FZ of 23.11.2020] [clause 9 as reworded by Federal Law No. 368-FZ of 09.11.2020]

10. When paying tax (an advance payment) for a consolidated group of taxpayers, the responsible member of the consolidated group of taxpayers may apply an investment tax deduction and reduce the amount of tax payable to the federal budget in accordance with the procedure and subject to the conditions established by this Article, with account taken of the following special considerations.

An investment tax deduction shall be applied by the responsible member of a consolidated group of taxpayers in relation to the amount of tax payable to the budget of a constituent entity of the Russian Federation for a respective member of the consolidated group of taxpayers (respective economically autonomous subdivision of a member of the consolidated group of taxpayers) which has incurred expenses provided for in subsections 1 and 2 of clause 2 of this Article, as determined in the manner prescribed by clause 6 of Article 288 of this Code.

The responsible member of a consolidated group of taxpayers may not reduce the amount of tax (an advance payment) payable to the federal budget by an amount greater than the computed amount of tax calculated on the basis of the amount of profit attributable to a respective member (respective members) of the consolidated group of taxpayers (respective economically autonomous subdivisions of a member (members) of the consolidated group of taxpayers), as determined in the manner prescribed by clause 6 of Article 288 of this Code, and the tax rate established by paragraph 2 of clause 1 of Article 284 of this Code.

The decision to exercise the right to apply an investment tax deduction shall be adopted by the responsible member of a consolidated group of taxpayers separately for each constituent entity of the Russian Federation in whose territory members of that group (economically autonomous subdivisions of members of that group) are located and shall apply to all members of the consolidated group of taxpayers (economically autonomous subdivisions of members of that group) located in the territory of the respective constituent entity of the Russian Federation. [clause 10 as reworded by Federal Law No. 210-FZ of 26.07.2019]
11. The following categories of taxpayers shall not have the right to apply the investment tax deduction:

1) organizations which are participants in regional investment projects;

2) organizations which are residents of special economic zones;

3) organizations which are participants in the Special Economic Zone in the Magadan Province;

4) organizations which carry on hydrocarbon extraction activities at a new offshore hydrocarbon deposit;

5) organizations which are participants in a free economic zone;

6) organizations which are residents of a priority socio-economic development area or residents of the Vladivostok Free Port;

7) organizations which are participants in a research, development and commercialization project in accordance with the Federal Law “Concerning the “Skolkovo” Innovation Centre” or project participants 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 amended by Federal Law No. 373-FZ of 30.10.2018]

8) foreign organizations which are deemed to be tax residents of the Russian Federation.

12. In the event that the sale or other disposal of a fixed asset such as is referred to in paragraph 1 of clause 4 of this Article (other than retirement) and (or) of an intangible asset created as a result of expenses incurred for research and (or) development in relation to which the taxpayer exercised the right to apply an investment tax deduction in accordance with this Article occurs before the expiry of their useful life, unless a different useful life has been set for the fixed assets by a decision of a constituent entity of the Russian Federation, the amount of tax not paid owing to the application of the deduction in question in relation to that fixed asset and (or) intangible asset must be restored and paid to the budget together with corresponding amounts of penalties charged from the day following the tax payment date established by Article 287 of this Code. [as amended by Federal Laws No. 374-FZ of 23.11.2020, No. 305-FZ of 02.07.2021]

In the event that monetary resources transferred by a taxpayer under a financing agreement such as is provided for in subsection 4 of clause 2 of this Article are refunded to the taxpayer, the amount of tax not paid owing to the application of an investment tax deduction in relation to the corresponding expenses for the creation of infrastructure facilities must be restored and paid to the budget together with appropriate amounts of penalties charged from the day of the expiry of the tax payment deadline established by Article 287 of this Code. [paragraph inserted by Federal Law No. 63-FZ of 15.04.2019]
Article 287. The Time Limits and Procedure for the Payment of Tax and Tax in the Form of Advance Payments

1. Tax which is payable upon the expiry of a tax period shall be paid no later than the date which is established for the submission of tax declarations for the relevant tax period by Article 289 of this Code, except as otherwise established by this Article. [as amended by Federal Law No. 305-FZ of 02.07.2021]

Advance payments based on the results for a reporting period shall be paid no later than the date which is established for the submission of tax declarations for the relevant reporting period. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Monthly advance payments which are payable during a reporting period shall be paid no later than the 28th of each month of that reporting period, except as otherwise established by this Article. [as amended by Federal Law No. 57-FZ of 29.05.2002, No. 305-FZ of 02.07.2021]

Taxpayers which calculate monthly advance payments on the basis of profit actually earned shall pay advance payments no later than 28th of the month following the month on the basis of the results for which tax is calculated. [as amended by Federal Laws No. 198-FZ of 31.12.2001, No. 57-FZ of 29.05.2002]

On the basis of the results for a reporting (tax) period amounts of monthly advance payments paid during the reporting (tax) period shall be offset upon paying advance payments based on the results for the reporting period. Advance payments based on the results for the reporting period shall be credited towards the payment of tax on the basis of the results for the following reporting (tax) period. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 137-FZ of 27.07.2006]

2. A Russian organization or foreign organization carrying on activities in the Russian Federation through a permanent establishment (tax agent) which pays income to a foreign organization shall withhold the amount of tax from the income of that foreign organization, with the exception of income in the form of dividends and interest on state and municipal securities (to which the procedure which is established by clause 4 of this Article shall apply), each time that monetary resources are paid (transferred) to it or income is otherwise received by the foreign organization, unless otherwise stipulated by this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The tax agent shall be obliged to transfer the appropriate amount of tax not later than day following the day on which monetary resources are paid (transferred) to the foreign organization or income is otherwise received by the foreign organization. [as amended by Federal Law No. 229-FZ of 27.07.2010]

3. Special considerations relating to the payment of tax by taxpayers which have economically autonomous subdivisions are established by Article 288 of this Code.

4. Tax on income paid to taxpayers in the form of dividends or interest on state and municipal securities which is withheld when income is paid shall be transferred to the budget by the tax agent which made the payment not later than the day following the day on which the income was paid. [as amended by Federal Law No. 229-FZ of 27.07.2010]
Tax on income from state and municipal securities in relation to which, upon the circulation thereof, it is envisaged that amounts of accumulated interest income (accumulated coupon income) shall be recognised as income received by the seller in the form of interest, which is taxable in accordance with clause 4 of Article 284 of this Code for the recipient of the income, shall be paid to the budget by the taxpayer which receives the income within 10 days after the end of the relevant month of the reporting (tax) period in which income was received on the basis of the dates which are recognised as the dates of receipt of income in accordance with Articles 271 and 273 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

5. Newly established organizations shall pay advance payments for a particular reporting period provided that sales receipts have not exceeded five million roubles a month or fifteen million roubles a quarter. In the event that those limits are exceeded, the taxpayer shall pay advance payments according to the procedure prescribed by clause 1 of this Article with account taken of the requirements of clause 6 of Article 286 of this Code beginning in the month following the month in which such excess occurred. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 150-FZ of 08.06.2015]

6. Organizations referred to in clause 3.1 of Article 286 of this Code shall pay tax for the tax periods of 2020 and 2021 not later than 28 March 2022. [clause 6 inserted by Federal Law No. 305-FZ of 02.07.2021]

**Article 288. Special Considerations Relating to the Calculation and Payment of Tax by a Taxpayer Which Has Economically Autonomous Subdivisions**

1. Taxpaying Russian organizations which have economically autonomous subdivisions shall calculate and pay to the federal budget amounts of advance payments and amounts of tax calculated on the basis of the results for a tax period at their own location without allocating those amounts among the economically autonomous subdivisions.

2. Advance payments and amounts of tax payable as revenue to the budgets of constituent entities of the Russian Federation shall be paid by taxpaying Russian organizations at the location of the organization and at the location of each of its economically autonomous subdivisions on the basis of the proportion of profit which is attributable to those economically autonomous subdivisions, which shall be determined as the arithmetical mean of the proportion of the average number of workers (labour payment expenses) and the proportion of the net book value of amortizable property of that economically autonomous subdivision to, respectively, the average number of workers (labour payment expenses) and the net book value of amortizable property, as determined in accordance with clause 1 of Article 257 of this Code, for the taxpayer as a whole. Where a taxpayer maintains separate records of income and expenses for the determination of a tax base to which tax rates other than those established by paragraphs 1 to 3 of clause 1 of Article 284 of this Code are applied, the above-mentioned proportion of profit shall be determined in relation to each such tax base. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 366-FZ of 24.11.2014, No. 195-FZ of 13.07.2020]

Where a taxpayer has a number of economically autonomous subdivisions in the territory of one constituent entity of the Russian Federation, it is not necessary to apportion profit to each of those subdivisions. The amount of tax which is payable to the budget of that constituent entity of the Russian Federation in this case shall be determined on the basis of the portion of profit calculated on the aggregate indicators of the economically autonomous subdivisions.
which are located in the territory of the constituent entity of the Russian Federation. In this respect, the taxpayer shall independently select the economically autonomous subdivision through which tax is to be paid to the budget of that constituent entity of the Russian Federation and notify its decision before 31 December of the year preceding the tax period to the tax authorities with which the taxpayer is tax-registered at the location of its economically autonomous subdivisions. Notifications shall be submitted to the tax authority in the event that the taxpayer changes the procedure for the payment of tax, there is a change in the number of economically autonomous subdivisions in the territory of a constituent entity of the Russian Federation or other changes occur which affect the manner in which tax is paid. [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005, as amended by Federal Laws No. 216-FZ of 24.07.2007, No. 158-FZ of 22.07.2008]

The proportion of the average number of workers and the proportion of the net book value of amortizable property which are referred to in this clause shall be determined on the basis of actual indicators for the average number of workers (labour payment expenses) and the net book value of the fixed assets of the above-mentioned organizations and of their economically autonomous subdivisions for a reporting (tax) period. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 58-FZ of 06.06.2005]

In this respect, taxpayers shall independently determine which of the indicators should be used - the average number of workers or the amount of labour payment expenses. The indicator which is chosen by the taxpayer must remain unchanged during a tax period.

[Paragraph excluded – Federal Law No. 57-FZ of 29.05.2002]

A taxpayer with a seasonal work cycle or other special operating characteristics which require workers to be engaged on a seasonal basis may, subject to agreement with the tax authority for its location, use, in place of the indicator of the average number of workers, the indicator of the proportion of labour payment expenses determined in accordance with Article 255 of this Code. In this respect, the proportion of the labour payment expenses of each economically autonomous subdivision to the taxpayer’s total labour payment expenses shall be determined.

Amounts of advance payments and the amount of tax payable as revenue to the budgets of constituent entities of the Russian Federation shall be calculated on the basis of the rates of tax in force in the territories where the organization and its economically autonomous subdivisions are located. [as amended by Federal Law No. 366-FZ of 24.11.2014]

In the event that new economically autonomous subdivisions are established or existing economically autonomous subdivision are liquidated in the course of the current tax period, the taxpayer shall be obliged, within 10 days after the end of a reporting period, to notify the tax authorities in the territory of the constituent entity of the Russian Federation in which the new economically autonomous subdivisions have been established or existing economically autonomous subdivisions have been liquidated of its choice of the economically autonomous subdivision through which tax is to be paid to the budget of that constituent entity of the Russian Federation. [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

Tax shall be paid within the time limits established by this Code commencing from the reporting (tax) period following the reporting (tax) period in which the economically autonomous subdivision in question was established or liquidated. [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]
For the purposes of this Article, organizations which have transferred to the non-linear method of charging amortization within amortization groups shall have the right to determine the net book value of amortizable property on the basis of data in financial accounting records. [paragraph inserted by Federal Law No. 224-FZ of 26.11.2008]

3. Amounts of advance tax payments and amounts of tax payable to the budgets of constituent entities of the Russian Federation where economically autonomous subdivisions are located shall be calculated by the taxpayer independently. [as amended by Federal Law No. 366-FZ of 24.11.2014]

[Paragraph excluded – Federal Law No. 57-FZ of 29.05.2002]

Information on amounts of advance tax payments and on amounts of tax calculated on the basis of the results for the tax period shall be reported by the taxpayer to its economically autonomous subdivisions and to the tax authorities for the locations of the economically autonomous subdivisions no later than the time limit which is established by this Article for the submission of tax declarations for the reporting or tax period in question.

4. The taxpayer shall pay amounts of advance payments and amounts of tax calculated on the basis of the results for the tax period to the budgets of constituent entities of the Russian Federation at the location of economically autonomous subdivisions no later than the time limit which is established by Article 289 of this Code for the submission of tax declarations for the reporting or tax period in question. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 366-FZ of 24.11.2014]

5. Where a taxpayer has an economically autonomous subdivision outside the Russian Federation, tax shall be payable to the budget with account taken of the special considerations which are established by Article 311 of this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]

6. The provisions of this Article shall apply with respect to the payment of tax (advance payments) by the responsible member of a consolidated group of taxpayers for that group with account taken of the special considerations established by this clause and, in regard to the payment of tax (advance payments) by the responsible member of a consolidated group of taxpayers which includes organizations which are owners of facilities of the Unified Gas Supply System, with account taken of the special considerations established by clause 7 of this Article. [as amended by Federal Law No. 19-FZ of 30.03.2012]

The profit share of each member of a consolidated group of taxpayers and of each of their economically autonomous subdivisions within the aggregate profit of the group shall be determined by the responsible member of the consolidated group of taxpayers as the arithmetic mean of the proportion of the average number of employees (labour expenses) and the proportion of the net book value of the amortizable property of the member or economically autonomous subdivision in question to, respectively, the average number of employees (labour expenses) and the net book value of amortizable property, as determined in accordance with clause 1 of Article 257 of this Code, for the consolidated group of taxpayers as a whole.

The responsible member of a consolidated group of taxpayers shall determine the amount of profit attributable to each of the members of the consolidated group of taxpayers and to each
of their economically autonomous subdivisions by means of multiplying the profit share of each of the members or of each economically autonomous subdivision of a member of the consolidated group of taxpayers by the aggregate profit of the group.

The responsible member of a consolidated group of taxpayers shall calculate and pay to the federal budget amounts of advance payments and amounts of tax calculated for a tax period at its own location without apportioning the amounts in question to the members of the group and their economically autonomous subdivisions.

Amounts of tax (advance payments) payable to the budgets of constituent entities of the Russian Federation which are attributable to each of the members of a consolidated group of taxpayers and to each of their economically autonomous subdivisions shall be calculated at the tax rates in effect in the territories where the relevant members of the consolidated group of taxpayers and (or) their economically autonomous subdivisions are situated.

[clause 6 inserted by Federal Law No. 321-FZ of 16.11.2011]

7. The responsible member of a consolidated group of taxpayers which includes organizations which are owners of facilities of the Unified Gas Supply System shall, for the purpose of paying tax (advance payments) for that group, determine:

1) the indicators $d$ and $p$ for each constituent entity of the Russian Federation, calculated according to the following formulae:

$$d = \frac{d^*}{D}, \quad p = \frac{p^*}{P}$$

where $d^*$ is the amount, determined in accordance with clause 6 of this Article, of profit attributable to each of the members of the consolidated group of taxpayers and to each of their economically autonomous subdivisions;

D is the amount of the aggregate profit of the consolidated group of taxpayers;

$p^*$ is the amount of tax calculated for each of the organizations which have joined the consolidated group of taxpayers and for each of their economically autonomous subdivisions for 2011 which is payable to the budget of the relevant constituent entity of the Russian Federation and is stated in a tax declaration submitted to the tax authorities not later than 28 March 2012 (without taking into account amendments made to the tax declaration after that date);

P is the aggregate amount of tax of all members of the consolidated group of taxpayers which has been calculated for 2011 at rates established in accordance with paragraphs 3 and 4 of clause 1 of Article 284 of this Code and is determined on the basis of data contained in tax declarations which were submitted by organizations which have joined the consolidated group of taxpayers to the tax authorities not later than 28 March 2012 (without taking into account amendments made to tax declarations after that date);

2) the profit share of each of the members of the consolidated group of taxpayers and each of their economically autonomous subdivisions within the aggregate profit of that group as the indicator $g$ which is computed according to the following formulae:
- in 2012: \( g = 0.2 \times d + 0.8 \times p \);
- in 2013: \( g = 0.4 \times d + 0.6 \times p \);
- in 2014: \( g = 0.6 \times d + 0.4 \times p \);
- in 2015: \( g = 0.8 \times d + 0.2 \times p \);

3) the amount of profit attributable to each of the members of the consolidated group of taxpayers and to each of their economically autonomous subdivisions by means of multiplying the indicator \( g \) computed in accordance with subsection 2 of this clause by the aggregate profit of the group;

4) the amount of tax (advance payments) attributable to each of the members of the consolidated group of taxpayers and to each of their economically autonomous subdivisions for which tax (advance payments) is (are) paid to the budget of a particular constituent entity of the Russian Federation, calculated on the basis of the profit amount calculated in accordance with subsection 3 of this clause and the rate of tax effective in the territory where the member of the consolidated group of taxpayers or an economically autonomous subdivision thereof is located.

[clause 7 inserted by Federal Law No. 19-FZ of 30.03.2012]

**Article 288.1. Special Considerations Relating to the Calculation and Payment of Tax on the Profit 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 (hereinafter referred to also as “residents”) shall pay tax on the profit of organizations in accordance with this Chapter, except in the cases established by this Article.

2. Residents shall use the special procedure for the payment of tax on the profit of organizations which is established by this Article in relation to profit earned from the implementation of an investment project in accordance with Federal Law No. 16-FZ of 10 January 2006 “Concerning the Special Economic Zone in the Kaliningrad Province and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” (hereinafter referred to as “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””’), provided that the residents maintain separate records of income (expenses) received (incurred) in connection with the implementation of the investment project and income (expenses) received (incurred) in connection with other economic activities. [as amended by Federal Law No. 353-FZ of 27.11.2017]

3. Where separate records of income (expenses) received (incurred) 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” and income (expenses) received (incurred) in connection with other economic activities are not maintained, profit earned in connection with the implementation of the investment project in question shall be
taxed in accordance with this Chapter beginning in the quarter in which the maintenance of such separate records ceased. [as amended by Federal Law No. 353-FZ of 27.11.2017]

4. For the purposes of this Article, the tax base for tax on profit from 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 deemed to be the amount expressed in monetary terms of profit which has been earned in connection with the implementation of the investment project in question and is determined on the basis of data contained in separate records of income (expenses) (received (incurred) in connection with the implementation of that investment project) and income (expenses) (received (incurred) in connection with other economic activities) to which the provisions of this Chapter apply. [as amended by Federal Law No. 353-FZ of 27.11.2017]

5. For the purposes of this Article, income received 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 mean income from the sale of goods (work and services) produced as a result of the implementation of the investment project in question, excluding the production of goods (work and services) which may not be the subject of an investment project. [as amended by Federal Law No. 353-FZ of 27.11.2017]

5.1. For the purposes of this Article, in determining the tax base for tax on profit of organizations from the execution of an investment project in accordance with the Federal Law “Concerning the Special Economic Zone in the Kaliningrad Province and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”, account shall also be taken of subsidies received for the financing of expenses associated with the execution of that project and (or) as compensation for expenses previously incurred in connection with the execution of that project, and income (expenses) arising in the course of the execution of that project in the form of a positive (negative) exchange rate difference which arises from the revaluation, carried out in connection with changes in the exchange rate of a foreign currency to the Russian Federation rouble, of property in the form of currency assets (with the exception of securities denominated in foreign currency), including in currency bank accounts, and claims (obligations) whose value is expressed in foreign currency (with the exception of advance payments issued (received)), and (or) which arises as a result of the deviation of the exchange rate at which foreign currency is sold (purchased) from the official exchange rate set by the Central Bank of the Russian Federation on the date on which ownership of foreign currency is transferred. The above-mentioned income (expenses) shall be determined and recognised in accordance with the procedure established by this Chapter. [clause 5.1 as reworded by Federal Law No. 436-FZ of 28.12.2017]

6. For six tax periods commencing from the tax period in which the first profit from 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” was received in accordance with tax accounting data, the rate of tax on profit of organizations for the tax base for tax on profit of organizations from 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” shall be established at 0 per cent.
[clause 6 as reworded by Federal Law No. 353-FZ of 27.11.2017]

7. For six tax periods following the day on which the tax rate established by clause 6 of this Article ceases to apply, the rate of tax on profit of organizations for the tax base for tax on profit of organizations from 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 the rate established by clause 1 of Article 284 of this Code reduced by 50 per cent. In this respect:

1) the amount of tax on profit of organizations on the tax base for tax on profit of organizations from 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” which is calculated on the basis of the tax rate established by paragraph 2 of clause 1 of Article 284 of this Code reduced by 50 per cent shall be paid to the federal budget;

2) the amount of tax on profit of organizations on the tax base for tax on profit of organizations from 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” which is calculated on the basis of the tax rate established by paragraph 3 of clause 1 of Article 284 of this Code reduced by 50 per cent shall be paid to the budget of the Kaliningrad Province.
[clause 7 as reworded by Federal Law No. 353-FZ of 27.11.2017]

7.1. In the event that a legal entity which was included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province after 1 January 2018 has not received profit from 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” within three tax periods commencing from the tax period in which the taxpayer was included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province, the time period which is provided for in clause 6 of this Article shall begin to run from the fourth tax period counting from the tax period in which the resident was included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province.
[clause 7.1 inserted by Federal Law No. 353-FZ of 27.11.2017]

7.2. For legal entities which were included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province before 1 January 2018, the tax rate established by clause 6 of this Article shall apply from the day on which the legal entity was included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province and until the lapse of six tax periods counting from 1 January of the year following the year in which the legal entity was included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province.
[clause 7.2 inserted by Federal Law No. 353-FZ of 27.11.2017]

8. Should a law of the Kaliningrad Province establish in accordance with paragraph 4 of clause 1 of Article 284 of this Code a lower rate of tax on the profit of organizations for certain
categories of taxpayers in which residents are included, the residents shall, in the cases provided by this Article, apply that lower rate, reduced by fifty per cent.

9. The difference between the amount of tax on the profit of organizations in relation to the tax base for tax on profit from 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” which would have been calculated by a resident if the special procedure for the payment of tax on the profit of organizations which is established by this Article were not used and the amount of tax on the profit of organizations which is calculated in accordance with this Article by a resident in relation to profit earned from 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]

10. 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 the profit of organizations which 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 profit earned from 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 which is established by clause 1 of Article 284 of this Code.

[as amended by Federal Law No. 353-FZ of 27.11.2017]

The amount of tax shall be calculated on the basis of separate records of income (expenses) received (incurred) in connection with the implementation of the investment project and income (expenses) received (incurred) in connection with other economic activities over 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 paragraphs 1 and 2 of clause 1 of Article 287 of this Code.

When an on-site tax audit of a resident which 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 profit earned from the implementation of the investment project, the limitations which are 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 10 inserted by Federal Law No. 84-FZ of 17.05.2007]
Article 288.2. Special Considerations Relating to the Calculation of Tax by Participants in Regional Investment Projects Which Have Been Included in the Register of Participants in Regional Investment Projects [as amended by Federal Law No. 144-FZ of 23.05.2016] [inserted by Federal Law No. 267-FZ of 30.09.2013]

1. Participants in regional investment projects such as are referred to in subsection 1 of clause 1 of Article 25.9 of this Code shall calculate tax in accordance with this Chapter with account taken of the special considerations which are established by this Article, provided that separate records are maintained of income (expenses) received (incurred) in the process of the implementation of a regional investment project and income (expenses) received (incurred) in the process of carrying out other economic activities. [as amended by Federal Laws No. 144-FZ of 23.05.2016, No. 168-FZ of 18.07.2017, No. 269-FZ of 02.08.2019]

2. Where separate records of income (expenses) received (incurred) in the process of the implementation of a regional investment project and income (expenses) received (incurred) in the process of carrying out other economic activities are not maintained, profit earned through the implementation of the regional investment project shall be taxed in accordance with this Chapter commencing from the reporting (tax) period in which separate records ceased to be maintained.

3. For the purposes of this Article, income (expenses) received (incurred) by a participant in a regional investment project in the process of carrying out other economic activities shall be taken into account in calculating the tax base only if the condition laid down in clause 1 of Article 284.3 of this Code is met.

4. Where the status of participant in a regional investment project is terminated on the grounds specified in subsections 1, 3, 4 and 5 of clause 4 of Article 25.12 of this Code, provided that it has made capital investments in the amount specified in the regional investment project the last reporting period in which the tax rates provided for in Article 284.3 of this Code are applied shall be the reporting period preceding the reporting period in which the status of participant in a regional investment project was terminated.

5. The amount of tax must be restored and paid to the budget in accordance with the established procedure with the payment of appropriate penalties charged from the day following the day which is established by Article 287 of this Code for the payment of tax (an advance tax payment) calculated without consideration of an organization’s status as a participant in a regional investment project for the entire period in which that organization was listed in the register of participants in regional investment projects in the following cases:

1) where the status of participant in a regional investment project is terminated on the grounds specified in subsections 1, 3, 4 and 5 of clause 4 of Article 25.12 of this Code and where the requirement stated in the regional investment project relating to the overall volume of capital investments has not been met;
2) where the status of participant in a regional investment project is terminated in accordance with subsection 2 of clause 4 of Article 25.12 of this Code.

6. Income and expenses which a participant in a regional investment project recognises on the basis of legal succession upon the acquisition of another organization shall not be taken into account in determining the tax base.

**Article 288.3. Special Considerations Relating to the Calculation of Tax by Participants in Regional Investment Projects for Which Inclusion in the Register of Participants in Regional Investment Projects is Not Required** [inserted by Federal Law No. 144-FZ of 23.05.2016]

1. For the purposes of this Article, income (expenses) received (incurred) in carrying out other economic activities by a participant in a regional investment project for which inclusion in the register of participants in regional investment projects is not required shall be taken into account in calculating the tax base only if the condition laid down in clause 1 of Article 284.3-1 of this Code is met.

2. The amount of tax must be restored and paid to the budget in accordance with the established procedure, together with corresponding penalties charged from the day following the day established by Article 287 of this Code for the payment of tax (an advance tax payment) calculated without the application of the tax reliefs referred to in clause 1.5-1 of Article 284 and clause 3 of Article 284.3-1 of this Code for the period in which the tax reliefs in question were applied, commencing from the tax period from which the tax reliefs cease to be applied on the ground specified in clause 3 of Article 25.12-1 of this Code.

3. In determining the tax base to which the tax rates provided for in clause 1.5-1 of Article 284 and clause 3 of Article 284.3-1 of this Code are applied, account shall not be taken of income and expenses which are recognised by a participant in a regional investment project in the context of legal succession upon acquiring another organization.

**Article 289. Tax Declaration**

1. Taxpayers, irrespective of whether or not they have an obligation to pay tax and (or) advance tax payments and of particular considerations relating to the calculation and payment of tax, shall be obliged, upon the expiry of each reporting and tax period, to submit appropriate tax declarations to the tax authorities for their location and the location of each economically autonomous subdivision, unless otherwise provided by this clause, in accordance with the procedure which is established by this Article. [as amended by Federal Law No. 268-FZ of 30.12.2006]

Tax agents shall be obliged, upon the expiry of each reporting (tax) period in which they made payments to a taxpayer, to submit tax computations to the tax authorities for their location in accordance with the procedure which is established by this Article.

Taxpayers which have been classified in accordance with Article 83 of this Code as major taxpayers shall submit tax declarations (computations) to the tax authority where they are registered as major taxpayers. [paragraph inserted by Federal Law No. 268-FZ of 30.12.2006]
Taxpayers such as are referred to in clause 1 of Article 275.2 of this Code shall be obliged, after the end of each reporting and tax period, to submit tax declarations to the tax authorities where they are registered (where they are registered as major taxpayers, where they are registered as an operator of a new offshore hydrocarbon deposit) with tax bases computed separately for each new offshore hydrocarbon deposit.

[paragraph inserted by Federal Law No. 268-FZ of 30.12.2006]

The taxpayers referred to in clause 3.1 of Article 286 of this Code shall be exempt from the obligation to submit tax declarations for reporting periods of 2020 and 2021.

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

2. Taxpayers shall, on the basis of the results for a reporting period, submit tax declarations in the simplified form. Non-commercial organizations for which obligations to pay profits tax do not arise shall submit a tax declaration in the simplified form after the tax period has ended.

Theatres, museums, libraries and concert organizations which are budgetary institutions shall submit a tax declaration only after the end of a tax period.

[paragraph inserted by Federal Law No. 215-FZ of 23.07.2013]

3. Taxpayers (tax agents) shall submit tax declarations (tax computations) no later than 28 calendar days from the day on which the relevant reporting period ends. Taxpayers which calculate amounts of monthly advance payments based on profit actually earned shall submit tax declarations within the time limits which are established for the payment of advance payments. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 137-FZ of 27.07.2006]

4. Tax declarations (tax computations) based on the results for a tax period shall be submitted by taxpayers (tax agents) no later than 28 March of the year following the tax period which has ended. [as amended by Federal Law No. 57-FZ of 29.05.2002]

5. An organization which has economically autonomous subdivisions shall, after the end of each reporting and tax period, submit to the tax authorities for its location a tax declaration for the organization as a whole with a breakdown by economically autonomous subdivision.

6. Organizations which have acquired the status of participants in a project involving the conduct of research and development and the commercialization of the results thereof in accordance with the Federal Law “Concerning the “Skolkovo” Innovation Centre” or project participants 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” and compute aggregate profit in accordance with clause 18 of Article 274 of this Code shall submit together with the tax declaration a computation of aggregate profit.

[clause 6 as reworded by Federal Law No. 373-FZ of 30.10.2018]

7. Members of a consolidated group of taxpayers, with the exception of the responsible member of that group, shall not submit tax declarations to the tax authorities where they are registered unless they receive income which is not included in the consolidated tax base of that group.

Where members of a consolidated group of taxpayers receive income which is not included in the consolidated tax base of that group, they shall submit tax declarations to the tax authorities
where they are registered only in regard to the calculation of tax in relation to that income.
[clause 7 inserted by Federal Law No. 321-FZ of 16.11.2011]

8. A tax declaration for tax on profit of organizations for a consolidated group of taxpayers for a reporting (tax) period shall be prepared by the responsible member of that group on the basis of tax accounting data and the consolidated tax base for the consolidated group of taxpayers as a whole only in regard to the calculation of tax in relation to the consolidated tax base.

The responsible member of a consolidated group of taxpayers shall be obliged to submit tax declarations for tax on profit of organizations for the consolidated group of taxpayers to the tax authority with which the agreement on the creation of that group is registered in accordance with the procedure and within the time limits which are established by this Article for a tax declaration.
[clause 8 inserted by Federal Law No. 321-FZ of 16.11.2011]

Article 290. Special Considerations Relating to the Determination of the Income of Banks

1. In addition to the types of income provided for in Articles 249 and 250 of this Code, income of banks shall also include the types of income from banking activities which are provided for in this Article. In this respect, income of the types provided for in Articles 249 and 250 of this Code shall be determined with account taken of the special considerations which are set forth in this Article.

2. For the purposes of this Chapter, income of banks shall include, in particular, the following types of income from banking activities:

1) in the form of interest from the investment of monetary resources by a bank in its own name and at its own expense and from the provision of credits and loans;

2) in the form of charges for the opening and maintenance of bank accounts for clients, including correspondent banks (including foreign correspondent banks), and the execution of settlements on their instructions, including commission and other fees for transfer, collection, letter of credit and other operations, for the issuance and servicing of payment cards and other special media intended for use in carrying out banking operations, for the provision of account statements and other account documents and for the tracing of amounts; [as amended by Federal Law No. 57-FZ of 29.05.2002]

3) from the collection of monetary resources, bills of exchange and payment and settlement documents and from the provision of cash services to clients;

4) from operations involving foreign currency carried out in cash or without cash transfer, including commission charges (fees) for operations involving the purchase or sale of foreign currency, including at the expense of and on the instructions of clients, and from operations involving currency assets. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Income of banks from operations involving the sale (purchase) of foreign currency in a reporting (tax) period shall be determined on the basis of the positive difference between income determined in accordance with clause 2 of Article 250 of this Code and expenses determined in accordance with subsection 6 of clause 1 of Article 265 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]
5) from operations involving the purchase and sale of precious metals in the form of a positive (negative) difference arising as a result of the deviation of the sale (purchase) price of precious metals from the accounting prices set by the Central Bank of the Russian Federation as at the date of the transfer of ownership of precious metals (the date on which a purchase-sale of precious metals is recorded on a depersonalized metal account); [subsection 5 as reworded by Federal Law No. 328-FZ of 28.11.2015]

5.1) from operations involving the purchase and sale of precious stones in the form of the difference between the sale price and the book value; [subsection 5.1 inserted by Federal Law No. 328-FZ of 28.11.2015]

6) from operations involving the provision of bank guarantees, bill guarantees and surety bonds on behalf of third parties which provide for execution in monetary form; [as amended by Federal Law No. 57-FZ of 29.05.2002]

7) in the form of the positive difference between the amount of resources received upon the termination or sale (subsequent cession) of a claim (including one previously acquired) and the book value of that claim;

8) from the provision of depository services to clients;

9) from the renting of specially equipped premises or safes for the storage of documents and valuables; [as amended by Federal Law No. 57-FZ of 29.05.2002]

10) in the form of charges for the delivery and transportation of monetary resources, securities, other valuables and bank documents (except for collection);

11) in the form of charges for the transportation and storage of precious metals and precious stones;

12) in the form of charges received by a bank from exporters and importers for the performance of the functions of currency control agents;

13) from operations involving the purchase and sale of collectors’ coins in the form of the difference between the sale price and the acquisition price;

14) in the form of amounts received by a bank in respect of repaid credits (loans), losses from the writing-off of which were previously included in expenses that reduced the tax base or which were charged to created reserves where allocations for the creation of those reserves previously reduced the tax base;

15) in the form of compensation received by a bank for expenses incurred in paying for the services of outside organizations involving the inspection of bars of precious metals received by the bank from physical persons and legal entities for conformity to standards;

16) from forfeiting and factoring operations;
17) from the rendering of services associated with the installation and operation of electronic systems of document flow between the bank and clients, including “client-bank” systems;

[subsection 17 inserted by Federal Law No. 57-FZ of 29.05.2002]

18) in the form of commission charges (fees) upon carrying out operations involving currency assets;

[subsection 18 inserted by Federal Law No. 57-FZ of 29.05.2002]

19) in the form of a positive revaluation of precious metals and claims (obligations) expressed in precious metals which is carried out in accordance with the procedure established by regulatory acts of the Central Bank of the Russian Federation;

[subsection 19 as reworded by Federal Law No. 328-FZ of 28.11.2015]

20) in the form of amounts of a restored reserve against possible losses on loans, expenses for the formation of which were included in the composition of expenses according to the procedure and subject to the conditions which are established by Article 292 of this Code;

[subsection 20 inserted by Federal Law No. 57-FZ of 29.05.2002]

21) in the form of amounts of restored reserves against the devaluation of securities, expenses for the formation of which were included in the composition of expenses according to the procedure and subject to the conditions which are established by Article 300 of this Code;

[subsection 21 inserted by Federal Law No. 57-FZ of 29.05.2002]

22) other income associated with banking activities.

3. There shall not be included in a bank’s income amounts arising from the positive revaluation of resources in foreign currency which were received in payment of the charter capitals of banks and insurance payments received under insurance agreements against the death or disablement of a borrower of the bank and insurance payments received under agreements on the insurance of property used as security for a borrower’s obligations (a pledge) within the limit of the amount of the borrower’s outstanding indebtedness in respect of borrowed (credit) resources, interest charges and punitive sanctions and penalties recognised by a court which is extinguished (forgiven) by the bank from those insurance payments.

[clause 3 as reworded by Federal Law No. 229-FZ of 27.07.2010]

Article 291. Special Considerations Relating to the Determination of the Expenses of Banks

1. In addition to the expenses which are provided for in Articles 254 to 269 of this Code, expenses of a bank shall also include the expenses incurred in connection with banking activities which are provided for in this Article. In this respect, the expenses which are provided for in Articles 254 to 269 of this Code shall be determined with account taken of the special considerations which are set forth in this Article.

2. For the purposes of this Chapter, expenses of banks which are incurred in connection with banking activities shall include, in particular, the following types of expenses:

1) interest on:
Profits Tax

- bank savings (deposit) agreements and other monetary resources attracted from physical persons and legal entities (including correspondent banks, including foreign banks), including for the use of monetary resources held in bank accounts; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- own debt obligations (debentures, deposit or savings certificates, bills of exchange, loans or other obligations);

- interbank credits, including overdrafts;

- acquired refinancing credits, including those acquired by auction in accordance with the procedure established by the Central Bank of the Russian Federation;

- loans and savings (deposits) in precious metals;

- other obligations of banks to clients, including in respect of resources deposited by clients for the purpose of settlements in respect of letters of credit. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

Interest charged in accordance with this clause on interbank credits (deposits) with a term of up to 7 days (inclusively) shall be taken into account when determining the tax base on the basis of the actual period of validity of the agreements; [as amended by Federal Law No. 420-FZ of 28.12.2013]

2) amounts of allocations to the reserve against possible losses on loans for which reserves are created in accordance with the procedure which is established by Article 292 of this Code;

3) commission charges for services associated with correspondent relations, including expenses for the provision of settlement and cash services to clients, the opening of accounts for them with other banks, payments to other banks (including foreign banks) for settlement and cash services in respect of those accounts, settlement services of the Central Bank of the Russian Federation and the collection of monetary resources, securities and payment documents and other similar expenses; [as amended by Federal Law No. 57-FZ of 29.05.2002]

4) expenses (losses) arising from operations involving foreign currency which are carried out in cash or without cash transfer, including commission charges (fees) for operations involving the purchase or sale of foreign currency, including at the expense of and on the instructions of a client, and from operations involving currency assets, and expenses for the management of and protection against currency risks. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Expenses of banks in connection with operations involving the sale (purchase) of foreign currency in a reporting (tax) period shall be determined on the basis of the negative difference between income determined in accordance with clause 2 of Article 250 of this Code and expenses determined in accordance with subsection 6 of clause 1 of Article 265 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

5) from operations involving the purchase and sale of precious metals in the form of a negative (positive) difference arising as a result of the deviation of the sale (purchase) price of precious metals from the accounting prices set by the Central Bank of the Russian Federation as at the date of the transfer of ownership of precious metals (the date on which a purchase-sale of
precious metals is recorded on a depersonalized metal account);
[subsection 5 as reworded by Federal Law No. 328-FZ of 28.11.2015]

5.1) losses on operations involving the purchase and sale of precious stones in the form of the
difference between the sale price and the book value;
[subsection 5.1 inserted by Federal Law No. 328-FZ of 28.11.2015]

6) expenses incurred by a bank for the storage and transportation of precious metals in bars and
in coins and the inspection of the quality thereof for conformity to standards, expenses for the
refinement of precious metals and other expenses associated with the performance of operations
involving bars of precious metals and coins containing precious metals;

7) expenses for the transfer of pensions and benefits and expenses for the transfer of monetary
resources without opening accounts for physical persons;

8) expenses for the manufacture and placement into use of payment and settlement media
(plastic cards, traveller’s cheques and other payment and settlement media);

9) amounts payable for the collection of banknotes, coins, cheques and other settlement and
payment documents and expenses relating to the packing (including the packing of cash
money), transportation, transmission and (or) delivery of valuables belonging to the credit
organization or to its clients;

10) expenses for the repair and (or) restoration of collection bags, sacks and other equipment
associated with the collection of money and the transportation and storage of valuables, and for
the acquisition of new and replacement of unserviceable bags and sacks;

11) expenses associated with the payment of the fee for the state registration of a mortgage and
the making of amendments and additions to the registration entry concerning a mortgage and
the notarization of a mortgage agreement;

12) expenses for the rent of motor vehicles for the collection of receipts and the transportation
of bank documents and valuables;

13) expenses for the rent of broker seats;

14) expenses associated with payment for the services of settlement and cash centres and
computer centres;

15) expenses associated with forfeiting and factoring operations;

16) expenses associated with guarantees, surety bonds, acceptances and bill guarantees granted
to a bank by other organizations;

17) commission charges (fees) for operations involving currency assets, including at the
expense and on the instructions of clients;
[subsection 17 inserted by Federal Law No. 57-FZ of 29.05.2002]

18) in the form of a negative revaluation of precious metals and claims (obligations) expressed
in precious metals which is carried out in accordance with the procedure established by
regulatory acts of the Central Bank of the Russian Federation;
[subsection 18 as reworded by Federal Law No. 328-FZ of 28.11.2015]

19) amounts of allocations to the reserve against possible losses on loans, expenses for the formation of which are included in the composition of expenses according to the procedure and subject to the conditions which are established by Article 292 of this Code;
[subsection 19 inserted by Federal Law No. 57-FZ of 29.05.2002]

20) amounts of allocations to reserves against the devaluation of securities, expenses for the formation of which are included in the composition of expenses according to the procedure and subject to the conditions which are established by Article 300 of this Code;
[subsection 20 inserted by Federal Law No. 57-FZ of 29.05.2002]

20.1) amounts of insurance contributions of banks as established in accordance with the federal law concerning the insurance of deposits of physical persons with banks of the Russian Federation;

20.2) amounts of insurance contributions under insurance agreements against the death or disablement of a borrower of a bank in which the bank is the beneficiary, on condition that the expenses in question are compensated by borrowers;
[subsection 20.2 inserted by Federal Law No. 58-FZ of 06.06.2005]

21) other expenses associated with banking activities.

3. Amounts arising from the negative revaluation of resources in foreign currency which were received in payment of the charter capitals of credit organizations shall not be included in expenses of a bank. [as amended by Federal Law No. 57-FZ of 29.05.2002]

**Article 292. Expenses for the Formation of Reserves of Banks**

1. For the purposes of this Chapter, banks shall have the right to form, in addition to the doubtful debt reserves which are provided for in Article 266 of this Code, a reserve against possible losses on loans for loan and equated indebtedness (including indebtedness in respect of interbank credits and deposits (hereinafter referred to as “reserves against possible losses on loans”)) in accordance with the procedure prescribed by this Article. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Amounts of allocations to reserves against possible losses on loans which are formed in accordance with a procedure to be established by the Central Bank of the Russian Federation in accordance with the Law “Concerning the Central Bank of the Russian Federation (Bank of Russia)” shall be deemed an expense with account taken of the limitations which are provided for in this Article. [as amended by Federal Law No. 57-FZ of 29.05.2002]

When determining the tax base, account shall not be taken of expenses in the form of allocations to reserves against possible losses on loans which have been formed by banks against indebtedness which is classified as standard indebtedness in accordance with a procedure to be established by the Central Bank of the Russian Federation and to reserves against possible losses on loans which have been formed against bills of exchange, with the exception of third-
party bills of exchange discounted by banks in respect of which a protest for non-payment has been lodged. [as amended by Federal Law No. 57-FZ of 29.05.2002]

2. Amounts of allocations to a reserve against possible losses on loans which have been formed with account taken of the provisions of clause 1 of this Article shall be included in the composition of non-sale expenses during the reporting (tax) period. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Amounts of reserves against possible losses on loans which have been included in a bank’s expenses shall be used by the bank when bad debt in respect of loans is written off from the balance sheet of the credit organization in accordance with the procedure established by the Central Bank of the Russian Federation. [paragraph inserted by Federal Law No. 216-FZ of 24.07.2007]

When a bank adopts a decision to write off bad debt in respect of loans from the balance sheet of the credit organization, interest shall cease to be charged on the loan debt in question, unless the charging of such interest ceased earlier in accordance with the agreement. [paragraph inserted by Federal Law No. 216-FZ of 24.07.2007]

3. Amounts of reserves against possible losses on loans which were included in a bank’s expenses and have not been fully used by the bank in the reporting (tax) period to cover losses on bad debts in respect of loans and equated indebtedness may be carried forward to the next reporting (tax) period. In this respect, the amount of the newly created reserve must be adjusted for the amount of the balances of the reserve for the preceding reporting (tax) period. In the event that the amount of the reserve which is newly created in the reporting (tax) period is less than the amount of the balance of the reserve for the preceding reporting (tax) period, the difference shall be included in the composition of the bank’s non-sale income on the last day of the reporting (tax) period. In the event that the amount of the newly created reserve is greater than the amount of the balance of the reserve for the preceding reporting (tax) period, the difference shall be included in non-sale expenses of banks on the last day of the reporting (tax) period. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 137-FZ of 27.07.2006]

4. Where a bank’s licence to carry out banking operations is revoked (annulled), amounts of loan loss reserves created in accordance with the procedure established by this Article which the bank did not use in full to cover bad debt losses on loans and indebtedness equivalent to loan indebtedness before the revocation (annulment) of its licence to carry out banking operations shall not be restored as part of the income of that organization.

In this respect, amounts of loan loss reserves which were created before the revocation (annulment) of a bank’s licence to carry out banking operations shall, after the revocation (annulment) of the licence, be recorded and used in accordance with the procedure established by the Central Bank of the Russian Federation. [clause 4 inserted by Federal Law No. 105-FZ of 23.04.2018]

**Article 293. Special Considerations Relating to the Determination of the Income of Insurance Organizations (Insurers)**

1. Income of an insurance organization, in addition to the types of income which are provided for in Articles 249 and 250 of this Code, which shall be determined with account taken of the special considerations which are set forth in this Article, shall also include income from insurance activities.
2. For the purposes of this Chapter, income of insurance organizations shall include the following types of income from carrying out insurance activities:

1) insurance premiums (contributions) under insurance, co-insurance and re-insurance agreements. In this respect, insurance premiums (contributions) under co-insurance agreements shall be included in the composition of the income of an insurer (co-insurer) only to the extent of its share of the insurance premium as specified in the co-insurance agreement;

2) amounts of reductions (refunds) of insurance reserves which were formed in prior reporting periods to take account of a change in the share of re-insurers in the insurance reserves;

3) fees and bonuses (form of remuneration of insurer by re-insurer) under re-insurance agreements;

4) fees from insurers under co-insurance agreements;

5) amounts paid by re-insurers by way of reimbursement of a portion of insurance payments in respect of re-insured risks;

6) amounts of interest on premium deposits in respect of re-insured risks;

7) income from the realization of a policyholder’s (beneficiary’s) claim which has passed to the insurer in accordance with current legislation against persons responsible for damage caused;

8) amounts of sanctions for the non-fulfilment of conditions of insurance agreements which have been acknowledged by the debtor voluntarily or in accordance with a court decision;

9) fees for the provision of services of an insurance agent or broker;

10) fees received by an insurer for the provision of services of a surveyor (inspection of property which is accepted for insurance and issue of insurance risk appraisal reports) and average commissioner (determination of the causes, nature and extent of losses when an insured event occurs);

11) amounts of the partial refund of premiums (contributions) under re-insurance agreements in the event that they are terminated early;

11.1) the amount of the positive difference which arises for an insurer which has directly indemnified losses in the event that the average insurance payment amount received from the insurer which insured the civil liability of the tortfeasor exceeds the amount of the payment to the injured party made by way of direct indemnification for losses in accordance with the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport;
11.2) the amount of the positive difference which arises for an insurer which insured the civil liability of a tortfeasor in the event that the insurance payment made under an agreement on compulsory insurance of the civil liability of owners of means of transport by way of direct indemnification for losses exceeds the average insurance payment amount reimbursed to the insurer which directly indemnified losses in accordance with the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport;

[subsection 11.2 inserted by Federal Law No. 300-FZ of 15.11.2010]

12) other income received through carrying out insurance activities.

3. The special considerations set forth in clause 1 and subsections 1 to 8, 10, 11 and 12 of clause 2 of this Article shall apply to income of the organization which carries out activities involving the insurance of export credits and investments against entrepreneurial and (or) political risks in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activity”.

[clause 3 inserted by Federal Law No. 131-FZ of 07.06.2013; as amended by Federal Law No. 63-FZ of 15.04.2019]

Article 294. Special Considerations Relating to the Determination of the Expenses of Insurance Organizations (Insurers)

1. Expenses of an insurance organization, in addition to the expenses which are provided for in Articles 254 to 269 of this Code, shall also include expenses which are incurred in carrying out insurance activities and are provided for in this Article. In this respect, the expenses which are provided for in Articles 254 to 269 of this Code shall be determined with account taken of the special considerations which are set forth in this Article.

2. For the purposes of this Chapter, expenses of insurance organizations shall include the following expenses incurred in carrying out insurance activities:

1) amounts of allocations to insurance reserves (with account taken of changes in the share of re-insurers in the insurance reserves) which are formed on the basis of insurance legislation in accordance with the procedure approved by the Central Bank of the Russian Federation; [as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 251-FZ of 23.07.2013]

1.1) amounts of allocations to the guarantee reserve and the reserve for current compensation payments which are formed in accordance with the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport, in amounts established in accordance with the insurance rate structure;

[subsection 1.1 inserted by Federal Law No. 204-FZ of 29.12.2004]

1.2) amounts of allocations to reserves (funds) which are formed in accordance with the requirements of international systems of compulsory insurance of the civil liability of owners of means of transport to which the Russian Federation has acceded;

[subsection 1.2 inserted by Federal Law No. 204-FZ of 29.12.2004]

1.3) amounts of allocations to a compensation fund which is formed by a professional association of insurers in accordance with the Federal Law “Concerning Compulsory Insurance of the Civil Liability of a Carrier for Damage to the Life, Health and Property of Passengers
and Concerning the Procedure for the Payment of Compensation for Such Damage Where it is Caused in the Process of the Carriage of Passengers by Metropolitan Railway’’;
[subsection 1.3 inserted by Federal Law No. 78-FZ of 14.06.2012]

1.4) amounts of allocations to a compensation payment fund which is formed in accordance with Federal Law No. 260-FZ of 25 July 2011 “Concerning State Support in the Area of Agricultural Insurance and Concerning the Introduction of Amendments to the Federal Law “Concerning the Development of Agriculture”’’ for compensation payments under agreements on state-supported agricultural insurance;
[subsection 1.4 inserted by Federal Law No. 162-FZ of 02.10.2012]

2) insurance payments under insurance, co-insurance and re-insurance agreements. For the purposes of this Chapter, insurance payments shall include payments of rents, annuities and pensions and other payments which are provided for in the conditions of an insurance agreement;

3) amounts of insurance premiums (contributions) in respect of re-insured risks. The provisions of this subsection shall apply to re-insurance agreements concluded by Russian insurance organizations with Russian and foreign re-insurers and brokers;

4) fees and bonuses under re-insurance agreements; [as amended by Federal Law No. 57-FZ of 29.05.2002]

5) amounts of interest on premium deposits in respect of re-insured risks; [as amended by Federal Law No. 57-FZ of 29.05.2002]

6) fees payable to a co-insurer under co-insurance agreements;

7) the refund of a portion of insurance premiums (contributions) and of redemption amounts under insurance, co-insurance and re-insurance agreements in cases provided for by legislation and (or) the conditions of an agreement;

8) fees for the rendering of services of an insurance agent and (or) insurance broker;

9) expenses associated with payments to organizations or individual physical persons for services rendered by them which are associated with insurance activities, including:

- services of actuaries;

- medical examinations upon the conclusion of life and health insurance agreements where such medical examinations are paid for by the insurer in accordance with the agreements;

- detective services which are performed by organizations which possess a licence to engage in such activities for the purpose of establishing whether or not insurance payments are justified;

- services of specialists (including experts, surveyors, average commissioners and legal experts) who are engaged to assess insurance risk, determine the value insured of property and the size of insurance payments, assess the consequences of insured events and adjust insurance payments, and in the case of the direct indemnification of insured parties in accordance with
the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport; [as amended by Federal Law No. 282-FZ of 25.12.2008]

- services involving the manufacture of insurance certificates (policies), strictly accountable forms, receipts and other similar documents;

- services of organizations for the execution by them of written instructions of employees to transfer insurance contributions out of salary by means of non-cash settlements;

- services of medical organizations and other organizations involving the issue of certificates, statistical data, reports and other similar documents; [as amended by Federal Law No. 317-FZ of 25.11.2013]

- collection services;

9.1) the amount of the negative difference which arises for an insurer which has directly indemnified losses in the event that the amount of the payment to the injured party made by way of direct indemnification for losses in accordance with the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport exceeds the average insurance payment amount received from the insurer which insured the civil liability of the tortfeasor;

[subsection 9.1 inserted by Federal Law No. 300-FZ of 15.11.2010]

9.2) the amount of the negative difference which arises for an insurer which insured the civil liability of a tortfeasor in the event that the average insurance payment amount reimbursed to the insurer which directly indemnified losses exceeds the insurance payment made under an agreement on compulsory insurance of the civil liability of owners of means of transport by way of direct indemnification for losses in accordance with the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport;

[subsection 9.2 inserted by Federal Law No. 300-FZ of 15.11.2010]

10) other expenses which are directly associated with insurance activities.

3. The special considerations set forth in clause 1 and subsections 2, 4 to 9 and 10 of clause 2 of this Article shall apply to expenses of the organization which carries out activities involving the insurance of export credits and investments against entrepreneurial and (or) political risks in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activity”. [as amended by Federal Law No. 63-FZ of 15.04.2019]

Expenses of the organization which carries out activities involving the insurance of export credits and investments against entrepreneurial and (or) political risks in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activity” shall also include amounts of allocations to insurance reserves which are formed in accordance with the procedure established by the Government of the Russian Federation and amounts of premiums (contributions) for risks which have been re-insured in accordance with re-insurance agreements concluded with Russian and foreign re-insurers and other organizations which have the right to conclude re-
insurance agreements. [as amended by Federal Law No. 63-FZ of 15.04.2019]
[clause 3 inserted by Federal Law No. 131-FZ of 07.06.2013]

Article 294.1. Special Considerations Relating to the Determination of Income and Expenses of Medical Insurance Organizations Which Are Participants in Compulsory Medical Insurance [as amended by Federal Law No. 313-FZ of 29.11.2010]

1. Income of medical insurance organizations which are participants in compulsory medical insurance and carry out compulsory medical insurance shall include, in addition to the types of income provided for in Articles 249 and 250 of this Code, resources transferred by territorial compulsory medical insurance funds in accordance with an agreement on the financing of compulsory medical insurance which are intended to cover administrative expenses for compulsory medical insurance, and resources constituting remuneration for the performance of acts provided for in the above-mentioned agreement.

2. Expenses of medical insurance organizations which are participants in compulsory medical insurance and carry out compulsory medical insurance shall include, in addition to the expenses provided for in Articles 254 to 269 of this Code, expenses incurred by those organizations in carrying out insurance activities relating to compulsory medical insurance.

Article 295. Special Considerations Relating to the Determination of the Income of Non-State Pension Funds

1. Income of non-state pension funds shall be determined separately for income received from the investment of pension reserves, income received from the investment of pension savings and income received from the statutory activities of those funds. [clause 1 as reworded by Federal Law No. 204-FZ of 29.12.2004]

2. In addition to the types of income which are provided for in Articles 249 and 250 of this Code, income received from the investment of pension reserves of non-state pension funds shall include, in particular, income from the investment of pension reserve resources in securities and from the making of other investments established by legislation concerning non-state pension funds, as determined in accordance with the procedure which is established by this Code for the types of income in question.

For taxation purposes, income received from the investment of pension reserves shall be determined as the positive difference between income received from the investment of pension reserves and income calculated on the basis of the refinancing rate of the Central Bank of the Russian Federation and the amount of the invested reserve, with account taken of the time of actual investment, excluding income placed in combined pension accounts, on the basis of the results for the tax period. [as amended by Federal Law No. 204-FZ of 29.12.2004]

3. Income received from the statutory activities of funds, besides income covered in Articles 249 and 250 of this Code, shall include, in particular:

- allocations from income from the placement of pension reserves which are credited to a fund’s own resources in accordance with the legislation of the Russian Federation concerning non-state pension funds;
- income from the placement of a fund’s own resources in securities and from making other investments, determined in the manner prescribed by this Code for the relevant types of income;

- the fee of a fund that acts as an insurer for compulsory pension insurance, including the fixed part of the fee and the variable part of the fee;

- the portion of the amount of an insurance contribution which, under a non-state pension provision agreement in accordance with a fund’s pension rules, is credited to the fund’s own resources to cover administrative expenses in accordance with the legislation of the Russian Federation concerning non-state pension funds.

[clause 3 as reworded by Federal Law No. 162-FZ of 03.07.2019]

Article 296. Special Considerations Relating to the Determination of the Expenses of Non-State Pension Funds

1. In the case of non-state pension funds, expenses associated with the placement of pension reserves, expenses associated with the investment of pension savings and expenses associated with supporting the statutory activities of those funds shall be determined separately.

[clause 1 as reworded by Federal Law No. 162-FZ of 03.07.2019]

2. In addition to the expenses referred to in Articles 254 to 269 of this Code (with account taken of limitations stipulated by legislation concerning non-state pension provision), expenses associated with the placement of pension reserves of non-state pension funds shall include: [as amended by Federal Laws No. 109-FZ of 05.05.2014, No. 162-FZ of 03.07.2019]

1) expenses associated with the placement of pension reserves, including fees of the managing company, depositary and professional participants in the securities market;

2) mandatory expenses associated with the storage, keeping in working condition and valuation in accordance with legislation of property in which the pension reserves have been invested;

3) allocations credited to a fund’s own resources in accordance with the legislation of the Russian Federation, which are included in the composition of expenses; [as amended by Federal Law No. 162-FZ of 03.07.2019]

4) allocations for the creation of an insurance reserve which are made in accordance with the legislation of the Russian Federation concerning non-state pension funds and in accordance with the procedure established by the Central Bank of the Russian Federation up to the insurance reserve level set by the non-state pension fund, but not more than 50 per cent of the amount of reserves to cover pension obligations.

[subsection 4 as reworded by Federal Law No. 162-FZ of 03.07.2019]

3. In addition to the expenses referred to in Articles 254 to 269 of this Code (with account taken of limitations stipulated by legislation concerning non-state pension provision), expenses associated with providing for the statutory activities of non-state pension funds shall include:

1) fees for the rendering of services involving the conclusion of non-state pension agreements and compulsory pension insurance agreements in accordance with the legislation of the Russian Federation concerning non-state pension funds;

[subsection 1 as reworded by Federal Law No. 204-FZ of 29.12.2004]
2) payments for the services of actuaries;

3) payments for services involving the manufacture of pension certificates (policies), strictly accountable forms, receipts and other similar documents;

3.1) fees for services involving the maintenance of pension accounts in accordance with the legislation of the Russian Federation concerning non-state pension funds;

3.2) the fee of a management company that carries out the fiduciary management of pension savings, including the fixed part of the fee and the variable part of the fee, payable by a fund out of its own resources;

3.3) the fee of a specialized depositary and reimbursement for necessary expenses incurred by a specialized depositary which are paid by a fund out of its own resources in accordance with the agreement on the provision of specialized depositary services;

3.4) annual allocations to a fund’s compulsory pension insurance reserve which are made out of the fund’s own resources and have been determined in the manner prescribed by Article 20.1 of Federal Law No. 75-FZ of 7 May 1998 “Concerning Non-State Pension Funds”, excluding expenses referred to in clause 48.24 of Article 270 of this Code;

3.5) funds payable by a fund as guarantee contributions to the pension savings guarantee fund in accordance with Article 15 of Federal Law No. 422-FZ of 28 December 2013 “Concerning the Guaranteeing of the Rights of Insured Persons in the Compulsory Pension Insurance Fund of the Russian Federation with Respect to the Formation and Investment of Pension Savings and the Establishment and Effecting of Payments out of Pension Savings”;

3.6) expenses associated with the making of a fixed-term pension payment, a lump-sum pension payment or a payment of pension savings to the legal successors of a deceased insured person, which are incurred from a fund’s own resources;

4) other expenses which are directly connected with non-state pension provision activities.


[Article 297. Lost force – Federal Law No. 57-FZ of 29.05.2002]
Article 297.1. Special Considerations Relating to the Determination of Income of Credit Consumer Co-Operatives and Microfinance Organizations [inserted by Federal Law No. 301-FZ of 02.11.2013]

1. Income of taxpayers which are credit consumer co-operatives or microfinance organizations shall include items of income provided for in Articles 249 and 250 of this Code and determined with account taken of the special considerations set forth in this Article.

2. For the purposes of this Chapter, income of credit consumer co-operatives and microfinance organizations shall include, in particular, the following items of income:

   1) income in the form of interest on loans provided in accordance with the legislation of the Russian Federation;

   2) income in the form of amounts received in respect of loans repaid where losses associated with the write-off of those loans were previously included in expenses in determining the tax base;

   3) income in the form of amounts received by credit consumer co-operatives and microfinance organizations in respect of loans repaid which were charged to reserves where allocations for the creation of those reserves were previously included in expenses in determining the tax base in accordance with the procedure established by Article 297.3 of this Code.

3. There shall not be included in income of credit consumer co-operatives and microfinance organizations income in the form of insurance payments received under agreements on insurance against the death or disability of a borrower and insurance payments received under agreements on the insurance of property that serves as security for a borrower’s obligations (collateral) within the limits of the amount of the borrower’s outstanding indebtedness in respect of loan (credit) resources, interest charges and fines and penalties recognised by a court that is to be settled out of those insurance payments.

Article 297.2. Special Considerations Relating to the Determination of Expenses of Credit Consumer Co-Operatives and Microfinance Organizations [inserted by Federal Law No. 301-FZ of 02.11.2013]

1. Expenses of taxpayers which are credit consumer co-operatives or microfinance organizations shall which are provided for in Articles 254 to 269 of this Code and are directly connected with the provision of loans and other income-generating activities provided for in legislation concerning credit co-operation and microfinance activities shall be taken into account for taxation purposes with account taken of the special considerations set forth in this Article.

The above-mentioned expenses shall be recognised for taxation purposes in accordance with the procedure and subject to the conditions which are set forth in this Chapter. In this respect, expenses incurred out of special-purpose financing resources and special-purpose receipts shall not be taken into account in determining the tax base.

2. For the purposes of this Chapter, expenses of credit consumer co-operatives and microfinance organizations shall include, in particular, the following expenses:
1) expenses in the form of interest on loans, credits and other debt obligations associated with the attraction of monetary resources in accordance with the legislation concerning credit co-operation and microfinance activities, with account taken of the special considerations set forth in Article 269 of this Code;

2) expenses associated with guarantees and surety bonds provided to credit consumer co-operatives and microfinance organizations by other organizations and by physical persons;

3) expenses in the form of allocations to a reserve for possible losses on loans where expenses for the formation of such a reserve are included in expenses by credit consumer co-operatives and microfinance organizations in accordance with the procedure and subject to the conditions established by Article 297.3 of this Code;

4) expenses in the form of amounts of insurance contributions under agreements on insurance against the death or disability of a borrower of a credit consumer co-operative or a microfinance organization in which the credit consumer co-operative or microfinance organization is the beneficiary, where the expenses in question are compensated by borrowers.

**Article 297.3. Expenses for the Formation of Reserves for Possible Losses on Loans of Credit Consumer Co-Operatives and Microfinance Organizations** [inserted by Federal Law No. 301-FZ of 02.11.2013]

1. For the purposes of this Chapter, credit consumer co-operatives and microfinance organizations shall have the right to create reserves for possible losses on loans in the manner prescribed by this Article in addition to doubtful debt reserves which are provided for in Article 266 of this Code.

2. Amounts of allocations to reserves for possible losses on loans which have been formed in accordance with the procedure which is established by the Central Bank of the Russian Federation in accordance with Federal Law No. 190-FZ of 18 July 2009 “Concerning Credit Co-Operation” and Federal Law No. 151-FZ of 2 July 2010 “Concerning Microfinance Activities and Microfinance Organizations” shall be included in non-sale expenses during a reporting (tax) period.

3. Amounts of reserves for possible losses on loans shall be used by credit consumer co-operatives and microfinance organizations in writing off bad debt in respect of loans from the balance sheet in accordance with the procedure established by the Central Bank of the Russian Federation.

Where a credit consumer co-operative or a microfinance organization adopts a decision to write off bad debt in respect of loans from the balance sheet, interest shall cease to be charged on that debt, unless such interest has already ceased to be charged in accordance with the agreement.

4. Amounts of reserves for possible losses on loans which were charged to expenses and were not wholly used in a reporting (tax) period to cover losses associated with bad debt in respect of loans may be carried over to the next reporting (tax) period. In this respect, the amount of the newly created reserve must be adjusted for the amount of the remainder of the reserve for the preceding reporting (tax) period. In the event that the amount of the reserve which is newly
created in a reporting (tax) period is less than the amount of the remainder of the reserve for the preceding reporting (tax) period, the difference must be included in non-sale income on the last day of the reporting (tax) period. In the event that the amount of the newly created reserve is greater than the amount of the remainder of the reserve for the preceding reporting (tax) period, the difference shall be included in non-sale expenses on the last day of the reporting (tax) period.

Article 298. Special Considerations Relating to the Determination of the Income of Professional Participants in the Securities Market

Income of taxpayers which, in accordance with the legislation of the Russian Federation concerning the securities market, are deemed to be professional participants in the securities market (hereinafter referred to as “professional participants in the securities market”) shall include, in addition to the types of income which are provided for in Articles 249 and 250 of this Code, income from the carrying-out of professional activities on the securities market.

Such income shall include, in particular:

1) income from the rendering of intermediary and other services on the securities market;

2) the portion of income that arises from the use of clients’ resources until they are returned to the clients in accordance with the conditions of an agreement;

3) income from the provision of services involving the storage of securities certificates and (or) the registration of rights to securities;

4) income from the rendering of depositary services, including services involving the provision of information on securities and the maintenance of depositary accounts;

5) income from the rendering of services involving the maintenance of a register of owners of securities;

6) income from the provision of services which directly aid the conclusion of civil-law securities transactions by third parties;

7) income from the provision of consulting services on the securities market;

8) income in the form of amounts of restored reserves against the devaluation of securities which were previously taken to expenses according to Article 300 of this Code;

9) miscellaneous income received by professional participants in the securities market from their professional activities.

Article 299. Special Considerations Relating to the Determination of the Expenses of Professional Participants in the Securities Market

Expenses of professional participants in the securities market, in addition to those which are referred to in Articles 254 to 269 of this Code (with account taken of limitations stipulated by
the legislation of the Russian Federation concerning the securities market), shall include, in particular:

1) expenses in the form of fees payable to trade organizers and other organizations (including, in accordance with the legislation of the Russian Federation, non-commercial organizations) which possess an appropriate licence;

2) expenses associated with the maintenance and servicing of trading seats of various kinds which arise in connection with the carrying-out of professional activities;

3) expenses for expert examinations associated with the authenticity of documents presented, including securities forms (certificates);

4) expenses associated with the disclosure of information on the activities of a professional participant in the securities market;

5) expenses for the creation and supplementing of reserves against the devaluation of securities according to Article 300 of this Code;

6) expenses for participation in meetings of shareholders which are held by issuers of securities or on their instructions;

7) other expenses directly connected with the activities of professional participants in the securities market.

Article 299.1. Special Considerations Relating to the Determination of Income of Clearing Organizations [Inserted by Federal Law No. 281-FZ of 25.11.2009]

1. Income of taxpayer clearing organizations shall include items of income mentioned in Articles 249 and 250 of this Code, determined with account taken of the special considerations laid down in this Article.

2. The following items of income shall not be taken into account in determining the tax base of clearing organizations:

1) monetary resources and other property that have been received by a clearing organization as collateral for the obligations of clearing participants, and from the sale of property comprising such collateral;

2) monetary resources and other property that have been received by a clearing organization for the purpose of effecting settlements in respect of obligations of clearing participants, including under agreements to which the clearing organization is a party (with the exception of monetary resources and other property received by a clearing organization as payment for its services) and under agreements which are concluded by a clearing organization for the purpose of the fulfillment of obligations to clearing participants; [as amended by Federal Law No. 326-FZ of 28.11.2015]
3) monetary resources and other property received by a clearing organization from the use of funds formed by that clearing organization for the purpose of providing for the fulfillment of obligations under civil-law agreements;

4) monetary resources and other property contributed to the property pool of a clearing organization in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”.

subsection 4 inserted by Federal Law No. 326-FZ of 28.11.2015

Article 299.2. Special Considerations Relating to the Determination of Expenses of Clearing Organizations [inserted by Federal Law No. 281-FZ of 25.11.2009]

1. Expenses of taxpayer clearing organizations shall include expense items mentioned in Articles 254 to 269 of this Code, determined with account taken of the special considerations laid down in this Article.

2. The following expenses shall not be taken into account in determining the tax base of clearing organizations:

1) monetary resources and other property that secure the fulfillment of obligations of clearing participants and are transferred by a clearing organization in fulfillment of such obligations;

2) monetary resources and other property that were transferred by a clearing organization to clearing participants as a result of a clearing process (settlements), including under agreements to which the clearing organization is a party and under agreements which are concluded by a clearing organization for the purpose of the fulfillment of obligations to clearing participants;

3) monetary resources and other property that were transferred to clearing participants and were received by a clearing organization from the use of funds formed by the clearing organization from contributions made by those clearing participants for the purpose of securing the fulfillment of obligations under civil-law agreements;

4) monetary resources and other property that were transferred to a clearing participant by a clearing participation in connection with the redemption of clearing participation certificates issued by the clearing organization in accordance with Federal Law No. 7-FZ of 7 February 2011 “Concerning Clearing and Clearing Activities”.

subsection 4 inserted by Federal Law No. 326-FZ of 28.11.2015

Article 299.3. Special Considerations Relating to the Determination of Income from Hydrocarbon Extraction Activities at a New Offshore Hydrocarbon Deposit [inserted by Federal Law No. 268-FZ of 30.09.2013]

1. For the purpose of determining the tax base in accordance with Article 275.2 of this Code, income of taxpayers such as are referred to in clause 1 of Article 275.2 of this Code shall include the types of income referred to in Articles 249 and 250 of this Code and types of income provided for in this Article where they are connected with the performance of hydrocarbon extraction activities at a new offshore hydrocarbon deposit.
In this respect, types of income which are provided for in Articles 249 and 250 of this Code shall be determined with account taken of the special considerations which are laid down in this Article.

2. For the purposes of this Chapter, income of taxpayers such as are referred to in clause 1 of Article 275.2 of this Code from carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit shall include, in particular, the following types of income:

1) income of an organization which holds the licence to use a subsurface site within whose boundaries a new offshore hydrocarbon deposit is situated from sales of processed products of hydrocarbons extracted at the new offshore hydrocarbon deposit (liquefied natural gas, stable condensate and natural gas liquids).

Income from sales of oil products and petrochemical and gas products manufactured from hydrocarbons extracted at the new offshore hydrocarbon deposit shall not be included in the tax base which is determined in accordance with the procedure established by Article 275.2 of this Code, but shall be taken into account for taxation purposes in the normal manner;

2) income of an organization which is the operator of a new offshore hydrocarbon deposit from the performance of types of work (rendering of services) provided for in the relevant operator agreement;

3) income of an organization which is the operator of a new offshore hydrocarbon deposit from sales of hydrocarbons extracted at the new offshore hydrocarbon deposit and acquired by the organization which is the operator of the new offshore hydrocarbon deposit from the organization which holds the licence to use the subsurface site within whose boundaries the deposit is situated, and of processed products (liquefied natural gas, stable condensate and natural gas liquids) obtained from such hydrocarbons;

4) income from sales of goods (property rights) which are intended to be used in carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit in transactions between the organization which holds the licence to use the subsurface site within whose boundaries that new offshore hydrocarbon deposit is situated and the organization which is the operator of that new offshore hydrocarbon deposit;

5) income from sales of amortizable property that was previously directly used in carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit, as determined in accordance with Article 249 of this Code;

6) income in the form of interest received under loan agreements where the loan funds in question were provided to a taxpayer such as is referred to in clause 1 of Article 275.2 of this Code for the purpose of financing hydrocarbon extraction activities at the new offshore hydrocarbon deposit in relation to which the tax base is being determined;

7) income in the form of amounts of accounts payable in respect of loans, credits and other debt obligations (including interest owed), which have been written off in connection with the forgiveness of the debt or on other grounds, if the loan resources in question were obtained for the purpose of financing hydrocarbon extraction activities at a new offshore hydrocarbon deposit;
8) income from the leasing (subleasing) of property (including land parcels) such as is provided for in clause 4 of the second part of Article 250 of this Code under agreements concluded between taxpayers such as are referred to in clause 1 of Article 275.2 of this Code which carry out hydrocarbon extraction activities at a new offshore hydrocarbon deposit in relation to one and the same deposit, provided that the property in question was used in the reporting (tax) period in carrying out hydrocarbon extraction activities at that new offshore hydrocarbon deposit;

9) income in the form of a positive exchange rate difference arising from the revaluation of claims (obligations), with the exception of the revaluation of advances issued (received), including interest owed, if the claims (obligations) in question arose in connection with hydrocarbon extraction activities at a new offshore hydrocarbon deposit.

[subsection 9 inserted by Federal Law No. 335-FZ of 27.11.2017]

3. Income which cannot be directly attributed to hydrocarbon extraction activities at a new offshore hydrocarbon deposit or to other activities of a taxpayer and income relating to hydrocarbon extraction activities at a new offshore hydrocarbon deposit which are carried out in relation to a number of new offshore hydrocarbon deposits shall be taken into account in determining the tax base in accordance with the provisions of Article 275.2 of this Code according to a procedure similar to that which is established by clause 4 of Article 299.4 of this Code.

Article 299.4. Special Considerations Relating to the Determination of Expenses Associated with Hydrocarbon Extraction Activities at a New Offshore Hydrocarbon Deposit [inserted by Federal Law No. 268-FZ of 30.09.2013]

1. For the purpose of determining the tax base in accordance with Article 275.2 of this Code, expenses of a taxpayer such as is referred to in clause 1 of Article 275.2 of this Code shall be taken to include justified and duly documented expenses incurred by a taxpayer where those expenses are connected with hydrocarbon extraction activities at a new offshore hydrocarbon deposit. In this respect, expenses incurred in carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit shall be determined with account taken of the special considerations established by this Article.

2. Expenses of taxpayers such as are referred to in clause 1 of Article 275.2 of this Code shall include, in particular, the following types of expenses incurred by them in carrying out hydrocarbon extraction activities at a new offshore hydrocarbon deposit:

1) expenses for the development of natural resources at the subsurface site within whose boundaries activities associated with prospecting for, appraisal and (or) exploration of a new offshore hydrocarbon deposit are carried out, with account taken of the special considerations established by clause 7 of Article 261 of this Code;

2) expenses in the form of interest under loan and credit agreements and on other debt obligations where the loan funds in question were obtained for the purpose of financing hydrocarbon extraction activities at a new offshore hydrocarbon deposit;
3) expenses in the form of amounts of accounts receivable in respect of a loan, credit or other debt obligations (including amounts of interest charged) which have been written off in connection with the forgiveness of the debt or on other grounds, if the loan resources in question were provided to a taxpayer such as is referred to in clause 1 of Article 275.2 of this Code for the purpose of financing hydrocarbon extraction activities at the new offshore hydrocarbon deposit in relation to which the tax base is being determined;

4) expenses associated with the delivery (transportation) of hydrocarbons extracted at a new offshore hydrocarbon deposit and processed products thereof (liquefied natural gas, stable condensate and natural gas liquids) to recipients;

5) expenses of an organization which is the operator of a new offshore hydrocarbon deposit in the form of compensation paid to the organization which holds the licence to use the subsurface site within whose boundaries the new offshore hydrocarbon deposit is situated or within whose boundaries the prospecting for, appraisal and (or) exploration of a new offshore hydrocarbon deposit are intended to be carried out for expenses previously incurred in obtaining that licence. The expenses referred to in this clause shall include, in particular, payments (bonuses, compensations) for the commercial discovery of a new offshore hydrocarbon deposit at a particular subsurface site and any other similar payments;

6) expenses in the form of a negative exchange rate difference arising upon the revaluation of claims (obligations), with the exception of the revaluation of advances issued (received), including interest owed, if the claims (obligations) in question arose in connection with hydrocarbon extraction activities at a new offshore hydrocarbon deposit.

[subsection 6 inserted by Federal Law No. 335-FZ of 27.11.2017]

3. The expenses referred to in subsection 4 of clause 2 of this Article shall include, in particular, expenses for the delivery (transportation) by trunk pipelines and by rail, water and other transport, expenses for pumping out, pumping in, loading, unloading and transhipment and for the payment of fees for port services and freight forwarding services, and expenses for the liquefaction and regasification of natural fuel gas. In this respect, delivery (transportation) expenses shall not include the amount of amortization charged on fixed assets owned by a taxpayer such as is referred to in clause 1 of Article 275.2 of this Code which are used for the purpose of the delivery (transportation) of hydrocarbons.

4. Expenses which cannot be directly attributed to hydrocarbon extraction activities at a new offshore hydrocarbon deposit or to other activities of a taxpayer and expenses relating to hydrocarbon extraction activities at a new offshore hydrocarbon deposit which are carried out in relation to a number of deposits shall be taken into account in determining the tax base in accordance with the provisions of Article 275.2 of this Code in a proportion to be determined by the taxpayer in accordance with the procedure for the allocation of expenses. That procedure shall be established by the taxpayer in its tax accounting policies and must be applied for at least five tax periods.

5. A taxpayer shall have the right to submit an application to the federal executive body in charge of control and supervision in the area of taxes and levies for approval of the expense allocation procedure which is referred to in clause 4 of this Article. The form of the application and the procedure for approval of the above-mentioned procedure shall be established by the federal executive body in charge of control and supervision in the area of taxes and levies.

1. Income of taxpayers which are issuers of Russian depositary receipts shall include items of income provided for in Articles 249 and 250 of this Code, determined with account taken of the special considerations laid down in this Article.

2. The following items of income shall not be taken into account in determining the tax base of issuers of Russian depositary receipts:

1) monetary resources, other property and property rights that were received by an issuer of Russian depositary receipts in connection with the placement of such receipts, with the exception of monetary resources, property and property rights received by the issuer of Russian depositary receipts as remuneration for its services;

2) monetary resources, other property and property rights which were received by an issuer of Russian depositary receipts in connection with the exercise of rights conferred by underlying securities.

3. Expenses of taxpayers which are issuers of Russian depositary receipts shall include expenses provided for in Articles 254 to 269 of this Code, determined with account taken of the special considerations laid down in this Article.

4. The following expenses shall not be taken into account in determining the tax base of issuers of Russian depositary receipts:

1) monetary resources, other property and property rights that were transferred (paid) by an issuer of Russian depositary receipts to an issuer or owners of underlying securities in connection with the placement of Russian depositary receipts;

2) monetary resources, other property and property rights that were transferred by an issuer of Russian depositary receipts to owners of Russian depositary receipts in connection with the exercise of rights in respect of Russian depositary receipts.

Article 300. Expenses for the Formation of Reserves Against the Devaluation of Securities for Professional Participants in the Securities Market Which Engage in Dealer Activities

Professional participants in the securities market shall be recognised as carrying out dealer activities if dealer activities are provided for by the relevant licence issued to the participant in the securities market in accordance with the established procedure.

Professional participants in the securities market which engage in dealer activities shall have the right to include allocations to reserves against the devaluation of securities in expenses for taxation purposes in the event that those taxpayers recognise income and expenses according to the accrual-basis method. In such case, amounts of restored reserves against the devaluation of securities allocations for the creation (adjustment) of which were previously taken into
account for the purpose of determining the tax base shall be recognised as income of those taxpayers.

The above-mentioned reserves against the devaluation of securities shall be created (adjusted) as at the end of a reporting (tax) period in an amount equal to the amount by which the acquisition prices of issued securities which are circulated on the organized securities market exceed their market quotation (the calculated value of the reserve). In this respect, for the purposes of this Chapter the acquisition price of a security shall also include expenses associated with the acquisition of that security.

Reserves shall be created (adjusted) for each security within one issue (an additional issue) of securities which meets the above-mentioned requirements, irrespective of any change in the value of securities of other issues (additional issues).

[fourth part as reworded by Federal Law No. 281-FZ of 25.11.2009]

Upon the sale or other disposal of securities in relation to which a reserve has previously been created where allocations for the creation (adjustment) of that reserve were previously taken into account in determining the tax base, the amount of such reserve shall be included in the taxpayer’s income as at the date of sale or other disposal of the security.

Where, after a reporting (tax) period has ended, the amount of a reserve with account taken of the market quotations of securities as at the end of that period is found to be insufficient, the taxpayer shall increase the amount of the reserve in accordance with the procedure which is established above, and allocations made to increase the reserve shall be included in the composition of expenses for taxation purposes. If, at the end of the reporting (tax) period, the amount of the previously created reserve with account taken of amounts restored exceeds the calculated value, the reserve shall be reduced by the taxpayer (shall be restored) to the calculated value with the amount so restored being included in income.

Reserves against the devaluation of securities shall be created in the currency of the Russian Federation irrespective of the currency of the nominal value of the security. In the case of securities denominated in foreign currency, the acquisition price shall be translated into roubles on the basis of the official exchange rate of the Central Bank of the Russian Federation prevailing on the date of acquisition of a security, and the market quotation shall be translated on the basis of the official exchange rate of the Central Bank of the Russian Federation prevailing on the date on which the reserve is created (adjusted). [as amended by Federal Law No. 281-FZ of 25.11.2009]

In the case of securities for which the conditions of issue provide for partial redemption of their nominal value, for the purpose of determining (adjusting) the reserve as at the end of a reporting (tax) period the acquisition price shall be adjusted to take account of the portion of the partial redemption of the nominal value of the security.

[eighth part as reworded by Federal Law No. 281-FZ of 25.11.2009]

A taxpayer which is the seller in the first leg of a repo or the lender in a securities lending transaction shall not have the right to form reserves against the devaluation of securities for securities transferred in the repo transaction (under the loan agreement).

[ninth part as reworded by Federal Law No. 281-FZ of 25.11.2009]
A taxpayer which is the purchaser in the first leg of a repo or the borrower in a securities lending transaction shall have the right to form reserves against the devaluation of securities for securities received in the repo transaction (under the loan agreement).

[tenth part as reworded by Federal Law No. 281-FZ of 25.11.2009]

Article 301. Term Transactions. Special Conditions of Taxation

1. A derivative financial instrument shall be a contract which meets the requirements of the Federal Law “Concerning the Securities Market”. A list of types of derivative financial instruments (including forward, futures, option and swap contracts) shall be established by the Central Bank of the Russian Federation in accordance with the Federal Law “Concerning the Securities Market”. [as amended by Federal Laws No. 251-FZ of 23.07.2013, No. 242-FZ of 03.07.2016]


For the purposes of this Chapter a contract in respect of which claims are not subject to judicial protection in accordance with the civil legislation of the Russian Federation and (or) applicable legislation of foreign states shall not be recognised as a derivative financial instrument. Losses made on such a contract shall not be taken into account in determining the tax base. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]

The underlying asset of derivative financial instruments shall be understood to mean the subject of the term transaction (including foreign currency, securities and other property and property rights, interest rates, credit resources, price or interest rate indices and other derivative financial instruments). [as amended by Federal Law No. 242-FZ of 03.07.2016]

Parties to term transactions shall be understood to mean organizations which carry out transactions involving derivative financial instruments. [as amended by Federal Law No. 242-FZ of 03.07.2016]

[clause 1 as reworded by Federal Law No. 281-FZ of 25.11.2009]

2. A taxpayer shall have the right independently to qualify a transaction whose conditions call for delivery of the underlying asset with account taken of the requirements of this Article, declaring it to be a transaction involving a derivative financial instrument or a transaction for deferred delivery of the subject of the transaction. For operations involving derivative financial instruments which are aimed at the purchase of the underlying asset, an operation which is opposite in direction shall be deemed to be an operation aimed at the sale of the underlying asset, while for an operation aimed at sale, an opposite operation shall be one aimed at the purchase of the underlying asset. In this respect, operations involving the delivery of the underlying asset shall be taxed in accordance with the procedure prescribed by Articles 301 to 305 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 242-FZ of 03.07.2016]

A taxpayer shall have the right to qualify a transaction independently, declaring it to be an operation involving a derivative financial instrument or a transaction for the delivery of the object of the transaction with deferral of execution. The criteria for assigning transactions which provide for the delivery of the object of the transaction (with the exception of hedging operations) to the category of operations involving derivative financial instruments must be specified by the taxpayer in its accounting policies for taxation purposes. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 281-FZ of 25.11.2009, No. 242-FZ of 03.07.2016]
The date of completion of an operation involving a derivative financial instrument shall be the date of the exercise of rights and the fulfilment of obligations in respect of the operation involving the derivative financial instrument. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Obligations in respect of a derivative financial instrument may be terminated without the requalification of that instrument: [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]

- by the offsetting (netting) of homogeneous claims and obligations; [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

- in accordance with the procedure prescribed by a general agreement (unified contract) which conforms to the model conditions of contracts which have been approved in accordance with the Federal Law “Concerning the Securities Market”, where such termination provides for the determination of the amount of the net obligation; [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

- by the offsetting of counter-claims arising from contracts concluded on the basis of organized trading rules or clearing rules, where such offsetting is effected for the purpose of determining the amount of the net obligation. [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

For the purposes of this Article, claims considered homogeneous shall include claims for the delivery of securities of one issuer, one type, one category (class) or one mutual investment fund (in the case of investment units of mutual investment funds) which have the same scope of rights, and claims for the payment of monetary resources in the same currency. [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

Transactions qualified as transactions for deferred delivery of the subject of the transaction shall be taxed in accordance with the procedure laid down in this Code for the corresponding underlying assets of such transactions. [paragraph inserted by Federal Law No. 281-FZ of 25.11.2009]

3. For the purposes of this Chapter, derivative financial instruments shall be subdivided into derivative financial instruments which are circulated on the organized market (circulated derivative financial instruments) and derivative financial instruments which are not circulated on the organized market (non-circulated derivative financial instruments). In this respect, derivative financial instruments shall be recognised as circulated on the organized market where the following conditions are simultaneously met: [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]

1) the procedure for the conclusion, circulation and execution thereof is established by a trade organizer which possesses an appropriate right in accordance with the legislation of the Russian Federation or the legislation of foreign states;

2) information on the prices of the derivative financial instruments is published in the mass media (including electronic) or may be made available by a trade organizer or other authorized person to any interested person within three years after the date on which an operation involving derivative financial instruments is concluded. [as amended by Federal Law No. 242-FZ of 03.07.2016]
3.1. A transaction which is concluded other than on the organized market and the conditions of which call for the delivery of an underlying asset (including securities, foreign currency or a commodity) may be qualified as a derivative financial instrument subject to the condition that the delivery of the underlying asset in accordance with the conditions of the transaction must take place no earlier than the third day after the day on which the transaction was concluded. [as amended by Federal Law No. 242-FZ of 03.07.2016]

A transaction which is concluded other than on the organized market and the conditions of which do not call for the delivery of an underlying asset may be qualified only as a derivative financial instrument. [as amended by Federal Law No. 242-FZ of 03.07.2016]
[clause 3.1 inserted by Federal Law No. 281-FZ of 25.11.2009]

3.2. For the purposes of this Chapter, derivative financial instruments whose conditions call for the delivery of an underlying asset or the conclusion of another derivative financial instrument whose conditions call for the delivery of an underlying asset shall be regarded as delivery term transactions, while derivative financial instruments whose conditions do not call for the delivery of an underlying asset or the conclusion of another derivative financial instrument whose conditions call for the delivery of an underlying asset shall be regarded as cash settlement term transactions. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Transactions which have been qualified as delivery term transactions or as transactions for deferred delivery of the subject of the transaction may not, for the purposes of this Chapter, be requalified as cash settlement term transactions in the event that obligations are terminated by means other than due fulfilment. [clause 3.2 inserted by Federal Law No. 281-FZ of 25.11.2009]

4. For the purposes of this Chapter, a variation margin shall be understood to mean an amount of monetary resources which is calculated by a trade organizer or a clearing organization and is payable (receivable) by parties to term transactions in accordance with the rules established by the trade organizers and (or) clearing organizations. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 281-FZ of 25.11.2009]

5. For the purposes of this Chapter, hedging operations shall be understood to mean transactions (a set of transactions) involving derivative financial instruments which are carried out for the purpose of mitigating (offsetting) unfavourable consequences for the taxpayer (in whole or in part) resulting from a loss, lost profit, a reduction in receipts, a reduction in the market value of property, including property rights (rights of claim), or an increase in the taxpayer’s obligations as a result of a change in a price, a currency exchange rate, including the exchange rate of a foreign currency to the currency of the Russian Federation, or another indicator (set of indicators) of the hedged item (items). [as amended by Federal Law No. 242-FZ of 03.07.2016]

Hedged items shall be understood to mean property and property rights of a taxpayer and obligations of a taxpayer, including rights of claim and obligations of a monetary nature which have not fallen due as at the date of performance of a hedging operation, including rights of claim and obligations the exercise (fulfilment) of which is conditional upon the presentation of a demand of a party to an agreement and in relation to which the taxpayer has adopted a hedging decision. The underlying assets of derivative financial instruments which are used for a hedging operation may differ from the hedged item. [as amended by Federal Law No. 242-FZ of 03.07.2016]
For hedging purposes it is permissible to conclude more than one derivative financial instrument of various types, including multiple derivative financial instruments within the framework of a single hedging operation during the hedging period. [as amended by Federal Law No. 242-FZ of 03.07.2016]

In order to confirm the legitimacy of the classification of a transaction (set of transactions) involving derivative financial instruments as a hedging operation, a taxpayer shall prepare, as at the date of conclusion of such transactions (the first of the transactions where multiple transactions are concluded within the framework of a single hedging operation), a statement confirming that, according to the taxpayer’s forecasts, the conclusion of that transaction (set of transactions) will help to mitigate unfavourable consequences associated with a change in the price (including the market quotation or exchange rate) or other indicator of the hedged item. [as amended by Federal Law No. 242-FZ of 03.07.2016]

6. Where taxpayers which are participants in term transactions carry out operations under forward contracts which provide for the delivery of the underlying asset to a foreign organization under the export customs procedure, the tax base shall be determined with account taken of the provisions of Article 105.3 of this Code. [clause 6 inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Laws No. 306-FZ of 27.11.2010, No. 227-FZ of 18.07.2011]


1. For the purposes of this Chapter, income of a taxpayer which is received in a tax (reporting) period from operations involving derivative financial instruments which are circulated on the organized market shall be understood to mean: [as amended by Federal Law No. 242-FZ of 03.07.2016]

1) the amount of the variation margin which is receivable by the taxpayer during the reporting (tax) period;

2) other amounts which are receivable during the reporting (tax) period in respect of operations involving derivative financial instruments which are circulated on the organized market, including by way of settlements in respect of operations involving derivative financial instruments which provide for the delivery of an underlying asset. [as amended by Federal Law No. 242-FZ of 03.07.2016]

2. For the purposes of this Chapter, expenses of a taxpayer which are incurred in a tax (reporting) period in respect of derivative financial instruments which are circulated on the organized market shall be understood to mean: [as amended by Federal Law No. 242-FZ of 03.07.2016]

1) the amount of the variation margin which is payable by the taxpayer during the tax (reporting) period;

2) other amounts which are payable during the tax (reporting) period in respect of operations involving derivative financial instruments which are circulated on the organized market, and
the value of the underlying asset which is transferable in the case of transactions which provide for the delivery of an underlying asset; [as amended by Federal Law No. 242-FZ of 03.07.2016]

3) other expenses associated with carrying out operations involving derivative financial instruments which are circulated on the organized market. [as amended by Federal Law No. 242-FZ of 03.07.2016]

**Article 303. Special Considerations Relating to the Determination of Income and Expenses of a Taxpayer Arising from Operations Involving Derivative Financial Instruments Which Are Not Circulated on the Organized Market** [title as amended by Federal Law No. 242-FZ of 03.07.2016]

1. For the purposes of this Chapter, income of a taxpayer which is received in a tax (reporting) period from operations involving derivative financial instruments which are not circulated on the organized market shall be understood to mean: [as amended by Federal Law No. 242-FZ of 03.07.2016]

1) amounts of monetary resources which are receivable in a reporting (tax) period by one of the parties to a transaction involving a derivative financial instrument when it is executed (completed); [as amended by Federal Laws No. 281-FZ of 25.11.2009, No. 242-FZ of 03.07.2016]

2) other amounts which are receivable during the tax (reporting) period in respect of operations involving derivative financial instruments which are not circulated on the organized market, including by way of settlements in respect of operations involving derivative financial instruments which provide for the delivery of an underlying asset. [as amended by Federal Law No. 242-FZ of 03.07.2016]

2. Expenses which are incurred in a tax (reporting) period in respect of operations involving derivative financial instruments which are not circulated on the organized market shall be understood to mean: [as amended by Federal Law No. 242-FZ of 03.07.2016]

1) amounts of monetary resources which are payable in a reporting (tax) period by one of the parties to a transaction involving a derivative financial instrument when it is executed (completed); [as amended by Federal Laws No. 281-FZ of 25.11.2009, No. 242-FZ of 03.07.2016]

2) other amounts which are payable during the tax (reporting) period in respect of operations involving derivative financial instruments which are not circulated on the organized market, and the value of the underlying asset which is transferable in the case of transactions which provide for the delivery of an underlying asset; [as amended by Federal Law No. 242-FZ of 03.07.2016]

3) other expenses associated with carrying out operations involving derivative financial instruments. [as amended by Federal Law No. 242-FZ of 03.07.2016]

**Article 304. Special Considerations Relating to the Determination of the Tax Base for Operations Involving Derivative Financial Instruments** [title as amended by Federal Laws No. 281-FZ of 25.11.2009, No. 242-FZ of 03.07.2016]

1. Income (expenses) associated with transactions involving derivative financial instruments shall be taken into account in determining the tax base for profit taxable at the rate specified in clause 1 of Article 284 of this Code in relation to which no treatment other than the standard
treatment of profit and losses is prescribed in accordance with this Chapter. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]


3. Except as otherwise provided in this Chapter, in determining the tax base for transactions involving non-circulated securities and non-circulated derivative financial instruments account shall be taken of income and expenses associated with all such transactions for the reporting (tax) period involving all underlying assets. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]


5. Where a hedging operation is carried out with account taken of the requirements of clause 5 of Article 301 of this Code, income (expenses) shall be taken into account in determining the tax base, which shall be calculated in accordance with the provisions of Article 274 of this Code with account taken of income and expenses associated with the hedged item.

Banks shall have the right to reduce the tax base for profit taxable at the rate specified in clause 1 of Article 284 of this Code in relation to which no treatment other than the standard treatment of profit and losses is prescribed in accordance with this Chapter by the amount of a loss made on transactions involving delivery term transactions which are not circulated on the organized market and for which the underlying asset is foreign currency. [as amended by Federal Law No. 420-FZ of 28.12.2013]

Professional participants in the securities market which carry out dealer activities, including banks, shall have the right to reduce the tax base for profit taxable at the rate specified in clause 1 of Article 284 of this Code in relation to which no treatment other than the standard treatment of profit and losses is prescribed in accordance with this Chapter by the amount of a loss made on transactions involving derivative financial instruments which are not circulated on the organized market. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]


Where a taxpayer concludes swap contracts and option contracts which are not circulated on the organized market and in which one of the parties is a central counterparty which performs its functions in accordance with the legislation concerning clearing activities and clearing rules and whose quality of management has been recognised as satisfactory in accordance with the procedure established by the Central Bank of the Russian Federation, the taxpayer shall have the right to take account of income (expenses) associated with such contracts in determining the tax base for profit taxable at the rate specified in clause 1 of Article 284 of this Code in relation to which no treatment other than the standard treatment of profit and losses is prescribed in accordance with this Chapter. [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013]

Where a taxpayer has not exercised the right provided for in the preceding paragraph of this clause, the taxpayer shall have the right to take account of income (expenses) associated with all underlying assets receivable under such contracts for a reporting (tax) period in determining the tax base arising from non-circulated securities and non-circulated derivative financial instruments. [paragraph inserted by Federal Law No. 420-FZ of 28.12.2013; as amended by Federal Law No.
6. For the purpose of determining the tax base arising from operations involving derivative financial instruments, the provisions of Chapter 14.3 of this Code may be applied only in the cases provided for in this Chapter. [as amended by Federal Laws No. 227-FZ of 18.07.2011, No. 242-FZ of 03.07.2016]

7. Except as otherwise provided by this Chapter, income received and expenses incurred in respect of obligations (claims) arising from a swap contract shall be taken into account in determining the corresponding tax base arising from transactions involving derivative financial instruments. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]

8. Where transactions are concluded involving derivative financial instruments for which the underlying assets are interest rates, no assessment of income (expenses) on the basis of the interest rates specified in the terms of those instruments shall take place at the end of a reporting (tax) period. In this respect, income (an expense) which is recognised in respect of a transaction involving a derivative financial instrument shall include income (expenses) calculated on the basis of interest rates and receivable (payable) in respect of the transaction in accordance with the agreement. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The dates of recognition of income (expenses) associated with such a transaction shall be the payment dates stipulated in the relevant agreement.


**Article 305. Special Considerations Relating to the Valuation of Operations Involving Derivative Financial Instruments for Taxation Purposes** [as amended by Federal Law No. 242-FZ of 03.07.2016]

1. In the case of circulated derivative financial instruments, the actual transaction price shall be recognised as the market price for taxation purposes and shall be applied for taxation purposes. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]

2. The actual price of a non-circulated derivative financial instrument shall be recognised as the market price for taxation purposes and shall be applied for taxation purposes if it deviates by no more than 20 per cent above (below) the reference value of the derivative financial instrument as at the date of conclusion of the transaction. The procedure for determining the reference value of particular types of derivative financial instruments shall be established by the Central Bank of the Russian Federation in consultation with the Ministry of Finance of the Russian Federation. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Where the actual price of a non-circulated derivative financial instrument deviates by more than 20 per cent above (below) the reference value of that financial instrument, income (expenses) of the taxpayer shall be determined on the basis of the reference value increased (reduced) by 20 per cent.

3. In the case of swap contracts and option contracts, whether or not circulated on the organized market, in which one of the parties is a central counterparty which performs its functions in accordance with the legislation concerning clearing activities and clearing rules and whose quality of management has been recognised as satisfactory in accordance with the procedure
established by the Central Bank of the Russian Federation, the actual price of a transaction, determined in line with the duly registered clearing rules, shall be recognised as the market price and shall be applied for taxation purposes. [as amended by Federal Law No. 242-FZ of 03.07.2016][clause 2 as reworded by Federal Law No. 420-FZ of 28.12.2013]

4. The provisions of clause 2 of this Article shall apply only to transactions which are recognised as controlled in accordance with Section V.1 of this Code.

In the case of transactions which are not recognised as controlled in accordance with Section V.1 of this Code, the actual price of a non-circulated derivative financial instrument shall be recognised as the market price and shall be applied for taxation purposes. [as amended by Federal Law No. 242-FZ of 03.07.2016][clause 4 inserted by Federal Law No. 420-FZ of 28.12.2013]

Article 306. Special Considerations Relating to the Taxation of Foreign Organizations. Permanent Establishment of a Foreign Organization

1. The provisions of Articles 306 to 309 establish special considerations relating to the calculation of tax by foreign organizations which carry out entrepreneurial activities in the territory of the Russian Federation where such activities give rise to a permanent establishment of a foreign organization, and relating to the calculation of tax by foreign organizations not connected with activities through a permanent establishment in the Russian Federation which receive income from sources in the Russian Federation.

2. A permanent establishment of a foreign organization in the Russian Federation shall, for the purposes of this Chapter, be understood to mean a branch, representation, division, bureau, office, agency or any other economically autonomous subdivision or other place of business of that organization (hereinafter referred to as “division”) through which the organization regularly carries on entrepreneurial activities in the territory of the Russian Federation which are connected with:

- the use of subsurface resources and (or) the use of other natural resources;
- the performance of work provided for in contracts involving construction, installation, erection, assembly, adjustment, servicing and operation of equipment, including gaming machines;
- the sale of goods from warehouses located in the territory of the Russian Federation which are owned or rented by that organization;
- the performance of other work, the rendering of services and the carrying-out of other activities with the exception of those provided for in clause 4 of this Article.

For the purposes of this Code, activities of a foreign organization in the territory of the Russian Federation shall also be deemed to include activities carried out by a foreign organization which is the operator of a new offshore hydrocarbon deposit involving hydrocarbon extraction at the new offshore hydrocarbon deposit. [paragraph inserted by Federal Law No. 268-FZ of 30.09.2013]

3. A permanent establishment of a foreign organization shall be deemed to have been formed from the moment when entrepreneurial activities begin to be regularly carried out through a
division of that organization. In this respect, activity involving the establishment of a division shall not of itself give rise to a permanent establishment. A permanent establishment shall cease to exist from the moment when entrepreneurial activities carried out through a division of a foreign organization cease.

In the case of the use of subsurface resources and (or) the use of other natural resources, a permanent establishment of a foreign organization shall be deemed to have been formed from the earlier of the following dates: the date of the entry into force of the licence (permit) which certifies that organization’s right to carry out the relevant activities or the date on which those activities actually commence. Where a foreign organization performs work or renders services for another person who possesses such a licence (permit) or acts as general contractor for a person who possesses such a licence (permit), issues relating to the formation and termination of the existence of a permanent establishment of that foreign organization shall be resolved according to a procedure similar to that which is established by clauses 2 to 4 of Article 308 of this Code.

4. The fact that a foreign organization carries on activities of a preparatory and auxiliary nature in the territory of the Russian Federation, in the absence of the criteria for a permanent establishment which are provided for in clause 2 of this Article, may not be regarded as giving rise to a permanent establishment. Preparatory and auxiliary activities shall include, in particular:

1) the use of facilities solely for the purpose of storage, display and (or) delivery of goods belonging to that foreign organization, until such delivery commences;

2) the maintenance of a stock of goods belonging to that foreign organization solely for the purpose of storage, display and (or) delivery, until such delivery commences;

3) the maintenance of a fixed place of business solely for the purpose of the purchase of goods by that foreign organization;

4) the maintenance of a fixed place of business solely for the purpose of collecting, processing and (or) disseminating information, maintaining accounting records, marketing, advertising or studying the market for goods (work and services) which are sold by the foreign organization where those activities are not the main (normal) activity of that organization; [as amended by Federal Law No. 57-FZ of 29.05.2002]

5) the maintenance of a fixed place of business solely for the mere signing of contracts in the name of that organization, if the signing of contracts takes place in accordance with detailed written instructions from the foreign organization.


5. The fact of the possession by a foreign organization of securities, participating interests in the capital of Russian organizations and other property in the territory of the Russian Federation, in the absence of the criteria for a permanent establishment which are provided for in clause 2 of this Article, may not of itself be regarded for such foreign organization as giving rise to a permanent establishment in the Russian Federation.
The fact that a manager of a foreign investment fund (company) such as is referred to in clause 14 of Article 25.13 of this Code and persons employed by him and their employees and (or) representatives perform functions involving the management of the property of that fund (company) and the fact of the performance of the functions referred to in clause 3 of Article 246.2 of this Code in relation to the fund or organizations (unincorporated entities) in which the fund (company) participates or other activities directly connected with the performance of those functions may not automatically be regarded as giving rise to a permanent establishment in the Russian Federation of that fund (company), foreign organizations (unincorporated entities) in which that fund (company) directly or indirectly participates and (or) direct or indirect shareholders (participants, unit holders, partners) of that fund (company). [paragraph inserted by Federal Law No. 436-FZ of 28.12.2017]

6. The fact of the conclusion by a foreign organization of a simple partnership agreement or another agreement envisaging joint activities of the parties thereto (participants) to be carried out in whole or in part in the territory of the Russian Federation may not of itself be regarded for that organization as giving rise to a permanent establishment in the Russian Federation.

7. The fact of the provision by a foreign organization of staff for work in the territory of the Russian Federation at another organization, in the absence of the criteria for a permanent establishment which are provided for in clause 2 of this Article, may not be regarded as giving rise to a permanent establishment of the foreign organization which provided the staff if such staff acts exclusively on behalf of and in the interests of the organization to which it has been seconded. [clause 7 as reworded by Federal Law No. 116-FZ of 05.05.2014]

8. The carrying-out by a foreign organization of operations involving the importation into the Russian Federation or exportation from the Russian Federation of goods, including under the terms of foreign trade contracts, in the absence of the criteria for a permanent establishment which are provided for in clause 2 of this Article, may not be regarded as giving rise to a permanent establishment of that organization in the Russian Federation. [as amended by Federal Law No. 57-FZ of 29.05.2002]

9. A foreign organization shall be regarded as having a permanent establishment if that organization carries out supplies from the territory of the Russian Federation of goods belonging to it which have been obtained as a result of processing in the customs territory or under customs supervision, or if that organization carries out activities which meet the criteria provided for in clause 2 of this Article through a person who, on the basis of contractual relations with that foreign organization, represents its interests in the Russian Federation, acts in the Russian Federation in the name of that foreign organization, and has and habitually exercises an authority to conclude contracts or to negotiate significant conditions of contracts in the name of that organization, thereby creating legal consequences for that foreign organization (a dependent agent). [as amended by Federal Law No. 57-FZ of 29.05.2002]

Activities of a foreign organization shall not give rise to a permanent establishment in the Russian Federation if that organization carries on activities in the territory of the Russian Federation through a broker, a commission agent, a manager of a foreign investment fund (company) such as is referred to in clause 14 of Article 25.13 of this Code, a professional participant in the Russian securities market or any other person acting in the course of his main (ordinary) activities. [as amended by Federal Law No. 436-FZ of 28.12.2017]
10. The fact that a person who carries out activities in the territory of the Russian Federation is interdependent with a foreign organization, in the absence of the criteria for a dependent agent which are provided for in clause 9 of this Article, shall not be regarded as giving rise to a permanent establishment of that foreign organization in the Russian Federation.

11. Activities of UEFA (Union of European Football Associations) and subsidiary organizations of UEFA in the period up to 31 December 2021 inclusively and 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” and are foreign organizations shall not give rise to a permanent establishment of those organizations in the Russian Federation. [as amended by Federal Laws No. 101-FZ of 01.05.2019, No. 101-FZ of 20.04.2021]

12. Activities of confederations, national football associations, manufacturers of FIFA (Fédération Internationale de Football Association) media information, suppliers of FIFA goods (work and services), commercial partners of UEFA and suppliers of UEFA goods (work, services) 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” and founded, registered or based outside the territory of the Russian Federation, where carried out in the territory of the Russian Federation in connection with the carrying out of measures provided for in the above-mentioned Federal Law, shall not give rise to a permanent establishment of those organizations in the Russian Federation. [clause 12 as reworded by Federal Law No. 101-FZ of 01.05.2019]

13. Activities of FIFA broadcasters and UEFA broadcasters 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” and founded, registered or based outside the territory of the Russian Federation, where carried out in the territory of the Russian Federation under an agreement with FIFA (Fédération Internationale de Football Association) or UEFA (Union of European Football Associations) or subsidiary organizations of FIFA in connection with the carrying out of measures provided for in the above-mentioned Federal Law, shall not give rise to a permanent establishment of those organizations in the Russian Federation. [clause 13 as reworded by Federal Law No. 101-FZ of 01.05.2019]

14. The provision by a foreign organization of services such as are referred to in clause 1 of Article 174.2 of this Code for which the place of sale is deemed to be the territory of the Russian Federation shall not give rise to a permanent establishment of that organization in the Russian Federation. [clause 14 inserted by Federal Law No. 244-FZ of 03.07.2016]

15. The fact that a foreign organization such as is referred to in subsection 4 of clause 6 of Article 246.2 of this Code and persons hired by it and its employees and (or) representatives carry out in the territory of the Russian Federation functions involving the management of that organization and its activities associated with the operation of marine vessels, mixed (river-sea)
Article 307. Special Considerations Relating to the Taxation of Foreign Organizations Which Carry Out Activities Through a Permanent Establishment in the Russian Federation

1. The taxable object for foreign organizations which carry out activities in the Russian Federation through a permanent establishment shall be deemed to be:

- income received by a foreign organization as a result of carrying out activities in the territory of the Russian Federation through its permanent establishment, reduced by the amount of expenses incurred by that permanent establishment as determined with account taken of the provisions of clause 4 of this Article;

- income of a foreign organization from the possession, use and (or) disposal of property of a permanent establishment of that organization in the Russian Federation, less expenses associated with the receipt of such income;

- other types of income from sources in the Russian Federation which are referred to in clause 1 of Article 309 of this Code and are attributable to the permanent establishment.

2. The tax base shall be defined as the monetary amount of the taxable object established in clause 1 of this Article.

In determining the tax base of a foreign non-commercial organization, the provisions of clause 2 of Article 251 of this Code shall be taken into account.

3. Where a foreign organization carries out in the territory of the Russian Federation activities of a preparatory and (or) auxiliary nature in the interests of third parties which give rise to a permanent establishment, and in this respect the receipt of a fee is not provided for in relation to such activities, the tax base shall be determined as 20 per cent of the amount of the expenses of that permanent establishment which are associated with such activities.

4. Where a foreign organization has in the territory of the Russian Federation more than one division activities through which give rise to a permanent establishment, the tax base and the amount of tax shall be calculated separately for each division.

Where a foreign organization carries out activities through such divisions within the framework of a unified technological process or in other similar cases, subject to the agreement of the federal executive body in charge of control and supervision in the area of taxes and levies such organization shall have the right to calculate taxable profit attributable to its activities through a division in the territory of the Russian Federation for a group of such divisions as a whole (including for all divisions) provided that all the divisions included in the group apply the same
accounting policies for taxation purposes. In this respect, the foreign organization shall independently determine which of the divisions will maintain tax records and submit tax declarations at the location of each division. The amount of profits tax which is payable to the budget in such case shall be allocated among the divisions in accordance with the standard procedure prescribed by Article 288 of this Code. In this respect, the value of fixed assets and intangible assets and the average number of workers (labour payment fund of workers) not connected with the activities of the foreign organization in the territory of the Russian Federation through a permanent establishment shall not be taken into account. [as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 95-FZ of 29.07.2004]

A foreign organization which is the operator of a new offshore hydrocarbon deposit and which carries out activities in the territory of the Russian Federation (or activities which are recognised as such in accordance with clause 2 of Article 306 of this Code) involving hydrocarbon extraction at that new offshore hydrocarbon deposit through more than one division shall have the right to determine the tax base for such activities which are attributable to one and the same new offshore hydrocarbon deposit for a group of such divisions as a whole (including a group of all such divisions), provided that all divisions included in the group apply the same tax accounting policies. In this respect, the foreign organization shall itself determine which of the divisions is to maintain tax records and submit tax declarations at the location of each division. In this case, tax shall be paid through one such division designated by the taxpayer. A notification of the choice of division through which tax is to be paid shall be sent by the taxpayer to the tax authorities for the location of each of the divisions by 30 November of the year preceding a tax period. [paragraph inserted by Federal Law No. 268-FZ of 30.09.2013]

5. Foreign organizations which carry out activities in the Russian Federation through a permanent establishment shall apply the provisions laid down in Articles 280, 283 of this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]

6. Foreign organizations which carry out activities in the Russian Federation through a permanent establishment shall pay tax at the rates established by clause 1 of Article 284 of this Code, except for the types of income enumerated in subsections 1 and 2 and paragraph 2 of subsection 3 of clause 1 of Article 309 of this Code. Such income, where attributable to a permanent establishment, shall be taxed separately from other income at the rates which are established by subsection 3 of clause 3 and clause 4 of Article 284 of this Code. [as amended by Federal Law No. 158-FZ of 22.07.2008]

7. Where the amount of a foreign organization’s profit includes income on which tax has actually been withheld and transferred to the budget system of the Russian Federation in accordance with Article 309 of this Code by payment to the appropriate Federal Treasury account, the amount of tax payable by that organization shall be reduced by the amount of tax withheld. In the event that the amount of tax withheld in the tax period exceeds the amount of tax for that period, the amount of tax paid in excess shall be refunded or offset against future tax payments of that organization in accordance with the procedure prescribed by Article 78 of this Code. [as amended by Federal Law No. 137-FZ of 27.07.2006]

8. Foreign organizations which carry out activities in the Russian Federation through a permanent establishment shall pay advance payments and tax in accordance with the procedure prescribed by Articles 286 and 287 of this Code.
A tax declaration based on the results for a tax (reporting) period and an annual statement of activities in the Russian Federation in a form to be approved by the federal executive body in charge of control and supervision in the area of taxes and levies shall be submitted by a foreign organization which carries out activities in the Russian Federation through a permanent establishment to the tax authority for the location of the permanent establishment of that organization in accordance with the procedure and within the time limits which are established by Article 289 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 29.06.2004, No. 229-FZ of 27.07.2010]

[Paragraph excluded – Federal Law No. 57-FZ of 29.05.2002]

In the event that a permanent establishment of a foreign organization in the Russian Federation ceases activities before the end of a tax period, the tax declaration for the last reporting period shall be submitted by the foreign organization within one month from the day on which the division’s activities cease. [as amended by Federal Law No. 57-FZ of 29.05.2002]

9. Where the entrepreneurial activities of a foreign organization in the territory of the Russian Federation give rise to a permanent establishment in the territory of the Russian Federation in accordance with this Code or the provisions of an international agreement of the Russian Federation on taxation matters, the income of such permanent establishment which is taxable in the Russian Federation shall be determined with account taken of functions performed in the Russian Federation, assets used and economic (commercial) risks assumed.

The circumstances referred to in this clause shall be taken into consideration for the purpose of apportioning income and expenses between a foreign organization and its permanent establishment in the Russian Federation.
[clause 9 inserted by Federal Law No. 227-FZ of 18.07.2011]

Article 308. Special Considerations Relating to the Taxation of Foreign Organizations When Carrying Out Activities on a Building Site

1. For the purposes of this Chapter, a building site of a foreign organization in the territory of the Russian Federation shall be understood to mean:

1) a place of the construction of new or renovation, retooling and (or) repair of existing items of immovable property (with the exception of aircraft, sea-going vessels, inland vessels and spacecraft); [as amended by Federal Law No. 215-FZ of 18.07.2011]

2) a place of the construction and (or) erection, repair, renovation and (or) retooling of installations, including floating installations and drilling rigs, and of machinery and equipment whose normal functioning requires it to be firmly fixed to a foundation or to structural components of buildings, structures or floating installations. [as amended by Federal Law No. 215-FZ of 18.07.2011]

2. In determining the period of existence of a building site for the purposes of the calculation of tax and the registration of a foreign organization with the tax authorities, work and other operations whose duration is included in that period shall include all kinds of preparatory, construction and (or) erection work carried out by the foreign organization on the building site, including work involving the creation of approach roads, supply lines, electricity cables,
drainage and other infrastructure items, except for infrastructure items which are originally created for other purposes not connected with the building site in question.

If a foreign organization, being a general contractor, entrusts the performance of a part of the contract work to other persons (subcontractors), then the period of time spent by the subcontractors on the performance of work shall be deemed to be time spent by the general contractor itself. This provision shall not apply to the period of work performed by a subcontractor under direct agreements with the developer or project manager which is not included in the volume of work entrusted to the general contractor, except where those persons and the general contractor are interdependent persons in accordance with Article 105.1 of this Code. [as amended by Federal Laws No. 227-FZ of 18.07.2011, No. 337-FZ of 28.11.2011]

Where a subcontractor is a foreign organization, its activities on that building site shall also be regarded as creating a permanent establishment of that subcontractor organization.

This provision shall apply to a subcontractor organization the duration of whose activities is no less than 30 calendar days in the aggregate, provided that the general contractor has a permanent establishment. [as amended by Federal Law No. 137-FZ of 27.07.2006]

3. A building site shall be deemed to exist for tax purposes from the earlier of the following dates: the date of signing of the certificate of the transfer of the site to the contractor (the certificate of the admission of staff of a subcontractor to perform its part of the overall volume of work) or the date on which work actually commences.

A building site shall be deemed to cease to exist on the date on which an acceptance certificate for the project or the range of work provided for in the agreement is signed by the developer or project manager. A subcontractor’s work shall be deemed to have been completed on the date of the signing of an acceptance certificate for the handover of work to the general contractor. In the event that no acceptance certificate has been drawn up or work actually ceased after the signing of such certificate, a building site shall be deemed to have ceased to exist (a subcontractor’s work shall be deemed to have been completed) as at the date of the actual cessation of preparatory, construction or erection work which forms part of the volume of work of the entity in question on the building site in question. [as amended by Federal Law No. 337-FZ of 28.11.2011]

4. A building site shall not cease to exist if work on the site is temporarily suspended, except where a construction project is temporarily shut down for more than 90 calendar days on the basis of decisions of federal executive bodies, appropriate state bodies of constituent entities of the Russian Federation or local government bodies which are adopted within the limits of their authority or as a result of force majeure circumstances. [as amended by Federal Law No. 137-FZ of 27.07.2006]

The continuation or renewal after interruption of work on a building site after the signing of the certificate which is referred to in clause 3 of this Article shall result in the period during which the continued or renewed work is conducted and the interval between the work periods being added to the aggregate period of the existence of the building site only if:

1) the site (water area) on which the renewed work is carried out is the same as or immediately adjacent to the site (water area) on which the previously terminated work was carried out;
2) the continued or renewed work on the project is entrusted to the person who previously performed work on that building site, or the new and previous contractors are interdependent persons.

Where the continuation or renewal of work involves the construction or installation of a new project on the same building site or the renovation of the previously completed project, the period during which such continued or renewed work is carried out and the interval between the work periods shall likewise be added to the aggregate period of existence of the building site. [as amended by Federal Law No. 215-FZ of 18.07.2011]

In all other cases, including the performance of repairs to or the renovation or retooling of a project previously completed and handed over to the developer or project manager, the period of the continued or renewed work and the interval between the work periods shall not be added to the aggregate period of the existence of the building site which began with work on the previously completed project. [as amended by Federal Law No. 337-FZ of 28.11.2011]

5. The building or installation of such projects as the construction of roads, overpasses and canals and the laying of supply lines where the geographical location of the performance of work changes in the course of its performance shall be treated as activities carried out on one building site.

Article 309. Special Considerations Relating to the Taxation of Foreign Organizations That Do Not Carry Out Activities Through a Permanent Establishment in the Russian Federation and Receive Income from Sources in the Russian Federation

1. The following types of income received by a foreign organization that are not connected with entrepreneurial activities of that organization in the Russian Federation shall be classified as income of a foreign organization from sources in the Russian Federation and shall be assessable to tax: [as amended by Federal Law No. 376-FZ of 24.11.2014]

1) dividends paid to a foreign organization which is a shareholder (participant) of Russian organizations. [as amended by Federal Law No. 374-FZ of 23.11.2020]

For the purposes of this Article, income in the form of dividends shall also include income from the fiduciary management of property constituting a unit investment fund that is paid to a unit-holding organization on investment units owned by it in proportion to its share in the common ownership of property constituting that fund; [paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]

2) income received as a result of the distribution in favour of foreign organizations of profit or property of organizations, other persons or associations thereof, including upon their liquidation (taking into account the provisions of paragraph 2 of clause 1 of the second part of Article 250 of this Code); [subsection 2 as reworded by Federal Law No. 424-FZ of 27.11.2018]

3) interest income from any kinds of the following debt obligations, including profit-sharing and convertible bonds:
- state and municipal issuance securities for which the conditions of issue and circulation provide for income to be received in the form of interest;

[EY Note: Paragraph 3 of subsection 3 of clause 1 of Article 309 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

- other debt obligations of Russian organizations which are not referred to in paragraph 2 of this subsection;

[EY Note: A new paragraph is appended to subsection 3 of clause 1 of Article 309 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

subsection 3 as reworded by Federal Law No. 97-FZ of 29.06.2012

4) income from the use in the Russian Federation of rights in intellectual property. Such income shall include, in particular, any types of payments which are received as remuneration for the use of, or the right to use, any copyright in literary, artistic or scientific work, including cinematographic films and films or recordings for television or radio broadcasting, the use of (right to use) any patent, trademark, design or model, plan, secret formula or process, or the use of (right to use) information concerning industrial, commercial or scientific experience;

[EY Note: A new paragraph is appended to subsection 3 of clause 1 of Article 309 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

subsection 3 as reworded by Federal Law No. 376-FZ of 24.11.2014

5) income from the sale of shares (participating interests) in organizations whose assets derive more than 50 per cent of their value directly or indirectly from immovable property situated in the territory of the Russian Federation, and of financial instruments derived from such shares (participating interests), with the exception of shares which are recognised as circulated on the organized securities market in accordance with clause 9 of Article 280 of this Code;

subsection 5 as reworded by Federal Law No. 376-FZ of 24.11.2014

6) income from the sale of immovable property which is situated in the territory of the Russian Federation;

7) income from the rental or sublease of property that is used in the territory of the Russian Federation, including income from leasing operations, and income from the rental or sublease of ships and aircraft and (or) means of transport and containers used in international traffic. In this respect, income from leasing operations associated with the acquisition and use of the leased object by the lessee shall be calculated on the basis of the entire amount of the lease payment less the reimbursement of the cost of the leased property (when leasing takes place) to the lessor; [as amended by Federal Law No. 57-FZ of 29.05.2002]

8) income from international traffic (including demurrages and other payments arising in connection with transportation). For the purposes of this Article the term “demurrage” shall be used within the meaning established by the Merchant Shipping Code of the Russian Federation. [as amended by Federal Law No. 58-FZ of 06.06.2005]

International traffic shall be understood to mean any transport by ship, river vessel, aircraft, motor vehicle or rail, except where such transport takes place solely between points outside the Russian Federation;

9) fines and penalties for the violation of contractual obligations by Russian persons, state bodies and (or) executive local government bodies;
9.1) income from the sale (including redemption) of investment units in closed mutual investment funds which are classed as rental funds or real estate funds and combined and other funds whose assets derive more than 50 per cent of their value directly or indirectly from immovable property located in the territory of the Russian Federation;

10) other similar income.

1.1. The items of income referred to in clause 1 of this Article shall be assessable to tax withheld at source.
[clause 1.1 inserted by Federal Law No. 376-FZ of 24.11.2014; as amended by Federal Law No. 32-FZ of 15.02.2016]

2. Income which is received by a foreign organization from the sale of goods, other property other than that referred to in subsections 5 and 6 of clause 1 of this Article, and property rights and from the performance of work and rendering of services in the territory of the Russian Federation where this does not give rise to a permanent establishment in the Russian Federation in accordance with Article 306 of this Code shall not be taxable at source. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Re-insurance premiums and bonuses paid to a foreign partner shall not be deemed to be income from sources in the Russian Federation.

2.1. Income received in the form of dividends and resources and as a result of the distribution in favour of foreign organizations of property of a Russian organization upon its liquidation and paid by a Russian organization to confederations, national football associations, manufacturers of FIFA media information, suppliers of FIFA goods (work, services), commercial partners of UEFA, suppliers of UEFA goods (work, services) and UEFA broadcasters 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” and are foreign organizations shall not be taxable at source if it is indicated by data for each tax period from the foundation of the organization paying the dividends that the income was received from activities in connection with the carrying out of measures provided for in that Federal Law.
[clause 2.1 as reworded by Federal Law No. 101-FZ of 01.05.2019]

2.2. Payments received from an issuer of Russian depositary receipts in respect of underlying securities and income from the redemption of clearing participation certificates shall not be considered to be income from sources in the Russian Federation.

2.3. Income such as is referred to in subsection 11.1 of clause 1 of Article 251 of this Code shall not be taxable at source.
[clause 2.3 inserted by Federal Law No. 424-FZ of 27.11.2018]

3. The types of income enumerated in clause 1 of this Article shall be a taxable object for tax irrespective of the form in which such income is received, including, in particular, receipt in
kind, by means of the settlement of the organization’s obligations or in the form of the remission of its debt or the offsetting of claims against the organization.

4. In determining the tax base for the types of income referred to in subsections 5, 6 and 9.1 of clause 1 of this Article, expenses may be deducted from the amount of such income in accordance with the procedure laid down in Articles 268 and 280 of this Code. [as amended by Federal Law No. 306-FZ of 02.11.2013]

The above-mentioned expenses of a foreign organization shall be taken into account when determining the tax base if, by the date on which that income is paid, the tax agent which withholds tax on such income in accordance with this Article has at its disposal document-supported information on those expenses presented by that organization.

5. The tax base for income of a foreign organization which is taxable in accordance with this Article and the amount of tax to be withheld on such income shall be calculated in the currency in which the foreign organization receives such income. In this respect, expenses incurred in another currency shall be calculated in the same currency as that in which income was received on the basis of the official exchange rate (cross exchange rate) of the Central Bank of the Russian Federation prevailing as at the date on which those expenses were incurred.

6. Where the principal or beneficiary under a fiduciary agreement is a foreign organization which does not have a permanent establishment in the Russian Federation and the fiduciary is a Russian organization or a foreign organization which carries out activities through a permanent establishment in the Russian Federation, tax on income of such principal or beneficiary which is received within the framework of the fiduciary agreement shall be withheld and transferred to the budget by the fiduciary. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Article 309.1. Special Considerations Relating to the Taxation of Profit of Controlled Foreign Companies [inserted by Federal Law No. 376-FZ of 24.11.2014]

1. Profit (loss) of a controlled foreign company shall be understood to mean the amount of that company’s profit (loss) which has been determined by one of the following methods in accordance with the procedure established by this Article:

1) according to data in its financial statements prepared in accordance with the personal law of the company concerned for a financial year. In this case, profit (loss) of a controlled foreign company shall be understood to mean the amount of that company’s profit (loss) before taxation; [as amended by Federal Law No. 436-FZ of 28.12.2017]

2) according to the rules established by this Chapter for Russian taxpayer organizations. [clause 1 as reworded by Federal Law No. 32-FZ of 15.02.2016]

1.1. Profit (loss) of a controlled foreign company shall be determined in accordance with subsection 1 of clause 1 of this Article where one of the following conditions is met:

1) the controlled foreign company is a resident of a foreign state with which there is an international taxation agreement of the Russian Federation, with the exception of states (territories) which do not provide for the exchange of information for taxation purposes with
the Russian Federation with account taken of the special considerations laid down in clauses 3, 3.1, 7 and 8 of this Article;

2) an auditor’s opinion which does not contain an adverse opinion or a disclaimer of opinion has been submitted in relation to the financial statements.

[clause 1.1 inserted by Federal Law No. 32-FZ of 15.02.2016]

1.2. Profit (loss) of a controlled foreign company shall be determined in accordance with subsection 1 of clause 1 of this Article subject to the following requirements:

1) for the purposes of determining the profit (loss) of a controlled foreign company in accordance with subsection 1 of clause 1 of this Article, non-consolidated financial statements of the company concerned, prepared in accordance with the standard prescribed by the personal law of that company, shall be used.

Where the personal law of a controlled foreign company does not prescribe a standard for the preparation of financial statements, profit (loss) of that controlled foreign company shall be determined on the basis of data in financial statements prepared in accordance with International Financial Reporting Standards or other internationally recognised standards for the preparation of financial statements which are accepted by foreign stock exchanges and foreign depositary and clearing organizations included in the list of foreign financial intermediaries for the purpose of adopting decisions on the admission of securities for trading;

2) where the financial statements of a controlled foreign company are not subject to compulsory audit in accordance with its personal law, profit (loss) of that controlled foreign company shall be determined for the purposes of this Code on the basis of financial statements audited in accordance with international standards on auditing. The conditions established by this subsection need not be met for the purposes of the application of subsection 1 of clause 1.1 of this Article.

[clause 1.2 inserted by Federal Law No. 32-FZ of 15.02.2016]

1.3. Where the conditions established by clause 1.1 of this Article are not met, or at the option of a taxpayer-controlling person (taking into account the provisions of paragraph 2 of this clause and the provisions of clause 1.4 of this Article), profit (loss) of a controlled foreign company shall be determined in accordance with subsection 2 of clause 1 of this Article, with the exception of the provisions established by paragraphs 1 and 2 of clause 2 and clauses 3 to 5 and 7 of this Article.

Where a taxpayer opts to apply the procedure for determining profit (loss) of a controlled foreign company which is provided for in subsection 2 of clause 1 of this Article, that procedure must be applied in relation to the controlled foreign company in question for at least five tax periods from the date on which it begins to be applied, as must be stated in the accounting policies of the taxpayer-controlling person.

[clause 1.3 inserted by Federal Law No. 32-FZ of 15.02.2016]

1.4. Irrespective of whether the grounds specified in clauses 1.1 and 1.2 of this Article exist, a taxpayer-controlling person who is a physical person shall have the right to apply the procedure for determining profit (loss) of a controlled foreign company which is established by subsection 2 of clause 1 of this Article on condition that the selection of that procedure for determining profit (loss) of a controlled foreign company is stated in the tax declaration for tax on income
of physical persons of the taxpayer-controlling person and that procedure must be applied in relation to the controlled foreign company in question for at least five tax periods for tax on profit of organizations commencing from the date on which it begins to be applied.

[clause 1.4 inserted by Federal Law No. 32-FZ of 15.02.2016]

2. Profit (loss) of a controlled foreign company which has been determined on the basis of data in that company’s financial statements and is expressed in foreign currency, less dividends (distributed profit) taken into account in accordance with the procedure laid down in clause 1 of Article 25.15 of this Code, must be translated into roubles using the average exchange rate of foreign currency to the Russian Federation rouble set by the Central Bank of the Russian Federation, determined for the period for which financial statements for a financial year are prepared in accordance with the personal law of the company concerned.

The amount of profit (loss) of each controlled foreign company must be documentarily confirmed by its financial statements prepared for the period (periods) in question, accompanied by its financial and tax statements.

Where the amount of profit (loss) of a controlled foreign company is determined in accordance with subsection 2 of clause 1 of this Article, the amount of profit (loss) of the controlled foreign company shall be determined in the official currency of the state (territory) of which the foreign organization is a resident and must be translated into roubles using the average exchange rate of the foreign currency to the Russian Federation rouble set by the Central Bank of the Russian Federation, determined for the calendar year for which the amount of profit (loss) of the controlled foreign company is determined. The amount of profit (loss) of the controlled foreign company must be confirmed by documents which enable the amount of profit to be determined. Such documents include, in particular, statements of settlement accounts of the foreign controlled organization and primary documents supporting operations carried out according to the customary business practices of the foreign company.

[clause 2 as reworded by Federal Law No. 32-FZ of 15.02.2016]

3. In determining the profit (loss) of a controlled foreign company, account shall not be taken of income (expenses) of that company for the period for which financial statements for a financial year are prepared in accordance with the personal law of that company:

1) in the form of amounts from the revaluation and (or) devaluation of interests in the charter (pooled) capital (fund) of organizations, units in mutual funds of co-operatives and in mutual investment funds, securities and derivative financial instruments to fair value, carried out in accordance with applicable financial reporting standards, which were included in the pre-tax profit (loss) of the controlled foreign company;

[subsection 1 as reworded by Federal Law No. 436-FZ of 28.12.2017]

1.1) in the form of amounts of income from sales or other disposals of interests in the charter (pooled) capital (fund) of organizations, units in mutual funds of co-operatives and in mutual investment funds and securities and expenses which were included in the pre-tax profit (loss) of the controlled foreign company upon the disposal of those assets;


2) in the form of amounts of profit (loss) of subsidiary (associated) organizations (excluding dividends) which are recognised in the financial statements of the controlled foreign company
in accordance with its personal law (the accounting policies of the company for the purposes of preparing its financial statements);

3) in the form of amounts of expenses for the creation of reserves and income from the restoration of reserves. In this respect, profit of a controlled foreign company shall be reduced by amounts of expenses which reduce the amount of a previously created reserve. Where data in financial statements of a controlled foreign company prepared in accordance with its personal law for a financial year indicate a loss, expenses which reduce the amount of a previously created reserve shall increase the amount of that loss. The procedure established by this subsection for the treatment of expenses which reduce the amount of a previously created reserve in determining the profit (loss) of a controlled foreign company shall be applicable on condition that amounts of expenses which reduce previously created reserves are disclosed in the financial statements of the controlled foreign company and provided that the expenses in question are supported by documents.

[clause 3 as reworded by Federal Law No. 32-FZ of 15.02.2016]

3.1. In the case of the sale or other disposal of interests in the charter (pooled) capital (fund) of organizations, units in mutual funds of co-operatives and in mutual investment funds and securities (hereafter in this clause referred to as “financial assets”) disposals of which are recognised in the pre-tax profit (loss) of a controlled foreign company, profit (loss) of that controlled foreign company, where it is determined in accordance with subsection 1 of clause 1 of this Article, shall be adjusted for profit (loss) from disposals of those financial assets as determined in accordance with the procedure established by this clause. [as amended by Federal Law No. 368-FZ of 09.11.2020]

Profit (loss) from disposals of financial assets shall be determined as relevant income reduced by the amount of expenses in accordance with the following procedure:

- income from sales or other disposals of financial assets shall be determined in accordance with applicable financial reporting standards;

- expenses associated with sales or other disposals of financial assets shall be determined either on the basis of the value of those financial assets according to accounting data of the controlled foreign company as at the date on which the financial assets were entered in accounting records if those financial assets were entered in accounting records in the financial year which began in 2015 or in any subsequent financial year or on the basis of the value of those financial assets according to accounting data of the controlled foreign company as at the first day of the financial year which began in 2015 if those financial assets were entered in accounting records in financial years preceding the financial year which began in 2015. In this respect, in the case of the sale or other disposal of participating interests in the charter (pooled) capital (fund) of an organization, the expenses referred to in this paragraph shall also include expenses of a controlled foreign company comprising the amount of funds contributed to the property (capital) of the organization concerned in the financial year that began in 2015 or in any subsequent financial year if the expenses in question alter the value of participating interests in the charter (pooled) capital (fund) of the organization according to the accounting data of the controlled foreign company. [as amended by Federal Law No. 325-FZ of 29.09.2019]

If, as at the end of the financial year in which the disposal of financial assets occurred, there is no information on the value of those financial assets as at the date on which they were entered
in accounting records (as at the first day of the financial year which began in 2015 if those financial assets were entered in accounting records in financial years preceding the financial year which began in 2015), the taxpayer shall have the right to determine that value by adjusting income from disposals of those financial assets by amounts from the revaluation thereof, including losses from their devaluation, which were included in the controlled foreign company’s financial reports for financial years which began after 2015 inclusively.

For the purposes of this clause, the value of financial assets shall be confirmed by accounting data of the foreign organization, explanatory notes to its financial statements (if applicable) and (or) a computation based on the adjustment of income from sales or other disposals of those financial assets by amounts from the revaluation thereof determined in accordance with applicable financial reporting standards, and shall be determined in the currency of the controlled foreign company’s financial statements.


4. The following items of income shall be classed as income from passive activities for the purposes of this Code:

1) dividends;

2) income which is received as a result of the distribution of profit or property of organizations, other persons or associations thereof, including upon their liquidation;

3) interest income from debt obligations of any kind, including profit-sharing bonds and convertible bonds;

4) income from the use of rights in items of intellectual property.

Such income shall include, in particular, payments of any kind which are received as remuneration for the use of, or the right to use, any copyright in literary, artistic or scientific work, including cinematographic films and films or recordings for television or radio broadcasting, the use of (right to use) any patent, trademark, design or model, plan, secret formula or process, or the use of (right to use) information concerning industrial, commercial or scientific experience;

5) income from the sale of shares (participating interests) and (or) the assignment of rights in a foreign organization which is not a legal entity in accordance with foreign law;

6) income from operations involving derivative financial instruments;

[subsection 6 as reworded by Federal Law No. 242-FZ of 03.07.2016]

7) income from the sale of immovable property;

8) income from the rental or sublease of property, including income from leasing operations, with the exception of the following income:

- from the rental or sublease of marine vessels, mixed (river-sea) navigation vessels or aircraft and (or) means of transport and containers used in international traffic;
from the rental or sublease of underground gas storage facilities and pipelines used for the transportation of hydrocarbons.

For the purposes of this subsection, the amount of income from leasing operations involving the acquisition and use of a leased item by the lessee shall be determined on the basis of the total amount of the lease payment less the reimbursement to the lessor for the cost of the leased property (when leased);

9) income from the sale (including redemption) of investment units in mutual investment funds;

10) income from the rendering of consulting, legal, accounting, auditing, engineering, advertising, marketing and data processing services and from the performance of research and development work;

11) income from secondment services;

12) other items of income which are similar to the items of income specified in subsections 1 to 11 of this clause.

 clause 4 as reworded by Federal Law No. 32-FZ of 15.02.2016

5. Items of income not specified in clause 4 of this Article shall be classed as income from active activities for the purposes of this Code.

In this respect, income such as is referred to in subsections 3 and 6 of clause 4 of this Article shall be classed as income from active activities if the derivation of profit from such income takes place on the basis of a special permit (licence) and is the principal objective of the activities of a foreign company which is a bank in accordance with the legislation of a foreign state.

Income of a foreign company such as is referred to in subsection 6 of clause 4 of this Article shall be considered as income from active activities if the income was received from sales of goods on the basis of agreements (contracts) whose conditions provide for the delivery of an underlying asset or the income was received from hedging operations for the purpose of compensating for adverse consequences associated with changes in the value of the hedged item, and which are subject to the requirements of international financial reporting standards as derivative financial instruments, provided that the relevant information is disclosed in the financial statements of the controlled foreign company (including notes to the financial statements).


Income from operations involving term transaction financial instruments (derivative financial instruments) such as is referred to in this clause shall be considered as income from active activities provided that, if the underlying asset were sold under a purchase-sale contract, the income would not be considered as income from passive activities. [paragraph inserted by Federal Law No. 436-FZ of 28.12.2017]

[clause 5 as reworded by Federal Law No. 32-FZ of 15.02.2016]

6. The tax base of a controlled foreign company shall be determined separately in relation to each controlled foreign company.
7. Where data in the financial statements of a controlled foreign company prepared in accordance with its personal law for a financial year indicate a loss, that loss may be carried over to future periods without limitation and taken into account in determining profit of the controlled foreign company, unless otherwise established by clause 7.1 of this Article. [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 436-FZ of 28.12.2017]

7.1. A loss of a controlled foreign company which has been determined by one of the methods established by clause 1 of this Article may not be carried over to future periods unless the taxpayer-controlling person has submitted a notification of the controlled foreign company for the period for which that loss was made.

Where a taxpayer ceases to be a controlling person of a controlled foreign company, it shall lose the right to carry forward that company’s loss to future periods insofar as the part which it has not previously taken into account in calculating profit of the controlled foreign company is concerned. [paragraph inserted by Federal Law No. 436-FZ of 28.12.2017] [clause 7.1 inserted by Federal Law No. 32-FZ of 15.02.2016]

8. The aggregate loss of a controlled foreign company for the period preceding the financial year which began in 2015, as determined in accordance with the procedure established by this clause, may be carried forward to future periods in accordance with the procedure established by clause 7 of this Article and taken into account in determining profit of the controlled foreign company.

The aggregate profit (loss) of a controlled foreign company for the period preceding the financial year which began in 2015 shall be determined as the sum of pre-tax profits (losses) according to data in the financial statements of the controlled foreign company for the three financial years immediately preceding the financial year which began in 2015 without regard to the special considerations laid down in clauses 3 and 3.1 of this Article.

In this respect, if, as at the last day of the financial year immediately preceding the financial year which began in 2015, a controlled foreign company owns interests in the charter (pooled) capital (fund) of an organization, units in mutual funds of co-operatives and in mutual investment funds, securities and derivative financial instruments for which revaluation to fair value was not recognised within the pre-tax profit (loss) of the controlled foreign company in any of the three financial years immediately preceding the financial year which began in 2015, the aggregate profit (loss) of that controlled foreign company for the period preceding the financial year which began in 2015 shall be adjusted for the accumulated revaluation of those assets to fair value for the period from the date on which they were acquired (from the first day of the financial year which began in 2012 if the date of acquisition falls before that date) until the last day of the financial year immediately preceding the financial year which began in 2015. [clause 8 as reworded by Federal Law No. 436-FZ of 28.12.2017]

9. Where income of a controlled foreign company which is taken into account in determining the tax base was received as a result of the conclusion of a controlled transaction with a taxpayer in relation to which an audit was carried out to check the full calculation and payment of taxes in connection with the conclusion of transactions between interdependent persons, and in accordance with the decision which was adopted on the basis of that audit and has entered into force the transaction price was adjusted with a view to charging additional tax, for the purposes of determining the tax base that income of the controlled foreign company shall be determined with that adjustment applied.
10. Income received by a controlled foreign company from the sale of securities and (or) property rights (including participating interests and equity units) in favour of a physical person or a legal entity who or which is deemed to be a controlling person of that controlled foreign company in accordance with Chapter 3.4 of this Code, or of a Russian interdependent party thereof, and expenses of a controlled foreign company in the form of the acquisition price of securities and (or) property rights (including participating interests and equity units) shall be deducted from the profit (loss) of the controlled foreign company provided that the sale price of the securities and (or) property rights (including participating interests and equity units) was determined on the basis of the documented value thereof according to the accounting data of the controlled foreign company as at the date of transfer of ownership of those securities and (or) property rights (including participating interests and equity units), but not higher than the market value of those securities and (or) property rights (including participating interests and equity units) as at the date of transfer of ownership which is determined in accordance with Article 280 of this Code for taxpayer organizations and in accordance with Article 212 of this Code for taxpayer physical persons with account taken of the provisions of Article 105.3 of this Code.

Except as otherwise indicated in paragraphs 4 to 7 of this clause, the provisions of paragraph 1 of this clause shall apply provided that the process of the liquidation of a controlled foreign company is completed before 1 March 2019. [as amended by Federal Law No. 34-FZ of 19.02.2018]

The time limit specified in paragraph 2 of this clause for the completion of the process of the liquidation of a controlled foreign company shall be extended in the following cases:

- if a decision of shareholders (founders) or other authorized persons on the liquidation of the controlled foreign company was adopted before 1 July 2018, but the liquidation process cannot be completed before 1 March 2019 owing to restrictions imposed by the personal law of the controlled foreign company or owing to the involvement of the controlled foreign company in judicial proceedings, the process of the liquidation of the controlled foreign company must be completed not later than after 365 consecutive calendar days commencing from the date on which those restrictions and (or) judicial proceedings ended; [as amended by Federal Law No. 34-FZ of 19.02.2018]

- if the personal law of the controlled foreign company establishes a minimum period of possession of shares (participating interests, equity units) in the controlled foreign company and (or) in its subsidiaries and (or) foreign unincorporated entities, a failure to meet which gives rise to an obligation to pay tax established by the legislation of a foreign state, and the beginning of that period falls on a date before 1 January 2015 and the end of that period falls on a date after 1 March 2019, the process of the liquidation of the controlled foreign company must be completed not later than after 365 consecutive calendar days commencing from the date on which the minimum period referred to in this paragraph ended; [as amended by Federal Law No. 34-FZ of 19.02.2018]

- where a decision on the liquidation of a foreign company cannot be adopted before 1 March 2019 owing to restrictions established by the conditions of issue of circulated bonds which meet the requirements established by subsection 1 of clause 2.1 of Article 310 of this Code, the process of the liquidation of the controlled foreign company must be completed not later than
after 365 consecutive calendar days commencing from the date on which those restrictions ceased to have effect for the company concerned. [as amended by Federal Law No. 34-FZ of 19.02.2018]

In this respect, the value of securities and (or) property rights (including participating interests and equity units) acquired directly from a controlled foreign company by a taxpayer which is deemed to be a controlling person or by an interdependent party thereof shall be recognised for that taxpayer (interdependent party thereof) on the basis of the documented value according to the accounting data of the controlled foreign company as at the date of transfer of ownership of those securities and (or) property rights (including participating interests and equity units), but not higher than the market value of those securities and (or) property rights (including participating interests and equity units) as at the date of transfer of ownership which is determined in accordance with Article 280 of this Code for taxpayer organizations and in accordance with Article 212 of this Code for taxpayer physical persons with account taken of the provisions of Article 105.3 of this Code. [clause 10 as reworded by Federal Law No. 32-FZ of 15.02.2016]

11. The amount of tax calculated on profit of a controlled foreign company (excluding the amount of tax on income of physical persons calculated on fixed profit) for a particular period (except as otherwise provided by this clause) shall be reduced in proportion to the participating interest of the controlling person by the amount of tax calculated on that profit in accordance with the legislation of foreign states and (or) the legislation of the Russian Federation (including tax on income which is withheld at the source of payment of the income) and by the amount of tax on profit of organizations calculated on profit of a permanent establishment of the controlled foreign company in the Russian Federation. [as amended by Federal Laws No. 32-FZ of 15.02.2016, No. 368-FZ of 09.11.2020]

The amount of tax calculated in accordance with the legislation of a foreign state must be confirmed by documents or, where the Russian Federation does not have a currently effective international taxation agreement of the Russian Federation with a state (territory), must be certified by the competent authority of the foreign state which is in charge of control and supervision in the area of taxes.

Where a controlled foreign company forms part of a foreign consolidated group of taxpayers, a part of the amount of tax calculated in relation to that foreign consolidated group of taxpayers may be taken into account for the purposes of determining the amount of tax calculated on profit of the controlled foreign company in accordance with the legislation of a foreign state. In this respect, that part shall be determined in accordance with the procedure established by clause 2 of Article 25.13-1 of this Code for a controlled foreign company forming part of a foreign consolidated group of taxpayers. [paragraph inserted by Federal Law No. 436-FZ of 28.12.2017]

Where the legislation of a foreign state establishes a later date for the calculation of tax on profit of a controlled foreign company for a given period than the date prescribed by Chapter 23 of this Code or this Chapter for the submission of a tax declaration by a taxpayer that is a controlling person, the relevant amount of tax shall be taken into account in calculating tax on profit of the controlled foreign company for the tax period following the calendar year for which the amount of tax was calculated on that profit in accordance with the legislation of the foreign state. [paragraph inserted by Federal Law No. 368-FZ of 09.11.2020]
In this respect, the aggregate sum of amounts of taxes calculated in accordance with the legislation of a foreign state may not exceed the amount of tax calculated on profit of a controlled foreign company for the tax period following the calendar year for which the amount of tax was calculated on that profit in accordance with the legislation of the foreign state.  

[paragraph inserted by Federal Law No. 368-FZ of 09.11.2020]

The fact that a later date is established for the calculation of tax on profit of a controlled foreign company for a given period than the date prescribed by Chapter 23 of this Code or this Chapter for the submission of a tax declaration by a taxpayer that is a controlling person must be confirmed by means of appropriate documents being submitted by the taxpayer/controlling person to the tax authority for its location at the same time as submitting a tax declaration for the tax period following the calendar year for which the amount of tax was calculated on that profit in accordance with the legislation of the foreign state.  

[paragraph inserted by Federal Law No. 368-FZ of 09.11.2020]

12. Where a taxpayer/controlling person who is a physical person has submitted to the tax authority a notification of transfer to the payment of tax on income of physical persons based on fixed profit of a controlled foreign company, the provisions of this Article shall apply subject to the following special considerations:

- a loss made by the controlled foreign company before the transition to the payment of tax on income of physical persons based on fixed profit may be taken into account by the taxpayer in determining the profit of the controlled foreign company beginning from the tax period in which he withdrew from the payment of tax on income of physical persons based on fixed profit;

- a loss made by the controlled foreign company in periods in which the taxpayer paid tax on income of physical persons based on fixed profit may be taken into account by the taxpayer in determining profit of the controlled foreign company beginning from the tax period in which he withdrew from the payment of tax on income of physical persons based on fixed profit. In this respect, the amount of a loss such as is referred to in this paragraph shall be defined as a negative value from the sum of losses and profits before taxation according to the financial statements of the controlled foreign company for periods in which the taxpayer paid tax on income of physical persons based on fixed profit.

The determination of the amount of a profit (loss) and the documentation of that profit (loss) for the purposes of this clause shall take place on the basis of the combined provisions of this Article and Article 25.15 of this Code.  

[clause 12 inserted by Federal Law No. 368-FZ of 09.11.2020]

Article 310. Special Considerations Relating to the Calculation and Payment of Tax on Income Received by a Foreign Organization from Sources in the Russian Federation Which is Withheld by a Tax Agent

1. Tax on income received by a foreign organization from sources in the Russian Federation shall be calculated and withheld by the Russian organization, the foreign organization carrying out activities in the Russian Federation through a permanent establishment or the private entrepreneur that pays the income to the foreign organization each time that income of the types referred to in clause 1 of Article 309 of this Code is paid, except in the cases provided for in
clause 2 of this Article, in the currency in which the income is paid. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 325-FZ of 29.09.2019]

Tax on the types of income referred to in subsection 1 of clause 1 of Article 309 of this Code shall be calculated at the rate provided for in subsection 3 of clause 3 of Article 284 of this Code or, in the case of income of such types which is paid by an international holding company, shall be calculated at the rate provided for in subsection 1.2 of clause 3 of Article 284 of this Code in cases established by subsection 1.2 of clause 3 of Article 284 of this Code. [as amended by Federal Law No. 294-FZ of 03.08.2018]

Tax on the types of income referred to in paragraph 2 of subsection 3 of clause 1 of Article 309 of this Code shall be calculated at the rate provided for in clause 4 of Article 284 of this Code.

Tax on the types of income referred to in subsection 2, paragraph 3 of subsection 3 and subsections 4, 7 (insofar as it concerns income from the rental or sublease of property that is used in the territory of the Russian Federation, including through leasing operations), 9, 9.1 and 10 of clause 1 of Article 309 of this Code shall be calculated at the rates specified in subsection 1 of clause 2 of Article 284 of this Code. [as amended by Federal Law No. 306-FZ of 02.11.2013]

Tax on the types of income referred to in subsections 7 (insofar as it concerns income from the rental or sublease of ships, aircraft or other mobile means of transport or containers used in international traffic) and 8 of clause 1 of Article 309 of this Code shall be calculated at the rate provided for in subsection 2 of clause 2 of Article 284 of this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Tax on the types of income referred to in subsections 5 and 6 of clause 1 of Article 309 of this Code shall be calculated with account taken of the provisions of clauses 2 and 4 of that Article at the rates provided for in clause 1 of Article 284 of this Code. In the event that the expenses referred to in clause 4 of Article 309 of this Code are not deemed an expense for taxation purposes, tax on such income shall be calculated at the rates which are provided for in subsection 1 of clause 2 of Article 284 of this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The amount of tax withheld on income of foreign organizations in accordance with this clause shall be transferred by the tax agent to the federal budget in the currency of the Russian Federation in the manner prescribed by clauses 2 and 4 of Article 287 of this Code. [as amended by Federal Laws No. 205-FZ of 24.11.2008, No. 229-FZ of 27.07.2010]

In the event that income is paid to a foreign organization in kind or in another non-monetary form, including in the form of mutual offsetting, or in the event that the amount of tax to be withheld exceeds the amount of income of the foreign organization which is received in monetary form, the tax agent shall be obliged to transfer the calculated amount of tax to the budget, reducing accordingly the income of the foreign organization which is received in non-monetary form.

Tax on income in monetary form which is payable (transferable) in respect of issuance securities with mandatory centralized custody in relation to issues of issuance securities with mandatory centralized custody which underwent state registration or were assigned an identification number after 1 January 2012, except in cases established by this Article, to a person who has the right in accordance with current legislation to receive that income and is a
foreign organization shall be calculated and withheld by the depositary which effects the payment (transfer) of the income in question to the taxpayer. Where income is paid in the form of dividends on shares in international holding companies, the tax agent shall apply the tax rate established by subsection 1.2 of clause 3 of Article 284 of this Code on the basis of documentary confirmation, submitted by the company concerned on the tax agent’s request before the date of payment of the income, that it is simultaneously an international holding company and a public company as at the day of the adoption of the international company’s decision to pay dividends and that it was a public company as at 1 January 2018. [as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 490-FZ of 25.12.2018]

Tax shall be calculated and withheld by a depositary with which a depositary account of a foreign nominee holder, a depositary account of a foreign authorized holder and (or) a depositary programme depositary account are held in accordance with the provisions of Article 310.1 of this Code where income is received in monetary form on the following types of securities which are recorded in those accounts (with the exception of income which is referred to in subsection 7 of clause 2 of this Article): [as amended by Federal Laws No. 306-FZ of 02.11.2013, No. 326-FZ of 28.11.2015]

- state securities of the Russian Federation with mandatory centralized custody; [paragraph inserted by Federal Law No. 306-FZ of 02.11.2013]

- state securities of constituent entities of the Russian Federation with mandatory centralized custody; [paragraph inserted by Federal Law No. 306-FZ of 02.11.2013]

- municipal securities with mandatory centralized custody; [paragraph inserted by Federal Law No. 306-FZ of 02.11.2013]

- issuance securities with mandatory centralized custody issued by Russian organizations for which the state registration of the issue thereof or the assignment of an identification number thereto took place after 1 January 2012; [paragraph inserted by Federal Law No. 306-FZ of 02.11.2013]

- other issuance securities issued by Russian organizations (with the exception of issuance securities with mandatory centralized custody of issues which underwent state registration or were assigned an identification number before 1 January 2012). [paragraph inserted by Federal Law No. 306-FZ of 02.11.2013]

2. The amount of tax on income paid to foreign organizations shall be calculated and withheld on all the types of income referred to in clause 1 of Article 309 of this Code and in all instances of the payment of such income, except:

1) where the tax agent has been notified by the income recipient that the income payable is attributable to a permanent establishment of the income recipient in the Russian Federation, and the tax agent has available to it a document confirming the registration of the income recipient with the tax authorities; [as amended by Federal Law No. 305-FZ of 02.07.2021]

2) where a 0 per cent tax rate is provided for in Article 284 of this Code for income payable to the foreign organization; [as amended by Federal Law No. 57-FZ of 29.05.2002]

3) in instances of the payment of income received as a result of the performance of production sharing agreements if the tax and levy legislation of the Russian Federation provides for the
exemption of such income from tax withholding in the Russian Federation when transferred to foreign organizations;

4) in instances of the payment of income which, in accordance with international agreements (treaties), is not taxable in the Russian Federation, provided that the foreign organization which has an actual right to receive the income in question presents to the tax agent a confirmation such as is provided for in clause 1 of Article 312 of this Code. In this respect, where income is paid in respect of operations with foreign banks, confirmation of the foreign bank’s location in a state with which there is an international agreement (treaty) governing taxation issues shall not be required if that location is confirmed by information in generally accessible information guides; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 132-FZ of 07.06.2011, No. 376-FZ of 24.11.2014, No. 368-FZ of 09.11.2020]


6) Lost force from 01.01.2017 – Federal Law No. 242-FZ of 30.07.2010

7) in the case of the payment of interest income:

- on state securities of the Russian Federation, state securities of constituent entities of the Russian Federation and municipal securities;

- which is paid by Russian organizations on circulated bonds issued by those organizations in accordance with the legislation of foreign states;

[subsection 7 inserted by Federal Law No. 97-FZ of 29.06.2012]

8) in cases where Russian organizations pay interest income on debt obligations to foreign organizations and the following conditions are simultaneously met:

- the debt obligations of the Russian organizations in respect of which the interest income is paid arose in connection with the placement of circulated bonds by the foreign organizations;

- the foreign organizations which are issuers of circulated bonds, or the foreign organizations which are authorized to receive interest income payable on circulated bonds, or the foreign organizations to which there have been ceded rights and obligations in respect of issued circulated bonds whose issuer is another foreign organization, and to which interest income on debt obligations is paid by Russian organizations, are, as at the date on which the interest income is paid, residents of states with which the Russian Federation has international taxation agreements of the Russian Federation, and have presented to the Russian organization paying the interest income a confirmation that the foreign organization is a resident of state with which the Russian Federation has an international taxation agreement of the Russian Federation. The confirmation in question must be certified by the competent authority of the relevant foreign state. If the confirmation in question has been drawn up in a foreign language, a translation of the confirmation into Russian shall also be provided to the tax agent; [as amended by Federal Law No. 327-FZ of 28.11.2015] [subsection 8 inserted by Federal Law No. 97-FZ of 29.06.2012]

9) in cases of the payment of income to UEFA (Union of European Football Associations), 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” and are foreign organizations;

[subsection 9 as reworded by Federal Law No. 101-FZ of 01.05.2019]

10) in the case of the payment of income to confederations, national football associations, manufacturers of FIFA media information and suppliers of FIFA goods (work and services) which are referred to in the Federal Law “Concerning the Preparation and Staging in the Russian Federation of the 2018 FIFA World Cup, the 2017 FIFA Confederations Cup and the 2020 UEFA Football Championship and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” and are foreign organizations in connection with the holding of the events contemplated by the above-mentioned Federal Law.

[subsection 10 inserted by Federal Law No. 108-FZ of 07.06.2013; as amended by Federal Law No. 101-FZ of 01.05.2019]

2.1. For the purposes of clause 2 of this Article:

1) circulated bonds shall be understood to mean bonds and other debt obligations which have been listed and (or) admitted for circulation on one or more foreign stock exchanges and (or) rights in which are registered by foreign depositary and clearing organizations, provided that such foreign stock exchanges and foreign depositary and clearing organizations have been included in the list of foreign financial intermediaries. Until that list has been approved circulated bonds shall be understood to mean bonds and other debt obligations which have been listed and (or) admitted for circulation on one or more foreign stock exchanges and (or) rights in which are registered by foreign depositary and clearing organizations. The facts referred to in this subsection shall be verified on the basis of information received from relevant foreign stock exchanges and (or) foreign depositary and clearing organizations or the issue prospectuses for the relevant circulated bonds or other documents pertaining to the issue of the bonds, or on the basis of information from publicly available information sources; [as amended by Federal Laws No. 251-FZ of 23.07.2013, No. 376-FZ of 24.11.2014]

2) for the purposes of applying subsections 7 and 8 of clause 2 of this Article foreign organizations which carry on activities in the Russian Federation through a permanent establishment shall be equated with Russian organizations (insofar as those activities are concerned);

3) for the purposes of applying paragraph 2 of subsection 8 of clause 2 of this Article debt obligations of Russian organizations to foreign organizations shall be deemed to have arisen in connection with the placement of circulated bonds by foreign organizations if an indication to this effect is contained in the agreement governing the debt obligation in question and (or) in the conditions of issue of or the issue prospectus for the circulated bonds or the existence of such connection is proven by the actual movement of monetary resources upon the placement of the relevant circulated bonds;

4) the conditions prescribed by subsection 8 of clause 2 of this Article for exemption from the calculation and withholding of tax on interest income which is paid to foreign organizations shall also apply to income which is paid by a Russian organization on the basis of a surety bond, guarantee or other security provided by the Russian organization for debt obligations to a foreign organization and (or) for relevant circulated bonds, and to other income which is paid
by a Russian organization provided that such payments are provided for in the conditions of the relevant debt obligation or are made in connection with changes in the conditions of issue of circulated bonds and (or) debt obligations, including connection with the early redemption and (or) settlement thereof;

5) for the purposes of the application of subsections 7 and 8 of clause 2 of this Article, circulated bonds which foreign organizations through whose redomiciliation international companies were registered issued before the date of their registration shall be equated with circulated securities issued by Russian organizations in accordance with the legislation of foreign states provided that the bonds meet the requirements established by this clause and provided that the international companies are recognised as international holding companies in accordance with Article 24.2 of this Code as at the date on which the interest income in question is paid.

3. Where a tax agent pays to a foreign organization income which, in accordance with international agreements (treaties), is taxable in the Russian Federation at reduced rates, the amount of tax on income shall be calculated and withheld by the tax agent at the appropriate reduced rates provided that the foreign organization presents to the tax agent the confirmation which is provided for in clause 1 of Article 312 of this Code. In this respect, where income is paid on operations with foreign banks, confirmation of the permanent residence of the foreign bank in a state with which there is an international agreement (treaty) governing taxation issues shall not be required if such residence is confirmed by data in generally available information guides.

4. The tax agent shall, on the basis of the results for a reporting (tax) period and within the time limits which are established by Article 289 of this Code for the submission of tax computations, present information on amounts of income paid to foreign organizations and amounts of taxes withheld for the last reporting (tax) period to the tax authority for its location in a form to be established by the federal executive body in charge of control and supervision in the area of taxes and levies. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 29.06.2004, No. 95-FZ of 29.07.2004]

5. The special considerations established by this Article regarding the calculation and payment of tax on income received by a foreign organization from sources in the Russian Federation which is withheld by a tax agent shall apply to the calculation and payment of tax by Russian organizations which are members of a consolidated group of taxpayers and pay income to a foreign organization.

The amounts of tax in question shall be calculated, withheld and remitted to the budget by organizations which are members of a consolidated group of taxpayers on an independent basis without the participation of the responsible member of the consolidated group of taxpayers (except where the responsible member is the tax agent in accordance with the rules of this Articles).
Article 310.1. Special Considerations Relating to the Calculation and Payment of Tax in Relation to Income on State Securities and Municipal Securities and on Other Issuance Securities Issued by Russian Organizations Which is Paid to Foreign Organizations Acting in the Interests of Third Parties [article as reworded by Federal Law No. 306-FZ of 02.11.2013]

1. A depositary shall be deemed to be a tax agent responsible for calculating and paying tax in relation to income on the following securities which are recorded in a depositary account of a foreign nominee holder, a depositary account of a foreign authorized holder and (or) a depositary programme depositary account:

1) state securities of the Russian Federation with mandatory centralized custody;

2) state securities of constituent entities of the Russian Federation with mandatory centralized custody;

3) municipal securities with mandatory centralized custody;

4) issuance securities with mandatory centralized custody issued by Russian organizations for which the state registration of the issue thereof or the assignment of an identification number thereto took place after 1 January 2012;

5) other issuance securities issued by Russian organizations, with the exception of issuance securities with mandatory centralized custody of issues which underwent state registration or were assigned an identification number before 1 January 2012.

2. In the case of the payment of income such as is referred in clause 1 of this Article on securities which are recorded in a depositary account of a foreign nominee holder, the amount of tax shall be calculated and paid by the depositary which performs the functions of a tax agent on the basis of the following information: [as amended by Federal Law No. 326-FZ of 28.11.2015]

1) summarized information on organizations which exercise rights in respect of securities such as are referred to in clause 1 of this Article, with the exception of fiduciaries which act other than in the interests of a foreign investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme;

2) summarized information on organizations in whose interests a fiduciary exercises rights in respect of securities such as are referred to in clause 1 of this Article, provided that the fiduciary is acting other than in the interests of a foreign investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme.

3. Where income such as is referred to in clause 1 of this Article is paid on securities which are recorded in a depositary programme depositary account, the amount of tax shall be calculated and withheld by the depositary which performs the functions of a tax agent on the basis of the following information:

1) summarized information on organizations which exercise rights in respect of securities of a foreign issuer which certify rights in relation to securities such as are referred to in clause 1 of this Article, with the exception of fiduciaries which act other than in the interests of a foreign
investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme;

2) summarized information on organizations in whose interests a fiduciary exercises rights in respect of securities of a foreign issuer which certify rights in relation to securities such as are referred to in clause 1 of this Article, provided that the fiduciary is acting other than in the interests of a foreign investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme.

4. Where income such as is referred to in clause 1 of this Article is paid on securities which are recorded in a depositary account of a foreign authorized holder which has been opened other than in the interests of a foreign investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme, the amount of tax shall be calculated and withheld by the depositary which performs the functions of a tax agent on the basis of summarized information on the organizations in whose interests the foreign authorized holder carries out fiduciary management of the securities referred to in clause 1 of this Article.

5. Where income such as is referred to in clause 1 of this Article is paid on securities which are recorded in a depositary account of a foreign authorized holder which has been opened in the interests of a foreign investment fund (investment company) which is classified in accordance with the private law of that fund (company) as a collective investment scheme, the amount of tax shall be calculated and withheld by the depositary which performs the functions of a tax agent in accordance with the provisions of this Code and of international agreements of the Russian Federation depending on the type of income paid, on the basis of summarized information such as is provided for in clause 7 of this Article on the person for which the depositary account of a foreign authorized holder was opened.

6. The requirements established by clause 2 of this Article shall not apply to payments of income such as is referred to in clause 1 of this Article in relation to which tax has been calculated and paid by another depositary. In this respect, the depositary shall have the right to request a person which has transferred relevant income to the depositary in respect of securities such as are referred to in clause 1 of this Article to provide relevant information to the depositary.

7. Summarized information on organizations such as are referred to in clauses 2 to 5 of this Article must contain the following details:

1) in relation to organizations such as are referred to in subsection 1 of clause 2, subsection 1 of clause 3 and clause 5 of this Article – information on, accordingly, the quantity of securities such as are referred to in clause 1 of this Article and the quantity of securities of a foreign issuer certifying rights in respect of securities of the Russian organization in question in relation to which rights are exercised by organizations as at the date specified in a decision of the Russian organization to pay income on securities;

2) in relation to organizations such as are referred to in subsection 2 of clause 2, subsection 2 of clause 3 and clause 4 of this Article – information on, accordingly, the quantity of securities such as are referred to in clause 1 of this Article and the quantity of securities of a foreign issuer certifying rights in respect of securities of the Russian organization in question in relation to
which rights are exercised by a fiduciary in the interests of the organizations in question as at the date specified in a decision to pay income on securities.

8. Information on the quantity of securities such as is provided for in clause 7 of this Article shall be submitted to the tax agent with an indication of the states of which the physical persons who exercise rights in respect of securities (or in relation to whom those rights are exercised) are tax residents.

For the purposes of the application of reduced tax rates (tax exemption) established by this Code or international taxation agreements of the Russian Federation, information on the quantity of securities such as is provided for in clause 7 of this Article shall be submitted to the tax agent with an indication of:

- the states of which the physical persons who exercise rights in respect of securities (or in relation to whom those rights are exercised) and have an actual right to income paid are tax residents;

- the provisions of this Code or an international taxation agreement of the Russian Federation which stipulate the reduced tax rate (exemption from taxation).

Where the person who exercises rights in respect of securities (or in relation to whom those rights are exercised) and for whom interest income on those securities is taken into account in determining the tax base in accordance with this Code is a Russian organization, information on the quantity of securities such as is provided for in clause 7 of this Article shall be submitted to the tax agent with an indication of the taxpayer identification number of that organization.

Where income is paid in the form of dividends on shares in international holding companies, the tax agent shall apply the tax rate established by subsection 1.2 of clause 3 of Article 284 of this Code on the basis of documentary confirmation, submitted by the company concerned on the tax agent’s request before the date of payment of the income, that it is simultaneously an international holding company and a public company as at the day of the adoption of the international company’s decision to pay dividends and that it was a public company as at 1 January 2018. [paragraph inserted by Federal Law No. 490-FZ of 25.12.2018]

[clause 8 as reworded by Federal Law No. 326-FZ of 28.11.2015]

9. Where the information on organizations which is provided for in clause 7 of this Article has not been presented to a depositary in full in accordance with the procedure, in the form and within the time periods which are established by this Article, income on the securities in question must be taxed at the tax rate established by subsection 3 of clause 3 or clause 4.2 of Article 284 of this Code (except where income on securities is not taxable in accordance with this Code, or such income is taxable at the tax rate of 0 per cent, or the tax agent does not calculate and withhold tax on such income in accordance with this Code). [as amended by Federal Law No. 382-FZ of 29.11.2014]

Except as otherwise provided in this clause, a tax agent shall, with respect to income received in the form of dividends on shares in Russian organizations, calculate and pay tax on the basis of summarized information such as is provided for in clause 7 of this Article at the tax rate which is established by this Code or an international taxation agreement of the Russian Federation for income in the form of dividends and is not conditional on the participating
interest in the capital or the amount invested in the capital of an organization or the period of ownership of the shares concerned. [as amended by Federal Law No. 326-FZ of 28.11.2015]

Where the person who exercises rights in respect of securities (or in relation to whom those rights are exercised) and for whom interest income on those securities is taken into account in accordance with this Code is a Russian organization, the tax agent shall not calculate and shall not pay tax on that income provided that the tax agent has information such as is provided for in clause 8 of this Article. [paragraph inserted by Federal Law No. 326-FZ of 28.11.2015]

An amount of tax paid in excess shall be refunded to the taxpayer in accordance with the procedure established by this Code.

If the information provided for in clause 7 of this Article has not been submitted in relation to income in the form of dividends on shares (participating interests) in international holding companies which are public companies as at the day of the adoption of the decision of the company concerned to pay dividends and were public companies as at 1 January 2018, that income shall be taxable at the tax rate established by subsection 2 of clause 3 of Article 284 of this Code. The provisions of this paragraph shall apply to income paid before 1 January 2029. [paragraph inserted by Federal Law No. 490-FZ of 25.12.2018]

10. Summarized information on organizations such as is provided for in clause 7 of this Article shall be presented to a depositary by a foreign nominee holder, a foreign authorized holder or a person for whom the depositary opened a depositary programme depositary account not later than:

1) five days from the date as at which the depositary which carries out mandatory centralized custody of securities discloses information on the transfer to its depositors of payments due to them in respect of securities (in the case of securities with mandatory centralized custody);

2) seven days from the date as at which persons who have a right to receive dividends are determined in accordance with a decision of an organization (in the case of shares issued by Russian organizations).

11. A tax agent shall be obliged to pay the amount of calculated tax to the budget on the thirtieth day from the date on which it is calculated. If, before that time period expires, the tax agent is presented with a revised version of summarized information such as is provided for in clause 7 of this Article, the tax agent shall adjust the calculated amounts and pay or refund previously withheld tax on the basis of that information. Revised summarized information shall be presented by persons such as are referred to in clause 10 of this Article.

A tax agent may refrain from adjusting previously withheld tax in accordance with this clause in the event that revised summarized information such as is provided for in clause 7 of this Article was presented to the tax agent less than five days before the expiry of the time period referred to in paragraph 1 of this clause.

The payment of an amount of calculated tax following a tax adjustment shall be effected by a tax agent out of amounts of tax in respect of payments on securities which the tax agent withheld prior to the adjustment and monetary resources of persons such as are referred to in
Clause 9 of this Article in accordance with the procedure established by an agreement between the tax agent and those persons.

12. Summarized information such as is provided for in clause 7 of this Article shall be presented by a foreign organization acting in the interests of third parties in one or more of the following forms:

1) a document in paper form signed by an authorized officer of the foreign organization;

2) an electronic document signed with an enhanced qualified electronic signature or an enhanced unqualified electronic signature in accordance with Federal Law No. 63-FZ of 6 April 2011 “Concerning Electronic Signatures” without the presentation of a document in paper form;

3) an electronic document transmitted via the SWIFT international financial telecommunication system without the presentation of a document in paper form.

13. The tax agent shall determine the form (forms) to be used to present summarized information to it out of the forms provided for in clause 12 of this Article, and the conditions for the use of that form (those forms).

14. A depositary which pays income such as is referred to in clause 1 of this Article shall calculate and pay the amount of tax on profit of organizations in accordance with this Article in respect of all amounts of income paid on discount bonds issued by Russian organizations.

An amount of overpaid tax shall be refunded to the taxpayer in accordance with the procedure established by this Code.

15. A tax agent may not be obligated to calculate and pay an amount of tax in respect of payments such as are provided for in this Article which the tax agent did not withhold owing to the fact that an organization acting in the interests of third parties presented inaccurate and (or) incomplete information and (or) documents to the tax agent, or in the event of a refusal by such an organization to present information and (documents) requested in accordance with Article 310.2 of this Code at the request of a tax authority conducting an in-house or on-site tax audit (tax monitoring). [as amended by Federal Law No. 470-FZ of 29.12.2020]

A tax agent shall also not be subject to tax sanctions in the cases referred to in this clause.

16. A foreign nominee holder, a foreign authorized holder and (or) a person for whom a depositary programme depositary account has been opened shall have the right to participate in relations with a tax agent which are regulated by this Article either independently or through an authorized representative in accordance with Article 26 of this Code.

17. The requirements of this Article shall not apply to the payment of income on securities of foreign organizations, including securities which have been admitted for placement and (or) public circulation in the Russian Federation.

18. The provisions of this Article shall also apply in the case of the payment of income on securities which are recorded by the keeper of the register of holders of shares in an
international company on the ledger account of a foreign nominee holder, the ledger account of a foreign authorized holder, a depositary programme ledger account or the ledger account of a foreign registrar. In this case tax shall be calculated, withheld and paid on the basis of relevant summarized information by an international company which is recognised as a tax agent in accordance with subsection 1 of clause 7 of Article 275 of this Code.

Clause 18 inserted by Federal Law No. 490-FZ of 25.12.2018

Article 310.2. Requesting of Documents Associated with the Calculation and Payment of Tax in Respect of Income on State Securities and Municipal Securities and on Issuance Securities Issued by Russian Organizations Which is Paid to Foreign Organizations Acting in the Interests of Third Parties [inserted by Federal Law No. 306-FZ of 02.11.2013]

1. When checking that tax has been correctly calculated and paid by a tax agent in accordance with Article 310.1 of this Code in the course of conducting an in-house tax audit, and (or) an on-site tax audit, and (or) tax monitoring, the tax authorities shall have the right to request the following documents in the manner prescribed by this Code: [paragraph 1 as reworded by Federal Law No. 470-FZ of 29.12.2020]

1) copies of documents confirming the state registration and full name of an organization which, at the date specified in the decision of a Russian organization to pay income on securities, exercised rights in respect of securities of the Russian organization (securities of a foreign organization certifying rights in respect of shares in the Russian organization);

2) copies of documents confirming the state registration and full name of an organization in whose interests, at the date specified in a decision of a Russian organization to pay income on securities, a fiduciary exercised rights in respect of securities of that Russian organization (securities of a foreign organization certifying rights in respect of shares in the Russian organization);

3) copies and originals of documents confirming that, at the date specified in a decision of a Russian organization to pay income on securities, an organization exercised rights in respect of securities of that Russian organization (securities of a foreign organization certifying rights in respect of shares in the Russian organization), and, where reduced tax rates or the tax exemption provided for in this Code or international taxation agreements of the Russian Federation are applied, documents confirming the tax residence of that organization; [as amended by Federal Law No. 326-FZ of 28.11.2015]

4) copies and originals of documents confirming that, at the date specified in a decision of a Russian organization to pay income on securities, a fiduciary exercised rights in respect of securities of that Russian organization (securities of a foreign organization certifying rights in respect of shares in the Russian organization) in the interests of an organization, and documents confirming the tax residence of that organization;

5) other documents confirming the correct calculation and payment of tax, including documents supporting information presented by foreign organizations acting in the interests of third parties.

2. A request to present documents which are referred to in clause 1 of this Article shall be sent to the tax agent which calculated, withheld and paid the relevant tax in accordance with the procedure prescribed by Article 93 of this Code. Where the requested information and (or)
documents are not available, the tax agent shall send to the foreign organizations acting in the interests of third parties to which income on securities of Russian organizations was paid a request to present the documents in question.

3. Documents requested in accordance with this Article must be presented to the tax authority not later than three months from the day on which the tax agent receives the relevant request.

The time period for the presentation of documents requested in accordance with this Article may be extended by a decision of a tax authority, but not by more than three months.

4. Documents which are referred to in clause 1 of this Article may also be requested by tax authorities from a competent authority of a foreign state in cases provided for in international agreements of the Russian Federation.

Article 311. Elimination of Double Taxation

1. Income which is received by a Russian organization from sources outside the Russian Federation shall be taken into account in determining its tax base. That income shall be taken into account in full with account taken of expenses incurred both in the Russian Federation and abroad.

2. For the purpose of determining the tax base, expenses incurred by a Russian organization in connection with the receipt of income from sources outside the Russian Federation shall be deducted in accordance with the procedure and in the amounts which are established by this Chapter.

3. Amounts of tax paid in accordance with the legislation of foreign states by a Russian organization shall be offset when that organization pays tax in the Russian Federation. In this respect, the total of amounts of taxes paid outside the Russian Federation that are offset may not exceed the amount of tax payable by that organization in the Russian Federation.

An offset shall be made provided that the taxpayer presents a document confirming the payment (withholding) of tax outside the Russian Federation certified by a tax authority of the relevant foreign state in the case of taxes paid by the organization itself, or a confirmation from the tax agent in the case of taxes which are withheld by tax agents in accordance with the legislation of foreign states or an international agreement. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The confirmation which is referred to in this clause shall be valid during the tax period in which it is presented to the taxpayer. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002; as amended by Federal Law No. 326-FZ of 28.11.2015]

4. Where an organization has economically autonomous subdivisions which are located outside the territory of the Russian Federation, the organization shall pay tax (advance tax payments) and submit tax computations and tax declarations at its own location.

Article 312. Special Provisions

1. For the purposes of the application of the provisions of international agreements of the Russian Federation, a foreign organization which has an actual right to receive income must
provide to the tax agent which pays that income a confirmation that the foreign organization is a resident of a state with which the Russian Federation has an international taxation agreement of the Russian Federation, which must be certified by the competent authority of the foreign state concerned. In the event that the confirmation has been drawn up in a foreign language, a translation into Russian shall also be provided to the tax agent. In addition to this, in order for the provisions of international agreements of the Russian Federation to be applied the foreign organization must present to the tax agent which pays income a confirmation that the organization has an actual right to receive the income in question. Where a foreign organization which has an actual right to receive income provides the above-mentioned confirmations to the tax agent paying the income before the date of payment of income in relation to which an international agreement of the Russian Federation provides for preferential tax treatment in the Russian Federation, the provision of those confirmations shall be a basis for the income in question be exempted from the withholding of tax at source or for tax to be withheld at source at reduced rates.

The requirement to provide confirmation of residence shall not apply to international organizations established in accordance with international agreements of the Russian Federation. For the purposes of this Article, such international organizations shall provide confirmation that they have an actual right to receive particular income. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019] [clause 1 as reworded by Federal Law No. 32-FZ of 15.02.2016]

1.1. In the event that a foreign organization (a foreign unincorporated entity) acknowledges in relation to income from sources in the Russian Federation that it does not have an actual right to receive that income, the provisions of international agreements of the Russian Federation and (or) this Code may be applied in relation to another person if that person has an actual right to the income in question and, in the case of payments of dividend income, if that person also has a direct and (or) indirect participation in the Russian organization which paid the dividend income and the documents referred to in this Article have been provided to the tax agent which pays the income in question. [as amended by Federal Law No. 424-FZ of 27.11.2018]

In this respect, the next successive person which has a direct participating interest in the person which recognised that it does not have an actual right to income in the form of dividends may claim an actual right to that income. In the event that the next successive person acknowledges that it does not have an actual right to income in the form of dividends paid by a Russian organization, the right to apply the provisions of international agreements of the Russian Federation and (or) this Code shall arise for the next successive person in the chain of participation. [as amended by Federal Law No. 424-FZ of 27.11.2018]

In the event that a person who has an actual right to receive income in the form of dividends and has an indirect participating interest in the organization which paid the dividend income is a tax resident of the Russian Federation, the tax rate set by subsection 2 of clause 3 of Article 284 of this Code may be applied to the tax base which is determined for income received in the form of dividends subject to the provision to the tax agent which pays that income of the information (documents) referred to in this Article. [as amended by Federal Laws No. 294-FZ of 03.08.2018, No. 374-FZ of 23.11.2020]

In this respect, the indirect participation of each successive person having an actual right to receive income in the Russian organization which pays income in the form of dividends shall,
for the purposes of this Article, be equated with direct participation in the Russian organization which pays income in the form of dividends. [as amended by Federal Laws No. 294-FZ of 03.08.2018, No. 374-FZ of 23.11.2020]

[Paragraphs 5-7 lost force from 01.01.2021 – Federal Law No. 374-FZ of 23.11.2020]

Where a Russian organization has a direct participating interest in a foreign organization and that foreign organization acknowledges not having an actual right to income in the form of dividends on shares (participating interests) in that Russian organization (depositary receipts certifying rights to shares in that Russian organization), that Russian organization shall be deemed to have an actual right to the income concerned in accordance with the procedure and subject to the special considerations which are established by clause 1.6 of this Article. [as amended by Federal Law No. 493-FZ of 25.12.2018]

[clause 1.1 as reworded by Federal Law No. 32-FZ of 15.02.2016]

1.2. Where a tax agent pays income in the form of dividends, in order for the provisions of international agreements of the Russian Federation and (or) tax rates established by this Code to be applied a foreign organization which has received the dividend income and the person who has an actual right to the dividends must present the following information (documents) to the tax agent in addition to the documents referred to in clause 1 of this Article:

1) documentary confirmation that the foreign organization acknowledges that it does not have an actual right to receive that income;

2) information on the person whom the foreign organization recognises as the actual recipient of the income (with an indication of the participating interest and documentary evidence of the manner of direct participation in that foreign organization and indirect participation in the Russian organization which is the source of the dividends, and the state (territory) of which the person is a tax resident).

[clause 1.2 as reworded by Federal Law No. 32-FZ of 15.02.2016]

1.2-1. Where a tax agent pays income on securities which are the object of a repo transaction or the subject of a securities loan (or other similar contracts) in favour of a foreign organization which is the recipient of securities in the first leg of the repo or the borrower under the securities lending agreement (or other similar contracts) between the settlement dates of the first and second legs of the repo or during the term of the securities lending agreement (or other similar contracts), in order for the provisions of international agreements of the Russian Federation and (or) tax rates established by this Code to be applied the following information (documents) shall be provided to the tax agent before the date on which income is paid on securities:

1) a confirmation letter to the effect that the foreign organization in whose favour income is paid on securities under the terms of the repo contract, the securities lending agreement or another similar contract is not the person that has an actual right to that income;

2) copies of the contracts referred to in subsection 1 of this clause;

3) information on the person that acknowledges an actual right to income on the securities;
4) the documents stipulated by clause 1 of this Article in relation to the person (persons) that acknowledges (acknowledge) an actual right to the income concerned.

In this respect, in the case of the payment of dividend income, the requirement of clause 1.1 of this Article concerning the direct and (or) indirect participation of a person that has an actual right to dividends in the Russian organization that pays income shall be considered to be met for the purposes of the application of the provisions of international agreements of the Russian Federation and (or) tax rates established by this Code.

[clause 1.2-1 inserted by Federal Law No. 424-FZ of 27.11.2018]

1.3. The special considerations established by this Article with regard to the calculation and payment of tax on income which is withheld by a tax agent in accordance with Chapter 23 of this Code shall also apply to the calculation and payment of tax by Russian organizations which pay income in the event that the actual recipient of that income is a physical person who is deemed to be a tax resident of the Russian Federation. In this respect, the tax rate established by clause 1 of Article 224 of this Code shall apply.

[clause 1.3 as reworded by Federal Law No. 424-FZ of 27.11.2018]

1.4. The provisions of clauses 1 to 1.3 of this Article shall not apply in the context of the application of the provisions of international taxation agreements of the Russian Federation by tax agents in cases provided for in Article 310.1 of this Code.

[clause 1.4 inserted by Federal Law No. 376-FZ of 24.11.2014]

1.5. Where a foreign organization such as is referred to in clause 1 of this Article or a person such as is referred to in subsection 2 of clause 1.2 of this Article is a physical person, or a state sovereign fund, or an organization whose ordinary shares and (or) depositary rights certifying rights to shares have been admitted for trading on the Russian organized securities market or on one or more foreign stock exchanges situated in the territories of foreign states which are members of the Organization for Economic Co-Operation and Development, and the proportion of ordinary shares and (or) depositary receipts certifying rights to shares that have been admitted for trading on all such foreign stock exchanges as a whole exceeds 25 per cent of the organization’s charter capital, or where it is an organization in which the Russian and (or) a foreign state has a direct participation (unless the state (territory) in question has been included in the list established by Article 25.13.1 of this Code of states (territories) which do not provide for the exchange of information for taxation purposes with the Russian Federation) and that participation, determined with account taken of the provisions of Article 105.2 of this Code, amounts to not less than 50 per cent, that person or that organization shall be deemed to be a person that has an actual right to income provided that that person or that organization submits an a appropriate confirmation letter concerning the possession of an actual right to income and documents confirming that the conditions established by this clause are met in relation to the organization concerned.

[clause 1.5 inserted by Federal Law No. 424-FZ of 27.11.2018]

1.6. A Russian organization shall be deemed to have an actual right to income such as is referred to in paragraph 8 of clause 1.1 of this Article to an extent corresponding to that Russian organization’s direct participating interest in a foreign organization that has acknowledged not having an actual right to that income and not exceeding the amount of dividends on shares (participating interests) in the foreign organization in question that were received by that Russian organization within the time period established by paragraph 2 of this clause plus the
appropriate amount of taxes withheld at the source of payment of those dividends on shares (participating interests) in the foreign organization.

For the purposes of this clause, dividends on shares (participating interests) in a foreign organization that has acknowledged not having an actual right to income must be paid to a Russian organization within 120 calendar days following the day on which dividends on shares (participating interests) in that Russian organization (depository receipts certifying rights to shares in that Russian organization) were paid to the foreign organization in question.

If the conditions stipulated by this clause are met, income in the form of dividends received by a foreign organization on shares (participating interests) in a Russian organization (depository receipts certifying rights to shares in that Russian organization) with respect to which the Russian organization is deemed to have an actual right to income to the corresponding extent shall be exempt from taxation.

Where a Russian organization has a direct participating interest in a foreign organization and that foreign organization acknowledges not having an actual right to income in the form of dividends on shares in that Russian organization (depository receipts certifying rights to shares in that Russian organization), that Russian organization shall be obliged to notify the depository that effects payment of that dividend income, before the date of payment of the income, of the fact that the foreign organization has acknowledged not having an actual right to the income, of the number of shares in that Russian organization (depository receipts certifying shares in that Russian organization) in respect of which those dividends are paid and of the size of that Russian organization’s direct participating interest in the foreign organization that has acknowledged not having an actual right to the income in question.

In the event that income of a foreign organization in relation to which that foreign organization has acknowledged not having an actual right and which was received in the form of dividends on shares (participating interests) in a Russian organization (depository receipts certifying rights to shares in that Russian organization) that has a direct interest in the foreign organization in question, insofar as it corresponds to the participating interest of that Russian organization in the foreign organization in question, exceeds the amount of dividends on shares (participating interests) in the foreign organization that were paid to that Russian organization within the time period established by paragraph 2 of this clause plus the amount of taxes withheld at the source of payment of those dividends on shares (participating interests) in the foreign organization, income in the form of that excess shall be taxable at the rate established by subsection 3 of clause 3 of Article 284 of this Code. In this case, tax shall be paid by a Russian organization/tax agent such as is referred to in subsection 4 of clause 7 of Article 275 of this Code not later than ten days from the expiry of the time period established by paragraph 2 of this clause.

For the purposes of the application of this clause, amounts of dividends paid and amounts of taxes withheld at the source of payment of dividends on shares (participating interests) in a foreign organization, where denominated in a foreign currency, shall be translated into roubles using the official exchange rate established by the Central Bank of the Russian Federation as at the date of the adoption of the decision to pay the dividends in question.

[clause 1.6 inserted by Federal Law No. 493-FZ of 25.12.2018]
2. Tax previously withheld on income paid to foreign organizations for which special tax treatment is provided for in international agreements of the Russian Federation governing taxation issues or this Article shall be refunded subject to the presentation of the following documents: [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 376-FZ of 24.11.2014]

- a claim for a refund of tax withheld in a form to be prescribed by the federal executive body in charge of control and supervision in the area of taxes and levies; [as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 95-FZ of 29.07.2004]

- confirmation that, at the time when the income was paid, the foreign organization had a permanent location in a state with which the Russian Federation has an international agreement (treaty) governing taxation issues, which must be certified by a competent authority of the relevant foreign state;

- a copy of the agreement (or other document) in accordance with which income was paid to the foreign legal entity and copies of payment documents confirming the transfer to the budget system of the Russian Federation by payment to the appropriate Federal Treasury account of the amount of tax which is refundable, except in cases of the payment of income on securities of Russian organizations. [as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 282-FZ of 29.12.2012]

In the case of the refund of tax withheld in accordance with Article 214.6 or 310.1 of this Code, the following documents shall additionally be presented: [as amended by Federal Law No. 306-FZ of 02.11.2013]

- a document confirming that the applicant exercised rights in respect of the securities of a Russian organization (securities of a foreign organization certifying rights in relation to securities of a Russian organization) in respect of which income was paid as at the date specified in the decision of the Russian organization to pay income, or a document confirming that rights in respect of those securities were exercised by a management company in the applicant’s interests as at the date specified in the decision of the Russian organization to pay income; [as amended by Federal Law No. 306-FZ of 02.11.2013]

- a document confirming the amount of income on securities of a Russian organization (securities of a foreign organization certifying rights in relation to securities of a Russian organization), including securities placed by the applicant under fiduciary management, which was actually paid to the applicant (the management company of the applicant); [as amended by Federal Law No. 306-FZ of 02.11.2013]

- a document containing details of a depositary (depositaries) which, either directly or through third parties, transferred an amount of income on securities of a Russian organization to a foreign organization which, in accordance with the private law of that foreign organization, has the right to record and transfer rights in respect of securities, and which recorded the securities of the applicant (the management company of the applicant); [paragraph inserted by Federal Law No. 306-FZ of 02.11.2013]

- a document confirming that the person which exercised rights in respect of shares in a Russian organization (securities of a foreign organization certifying rights in respect of shares in a Russian organization) or the person in whose interests a fiduciary exercised rights in respect of those securities as at the date specified in a decision of the Russian organization to pay dividend
income meets additional conditions which are laid down in this Code or an international agreement of the Russian Federation as necessary in order for income payable (paid) in the form of dividends to qualify for a reduced tax rate (in the case of the refund of tax in connection with the application of a reduced tax rate). [paragraph inserted by Federal Law No. 306-FZ of 02.11.2013]

In the event that the above-mentioned documents have been drawn up in a foreign language, the tax authority shall have the right to require them to be translated into Russian. Notarization shall not be required for contracts, payment documents and translations thereof into Russian. No documents other than those listed above may be required.

The claim for a refund of amounts of taxes previously withheld in the Russian Federation and other documents enumerated in this clause shall be presented by the foreign (actual) recipient of income to the tax authority where the tax agent is registered within three years after the end of the tax period in which the income was paid, except as otherwise provided as a result of the conduct of a mutual agreement procedure in accordance with an international tax agreement of the Russian Federation. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 376-FZ of 24.11.2014, No. 325-FZ of 29.09.2019]

The refund of tax previously withheld (and paid) shall be effected by the tax authority where the tax agent is registered in the currency of the Russian Federation after the claim and the other documents provided for in this clause are submitted in accordance with the procedure prescribed by Article 78 of this Code. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 137-FZ of 27.07.2006]

3. Where a tax agent which pays income withheld tax on income of a foreign organization without applying reduced rates (tax exemptions) provided for in an international taxation agreement of the Russian Federation, or tax on income of a foreign organization was calculated and paid following the performance of tax control measures, the amount of that tax shall be deemed to be an amount of overpaid tax and the person who has an actual right to receive that income shall have the right to apply for a credit (refund) of that tax in accordance with the procedure established by this Code by providing the documents referred to in this Article to the tax authority for the location of the tax agent.
[clause 3 as reworded by Federal Law No. 32-FZ of 15.02.2016]

[4. Lost force – Federal Law No. 32-FZ of 15 February 2016]

**Article 313. Tax Accounting. General Provisions**

Taxpayers shall calculate the tax base on the basis of the results for each reporting (tax) period on the basis of tax accounting data. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Tax accounting is a system for the summarization of information for the purpose of determining the tax base for tax on the basis of data in primary documents that have been grouped in accordance with the procedure prescribed by this Code.

In the event that accounting ledgers contain insufficient information to determine the tax base in accordance with the requirements of this Chapter, the taxpayer shall have the right independently to insert additional particulars in the accounting ledgers which are used, thereby
creating tax ledgers, or to maintain separate tax ledgers. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

Tax accounting shall be carried out for the purpose of forming complete and accurate information on the procedure for accounting for taxation purposes for economic operations which have been carried out by a taxpayer during a reporting (tax) period, and providing information to internal and external users in order to enable monitoring of the correct calculation and the complete and timely payment of tax to the budget.

The system of tax accounting shall be organized by the taxpayer independently on the basis of the principle of the consistent application of the norms and rules of tax accounting, i.e. it shall be applied consistently from one tax period to the next. The procedure for the maintenance of tax records shall be established by the taxpayer in its accounting policies for taxation purposes which are approved by an appropriate order (instruction) of the director. Tax authorities and other authorities shall not have the right to establish compulsory forms of tax accounting documents for taxpayers. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The procedure for accounting for particular economic operations and (or) items for taxation purposes shall be amended by a taxpayer in the event that changes occur in tax and levy legislation or in accounting methods used. The decision on the making of amendments to accounting policies for taxation purposes shall be adopted from the beginning of a new tax period in the case of changes in accounting methods used and no earlier than the moment of the entry into force of changes in the norms of tax and levy legislation in the case of changes in that legislation. [as amended by Federal Law No. 57-FZ of 29.05.2002]

In the event that a taxpayer has begun to carry out new types of activity, it must also determine and reflect in the accounting policies for taxation purposes the principles of and procedure for the reflection of those types of activity for taxation purposes.

Tax accounting data must reflect the procedure for the determination of the amount of income and expenditure, the procedure for the determination of the proportion of expenses which are taken into account for taxation purposes in the current tax (reporting) period, the amount of the balance of expenses (losses) which is to be charged to expenses in ensuing tax periods, the procedure for the determination of amounts of created reserves and the amount of indebtedness in respect of tax settlements with the budget. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Tax accounting data shall be supported by:

1) primary accounting documents (including accountants’ reports);

2) analytical tax ledgers;

3) a computation of the tax base.

The forms of analytical tax ledgers for the determination of the tax base, being tax accounting documents, must without fail contain the following particulars:

- the name of the ledger;
- the period (date) in which (on which) it is drawn up;
- indicators for operations expressed in physical terms (where possible) and in monetary terms;
- the names of the economic operations;
- the signature (name in print) of the person responsible for drawing up the ledgers.

The content of tax accounting data (including data in primary documents) shall constitute tax secrets. Persons who have gained access to information contained in tax accounting data shall be obliged to preserve tax secrets. Should they divulge those secrets they shall bear the liability which is established by current legislation. [as amended by Federal Law No. 57-FZ of 29.05.2002]

**Article 314. Analytical Tax Ledgers**

Analytical tax ledgers shall be consolidated forms for the systematization of tax accounting data for a reporting (tax) period, grouped in accordance with the requirements of this Chapter without being allocated to (reflected in) bookkeeping accounts.

Tax accounting data shall be data which are recorded in calculation tables, accountants’ reports and other documents of a taxpayer which group information on taxable objects.

Tax accounting data shall be formed on the basis of the assumption of the continuous reflection of accounting items in chronological order for taxation purposes (including operations the results of which are recorded in more than one reporting period or are carried forward over a number of years).

In this respect, analytical records of tax accounting data must be so organized by the taxpayer as to disclose the procedure for the determination of the tax base. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Analytical tax ledgers are intended to be used for the systematization and accumulation of information contained in primary documents which have been accepted for accounting purposes and analytical tax accounting data for reflection in the computation of the tax base.

Tax ledgers shall be maintained in the form of special forms in paper format, in electronic form and (or) on any machine-readable media. [as amended by Federal Law No. 57-FZ of 29.05.2002]

In this respect, the forms of tax ledgers and the procedure for the reflection therein of analytical tax accounting data and data in primary accounting documents shall be developed by the taxpayer independently and shall be established by appendices to the organization’s accounting policies for taxation purposes.

The correct reflection of economic operations in tax ledgers shall be ensured by the persons who draw up and sign those ledgers.

Stored tax ledgers must be protected against unauthorized corrections.
Any correction of errors in a tax ledger must be substantiated and confirmed by the signature of the responsible person making the correction with an indication of the date of and the reason for the correction. [as amended by Federal Law No. 57-FZ of 29.05.2002]

**Article 315. Procedure for Drawing Up the Computation of the Tax Base**

The computation of the tax base for a reporting (tax) period shall be drawn up by a taxpayer independently in accordance with the norms which are established by this Chapter on the basis of tax accounting data on a cumulative total from the beginning of the year.

The computation of the tax base must contain the following data:

1. The period for which the tax base is determined (on a cumulative total from the beginning of the tax period).

2. The amount of sales income received in the reporting (tax) period, including:
   1) receipts from the sale of goods (work and services) of own production and receipts from the sale of property and property rights, with the exception of the receipts referred to in subsections 2 to 7 of this clause; [as amended by Federal Law No. 57-FZ of 29.05.2002]
   2) receipts from the sale of securities which are not circulated on the organized market;
   3) receipts from the sale of securities which are circulated on the organized market; [subsection 3 inserted by Federal Law No. 57-FZ of 29.05.2002]
   4) receipts from the sale of bought-in goods;
   6) receipts from the sale of fixed assets;
   7) receipts from the sale of goods (work and services) of service plants and holdings.

3. The amount of expenses incurred in the reporting (tax) period which reduce the amount of sales income, including:
   1) expenditure on the production and sale of goods (work and services) of own production and expenses incurred in connection with the sale of property and property rights, with the exception of the expenses referred to in subsections 2 to 6 of this clause. [as amended by Federal Law No. 57-FZ of 29.05.2002]

   In this respect, the total amount of expenses shall be reduced by amounts of balances of work-in-progress and balances of goods in stock and goods despatched but not sold as at the end of the reporting (tax) period, as determined in accordance with Article 319 of this Code;

   2) expenses incurred in connection with the sale of securities which are not circulated on the organized market;
3) expenses incurred in connection with the sale of securities which are circulated on the organized market;
   [subsection 3 inserted by Federal Law No. 57-FZ of 29.05.2002]

4) expenses incurred in connection with the sale of bought-in goods;

5) expenses associated with the sale of fixed assets;

6) expenses incurred by service plants and holdings in connection with the sale by them of goods (work and services).

4. Profit (losses) from sales, including:

1) profit from the sale of goods (work and services) of own production and profit (loss) from the sale of property and property rights, with the exception of the profit (loss) referred to in subsections 2, 3, 4 and 5 of this clause; [as amended by Federal Law No. 57-FZ of 29.05.2002]

2) profit (losses) from the sale of securities which are not circulated on the organized market;

3) profit (loss) from the sale of securities which are circulated on the organized market;
   [subsection 3 inserted by Federal Law No. 57-FZ of 29.05.2002]

4) profit (losses) from the sale of bought-in goods;

5) profit (losses) from the sale of fixed assets;

6) profit (losses) from the sale of service plants and holdings.

5. The amount of non-sale income, including:

1) income from operations involving derivative financial instruments circulated on the organized market;

2) income from operations involving derivative financial instruments not circulated on the organized market.
   [clause 5 as reworded by Federal Law No. 242-FZ of 03.07.2016]

6. The amount of non-sale expenses, including in particular:

1) expenses associated with operations involving derivative financial instrument circulated on the organized market;

2) expenses associated with operations involving derivative financial instrument not circulated on the organized market.
   [clause 6 as reworded by Federal Law No. 242-FZ of 03.07.2016]

7. Profit (losses) from non-sale operations.

8. The total tax base for the reporting (tax) period.
9. For the purpose of determining the amount of taxable profit, there shall be deducted from the tax base the amount of losses which are carried forward in accordance with the procedure prescribed by Article 283 of this Code.

Article 316. Procedure for Tax Accounting for Sales Income

Sales income shall be determined by type of activity where, for a different type of activity, a taxation procedure is prescribed, a different rate of tax applies or a procedure is prescribed for accounting for profit and losses arising from the type of activity in question which differs from the normal procedure. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The amount of sales receipts shall be determined in accordance with Article 249 of this Code with account taken of the provisions of Article 251 of this Code as at the date on which income and expenses are recognised in accordance with the method of recognising income and expenses for taxation purposes which has been chosen by the taxpayer.

Where the price of goods (work and services) and property rights which are sold is expressed in the currency of a foreign state, the amount of sales receipts shall be translated into roubles as at the date of sale. Where an advance payment or deposit is received by a taxpayer which recognises income and expenses in accordance with the accrual basis, the amount of receipts from sales insofar as the amount of the advance payment or deposit is concerned shall be determined on the basis of the official exchange rate established by the Central Bank at the date of receipt of the advance payment or deposit. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 395-FZ of 28.12.2010]

[Fourth part lost force – Federal Law No. 81-FZ of 20.04.2014]

Where sales are effected through a commission agent, the taxpayer - client shall determine the amount of sales receipts as at the date of sale on the basis of the commission agent’s notification of the sale of property (property rights) belonging to the client. In this respect, the commission agent must, within three days after the end of the reporting period in which such a sale took place, notify the client of the date of the sale of property belonging to the client.

If settlements in respect of sales are effected on the basis of the provision of credit against goods, the amount of receipts shall likewise be determined as at the date of sale and shall include the amount of interest charged for the period from the moment of despatch up to the moment of transfer of ownership of the goods.

Interest charged for the use of credit against goods from the moment of the transfer of ownership of the goods up to the moment of full settlement in respect of obligations shall be included in the composition of non-sale income.

In the case of production operations with a prolonged (more than one tax period) technological cycle where the conditions of agreements concluded do not provide for the phased handover of work (services), the taxpayer shall independently allocate income from the sale of that work (those services) taking into account the principle of evenness in the recognition of income on the basis of accounting data. In this respect, the principles and methods in accordance with which sales income is allocated must be approved by the taxpayer in its accounting policies for...
Article 317. Procedure for Tax Accounting for Certain Types of Non-Sale Income

For purposes of determining non-sale income in the form of fines, penalties or other sanctions for the violation of contractual obligations and amounts of compensation for losses or damage, taxpayers which recognise income according to the accrual-basis method shall reflect amounts due in accordance with the conditions of the agreement. In the event that the conditions of the agreement do not establish the amount of fines or compensation for losses, no obligation to assess non-sale income shall arise for the taxpayer – recipient with respect to that type of income. Where a debt is recovered through the courts, an obligation to assess such non-sale income shall arise for the taxpayer on the basis of the court decision which has entered into legal force. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Article 318. Procedure for Determining the Amount of Expenses for the Production and Sale of Goods

1. Where a taxpayer determines income and expenses according to the accrual-basis method, production and sale expenses shall be determined with account taken of the provisions of this Article.

For the purposes of this Chapter, production and sale expenses which are incurred during a reporting (tax) period shall be subdivided into:

1) direct expenses;

2) indirect expenses.

Direct expenses may be taken to include, in particular: [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

- material expenditures as defined in accordance with subsections 1 and 4 of clause 1 of Article 254 of this Code; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- expenses associated with payment for the labour of staff who participate in the process of the production of goods, the performance of work and the rendering of services, and compulsory pension insurance expenses for compulsory social insurance against temporary incapacity for work and in connection with maternity, compulsory medical insurance and compulsory social insurance against industrial accidents and occupational illnesses which are charged on those amounts of labour payment expenses; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005, No. 213-FZ of 24.07.2009, No. 177-FZ of 29.06.2015]

- amounts of amortization charged on fixed assets which are used in the production of goods, work and services. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Indirect expenses shall include all other amounts of expenses, with the exception of non-sale expenses as defined in accordance with Article 265 of this Code which are incurred by a taxpayer during a reporting (tax) period. [as amended by Federal Law No. 57-FZ of 29.05.2002]
A taxpayer shall independently determine in its accounting policies for taxation purposes the range of direct expenses associated with the production of goods (performance of work, rendering of services). [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

2. In this respect, the amount of indirect production and sale expenses incurred in a reporting (tax) period shall be wholly included in expenses for the current reporting (tax) period with account taken of the requirements stipulated by this Code. A similar procedure shall apply with respect to the inclusion of non-sale expenses in expenses for the current period. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

Direct expenses shall be included in expenses for the current reporting (tax) period as and when the products, work and services in whose value they have been included in accordance with Article 319 of this Code are sold. [as amended by Federal Law No. 58-FZ of 06.06.2005]

Taxpayers which render services shall have the right to deduct the full amount of direct expenses incurred in a reporting (tax) period from production and sale income for that reporting (tax) period without allocating them to balances of work-in-progress. [paragraph inserted by Federal Law No. 58-FZ of 06.06.2005]

3. Where, in relation to certain types of expenses, limitations are stipulated in accordance with this Chapter as to the amount of expenses which may be taken into account for taxation purposes, the base for the calculation of the maximum amount of such expenses shall be determined on a cumulative total from the beginning of the tax period. In this respect, in the case of expenses of a taxpayer which are associated with the voluntary insurance of (pension provision for) its employees, the maximum amount of expenses shall be determined with account taken of the period of validity of the agreement in the tax period, beginning on the date on which the agreement entered into force. [clause 3 inserted by Federal Law No. 57-FZ of 29.05.2002]

**Article 319. Procedure for the Valuation of Balances of Work-in-Progress, Balances of Finished Products and Balances of Goods Despatched**

1. For the purposes of this Chapter, work-in-progress (hereinafter referred to as “WIP”) shall be understood to mean goods (work and services) which are partially ready, i.e. have not undergone all the processing (manufacturing) operations involved in the technological process. WIP shall include products and work and services which have been completed but have not been wholly accepted by the client. WIP shall also include balances of unfulfilled orders of plants and balances of intermediate products of own production. Materials and intermediate products in production shall be classified as WIP provided that they have already been processed. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The taxpayer shall value the balances of WIP as at the end of the current month on the basis of data in primary accounting documents concerning the movement and balances (expressed in quantitative terms) of raw materials and other materials and finished products for each department (production unit and other production subdivision of the taxpayer) and tax accounting data concerning the amount of direct expenses incurred in the current month. [as amended by Federal Law No. 57-FZ of 29.05.2002]

A taxpayer shall independently determine the procedure for the allocation of direct expenses to WIP and to products manufactured in the current month (work performed, services rendered)
with account taken of the appropriateness of the expenses incurred to the products manufactured (work performed, services rendered). [as amended by Federal Law No. 58-FZ of 06.06.2005]

The above-mentioned procedure for the allocation of direct expenses (the determination of WIP value) shall be established by a taxpayer in the accounting policies for taxation purposes and must be applied for at least two tax periods. [as amended by Federal Law No. 58-FZ of 06.06.2005]

Where it is impossible to attribute direct expenses to a specific production process involved in the manufacture of a particular type of product (work, services), the taxpayer shall, in its accounting policies for taxation purposes, independently determine a mechanism for the allocation of those expenses using economically justified indicators. [as amended by Federal Law No. 58-FZ of 06.06.2005]

The amount of balances of work-in-progress as at the end of the current month shall be included in the composition of direct expenses for the following month. After the tax period has ended, the amount of balances of work-in-progress as at the end of the tax period shall be included in the composition of expenses for the following tax period in accordance with the procedure and subject to the conditions which are laid down in this Article. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 58-FZ of 06.06.2005]

2. The balances of finished products in stock as at the end of the current month shall be valued by the taxpayer on the basis of data in primary accounting documents concerning the movement and balances of finished products in stock (expressed in quantitative terms) and the amount of direct expenses incurred in the current month, reduced by the amount of direct expenses which is allocated to WIP balances. The value of balances of finished products in stock shall be determined by the taxpayer as the difference between the amount of direct expenditures which is attributable to balances of finished products as at the beginning of the current month, increased by the amount of direct expenditures attributable to output in the current month (less the amount of direct expenditures which is attributable to the WIP balance), and the amount of direct expenditures which is attributable to products despatched in the current month. [clause 2 as reworded by Federal Law No. 57-FZ of 29.05.2002]

3. The balances of products despatched but not sold as at the end of the current month shall be valued by the taxpayer on the basis of data on products despatched (expressed in quantitative terms) and the amount of direct expenses incurred in the current month, reduced by the amount of direct expenses which is attributable to WIP balances and balances of finished products in stock. The value of balances of products despatched but not sold as at the end of the current month shall be determined by the taxpayer as the difference between the amount of direct expenditures which is attributable to balances of finished products despatched but not sold as at the beginning of the current month, increased by the amount of direct expenditures attributable to products despatched in the current month (less the amount of direct expenditures which is attributable to balances of finished products in stock), and the amount of direct expenditures which is attributable to products sold in the current month. [clause 3 as reworded by Federal Law No. 57-FZ of 29.05.2002]
Article 320. Procedure for the Determination of Expenses Associated With Trade Operations [article as reworded by Federal Law No. 58-FZ of 06.06.2005]

Taxpayers which engage in wholesale, small wholesale and retail trade shall determine sale expenses (hereafter in this Article referred to as “handling expenses”) with account taken of the following special considerations.

During the current month handling expenses shall be determined in accordance with this Chapter. In this respect, the amount of handling expenses shall also include expenses incurred by a taxpayer which purchases goods for the delivery of those goods, storage expenses and other current-month expenses associated with the acquisition, where these are not included in the acquisition cost of the goods, and sale of those goods. Handling expenses shall not include the cost of acquiring goods at the price established by the conditions of the agreement. In this respect, the taxpayer shall have the right to determine the acquisition cost of goods with account taken of expenses associated with the acquisition of those goods. This cost of the goods shall be taken into account when they are sold in accordance with subsection 3 of clause 1 of Article 268 of this Code. The acquisition cost of goods which have been despatched but not sold as at the end of the month shall not be included by the taxpayer in the composition of production and sale expenses until they are sold. The procedure for the determination of the acquisition cost of goods shall be specified by the taxpayer in its accounting policies for taxation purposes and shall be applied for at least two tax periods.

Current-month expenses shall be divided into direct and indirect expenses. Direct expenses shall include the acquisition cost of goods sold in the reporting (tax) period in question and amounts of expenses for the delivery (transportation expenses) of bought-in goods to the warehouse of a taxpayer which purchases goods in the event that those expenses are not included in the acquisition price of those goods. All other expenses incurred in the current month, with the exception of non-sale expenses as defined in accordance with Article 265 of this Code, shall be deemed to be indirect expenses and shall reduce sales income for the current month. The amount of direct expenses insofar as transportation expenses are concerned which is attributable to balances of unsold goods shall be determined on the basis of the average percentage for the current month with account taken of the balance carried over at the beginning of the month according to the following procedure:

1) the amount of direct expenses attributable to the balance of unsold goods at the beginning of the month and incurred in the current month shall be determined;

2) the acquisition cost of goods sold in the current month and the acquisition cost of the balance of unsold goods at the end of the month shall be determined;

3) the average percentage shall be determined as the ratio of the amount of direct expenses (clause 1 of this part) to the value of goods (clause 2 of this part);

4) the amount of direct expenses attributable to the balance of unsold goods shall be determined as the product of the average percentage and the value of the balance of goods as at the end of the month.

Organizations which have been established in accordance with federal laws (the Central Bank of the Russian Federation, the Deposit Insurance Agency, the Roscosmos State Corporation for Space Activities) which regulate the activities of those organizations shall maintain separate records of income and expenses received (incurred) in the course of carrying out activities associated with the fulfilment by them of the functions prescribed by legislation and income and expenses received (incurred) in the course of carrying out other commercial activities.

In carrying out tax accounting for other commercial activities, such organizations shall apply the general norms of this Chapter which regulate the procedure for the determination of income and expenses and special norms (special considerations) which are prescribed for particular categories of taxpayers or norms which are prescribed for particular circumstances. Those norms shall be applied by the non-commercial organization if that organization carries out such activities in accordance with federal laws. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Where such non-commercial organization incurs compulsory non-reimbursable expenses in accordance with the requirements of the legislation of the Russian Federation, such expenses shall be deemed to be expenses of that organization which reduce income from commercial activities.

[Article 321.1. Lost force from 01.01.2011 – Federal Law No. 83-FZ of 08.05.2010]


1. The responsible member of a consolidated group of taxpayers shall, in conformity with the procedure for the maintenance of tax records which is established by this Code, maintain tax records of the consolidated tax base on the basis of information from tax ledgers of each member of the group which are maintained in accordance with Article 313 of this Code.

2. The procedure for the maintenance of the tax records of a consolidated group of taxpayers shall be established in the tax accounting policies of the consolidated group of taxpayers.

3. The responsible member of a consolidated group of taxpayers shall independently prepare a computation of the tax base for each member of the consolidated group of taxpayers and the consolidated tax base for a reporting (tax) period in accordance with this Chapter on the basis of tax accounting data of all members of the group on a cumulative basis from the beginning of the year in conformity with the procedure established by Article 315 of this Code. [as amended by Federal Law No. 401-FZ of 30.11.2016]

4. Each member of a consolidated group of taxpayers shall present such tax accounting data as are necessary for the calculation of the consolidated tax base to the responsible member of that group within the time limits established in the agreement on the creation of the consolidated group of taxpayers.
5. The consolidated tax base of a consolidated group of taxpayers shall be determined as the arithmetical sum of the tax bases of all members of that group, calculated with account taken of the provisions of this Code.

[clause 5 as reworded by Federal Law No. 401-FZ of 30.11.2016]

**Article 322. Special Considerations Relating to the Organization of Tax Accounting for Amortizable Property** [article as reworded by Federal Law No. 158-FZ of 22.07.2008]

1. As at the 1st day of the tax period from the beginning of which accounting policies for taxation purposes prescribe a change in the method of charging amortization, organizations shall determine the net book value of amortizable assets in their tax records.

Where the non-linear method of charging amortization is established in accounting policies for taxation purposes, for the purpose of determining the aggregate balance of amortization groups (subgroups) the net book value of amortizable assets, with the exception of items on which amortization is charged using the linear method in accordance with clause 3 of Article 259 of this Code, shall be determined on the basis of their useful life as established when the items in question were placed into service as at the 1st day of the tax period from the beginning of which the accounting policies for taxation purposes prescribe that the non-linear method of charging amortization is to be applied.

The amount of amortization charged for one month on amortizable assets shall be determined as follows:

1) where the non-linear method of charging amortization is applied within amortization groups (subgroups) – as the product of the aggregate balance of a particular amortization group (subgroup) as at the 1st of the month for which the amount of amortization charged is determined and the amortization rate established by clause 5 of Article 259.2 of this Code;

2) where the linear method of charging amortization is applied – as the product of the historical (replacement) cost and the amortization rate established by the taxpayer for the property concerned in accordance with clause 2 of Article 259.1 of this Code.

2. Amortization shall cease to be charged on fixed assets that have been removed from service by decision of the management of an organization for a period exceeding three months, and on fixed assets that are undergoing renovation (upgrading) by decision of the management of an organization for a period exceeding 12 months, starting from the 1st of the month following the month in which those fixed assets were removed from service or from which they have been undergoing renovation (upgrading).

When a fixed asset is placed back into service or the renovation (upgrading) of a fixed asset is completed, amortization shall be charged on it from the 1st of the month following the month in which the fixed asset was placed back into service or renovation (upgrading) was completed.

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

3. Where amendments are made to accounting policies for taxation purposes in accordance with clause 1 of Article 259 of this Code according to which a taxpayer which applies the linear method of charging amortization transfers to the application of the non-linear method of charging amortization, items on which amortization is charged using the non-linear method in
accordance with the amendments made by the taxpayer to the accounting policies for taxation purposes shall be included in the composition of amortization groups (subgroups) for the purpose for determining their aggregate balance on the basis of the net book value determined as at the 1st day of the tax period from the beginning of which the accounting policies for taxation purposes prescribe that the non-linear method of charging amortization is to be applied.

In this respect, for the purposes of determining the aggregate balance of amortization groups, amortizable assets shall be included in those groups on the basis of the useful life of the items concerned which was established when they were placed into service.

Where the amendments referred to in this clause are introduced to accounting policies for taxation purposes, the amortization subgroups which are provided for in clause 13 of Article 258 of this Code shall be created within amortization groups which have been formed in accordance with the procedure established by this clause.

4. Where amendments are made to accounting policies for taxation purposes in accordance with clause 1 of Article 259 of this Code according to which a taxpayer which applies the non-linear method of charging amortization transfers to the application of the linear method of charging amortization, the taxpayer shall, in accordance with Article 257 of this Code, determine the net book value of the amortizable assets as at the 1st day of the tax period from the beginning of which the accounting policies for taxation purposes prescribe that the linear method of charging amortization is to be applied.

In this respect, the amortization rate for each amortizable asset shall be determined in accordance with clause 2 of Article 259.1 of this Code on the basis of the residual useful life of an amortizable asset as determined as at the 1st day of the tax period from the beginning of which the accounting policies for taxation purposes prescribe that the linear method of charging amortization is to be applied.

Article 323. Special Considerations Relating to the Maintenance of Tax Records of Operations Involving Amortizable Property [title as amended by Federal Law No. 57-FZ of 29.05.2002]

A taxpayer shall determine profit (losses) from the sale or disposal of amortizable property on the basis of analytical records for each item as at the date on which income (an expense) is recognised. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Records of income and expenses associated with amortizable property shall be maintained on an item-by-item basis, with the exception of amortization charged on amortizable assets where the non-linear method of charging of amortization is applied. [second part as reworded by Federal Law No. 158-FZ of 22.07.2008]

Analytical records must contain information:

- on the historical cost of amortizable property sold (disposed of) in the reporting (tax) period; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- on changes in the historical cost of such fixed assets upon further construction, further equipping, renovation or partial liquidation;
- on the useful lives assumed by the organization for fixed assets and intangible assets; [as amended by Federal Law No. 158-FZ of 22.07.2008]

- on the amount of amortization charged on amortizable fixed assets and intangible assets for the period from the date on which the charging of amortization commenced up to the end of the month in which the property in question was sold (disposed of) – for items on which amortization is charged using the linear method; [as amended by Federal Law No. 158-FZ of 22.07.2008]

- on the amount of amortization charged and the aggregate balance of each amortization group and each amortization subgroup (where the non-linear method of charging amortization is applied); [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

- on the net book value of amortizable assets within amortization groups (subgroups) as determined in accordance with clause 1 of Article 257 of this Code – when amortizable assets are disposed of; [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

- on the sale price of amortizable property on the basis of the conditions of the purchase and sale agreement;

- on the date of acquisition and the date of sale (disposal) of property; [as amended by Federal Law No. 57-FZ of 29.05.2002]

- on the date on which property is transferred for use, on the date on which property was excluded from the composition of amortizable property on the grounds provided for in clause 3 of Article 256 of this Code, on the date on which property was restored to service, on the date of termination of an agreement on use without consideration, on the date of completion of renovation work, on the date of upgrading; [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

- on expenses incurred by the taxpayer in connection with the sale (disposal) of amortizable property, and in particular expenses such as are provided for in subsection 8 of clause 1 of Article 265 of this Code and expenses associated with the storage, servicing and transportation of the property sold (disposed of). [as amended by Federal Law No. 57-FZ of 29.05.2002]

As at the date on which an operation is carried out the taxpayer shall determine the profit (loss) from the sale of amortizable property in accordance with clause 3 of Article 268 of this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]

There shall be recorded in analytical records as the date of sale of amortizable property the amount of the profit (loss) from that operation, which shall be taken into account as follows for the purpose of determining the tax base. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Profit received by the taxpayer must be included in the composition of the tax base in the reporting period in which the sale of the property took place. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Any loss resulting for the taxpayer shall be reflected in analytical records as miscellaneous expenses of the taxpayer in accordance with the procedure which is established by Article 268 of this Code. [as amended by Federal Law No. 57-FZ of 29.05.2002]
Analytical records must contain information on the items in respect of which there are amounts of such expenses, the number of months during which those expenses may be included in the composition of miscellaneous expenses associated with production and sales, and the amount of expenses attributable to each month. The time period shall be determined in months and shall be calculated as the difference between the number of months of the useful life of the property and the number of months for which the property was used prior to sale, including the month in which the property was sold. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Article 324. Procedure for Maintaining Tax Records of Expenses for the Repair of Fixed Assets [article as reworded by Federal Law No. 57-FZ of 29.05.2002]

1. In analytical records the taxpayer shall determine the amount of expenses associated with the repair of fixed assets with account taken of the classification of all expenses incurred, including the cost of spare parts and consumables used for repairs, expenses associated with payment for the labour of employees who carry out repairs and other expenses associated with the performance of those repairs using the taxpayer’s own manpower, and with account taken of expenditures on payment for work performed using outside manpower.

2. A taxpayer which forms a reserve against future repair expenses shall calculate allocations to that reserve on the basis of the aggregate value of fixed assets as calculated in accordance with the procedure established by this clause and the allocation norms which are approved by the taxpayer independently in accounting policies for taxation purposes.

The aggregate value of fixed assets shall be determined as the sum of the historical cost of all amortizable fixed assets which have been commissioned as at the beginning of the tax period in which the reserve against future expenses for the repair of fixed assets is formed. The aggregate value of amortizable fixed assets which were commissioned before the entry into force of this Chapter shall be computed on the basis of the replacement value as determined in accordance with clause 1 of Article 257 of this Code.

For the purpose of determining norms of allocations to the reserve against future expenses for the repair of fixed assets the taxpayer shall be obliged to determine the maximum amount of allocations to the reserve against future expenses for the repair of fixed assets on the basis of the periodicity of repairs to a fixed asset, the frequency with which components of fixed assets (in particular units, parts and structures) are replaced and the estimated cost of those repairs. In this respect, the maximum amount of the reserve against future expenses for those repairs may not exceed the average amount of actual repair expenses over the last three years. Where a taxpayer accumulates resources for the purpose of carrying out especially complex and expensive types of capital repairs to fixed assets over more than one tax period, the maximum amount of allocations to the reserve against future expenses for the repair of fixed assets may be increased by the amount of allocations for the financing of those repairs insofar as they fall in the tax period in question in accordance with the schedule for the performance of those types of repairs, provided that the same or similar repairs were not carried out in previous tax periods.

During the tax period allocations to the reserve against future expenses for the repair of fixed assets shall be charged to expenses in equal portions as at the last day of the reporting (tax) period in question. [as amended by Federal Law No. 137-FZ of 27.07.2006]
Where a taxpayer creates a reserve against future expenses for the repair of fixed assets, the amount of expenditures actually incurred for the performance of repairs shall be charged to the resources in that reserve.

Where the amount of expenditures actually incurred for the repair of fixed assets in a reporting (tax) period exceeds the amount of the created reserve against future expenses for the repair of fixed assets, the balance of expenditures shall, for taxation purposes, be included in the composition of miscellaneous expenses as at the date on which the tax period ends.

If, at the end of the tax period, the balance of resources in the reserve against future expenses for the repair of fixed assets exceeds the amount of expenditures actually incurred in the current tax period for the repair of fixed assets, the amount of that excess as at the last date of the current tax period shall, for taxation purposes, be included in the composition of the taxpayer’s income.

Where, in accordance with the accounting policies for taxation purposes and on the basis of the schedule for the performance of capital repairs to fixed assets, a taxpayer accumulates resources for the financing of such repairs over more than one tax period, the balance of those resources as at the end of the current tax period shall not be included in the composition of income for taxation purposes.

3. Where a taxpayer carries out types of activity in relation to which the tax base for tax is calculated separately in accordance with Article 274 of this Code, analytical records of expenses for the repair of fixed assets shall, for taxation purposes, be organized by type of production and by type of activity.

**Article 324.1. Procedure for Accounting for Expenses for the Formation of a Reserve Against Future Expenses Associated with Vacation Pay and a Reserve for the Payment of the Annual Bonus for Long Service** [inserted by Federal Law No. 57-FZ of 29.05.2002]

1. A taxpayer which has adopted a decision whereby future expenses associated with vacation pay for employees are taken into account evenly for taxation purposes must reflect its adopted method of forming reserves in accounting policies for taxation purposes and determine the maximum amount of allocations and the monthly percentage of allocations to that reserve.

For these purposes the taxpayer must draw up a special computation (estimate) showing the computation of the size of monthly allocations to the above-mentioned reserve on the basis of information on the estimated annual amount of expenses for vacation pay, including the amount of insurance contributions for compulsory pension insurance, compulsory social insurance against temporary incapacity for work and in connection with maternity, compulsory medical insurance and compulsory social insurance against industrial accidents and occupational illnesses. In this respect, the percentage of allocations to that reserve shall be determined as the ratio of the estimated amount of vacation pay expenses for the year to the estimated amount of labour payment expenses for the year. [as amended by Federal Law No. 213-FZ of 24.07.2009]

2. Expenses for the formation of the reserve against future expenses for vacation pay shall be taken to accounts used to record expenses associated with payment for the labour of the relevant categories of employees.
3. The taxpayer must make an inventory of the above-mentioned reserve as at the end of the tax period.

Amounts of the above-mentioned reserve which remain unused as at the last day of the current tax period must be included in the composition of the tax base for the current tax period. [as amended by Federal Law No. 137-FZ of 27.07.2006]

In the event that the resources of the actually accrued reserve as confirmed by an inventory as at the last day of the tax period are insufficient, the taxpayer must include in expenses as at 31 December of the year in which the reserve was accrued the amount of actual expenses for vacation pay and the amount of insurance contributions for compulsory pension insurance, compulsory social insurance against temporary incapacity for work and in connection with maternity, compulsory medical insurance and compulsory social insurance against industrial accidents and occupational illnesses accordingly for which the above-mentioned reserve was not previously created. [as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 213-FZ of 24.07.2009]

4. The reserve against future expenses associated with vacation pay for employees must be adjusted on the basis of the number of days of unused leave, the average daily amount of labour payment expenses for employees (with account taken of the established method of computing average earnings) and compulsory contributions of insurance contributions for compulsory pension insurance, compulsory social insurance against temporary incapacity for work and in connection with maternity, compulsory medical insurance and compulsory social insurance against industrial accidents and occupational illnesses. [as amended by Federal Law No. 213-FZ of 24.07.2009]

If, according to the results of an inventory of the reserve against future expenses associated with vacation pay, the amount of the calculated reserve with respect to unused leave, as determined on the basis of the average daily amount of labour payment expenses and the number of days of unused leave at the end of the year, exceeds the actual balance of the unused reserve at the end of the year, the amount of the excess shall be included in the composition of labour payment expenses. If, according to the results of an inventory of the reserve against future expenses associated with vacation pay, the amount of the calculated reserve with respect to unused leave, as determined on the basis of the average daily amount of labour payment expenses and the number of days of unused leave at the end of the year, is found to be less than the actual balance of the unused reserve at the end of the year, the negative difference shall be included in the composition of non-sale income. [paragraph inserted by Federal Law No. 216-FZ of 24.07.2007]

5. Should the taxpayer, upon revising its accounting policies for the next tax period, consider that it would be inexpedient to form a reserve against future expenses associated with vacation pay, then the amount of the balance of that reserve revealed as a result of the inventory taken as at 31 December of the year in which it was accrued shall, for taxation purposes, be included in the composition of non-sale income for the current tax period.

6. The taxpayer shall make allocations to the reserve against future expenses for the payment of annual long service and performance bonuses according to a similar procedure with account taken of the special considerations laid down in clause 7 of this Article. [as amended by Federal Law No. 374-FZ of 23.11.2020]
7. An inventory check of provisions for future expenses for the payment of annual length of service and annual performance bonuses shall be carried out before the submission of the tax declaration for the reporting (tax) period. If the amount of length of service and annual performance bonuses actually calculated before the date of the inventory check exceeds the amount of provisions formed as at the last the date of the reporting (tax) period, the amount of the excess shall be included in expenses for the reporting (tax) period. If the amount of length of service and annual performance bonuses actually calculated before the date of the inventory check is found to be less than the amount of provisions formed as at the last the date of the reporting (tax) period, the difference shall be included in non-sale income for the reporting (tax) period.

Expenses charged to provisions created in the preceding tax period shall not be taken into account in determining the amount of actually calculated length of service and annual performance bonuses.

[clause 7 inserted by Federal Law No. 374-FZ of 23.11.2020]

**Article 325. Procedure for the Maintenance of Tax Records of Expenses for the Development of Natural Resources**

1. Taxpayers which have decided to acquire licences to use subsurface resources shall reflect expenses incurred for the purpose of acquiring licences separately in analytical tax ledgers. In this respect, expenses associated with the acquisition of each individual licence shall be recorded separately.

Expenses incurred for the purpose of acquiring a licence shall include, in particular:

- expenses associated with the preliminary appraisal of a deposit;

- expenses associated with the performance of an audit of deposit reserves;

- expenses for the development of a feasibility study (other similar work) and a project for the development of a deposit;

- expenses for the acquisition of geological and other information;

- expenses for the payment of fees for participation in a competitive tender (auction). [as amended by Federal Law No. 229-FZ of 27.07.2010]

Where a taxpayer concludes a licence agreement for the right to use subsurface resources (receives a licence), expenses incurred by the taxpayer for the purposes of acquiring a licence shall form part of the cost of the licence agreement (licence), which shall be included by the taxpayer in the composition of intangible assets on which amortization is charged in accordance with the procedure established by Articles 256 to 259.2 of this Code or, at the taxpayer’s choice, in the composition of miscellaneous production and sale expenses over a period of two years. In the event that a taxpayer receives the right to use the subsurface site within which a new offshore hydrocarbon deposit is situated or within whose boundaries the prospecting for, appraisal, exploration and (or) exploitation of a new offshore hydrocarbon deposit are intended to be carried out, amounts of the above-mentioned amortization or the above-mentioned expenses incurred shall be taken into account in calculating the tax base with respect to
hydrocarbon extraction activities at the new offshore hydrocarbon deposit in accordance with the procedure which is laid down in clause 7 of Article 261 of this Code. The treatment of the above-mentioned expenses which is chosen by the taxpayer shall be reflected in its accounting policies for taxation purposes. [as amended by Federal Laws No. 158-FZ of 22.07.2008, No. 229-FZ of 27.07.2010, No. 268-FZ of 30.09.2013]

In the event that, on the basis of the results of a competitive tender (auction), a taxpayer does not conclude a licence agreement for the right to use subsurface resources (does not receive a licence), expenses incurred for the purposes of acquiring a licence shall be included in the composition of miscellaneous expenses from the first of the month following the month in which the competitive tender (auction) was held and evenly over two years. Where, after preliminary expenses incurred for the purposes of acquiring a licence have been incurred, a taxpayer decides not to take part in a competitive tender (auction) or decides that the acquisition of the licence would be inexpedient, those expenses shall likewise be included in the composition of miscellaneous expenses from the first of the month following the month in which the taxpayer adopted that decision and evenly over five years. In this respect, the above-mentioned decision shall be documented by an appropriate order (instruction) of the director. [as amended by Federal Law No. 229-FZ of 27.07.2010]

A similar procedure shall apply for the recording of expenses which are incurred for the purpose of acquiring licences to use subsurface resources where such licences are issued to a taxpayer without competitive tenders being held.

2. The expenses for the development of natural resources which are provided for in clause 1 of Article 261 of this Code shall be reflected in analytical tax ledgers separately for each site of subsurface resources (deposit) or section of a territory (water area) which is reflected in the taxpayer’s licence agreement (licence to use subsurface resources).

In this respect, depending on the specific type of expenses, expenses shall be grouped as:

- general expenses for a developed site (deposit) as a whole;

- expenses relating to individual parts of the area of a site under development;

- expenses relating to a particular facility which is created in the process of the development of a site.

General expenses shall include, in particular:

- expenses for the exploration and appraisal of deposits of commercial minerals (including audits of reserves), prospecting for commercial minerals and (or) hydrogeological surveys which are carried out on a site of subsurface resources in accordance with licences (permits) granted in accordance with the established procedure, and expenses for the acquisition of necessary geological and other information from third parties. [as amended by Federal Law No. 229-FZ of 27.07.2010]

Expenses relating to individual parts of the area of a site under development shall include, on the basis of primary accounting documents, in particular:
- expenses for the preparation of an area for the conduct of mining, construction and other work in accordance with established requirements relating to safety and the protection of lands, subsurface resources and other natural resources;

- other expenses associated with the development of a part of the area of a site.

The amount of general expenses shall be recorded with respect to each part of the area of a site (deposit) which is under development in a proportion determined on the basis of the ratio of the amount of expenses relating to individual parts of the area of the site which is under development to the total amount of expenses which are incurred for the development of the site (deposit) in question.

Expenses relating to a particular facility which is created in the process of the development of a site shall include expenses which are directly connected with the construction of installations which, on the basis of a decision of the taxpayer, may subsequently be recognised as permanently operated fixed assets.

3. In the case of the performance of geological prospecting work and (or) geological exploration work involving exploration for commercial minerals and in the case of the performance of work involving the sidetracking of development wells, the amount of expenses incurred by a taxpayer shall be determined on the basis of certificates of work performed under contracts with contractors and on the basis of amounts of costs actually incurred by the taxpayer which are classified as expenses for the development of natural resources in accordance with the provisions of Article 261 of this Code. [as amended by Federal Law No. 213-FZ of 23.07.2013]

The taxpayer shall organize tax accounting for the above-mentioned expenses for each agreement and each facility connected with the development of natural resources.

Analytical tax ledgers must contain information on the completion of work separately for each agreement involving such work on each individual site of subsurface resources.

Expenses incurred under an agreement with a contractor shall be included in the composition of miscellaneous expenses from the 1st of the month in which an appropriate certificate of work (phases of work) performed under that agreement is signed (except as otherwise established by clause 7 of Article 261 of this Code). The expenses incurred shall be included in the composition of miscellaneous expenses in equal portions over the periods provided for in Article 261 of this Code. [as amended by Federal Law No. 268-FZ of 30.09.2013]

Current expenses for the maintenance of facilities associated with the development of natural resources (including labour payment expenses, expenses associated with the maintenance and operation of temporary structures and other similar expenses) and expenses for the supplementary exploration of a deposit or of areas thereof which are within the boundaries of an organization’s mining or land allotment shall be wholly included in the composition of expenses for the reporting (tax) period in which they were incurred (except as otherwise established by clause 7 of Article 261 of this Code). In this respect, expenses for supplementary exploration shall include expenses associated with supplementary exploration work on deposits which have been placed into service and commercially developed. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 268-FZ of 30.09.2013]
The above-mentioned accounting procedure shall apply to all geological exploration and geological prospecting work, including expenses incurred for work which is recognised as unsuccessful or devoid of prospects or the continuation of which is deemed to be inexpedient (except as otherwise established by clause 7 of Article 261 of this Code). [as amended by Federal Law No. 268-FZ of 30.09.2013]

In the event that a site which is under development (part of the area of a site which is under development) is deemed by a taxpayer to be devoid of prospects or the continuation of its development is deemed to be inexpedient, amounts of expenses incurred by the taxpayer for the development of that site shall be included in the composition of miscellaneous expenses according to the standard procedure prescribed by Article 261 of this Code (except as otherwise established by clause 7 of Article 261 of this Code). [as amended by Federal Law No. 268-FZ of 30.09.2013]

4. In the event that expenses of a taxpayer that are incurred as part of expenses for the development of natural resources are directly connected with the construction of facilities which, on the basis of a decision of the taxpayer, may subsequently become permanently operated fixed assets (including wells), those expenses shall be recorded in analytical tax ledgers in relation to each fixed asset that is created. Those items of fixed assets shall be amortized in accordance with the procedure established by this Chapter.

Expenses for the construction of temporary structures (including temporary approach paths and roads; sites and facilities for the preservation of the fertile layer of soil and the storage of extracted rocks and waste; temporary structures for the residence of participants in geological prospecting work and other similar facilities) shall be included in the composition of miscellaneous expenses from the first of the month in which work on the creation thereof is completed on the basis of certificates of work performed (except as otherwise established by clause 7 of Article 261 of this Code). [as amended by Federal Law No. 268-FZ of 30.09.2013]

5. In the event that a well proves (is deemed) to be unproductive, expenses incurred by the taxpayer for the abandonment of that well shall also be included in the composition of expenses which are recorded in tax records in relation to that facility in accordance with the procedure which is established by Article 261 of this Code. The total amount of expenses reflected in tax records in relation to the facility in question shall be included in the composition of miscellaneous expenses in accordance with the procedure prescribed by this Article.

6. Where the right to use a subsurface site (subsurface sites) passes (is transferred) to a third party in accordance with the legislation of the Russian Federation, expenses for the development of natural resources which were actually incurred by the taxpayer which previously held the licence shall be taken into account by that taxpayer in accordance with the procedure established by this Article.

Where the right to use a subsurface site (subsurface sites) is transferred in connection with the re-organization of an organization, expenses shall be taken into account in accordance with clause 2.1 of Article 252 of this Code.
[clause 6 inserted by Federal Law No. 229-FZ of 27.07.2010]

7. Expenses for the performance of natural resource development work which are provided for in clause 10 of Article 261 of this Code shall be stated in analytical tax ledgers separately for
Article 325.1. Tax Accounting Treatment of Expenses Associated with the Ensuring of Safe Working Conditions and Occupational Protection in Connection with Coal Mining

1. Where a taxpayer applies a tax deduction for mineral extraction tax in accordance with Article 343.1 of this Code, the taxpayer shall ensure that expenses associated with the ensuring of safe working conditions and occupational protection in connection with coal mining at a particular subsurface site are recorded separately from other expenses associated with the development of that subsurface site.

2. Expenses associated with the ensuring of safe working conditions and occupational protection in connection with coal mining which have been incurred by a taxpayer shall be recorded separately for each subsurface site in the reporting (tax) period in which they were incurred.

3. Where expenses such as are referred to in clause 2 of this Article are incurred in relation to a number of subsurface sites (and it is impossible for the expenses to be separated), for the purposes of applying the tax deduction established by Article 343.1 of this Code the expenses in question shall be recognised separately for each subsurface site in a proportion to be determined by the taxpayer in accordance with the accounting policies adopted by the taxpayer for taxation purposes.

4. The range of types of expenses associated with the ensuring of safe working conditions and occupational protection in connection with coal mining which may be deducted from the amount of mineral extraction tax shall be determined by the Government of the Russian Federation with account taken of the provisions of clause 5 of Article 343.1 of this Code.

5. An amount of expenses which is not taken into account in calculating a tax deduction in accordance with the procedure established by clause 4 of Article 343.1 of this Code within 36 tax periods for mineral extraction tax shall be recognised as an expense incurred by a taxpayer in calculating the tax base for tax on the profit of organizations in accordance with Chapter 25 of this Code according to the following rules:

1) expenses such as are referred to in subsection 1 of clause 5 of Article 343.1 of this Code shall be taken into account evenly over the course of a year commencing from the day following the day on which the expenses in question cease to be recognised in accordance with Article 343.1 of this Code;

2) expenses such as are referred to in subsections 2 and 3 of clause 5 of Article 343.1 of this Code shall be taken into account in accordance with the procedure established by Articles 256 to 259.3 of this Code. In this respect, the net book value of amortizable property shall be understood to be the difference between the historical cost which is determined in accordance with the procedure established by Article 257 of this Code and amounts taken into account in applying the tax deduction for mineral extraction tax in accordance with Article 343.1 of this Code.
Article 326. Procedure for the Maintenance of Tax Records for Term Transactions Where the Accrual-Basis Method is Used [article as reworded by Federal Law No. 281-FZ of 25.11.2009]

A taxpayer in respect of transactions involving derivative financial instruments shall determine the tax base on the basis of data in tax ledgers. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Data in tax ledgers must reflect the procedure for determining the amount of income (expenses) with respect to term transactions which are taken into account for taxation purposes.

Taxpayers shall be obliged to maintain analytical records of claims (obligations) associated with derivative financial instruments for each type of derivative financial instrument. Analytical records of claims (obligations) shall be maintained separately for transactions involving derivative financial instruments which are circulated on the organized market, for transactions involving derivative financial instruments which are not circulated on the organized market and for operations carried out for hedging purposes. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Data in tax ledgers must indicate in monetary terms the amounts of a taxpayer’s claims (obligations) against contract partners in accordance with the conditions of agreements concluded:

- for delivery term transactions;
- for cash settlement term transactions.

Claims (obligations) in respect of derivative financial instruments, whether or not circulated on the organized market, shall not be subject to ongoing revaluation in connection with changes in the market price, market quotation or currency exchange rate or the values of interest rates, stock indices or other indicators of the underlying asset with account taken of the provisions of this Article. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Taxpayers shall reflect changes in the current value of derivative financial instruments circulated on the organized market in the tax base to the extent of monetary amounts calculated by an exchange (clearing organization). This requirement shall not apply to derivative financial instruments whose conditions provide that the fulfilment of the obligation of one party to the derivative financial instrument shall take place upon the presentation of demands by the other party to that transaction, including where this depends on circumstances whose occurrence is uncertain. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Claims (obligations) in respect of transactions classified as transactions for deferred delivery of the subject of the transaction shall likewise not be subject to ongoing revaluation in connection with changes in the market price, market quotation or currency exchange rate or the values of interest rates, stock indices or other indicators of the underlying asset with account taken of the provisions of this Article.

A taxpayer shall reflect in analytical records as at the date of conclusion of a transaction the amount of claims (obligations) which have arisen in relation to contract partners on the basis of the conditions of the transaction and claims (obligations) in respect of the underlying asset (including goods, monetary resources, precious metals, securities and interest rates).
The tax base shall be determined by the taxpayer as at the date of execution of a term transaction with account taken of the provisions of this Chapter.

Upon the delivery of securities circulated on the organized market which are the underlying asset of a derivative financial instrument, the financial result from transactions involving that underlying asset shall be determined on the basis of the actual delivery price of the underlying asset in accordance with the conditions of execution of the derivative financial instrument. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Where the conditions of a derivative financial instrument or of a term transaction classified as a transaction for deferred delivery of the subject of the transaction provide for interim settlements (excluding advance payments) to be made, including when the assessed value of claims (obligations) changes in connection with changes in the market price, market quotation or currency exchange rate or the values of interest rates, stock indices or other indicators of the underlying asset, the taxpayer shall determine income (expenses) as at each date on which such settlements are made in accordance with the conditions of the transaction in question. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The premium for an option contract which is agreed upon by the parties, irrespective of whether the contract is qualified as a derivative financial instrument or as a transaction for deferred delivery of the subject of the transaction, shall be included in relevant income (expenses) on a lump-sum basis on the date on which settlements in respect of the option premium are made in accordance with the terms of the contract in the case of taxpayers which apply the accrual-basis method, irrespective of whether or not the option contract is performed and irrespective of the type of underlying asset. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]

When a derivative financial instrument falls due the taxpayer shall assess claims and obligations as at the date of execution in accordance with the conditions of conclusion of the transaction and shall determine the amount of income (expenses) to be included in the tax base. [as amended by Federal Law No. 242-FZ of 03.07.2016]

A taxpayer shall assign to separate records transactions involving derivative financial instruments which are concluded for the purpose of offsetting possible losses arising as a result of an unfavourable change in the price or other indicator of the underlying asset (hedged item). [as amended by Federal Law No. 242-FZ of 03.07.2016]

A taxpayer shall prepare a statement for each individual hedging operation, which shall contain the following:

- a description of the hedging operation, including the name of the hedged item, the types of insured risks (price, currency, credit, interest or other similar risks), planned action in relation to the hedged item (purchase, sale and other action), the derivative financial instruments which it is planned to use and the conditions of execution of the transactions; [as amended by Federal Law No. 242-FZ of 03.07.2016]

- the commencement date of the hedging operation, its end date and (or) duration, and interim settlement conditions. The commencement date of the hedging operation may be established by setting out a procedure for determining that date;
- the volume, date and price of the transaction (transactions) involving the hedged item (in the case of expected (planned) transactions – the volume, date, price and other essential conditions of the transaction);

- the volume, date and price of the transaction (transactions) involving derivative financial instruments. [as amended by Federal Law No. 242-FZ of 03.07.2016]

The statement may also contain other information, at the taxpayer’s discretion, which serves as evidence that the operation was performed for hedging purposes.

Where claims (obligations) arising from a set of transactions are hedged, or where property of a taxpayer is hedged, the commencement date and end date of the hedging operation shall be determined by the taxpayer independently on the basis of projected indicators for the hedged item.

Taking into account the provisions of this Article and Articles 301 to 305 of this Code, income (expenses) associated with derivative financial instruments concluded for the purpose of offsetting unfavourable consequences which might arise for taxpayers as a result of changes in price, currency exchange rate or the values of interest rates, stock indices or other indicators of the hedged item shall be taken into account as at the end of the reporting (tax) period and as at the date of performance of a transaction (transactions), irrespective of the date on which income (expenses) associated with the hedged item arises (arise). [as amended by Federal Law No. 242-FZ of 03.07.2016]

Upon completion of a hedging operation income (expenses) associated with derivative financial instruments shall be determined with account taken of income (expenses) included in the tax base in preceding tax periods. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Where claims (obligations) in respect of a particular transaction are hedged, in the event that the transaction is cancelled early (or terminated on other grounds) income (expenses) associated with derivative financial instruments shall be determined as at the end of the reporting (tax) period in which the early cancellation (termination on other grounds) of the transaction involving the hedged item occurred, or as at the date of execution of the transaction (transactions) if that date of execution fell before the reporting date of the period, and shall be included in the tax base, which shall be calculated with account taken of income (expenses) associated with the hedged item. In this respect, income (expenses) associated with derivative financial instruments which arises (arise) after the reporting date of the period in which the early cancellation of the above-mentioned specific transaction occurred shall be taken into account in determining the tax base in respect of derivative financial instruments with account taken of income (expenses) previously included in the tax base in connection with operations involving the hedged item. [as amended by Federal Laws No. 420-FZ of 28.12.2013, No. 242-FZ of 03.07.2016]

Income (expenses) associated with the early cancellation (termination on other grounds) of derivative financial instruments which are used in a hedging operation shall be taken into account according to the same procedure and in the same tax base as income (expenses) associated with derivative financial instruments which are used for hedging purposes. [as amended by Federal Law No. 242-FZ of 03.07.2016]
The amount of the underlying asset of a derivative financial instrument circulated on the organized market which is concluded for hedging purposes (a hedging instrument) may exceed the amount of the hedged item within a single hedging instrument if that excess is due to the standardization by the exchange of the amount of the underlying asset of a derivative financial instrument. [as amended by Federal Law No. 242-FZ of 03.07.2016]

Where expenses associated with financial instruments in term transactions concluded for hedging purposes and expenses incurred in connection with the corresponding hedging operations exceed income from those derivative financial instruments as at the end of a reporting (tax) period or as at the date of execution of a transaction, that excess shall not cause the hedging operation to be reclassified as ordinary transactions involving derivative financial instruments. [as amended by Federal Law No. 242-FZ of 03.07.2016]

For the purposes of determining income (expenses) which is (are) to be included in the tax base, a taxpayer shall have the right to make provision in its tax accounting policies for derivative financial instruments which are used for hedging purposes to undergo ongoing revaluation based on changes in the market price, market quotation or currency exchange rate or in the value of an interest rate, stock index or other indicators characterizing the underlying asset, provided that the hedged item is subject to revaluation in accordance with the requirements of this Code. In this respect, income (expenses) resulting from such revaluation shall be determined as at the end of the reporting (tax) period on the basis of changes in indicators specified in tax accounting policies relative to the corresponding indicators which are laid down in a derivative financial instrument. [as amended by Federal Law No. 242-FZ of 03.07.2016]

A taxpayer shall make an assessment of claims (obligations) as at the date of execution of a derivative financial instrument in accordance with the conditions of the transaction, and shall determine the amount of income (expenses) with account taken of amounts previously included in income (expenses) for taxation purposes. [as amended by Federal Law No. 242-FZ of 03.07.2016]

In the case of derivative financial instruments which provide for the purchase and sale of foreign currency, or precious metals, or securities denominated in foreign currency, the taxpayer shall determine income (expenses) as at the date of execution of the transaction with account taken of exchange rate differences determined as the difference between the exchange rate of a foreign currency which is specified in the agreement and is applied for the purpose of executing the transaction and the official exchange of the foreign currency to the Russian Federation rouble which is set by the Central Bank of the Russian Federation and official prices for precious metals as at the date of execution of the transaction. [as amended by Federal Law No. 242-FZ of 03.07.2016]

**Article 327. Procedure for the Organization of Tax Accounting for Term Transactions Where the Cash-Basis Method is Used**

Taxpayers which use the cash-basis method of recognising income and expenses shall organize tax accounting in accordance with the principles which are set forth in this Chapter. Taxpayers which use the cash-basis method of recognising income and expenses shall determine income and expenses arising from operations involving derivative financial instruments as at the date on which monetary resources are actually received (transferred). [as amended by Federal Law No. 242-FZ of 03.07.2016]
Article 328. Procedure for the Maintenance of Tax Records of Income (Expenses) in the Form of Interest Under Loan, Credit, Bank Account and Bank Deposit Agreements and Interest on Securities and Other Debt Obligations [article as reworded by Federal Law No. 57-FZ of 29.05.2002]

1. A taxpayer shall, on the basis of analytical records of non-sale income and expenses, maintain a breakdown of income (expenses) in the form of interest on securities, under loan, credit, bank account and bank deposit agreements and (or) on other forms of debt obligations.

The taxpayer shall independently reflect in analytical records the amount of income (expenses) in the amount of interest which is payable in accordance with the conditions of the above-mentioned agreements (or, in the case of securities, in accordance with the conditions of issue, or in the case of bills of exchange, in accordance with the conditions of issue or transfer (sale)) separately for each type of debt obligation with account taken of Article 269 of this Code. [as amended by Federal Law No. 110-FZ of 24.07.2002]

The amount of income (expenditure) in the form of interest on debt obligations shall be recorded in analytical records on the basis of the rate of return established for each type of debt obligation and the period of validity of that debt obligation in the reporting period as at the date on which income (expenditure) is recognised, as determined in accordance with the provisions of Articles 271 to 273 of this Code.

2. Interest which is payable by a bank under a bank account agreement shall be included by the taxpayer in the tax base on the basis of a statement of the movement of monetary resources on the taxpayer’s bank account, unless otherwise stipulated by this Chapter. If the bank account service agreement does not require settlements for the bank’s services to be made each time that settlement and cash operation is carried out, the date of receipt of income for a taxpayer which has transferred to the accrual-basis method for the recognition, recording and determination of income and expenses shall be the last day of the reporting month. [as amended by Federal Law No. 137-FZ of 27.07.2006]

3. Interest on credit and loan agreements and other similar agreements and other debt obligations (including securities) shall be accounted for as at the date on which income (expenditure) is recognised in accordance with this Chapter.

4. Interest received (receivable) by a taxpayer for the provision of monetary resources for use shall be recognised as income (expenses) which is (are) included in the tax base on the basis of a statement of the movement of the taxpayer’s monetary resources in a bank account, except as otherwise provided in this Article.

A taxpayer which recognises income (expenses) according to the accrual-basis method shall determine the amount of interest income (expense) which has been received (paid) or is receivable (payable) in a reporting period in respect of each type of debt obligations on the basis of the rate of return and period of validity of such debt obligation which are established by the terms of the contract in the reporting period with account taken of the provisions of this clause.

A taxpayer which recognises income (expenses) according to the accrual-basis method shall recognise income (expenses) in the form of interest on debt obligations on a monthly basis irrespective of the payment date which is stipulated by an agreement whose term spans more
than one reporting (tax) period. The taxpayer shall be obliged in its analytical records, on the basis of statements of the responsible person in charge of maintaining records of income (expenses) associated with debt obligations, to include in income (expenses) an amount of interest determined in accordance with clause 6 of Article 271 and clause 8 of Article 272 of this Code accordingly. The provisions of the first sentence of this paragraph shall not apply to income (expenses) in the form of interest on debt obligations in the cases referred to in subsection 14 of clause 4 of Article 271 and subsection 12 of clause 7 of Article 272 of this Code. [as amended by Federal Law No. 325-FZ of 29.09.2019] [clause 4 as reworded by Federal Law No. 420-FZ of 28.12.2013]

5. In the case of state and municipal securities income in the form of interest shall be determined in accordance with Articles 271 and 273 of this Code and may be recognised as at the date on which they are sold on the basis of a purchase and sale agreement, or as at the date on which interest is paid on the basis of a bank statement, or as at the last date of the reporting period in accordance with the provisions of this Chapter. Interest shall be reflected in tax records on the basis of a report of the responsible person who calculates profit from securities transactions.

Where a taxpayer recognises income and expenses according to the cash-basis method, interest shall be deemed to have been received as at the date on which monetary resources are received. The basis for the inclusion of such amounts in the composition of income received in the form of interest shall be a bank statement concerning the movement of monetary resources in bank accounts.

Where a taxpayer uses the accrual-basis method of recognising income and expenses, the amount of interest which has been received by the taxpayer (is due to the taxpayer) in respect of state and municipal securities shall be recognised as income as at the date on which the security is sold, or as at the date on which such interest is paid (a coupon is redeemed) in accordance with the conditions of issue, or as at the last date of the reporting period in accordance with the provisions of this Chapter.

Where the sale price of state and municipal securities includes accumulated coupon income, the taxpayer shall, as at the date of sale, independently determine the amount of income in the form of interest on the basis of the purchase and sale agreement with account taken of the provisions of clauses 6 and 7 of this Article. [as amended by Federal Law No. 58-FZ of 06.06.2005]

6. Where transactions are carried out involving state and municipal securities in respect to which, upon the sale thereof, accumulated coupon income (income in the form of interest) is included in the transaction price, a taxpayer which has transferred to the cash-basis method of recognising income (expenses) shall calculate income in the form of interest as the difference between the amount of accumulated coupon income received from the purchaser and the amount of accumulated coupon income paid to the seller. In the event that interest payments were made by the issuer in accordance with the conditions of issue between the date on which the security was sold and the date on which it was acquired, the date of receipt of income shall be deemed to be the date of payment of interest upon the redemption of the coupon. In this respect, income shall be determined as the difference between the amount of interest paid upon the redemption of the coupon and the amount of accumulated coupon income paid to the seller. Upon the sale of a security on which, while it was in the taxpayer’s possession, the issuer paid interest income which was included in the composition of income in accordance with the
procedure prescribed by this paragraph, interest income shall be deemed to be the amount received from the purchaser of that security. [as amended by Federal Law No. 58-FZ of 06.06.2005]

7. A taxpayer which recognises income and expenses according to the accrual-basis method and carries out transactions involving state and municipal securities in respect to which, upon the sale thereof, accumulated interest (coupon) income is included in the transaction price shall determine income in the form of interest with account taken of the following provisions. If the security has not been sold by the end of the reporting (tax) period, the taxpayer must, as at the last day of the reporting (tax) period, determine the amount of interest income which is due on an accrual basis for that period. [as amended by Federal Laws No. 58-FZ of 06.06.2005, No. 137-FZ of 27.07.2006]

In this respect, interest income for the reporting (tax) period shall be deemed to be the difference between the amount of accumulated interest (coupon) income calculated as at the end of the reporting (tax) period in accordance with the conditions of issue and the amount of accumulated interest (coupon) income calculated as at the end of the preceding tax period, unless the issuer made interest payments (coupon redemptions) after the end of the preceding tax period.

If the issuer made interest payments (coupon redemptions) in the current reporting (tax) period, then, in addition to interest income which was calculated and taken into account in respect of those payments (redemptions) in accordance with paragraph 4 of this clause, interest income shall be taken to be equal to the amount of accumulated interest (coupon) income calculated as at the end of that reporting (tax) period.

When the first payment of interest (coupon redemption) is made in a reporting (tax) period, interest income shall be calculated as the difference between the amount of interest which is payable (the coupon which is redeemed) and the amount of accumulated interest (coupon) income calculated as at the end of the preceding tax period. When subsequent payments of interest (coupon redemptions) are made in the reporting (tax) period, interest income shall be taken to be equal to the amount of interest which is payable (the coupon which is redeemed).

If the security concerned was acquired in the current tax period, interest income shall be calculated in accordance with the provisions of paragraphs 1 to 4, where the amount of accumulated interest (coupon) income calculated as at the end of the preceding tax period shall be replaced in calculations by the amount of accumulated interest (coupon) income paid by the taxpayer to the seller of the security.

Upon the sale of the above-mentioned security interest income shall be calculated in accordance with the provisions of paragraphs 1 to 4 of this clause, where the amount of accumulated interest (coupon) income calculated as at the end of the reporting (tax) period shall be replaced in calculations by the amount of accumulated interest (coupon) income calculated as at the date of sale. [as amended by Federal Law No. 478-FZ of 29.12.2014]

**Article 329. Procedure for the Maintenance of Tax Records Upon the Sale of Securities**

Income from securities transactions shall be deemed to be receipts from the sale of securities in accordance with the conditions of a sale agreement. [as amended by Federal Law No. 57-FZ of 29.05.2002]
Income and expenses associated with securities transactions shall be recognised in accordance with the procedure which is established by Article 271 or Article 273 of this Code depending on the method of recognising income and expenses which is used by the taxpayer. [as amended by Federal Law No. 57-FZ of 29.05.2002]

In the case of the sale of securities the expense shall be the acquisition price of the securities sold as calculated with account taken of the method of accounting for securities which has been established by the taxpayer (FIFO, unit cost). [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 420-FZ of 28.12.2013]

Where the sale price of state and municipal securities which are circulated on the organized securities market includes a portion of accumulated coupon income, the amount of income and expenses in respect of such securities shall be calculated without the accumulated coupon income.

Profit (losses) from the sale of securities shall be recorded in tax records separately for sales of securities which are circulated on the organized securities market and securities which are not circulated on the organized securities market. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Interest income on state and municipal securities in respect to which it is envisaged that a portion of accumulated interest income shall be deducted from the transaction price shall be determined as at the date of sale on the basis of the purchase and sale agreement with account taken of the provisions of Article 328 of this Code and shall be recorded in tax records on the basis of a report of the responsible person who calculates profit (income) from securities transactions. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

Where a security was received by a taxpayer without consideration or discovered as a result of an inventory, its value for tax accounting purposes, including in the event of its subsequent sale (disposal), shall be determined on the basis of the market (reference) value which is determined in accordance with Article 280 of this Code. [seventh part inserted by Federal Law No. 420-FZ of 28.12.2013]

Banks and professional participants in the securities market shall have the right to maintain tax records of receipts and disposals of securities for relevant securities portfolios formed according to the time and purposes of the acquisition thereof in accordance with the requirements of the Central Bank of the Russian Federation and the Ministry of Finance of the Russian Federation, and to apply one of the methods referred to in Article 280 of this Code in relation to each securities portfolio. In this respect, the procedure for the maintenance of those records must be laid down in the taxpayer’s accounting policies for taxation purposes. [eighth part inserted by Federal Law No. 420-FZ of 28.12.2013]

**Article 330. Special Considerations Relating to the Maintenance of Tax Records of Income and Expenses of Insurance Organizations** [article as reworded by Federal Law No. 57-FZ of 29.05.2002]

Taxpayers which are insurance organizations shall maintain tax records of income (expenses) received (incurred) under insurance, co-insurance and re-insurance agreements by agreement concluded and by type of insurance.
Income of a taxpayer in the form of the entire amount of an insurance contribution which is receivable shall be recognised as at the date of the inception of the taxpayer’s liability to the policyholder under the agreement concluded which follows from the conditions of insurance, co-insurance and re-insurance agreements, irrespective of the procedure for the payment of the insurance contribution which is set forth in the agreement concerned (with the exception of life insurance and pension insurance agreements). In the case of life insurance and pension insurance agreements, income in the form of a portion of the insurance contribution shall be recognised at the moment when the taxpayer’s right to receive the next regular insurance premium arises in accordance with the conditions of those agreements.  

[second part as reworded by Federal Law No. 216-FZ of 24.07.2007]

A taxpayer shall, according to the procedure and subject to the conditions which are established by the legislation of the Russian Federation, form insurance reserves. Taxpayers shall reflect changes in the sizes of insurance reserves by type of insurance.

Insurance payments under an agreement which are payable in accordance with the conditions of that agreement shall be included in the composition of expenses as at the date on which there arises for the taxpayer an obligation to pay an insurance indemnity in favour of the policyholder or insured persons (in the case of liability insurance - in favour of the beneficiary) in respect of an insured event which has actually occurred, expressed as an absolute monetary amount which must be calculated in accordance with the legislation of the Russian Federation and the rules of insurance. Income (an expense) in the form of amounts of reimbursements of a portion of insurance payments shall be recognised as at the date on which there arises for the re-insurer an obligation to make payments to the re-insured in respect of an insured event which has actually occurred, expressed as an absolute monetary amount, according to the conditions of the re-insurance agreement.

Amounts of reimbursements which are due to the taxpayer as a result of the satisfaction of recourse actions or which have been acknowledged by the guilty parties shall be recognised as income:

- as at the date on which the court decision enters into legal force;

- as at the date of a written undertaking of the guilty party to make restitution for losses caused.

In this respect, a portion of the above-mentioned amounts which are reimbursable to re-insurers by the re-insured shall be included in the income (expenses) of the re-insured and the re-insurer respectively at the moment which is established for those taxpayers in accordance with this Article.

A taxpayer shall maintain records of insurance premiums (contributions) under co-insurance agreements to the extent of the taxpayer’s portion thereof in accordance with the conditions of those agreements.

Income of a taxpayer which carries out compulsory medical insurance in the form of resources received from territorial compulsory medical insurance funds shall be recognised as at the date on which those resources are transferred, as specified by the financing agreement, and in an amount to be determined on the basis of the financing procedure which is set out in that
Insurance payments under an agreement on the compulsory insurance of the civil liability of owners of means of transport which have been made on behalf of a taxpayer – insurance organization by another insurer which is a party to a direct indemnification agreement in accordance with the legislation of the Russian Federation concerning the compulsory insurance of the civil liability of owners of means of transport shall be included in expenses as at the date on which a demand is received from the insurer which effected direct indemnification for the payment of the amount for which it indemnified the injured party.

The items of income referred to in subsections 11.1 and 11.2 of clause 2 of Article 293 of this Code and the expense items referred to in subsections 9.1 and 9.2 of clause 2 of Article 294 of this Code shall be recognised where the settlement of obligations between insurers under a direct indemnification agreement takes place on the basis of the number of satisfied claims during a reporting period and average amounts of insurance payments. The amounts of such income and expenses shall be determined after the end of each reporting period by comparing the aggregate amounts of accumulated positive and negative differences which have arisen as a result of settlements with each individual insurer. In this respect, only those direct indemnification operations shall be taken into account for which settlements have been completed as at the end of the reporting (tax) period:

- for an insurer which insured the civil liability of an injured party, provided that the payment due to the injured party has been made and indemnification for that payment has been received in the amount of the average insurance payment amount from the insurer which insured the civil liability of the tortfeasor;

- for an insurer which insured the civil liability of a tortfeasor, provided that the insurance payment made by the insurer which insured the civil liability of the injured party has been recognised as an expense and reimbursement for that payment has been made in the amount of the average insurance payment amount.

Direct indemnification operations for which settlements have not been completed shall be taken into account in the following reporting (tax) period.

The special considerations laid down in the first to the seventh parts of this Article shall apply to the tax recognition of income and expenses of the organization which carries out activities involving the insurance of export credits and investments against entrepreneurial and (or) political risks in accordance with Federal Law No. 164-FZ of 8 December 2003 “Concerning the Fundamental Principles of the State Regulation of Foreign Trade Activity”.

Article 331. Special Considerations Relating to the Maintenance of Tax Records of Income and Expenses of Banks

Taxpayers which are banks shall maintain tax records of income and expenses received from (incurred in the course of) carrying out banking activities through the reflection of operations and transactions in analytical records in accordance with the procedure for the recognition of income and expenditure which is established by this Chapter.

Analytical records of income and expenses which are received (incurred) in the form of interest on debt obligations shall be maintained in accordance with the procedure prescribed by Article 328 of this Code.

Income and expenses attributable to economic and other operations relating to future reporting periods in respect of which advance payments have been made in the current reporting period shall be included in the amount of resources to be taken to expenses when the reporting period to which they relate is reached. Analytical records of income and expenses for economic operations shall be broken down by agreement, reflecting the date and amount of the advance received (paid) and the period during which that amount is taken to income and expenses.

Commission charges for services associated with correspondence relations which are paid by a taxpayer and expenses associated with settlement and cash services, the opening of accounts with other banks and other similar operations shall be taken to expenses as at the date of completion of the operation where the agreement provides for settlements for each individual operation or as at the last day of the reporting (tax) period. The taxpayer shall maintain records in similar fashion for income associated with the performance of operations involving the provision of settlement and cash services to clients, correspondent relations and other similar operations. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 137-FZ of 27.07.2006]

[Fifth part lost force – Federal Law No. 328-FZ of 28.11.2015]


In the case of transactions involving the purchase and sale of precious stones, a taxpayer shall reflect in tax records the quantitative and value indicators (mass and price) of precious stones which have been acquired and sold. An adjustment of the purchase cost of precious stones to listed prices shall not be regarded as income (expenditure) of the taxpayer. Upon the disposal of precious stones which are sold, income (loss) shall be determined in the form of the difference between the sale price and the book value. The book value shall be understood to mean the acquisition price of the precious stones.

Analytical records shall be maintained for each agreement on the purchase and sale of precious stones. There shall be recorded in analytical records the dates of completion of purchase and sale operations, the purchase price, the sale price and quantitative and qualitative characteristics of the precious stones.

[Article 331.1. Lost force from 01.01.2021 – Federal Law No. 374-FZ of 23.11.2020]
Article 332. Special Considerations Relating to the Maintenance of Tax Records of Income and Expenses Upon the Performance of a Fiduciary Agreement

A taxpayer - organization which is a manager of property under the conditions of a fiduciary agreement shall be obliged to maintain separate analytical records for income and expenses associated with the performance of the fiduciary agreement and for income received in the form of a fee from fiduciary management, with a breakdown by individual fiduciary agreement. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Analytical records must provide information which makes it possible to determine the principal and the beneficiary, the date of entry into force and the date of termination of the fiduciary agreement, the value and composition of property received for fiduciary management and the procedure and time limits for settlements in respect of the fiduciary management. When operations are carried out involving property received for fiduciary management, income and expenses shall be reflected in accordance with the rules for the determination of income and expenses which are established by this Chapter. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Income of a principal and a fiduciary under a fiduciary agreement shall be determined in each reporting (tax) period irrespective of whether or not the agreement in question provides for settlements to be made during the period of validity of the fiduciary agreement. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The amount of the fee payable to the fiduciary shall be deemed an expense under the fiduciary agreement and shall reduce the amount of income received from operations involving the property placed under fiduciary management. If a third person - a beneficiary - is designated as the beneficiary under the fiduciary agreement, expenses (losses) (other than the fee) associated with the performance of the fiduciary agreement shall not reduce other types of income received by the principal. [as amended by Federal Law No. 57-FZ of 29.05.2002]

When amortizable property is returned to a principal, that property shall be included in the same amortization group and amortization shall be charged at the same rates and according to the same procedure as prior to the commencement of the fiduciary agreement. Amortization charged for the entire period of use of such property up to the date of its return to the principal shall be taken into account in determining the net book value of that property. Where the beneficiary is a third party, expenses (losses) from the reduction in the value of such property shall not reduce the principal’s tax base when the property is returned.

Article 332.1. Special Considerations Relating to the Maintenance of Tax Records of Research and (or) Development Expenses [inserted by Federal Law No. 132-FZ of 07.06.2011]

1. In analytical records a taxpayer shall present the amount of research and (or) development expenses with all expenses incurred grouped by type of work (by contract), including the cost of consumable materials and energy, amortization of fixed assets and intangible assets used in the performance of research and (or) development, labour payment expenses for employees which perform research and (or) development and other expenses associated with the performance of research and (or) development on an internal basis, and with account taken of expenditure on payment for work under contracts for the performance of research work and contracts for the performance of development and technological work.
2. Data in tax ledgers must include information:

1) on amounts of research and (or) development expenses grouped by type of work (by contract);

2) on amounts of expenses by item of expenditure (amortization of fixed assets, amortization of intangible assets, labour payment for employees, material expenses and miscellaneous expenses directly connected with the performance of research and (or) development for each type of research and (or) development carried out internally);

3) on amounts of research and (or) development expenses incurred in a reporting (tax) period in the form of allocations for the formation of funds for the support of scientific, technical research and innovation activities which have been created in accordance with the Federal Law “Concerning Science and State Scientific and Technical Policy”;

4) on amounts of research and (or) development expenses incurred in a reporting (tax) period from a reserve for future research and (or) development expenses – in the case of a taxpayer which forms such a reserve;

5) on amounts of expenses for research and (or) development, whether or not it has yielded a positive result, which were included in miscellaneous expenses for a reporting (tax) period;

6) on amounts of expenses for research and (or) development, whether or not it has yielded a positive result, which were included in miscellaneous expenses for a reporting (tax) period with a coefficient of 1.5 applied.

3. Where a taxpayer has created a reserve for future research and (or) development expenses in accordance with Article 267.2 of this Code, expenses incurred in connection with the implementation of research and (or) development programmes which reduce the amount of that reserve shall be reflected in tax ledgers according to the procedure established by this Article.

**Article 333. Special Considerations Relating to the Maintenance of Tax Records of Income (Expenses) Associated With Repo Transactions** [article as reworded by Federal Law No. 281-FZ of 25.11.2009]

Analytical records of repo transactions shall be maintained in analytical tax ledgers specially allocated for those purposes in relation to each transaction, in which respect monetary resources in foreign currency shall be indicated as a dual value: in foreign currency and in roubles.

The value of securities which are transferable in the second leg of the repo shall be recorded by the taxpayer who is the seller in the first leg of the repo.

The purchaser in the first leg of the repo shall keep records of the value of securities over the period from the date on which securities are acquired in the first leg of the repo up to the date on which they are sold in the second leg of the repo.

There shall be reflected in analytical records the date of sale (acquisition) and value of securities sold (acquired) in the first leg of the repo and the date of acquisition (sale) and value of securities to be acquired (sold) upon the execution of the second leg of the repo.
Where the object of a repo transaction is securities denominated in foreign currency, obligations (claims) arising for the purchaser (seller) in the first leg of the repo for the repurchase of those securities shall not be revalued in connection with changes in the official exchange rates of foreign currencies to the Russian Federation rouble which are set by the Central Bank of the Russian Federation.

Obligations (claims) in respect of monetary resources in foreign currency in the second leg of a repo where income (expenses) in respect of a repo transaction is (are) regarded in accordance with clauses 3 and 4 of Article 282 of this Code as interest on a loan provided (received) in the form of securities shall be subject to revaluation in connection with changes in the official exchange rate of foreign currency to the Russian Federation rouble which is set by the Central Bank of the Russian Federation.

Obligations (claims) pertaining to monetary resources in foreign currency for the refund (receipt) of attracted (placed) resources in cases where income (expenses) associated with a repo transaction is (are) recognised in accordance with clauses 3 and 4 of Article 282 of this Code as interest on placed (attracted) resources shall be subject to revaluation in connection with changes in the official exchange rate of the foreign currency to the Russian Federation rouble which is set by the Central Bank of the Russian Federation.


The amount of monetary obligations (claims) to be revalued in connection with changes in the official exchange rate of a foreign currency to the Russian Federation rouble which is set by the Central Bank of the Russian Federation may be adjusted if, in accordance with the conditions of a repo agreement, payments made by an issuer on securities or monetary settlements occurring in connection with a change in the price of securities or in other cases provided for in the repo agreement in the period between the dates of execution of the first and second legs of the repo reduce the amount of monetary resources payable by the seller in the first leg of the repo when it subsequently acquires securities in the second leg of the repo.

The result of that revaluation shall be included in the organization’s non-sale income (expenses).

CHAPTER 25.1. LEVIES FOR THE USE OF FAUNA AND FOR THE USE OF AQUATIC BIOLOGICAL RESOURCES

[inserted by Federal Law No. 148-FZ of 11.11.2003]

Article 333.1. Payers of the Levies

1. The payers of the levy for the use of fauna other than fauna classified as aquatic biological resources (hereafter in this Chapter referred to as “payers”) shall be organizations and physical persons, including private entrepreneurs, which receive in accordance with the established procedure a permit for the harvesting of fauna in the territory of the Russian Federation. [as amended by Federal Law No. 209-FZ of 24.07.2009]

2. The payers of the levy for the use of aquatic biological resources (hereafter in this Chapter referred to as “payers”) shall be organizations and physical persons, including private entrepreneurs, which receive in accordance with the established procedure a permit for the
harvesting (catching) of aquatic biological resources in the internal waters, in the territorial sea and on the continental shelf of the Russian Federation, in the exclusive economic zone of the Russian Federation and in the Azov, Caspian and Barents seas and in the area of the Spitzbergen archipelago. [as amended by Federal Law No. 285-FZ of 29.11.2007]

3. The payers of the levy shall also include 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” and which possess licences and other authorization documents for the harvesting (capture) of aquatic biological resources which have effect in accordance with the procedure established by Article 12 of Federal Constitutional Law No. 6-FKZ of 21 March 2014 “Concerning the Admission of the Republic of Crimea to the Russian Federation and the Formation within the Russian Federation of New Constituent Entities – the Republic of Crimea and the City of Federal Significance Sevastopol”.

[clause 3 inserted by Federal Law No. 379-FZ of 29.11.2014]

Article 333.2. Objects of Assessment

1. The objects of assessment shall be as follows:

- items of fauna in accordance with the list established by clause 1 of Article 333.3 of this Code, the removal of which from their habitat is carried out on the basis of a permit for the harvesting of fauna which is issued in accordance with the legislation of the Russian Federation; [as amended by Federal Law No. 209-FZ of 24.07.2009]

- items of aquatic biological resources in accordance with the list established by clauses 4 and 5 of Article 333.3 of this Code, the removal of which from their habitat is carried out on the basis of a permit for the harvesting (catching) of aquatic biological resources which is issued in accordance with the legislation of the Russian Federation, including items of aquatic biological resources which are to be removed from their habitat as authorized bycatch. [as amended by Federal Laws No. 285-FZ of 29.11.2007, No. 314-FZ of 30.12.2008]

2. For the purposes of this Chapter there shall not be recognised as objects of assessment fauna and aquatic biological resources which are used to meet personal needs by representatives of indigenous small national communities of the North, Siberia and the Far East of the Russian Federation (according to a list to be approved by the Government of the Russian Federation) and by persons who do not belong to indigenous small national communities but permanently reside in areas of their traditional habitation and traditional economic activity, and for whom hunting and fishing form the basis of their existence. This right shall apply only to such quantity (volume) of fauna and aquatic biological resources as are harvested to meet personal needs in areas of the traditional habitation and traditional economic activity of a given category of payers. Limits on the use of fauna and limits and quotas on the harvesting (catching) of aquatic biological resources to meet personal needs shall be established by executive bodies of constituent entities of the Russian Federation in consultation with authorized federal executive bodies. [as amended by Federal Law No. 333-FZ of 06.12.2007]

Article 333.3. Rates of the Levies

1. The rates of the levy for each item of fauna shall be established at the following levels, unless otherwise established by clauses 2 and 3 of this Article:
## Leases for Use of Fauna and Aquatic Resources

<table>
<thead>
<tr>
<th>Name of item of fauna</th>
<th>Rate of levy in roubles (per one animal)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ox, hybrid between European bison and North American bison or domestic cattle</td>
<td>15,000</td>
</tr>
<tr>
<td>Bear (with the exception of Kamchatka populations and Asiatic black bear)</td>
<td>3,000</td>
</tr>
<tr>
<td>Brown bear (Kamchatka populations), Asiatic black bear</td>
<td>6,000</td>
</tr>
<tr>
<td>Red deer, elk</td>
<td>1,500</td>
</tr>
<tr>
<td>Spotted deer, fallow deer, snow ram, Siberian mountain goat, chamois, Caucasian</td>
<td>600</td>
</tr>
<tr>
<td></td>
<td>mountain goat, moufflon</td>
</tr>
<tr>
<td>Roe deer, wild boar, musk deer, lynx, wolverine</td>
<td>450</td>
</tr>
<tr>
<td>Wild reindeer, saiga antelope</td>
<td>300</td>
</tr>
<tr>
<td>Sable, otter</td>
<td>120</td>
</tr>
<tr>
<td>Badger, marten, marmot, beaver</td>
<td>60</td>
</tr>
<tr>
<td>Himalayan marten</td>
<td>100</td>
</tr>
<tr>
<td>Raccoon</td>
<td>30</td>
</tr>
<tr>
<td>Steppe cat, reed cat</td>
<td>100</td>
</tr>
<tr>
<td>Marsh otter</td>
<td>30</td>
</tr>
<tr>
<td>Capercaillie, black-billed capercaillie</td>
<td>100</td>
</tr>
<tr>
<td>Caucasian snowcock</td>
<td>100</td>
</tr>
<tr>
<td>Pallas’s sandgrouse</td>
<td>30</td>
</tr>
<tr>
<td>Pheasant, black grouse, water-rail, little crake, Baillon’s crake, crake, band-</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>bellied crake, common moorhen</td>
</tr>
</tbody>
</table>

2. In the case of the removal of young stock (aged under one year) of wild ungulates, the rates of the levy for the use of fauna shall be established at a level equal to 50 per cent of the rates established by clause 1 of this Article.

3. The rates of the levy for each item of fauna indicated in clause 1 of this Article shall be established at 0 roubles in the event that such items of fauna are used for the purpose of:

- protecting public health, eliminating a threat to human life, protecting agricultural and domestic animals against illnesses, regulating the species composition of items of fauna and preventing damage to the economy and to fauna and its habitat, and for the purpose of the replenishment of items of fauna where this is carried out in accordance with a permit issued by an authorized executive body;

- examining stock levels, and for scientific purposes in accordance with the legislation of the Russian Federation. [as amended by Federal Law No. 209-FZ of 24.07.2009]
Levies for Use of Fauna and Aquatic Resources

4. The rates of the levy for each item of aquatic biological resources, other than marine mammals, shall be established at the following levels, unless otherwise established by clause 6 of this Article:

<table>
<thead>
<tr>
<th>Name of item of aquatic biological resources</th>
<th>Rate of the levy in roubles (per one tonne)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Far Eastern basin (internal sea waters, territorial sea and exclusive economic zone of the Russian Federation and continental shelf of the Russian Federation in the Chukotsk, East Siberian and Bering Seas, the Sea of Okhotsk, the Sea of Japan and the Pacific Ocean)</td>
<td></td>
</tr>
<tr>
<td>Walleye pollock of the Sea of Okhotsk</td>
<td>3,500</td>
</tr>
<tr>
<td>Walleye pollock of other harvesting areas</td>
<td>2,000</td>
</tr>
<tr>
<td>Cod</td>
<td>3,000</td>
</tr>
<tr>
<td>Bering Sea herring</td>
<td>400</td>
</tr>
<tr>
<td>Sea of Okhotsk herring in the spring / summer harvesting season</td>
<td>400</td>
</tr>
<tr>
<td>Herring of other harvesting areas and periods</td>
<td>200</td>
</tr>
<tr>
<td>Halibut</td>
<td>3,500</td>
</tr>
<tr>
<td>Rock trout</td>
<td>750</td>
</tr>
<tr>
<td>Sea perch</td>
<td>1,500</td>
</tr>
<tr>
<td>Sablefish</td>
<td>1,500</td>
</tr>
<tr>
<td>Tuna</td>
<td>600</td>
</tr>
<tr>
<td>Smelt</td>
<td>200</td>
</tr>
<tr>
<td>Saury</td>
<td>150</td>
</tr>
<tr>
<td>Loach</td>
<td>200</td>
</tr>
<tr>
<td>Humpbacked salmon</td>
<td>3,500</td>
</tr>
<tr>
<td>Dog salmon</td>
<td>4,000</td>
</tr>
<tr>
<td>Amur autumn dog salmon</td>
<td>3,000</td>
</tr>
<tr>
<td>Silver salmon</td>
<td>4,000</td>
</tr>
<tr>
<td>King salmon</td>
<td>6,000</td>
</tr>
<tr>
<td>Red salmon</td>
<td>20,000</td>
</tr>
<tr>
<td>Cherry salmon</td>
<td>6,000</td>
</tr>
<tr>
<td>Thorny-head</td>
<td>200</td>
</tr>
<tr>
<td>Sturgeons*</td>
<td>5,500</td>
</tr>
<tr>
<td>Plaice, navaga, capelin, anchovy, eelpout, grenadier, Arctic cod, hakeling, sculpin, swell-fish, sand lance, sharks, skates, mullets, other</td>
<td>10</td>
</tr>
</tbody>
</table>

[Article 333.3]
<table>
<thead>
<tr>
<th>Species</th>
<th>Levy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red king crab of the western coast of Kamchatka</td>
<td>35,000</td>
</tr>
<tr>
<td>Red king crab of the northern Sea of Okhotsk</td>
<td>35,000</td>
</tr>
<tr>
<td>Red king crab of other harvesting areas</td>
<td>35,000</td>
</tr>
<tr>
<td>Blue king crab</td>
<td>35,000</td>
</tr>
<tr>
<td>Golden king crab</td>
<td>20,000</td>
</tr>
<tr>
<td>Sea of Okhotsk Bairdi crab</td>
<td>35,000</td>
</tr>
<tr>
<td>Bairdi crab of other harvesting areas</td>
<td>13,000</td>
</tr>
<tr>
<td>Opilio snow crab</td>
<td>35,000</td>
</tr>
<tr>
<td>Triangle tanner crab</td>
<td>8,000</td>
</tr>
<tr>
<td>Red snow crab</td>
<td>8,000</td>
</tr>
<tr>
<td>Vermillion crab</td>
<td>200</td>
</tr>
<tr>
<td>Tanner crab</td>
<td>200</td>
</tr>
<tr>
<td>Scarlet king crab</td>
<td>200</td>
</tr>
<tr>
<td>Spiny king crab of the southern Kurile Islands</td>
<td>25,000</td>
</tr>
<tr>
<td>Spiny king crab of other harvesting areas</td>
<td>13,000</td>
</tr>
<tr>
<td>Hair crab of the area of south-eastern Sakhalin and Aniva Bay in the Sea of Okhotsk zone and of south-western Sakhalin in the Sea of Japan zone</td>
<td>20,000</td>
</tr>
<tr>
<td>Hair crab of other harvesting areas</td>
<td>9,000</td>
</tr>
<tr>
<td>Humpy shrimp</td>
<td>200</td>
</tr>
<tr>
<td>Northern shrimp</td>
<td>3,000</td>
</tr>
<tr>
<td>Bering Sea northern shrimp</td>
<td>200</td>
</tr>
<tr>
<td>Hokkai shrimp</td>
<td>2,600</td>
</tr>
<tr>
<td>Coonstripe shrimp</td>
<td>5,000</td>
</tr>
<tr>
<td>Other species of shrimp</td>
<td>200</td>
</tr>
<tr>
<td>Squid</td>
<td>500</td>
</tr>
<tr>
<td>Primorye subzone squid</td>
<td>200</td>
</tr>
<tr>
<td>Octopus</td>
<td>1,000</td>
</tr>
<tr>
<td>Common whelk</td>
<td>12,000</td>
</tr>
<tr>
<td>Sea scallop</td>
<td>9,000</td>
</tr>
<tr>
<td>Other molluscs (mussels, surf clam, Asian clam, et al.)</td>
<td>20</td>
</tr>
<tr>
<td>Sea cucumber</td>
<td>30,000</td>
</tr>
<tr>
<td>Cucumaria</td>
<td>300</td>
</tr>
</tbody>
</table>
### Levies for Use of Fauna and Aquatic Resources

<table>
<thead>
<tr>
<th>Resource</th>
<th>Levy (in thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grey sea urchin</td>
<td>6,000</td>
</tr>
<tr>
<td>Black sea urchin</td>
<td>2,600</td>
</tr>
<tr>
<td>Other sea urchin (pale, polyacanthus, green, et al.)</td>
<td>6,000</td>
</tr>
<tr>
<td>Seaweed</td>
<td>10</td>
</tr>
<tr>
<td>Other aquatic biological resources</td>
<td>200</td>
</tr>
</tbody>
</table>

Northern basin (White Sea, internal sea waters, territorial sea and exclusive economic zone of the Russian Federation and continental shelf of the Russian Federation in the Laptev Sea and the Kara Sea and in the Barents Sea and the area of the Spitzbergen archipelago)

<table>
<thead>
<tr>
<th>Resource</th>
<th>Levy (in thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cod</td>
<td>5,000</td>
</tr>
<tr>
<td>Haddock</td>
<td>3,500</td>
</tr>
<tr>
<td>Atlantic salmon (semga)</td>
<td>7,500</td>
</tr>
<tr>
<td>Humpbacked salmon</td>
<td>200</td>
</tr>
<tr>
<td>Herring</td>
<td>400</td>
</tr>
<tr>
<td>Chosa and White Sea herring</td>
<td>100</td>
</tr>
<tr>
<td>Plaice</td>
<td>200</td>
</tr>
<tr>
<td>Black halibut</td>
<td>7,000</td>
</tr>
<tr>
<td>Sea perch</td>
<td>1,500</td>
</tr>
<tr>
<td>Pollock</td>
<td>50</td>
</tr>
<tr>
<td>Whitefish</td>
<td>1,800</td>
</tr>
<tr>
<td>Vendace, smelt, navaga, catfish</td>
<td>200</td>
</tr>
<tr>
<td>Arctic cod, capelin, lumpsucker, European sand lance, thorny skate, sleeper shark, cusk, other</td>
<td>20</td>
</tr>
<tr>
<td>Kamchatka crab</td>
<td>30,000</td>
</tr>
<tr>
<td>Northern shrimp</td>
<td>3,000</td>
</tr>
<tr>
<td>Sculptured shrimp</td>
<td>2,000</td>
</tr>
<tr>
<td>Other shrimp (euphausiids)</td>
<td>20</td>
</tr>
<tr>
<td>Sea scallop</td>
<td>9,000</td>
</tr>
<tr>
<td>Other molluscs</td>
<td>20</td>
</tr>
<tr>
<td>Green sea urchin</td>
<td>3,000</td>
</tr>
<tr>
<td>Cucumaria</td>
<td>300</td>
</tr>
<tr>
<td>Seaweed</td>
<td>10</td>
</tr>
<tr>
<td>Snow crab</td>
<td>35,000</td>
</tr>
</tbody>
</table>
Levies for Use of Fauna and Aquatic Resources

[Baltic basin (internal sea waters, territorial sea and exclusive economic zone of the Russian Federation and continental shelf of the Russian Federation in the Baltic Sea, the Vistula Lagoon, the Courland Lagoon and the Gulf of Finland)]

<table>
<thead>
<tr>
<th>Species</th>
<th>Levy (rubles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baltic herring</td>
<td>20</td>
</tr>
<tr>
<td>Sprat (kilka)</td>
<td>20</td>
</tr>
<tr>
<td>Atlantic salmon (Baltic salmon)</td>
<td>7,500</td>
</tr>
<tr>
<td>Cod</td>
<td>2,500</td>
</tr>
<tr>
<td>Siberian whitefish</td>
<td>1,500</td>
</tr>
<tr>
<td>Turbot</td>
<td>400</td>
</tr>
<tr>
<td>Other flatfish species</td>
<td>50</td>
</tr>
<tr>
<td>Eel</td>
<td>10,000</td>
</tr>
<tr>
<td>Lamprey</td>
<td>7,000</td>
</tr>
<tr>
<td>Pike perch</td>
<td>1,500</td>
</tr>
<tr>
<td>Vimba</td>
<td>1,800</td>
</tr>
<tr>
<td>Perch</td>
<td>400</td>
</tr>
<tr>
<td>Vendace, bream, pike, burbot,</td>
<td></td>
</tr>
<tr>
<td>stickleback, roach, smelt,</td>
<td></td>
</tr>
<tr>
<td>ruffe, whitebait, sabrefish,</td>
<td></td>
</tr>
<tr>
<td>red-eye, silver bream, other</td>
<td>20</td>
</tr>
<tr>
<td>Caspian basin (areas of the</td>
<td></td>
</tr>
<tr>
<td>Caspian Sea in which the</td>
<td></td>
</tr>
<tr>
<td>Russian Federation exercises</td>
<td></td>
</tr>
<tr>
<td>jurisdiction over fishing)</td>
<td></td>
</tr>
<tr>
<td>Kilka (anchovy, big-eyed,</td>
<td>20</td>
</tr>
<tr>
<td>common)</td>
<td></td>
</tr>
<tr>
<td>Herring (dolginka, Caspian</td>
<td>20</td>
</tr>
<tr>
<td>shad, big-eyed shad, Caspian</td>
<td></td>
</tr>
<tr>
<td>anadromous shad)</td>
<td></td>
</tr>
<tr>
<td>Large chastik (grey mullet,</td>
<td>150</td>
</tr>
<tr>
<td>sand smelt, bream, sazan,</td>
<td></td>
</tr>
<tr>
<td>sheat-fish, silver bream,</td>
<td></td>
</tr>
<tr>
<td>pike, other, excluding pike</td>
<td></td>
</tr>
<tr>
<td>perch and kutum)</td>
<td></td>
</tr>
<tr>
<td>Pike perch</td>
<td>1,000</td>
</tr>
<tr>
<td>Kutum</td>
<td>1,000</td>
</tr>
<tr>
<td>Caspian roach</td>
<td>200</td>
</tr>
<tr>
<td>Sturgeons*</td>
<td>5,500</td>
</tr>
<tr>
<td>Red-eye, tench, perch,</td>
<td>20</td>
</tr>
<tr>
<td>crucian carp, other freshwater</td>
<td></td>
</tr>
<tr>
<td>fish caught as bycatch</td>
<td></td>
</tr>
<tr>
<td>Azov-Black Sea basin (internal</td>
<td></td>
</tr>
<tr>
<td>sea waters and territorial</td>
<td></td>
</tr>
<tr>
<td>sea and exclusive economic</td>
<td></td>
</tr>
<tr>
<td>zone of the Russian Federation</td>
<td></td>
</tr>
<tr>
<td>in the Black Sea, areas of the</td>
<td></td>
</tr>
<tr>
<td>Sea of Azov with Taganrog Bay</td>
<td></td>
</tr>
<tr>
<td>in which the Russian Federation</td>
<td></td>
</tr>
<tr>
<td>exercises jurisdiction over</td>
<td></td>
</tr>
<tr>
<td>fishing)</td>
<td></td>
</tr>
<tr>
<td>Pike perch</td>
<td>1,000</td>
</tr>
<tr>
<td>Black Sea turbot</td>
<td>2,000</td>
</tr>
</tbody>
</table>
**Levies for Use of Fauna and Aquatic Resources**

<table>
<thead>
<tr>
<th>Species</th>
<th>Levy (rubles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All species of grey mullet</td>
<td>1,000</td>
</tr>
<tr>
<td>Bream</td>
<td>150</td>
</tr>
<tr>
<td>Sea roach</td>
<td>150</td>
</tr>
<tr>
<td>Black Sea anchovy</td>
<td>20</td>
</tr>
<tr>
<td>Tyulka</td>
<td>20</td>
</tr>
<tr>
<td>Sprat (kilka)</td>
<td>20</td>
</tr>
<tr>
<td>Vimba</td>
<td>1,800</td>
</tr>
<tr>
<td>Goatfish</td>
<td>1,800</td>
</tr>
<tr>
<td>Herring</td>
<td>450</td>
</tr>
<tr>
<td>Mugil soiuy</td>
<td>450</td>
</tr>
<tr>
<td>Sturgeons*</td>
<td>5,500</td>
</tr>
<tr>
<td>Skate, sabrefish, dogfish, horse-mackerel, sand smelt, sculpin, ark clam, whiting, other</td>
<td>10</td>
</tr>
<tr>
<td>Other aquatic biological resources (molluscs, seaweed)</td>
<td>10</td>
</tr>
<tr>
<td>Internal water bodies (rivers, reservoirs, lakes)</td>
<td></td>
</tr>
<tr>
<td>Sturgeons*</td>
<td>5,500</td>
</tr>
<tr>
<td>Atlantic salmon (Baltic salmon, semga), king salmon, Amur autumn dog salmon, silver salmon, nelma salmon, Danube salmon, red salmon, eel</td>
<td>5,000</td>
</tr>
<tr>
<td>Dog salmon, cherry salmon, European sea trout</td>
<td>3,000</td>
</tr>
<tr>
<td>Baikal black grayling, broad whitefish, muksun</td>
<td>2,100</td>
</tr>
<tr>
<td>White-spotted char, bull trout, loach, brook trout, all species of trout, Manchurian trout, whitefish, omul, humpback whitefish, barbel, black-backed shad, vimba, asp, grayling, Danube bleak, kutum, sheat-fish, lamprey</td>
<td>1,200</td>
</tr>
<tr>
<td>Grass carp, asp, silver carp and sheat fish of the River Volga</td>
<td>150</td>
</tr>
<tr>
<td>Large chastik (other than pike perch)</td>
<td>150</td>
</tr>
<tr>
<td>Pike perch</td>
<td>1,000</td>
</tr>
<tr>
<td>Ladoga vendace, sea roach, Caspian roach, vendace</td>
<td>80</td>
</tr>
<tr>
<td>Brine shrimp</td>
<td>2,000</td>
</tr>
<tr>
<td>Gammarus</td>
<td>1,000</td>
</tr>
<tr>
<td>Crayfish</td>
<td>1,000</td>
</tr>
<tr>
<td>Other items of aquatic biological resources</td>
<td>20</td>
</tr>
</tbody>
</table>

*The levy is charged in the case of authorized harvesting.*

[clause 4 as reworded by Federal Law No. 285-FZ of 29.11.2007]
Levies for Use of Fauna and Aquatic Resources

5. The rates of the levy for each item of aquatic biological resources that is a marine mammal shall be established at the following levels unless otherwise established by clause 6 of this Article:

<table>
<thead>
<tr>
<th>Name of item of aquatic biological resources (marine mammal)</th>
<th>Rate of the levy in roubles (per one tonne)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Killer whale and other cetaceans (excluding the white whale)</td>
<td>30,000</td>
</tr>
<tr>
<td>White whale</td>
<td>7,000</td>
</tr>
<tr>
<td>Pacific walrus</td>
<td>1,500</td>
</tr>
<tr>
<td>Fur seal</td>
<td>10</td>
</tr>
<tr>
<td>Ringed seal (akiba)</td>
<td>10</td>
</tr>
<tr>
<td>Ribbon seal</td>
<td>10</td>
</tr>
<tr>
<td>Bearded seal (lakhtak)</td>
<td>10</td>
</tr>
<tr>
<td>Spotted seal</td>
<td>10</td>
</tr>
<tr>
<td>Greenland seal</td>
<td>10</td>
</tr>
<tr>
<td>Caspian seal</td>
<td>10</td>
</tr>
<tr>
<td>Baikal seal</td>
<td>10</td>
</tr>
</tbody>
</table>

[clause 5 as reworded by Federal Law No. 285-FZ of 29.11.2007]

6. The rates of the levy for each item of aquatic biological resources indicated in clauses 4 and 5 of this Article shall be established at 0 roubles in the event that the use of such items of aquatic biological resources occurs in connection with: [as amended by Federal Law No. 333-FZ of 06.12.2007]

- fishing carried out for the purposes of the replenishment and acclimatization of aquatic biological resources; [as amended by Federal Law No. 333-FZ of 06.12.2007]

- fishing carried out for research and control purposes. [as amended by Federal Law No. 333-FZ of 06.12.2007]

7. The rates of the levy for each item of aquatic biological resources referred to in clauses 4 and 5 of this Article for town- and settlement-forming Russian fishing organizations which are included in a list to be approved by the Government of the Russian Federation, and for Russian fishing organizations, including fishing artels (collective farms), shall be established at a level equal to 15 per cent of the levy rates provided for in clauses 4 and 5 of this Article.

For the purposes of this Chapter, town- and settlement-forming Russian fishing organizations shall be understood to mean organizations which satisfy the following criteria:

- they engage in fishing on fishing fleet vessels which are owned by them, or use them on the basis of chartering agreements (bareboat charter and time charter);

- they have been registered as a legal entity in accordance with the legislation of the Russian Federation;
Levies for Use of Fauna and Aquatic Resources

- income from the sale of aquatic biological resources harvested (caught) by them and (or) of other products from aquatic biological resources which were produced from aquatic biological resources harvested (caught) by them accounts for not less than 70 per cent of total income from the sale of goods (work and services) for the calendar year preceding the year in which a permit to harvest (catch) aquatic biological resources is issued;

- the number of employees, including family members residing with them, as at 1 January of the calendar year in which a permit to harvest (catch) aquatic biological resources is issued accounts for not less than half of the population of the corresponding inhabited locality.

For the purposes of this Chapter, fishing organizations shall be understood to mean organizations which engage in the catching of fish and (or) the production of fish products and other products from aquatic biological resources (including on fishing fleet vessels which are used on the basis of chartering agreements) and which sell those catches and products, provided that income from the sale of their catches of aquatic biological resources and (or) of fish products and other products from aquatic biological resources which were produced from those catches accounts for not less than 70 per cent of the total income of such organizations from the sale of goods (work and services).

[clause 7 as reworded by Federal Law No. 314-FZ of 30.12.2008]


9. The rates of the levy for each item of aquatic biological resources referred to in clauses 4 and 5 of this Article for private entrepreneurs who meet the criteria laid down by paragraph 7 of clause 7 of this Article for fishing organizations shall be established at 15 per cent of the levy rates specified in clauses 4 and 5 of this Article.

[clause 9 inserted by Federal Law No. 70-FZ of 21.04.2011]

Article 333.4. Procedure for the Calculation of the Levies

1. The amount of the levy for the use of fauna shall be determined for each item of fauna indicated in clauses 1 to 3 of Article 333.3 of this Code as the product of the relevant quantity of items of fauna and the rate of the levy which is established for that particular item of fauna.

2. The amount of the levy for the use of aquatic biological resources shall be determined for each item of aquatic biological resources indicated in clauses 4 to 7 of Article 333.3 of this Code as the product of the relevant quantity of items of aquatic biological resources and the rate of the levy which is established for that particular item of aquatic biological resources as at the date of commencement of the term of the permit. [as amended by Federal Law No. 285-FZ of 29.11.2007]

Article 333.5. Procedure and Time Limits for the Payment of the Levies. Procedure for the Crediting of the Levies

1. The payers referred to in clause 1 of Article 333.1 of this Code shall pay the amount of the levy for the use of fauna upon receiving a permit for the harvesting of fauna. [as amended by Federal Law No. 209-FZ of 24.07.2009]

2. The payers referred to in clause 2 of Article 333.1 of this Code shall pay the amount of the levy for the use of aquatic biological resources in the form of a one-time instalment and regular
Levies for Use of Fauna and Aquatic Resources

instalments, or, in cases provided for in this Chapter, in the form of a lump-sum payment. [as amended by Federal Laws No. 333-FZ of 06.12.2007, No. 314-FZ of 30.12.2008]

The amount of the one-time instalment shall be determined as a proportion of the calculated amount of the levy which is equal to 10 per cent.

The one-time instalment shall be paid upon receiving a permit for the harvesting (catching) of aquatic biological resources. [as amended by Federal Law No. 285-FZ of 29.11.2007]

The remaining amount of the levy, which is determined as the difference between the calculated amount of the levy and the amount of the one-time instalment, shall be paid in equal portions in the form of regular instalments over the entire period of validity of the permit for the harvesting (catching) of aquatic biological resources, on a monthly basis not later than the 20th. [as amended by Federal Law No. 285-FZ of 29.11.2007]

The amount of the levy for the use of aquatic biological resources which are to be removed from their habitat as authorized bycatch on the basis of a permit to harvest (catch) aquatic biological resources shall be paid in the form of a lump-sum payment not later than the 20th of the month following the last month of the period of validity of the permit to harvest (catch) aquatic biological resources. [paragraph inserted by Federal Law No. 314-FZ of 30.12.2008]


3. The levy for the use of fauna shall be paid by taxpayers at the location of the body which issued the permit for the harvesting of fauna. [as amended by Federal Law No. 209-FZ of 24.07.2009]

The levy for the use of aquatic biological resources shall be paid:

- by payers which are physical persons, with the exception of private entrepreneurs – at the location of the body which issued the permit for the harvesting (catching) of aquatic biological resources; [as amended by Federal Law No. 285-FZ of 29.11.2007]

- by payers which are organizations and private entrepreneurs – at the place where they are registered. [clause 3 as reworded by Federal Law No. 144-FZ of 27.07.2006]

4. Amounts of the levies for the use of aquatic biological resources shall be credited to accounts of Federal Treasury bodies for subsequent allocation in accordance with the budget legislation of the Russian Federation. [as amended by Federal Law No. 183-FZ of 28.12.2004]

Article 333.6. Procedure for the Presentation of Information by Bodies Which Issue Licences (Permits)

1. Bodies which issue a permit for the harvesting of fauna and a permit for the harvesting (catching) of aquatic biological resources in accordance with the established procedure shall, not later than the 5th of each month, present to the tax authorities where they are registered information on permits that have been issued and the amount of the levy which is payable in respect of each permit, and information on the time limits for the payment of the levy. [as amended by Federal Laws No. 285-FZ of 29.11.2007, No. 209-FZ of 24.07.2009]
2. The forms in which information is to be presented by bodies which issue permits in accordance with the established procedure shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. [as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 95-FZ of 29.07.2004, No. 209-FZ of 24.07.2009]


1. Organizations and private entrepreneurs which use fauna on the basis of a permit for the harvesting of fauna shall, not later than 10 days from the date of receipt of such permit, present to the tax authority at the location of the body which issued that permit information on permits for the use of fauna that have been received, on amounts of the levy that are payable and on amounts of levies actually paid. [as amended by Federal Laws No. 144-FZ of 27.07.2006, No. 209-FZ of 24.07.2009]

Upon the expiry of the period of validity of a permit for the harvesting of fauna, organizations and private entrepreneurs shall have the right to apply to the tax authority at the location of the body which issued that permit for an offset or refund of amounts of the levy in respect of unused permits for the use of fauna that were issued by an authorized body. [as amended by Federal Laws No. 144-FZ of 27.07.2006, No. 209-FZ of 24.07.2009]

Amounts of the levy in respect of unused permits for the use of fauna shall be offset or refunded in accordance with the procedure established by Chapter 12 of this Code subject to the presentation of documents of a range to be approved by the federal tax authority. [as amended by Federal Law No. 209-FZ of 24.07.2009]

2. Organizations and private entrepreneurs which use aquatic biological resources on the basis of a permit for the harvesting (catching) of aquatic biological resources shall, not later than 10 days from the date of receipt of that permit, present to the tax authorities where they are registered information on permits for the harvesting (catching) of aquatic biological resources that have been received and on amounts of the levy that are payable in the form of a one-time instalment and regular instalments. [as amended by Federal Law No. 285-FZ of 29.11.2007]

Information on the quantity of items of aquatic biological resources which are to be removed from their habitat as authorized bycatch on the basis of a permit to harvest (catch) aquatic biological resources shall be submitted by organizations and private entrepreneurs to the tax authorities where they are registered not later than the due dates for the payment of the lump-sum payment which are established by paragraph 5 of clause 2 of Article 333.5 of this Code in a form to 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. 314-FZ of 30.12.2008]

3. The information referred to in clauses 1 and 2 of this Article shall be presented by organizations and private entrepreneurs which engage in the use of fauna and the use of aquatic biological resources in forms to be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. [as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 95-FZ of 29.07.2004]
CHAPTER 25.2. WATER TAX

Article 333.8. Taxpayers

1. The taxpayers of the water tax (hereafter in this Chapter referred to as “taxpayers”) shall be organizations and physical persons, including private entrepreneurs, which/who engage in any use of water bodies which is subject to licensing in accordance with the legislation of the Russian Federation.
[clause 1 as reworded by Federal Law No. 366-FZ of 24.11.2014]

2. There shall not be recognised as taxpayers organizations and physical persons which or who use water on the basis of water use agreements or decisions on the granting of water bodies for use which were, respectively, concluded and adopted after the implementation of the Water Code of the Russian Federation.
[clause 2 inserted by Federal Law No. 73-FZ of 03.06.2006]

Article 333.9. Objects of Taxation

1. Unless otherwise provided by clause 2 of this Article, the following types of use of bodies of water (hereafter in this Chapter referred to as “types of water use”) shall be deemed to be objects of assessment to the water tax (hereafter in this Chapter referred to as “tax”):

1) the withdrawal of water from bodies of water;

2) the use of the water area of bodies of water, with the exception of timber floating in rafts and booms;

3) the use of bodies of water without water withdrawal for hydropower purposes;

4) the use of bodies of water for the floating of timber in rafts and booms. [as amended by Federal Law No. 201-FZ of 04.12.2006]

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

1) the withdrawal from underground water bodies of water containing commercial minerals and (or) natural curative resources, and of thermal waters;

2) the withdrawal of water from bodies of water for fire safety purposes and for the relief of natural disasters and the consequences of accidents;

3) the withdrawal of water from bodies of water for sanitary, ecological and navigation releases;

4) the withdrawal of water from bodies of water by marine vessels, inland water vessels and mixed-navigation (river-sea) vessels to provide for the operation of technological equipment;

5) the withdrawal of water from bodies of water and use of the water area of bodies of water for fishing and the replacement of aquatic biological resources;
6) the use of the water area of bodies of water for navigation on vessels, including small floating craft, and for one-time landings (take-offs) of aircraft;

7) the use of the water area of bodies of water for the siting and mooring of floating craft and for the siting of supply lines, buildings, structures, installations and equipment for use in carrying out activities associated with the protection of waters and aquatic biological resources, the protection of the environment against the harmful impact of waters, and the performance of such activities on bodies of water;

8) the use of the water area of bodies of water for the conduct of state monitoring of bodies of water and other natural resources, and for geodesic, topographic, hydrographic and exploratory surveying work;

9) the use of the water area of bodies of water for the siting and construction of hydraulic structures intended to serve hydropower, reclamative, commercial fishing, water transport, water supply and sewerage functions; [as amended by Federal Law No. 417-FZ of 07.12.2011]

10) the use of the water area of bodies of water for organized recreation by organizations whose sole purpose is the maintenance and care of disabled persons, veterans and children;

11) the use of bodies of water to carry out dredging and other work associated with the operation of navigable waterways and hydraulic structures;

12) the use of bodies of water to provide for national defence and state security requirements; [as amended by Federal Law No. 366-FZ of 24.11.2014]

13) the withdrawal of water from bodies of water for the irrigation of agricultural lands (including meadows and pastures), for the watering of gardening and kitchen gardening plots and plots for private subsidiary farming, and for the watering and care of cattle and poultry owned by agricultural organizations and citizens; [as amended by Federal Law No. 321-FZ of 29.09.2019]

14) the withdrawal of mining waters and collector and drainage waters from underground bodies of water;

15) the use of the water area of bodies of water for fishing and hunting.

**Article 333.10. Tax Base**

1. For each type of water use which is deemed to be a taxable object in accordance with Article 333.9 of this Code, the tax base shall be determined by the taxpayer separately with respect to each body of water.

Where various tax rates have been established for a body of water, the tax rate shall be determined by the taxpayer with respect to each tax rate.

2. In the case of water withdrawal the tax base shall be determined as the volume of water withdrawn from a body of water in the tax period.
The volume of water withdrawn from a body of water shall be determined on the basis of readings from water metering devices which are entered in a primary record of water use.

Where there are no water metering devices, the volume of water withdrawn shall be determined on the basis of the operating time and productivity of technical equipment. Where it is impossible to determine the volume of water withdrawn on the basis of the operating time and productivity of technical equipment, the volume of water withdrawn shall be determined on the basis of the norms of water consumption.

3. In the case of the use of the water area of bodies of water, except for the floating of timber in rafts and booms, the tax base shall be determined as the area of water space made available. [as amended by Federal Law No. 201-FZ of 04.12.2006]

The area of water space made available shall be determined on the basis of data in the licence for water use (agreement on water use) or, if such data are not contained in the licence (agreement), on the basis of materials in relevant technical and planning documentation.

4. In the case of the use of bodies of water without water withdrawal for hydropower purposes, the tax base shall be determined as the quantity of electrical power generated in the tax period.

5. In the case of the use of bodies of water for the floating of timber in rafts and booms, the tax base shall be determined as the product of the volume of timber floated in rafts and booms in the tax period, expressed in thousands of cubic metres, and the distance floated, expressed in kilometres, divided by 100. [as amended by Federal Law No. 201-FZ of 04.12.2006]

Article 333.11. Tax Period

The tax period shall be a quarter.

Article 333.12. Tax Rates

1. The tax rates shall be established by river, lake and sea basin and by economic area at the following levels:

1) in the case of water withdrawal from:

- surface water bodies within the prescribed quarterly (annual) limits of water use and underground water bodies within the limits of permitted (maximum acceptable) water withdrawal per day (year) which is prescribed in the licence to use subsurface resources for the extraction of underground waters: [as amended by Federal Law No. 366-FZ of 24.11.2014]
### Water Tax

<table>
<thead>
<tr>
<th>Economic area</th>
<th>River or lake basin</th>
<th>Tax rate in roubles per 1,000 cubic metres of water withdrawn</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>from surface water bodies</td>
<td>from underground water bodies</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Northern</td>
<td>Volga</td>
<td>300</td>
<td>384</td>
</tr>
<tr>
<td></td>
<td>Neva</td>
<td>264</td>
<td>348</td>
</tr>
<tr>
<td></td>
<td>Pechora</td>
<td>246</td>
<td>300</td>
</tr>
<tr>
<td></td>
<td>Northern Dvina</td>
<td>258</td>
<td>312</td>
</tr>
<tr>
<td></td>
<td>Other rivers and lakes</td>
<td>306</td>
<td>378</td>
</tr>
<tr>
<td>North-Western</td>
<td>Volga</td>
<td>294</td>
<td>390</td>
</tr>
<tr>
<td></td>
<td>Western Dvina</td>
<td>288</td>
<td>366</td>
</tr>
<tr>
<td></td>
<td>Neva</td>
<td>258</td>
<td>342</td>
</tr>
<tr>
<td></td>
<td>Other rivers and lakes</td>
<td>282</td>
<td>372</td>
</tr>
<tr>
<td>Central</td>
<td>Volga</td>
<td>288</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>Dnieper</td>
<td>276</td>
<td>342</td>
</tr>
<tr>
<td></td>
<td>Don</td>
<td>294</td>
<td>384</td>
</tr>
<tr>
<td></td>
<td>Western Dvina</td>
<td>306</td>
<td>354</td>
</tr>
<tr>
<td></td>
<td>Neva</td>
<td>252</td>
<td>306</td>
</tr>
<tr>
<td></td>
<td>Other rivers and lakes</td>
<td>264</td>
<td>336</td>
</tr>
<tr>
<td>Volga-Vyatka</td>
<td>Volga</td>
<td>282</td>
<td>336</td>
</tr>
<tr>
<td></td>
<td>Northern Dvina</td>
<td>252</td>
<td>312</td>
</tr>
<tr>
<td></td>
<td>Other rivers and lakes</td>
<td>270</td>
<td>330</td>
</tr>
<tr>
<td>Central-Black Earth</td>
<td>Dnieper</td>
<td>258</td>
<td>318</td>
</tr>
<tr>
<td></td>
<td>Don</td>
<td>336</td>
<td>402</td>
</tr>
<tr>
<td></td>
<td>Volga</td>
<td>282</td>
<td>354</td>
</tr>
<tr>
<td></td>
<td>Other rivers and lakes</td>
<td>258</td>
<td>318</td>
</tr>
<tr>
<td>Volga Region</td>
<td>Volga</td>
<td>294</td>
<td>348</td>
</tr>
<tr>
<td></td>
<td>Don</td>
<td>360</td>
<td>420</td>
</tr>
<tr>
<td></td>
<td>Other rivers and lakes</td>
<td>264</td>
<td>342</td>
</tr>
<tr>
<td>North Caucasus</td>
<td>Don</td>
<td>390</td>
<td>486</td>
</tr>
<tr>
<td></td>
<td>Kuban</td>
<td>480</td>
<td>570</td>
</tr>
<tr>
<td></td>
<td>Samur</td>
<td>480</td>
<td>576</td>
</tr>
<tr>
<td></td>
<td>Sulak</td>
<td>456</td>
<td>540</td>
</tr>
<tr>
<td></td>
<td>Terek</td>
<td>468</td>
<td>558</td>
</tr>
<tr>
<td></td>
<td>Other rivers and lakes</td>
<td>540</td>
<td>654</td>
</tr>
</tbody>
</table>
- the territorial sea of the Russian Federation and internal sea waters within the prescribed quarterly (annual) limits of water use:

<table>
<thead>
<tr>
<th>Sea</th>
<th>Tax rate in roubles per 1,000 cubic metres of sea water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baltic</td>
<td>8.28</td>
</tr>
<tr>
<td>White</td>
<td>8.40</td>
</tr>
<tr>
<td>Barents</td>
<td>6.36</td>
</tr>
<tr>
<td>Azov</td>
<td>14.88</td>
</tr>
<tr>
<td>Black</td>
<td>14.88</td>
</tr>
<tr>
<td>Caspian</td>
<td>11.52</td>
</tr>
<tr>
<td>Kara</td>
<td>4.80</td>
</tr>
<tr>
<td>Laptev</td>
<td>4.68</td>
</tr>
<tr>
<td>East Siberian</td>
<td>4.44</td>
</tr>
<tr>
<td>Chukotsk</td>
<td>4.32</td>
</tr>
<tr>
<td>Bering</td>
<td>5.28</td>
</tr>
<tr>
<td>Pacific Ocean (within the bounds of the territorial sea of the Russian Federation)</td>
<td>5.64</td>
</tr>
<tr>
<td>Okhotsk</td>
<td>7.68</td>
</tr>
</tbody>
</table>
2) in the case of the use of the water area:

- of surface water bodies, except for the floating of timber in rafts and booms:

<table>
<thead>
<tr>
<th>Economic area</th>
<th>Tax rate (thousands of roubles a year) per 1 square kilometre of water area used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern</td>
<td>32.16</td>
</tr>
<tr>
<td>North-Western</td>
<td>33.96</td>
</tr>
<tr>
<td>Central</td>
<td>30.84</td>
</tr>
<tr>
<td>Volga-Vyatka</td>
<td>29.04</td>
</tr>
<tr>
<td>Central-Black Earth</td>
<td>30.12</td>
</tr>
<tr>
<td>Volga Region</td>
<td>30.48</td>
</tr>
<tr>
<td>North Caucasus</td>
<td>34.44</td>
</tr>
<tr>
<td>Urals</td>
<td>32.04</td>
</tr>
<tr>
<td>West Siberian</td>
<td>30.24</td>
</tr>
<tr>
<td>East Siberian</td>
<td>28.20</td>
</tr>
<tr>
<td>Far East</td>
<td>31.32</td>
</tr>
<tr>
<td>Kaliningrad Province</td>
<td>30.84</td>
</tr>
</tbody>
</table>

- of the territorial sea of the Russian Federation and internal sea waters:

<table>
<thead>
<tr>
<th>Sea</th>
<th>Tax rate (thousands of roubles a year) per 1 square kilometre of water area used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baltic</td>
<td>33.84</td>
</tr>
<tr>
<td>White</td>
<td>27.72</td>
</tr>
<tr>
<td>Barents</td>
<td>30.72</td>
</tr>
<tr>
<td>Azov</td>
<td>44.88</td>
</tr>
<tr>
<td>Black</td>
<td>49.80</td>
</tr>
<tr>
<td>Caspian</td>
<td>42.24</td>
</tr>
<tr>
<td>Kara</td>
<td>15.72</td>
</tr>
<tr>
<td>Laptev</td>
<td>15.12</td>
</tr>
<tr>
<td>East Siberian</td>
<td>15.00</td>
</tr>
<tr>
<td>Chukotsk</td>
<td>14.04</td>
</tr>
<tr>
<td>Bering</td>
<td>26.16</td>
</tr>
<tr>
<td>Pacific Ocean (within the bounds of the territorial sea of the Russian Federation)</td>
<td>29.28</td>
</tr>
<tr>
<td>Okhotsk</td>
<td>35.28</td>
</tr>
</tbody>
</table>
3) in the case of the use of bodies of water without water withdrawal for hydropower purposes:

<table>
<thead>
<tr>
<th>River, lake or sea basin</th>
<th>Tax rate in roubles per 1,000 kW of electrical power</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neva</td>
<td>8.76</td>
</tr>
<tr>
<td>Neman</td>
<td>8.76</td>
</tr>
<tr>
<td>Rivers of basins of Lakes Ladoga and Onega and of Lake Ilmen</td>
<td>9.00</td>
</tr>
<tr>
<td>Other rivers of Baltic Sea basin</td>
<td>8.88</td>
</tr>
<tr>
<td>Northern Dvina</td>
<td>8.76</td>
</tr>
<tr>
<td>Other rivers of White Sea basin</td>
<td>9.00</td>
</tr>
<tr>
<td>Rivers of Barents Sea basin</td>
<td>8.76</td>
</tr>
<tr>
<td>Amur</td>
<td>9.24</td>
</tr>
<tr>
<td>Volga</td>
<td>9.84</td>
</tr>
<tr>
<td>Don</td>
<td>9.72</td>
</tr>
<tr>
<td>Yenisei</td>
<td>13.70</td>
</tr>
<tr>
<td>Kuban</td>
<td>8.88</td>
</tr>
<tr>
<td>Lena</td>
<td>13.50</td>
</tr>
<tr>
<td>Ob</td>
<td>12.30</td>
</tr>
<tr>
<td>Sulak</td>
<td>7.20</td>
</tr>
<tr>
<td>Terek</td>
<td>8.40</td>
</tr>
<tr>
<td>Ural</td>
<td>8.52</td>
</tr>
<tr>
<td>Basin of Lake Baikal and River Angara</td>
<td>13.20</td>
</tr>
<tr>
<td>Rivers of East Siberian Sea basin</td>
<td>8.52</td>
</tr>
<tr>
<td>Rivers of Chukotsk and Bering Sea basins</td>
<td>10.44</td>
</tr>
<tr>
<td>Other rivers and lakes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.80;</td>
</tr>
</tbody>
</table>

4) in the case of the use of bodies of water for the floating of timber in rafts and booms: [as amended by Federal Law No. 201-FZ of 04.12.2006]

<table>
<thead>
<tr>
<th>River, lake or sea basin</th>
<th>Tax rate in roubles per 1,000 cubic metres of timber floated in rafts and booms for every 100 km floated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neva</td>
<td>1,656.0</td>
</tr>
<tr>
<td>Rivers of basins of Lakes Ladoga and Onega and of Lake Ilmen</td>
<td>1,705.2</td>
</tr>
<tr>
<td>Other rivers of Baltic Sea basin</td>
<td>1,522.8</td>
</tr>
<tr>
<td>River Name</td>
<td>Length (km)</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Northern Dvina</td>
<td>1,650.0</td>
</tr>
<tr>
<td>Other rivers of White Sea basin</td>
<td>1,454.4</td>
</tr>
<tr>
<td>Pechora</td>
<td>1,554.0</td>
</tr>
<tr>
<td>Amur</td>
<td>1,476.0</td>
</tr>
<tr>
<td>Volga</td>
<td>1,636.8</td>
</tr>
<tr>
<td>Yenisei</td>
<td>1,585.2</td>
</tr>
<tr>
<td>Lena</td>
<td>1,646.4</td>
</tr>
<tr>
<td>Ob</td>
<td>1,576.8</td>
</tr>
<tr>
<td>Other rivers and lakes along which the floating of timber in rafts and booms takes place</td>
<td>1,183.2.</td>
</tr>
</tbody>
</table>

[as amended by Federal Law No. 201-FZ of 04.12.2006]

1.1. The tax rates established in clause 1 of this Article, with account taken of the provisions of clauses 2, 4 and 5 of this Article, shall be applied with a coefficient of 1.15 in 2015, with a coefficient of 1.32 in 2016, with a coefficient of 1.52 in 2017, with a coefficient of 1.75 in 2018, with a coefficient of 2.01 in 2019, with a coefficient of 2.31 in 2020, with a coefficient of 2.66 in 2021, with a coefficient of 3.06 in 2022, with a coefficient of 3.52 in 2023, with a coefficient of 4.05 in 2024 and with a coefficient of 4.65 in 2025.

Commencing from 2026, the tax rates specified in clause 1 of this Article shall be applied with coefficients determined in accordance with this clause for the year preceding the year of the tax period, multiplied by the coefficient which takes into account the actual change (on average for the year) in consumer prices for goods (work and services) in the Russian Federation, as determined by the federal executive body which carries out functions involving statutory regulation in the area of the analysis and forecasting of social and economic development in accordance with data in state statistical reports for the year two years preceding the year of the tax period.

The tax rate adjusted for the above-mentioned coefficients shall be rounded off to a whole rouble in accordance with current rounding rules.

[clause 1.1 inserted by Federal Law No. 366-FZ of 24.11.2014]

2. In the case of water withdrawal in excess of the prescribed quarterly (annual) limits of water use, tax rates in respect of such excess shall be established at five times the tax rates established by clause 1 of this Article, with account taken of the coefficients established by clause 1.1 of this Article. Where a taxpayer does not have approved quarterly limits, quarterly limits shall be determined on a calculated basis as one quarter of the approved annual limit.

[as amended by Federal Law No. 366-FZ of 24.11.2014]

Where water is extracted from underground water bodies in excess of the level of permitted (maximum acceptable) water withdrawal per day (year) which is specified in the licence to use subsurface resources for the extraction of underground waters, calculated for the tax period, the tax rates applicable to that excess shall be established at five times the tax rates established by clause 1 of this Article with account taken of the coefficients established by clause 1.1 of this Article. Where a taxpayer does not have a level of permitted (maximum acceptable) water withdrawal per day (year) specified in the licence to use subsurface resources for the extraction
of underground waters on a quarter-by-quarter basis, quarterly values shall be determined by calculation as one quarter of the approved annual volume.

[paragraph inserted by Federal Law No. 366-FZ of 24.11.2014]

3. The rate of water tax in the case of the withdrawal (recovery) of water from water bodies for water supply to the public shall be established:

- from 1 January 2015 to 31 December 2015 inclusively at 81 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2016 to 31 December 2016 inclusively at 93 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2017 to 31 December 2017 inclusively at 107 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2018 to 31 December 2018 inclusively at 122 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2019 to 31 December 2019 inclusively at 141 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2020 to 31 December 2020 inclusively at 162 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2021 to 31 December 2021 inclusively at 186 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2022 to 31 December 2022 inclusively at 214 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2023 to 31 December 2023 inclusively at 246 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2024 to 31 December 2024 inclusively at 283 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body;

- from 1 January 2025 to 31 December 2025 inclusively at 326 roubles per one thousand cubic metres of water withdrawn (recovered) from a water body.

Commencing from 2026, the rate of water tax in the case of the withdrawal (recovery) of water from water bodies for water supply to the public shall be determined annually by multiplying the rate of water tax for that type of water use which was effective in the preceding year by the coefficient which takes into account the actual change (on average for the year) in consumer prices for goods (work and services) in the Russian Federation, as determined by the federal executive body which carries out functions involving statutory regulation in the area of the analysis and forecasting of social and economic development in accordance with data in state statistical reports for the year two years preceding the year of the tax period.

[clause 3 as reworded by Federal Law No. 366-FZ of 24.11.2014]
4. Taxpayers which do not have measuring instruments (technical systems and devices with measuring functions) to measure the quantity of water resources drawn (recovered) from a water body shall apply the rate of water tax which is determined in line with the provisions of clause 1.1 of this Article with an additional coefficient of 1.1.

[clause 4 inserted by Federal Law No. 366-FZ of 24.11.2014]

5. The rate of water tax in the case of the extraction of underground waters (other than industrial, mineral and thermal waters) for sale after treatment, preparation, processing and (or) packing into containers, which is determined with account taken of the provisions of clause 1 of this Article, shall be applied with an additional coefficient of 10.

[clause 5 inserted by Federal Law No. 366-FZ of 24.11.2014]

**Article 333.13. Tax Calculation Procedure**

1. The taxpayer shall calculate the amount of tax independently.

2. The amount of tax shall be calculated as the product of the tax base and the corresponding tax rate multiplied by the coefficient (coefficients) established by Article 333.12 of this Code.

[clause 2 inserted by Federal Law No. 366-FZ of 24.11.2014]

3. The total amount of tax shall be the amount obtained as a result of adding together amounts of tax calculated in accordance with clause 2 of this Article with respect to all types of water use.

**Article 333.14. Procedure and Time Limits for the Payment of Tax**

1. The total amount of tax calculated in accordance with clause 3 of Article 333.13 of this Code shall be paid at the location of the taxable object.

2. Tax shall be payable not later than the 20th of the month following a tax period which has ended.

**Article 333.15. Tax Declaration**

1. A tax declaration shall be submitted by the taxpayer to the tax authority at the location of a taxable object within the time limit established for the payment of tax.

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

2. Taxpayers which are foreign persons shall also submit a copy of the tax declaration to the tax authority at the location of the body which issued the licence for water use within the time limit established for the payment of tax.
CHAPTER 25.3. STATE DUTY
{inserted by Federal Law No. 127-FZ of 02.11.2004}

Article 333.16. State Duty

1. State duty is a levy which is collected from the persons referred to in Article 333.17 of this Code when they apply to state bodies, local government bodies, other bodies and (or) officials which have been authorized in accordance with legislative acts of the Russian Federation, legislative acts of constituent entities of the Russian Federation and regulatory legal acts of local government bodies for the performance in relation to those persons of legally significant acts which are provided for in this Chapter, with the exception of acts which are performed by consular institutions of the Russian Federation.

For the purposes of this Chapter, the issue of documents (duplicates thereof) shall be equated with legally significant acts. [as amended by Federal Law No. 374-FZ of 27.12.2009]

2. The bodies and officials referred to in clause 1 of this Article, with the exception of consular institutions, shall not have the right to charge payments other than state duty for the performance of the legally significant acts which are provided for in this Chapter.

Article 333.17. Payers of State Duty

1. The following shall be payers of state duty (hereafter in this Chapter referred to as “payers”):

1) organizations;

2) physical persons.

2. The persons referred to in clause 1 of this Article shall be deemed to be payers in the event that they:

1) apply for the performance of legally significant acts which are provided for in this Chapter;

2) act as respondents (administrative respondents) in courts of general jurisdiction, the Supreme Court of the Russian Federation and arbitration courts or in cases examined by magistrates, and, in this respect, the court finds against them and the plaintiff (administrative plaintiff) is exempted from the payment of state duty in accordance with this Chapter. [subsection 2 as reworded by Federal Law No. 23-FZ of 08.03.2015]

Article 333.18. Procedure and Time Limits for the Payment of State Duty

1. Payers shall pay state duty, unless otherwise established by this Chapter, within the following time limits:

1) for applications to the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, courts of general jurisdiction, arbitration courts or magistrates – prior to the filing of a request, petition, motion, statement of claim, administrative statement of claim or appeal; [subsection 1 as reworded by Federal Law No. 23-FZ of 08.03.2015]
2) the payers referred to in subsection 2 of clause 2 of Article 333.17 of this Code – within ten days from the day on which the court’s decision enters into legal force;

3) when applying for the performance of notarial acts – before the notarial acts are performed;

4) when applying for the issue of documents (duplicates thereof) – before the documents (duplicates thereof) are issued;

[subsection 4 as reworded by Federal Law No. 374-FZ of 27.12.2009]

5) when applying for the affixation of an apostille – before the apostille is affixed;

5.1) when applying for annual confirmation of the registration of a vessel in the Russian International Register of Vessels – not later than 31 March of the year following the year in which the vessel was registered in that register or following the last year in which such confirmation was made;


5.2) when applying for the performance of legally significant acts other than the legally significant acts referred to in subsections 1 to 5.1 and 5.3 of this clause – before applications and (or) documents for the performance of those acts are submitted or, where applications for the performance of such acts are submitted in electronic form, after those applications have been submitted but before they are accepted for consideration;

[subsection 5.2 as reworded by Federal Law No. 325-FZ of 29.09.2019]

5.3) when applying for the performance of the legally significant act referred to in subsection 138 of clause 1 of Article 333.33 of this Code – after the submission of the application and documents for the performance of that act, but before the federal special stamps and excise stamps are issued;

[subsection 5.3 inserted by Federal Law No. 301-FZ of 03.08.2018]

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

2. State duty shall be paid by the payer unless otherwise established by this Chapter.

Where a number of payers which are not entitled to the reliefs established by this Chapter apply simultaneously for the performance of a legally significant act, state duty shall be paid by the payers in equal proportions.

Where one person (a number of persons) among persons who have applied for the performance of a legally significant act is (are) exempt from the payment of state duty, the rate of state duty shall be reduced in proportion to the number of persons who are exempt from the payment thereof in accordance with this Chapter. In this respect, the remainder of the amount of state duty shall be paid by the person (persons) who is (are) not exempt from the payment of state duty in accordance with this Chapter.

Special considerations relating to the payment of state duty according to the type of legally significant acts which are performed and the category of payers or according to other circumstances are established by Articles 333.20, 333.22, 333.25, 333.27, 333.29, 333.32 and 333.34 of this Code.
State Duty

State duty shall not be paid by a payer where amendments are made to an issued document which are intended to correct errors which occurred through the fault of the body and (or) official who or which issued the document when that body and (or) official performed a legally significant act. [paragraph inserted by Federal Law No. 374-FZ of 27.12.2009]

3. State duty shall be paid at the place of performance of a legally significant act in cash or without cash transfer. [as amended by Federal Law No. 201-FZ of 31.12.2005]

The fact of the payment of state duty by a payer without cash transfer shall be confirmed by a payment order marked as executed by a bank or an appropriate territorial body of the Federal Treasury (another body which opens and operates accounts), including one which conducts settlements in electronic form. [as amended by Federal Law No. 374-FZ of 27.12.2009]

The fact of the payment of state duty by a payer in cash shall be confirmed by a standard receipt issued to the payer by a bank or by a receipt issued to the payer by an official or the cash office of the body to which payment was made. [as amended by Federal Laws No. 201-FZ of 31.12.2005, No. 216-FZ of 24.07.2007]

The fact that a payer has paid state duty shall also be confirmed using information on the payment of state duty which is contained in the State Information System for State and Municipal Payments which is provided for in Federal Law No. 210-FZ of 27 July 2010 “Concerning the Organization of the Provision of State and Municipal Services”. [paragraph inserted by Federal Law No. 133-FZ of 28.07.2012]

Where information on the payment of state duty is contained in the State Information System for State and Municipal Payments, no further proof that a payer has paid state duty shall be required. [paragraph inserted by Federal Law No. 133-FZ of 28.07.2012]

4. Foreign organizations, foreign citizens and stateless persons shall pay state duty in accordance with the procedure and at the rates which are established by this Chapter for organizations and physical persons respectively.

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

Article 333.19. Rates of State Duty for Cases Which Are Examined by the Supreme Court of the Russian Federation, Courts of General Jurisdiction and Magistrates [title as reworded by Federal Law No. 198-FZ of 28.06.2014]

1. For cases which are examined by the Supreme Court of the Russian Federation in accordance with the civil procedure legislation of the Russian Federation and legislation concerning administrative proceedings, by courts of general jurisdiction and by magistrates, state duty shall be paid at the following rates: [as amended by Federal Laws No. 198-FZ of 28.06.2014, No. 23-FZ of 08.03.2015]

1) upon the filing of a property-related statement of claim or a property-related administrative statement of claim having a quantifiable value, where the amount of the claim is: [as amended by Federal Law No. 99-FZ of 05.04.2016]

- up to 20,000 roubles – 4 per cent of the amount of the claim, but not less than 400 roubles;
- from 20,001 roubles to 100,000 roubles – 800 roubles plus 3 per cent of the amount in excess of 20,000 roubles;

- from 100,001 roubles to 200,000 roubles – 3,200 roubles plus 2 per cent of the amount in excess of 100,000 roubles;

- from 200,001 roubles to 1,000,000 roubles – 5,200 roubles plus 1 per cent of the amount in excess of 200,000 roubles;

- above 1,000,000 roubles – 13,200 roubles plus 0.5 per cent of the amount in excess of 1,000,000 roubles, but not more than 60,000 roubles;

2) upon the filing of a petition for the issue of a court order – 50 per cent of the rate of state duty established by subsection 1 of this clause; [as amended by Federal Law No. 99-FZ of 05.04.2016]

3) upon the filing of a property-related statement of claim which does not have a quantifiable value or a statement of claim of a non-property-related nature:

- for physical persons – 300 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for organizations – 6,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

4) upon the filing of a supervisory appeal – the rate of state duty which is payable upon the filing of a statement of claim of a non-property-related nature;

5) upon the filing of a statement of claim concerning the annulment of a marriage – 600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

6) upon the filing of an administrative statement of claim concerning the contesting (in full or in part) of regulatory legal acts (regulatory acts) of state bodies, the Central Bank of the Russian Federation, state non-budgetary funds, local government bodies, state corporations and officials, or an administrative statement of claim concerning the contesting of non-regulatory acts of the President of the Russian Federation, the Federation Council of the Federal Assembly of the Russian Federation, the State Duma of the Federal Assembly of the Russian Federation, the Government of the Russian Federation and the Government Commission for the Monitoring of Foreign Investments in the Russian Federation:

- for physical persons – 300 roubles;

- for organizations – 4,500 roubles;

6.1) upon the filing of an administrative statement of claim to contest acts of federal executive bodies, other federal state bodies, the Central Bank of the Russian Federation and state non-budgetary funds which contain clarifications of legislation and have regulatory characteristics:

- for physical persons – 300 roubles;
- for organizations – 4,500 roubles;
  [subsection 6.1 inserted by Federal Law No. 19-FZ of 15.02.2016]

7) upon the filing of an administrative statement of claim seeking the invalidation of a non-regulatory legal act or calling for decisions and actions (inaction) of state bodies, local government bodies, other bodies and officials to be declared unlawful:

- for physical persons – 300 roubles;

- for organizations – 2,000 roubles;
  [subsection 7 as reworded by Federal Law No. 23-FZ of 08.03.2015]

8) upon the filing of a petition in relation to cases subject to special proceedings – 300 roubles;
  [as amended by Federal Law No. 221-FZ of 21.07.2014]

9) upon the filing of an appellate appeal and (or) a cassation appeal – 50 per cent of the rate of state duty which is payable upon the filing of a non-property-related statement of claim;


11) upon the filing of an application for the issue of writs of execution for the enforcement of decisions of a mediation court – 2,250 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

12) upon the filing of a petition for injunctive relief in respect to an action which is being examined by a mediation court – 300 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

13) upon the filing of a petition for the reversal of a decision of a mediation court – 2,250 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

14) upon the filing of a petition in relation to cases concerning the recovery of alimony – 150 roubles. Where a court renders a decision concerning the recovery of alimony both for the maintenance of children and for the maintenance of the plaintiff, the rate of state duty shall be doubled; [as amended by Federal Law No. 221-FZ of 21.07.2014]

15) upon the filing of an administrative statement of claim for the award of compensation for violation of the right to judicial proceedings within a reasonable time period or the right to the execution of a judicial decision within a reasonable time period:

- for physical persons – 300 roubles;

- for organizations – 6,000 roubles;
  [subsection 15 as reworded by Federal Law No. 23-FZ of 08.03.2015]

16) upon the filing of an administrative statement of claim for the award of compensation for violation of the conditions of detention on remand or detention in a correctional institution – 300 roubles.
  [subsection 16 inserted by Federal Law No. 491-FZ of 27.12.2019]
  [clause 1 as reworded by Federal Law No. 374-FZ of 27.12.2009]
2. The provisions of this Article shall be applied with account taken of the provisions of Article 333.20 of this Code.

Article 333.20. Special Considerations Relating to the Payment of State Duty in Relation to Applications Made to the Supreme Court of the Russian Federation, Courts of General Jurisdiction and Magistrates [title as reworded by Federal Law No. 198-FZ of 28.06.2014]

1. For cases which are examined by the Supreme Court of the Russian Federation in accordance with the civil procedure legislation of the Russian Federation and the legislation concerning administrative proceedings, by courts of general jurisdiction and by magistrates, state duty shall be paid with account taken of the following special considerations: [as amended by Federal Laws No. 198-FZ of 28.06.2014, No. 23-FZ of 08.03.2015]

1) upon the filing of statements of claim and administrative statements of claim which contain both property-related and non-property-related claims there shall be payable both state duty which is established for statements of claim of a property-related nature and state duty which is established for statements of claim of a non-property-related nature; [as amended by Federal Law No. 23-FZ of 08.03.2015]

2) the amount of the claim (administrative claim) on the basis of which state duty is calculated shall be determined by the plaintiff (administrative plaintiff) or, in cases established by legislation, by a judge according to the rules which are established by the civil procedure legislation of the Russian Federation or the legislation concerning administrative proceedings; [subsection 2 as reworded by Federal Law No. 23-FZ of 08.03.2015]

3) upon the filing of statements of claim concerning the division of property which is in common ownership and upon the filing of statements of claim concerning the apportionment of a share of such property or concerning the recognition of the right to a share of the property, the rate of state duty shall be calculated as follows:

- if a dispute concerning the recognition of the ownership right of the plaintiff (plaintiffs) in the property concerned has not previously been resolved by a court - in accordance with subsection 1 of clause 1 of Article 333.19 of this Code;

- if a court has previously issued a decision concerning the recognition of the ownership right of the plaintiff (plaintiffs) in the property concerned - in accordance with subsection 3 of clause 1 of Article 333.19 of this Code;

4) upon the filing of a counter claim, an administrative counter claim and petitions for the intervention in a case of third parties filing independent claims in relation to the subject-matter of a dispute, state duty shall be paid in accordance with the provisions of Article 333.19 of this Code; [subsection 4 as reworded by Federal Law No. 23-FZ of 08.03.2015]

5) where, by determination of a court, a defunct party is replaced by its legal successor (in the event of the death of a physical person, the re-organization of an organization, the cession of a claim and the transfer of debt and in other instances in which the parties to obligations change), state duty shall be paid by such legal successor unless it was paid by the replaced party;
6) where a judge assigns one statement of claim (administrative statement of claim) or a number of combined statements of claim (administrative statements of claim) to a separate proceeding, state duty paid upon the filing of the claim (administrative claim) shall not be recalculated and shall not be refunded. State duty shall not be paid again in relation to the matters assigned to a separate proceeding;
[subsection 6 as reworded by Federal Law No. 23-FZ of 08.03.2015]

7) upon the filing of a cassation appeal by co-parties and third parties acting in proceedings on the same side as a party which has filed a cassation appeal or by interested parties in cases examined in administrative proceedings, state duty shall not be paid;
[subsection 7 as reworded by Federal Law No. 23-FZ of 08.03.2015]

8) where a plaintiff or an administrative plaintiff is exempt from the payment of state duty in accordance with this Chapter, state duty shall be paid by the respondent or the administrative respondent (unless it is exempt from the payment of state duty) in proportion to the size of the statements of claim or administrative statements of claim satisfied by the court or, in cases provided for in the legislation concerning administrative proceedings, in full;
[subsection 8 as reworded by Federal Law No. 23-FZ of 08.03.2015]

9) where it is difficult to determine the amount in dispute at the time when an action is filed, the rate of state duty shall be provisionally established by a judge and any additional amount of state duty shall subsequently be paid on the basis of the amount in dispute which is determined by the court upon resolving the dispute within the time limit which is established by subsection 2 of clause 1 of Article 333.18 of this Code;

10) in the event that a plaintiff increases the amount of claims, the additional amount of state duty shall be paid in accordance with the increased dispute amount within the time limit which is established by subsection 2 of clause 1 of Article 333.18 of this Code. In the event that a plaintiff reduces the amount of claims, the amount of state duty paid in excess shall be refunded according to the procedure prescribed by Article 333.40 of this Code. The rate of state duty shall be determined in similar fashion in the event that a court goes beyond the claims stated by a plaintiff on the basis of the circumstances of a particular case;

11) upon the filing of statements of claim whereby heirs claim a share of property belonging to them, state duty shall be paid in accordance with the procedure is established in relation to the filing of statements of claim of a property-related nature which does not have a quantifiable value if a dispute concerning the recognition of ownership rights in that property has already been resolved by a court;

12) upon the filing of statements of claim concerning the annulment of a marriage and the simultaneous division of the jointly acquired property of the spouses, state duty shall be paid at the rates established both for statements of claim concerning the annulment of a marriage and for statements of claim of a property-related nature;

13) when a statement of claim, an administrative statement of claim or a petition for the issuance of a court order is not accepted for consideration or when a court order is cancelled, state duty paid upon the filing of the claim, the administrative claim or the petition for the issue of a court order shall be reckoned towards state duty which is payable;
[subsection 13 as reworded by Federal Law No. 48-FZ of 02.03.2016]
2. The Supreme Court of the Russian Federation, courts of general jurisdiction or magistrates may, on the basis of a payer’s material status, exempt him from the payment of state duty payable in respect of cases which are examined by those courts or magistrates, or reduce the rate of that duty, or grant a deferral (installment plan) for the payment of that duty in accordance with the procedure prescribed by Article 333.41 of this Code. [clause 2 as reworded by Federal Law No. 198-FZ of 28.06.2014]

3. The provisions of this Article shall be applied with account taken of the provisions of Articles 333.35 and 333.36 of this Code.

**Article 333.21. Rates of State Duty for Cases Which Are Examined by the Supreme Court of the Russian Federation and Arbitration Courts** [title as reworded by Federal Law No. 198-FZ of 28.06.2014]

1. For cases which are examined by the Supreme Court of the Russian Federation in accordance with the arbitration procedure legislation of the Russian Federation and by arbitration courts, state duty shall be paid at the following rates: [as amended by Federal Law No. 198-FZ of 28.06.2014]

1) upon the filing of a property-related statement of claim which has a quantifiable value, where the amount in dispute is:

- up to 100,000 roubles – 4 per cent of the amount in dispute, but not less than 2,000 roubles;

- from 100,001 roubles to 200,000 roubles – 4,000 roubles plus 3 per cent of the amount in excess of 100,000 roubles;

- from 200,001 roubles to 1,000,000 roubles – 7,000 roubles plus 2 per cent of the amount in excess of 200,000 roubles; [as amended by Federal Law No. 41-FZ of 05.04.2010]

- from 1,000,001 roubles to 2,000,000 roubles – 23,000 roubles plus 1 per cent of the amount in excess of 1,000,000 roubles;

- over 2,000,000 roubles – 33,000 roubles plus 0.5 per cent of the amount in excess of 2,000,000 roubles, but not more than 200,000 roubles;

2) upon the filing of a statement of claim in relation to disputes arising in connection with the conclusion, amendment or termination of agreements, and in relation to disputes concerning the invalidation of transactions – 6,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

2.1) upon the filing of a petition concerning the contesting of regulatory legal acts of federal executive bodies which affect the rights and legitimate interests of the petitioner with respect to the legal protection of results of intellectual activity and means of individualization, including in the area of patent rights and rights in selection achievements, or affect rights in integrated circuit topographies, rights in production secrets (know-how), rights in means of individualization of legal entities, goods, work, services and enterprises or rights to the use of results of intellectual activity within an integrated process:
- for physical persons – 300 roubles; [as amended by Federal Law No. 312-FZ of 22.10.2014]  
- for organizations – 2,000 roubles;  
[subsection 2.1 inserted by Federal Law No. 198-FZ of 28.06.2014]

2.2) upon the filing of a petition concerning the contesting of acts of federal executive bodies pertaining to patent rights and rights to selection achievements, rights to integrated circuit topographies, rights to production secrets (know-how), rights to means of individualization of legal entities, goods, work, services and enterprises and rights to use results of intellectual activity within an integrated process which contain clarifications of legislation and have regulatory characteristics:

- for physical persons – 300 roubles;  
- for organizations – 2,000 roubles;  
[subsection 2.2 inserted by Federal Law No. 19-FZ of 15.02.2016]

3) upon the filing of petitions for a non-regulatory legal act to be invalidated and for decisions and actions (inaction) of state bodies, local government bodies, other bodies and officials to be declared unlawful: [as amended by Federal Law No. 198-FZ of 28.06.2014]

- for physical persons – 300 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]  
- for organizations – 3,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

4) upon the filing of other statements of claim of a non-property-related nature, including a petition seeking the recognition of a right or a petition seeking a judgement for specific performance of an obligation – 6,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

4.1) upon the filing of a petition for the issuance of a court order – 50 per cent of the amount of state duty which is charged in the case of the filing of a statement of claim of a property-related nature;  
[subsection 4.1 inserted by Federal Law No. 48-FZ of 02.03.2016]

5) upon the filing of a petition for a debtor to be declared insolvent (bankrupt):

- for physical persons – 300 roubles;  
- for legal entities – 6,000 roubles.  
[subsection 5 as reworded by Federal Law No. 407-FZ of 30.11.2016]

6) upon the filing of a petition seeking the establishment of facts of legal significance – 3,000 roubles;

7) upon the filing of a petition for the intervention in a case of third parties filing independent claims in relation to the subject-matter of the dispute:

- in relation to disputes of a property-related nature where the claim does not have a quantifiable value, and in relation to disputes of a non-property-related nature – at the rate of state duty which is payable upon the filing of a statement of claim of a non-property-related nature;
- in relation to disputes of a property-related nature – at the rate of state duty which is payable on the basis of the amount contested by a third party;

8) upon the filing of a petition for the issue of writs of execution for the enforcement of a decision of a mediation court – 3,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

9) upon the filing of a petition for injunctive relief – 3,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

10) upon the filing of a petition for the reversal of a decision of a mediation court – 3,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

11) upon the filing of a petition for the recognition and execution of a decision of a foreign court, or of a foreign arbitration decision – 3,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

12) upon the filing of an appellate appeal and (or) a cassation appeal against decisions and (or) rulings of an arbitration court and against determinations of a court not to accept a statement of claim (petition) or a petition for the issue of a court order, to terminate proceedings on a case, to dismiss a statement of claim, on a case involving the contesting of mediation court decisions, to issue writs of execution for the enforcement of mediation court decisions or not to issue writs of execution – 50 per cent of the amount of state duty payable upon the filing of a statement of claim of a non-property-related nature;
[subsection 12 as reworded by Federal Law No. 57-FZ of 03.04.2017]

12.1) upon the filing of a cassation appeal against a court order –50 per cent of the amount of state duty payable upon the filing of a statement of claim of a non-property-related nature;
[subsection 12.1 as reworded by Federal Law No. 57-FZ of 03.04.2017]

12.2) upon the filing of a supervisory appeal – the amount of state duty payable upon the filing of a statement of claim of a non-property-related nature;
[subsection 12.2 as reworded by Federal Law No. 57-FZ of 03.04.2017]


14) upon the filing of a petition for the award of compensation for violation of the right to judicial proceedings within a reasonable time period and the right to the execution of a judicial decision within a reasonable time period:

- for physical persons – 300 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for organizations – 6,000 roubles. [as amended by Federal Law No. 221-FZ of 21.07.2014]

[subsection 14 inserted by Federal Law No. 69-FZ of 30.04.2010]

[clause 1 as reworded by Federal Law No. 374-FZ of 27.12.2009]

2. The provisions of this Article shall be applied with account taken of the provisions of Article 333.22 of this Code.
Article 333.22. Special Considerations Relating to the Payment of State Duty in Relation to Applications Made to the Supreme Court of the Russian Federation and Arbitration Courts

1. For cases which are examined by the Supreme Court of the Russian Federation in accordance with the arbitration procedure legislation of the Russian Federation and by arbitration courts, state duty shall be paid with account taken of the following considerations: [as amended by Federal Law No. 198-FZ of 28.06.2014]

1) upon the filing of statements of claim containing both property-related and non-property-related claims there shall be payable both state duty which is established for statements of claim of a property-related nature and state duty which is established for statements of claim of a non-property-related nature;

2) the amount in dispute shall be determined by the plaintiff or, in the event that the amount in dispute is indicated incorrectly, by the arbitration court. Amounts of forfeitures (fines, penalties) and interest which are indicated in a statement of claim shall be included in the dispute amount;

3) in the event that a plaintiff increases the amount of claims, the additional amount of state duty shall be paid in accordance with the increased dispute amount within the time limit which is established by subsection 2 of clause 1 of Article 333.18 of this Code. In the event that a plaintiff reduces the amount of claims, the amount of state duty paid in excess shall be refunded according to the procedure prescribed by Article 333.40 of this Code. The rate of state duty shall be determined in similar fashion in the event that a court goes beyond the claims stated by a plaintiff on the basis of the circumstances of a particular case. The amount in dispute for an action consisting of a number of independent claims shall be determined on the basis of the sum of all the claims;

4) where a plaintiff is exempt from the payment of state duty in accordance with this Chapter, state duty shall be paid by the respondent (unless it is exempt from the payment of state duty) in proportion to the amount of claims allowed by the arbitration court;

5) upon the filing of petitions for a refund (reimbursement) of monetary resources from the budget, state duty shall be paid on the basis of the contested amount of money at the rates established by subsection 1 of clause 1 of Article 333.21 of this Code;

6) lost force – Federal Law No. 57-FZ of 3.04.2017]

7) in the event of a refusal to accept a statement of claim (petition) or a petition for the issuance of a court order or in the event of the cancellation of a court order, state duty paid upon the presentation of the statement of claim (petition) or the petition for the issuance of a court order shall be credited towards state duty payable. [subsection 7 as reworded by Federal Law No. 57-FZ of 03.04.2017]

2. The Supreme Court of the Russian Federation and arbitration courts may, on the basis of a payer’s material status, exempt him from the payment of state duty payable in respect of cases which are examined by those courts, or reduce the rate of that duty, or grant a deferral (instalment plan) for the payment of that duty in accordance with the procedure prescribed by
Article 333.41 of this Code. [clause 2 as reworded by Federal Law No. 198-FZ of 28.06.2014]

3. The provisions of this Article shall be applied with account taken of the provisions of Articles 333.35 and 333.37 of this Code.

**Article 333.23. Rates of State Duty for Cases Which Are Examined by the Constitutional Court of the Russian Federation and Constitutional (Charter) Courts of Constituent Entities of the Russian Federation**

1. For cases which are examined by the Constitutional Court of the Russian Federation, state duty shall be payable at the following rates:

1) upon the sending of a request or petition – 6,750 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

2) upon the sending of an appeal by an organization – 6,750 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

3) upon the sending of an appeal by a physical person – 450 roubles. [as amended by Federal Law No. 221-FZ of 21.07.2014]

2. For cases which are examined by constitutional (charter) courts of constituent entities of the Russian Federation, state duty shall be payable at the following rates:

1) for an application made by an organization – 4,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

2) for an application made by a physical person – 300 roubles. [as amended by Federal Law No. 221-FZ of 21.07.2014]

3. The Constitutional Court of the Russian Federation and constitutional (charter) courts of constituent entities of the Russian Federation may, on the basis of a payer’s material status, exempt him from the payment of state duty payable in respect of cases which are examined by those courts, or reduce the rate of that duty, or grant a deferral (installment plan) for the payment of that duty in accordance with the procedure prescribed by Article 333.41 of this Code. [clause 3 as reworded by Federal Law No. 205-FZ of 29.11.2012]

4. The provisions of this Article shall be applied with account taken of the provisions of Article 333.35 of this Code.

**Article 333.24. Rates of State Duty for the Performance of Notarial Acts**

1. For the performance of notarial acts by notaries of state notarial offices and (or) by officials of executive bodies and local government bodies who have been authorized in accordance with legislative acts of the Russian Federation and (or) legislative acts of constituent entities of the Russian Federation to perform notarial acts, state duty shall be payable at the following rates:

1) for certifying powers of attorney to perform transactions (a transaction) for which notarial form is required in accordance with the legislation of the Russian Federation – 200 roubles;
2) for certifying other powers of attorney for which notarial form is required in accordance with the legislation of the Russian Federation – 200 roubles;

3) for certifying powers of attorney which are issued by way of substitution where such certification is required in accordance with the legislation of the Russian Federation – 200 roubles;

4) for certifying mortgage agreements where such a requirement is established by the legislation of the Russian Federation:

- for certifying agreements on the mortgaging of a residential property as security for the repayment of credit (a loan) provided for the acquisition or construction of a house or apartment – 200 roubles;

- for certifying agreements on the mortgaging of other immovable property, with the exception of marine vessels, aircraft and inland water vessels – 0.3 per cent of the amount of the agreement, but not more than 3,000 roubles;

- for certifying agreements on the mortgaging of marine vessels, aircraft and inland water vessels – 0.3 per cent of the amount of the agreement, but not more than 30,000 roubles;

4.1) for certifying contracts for the purchase-sale and pledging of a participating interest or a portion of a participating interest in the charter capital of a limited liability company, depending on the contract value:

- up to 1,000,000 roubles – 0.5 per cent of the contract value, but not less than 1,500 roubles;

- from 1,000,001 roubles to 10,000,000 roubles inclusively – 5,000 roubles plus 0.3 per cent of the contract value in excess of 1,000,000 roubles;

- above 10,000,001 roubles – 32,000 roubles plus 0.15 per cent of the contract value in excess of 10,000,000 roubles, but not more than 150,000 roubles;

[subsection 4.1 inserted by Federal Law No. 405-FZ of 06.12.2011]

5) for certifying other agreements the subject-matter of which has a quantifiable value, where such certification is required in accordance with the legislation of the Russian Federation – 0.5 per cent of the amount of the agreement, but not less than 300 roubles and not more than 20,000 roubles;

6) for certifying transactions the subject-matter of which does not have a quantifiable value and which are required to be notarially certified in accordance with the legislation of the Russian Federation – 500 roubles;

7) for certifying agreements on the cession of a claim in respect of an agreement on the mortgaging of a residential property, or in respect of a credit agreement or a loan agreement which is secured by a mortgage of a residential property – 300 roubles;
8) for certifying foundation documents (copies of foundation documents) of an organization – 500 roubles;

9) for certifying an agreement on the payment of alimony – 250 roubles;

10) for certifying a marriage contract – 500 roubles;

11) for certifying surety agreements – 0.5 per cent of the amount for which the undertaking is made, but not less than 200 roubles and not more than 20,000 roubles;

12) for certifying an agreement on the amendment or termination of a notarially certified agreement – 200 roubles;

13) for certifying wills and accepting a closed will – 100 roubles;

14) for opening an envelope with a closed will and reading a closed will – 300 roubles;

15) for certifying powers of attorney for the right to use and (or) dispose of property, other than property such as is provided for in subsection 16 of this clause:

   - issued to children, including adopted children, a spouse, parents and blood siblings – 100 roubles;

   - issued to other physical persons – 500 roubles;

16) for certifying powers of attorney for the right to use and (or) dispose of motor vehicles:

   - issued to children, including adopted children, a spouse, parents and blood siblings – 250 roubles;

   - issued to other physical persons – 400 roubles;

17) for executing a ship’s protest – 30,000 roubles;

18) for verifying a translation of a document from one language to another – 100 roubles per one page of the translation of the document;

19) for making an endorsement of execution – 0.5 per cent of the amount to be recovered, but not more than 20,000 roubles;

20) for accepting sums of money or securities on deposit where such acceptance on deposit is required in accordance with the legislation of the Russian Federation – 0.5 per cent of the accepted sum of money or of the market value of securities, but not less than 20 roubles and not more than 20,000 roubles;

21) for authenticating a signature where such authentication is required in accordance with the legislation of the Russian Federation:
- on documents and applications, other than bank cards and applications for the registration of legal entities – 100 roubles;

- on bank cards and applications for the registration of legal entities (for each person and each document) – 200 roubles;

22) for issuing a certificate of legal and testamentary succession:

- to the children, including orphaned children, spouse, parents and blood siblings of the testator – 0.3 per cent of the value of inherited property, but not more than 100,000 roubles;

- to other heirs – 0.6 per cent of the value of inherited property, but not more than 1,000,000 roubles;

23) for taking measures to protect an inheritance – 600 roubles;

24) for protesting non-payment of a bill of exchange, non-acceptance and non-dating of an acceptance and for attesting non-payment of a cheque – 1 per cent of the unpaid amount, but not more than 20,000 roubles;

25) for issuing duplicates of documents kept in the files of state notarial offices and executive bodies – 100 roubles;

26) for performing other notarial acts for which the legislation of the Russian Federation prescribes mandatory notarial form – 100 roubles.

2. The provisions of this Article shall be applied with account taken of the provisions of Article 333.25 of this Code.

**Article 333.25. Special Considerations Relating to the Payment of State Duty in Relation to Applications for the Performance of Notarial Acts**

1. State duty for the performance of notarial acts shall be payable with account taken of the following special considerations:

1) for notarial acts which are performed away from the premises of a state notarial office, executive bodies and local government bodies, state duty shall be payable at a rate increased by a factor of one and a half;

2) for certifying a power of attorney issued to a number of persons, only one payment of state duty shall be required;

3) where there a number of successors (in particular, legal successors, testamentary successors or successors entitled to a mandatory share of an inheritance), state duty shall be paid by each successor;

4) for the issue of a certificate of inheritance which is issued on the basis of court decisions invalidating a previously issued certificate of inheritance, state duty shall be payable in accordance with the procedure and at the rates which are established by this Chapter.
respect, the amount of state duty paid on the previously issued certificate shall be refundable in accordance with the procedure established by Article 333.4 of this Code. Upon the payer’s application the state duty paid in respect of the previously issued certificate may be reckoned towards the state duty payable for the issue of the new certificate within one year from the date of entry into legal force of the relevant court decision. The same procedure shall apply to the repeat certification of agreements which have been invalidated by a court;

5) for the purpose of calculating the rate of state duty for the certification of agreements which are subject to valuation there shall be taken as a basis the amount of the agreement which is specified by the parties, but not less than the amount determined in accordance with subsections 7 to 10 of this clause. For the purpose of calculating the rate of state duty for the issue of certificates of inheritance there shall be taken as a basis the value of inherited property which is determined in accordance with subsections 7 to 10 of this clause. The basis for calculating the rate of state duty for the certification of transactions involving the alienation of a participating interest or portion of a participating interest in the charter capital of a limited liability company and transactions which establish an obligation to alienate a participating interest or portion of a participating interest in the charter capital of a limited liability company shall be taken to be the amount of the agreement which is specified by the parties, but not lower than the nominal value of the participating interest or portion of a participating interest. The basis for calculating the rate of state duty for the certification of contracts for the purchase-sale and pledging of a participating interest or a portion of a participating interest in the charter capital of a limited liability company shall be the value of the participating interest or portion of a participating interest as the subject of a pledge which is specified by the parties to the pledge contract, but not lower than the nominal value of the participating interest or portion of a participating interest accordingly. [as amended by Federal Laws No. 205-FZ of 19.07.2009, No. 405-FZ of 06.12.2011]

At the payer’s option, a document stating the market, cadastral or other (nominal) value of the property which has been issued by persons such as are referred to in subsections 7 to 10 of this clause may be presented for the purpose of calculating state duty. Notaries and officials who perform notarial acts shall not have the right to determine the type of value of property (method of valuation) for purposes of calculating state duty or to require a payer to present a document confirming the type of value (method of valuation) in question. [as amended by Federal Laws No. 205-FZ of 29.11.2012, No. 325-FZ of 29.09.2019]

Where a number of documents issued by persons such as are referred to in subsections 7 to 10 of this clause are presented and the property value specified in those documents varies, the lowest of the specified property values shall be taken for the purpose of calculating the rate of state duty; [as amended by Federal Law No. 205-FZ of 29.11.2012]

[subsection 5 as reworded by Federal Law No. 201-FZ of 31.12.2005]

6) the value of inheritance property shall be determined on the basis of the value of inherited property (the exchange rate of the Central Bank of the Russian Federation in relation to foreign currency and foreign currency securities) as at the date of the commencement of succession;

7) the value of means of transport may be determined by appraisers, by legal entities which have the right to conclude a valuation contract according to the legislation of the Russian Federation concerning valuation activities or by forensic institutions of a judicial authority; [subsection 7 as reworded by Federal Law No. 205-FZ of 29.11.2012]
8) the value of immovable property, with the exception of land parcels, may be determined either by appraisers, by legal entities which have the right to conclude a valuation contract according to the legislation of the Russian Federation concerning valuation activities or by organizations (bodies) responsible for registering items of immovable property at the location of such property;

[subsection 8 as reworded by Federal Law No. 205-FZ of 29.11.2012]

9) the value of land parcels may be determined by appraisers, by legal entities which have the right to conclude a valuation contract according to the legislation of the Russian Federation concerning valuation activities or by bodies which carry out state cadastral registration and the state registration of rights in immovable property; [as amended by Federal Laws No. 205-FZ of 29.11.2012, No. 401-FZ of 30.11.2016]

10) the value of property not covered by subsections 7 to 9 of this clause shall be determined by appraisers or legal entities which have the right to conclude a valuation contract according to the legislation of the Russian Federation concerning valuation activities;

[subsection 10 as reworded by Federal Law No. 205-FZ of 29.11.2012]

11) the value of an inherited patent shall be determined on the basis of all amounts of state duty paid as at the date of the death of the testator for the patenting of an invention, industrial design or utility model. The same procedure shall apply in determining the value of inherited rights to receive a patent;

12) the value of inherited property rights shall be determined on the basis of the value of the property (the exchange rate of the Central Bank of the Russian Federation in relation to foreign currency and foreign currency securities) in respect of which property rights are transferred as at the date of commencement of succession;

13) the value of inheritance property which is situated outside the territory of the Russian Federation or of inherited property rights in such property shall be determined on the basis of the amount indicated in a valuation document which has been drawn up abroad by officials of competent authorities and which is applicable in the territory of the Russian Federation in accordance with the legislation of the Russian Federation.

2. The provisions of this Article shall be applied with account taken of the provisions of Articles 333.35 and 333.38 of this Code.

Article 333.26. Rates of State Duty for the State Registration of Acts of Civil Status and Other Legally Significant Acts Which Are Performed by Civil Registry Authorities and Other Authorized Bodies

1. For the state registration of acts of civil status and other legally significant acts which are performed by civil registry authorities and other authorized bodies, state duty shall be paid at the following rates:

1) for the state registration of the conclusion of a marriage, including the issue of a certificate – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

2) for the state registration of the annulment of a marriage, including the issue of a certificate:
- where it is by mutual consent of spouses who do not have common children of minority age – 650 roubles for each spouse; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- in the case of the annulment of a marriage through the courts – 650 roubles for each spouse; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- in the case of the annulment of a marriage on the petition of one of the spouses where the other spouse has been declared missing or legally incapable or has been sentenced to more than three years’ imprisonment for the commission of a crime – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

3) for the state registration of the establishment of paternity, including the issue of a certificate of the establishment of paternity – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

4) for the state registration of a change of name, including surname, first name and (or) patronymic, including the issue of a certificate of a change of name – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

5) for the making of corrections and amendments to records of acts of civil status, including the issue of certificates – 650 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

6) for the issue of a repeat certificate of state registration of an act of civil status – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

7) for the issue to physical persons of statements from the archives of civil registry authorities and other authorized bodies – 200 roubles. [as amended by Federal Law No. 221-FZ of 21.07.2014] [clause 1 as reworded by Federal Law No. 374-FZ of 27.12.2009]

2. The provisions of this Article shall be applied with account taken of the provisions of Article 333.27 of this Code.

Article 333.27. Special Considerations Relating to the Payment of State Duty for the State Registration of Acts of Civil Status and Other Legally Significant Acts Which Are Performed by Civil Registry Authorities and Other Authorized Bodies

1. In respect to the state registration of acts of civil status or the performance of the acts referred to in Article 333.26 of this Code, state duty shall be payable with account taken of the following special considerations:

1) when corrections and (or) amendments are made to records of acts of civil status on the basis of a report of a civil registry authority, state duty shall be payable at the rate established by subsection 5 of clause 1 of Article 333.26 of this Code irrespective of the number of records of acts of civil status to which corrections and (or) amendments are made and the number of certificates issued; [as amended by Federal Law No. 204-FZ of 29.12.2004]

2) for the issue of certificates of state registration of acts of civil status in connection with a change of name, state duty shall be payable at the rate established by subsection 6 of clause 1 of Article 333.26 of this Code for each certificate.
2. State duty shall not be payable for the issue of a certificate of state registration of an act of civil status where a particular record of an act of civil status has been restored on the basis of a court decision.

2.1. State duty shall not be payable for the issue of a certificate of state registration of acts of civil status and other documents confirming the state registration of acts of civil status which are transmitted in accordance with international agreements of the Russian Federation and on the basis of requests from diplomatic representations and consular institutions of the Russian Federation.

[clause 2.1 inserted by Federal Law No. 41-FZ of 05.04.2010]

2.2. State duty shall not be payable for the making of amendments to a record of a birth in the case of the insertion of a child’s patronymic and place of birth if those particulars were not required by the standard form of a record of birth at the time when it was drawn up.

[clause 2.2 inserted by Federal Law No. 306-FZ of 02.11.2013]

3. The provisions of this Article shall be applied with account taken of the provisions of Articles 333.35 and 333.39 of this Code.

Article 333.28. Rates of State Duty for the Performance of Acts Associated With the Acquisition of Citizenship of the Russian Federation or the Renunciation of Citizenship and With Entry into the Russian Federation and Departure from the Russian Federation

1. For the performance of acts associated with the acquisition of citizenship of the Russian Federation or the renunciation of citizenship of the Russian Federation and with entry into the Russian Federation and departure from the Russian Federation, state duty shall be payable at the following rates:

1) for the issue of a passport certifying the identity of a citizen of the Russian Federation outside the territory of the Russian Federation – 2,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

2) for the issue of a passport certifying the identity of a citizen of the Russian Federation outside the territory of the Russian Federation which contains an electronic information carrier (a new-generation passport) – 5,000 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 180-FZ of 03.07.2018]

3) for the issue of a seafarer’s passport or a seafarer’s identity card – 1,300 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

4) for the making of amendments to a seafarer’s passport or a seafarer’s identity card – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

5) for the issue of a passport certifying the identity of a citizen of the Russian Federation outside the territory of the Russian Federation to a citizen of the Russian Federation aged up to 14 years – 1,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

6) for the issue of a passport certifying the identity of a citizen of the Russian Federation outside the territory of the Russian Federation which contains an electronic information carrier (a new-
generation passport) to a citizen of the Russian Federation aged up to 14 years – 2,500 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 180-FZ of 03.07.2018]

7) for the making of amendments to a passport certifying the identity of a citizen of the Russian Federation outside the territory of the Russian Federation – 500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

8) for the issue of a refugee’s travel document or the extension of the period of validity of such document – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

9) for the issue or extension of the period of validity, for a foreign citizen or stateless person who is temporarily residing in the Russian Federation, of a visa for:

- departure from the Russian Federation – 1,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- departure from the Russian Federation and re-entry into the Russian Federation – 1,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- multiple crossing of the State Border of the Russian Federation – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

10) for the provision by the federal executive body in charge of foreign affairs of a decision on the issue of an ordinary single-entry or dual-entry visa which is forwarded to a diplomatic representation or consular institution of the Russian Federation – 650 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

11) for the provision by the federal executive body in charge of foreign affairs of a decision on the issue of an ordinary multiple-entry visa which is forwarded to a diplomatic representation or consular institution of the Russian Federation – 1,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

12) for the making of amendments by the federal executive body in charge of foreign affairs to a decision on the issue of a visa – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

13) for the redirection by the federal executive body in charge of foreign affairs of a decision on the issue of a visa to diplomatic representations or consular institutions of the Russian Federation at the request of an organization – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

14) for the initial registration of an organization with the federal executive body in charge of foreign affairs or a territorial body thereof – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

15) for the annual re-registration of an organization with the federal executive body in charge of foreign affairs or a territorial body thereof – 1,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

16) for the issue, extension of the period of validity and replacement of visas for foreign citizens and stateless persons by representations of the federal executive body in charge of foreign affairs which are located at crossing points on the State Border of the Russian Federation – at
the rates established by the Government of the Russian Federation (depending on the types of acts carried out), but not more than 9,000 roubles for the issue, extension of the period of validity and replacement of each visa;

17) for the issue of an invitation for entry into the Russian Federation to foreign citizens or stateless persons – 800 roubles for each invited person; [as amended by Federal Law No. 221-FZ of 21.07.2014]

18) for the issue of a residence permit to a foreign citizen or a stateless person, including when it is replaced – 5,000 roubles; [subsection 18 as reworded by Federal Law No. 258-FZ of 02.08.2019]

19) for the registration of a foreign citizen or stateless person at a place of residence in the Russian Federation – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

[20-21] Lost force from 01.01.2011 – Federal Law No. 229-FZ of 27.07.2010

22) for the issue to a foreign citizen or stateless person of a permit for temporary residence in the Russian Federation – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

23) for the issue of permits to engage and use foreign workers – 10,000 roubles for each foreign worker engaged; [as amended by Federal Law No. 221-FZ of 21.07.2014]

24) for the issue of a work permit to a foreign citizen or stateless person – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

25) for the grant of citizenship of the Russian Federation, restoration of citizenship of the Russian Federation or renunciation of citizenship of the Russian Federation, and for the determination of the possession of citizenship of the Russian Federation – 3,500 roubles; [as amended by Federal Laws No. 41-FZ of 05.04.2010, No. 221-FZ of 21.07.2014]

26) for the issue of documents which are required for the award and (or) payment of an insurance pension and (or) a funded pension and (or) a state-provided pension in accordance with the pension legislation of the Russian Federation – 50 roubles for each document. [subsection 26 as reworded by Federal Law No. 177-FZ of 29.06.2015]

[clause 1 as reworded by Federal Law No. 374-FZ of 27.12.2009]

2. The provisions of this Article shall be applied with account taken of the provisions of Article 333.29 of this Code.

Article 333.29. Special Considerations Relating to the Payment of State Duty for the Performance of Actions Associated With the Acquisition of Citizenship of the Russian Federation or the Renunciation of Citizenship of the Russian Federation and With Entry into the Russian Federation or Departure from the Russian Federation

For the performance of the acts referred to in Article 333.28 of this Code, state duty shall be payable with account taken of the following special considerations:

[1) lost force – Federal Law No. 204-FZ of 29.12.2004]
State Duty

2) where citizenship of the Russian Federation is granted to physical persons who had USSR citizenship and who resided and continue to reside in states which formed part of the USSR but did not receive citizenship of those states and, as a result, became stateless persons, state duty shall not be payable. Where, in an application for the grant (reinstatement) of citizenship, a physical person simultaneously requests the grant (reinstatement) of citizenship for children and wards of that physical person who are of minority age, state duty shall be paid at the rate specified by subsection 25 of clause 1 of Article 333.28 of this Code as for the consideration of one application; [as amended by Federal Laws No. 201-FZ of 31.12.2005, No. 41-FZ of 05.04.2010]

3) where citizenship of the Russian Federation is granted to orphaned children and children deprived of parental care, state duty shall not be payable; [clause 3 inserted by Federal Law No. 106-FZ of 21.07.2005]

4) state duty shall not be payable for the issue to a citizen of the Russian Federation whose place of residence is the Kaliningrad Province of the document provided for in subsections 1, 2, 5 and 6 of clause 1 of Article 333.28 of this Code; [clause 4 inserted by Federal Law No. 155-FZ of 05.12.2005, as amended by Federal Laws No. 201-FZ of 31.12.2005, No. 374-FZ of 27.12.2009]

5) state duty for the issue, extension of the period of validity and replacement in exceptional cases of visas for foreign citizens and stateless persons by representations of the federal executive body in charge of foreign affairs which are located at crossing points on the State Border of the Russian Federation may be paid in foreign currency on the basis of the exchange rate established by the Central Bank of the Russian Federation as at the date on which it is paid; [clause 5 inserted by Federal Law No. 374-FZ of 27.12.2009]

6) state duty shall not be payable for the registration at a place of residence in the Russian Federation of foreign citizens and stateless persons who are participants in the State Programme to Facilitate the Voluntary Resettlement in the Russian Federation of Compatriots Who Reside Abroad and members of their families who have jointly moved to take up permanent residence in the Russian Federation. 
[clause 6 inserted by Federal Law No. 77-FZ of 21.04.2011]

**Article 333.30. Rates of State Duty for the Performance by an Authorized Federal Executive Body of Acts Involving the State Registration of a Computer Programme, a Database or an Integrated Circuit Topography** [article as reworded by Federal Law No. 374-FZ of 27.12.2009]

1. When an application is made to an authorized federal executive body for the performance of acts involving the state registration of a computer programme, a database or an integrated circuit topography, state duty shall be payable at the following rates:

1) for the state registration of a computer programme, a database or an integrated circuit topography in the Register of Computer Programmes, the Register of Databases and the Register of Integrated Circuit Topographies respectively, including the issue to the applicant of a certificate of state registration of the computer programme, database or integrated circuit topography and the publication of details of the registered computer programme, database or integrated circuit topography in an official bulletin:

- for an organization – 4,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]
- for a physical person – 3,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

2) for the making of amendments to documents and materials pertaining to an application for the registration of a computer programme, a database or an integrated circuit topography prior to publication in an official bulletin – 1,200 roubles;

3) for the making of amendments to deposited documents and materials on the applicant’s initiative and the issue to the applicant of a new certificate of state registration of a computer programme, a database or an integrated circuit topography prior to publication in an official bulletin:

- for an organization – 2,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for a physical person – 1,200 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

4) for the state registration of an agreement on the alienation of the exclusive right in a registered computer programme or database or on the alienation or pledge of the exclusive right in an integrated circuit topography, or a licence agreement on the granting of the right to use a registered integrated circuit topography, and for the making of amendments to the above-mentioned documents and the state registration of those amendments – 5,000 roubles and a further 2,500 roubles for each computer programme, database and integrated circuit topography provided for in the agreement; [as amended by Federal Law No. 221-FZ of 21.07.2014]

5) for the state registration of the transfer of the exclusive right in a registered computer programme, database or integrated circuit topography to other persons without an agreement – 800 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

6) for the registration in the Register of Computer Programmes, the Register of Databases or the Register of Integrated Circuit Topographies of details of a change in the holder of an exclusive right on the basis of a registered agreement or other document of entitlement and for the publication of those details in an official bulletin – 2,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

7) for the issue of a duplicate of a certificate of state registration of a computer programme, a database or an integrated circuit topography – 1,300 roubles. [as amended by Federal Law No. 221-FZ of 21.07.2014]

2. Where an application for the performance of an act such as is provided for in clause 1 of this Article is made by organizations and physical persons who or which are the legal holders of the exclusive right in a computer programme, a database or an integrated circuit topography, the amount of the portion of state duty that is payable by each payer shall be determined in proportion to the number of payers on the basis of clause 2 of Article 333.18 of this Code with reference to the established rates for organizations and physical persons.

1. For the performance of acts by the federal executive body responsible for state control (supervision) over the production, use and circulation of precious metals and the use and circulation of precious stones, state duty shall be payable at the rates established by the Government of the Russian Federation within the following limits (depending on the types of acts to be performed): [as amended by Federal Law No. 324-FZ of 15.10.2020]

1) for the assaying and hallmarking with a state assay mark of jewellery and other articles of precious metals: [as amended by Federal Law No. 112-FZ of 02.05.2015]

- for articles of gold – up to 200 roubles per one unit; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for articles of silver – up to 500 roubles per one unit; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for articles of platinum – up to 200 roubles per one unit; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for articles of palladium – up to 200 roubles per one unit; [as amended by Federal Law No. 221-FZ of 21.07.2014]

2) for the expert examination of jewellery and other articles of precious metals and the expert examination and gemmological examination of precious stones, except in cases provided for in subsections 3 and 4 of this clause – up to 5,500 roubles per one unit; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 112-FZ of 02.05.2015]

3) for the expert examination of precious metals and precious stones and inlays of various materials in articles, performed by the federal executive body responsible for state control (supervision) over the production, use and circulation of precious metals and the use and circulation of precious stones – up to 100 roubles per one unit;

[subsection 3 as reworded by Federal Law No. 324-FZ of 15.10.2020]

[4) lost force – Federal Law No. 205-FZ of 29.11.2012]

5) for analysing materials containing precious metals – up to 2,500 roubles for the identification of one element; [as amended by Federal Law No. 221-FZ of 21.07.2014]

6) for the registration of responsibility marks - up to 1,000 roubles per one unit of measure;
[subsection 6 as reworded by Federal Law No. 112-FZ of 02.05.2015]

7) for the manufacture of responsibility marks upon applications from manufacturers of jewellery and other articles of precious metals - up to 1,000 roubles per one unit of measure;
[subsection 7 inserted by Federal Law No. 112-FZ of 02.05.2015]

8) for the striking of impressions of responsibility marks by electrical discharge machining upon applications from manufacturers of jewellery and other articles of precious metals - up to
1,000 roubles per one unit of measure;
[subsection 8 inserted by Federal Law No. 112-FZ of 02.05.2015]

9) for the destruction of impressions of false assay marks and responsibility marks on jewellery and other articles of precious metals, and the manufacture of assay reagents - up to 1,000 roubles per one unit of measure;
[subsection 9 inserted by Federal Law No. 112-FZ of 02.05.2015]

10) for the storage of jewellery and other articles of precious metals presented for assaying and hallmarking over and above the time period established by the Government of the Russian Federation - up to 1,000 roubles per one unit of measure.
[subsection 10 inserted by Federal Law No. 112-FZ of 02.05.2015]
[clause 1 as reworded by Federal Law No. 374-FZ of 27.12.2009]

[2. Lost force – Federal Law No. 112-FZ of 2.05.2015]

3. The provisions of this Article shall be applied with account taken of the provisions of Article 333.32 of this Code.

Article 333.32. Special Considerations Relating to the Payment of State Duty for the Performance of Acts by the Federal Executive Body Responsible for State Control (Supervision) Over the Production, Use and Circulation of Precious Metals and the Use and Circulation of Precious Stones [title as reworded by Federal Law No. 324-FZ of 15.10.2020]

1. State duty for the performance of the acts referred to in Article 333.31 of this Code shall be paid:

1) before articles are issued – when jewellery and other articles of precious metals are presented for assaying and hallmarking; [as amended by Federal Laws No. 203-FZ of 29.12.2004, No. 112-FZ of 02.05.2015]

2) before the results of an expert examination are issued – when various items, articles, materials and stones are presented for expert examination. [as amended by Federal Law No. 201-FZ of 31.12.2005]

Where an expert examination is carried out on the premises of museums and an expert examination of precious stones is carried out on the request of law enforcement bodies, state duty shall be payable after the examination has been carried out and the relevant documents have been drawn up, but before the results of the examination are issued. [as amended by Federal Laws No. 201-FZ of 31.12.2005, No. 112-FZ of 02.05.2015]

2. For the performance of assaying, hallmarking or expert examinations and the performance of analyses at the request of an organization or physical person for whom those acts are carried out within a shorter time period than is required by regulatory legal acts of the federal executive body which carries out functions involving the formulation of state policy and statutory regulation in the area of the production, processing and circulation of precious metals and precious stones, state duty shall be charged at rates increased: [as amended by Federal Law No. 112-FZ of 02.05.2015]
1) where hallmarked articles are issued within twenty-four hours after the articles were received – by 200 per cent;

2) where hallmarked articles are issued within forty-eight hours after the articles were received – by 100 per cent;

3) where the results of an expert examination or the results of analyses are issued within twenty-four hours after articles were received – by 200 per cent.

3. On the basis of specific characteristics of jewellery and other articles of precious metals presented for assaying and hallmarking, the rate of state duty shall be increased: [as amended by Federal Laws No. 201-FZ of 31.12.2005, No. 112-FZ of 02.05.2015]

1) when articles with set stones (inlays) are presented, with the exception of articles which are presented after repair – by 100 per cent;

2) when articles are presented whose constituent parts (components) have been manufactured from various alloys of precious metals – by 100 per cent. In this respect, the rate of state duty shall be established in relation to the precious metal of the main part of the article on which the main state assay mark is placed;

3) in the case of articles which are presented in individual packings or with affixed labels (marks, seals, and the like) and therefore require more handling time – 50 per cent.

4. Where articles are marked with a combined tool (hallmark and state assay mark), the rate of state duty shall be increased by 50 per cent.

5. Where an expert examination is performed in relation to non-transportable (old and fragile or large-sized) articles, and where an expert examination of other articles is performed on the premises of a museum at the request of the person commissioning the examination, the rate of state duty shall be increased by 25 per cent.
[clause 5 as reworded by Federal Law No. 201-FZ of 31.12.2005]

6. The increase in state duty rates which is provided for in clauses 2 to 5 of this Article shall be computed on the basis of the state duty rates established in accordance with Article 333.31 of this Code.
[clause 6 as reworded by Federal Law No. 201-FZ of 31.12.2005]

[7. Lost force – Federal Law No. 112-FZ of 2.05.2015]

8. When calculating the rate of state duty for the manufacture of assay reagents the value of precious metals used in manufacturing them shall not be taken into account.
[clause 8 inserted by Federal Law No. 201-FZ of 31.12.2005]
Article 333.32.1. Rates of State Duty for the Performance of Actions by an Authorized Federal Executive Body in Carrying Out the State Registration of Medicinal Products and the Registration of Medicinal Products for Medical Use for the Purposes of the Creation of a Common Market of Medicines within the Eurasian Economic Union [title as amended by Federal Law No. 25-FZ of 07.03.2017] [article as reworded by Federal Law No. 480-FZ of 29.12.2014]

1. For the performance by an authorized federal executive body of actions associated with the state registration of medicinal products in accordance with Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicines”, state duty shall be paid at the following rates (depending on the types of actions carried out): [as amended by Federal Law No. 25-FZ of 07.03.2017]

1) for the performance of an ethical appraisal and an expert appraisal of documents for a medicinal product for the purpose of obtaining an authorization to conduct a clinical trial of a medicinal product for medical use – 110,000 roubles;

2) for the performance of an expert appraisal of documents submitted for the purpose of determining whether a medicinal product may be considered for medical use in connection with state registration as an orphan medicinal product – 25,000 roubles;

3) for the performance of an expert appraisal of documents for a medicinal product for the purpose of obtaining an authorization to conduct an international multi-centre clinical trial of a medicinal product for medical use – 210,000 roubles;

4) for the performance of an ethical appraisal and an appraisal of documents for a medicinal product for the purpose of obtaining an authorization to conduct a post-registration clinical trial of a medicinal product for medical use – 60,000 roubles;

5) for the performance of an expert appraisal of the quality of a medicine and an expert appraisal of the risk-benefit ratio of a medicinal product for medical use for the purpose of its state registration – 325,000 roubles;

6) for the performance of an expert appraisal of the quality of a medicine and an expert appraisal of the risk-benefit ratio of a medicinal product which has been authorized for medical use in the Russian Federation for more than twenty years for the purpose of the state registration of the medicinal product – 45,000 roubles;

7) for the performance of an expert appraisal of the quality of a medicine and an expert appraisal of the risk-benefit ratio of a medicinal product for medical use in relation to which international multi-centre clinical trials have been conducted, some of them in the Russian Federation, for the purpose of the state registration of the medicinal product – 325,000 roubles;

8) for the performance of an expert appraisal of the quality of a medicine and an expert appraisal of the risk-benefit ratio of a medicinal product for veterinary use for the purpose of its state registration – 215,000 roubles;

9) for the issue of an authorization to conduct a clinical trial of a medicinal product for medical use – 5,000 roubles;
10) for the issue of an authorization to conduct an international multi-centre clinical trial of a medicinal product for medical use – 5,000 roubles;

11) for the issue of an authorization to conduct a post-registration clinical trial of a medicinal product for medical use – 5,000 roubles;

12) for the issue of a registration certificate for a medicinal product – 10,000 roubles;

13) for confirmation of the state registration of a medicinal product for medical use – 145,000 roubles;

14) for confirmation of the state registration of a medicinal product for veterinary use – 70,000 roubles;

15) for the introduction to documents contained in the registration file for a registered medicinal product for medical use of amendments requiring the performance of an expert appraisal of medicines to appraise the quality of a medicine and (or) to appraise the risk-benefit ratio of a medicinal product for medical use – 75,000 roubles;

16) for the introduction to documents contained in the registration file for a registered medicinal product for medical use of amendments not requiring the performance of an expert appraisal of medicines for medical use – 5,000 roubles;

17) for the inclusion in the state register of medicines of a pharmaceutical substance which has been manufactured for sale – 145,000 roubles;

18) for the introduction to documents for a pharmaceutical substance which has been manufactured for sale and included in the state register of medicines of amendments requiring the performance of an expert appraisal of medicines – 75,000 roubles;

19) for the introduction to documents for a pharmaceutical substance which has been manufactured for sale and included in the state register of medicines of amendments not requiring the performance of an expert appraisal of medicines – 5,000 roubles;

20) for the introduction to documents contained in the registration file for a registered medicinal product for veterinary use of amendments requiring the performance of an expert appraisal of medicines for veterinary use – 70,000 roubles;

21) for the introduction to documents contained in the registration file for a registered medicinal product for veterinary use of amendments not requiring the performance of an expert appraisal of medicines for veterinary use – 2,600 roubles;

22) for the issue of a duplicate registration certificate for a medicinal product – 2,000 roubles.

2. For the performance by an authorized federal executive body of actions associated with the registration of medicinal products for medical use for the purposes of the creation of a common market of medicines within the Eurasian Economic Union in accordance with Eurasian Economic Union law, state duty shall be paid at the following rates (depending on the types of actions carried out):
1) for the conduct of an expert appraisal of a medicinal product for medical use upon its registration – 325,000 roubles;

2) for the appraisal of an expert report on the evaluation of the safety, effectiveness and quality of a medicinal product for medical use – 325,000 roubles;

3) for the conduct of an expert appraisal of a medicinal product with well-established medical use upon its registration – 45,000 roubles;

4) for the appraisal of an expert report on the evaluation of the safety, effectiveness and quality of a medicinal product with well-established medical use upon its registration – 45,000 roubles;

5) for confirmation of the registration of a medicinal product for medical use – 145,000 roubles;

6) for the making of amendments requiring the conduct of an expert appraisal of a medicinal product for medical use to documents contained in the registration file of a registered medicinal product for medical use – 75,000 roubles;

7) for the making of amendments not requiring the conduct of an expert appraisal of a medicinal product for medical use to documents contained in the registration file of a registered medicinal product for medical use – 5,000 roubles;

8) for bringing the registration file of a medicinal product for medical use into line with the requirements of the Eurasian Economic Union – 75,000 roubles;

9) for the issue of a registration certificate for a medicinal product for medical use – 10,000 roubles;

10) for the issue of a duplicate certificate of a medicinal product for medical use – 2,000 roubles.

[clause 2 inserted by Federal Law No. 25-FZ of 07.03.2017]
the formulation and implementation of state policy and legal regulation in the area of health care) upon its state registration:

- Class 1 – 45,000 roubles;
- Class 2a – 65,000 roubles;
- Class 2b – 85,000 roubles;
- Class 3 – 115,000 roubles;

3) for the making of amendments not requiring the conduct of an expert appraisal of the quality, effectiveness and safety of a medical device to documents contained in the registration file of a medical device – 1,500 roubles;

4) for the conduct of an expert appraisal of the quality, effectiveness and safety of a medical device (depending on the class of potential risk from the use of the device in accordance with the classification of medical devices approved by the federal executive body responsible for the formulation and implementation of state policy and legal regulation in the area of health care) when amendments are made to documents contained in the registration file of a medical device:

- Class 1 – 20,000 roubles;
- Class 2a – 30,000 roubles;
- Class 2b – 40,000 roubles;
- Class 3 – 55,000 roubles;

5) for the issue of a duplicate registration certificate for a medical device – 1,500 roubles.

2. For the performance by an authorized federal executive body of actions associated with the registration of medical devices intended for circulation on the common market of medical devices within the Eurasian Economic Union in accordance with Eurasian Economic Union law, state duty shall be paid at the following rates:

1) for the issue of a registration certificate for a medical device – 7,000 roubles;

2) for the conduct of an expert appraisal of the safety, quality and effectiveness of a medical device (depending on the class of potential risk from the use of the device in accordance with Eurasian Economic Union law) upon its registration:

- Class 1 – 45,000 roubles;
- Class 2a – 65,000 roubles;
- Class 2b – 85,000 roubles;
- Class 3 – 115,000 roubles;

3) for the making of amendments not requiring the conduct of an expert appraisal of the safety, quality and effectiveness of a medical device to documents contained in the registration file of a medical device – 1,500 roubles;

4) for the conduct of an expert appraisal of the safety, quality and effectiveness of a medical device (depending on the class of potential risk from the use of the device in accordance with Eurasian Economic Union law) when amendments are made to documents contained in the registration file of a medical device:

- Class 1 – 20,000 roubles;
- Class 2a – 30,000 roubles;
- Class 2b – 40,000 roubles;
- Class 3 – 55,000 roubles;

5) for the issue of a duplicate registration certificate for a medical device – 1,500 roubles;

6) for approval of an expert report on the evaluation of the safety, effectiveness and quality of a medical device upon its registration (depending on the class of potential risk from the use of the device in accordance with Eurasian Economic Union law):

- Class 1 – 45,000 roubles;
- Class 2a – 65,000 roubles;
- Class 2b – 85,000 roubles;
- Class 3 – 115,000 roubles;

7) for approval of an expert report on the evaluation of the safety, effectiveness and quality of a medical device when amendments are made to documents contained in the registration file of the medical device (depending on the class of potential risk from the use of the device in accordance with Eurasian Economic Union law):

- Class 1 – 20,000 roubles;
- Class 2a – 30,000 roubles;
- Class 2b – 40,000 roubles;
- Class 3 – 55,000 roubles.
Article 333.32.3. Rates of State Duty for the Performance of Actions by an Authorized Federal Executive Body in Carrying Out the State Registration of Biomedical Cell Products [inserted by Federal Law No. 25-FZ of 07.03.2017]

For the performance by an authorized federal executive body of actions associated with the state registration of biomedical cell products in accordance with Federal Law No. 180-FZ of 23 June 2016 “Concerning Biomedical Cell Products”, state duty shall be paid at the following rates (depending on the types of actions carried out):

1) for the conduct of an expert appraisal of the quality of a biomedical cell products, an expert appraisal of documents needed to obtain authorization to conduct a clinical trial of a biomedical cell product and an ethical appraisal of the possibility of conducting a clinical trial of a biomedical cell product when an application is made for the state registration of a biomedical cell product – 200,000 roubles;

2) for the conduct of an appraisal of the effectiveness of a biomedical cell product and an appraisal of the risk-benefit ratio of the application of a biomedical cell product upon the state registration of a biomedical cell product – 50,000 roubles;

3) for the conduct of an appraisal of the effectiveness of a biomedical cell product and an appraisal of the risk-benefit ratio of the application of a biomedical cell product in relation to which international multi-centre clinical trials have been conducted, some of them in the Russian Federation, when an application is made for the state registration of a biomedical cell product – 200,000 roubles;

4) for the issue of an authorization to conduct a clinical trial of a biomedical cell product – 5,000 roubles;

5) for the issue of a registration certificate for a biomedical cell product – 5,000 roubles;

6) for the issue of a duplicate registration certificate for a biomedical cell product – 5,000 roubles;

7) for confirmation of the state registration of a biomedical cell product – 50,000 roubles;

8) for the making of amendments requiring the conduct of a biomedical expert appraisal of a biomedical cell product to documents contained in the registration file of a registered biomedical cell product – 75,000 roubles;

9) for the making of amendments not requiring the conduct of an biomedical expert appraisal of a biomedical cell product to documents contained in the registration file of a registered biomedical cell product – 5,000 roubles;

10) for the issue of an authorization to conduct an international multi-centre clinical trial of a biomedical cell product – 100,000 roubles;

11) for the issue of an authorization to conduct a post-registration clinical trial of a biomedical cell product – 100,000 roubles.
Article 333.33. Rates of State Duty for State Registration and for the Performance of Other Legally Significant Acts

1. State duty shall be payable at the following rates:

1) for the state registration of a legal entity, with the exception of the state registration of the liquidation of legal entities, the state registration of political parties and regional divisions of political parties and the state registration of all-Russian social organizations of disabled persons and divisions which are structural subdivisions of such organizations – 4,000 roubles;
   [subsection 1 as reworded by Federal Law No. 235-FZ of 18.07.2011]

2) for the state registration of a political party and of each regional division of a political party – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

2.1) for the state registration of all-Russian social organizations of disabled persons and divisions which are structural subdivisions of such organizations – 1,400 roubles; [subsection 2.1 inserted by Federal Law No. 235-FZ of 18.07.2011, as amended by Federal Law No. 221-FZ of 21.07.2014]

3) for the state registration of amendments which are made to the foundation documents of a legal entity and for the state registration of the liquidation of a legal entity, except where the liquidation of a legal entity occurs by way of the application of a bankruptcy procedure – 20 per cent of the rate of state duty established by subsection 1 of this clause;

3.1) for the state registration of amendments made to the foundation documents of all-Russian social organizations of disabled persons and of divisions which are structural subdivisions of such organizations – 100 roubles; [subsection 3.1 inserted by Federal Law No. 221-FZ of 21.07.2014]

4) for the entry of details of a commercial organization in the state register of self-regulatory organizations (for the inclusion of a non-commercial organization in the Unified State Register of Self-Regulatory Organizations) – 6,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

4.1) for the entry of details of a legal entity in the state register of microfinance organizations – 1,500 roubles; [subsection 4.1 inserted by Federal Law No. 153-FZ of 05.07.2010, as amended by Federal Law No. 221-FZ of 21.07.2014]


4.3) for the entry of details of a legal entity in the state register of legal entities which carry on activities involving the recovery of overdue indebtedness as their main activity – 100,000 roubles; [subsection 4.3 inserted by Federal Law No. 246-FZ of 03.07.2016]

4.4) for the issue of a duplicate certificate of the entry of details of a legal entity in the state register of legal entities which carry on activities involving the recovery of overdue indebtedness as their main activity, in place of a lost or damaged certificate – 1,000 roubles; [subsection 4.4 inserted by Federal Law No. 246-FZ of 03.07.2016]
4.5) for the entry of details of a legal entity in the state register of pawnbrokers – 1,500 roubles; [subsection 4.5 inserted by Federal Law No. 197-FZ of 13.07.2020]

4.6) for the entry of details of a legal entity in the register of operators of financial platforms in accordance with Federal Law No. 211-FZ of 20 July 2020 “Concerning the Conclusion of Financial Transactions Using a Financial Platform” – 35,000 roubles; [subsection 4.6 inserted by Federal Law No. 374-FZ of 23.11.2020]

5) for the accreditation of branches and representations of foreign organizations which are established in the territory of the Russian Federation – 120,000 roubles for each branch and each representation; [as amended by Federal Law No. 312-FZ of 22.10.2014]

6) for the state registration of a physical person as a private entrepreneur – 800 roubles;

7) for the state registration of the cessation by a physical person of activities as a private entrepreneur – 20 per cent of the rate of state duty which is established by subsection 6 of this clause;

8) for the re-issue of a certificate of state registration of a physical person as a private entrepreneur or a certificate of state registration of a legal entity – 20 per cent of the rate of state duty paid for state registration;

9) for the issue of a certificate of registration of a person who carries out operations involving straight-run petrol – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

9.1) for the issue of a certificate of registration of an entity that carries out operations involving benzene, paraxylene or orthoxylene – 3,500 roubles; [subsection 9.1 inserted by Federal Law No. 366-FZ of 24.11.2014]

9.2) for the issue of a certificate of registration of an entity that carries out operations involving medium distillates - 3,500 roubles; [subsection 9.2 inserted by Federal Law No. 323-FZ of 23.11.2015]

9.3) for the issue of a certificate of registration of an entity that carries out operations involving the processing of medium distillates – 3,500 roubles; [subsection 9.3 inserted by Federal Law No. 335-FZ of 27.11.2017]

9.4) for the issue of a certificate of registration of an entity that carries out petroleum feedstock processing operations – 3,500 roubles; [subsection 9.4 inserted by Federal Law No. 301-FZ of 03.08.2018]

9.5) for the issue of a certificate of registration of an entity that carries out ethane processing operations – 3,500 roubles; [subsection 9.5 inserted by Federal Law No. 321-FZ of 15.10.2020]

9.6) for the issue of a certificate of registration of an entity that carries out LPG processing operations – 3,500 roubles; [subsection 9.6 inserted by Federal Law No. 321-FZ of 15.10.2020]
10) for the issue of a certificate of registration of an organization which carries out operations involving ethyl alcohol – 3,500 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 326-FZ of 29.09.2019]

11) for the state registration of a mass medium and the amendment of an entry concerning the registration of a mass medium (including in connection with a change in subject-matter or specialization) whose products are intended for distribution primarily in the entire territory of the Russian Federation, outside that territory or in the territories of two or more constituent entities of the Russian Federation – 8,000 roubles;

[subsection 11 as reworded by Federal Law No. 253-FZ of 29.07.2017]

12) for the state registration of a mass medium and the amendment of an entry concerning the registration of a mass medium (including in connection with a change in subject-matter or specialization) whose products are intended for distribution primarily in the territory of a constituent entity of the Russian Federation or the territory of a municipality – 4,000 roubles;

[subsection 12 as reworded by Federal Law No. 253-FZ of 29.07.2017]

13) for the issue of a permit to disseminate products of a foreign periodical print publication in the territory of the Russian Federation – 8,000 roubles;

[subsection 13 as reworded by Federal Law No. 253-FZ of 29.07.2017]

[14) lost force from 01.01.2018 – Federal Law No. 253-FZ of 29.07.2017]

[15) lost force from 01.09.2010 – Federal Law No. 41-FZ of 5.04.2010]

16) for the registration of a foreign citizen or a stateless person residing in the territory of the Russian Federation at his place of residence – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

17) for the issue of a passport of a citizen of the Russian Federation – 300 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

18) for the issue of a passport of a citizen of the Russian Federation in place of one that has been lost or mutilated – 1,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

19) for the state registration of an agreement on a pledge of means of transport, including the issue of certificates – 1,600 roubles; [as amended by Federal Laws No. 306-FZ of 02.11.2013, No. 221-FZ of 21.07.2014]

20) for the issue of a duplicate of a certificate of state registration of an agreement on a pledge of means of transport in place of one that has been lost or mutilated – 800 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

21) for the state registration of rights in an enterprise as a property complex, transactions involving an enterprise as a property complex where such transactions are subject to state registration in accordance with federal law, and limitations of rights and encumbrances on an enterprise as a property complex – 0.1 per cent of the value of property, property rights and other rights forming part of the enterprise as a property complex, but not more than 60,000 roubles; [subsection 21 as reworded by Federal Law No. 325-FZ of 29.09.2019]
22) for the state registration of rights, limitations of rights and encumbrances on items of immovable property and transactions involving an item of immovable property where such transactions are subject to state registration in accordance with federal law, with the exception of the legally significant acts provided for in subsections 21, 22.1, 23 to 26, 28 to 31, 61 and 80.1 of this clause: [as amended by Federal Laws No. 325-FZ of 29.09.2019, No. 305-FZ of 02.07.2021]

- for physical persons – 2,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for organizations – 22,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

22.1) for the state registration of the right of common equity ownership of holders of investment units in immovable property which is comprised in a mutual investment fund (is acquired for inclusion in a mutual investment fund), of a limitation of that right and encumbrances on that property or of transactions involving such property – 22,000 roubles; [as amended by Federal Laws No. 205-FZ of 29.11.2012, No. 221-FZ of 21.07.2014, No. 325-FZ of 29.09.2019]

23) for the state registration of a share interest in the common ownership of common immovable property in an apartment building – 200 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

24) for the state registration of the ownership right of a physical person in a land parcel for private subsidiary farming, kitchen gardening, gardening or private garage or private residential construction, or in an immovable property item which is being or has been created on such a land parcel – 350 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 321-FZ of 29.09.2019]

25) for the state registration of rights, limitations of rights and encumbrances on land parcels forming part of lands designated for agricultural use and transactions involving such land parcels where those transactions are subject to state registration in accordance with federal law – 350 roubles; [subsection 25 as reworded by Federal Law No. 325-FZ of 29.09.2019]

26) for the state registration of a share interest in the common ownership of land parcels forming part of agricultural lands – 100 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

[EY Note: A subsection 26.1 is inserted in clause 1 of Article 333.33 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

27) for the making of amendments to entries in the Unified State Register of Immovable Property concerning rights, limitations of rights and encumbrances on immovable property, with the exception of the legally significant rights provided for in subsection 28.1 of this clause: [as amended by Federal Law No. 325-FZ of 29.09.2019]

- for physical persons – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for organizations – 1,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]
27.1) for the state registration of the transfer of ownership of an item of immovable property in connection with the re-organization of a legal entity in the form of a change of form – 1,000 roubles; [subsection 27.1 inserted by Federal Law No. 374-FZ of 23.11.2020]

28) for the state registration, other than the legally significant acts provided for in subsections 25 and 61 of this clause, of a mortgage, including the making of an entry in the Unified State Register of Immovable Property concerning a mortgage as an encumbrance on an item of immovable property: [as amended by Federal Law No. 325-FZ of 29.09.2019]

- for physical persons – 1,000 roubles;
- for organizations – 4,000 roubles; [subsection 28 as reworded by Federal Law No. 312-FZ of 22.10.2014]

28.1) for the making of amendments and additions to a registration entry for a mortgage: [as amended by Federal Law No. 325-FZ of 29.09.2019]

- for physical persons – 200 roubles;
- for organizations – 600 roubles.

Where a mortgage agreement or an agreement which includes a mortgage arrangement which guarantees the fulfilment of an obligation, with the exception of an agreement which gives rise to a mortgage by operation of law, has been concluded between a physical person and a legal entity, state duty for the legally significant acts which are provided for in subsection 28 of this clause and this subsection shall be levied at the rates established for physical persons; [subsection 28.1 inserted by Federal Law No. 312-FZ of 22.10.2014]

29) for the state registration:

- of a change of mortgagee as a result of the cession of rights in respect of the principal obligation which is secured by a mortgage or in respect of a mortgage agreement, inter alia a transaction involving the cession of rights of claim, including the insertion in the Unified State Register of Immovable Property of an entry concerning a mortgage which is made in the event of a change of mortgagee – 1,600 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 325-FZ of 29.09.2019]

- of a change of owner of a mortgage bond, inter alia a transaction involving the cession of rights of claim, including the insertion in the Unified State Register of Immovable Property of an entry concerning a mortgage which is made in the event of a change of owner of a mortgage bond – 350 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 325-FZ of 29.09.2019]

30) for the state registration:

- of a shared construction participation agreement:

for physical persons – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

for legal entities – 6,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]
- of an accord on the amendment or cancellation of a shared construction participation agreement or the cession of rights under a shared construction participation agreement, including the making of relevant amendments to the Unified State Register of Immovable Property – 350 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 325-FZ of 29.09.2019]

31) for the state registration of servitudes:

- in the interests of physical persons – 1,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- in the interests of organizations – 6,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]


[33] Lost force from 01.01.2017 – Federal Law No. 401-FZ of 30.11.2016]

34) for the issuance of a report (authorization document) allowing the exportation of cultural valuables:

- to physical persons – 5 per cent of the value of the cultural valuables to be exported, but not more than 1,000,000 roubles;

- to physical persons who are registered as private entrepreneurs and to legal entities – 10 per cent of the value of the cultural valuables to be exported;
[subsection 34 as reworded by Federal Law No. 430-FZ of 28.12.2017]

34.1) for the issuance of a notification confirming that an authorization-based exportation procedure has not been established by Eurasian Economic Union law for cultural valuables – 3,000 roubles;
[subsection 34.1 inserted by Federal Law No. 430-FZ of 28.12.2017]

34.2) for the issuance of a passport for a musical instrument or a bow – 1,000 roubles;
[subsection 34.2 as reworded by Federal Law No. 457-FZ of 22.12.2020]

34.3) for the issuance of a certificate of a cultural valuable expert – 4,000 roubles;
[subsection 34.3 inserted by Federal Law No. 430-FZ of 28.12.2017]

35) for the issue of a certificate (authorization document) for the temporary exportation of cultural valuables, including in the case of the extension of the period of temporary exportation of cultural valuables:

- in the case of the temporary exportation of cultural valuables forming part of the Museum Fund of the Russian Federation – 0.01 per cent of the insured value of the cultural valuables that are to be temporarily exported, but not more than 5,000 roubles;

- in the case of the temporary exportation of cultural valuables owned by physical persons or legal entities other than cultural valuables forming part of the Museum Fund of the Russian Federation – 0.01 per cent of the insured value of the cultural valuables that are to be
36) for the state registration of vehicles and the performance of other registration procedures involving:

- the issue of state registration plates for automobiles, including by way of replacing plates that have been lost or mutilated – 2,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the issue of state registration plates for motorcycle-type vehicles, trailers, tractors, self-propelled road-building machinery and other self-propelled machinery, including by way of replacing plates that have been lost or mutilated – 1,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the issue of a vehicle certificate or a certificate for a self-propelled machine and other types of machinery, including by way of replacing one that has been lost or mutilated – 800 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 180-FZ of 03.07.2018]

- the issue of a certificate of registration of a machine, including as a replacement for one that has been lost or mutilated – 500 roubles; [as amended by Federal Law No. 180-FZ of 03.07.2018]

- the issue of a vehicle registration certificate, including as a replacement for one that has been lost or mutilated: [paragraph inserted by Federal Law No. 180-FZ of 03.07.2018]

made from paper-based materials – 500 roubles; [paragraph inserted by Federal Law No. 180-FZ of 03.07.2018]

made from new-generation plastic-based materials – 1,500 roubles; [paragraph inserted by Federal Law No. 180-FZ of 03.07.2018]

37) for the temporary registration of previously registered vehicles at the place where they are kept – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

38) for the making of amendments to a previously issued vehicle certificate or certificate for a self-propelled machine and other types of machinery – 350 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 180-FZ of 03.07.2018]

39) for the issue of “Transit” vehicle state registration plates, including by way of replacing plates that have been lost or mutilated:

- made of metal-based materials, for automobiles – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- made of metal-based materials, for motorcycle-type vehicles, trailers, tractors, self-propelled road-building machinery and other self-propelled machinery – 800 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

40) for the issue of a certificate for a detached numbered vehicle part, including by way of replacing one that has been lost or mutilated – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

[41] lost force from 01.01.2014 – Federal Law No. 170-FZ of 1.07.2011


41.2) for the issue of a technical inspection certificate for tractors, self-propelled road construction machinery and other self-propelled machinery and related trailers – 400 roubles; [subsection 41.2 inserted by Federal Law No. 205-FZ of 29.11.2012, as amended by Federal Law No. 221-FZ of 21.07.2014]


43) for the issue of a tractor operator’s (tractor driver’s) licence, including by way of replacing one that has been lost or mutilated: [as amended by Federal Laws No. 205-FZ of 29.11.2012, No. 180-FZ of 03.07.2018]

- made from paper-based materials – 500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- made from plastic-based materials – 2,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

43.1) for the issue of a national driver’s licence, including as a replacement for one that has been lost or mutilated:

- made from plastic-based materials – 2,000 roubles;

- made from new-generation plastic-based materials – 3,000 roubles; [subsection 43.1 inserted by Federal Law No. 180-FZ of 03.07.2018]

44) for the issue of an international driving permit, including by way of replacing one that has been lost or mutilated – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]


46) for the issue of a certificate confirming the conformity of a modified vehicle to safety requirements, including by way of replacing one that has been lost or mutilated – 800 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 180-FZ of 03.07.2018]

47) for the issue to organizations which carry on educational activities of certificates of compliance with requirements relating to educational equipment and facilities in order for the appropriate bodies to consider the award of accreditation and the issue to those organizations of licences to train tractor drivers and operators of self-propelled machinery – 1,600 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 346-FZ of 27.11.2017]

48) for the affixing of an apostille – 2,500 roubles per document; [as amended by Federal Law No. 221-FZ of 21.07.2014]
49) for the issue of a certificate of recognition of a foreign education and (or) a foreign qualification – 6,500 roubles;  
[subsection 49 as reworded by Federal Law No. 312-FZ of 22.10.2014]

49.1) for the issue of a certificate of recognition of a document issued in a foreign state confirming an academic degree or a document issued in a foreign state confirming an academic title – 5,500 roubles;  
[subsection 49.1 inserted by Federal Law No. 385-FZ of 03.12.2011, as amended by Federal Law No. 221-FZ of 21.07.2014]

50) for the issue of a duplicate of a certificate of recognition of a foreign education and (or) a foreign qualification – 300 roubles;  
[subsection 50 as reworded by Federal Law No. 312-FZ of 22.10.2014]

50.1) for the issue of a duplicate of a certificate of recognition of a document issued in a foreign state confirming an academic degree or a document issued in a foreign state confirming an academic title – 300 roubles;  
[subsection 50.1 inserted by Federal Law No. 385-FZ of 03.12.2011, as amended by Federal Law No. 221-FZ of 21.07.2014]

51) for the legalization of documents – 350 roubles for each document;  
[as amended by Federal Law No. 221-FZ of 21.07.2014]

52) for the requesting and obtaining of documents from the territory of foreign states – 350 roubles for each document;  
[as amended by Federal Law No. 221-FZ of 21.07.2014]

53) for the performance by an authorized body of acts associated with the state registration of issues (additional issues) of issuance securities:

- for the state registration of an issue (additional issue) of issuance securities which are distributed by subscription – 0.2 per cent of the nominal value of the issue (additional issue), but not more than 200,000 roubles;  
[as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the state registration of an issue (additional issue) of issuance securities which are distributed by means other than subscription – 35,000 roubles;  
[as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the state registration of a report on the results of an issue (additional issue) of issuance securities, except where such report is registered at the same time as the state registration of an issue (additional issue) of issuance securities – 35,000 roubles;  

- for the registration of a securities prospectus (where the state registration of an issue (additional issue) of issuance securities and (or) a bond programme was not accompanied by the registration of a prospectus for those securities) – 35,000 roubles;  
[as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the state registration of an issue of Russian depositary receipts or an issue (additional issue) of issuer options – 325,000 roubles;  
[as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the state registration of a prospectus for Russian depositary receipts or issuer options (where the state registration of an issue of Russian depositary receipts or an issue (additional
issue) of issuer options was not accompanied by the registration of a related prospectus) – 35,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the state registration of amendments made to a decision on the issue of issue-grade securities, a registered document containing the conditions of placement of issue-grade securities, a bond programme and (or) a securities prospectus – 35,000 roubles;
  [paragraph as reworded by Federal Law No. 305-FZ of 02.07.2021]

- for the preliminary examination of documents needed for the state registration of an issue (additional issue) of securities – 160,000 roubles;

- for the registration of the main part of a securities prospectus – 325,000 roubles;

- for the state registration of a bond programme – 35,000 roubles;
  [paragraph inserted by Federal Law No. 305-FZ of 02.07.2021]

54) for the performance by an authorized body of acts associated with the registration of pension and insurance rules of non-state pension funds:

- for the registration of the pension and insurance rules of a non-state pension fund – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the registration of amendments made to the pension and insurance rules of a non-state pension fund – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

55) for the performance of the following acts:

- for the issue of an authorization for the placement and (or) circulation of issuance securities of Russian issuers outside the Russian Federation, including by means of the placement in accordance with foreign law of securities of foreign issuers which certify rights in respect of issuance securities of Russian issuers – 35,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the issue of an authorization confirming the status of a self-regulatory organization of professional participants in the securities market or a self-regulatory organization of management companies of joint stock investment funds, mutual investment funds and non-state pension funds – 35,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

56) for the performance of registration procedures associated with mutual investment funds:

- for the registration of the rules for the fiduciary management of a mutual investment fund – 95,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the registration of amendments made to the rules for the fiduciary management of a mutual investment fund – 16,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]
57) for the performance of registration procedures associated with activities on the securities market:

- for the registration of amendments made to the rules for carrying out clearing activities – 35,000 roubles; [as amended by Federal Laws No. 251-FZ of 23.07.2013, No. 221-FZ of 21.07.2014]

- for the registration of the regulations of a specialized depositary of a mortgage pool, joint stock investment funds, mutual investment funds and non-state pension funds, a specialized depositary which handles pension savings transferred to non-state pension funds which carry out activities as insurer for compulsory pension insurance, or the regulations of a specialized depositary which handles pension savings transferred by the Pension Fund of the Russian Federation to private management companies and a state management company, or the regulations of a specialized depositary which handles savings for housing provision for servicemen – 16,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the registration of amendments made to the regulations of a specialized depositary of a mortgage pool, joint stock investment funds, mutual investment funds and non-state pension funds, a specialized depositary which handles pension savings transferred to non-state pension funds which carry out activities as insurer for compulsory pension insurance, or to the regulations of a specialized depositary which handles pension savings transferred by the Pension Fund of the Russian Federation to private management companies and a state management company, or to the regulations of a specialized depositary which handles savings for housing provision for servicemen – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the registration of the rules for the maintenance of a register of holders of investment units in mutual investment funds – 16,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the registration of amendments made to the rules for the maintenance of a register of holders of investment units in mutual investment funds – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the registration of the rules for the organization and conduct of internal control of a management company, a specialized depositary and a non-state pension fund – 16,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the registration of amendments made to the rules for the organization and conduct of internal control of a management company, a specialized depositary and a non-state pension fund – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

57.1) for the performance of registration procedures associated with activities involving the conduct of organized trading:

- for the consideration of an application for the registration of amendments and additions made to documents or organizers of trading – 1,200 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the consideration of amendments and additions made to documents of organizers of trading – 25,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

[subsection 57.1 inserted by Federal Law No. 251-FZ of 23.07.2013]
58) for the provision of:

- for the provision of an exchange licence or a licence to carry out clearing activities, including for the registration of documents in connection with the issue of a licence – 325,000 roubles for each licence; a trading system licence – 225,000 roubles; [as amended by Federal Laws No. 251-FZ of 23.07.2013, No. 221-FZ of 21.07.2014]

- a licence to carry out activities involving the management of investment funds, mutual investment funds and non-state pension funds, a licence to carry out activities of a specialized depositary of investment funds, mutual investment funds and non-state pension funds or a trading system licence – 35,000 roubles for each licence; [as amended by Federal Laws No. 251-FZ of 23.07.2013, No. 221-FZ of 21.07.2014]

- a licence to carry out other types of activity (professional activity) on the securities market – 35,000 roubles for each licence; [as amended by Federal Law No. 221-FZ of 21.07.2014]

59) for the state registration in the State Register of Ships, a small vessel register or a bareboat charter register of:

- marine vessels – 10,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- inland water vessels – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- mixed (river-sea) navigation vessels – 5,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- sports sailing boats, pleasure boats and small vessels – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

[subsection 59 as reworded by Federal Law No. 36-FZ of 23.04.2012]

60) for the state registration of amendments made to the State Register of Ships, a small vessel register or a bareboat charter register in relation to:

- marine vessels – 2,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- inland water vessels – 800 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- mixed (river-sea) navigation vessels – 1,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- sports sailing boats, pleasure boats and small vessels – 200 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

[subsection 60 as reworded by Federal Law No. 36-FZ of 23.04.2012]

61) for the issue of a certificate of ownership and for the state registration of limitations (encumbrances) of rights in:

- a marine vessel – 1,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]
- an inland water vessel – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- a mixed (river-sea) navigation vessel – 5,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- a sports sailing boat, a pleasure boat or a small vessel – 800 roubles; [as amended by Federal Laws No. 36-FZ of 23.04.2012, No. 221-FZ of 21.07.2014]

62) for the issue of a certificate of the right to sail under the State Flag of the Russian Federation:

- for marine vessels – 10,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for inland water vessels – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for mixed (river-sea) navigation vessels – 5,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

[63) lost force – Federal Law No. 36-FZ of 23.04.2012]

64) for the issue of a pilotage certificate – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

65) for the issue of a vessel seaworthiness certificate – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]


67) for the issue of a duplicate of a vessel certificate for a sports sailing boat, a pleasure boat or a small vessel to replace one that has been lost or mutilated – 200 roubles; [as amended by Federal Laws No. 36-FZ of 23.04.2012, No. 221-FZ of 21.07.2014]

68) for the replacement of a licence to operate a sports sailing boat, a pleasure boat or a small vessel – 650 roubles; [as amended by Federal Laws No. 36-FZ of 23.04.2012, No. 221-FZ of 21.07.2014]

69) for the issue of a ship radio station permit or an aircraft radio station permit – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

70) for the issue of a vessel sanitary certificate for the right to sail – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

71) for the right to use the names “Russia”, “Russian Federation” and words and word combinations formed on the basis thereof in the names of legal entities – 80,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

72) for the following acts performed by authorized bodies when carrying out skill assessment in cases where such assessment is required by the legislation of the Russian Federation:

- the issue of a diploma, certificate or other document confirming level of qualification – 1,300 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]
- the making of amendments to a diploma, certificate or other document confirming level of qualification in connection with a change of surname, first name or patronymic – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the issue of a duplicate diploma, certificate or other document confirming level of qualification – 1,300 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the extension (renewal) of the validity of a diploma, certificate or other document confirming level of qualification – 650 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

73) for the issue of a document confirming the accreditation of organizations, with the exception of the acts referred to in subsections 74, 75 and 127 to 131 of this clause – 5,000 roubles; [as amended by Federal Laws No. 293-FZ of 08.11.2010, No. 221-FZ of 21.07.2014]

74) for the accreditation of organizations which carry out the skill assessment of physical persons in the area of professional activities on the securities market in the form of qualification examinations and the issue of qualification certificates – 95,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

75) for the issue of a document confirming the accreditation of organizations and private entrepreneurs for the performance of work and (or) the rendering of services in the area of technical regulation and ensuring the uniformity of measurements – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

76) for the issue of a certificate of approval of a reference standard or a standard measuring instrument – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

77) for the issue of a duplicate document confirming accreditation (state accreditation) – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

78) for the issue of an authorization:

- for the transborder transportation of hazardous waste – 325,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the transborder transportation of ozone-destroying substances and products containing such substances – 160,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for the importation of poisonous substances into the territory of the Russian Federation – 200,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014] [subsection 78 as reworded by Federal Law No. 229-FZ of 27.07.2010]

79) for the issue of authorizations for the exportation from the Russian Federation and for the importation into the Russian Federation of species of animals and plants and parts and derivatives thereof which are covered by the Convention on International Trade in Endangered Species of Wild Fauna and Flora – 3,500 roubles; [subsection 78 as reworded by Federal Law No. 229-FZ of 27.07.2010]

80) for the state registration of:
State Duty

- civil aircraft, with the exception of light civil aircraft, in the State Register of Civil Aircraft of the Russian Federation – 5,000 roubles;
  [subsection 78 as reworded by Federal Law No. 229-FZ of 27.07.2010]

- light civil aircraft in the State Register of Civil Aircraft of the Russian Federation – 2,500 roubles;
  [subsection 78 as reworded by Federal Law No. 229-FZ of 27.07.2010]

- ultralight civil aircraft – 1,300 roubles; [subsection 78 as reworded by Federal Law No. 229-FZ of 27.07.2010]
  [subsection 80 as reworded by Federal Law No. 49-FZ of 05.06.2012]

80.1) for the issue of a certificate of ownership and for the state registration of limitations (encumbrances) or rights in the Unified Register of Rights in Aircraft and Transactions Involving Aircraft with respect to:

- a civil aircraft – 5,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- a light civil aircraft – 2,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- an ultralight civil aircraft – 1,200 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]
  [subsection 80.1 inserted by Federal Law No. 306-FZ of 02.11.2013]

81) for the state registration in the State Register of Civil Aerodromes and Heliports of the Russian Federation:

- of a civil aerodrome of Class A, B or C – 130,000 roubles;

- of a civil aerodrome of Class D, E or F or a civil heliport – 65,000 roubles;
  [subsection 81 as reworded by Federal Law No. 62-FZ of 09.03.2016]


83) for the registration of light-signal equipment systems with high- or low-intensity lights, and for extending the validity of a certificate of serviceability for such light-signal equipment systems:

- with high-intensity lights – 16,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- with low-intensity lights – 2,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

84) for the making of amendments to the state registers referred to in subsections 80, 80.1 and 81 of this clause and to a certificate of serviceability for the equipment referred to in subsection 83 of this clause – 350 roubles; [as amended by Federal Laws No. 306-FZ of 02.11.2013, No. 221-FZ of 21.07.2014]

  [85] lost force from 01.01.2015 – Federal Law No. 312-FZ of 22.10.2014]
86) for the state registration of a new food product, material or article – 5,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

87) for the state registration of a particular type of product which presents a potential human hazard, and of a type of product which is imported into the territory of the Russian Federation for the first time – 5,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

88) for the making of amendments to certificates confirming the state registration which is provided for in subsections 85 to 87 of this clause – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

89) for the consideration of a petition provided for in anti-monopoly legislation – 35,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

90) for the consideration of a petition provided for in legislation concerning natural monopolies – 16,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

91) for the issue of a rental certificate for cinematographic and video films – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

92) for the following acts of authorized bodies which are connected with licensing, with the exception of the acts referred to in subsections 93 to 95, 110, 134 and 136 of this clause: [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 157-FZ of 29.06.2015, No. 145-FZ of 01.07.2017, No. 302-FZ of 03.08.2018, No. 305-FZ of 02.07.2021]

- the grant of a licence – 7,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the issue of a replacement licence in connection with the updating of information on the addresses of locations where the licensed activity is carried out and on work performed and services rendered as part of the licensed activity, including information on educational programmes which are conducted – 3,500 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 379-FZ of 28.11.2019]


- the grant of a provisional licence to carry out educational activities – 750 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the grant (issue) of a duplicate licence – 750 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]


Where a replacement licence is issued on more than one ground requiring the payment of a state duty, the largest state duty shall be paid; [paragraph inserted by Federal Law No. 379-FZ of 28.11.2019]
[subsection 92 as reworded by Federal Law No. 205-FZ of 29.11.2012]
93) for the provision of a licence to carry out banking operations upon the establishment of a bank – 0.1 per cent of the declared charter capital of the bank which is established, but not more than 500,000 roubles; [as amended by Federal Law No. 205-FZ of 29.11.2012]

94) for the following acts of authorized bodies which are connected with the licensing of activities associated with the production and circulation of ethyl alcohol and alcoholic and alcohol-containing products:

- the provision of a licence for the production, storage and supply of produced ethyl alcohol (including denatured) – 9,500,000 roubles;

- the provision of a licence for the production, storage and supply of produced alcoholic products (excluding wine, sparkling wine (champagne), wine with a protected appellation of origin, wine with a protected geographical indication, sparkling wine (champagne) with a protected geographical indication, liqueur wine, including liqueur wine with a protected appellation of origin, liqueur wine with a protected geographical indication, liqueur wine with a protected appellation of origin (special wine), liqueur wine with a protected geographical indication (special wine), fruit wine and wine-based beverages made without the addition of ethyl alcohol) – 9,500,000 roubles;

- the provision of a licence for the production, storage and supply of produced wine, sparkling wine (champagne) (excluding wine and (or) sparkling wine (champagne) produced by peasant (farm) holdings and private entrepreneurs recognised as agricultural goods producers in accordance with Federal Law No. 264-FZ of 29 December 2006 “Concerning the Development of Agriculture”, and produced wine with a protected appellation of origin, wine with a protected geographical indication, sparkling wine (champagne) with a protected geographical indication, liqueur wine, including liqueur wine with a protected appellation of origin, liqueur wine with a protected geographical indication, liqueur wine with a protected appellation of origin (special wine), liqueur wine with a protected geographical indication (special wine), fruit wine and wine-based beverages made without the addition of ethyl alcohol – 800,000 roubles;

- the provision of a licence for the production, storage and supply of wine and (or) sparkling wine (champagne) produced by peasant (farm) holdings and private entrepreneurs recognised as agricultural goods producers in accordance with Federal Law No. 264-FZ of 29 December 2006 “Concerning the Development of Agriculture” – 65,000 roubles;

- the provision of a licence for the production, storage and supply of produced alcohol-containing edible products – 800,000 roubles;

- the provision of a licence for the production, storage and supply of produced alcohol-containing inedible products (including denatured products) – 800,000 roubles;

- the provision of a licence for the procurement, storage and supply of alcoholic products – 800,000 roubles;

- the provision of a licence for the storage of ethyl alcohol and alcoholic and alcohol-containing edible products – 800,000 roubles;
- the provision of a licence for the procurement, storage and supply of alcohol-containing edible products – 800,000 roubles;

- the provision of a licence for the procurement, storage and supply of alcohol-containing inedible products – 800,000 roubles;

- the provision of a licence to transport ethyl alcohol (including denatured ethyl alcohol) – 800,000 roubles;

- the provision of a licence to transport unpackaged alcohol-containing edible products with an ethyl alcohol content of more than 25 per cent of the volume of the finished product – 800,000 roubles;

- the provision of a licence to transport unpackaged alcohol-containing inedible products with an ethyl alcohol content of more than 25 per cent of the volume of the finished product – 800,000 roubles;

- the provision of a licence for the production, storage, supply and retail sale of wine and (or) sparkling wine (champagne) produced by peasant (farm) holdings and private entrepreneurs recognised as agricultural goods producers in accordance with Federal Law No. 264-FZ of 29 December 2006 “Concerning the Development of Agriculture” – 65,000 roubles;

- the re-issue of a licence upon the re-organization of a legal entity (except in the case of the re-organization of legal entities in the form of a merger and provided that, as at the date of state registration of the legal successor of the re-organized legal entities, each legal entity involved possesses a licence to carry out one and the same type of activity) – at the rate established by this subsection for the provision of the relevant type of licence;

- the re-issue of a licence in the case of the re-organization of legal entities in the form of a merger, provided that, as at the date of state registration of the legal successor of the re-organized legal entities, each legal entity involved possesses a licence to carry out one and the same type of activity) – 3,500 roubles;

- the re-issue of a licence in connection with a change in the name of a legal entity (without re-organization), its location or the place of activity shown in the licence or in other details given in the licence, and in connection with the loss of the licence – 3,500 roubles;

- the re-issue of a licence to a peasant (farm) holding or a private entrepreneur recognised as agricultural goods producers in accordance with Federal Law No. 264-FZ of 29 December 2006 “Concerning the Development of Agriculture” – 3,500 roubles;

- the extension of the period of validity of a licence for the production, storage, supply and retail sale of wine and (or) sparkling wine (champagne) produced by peasant (farm) holdings and private entrepreneurs recognised as agricultural goods producers in accordance with Federal Law No. 264-FZ of 29 December 2006 “Concerning the Development of Agriculture” – 3,500 roubles;
- the extension of the period of validity of a licence (other than a licence for the retail sale of alcoholic products) by a period exceeding five years from the date on which the licensing body adopted the decision to issue a licence – at the rate established by this subsection for the provision of the relevant type of licence;

- the extension of the period of validity of a licence (other than a licence for the retail sale of alcoholic products) by a period not exceeding five years from the date on which the licensing body adopted the decision to issue a licence – at the rate established by this subsection for the re-issue of a licence in connection with a change in the name of a legal entity (without it being re-organized), its location or the place of activity shown in the licence or in other details given in the licence, and in connection with the loss of the licence;

- the provision or extension of the period of validity of a licence for the retail sale of alcoholic products – 65,000 roubles for each year of the period of validity of the licence;

- the granting of a licence to produce ethyl alcohol for the production of the pharmaceutical substance ethyl alcohol (ethanol) – 9,500,000 roubles;

95) for the following acts of authorized bodies which are connected with the licensing of activities involving the conduct of work associated with the use of atomic energy:

- the provision of a licence for the siting, construction, operation and decommissioning of nuclear installations – 35,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the provision of a licence for the siting, construction, operation and decommissioning of a radiation source, for the handling of nuclear materials and radioactive substances, including in the context of exploration for and the extraction of uranium ores and in the context of the production, use, processing, transportation and storage of nuclear materials and radioactive substances, for the handling of radioactive waste in the context of the storage, processing, transportation and burial of such waste, and for the design and manufacture of equipment for nuclear installations, radiation sources, facilities for the storage of nuclear materials and radioactive substances and radioactive waste storage sites – 16,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the provision of a licence for the siting, construction, operation and decommissioning of storage facilities for nuclear materials and radioactive substances and radioactive waste repositories, for the closure of radioactive waste burial sites, for the planning and design of nuclear installations, radiation sources, facilities for the storage of nuclear materials and radioactive substances and radioactive waste storage sites – 25,000 roubles; [as amended by Federal Laws No. 39-FZ of 05.04.2013, No. 221-FZ of 21.07.2014]

- the provision of a licence for the use of nuclear materials and (or) radioactive substances in the context of the conduct of research and development activities, for the conduct of expert appraisals of the safety of (expert appraisals of the safety case for) atomic energy facilities and (or) types of activity associated with the use of atomic energy – 8,000 roubles; [as amended by Federal Laws No. 39-FZ of 05.04.2013, No. 221-FZ of 21.07.2014]
- the issue of a replacement document confirming possession of a licence – 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the issue of a duplicate of a document confirming possession of a licence – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the extension of the period of validity of a document confirming possession of a licence – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

96) for the provision of a permit for the harvesting of fauna – 650 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

97) for the provision of a permit for the harvesting (capture) of aquatic biological resources:

- for an organization – 800 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for a physical person – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

98) for the issue of a duplicate of a permit for the harvesting of fauna – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

99) for the making of amendments to a permit for the harvesting (capture) of aquatic biological resources:

- for an organization – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- for a physical person – 200 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

100) for the state registration of product names of ethyl alcohol and alcohol-containing solutions obtained from non-food raw materials, ethyl alcohol from edible raw materials, alcoholic and alcohol-containing food products and other alcohol-containing products and alcohol-containing perfumes and cosmetics – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

[101) lost force – Federal Law No. 317-FZ of 25.11.2013]

102) for the state registration of pesticides and agrochemicals and potentially hazardous chemical and biological substances – 5,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

103) for making amendments to certificates confirming the state registration provided for in subsections 15 and 100 to 102 of this clause – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

104) for the issue of a certificate of conformity to the requirements of federal aviation rules in civil aviation – 650 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 62-FZ of 09.03.2016]

105) for the issue of a permit to install and operate an advertising structure – 5,000 roubles; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 325-FZ of 29.09.2019]
106) for the assignment of a numbering resource by a communications operator: \[\text{as amended by Federal Law No. 253-FZ of 25.12.2012}\]

- for one telephone number from the numbering plan of the seventh world numbering zone for the public telephone network, with the exception of the allocation of numbering capacity from access codes for telecommunications services – 50 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

- for one identification code of mobile radiotelephony and mobile radio communication networks from the numbering resource of identification codes for communication networks and network components and terminal equipment – 3,250,000 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

- for one number from access codes for telecommunications services from the numbering plan for the seventh world numbering zone for the public telephone network – 35,000 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

- for one number from the numbering plan of a designated network of the unified telecommunication network of the Russian Federation – 50 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

- for one trunk routing code of telegraph network centres – 35,000 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

- for one identification code of a data transmission network – 35,000 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

- for one identification code of nodes and terminal equipment from the numbering resource for codes of points in the CCS No. 7 signalling network for fixed telephony, mobile radiotelephony and satellite mobile radio communication for interconnection at international level – 325,000 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

- for one identification code of nodes and terminal equipment from the numbering resource for codes of points in the CCS No. 7 signalling network for fixed telephony, mobile radiotelephony and satellite mobile radio communication for interconnection at intercity level – 35,000 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

- for one identification code of nodes and terminal equipment from the numbering resource for codes of points in the CCS No. 7 signalling network for fixed telephony, mobile radiotelephony and satellite mobile radio communication for interconnection at local level – 3,500 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

107) for the registration of a declaration of the conformity of communications equipment and communications services to requirements – 3,500 roubles; \[\text{as amended by Federal Law No. 221-FZ of 21.07.2014}\]

108) for the state registration of vessels in the Russian Open Register of Ships: \[\text{as amended by Federal Laws No. 324-FZ of 29.09.2019, No. 55-FZ of 18.03.2020}\]

- of a self-propelled vessel with a main engine power of not less than 55 kilowatts and a gross tonnage of up to 3,000 units inclusively or a non-self-propelled vessel with a gross tonnage of
from 80 to 3,000 units inclusively if the vessel is registered in the Russian International Register of Ships or a vessel with a gross tonnage of up to 3,000 units inclusively if it is registered in the Russian Open Register of Ships – 85,000 roubles plus 9.4 roubles per unit of gross tonnage; [as amended by Federal Law No. 55-FZ of 18.03.2020]

- of a vessel with a gross tonnage exceeding 3,000 and up to 8,000 units inclusively – 87,000 roubles plus 8.8 roubles per unit of gross tonnage; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 55-FZ of 18.03.2020]

- of a vessel with a gross tonnage exceeding 8,000 and up to 20,000 units inclusively – 155,000 roubles plus 5.0 roubles per unit of gross tonnage; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 55-FZ of 18.03.2020]

- of a vessel with a gross tonnage exceeding 20,000 units – 215,000 roubles plus 3.2 roubles per unit of gross tonnage; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 55-FZ of 18.03.2020]

109) for the annual confirmation of the registration of a vessel in the Russian Open Register of Ships: [as amended by Federal Law No. 324-FZ of 29.09.2019]

- of a self-propelled vessel with a main engine power of not less than 55 kilowatts and a gross tonnage of up to 8,000 units inclusively or a non-self-propelled vessel with a gross tonnage of from 80 to 8,000 units inclusively in the case of the annual confirmation of the registration of the vessel in the Russian International Register of Ships or a vessel with a gross tonnage of up to 8,000 units inclusively in the case of the annual confirmation of its registration in the Russian Open Register of Ships – 25,000 roubles plus 22.4 roubles per unit of gross tonnage; [as amended by Federal Law No. 55-FZ of 18.03.2020]

- of a vessel with a gross tonnage exceeding 8,000 and up to 20,000 units inclusively – 170,000 roubles plus 14.2 roubles per unit of gross tonnage; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 55-FZ of 18.03.2020]

- of a vessel with a gross tonnage exceeding 20,000 and up to 45,000 units inclusively – 330,000 roubles plus 9.2 roubles per unit of gross tonnage; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 55-FZ of 18.03.2020]

- of a vessel with a gross tonnage exceeding 45,000 units – 420,000 roubles plus 8 roubles per unit of gross tonnage; [as amended by Federal Laws No. 221-FZ of 21.07.2014, No. 55-FZ of 18.03.2020]

110) for the following acts of authorized bodies which are connected with the issue of licences to carry out activities involving the organization and conduct of games of chance in bookmaking offices and totalizators:

- the issue of a licence – 30,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the issue of a replacement licence – 10,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- the grant (issue) of a duplicate licence – 10,000 roubles; [as amended by Federal Laws No. 205-FZ of 29.11.2012, No. 221-FZ of 21.07.2014]
110.1) lost force from 01.07.2015 – Federal Law No. 157-FZ of 29.06.2015

111) for the issue of a special road use permit for:

- a vehicle that transport hazardous loads – 1,300 roubles;
- a heavy and (or) large vehicle – 1,600 roubles; [subsection 111 as reworded by Federal Law No. 374-FZ of 23.11.2020]

112) for the following acts of authorized bodies which are connected with the issue of a private security guard certificate:

- the issue of a private security guard certificate (duplicate certificate) – 2,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]
- the re-issue of a private security guard certificate in connection with the extension of the period of validity of a certificate – 650 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]
- the making of amendments to a private security guard certificate in connection with a change of place of residence or changes in other details given in the certificate – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]


114) lost force from 01.01.2014 – Federal Law No. 22-FZ of 04.03.2013

115) for the issue of a permit for the operation of hydraulic structures – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

116) for the issue of a permit for the temporary emission of pollutants into the atmosphere – 3,500 roubles; [as amended by Federal Laws No. 219-FZ of 21.07.2014, No. 221-FZ of 21.07.2014]

116.1) for the issue of a permit for the emission of radioactive substances into the environment – 3,500 roubles; [subsection 116.1 inserted by Federal Law No. 219-FZ of 21.07.2014 (Rev. 29.12.2014)]

117) for the issue of a permit for harmful physical impact on the atmosphere – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

118) for the issue of a permit for the temporary discharge of pollutants into the environment – 3,500 roubles; [as amended by Federal Laws No. 219-FZ of 21.07.2014, No. 221-FZ of 21.07.2014]

118.1) for the issue of a permit for the discharge of radioactive substances into the environment – 3,500 roubles; [subsection 118.1 inserted by Federal Law No. 219-FZ of 21.07.2014 (Rev. 29.12.2014)]

118.2) for the issue, extension, re-issue and review of an integrated ecological permit, and for making amendments to such a permit – 9,500 roubles; [subsection 118.1 inserted by Federal Law No. 219-FZ of 21.07.2014 (Rev. 29.12.2014)]
119) for the issue of a permit for the putting into permanent operation of:

- public railway lines – 195,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

- non-public railway lines – 95,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

120) for the issue of a permit for building on areas of occurrence of commercial minerals, and for the siting of underground installations at places of occurrence thereof within the boundaries of a mining allotment – 3,500 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

121) for the issue of a permit for the conduct of acclimatization, relocation and cross-breeding measures and for the maintenance and breeding of fauna species classified as game and of aquatic biological resources in semi-wild conditions and artificially created habitats – 650 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

122) for the issue of a duplicate of a permit for the conduct of acclimatization, relocation and cross-breeding measures and for the maintenance and breeding of fauna species classified as game and of aquatic biological resources in semi-wild conditions and artificially created habitats – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

123) for the adoption of a decision on petitions for the consideration (settlement) of disputes associated with the establishment and (or) application of regulated prices (tariffs, rates, charges, surcharges) which have been filed in accordance with the legislation of the Russian Federation – 120,000 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

124) lost force – Federal Law No. 415-FZ of 12.11.2018

125) for the issue of a document approving norms for the generation of production and consumption waste and limits on the disposal thereof 1,600 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

126) for the re-issue and issue of a duplicate of a document approving production and consumption waste generation norms and waste disposal limits – 350 roubles; [as amended by Federal Law No. 221-FZ of 21.07.2014]

127) for the issue of a certificate of state accreditation of educational activities:

- for basic educational programmes of elementary general, core general and intermediate general education – 15,000 roubles;

- for basic educational programmes of intermediate vocational education – 35,000 roubles for each major group of occupations and specializations which is included in the certificate of state accreditation;

- for basic educational programmes of higher education – 100,000 roubles for each major group of specializations and courses which is included in the certificate of state accreditation; [subsection 127 as reworded by Federal Law No. 312-FZ of 22.10.2014]

128) lost force from 01.01.2015 – Federal Law No. 312-FZ of 22.10.2014

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[ARTICLE 333.33]
129) for the re-issue of a certificate of state accreditation of educational activities in connection with state accreditation in relation to educational programmes which have not previously been accredited:

- for basic educational programmes of elementary general, core general and intermediate general education – 15,000 roubles;

- for each major group of intermediate vocational education occupations and specializations – 35,000 roubles;

- for each major group of higher education specializations and courses – 100,000 roubles;  

[subsection 129 as reworded by Federal Law No. 312-FZ of 22.10.2014]

130) for the re-issue of a certificate of state accreditation of educational activities in other cases – 3,000 roubles;  

[subsection 130 as reworded by Federal Law No. 312-FZ of 22.10.2014]

131) for the issue of a temporary certificate of state accreditation of educational activities – 3,000 roubles;  

[subsection 131 as reworded by Federal Law No. 312-FZ of 22.10.2014]

132) for the repeat issue of a certificate of registration with a tax authority – 300 roubles;  


133) for the consideration of an application for the conclusion of a pricing agreement and an application for the amendment of a pricing agreement – 2,000,000 roubles;  


134) for the following actions of authorized bodies which are connected with the licensing of entrepreneurial activities involving the management of apartment blocks:

- the granting of a licence to carry out entrepreneurial activities involving the management of apartment blocks – 30,000 roubles;

- the re-issuance of a licence to carry out entrepreneurial activities involving the management of apartment blocks – 5,000 roubles;

- the granting (issue) of a duplicate licence to carry out entrepreneurial activities involving the management of apartment blocks – 5,000 roubles;  

[subsection 134 inserted by Federal Law No. 221-FZ of 21.07.2014]

135) for the adoption of advance decisions on the classification of goods in accordance with the Goods Nomenclature for Foreign Economic Activities of the Customs Union – 5,000 roubles;  

[subsection 135 inserted by Federal Law No. 312-FZ of 22.10.2014]

136) for the following acts of the federal executive body responsible for the circulation of weapons:
- the issue of a licence to acquire, exhibit or collect weapons and related ammunition, other than a licence such as is provided for in paragraph 3 of this subsection – 2,000 roubles;

- the issue (extension) of a licence to acquire an air pistol, a revolver, signalling weapons and cold bladed weapons intended to be worn with national costumes of peoples of the Russian Federation or Cossack uniform – 500 roubles;

- the issue (extension) of a permit to store weapons, to store and carry weapons, to store and use weapons and to import weapons and related ammunition into the Russian Federation or export weapons and related ammunition from the Russian Federation – 500 roubles;

- the re-issue of a licence to acquire weapons and related ammunition or a permit to store weapons, to store and carry weapons, to store and use weapons and to import weapons and related ammunition into the Russian Federation or export weapons and related ammunition from the Russian Federation – 250 roubles;

[subsection 136 inserted by Federal Law No. 145-FZ of 01.07.2017]

[137) lost force – Federal Law No. 305-FZ of 02.07.2021]

138) for the issue of federal special and (or) excise stamps with a two-dimensional barcode containing an identifier of the unified state automated information system for recording the production and circulation of ethyl alcohol and alcoholic and alcohol-containing products for the marking of alcoholic products – 0.16 roubles for each stamp;

[subsection 138 inserted by Federal Law No. 301-FZ of 03.08.2018]

139) for the state registration (renewal of state registration) of an amusement ride, including the issue of a certificate of state registration of an amusement ride and a state registration plate for an amusement ride:

- with a high degree of potential biomechanical risk (RB-1) – 13,000 roubles;

- with a medium degree of potential biomechanical risk (RB-2) – 7,000 roubles;

- with a low degree of potential biomechanical risk (RB-3) – 3,500 roubles;

[subsection 139 inserted by Federal Law No. 486-FZ of 25.12.2018]

140) for temporary state registration on site of a previously registered amusement ride:

- with a high degree of potential biomechanical risk (RB-1) – 2,400 roubles;

- with a medium degree of potential biomechanical risk (RB-2) – 1,800 roubles;

- with a low degree of potential biomechanical risk (RB-3) – 1,300 roubles;

[subsection 140 inserted by Federal Law No. 486-FZ of 25.12.2018]

141) for the issue of a duplicate certificate of state registration of an amusement ride – 600 roubles;

[subsection 141 inserted by Federal Law No. 486-FZ of 25.12.2018]
142) for the issue of a statement of registration procedures carried out in relation to an amusement ride – 600 roubles;

[subsection 142 inserted by Federal Law No. 486-FZ of 25.12.2018]

143) for the issue of a state registration plate in place of one that has been lost or become unfit for use – 1,500 roubles.

[subsection 140 inserted by Federal Law No. 486-FZ of 25.12.2018]

[clause 1 as reworded by Federal Law No. 374-FZ of 27.12.2009]

2. The provisions of this Article shall be applied with account taken of the provisions of Article 333.34 of this Code.


3. State duty for the state registration of a mass medium and for the amendment of an entry concerning the registration of a mass medium shall be paid with account taken of the following special considerations:

1) in the case of the registration of a mass medium and the amendment of an entry concerning the registration of a mass medium (including in connection with a change in subject-matter or specialization) of an advertising nature, the amount of state duty for the mass medium in question shall be multiplied by five;

2) in the case of the registration of a mass medium and the amendment of an entry concerning the registration of a mass medium (including in connection with a change in subject-matter or specialization) of an erotic nature, the amount of state duty for the mass medium in question shall be multiplied by ten;

3) in the case of the registration of a mass medium and the amendment of an entry concerning the registration of a mass medium (including in connection with a change in subject-matter or specialization) which specializes in products for children, young people and disabled persons and a mass medium of an educational or cultural nature, the amount of state duty for the mass medium in question shall be divided by five.

[clause 3 as reworded by Federal Law No. 253-FZ of 29.07.2017]

4. The classification of mass media as mass media of an advertising or erotic nature, as mass media specializing in the issue of products for children, adolescents and disabled persons and as mass media of an educational and culturally informative nature shall be made in accordance with the legislation of the Russian Federation.

5. State duty for the right to use the names “Russia”, “Russian Federation” and words and word combinations formed on the basis thereof in the names of legal entities shall be paid upon the
state registration of a legal entity when it is established or upon the registration of relevant amendments to the foundation documents of a legal entity.

6. State duty for the assignment of a numbering resource shall be paid with account taken of the following special considerations: [as amended by Federal Law No. 253-FZ of 25.12.2012]

1) in the event of a change in numbering, state duty for the assignment of a numbering resource shall not be payable. In the event that a numbering resource allocated to a communications operator is wholly or partially withdrawn, state duty paid by that operator shall not be refunded; [as amended by Federal Law No. 253-FZ of 25.12.2012]

2) where an organization is re-organized by means of a merger, acquisition or change of form and documents of entitlement to the numbering resource allocated to that organization are re-issued, state duty shall not be paid for the numbering resource already allocated;

3) where an organization is re-organized by means of a demerger or spin-off and documents of entitlement to an allocated numbering resource are re-issued, state duty shall not be paid for the numbering resource already allocated;

4) in the case of the transfer of a numbering resource insofar as concerns the subscriber number of a subscriber who has decided to conclude a new communication service contract with another mobile telephony operator while retaining the previously assigned subscriber number, state duty shall not be payable.

Article 333.35. Reliefs for Particular Categories of Physical Persons and Organizations

1. The following shall be exempt from the payment of the state duty which is established by this Chapter:

1) management bodies of state non-budgetary funds of the Russian Federation, state-owned institutions, editorial offices of mass media, with the exception of mass media of an advertising and erotic nature, all-Russian social associations, religious associations, political parties – for the right to use “Russia”, “Russian Federation” and words and word combinations formed on the basis thereof in the names of those organizations or associations; [as amended by Federal Laws No. 374-FZ of 27.12.2009, No. 83-FZ of 08.05.2010]

1.1) budgetary institutions which are recipients of budgetary resources until 1 July 2012 – for the right to use the names “Russia” and “Russian Federation” and words and word combinations formed on the basis thereof in the names of those institutions;
[subsection 1.1 inserted by Federal Law No. 239-FZ of 18.07.2011]

2) the Supreme Court of the Russian Federation, courts of general jurisdiction, arbitration courts and magistrates – when sending (submitting) requests to the Constitutional Court of the Russian Federation;
[subsection 2 as reworded by Federal Law No. 198-FZ of 28.06.2014]

3) courts of general jurisdiction, arbitration courts and magistrates and state bodies of a constituent entity of the Russian Federation – when sending (filing) requests to the constitutional (charter) courts of constituent entities of the Russian Federation;

5) the Central Bank of the Russian Federation – when applying for the performance of legally significant acts such as are established by this Chapter in connection with the performance of the functions assigned to it by the legislation of the Russian Federation; [subsection 5 as reworded by Federal Law No. 251-FZ of 23.07.2013]

6) organizations – with respect to the state registration of issues (additional issues) of issuance securities which are issued by them for the purpose of restructuring debt obligations to budgets of all levels (while the agreement on the restructuring of such obligations is in effect), in the event that those securities have been transferred and (or) encumbered in favour of an authorized executive body on the basis of an agreement on the settlement of indebtedness in respect of payments to budgets of all levels;

7) organizations – with respect to the state registration of issues (additional issues) of issuance securities which are put into circulation when the charter capital is increased by the amount of a fixed asset revaluation which is carried out in accordance with a decision of the Government of the Russian Federation;

8) state and municipal museums, non-state museums of federal significance, state and municipal archives, libraries and other state and municipal repositories of cultural valuables – for the issuance of a report (authorization document) allowing the exportation or temporary exportation of cultural valuables, including when the temporary exportation period for cultural valuables is extended; [subsection 8 as reworded by Federal Law No. 430-FZ of 28.12.2017]

9) physical persons who are authors of cultural valuables – for the issuance of a report (authorization document) allowing the exportation or temporary exportation of cultural valuables; [subsection 9 as reworded by Federal Law No. 430-FZ of 28.12.2017]

9.1) physical persons – for the issue of a certificate (authorization document) for the temporary exportation of stringed musical instruments or bows for the purposes of concert tours, including in the case of the extension of the period of temporary exportation of stringed musical instruments or bows for those purposes; [subsection 9.1 inserted by Federal Law No. 109-FZ of 29.05.2019]

10) state government bodies and local government bodies – for the affixing of an apostille and for the state registration of organizations and for the state registration of amendments to the foundation documents of organizations, and for the state registration of the liquidation of organizations; [as amended by Federal Law No. 201-FZ of 31.12.2005]

11) physical persons who are Heroes of the Soviet Union, Heroes of the Russian Federation and full cavaliers of the Order of Glory – with respect to cases which are examined by courts of general jurisdiction, arbitration courts, magistrates, the Supreme Court of the Russian Federation and the Constitutional Court of the Russian Federation, and with respect to
applications made to bodies and (or) officials which perform notarial acts and to bodies which carry out the state registration of acts of civil status;

[subsection 11 as reworded by Federal Law No. 198-FZ of 28.06.2014]

12) physical persons who are veterans of the Great Patriotic War, persons disabled as a result of the Great Patriotic War, former prisoners of Fascist concentration camps, ghettos and other places of forced detention set up by the German Fascists and their allies during the Second World War and former prisoners of war during the Great Patriotic War when they apply for the performance of legally significant acts established by this Chapter.

The relief which is provided for in this subsection in relation to the performance of the acts provided for in subsections 1 to 3, 5 and 6 of clause 1 of Article 333.30 of this Code shall also be granted to a collective of authors and rights owners in which each member is a person belonging to any of the categories referred to in this subsection;

[subsection 12 as reworded by Federal Law No. 401-FZ of 30.11.2016]


14) a physical person who is a citizen of the Russian Federation and who is the sole author of a computer programme, database or integrated circuit topography and the holder of rights therein and is seeking a certificate of registration in his own name, where such physical person is a disabled person or a student of an organization which carries on educational activities – for the performance of the acts provided for in clauses 1 to 3, 5 and 6 of clause 1 of Article 333.30 of this Code. [as amended by Federal Law No. 346-FZ of 27.11.2017]

The relief which is provided for in this subsection shall also be provided to a collective of authors and rights owners in which each member is a disabled person;

[subsection 14 as reworded by Federal Law No. 401-FZ of 30.11.2016]

15) physical persons who are recognised as low-income persons in accordance with the Housing Code of the Russian Federation – for the performance of the acts provided for in subsection 22 of clause 1 of Article 333.33 of this Code, with the exception of the state registration of limitations of rights and encumbrances on items of immovable property;


16) physical persons who are victims of an emergency situation and have applied for a passport of a citizen of the Russian Federation to replace one that was lost or rendered unusable as a result of such emergency situation - for the performance of acts specified in subsection 18 of clause 1 of Article 333.33 of this Code, and for the state registration of ownership of dwellings or interests therein acquired by them in connection with the implementation of social support measures in place of dwellings lost by them as a result of such emergency situation; [as amended by Federal Laws No. 233-FZ of 29.07.2018, No. 374-FZ of 23.11.2020]

17) physical persons – for the state registration of the ownership right in dwellings or interests therein which were provided to them in place of vacated dwellings or interests therein in connection with the implementation of the Moscow housing stock renovation programme;

[subsection 17 inserted by Federal Law No. 352-FZ of 27.11.2017]

[18) Lost force from 01.01.2020 – Federal Law No. 50-FZ of 7.03.2018]
2. The basis for granting the relief provided for in subsection 9.1 of clause 1 of this Article shall be a document confirming the purpose of the trip.

The basis for granting relief to the physical persons enumerated in subsections 11 and 12 of clause 1 of this Article shall be a certificate of the prescribed form.

The reliefs provided for in subsection 14 of clause 1 of this Article shall be granted on the petition of the author (authors). The basis for granting a relief shall be copies of appropriate documents: a medical-social assessment certificate or a document issued by an organization which carries on educational activities. A petition for the granting of the above-mentioned reliefs shall be submitted in place of a document confirming the payment of state duty, where the relief consists in exemption from payment of that duty, or together with that document.

The basis for granting the relief provided for in subsection 15 of clause 1 of this Article shall be a document issued in accordance with the established procedure.

[clause 2 as reworded by Federal Law No. 109-FZ of 29.05.2019]

3. State duty shall not be payable in the following cases:

1) for the issue of an invitation for the entry of a foreign citizen or stateless person into the Russian Federation for the purpose of study in accordance with state-accredited educational programmes; [as amended by Federal Laws No. 318-FZ of 16.11.2011, No. 346-FZ of 27.11.2017]


2.1) for the issue of a work permit to a foreign citizen who has concluded an employment or civil-law agreement on the performance of work (rendering of services) with a person participating in the implementation of 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” or with a person participating in the implementation of a project 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” and has arrived in the territory of the “Skolkovo” Innovation Centre or in the territory of the science and technology innovation centre respectively;


2.2) for the issue of an invitation for entry to the Russian Federation to a foreign citizen who has concluded an employment or civil-law agreement on the performance of work (rendering of services) with a person participating in the implementation of 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” or with a person participating in the implementation of a project 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”;

2.3) for the issue of a visa to, or extension of the period of validity of a visa for, a foreign citizen who has concluded an employment or civil-law agreement on the performance of work (rendering of services) with a person participating in the implementation of 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” or with a person participating in the implementation of a project 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”;


3) for the issuance of a report (authorization document) allowing the exportation of cultural valuables which have been retrieved from the unlawful possession of another person and are being returned to the owner;

[subsection 3 as reworded by Federal Law No. 430-FZ of 28.12.2017]


4.1) for the state registration of the right of operational management in respect of immovable property which is in state or municipal ownership;

[subsection 4.1 inserted by Federal Law No. 106-FZ of 21.07.2005]

4.2) for the state registration of limitations of rights and encumbrances on land parcels used for northern deer farming;


4.3) for the state registration of the right of permanent (indefinite) use of land parcels which are in state or municipal ownership;

[subsection 4.3 inserted by Federal Law No. 374-FZ of 27.12.2009]

4.4) for the making of amendments to the Unified State Register of Immovable Property where a regulatory legal act is adopted that gives arise to the need for those amendments to be made for reasons beyond the control of the rights owners, proprietors or users of immovable property;

[subsection 4.4 as reworded by Federal Law No. 325-FZ of 29.09.2019]

4.5) for the making of amendments to the Unified State Register of Immovable Property in the form of an entry concerning an objection in relation to a registered right in an item of immovable property, an entry concerning the impossibility of carrying out the state registration of a right without the participation of the rights owner in person, an entry concerning the impossibility of carrying out the state registration of the transfer, termination or limitation of a right in a land parcel forming part of lands designated for agricultural use or an encumbrance of such a land parcel until a court has finished considering a case concerning the appropriation of the land parcel owing to the failure to use it for its designated purpose or use not in compliance with the legislation of the Russian Federation, an entry concerning the existence of claims in relation to a registered right or details of the electronic mail address and (or) the postal address at which a person whose right in an item of immovable property has been registered or a person in whose favour a limitation of a right or an encumbrance on an item of immovable property was registered.
property has been registered may be contacted, and for the entry of information (amendments and additions) in the Unified State Register of Immovable Property in cases established by Federal Law No. 218-FZ of 13 July 2015 “Concerning the State Registration of Immovable Property” where that information has not been entered in the Unified State Register of Immovable Property through interdepartmental information exchange;

[subsection 4.5 as reworded by Federal Law No. 325-FZ of 29.09.2019]

5) for the state registration of attachments of immovable property; [as amended by Federal Law No. 374-FZ of 27.12.2009]

6) for the state registration of a mortgage arising by virtue of law and for the cancellation of a registration entry concerning a mortgage; [as amended by Federal Law No. 264-FZ of 22.12.2008]

7) for the state registration of an agreement on a change in the content of a mortgage bond, including the making of appropriate amendments to entries in the Unified State Register of Immovable Property; [as amended by Federal Law No. 325-FZ of 29.09.2019]

8) for the state registration of a right in an item of immovable property that arose before the date of entry into force of Federal Law No. 122-FZ of 21 July 1997 “Concerning the State Registration of Rights in Immovable Property and Transactions Involving Such Property”;

[subsection 8 as reworded by Federal Law No. 374-FZ of 23.11.2020]

8.1) for the state registration of the termination of rights in connection with the liquidation of an item of immovable property, renunciation of the right of ownership in an item of immovable property, the transfer of the right to a new rights holder and the conversion (renovation) of an item of immovable property;

[subsection 8.1 inserted by Federal Law No. 374-FZ of 27.12.2009]

8.2) for the state registration of the termination of limitations of rights or encumbrances on items of immovable property;


9) for the issue of a passport of a citizen of the Russian Federation to orphaned children and children deprived of parental care;

[subsection 9 inserted by Federal Law No. 106-FZ of 21.07.2005]


11) for the state registration of the ownership right of the Russian Federation in roads transferred for fiduciary management to a legal entity established in the organizational-legal form of a state company and in land parcels leased to that legal entity, for the state registration of agreements on the lease of land parcels provided to that legal entity and for the state registration of the termination of rights in such roads and land parcels;
   [subsection 11 inserted by Federal Law No. 145-FZ of 17.07.2009]

12) for the affixing of an apostille on civil registry documents and certificates issued by archive bodies upon application of physical persons residing outside the territory of the Russian Federation which are demanded in accordance with international agreements of the Russian Federation and by request of diplomatic representations and consular institutions of the Russian Federation;

13) for the state registration of medicinal products for medical use which were presented for state registration prior to the date of entry into force of Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicinal Products”; 
   [subsection 13 inserted by Federal Law No. 306-FZ of 27.11.2010]

14) for the state registration of medicinal products for medical use which were presented for expert examination of medicinal products prior to the date of entry into force of Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicinal Products”; 
   [subsection 14 inserted by Federal Law No. 306-FZ of 27.11.2010]

15) for confirmation of the state registration of medicinal products for medical use which were presented for confirmation of state registration prior to the date of entry into force of Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicinal Products”; 
   [subsection 15 inserted by Federal Law No. 306-FZ of 27.11.2010]

16) for confirmation of the state registration of medicinal products for medical use which were presented for expert examination of medicinal products prior to the date of entry into force of Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicinal Products”; 
   [subsection 16 inserted by Federal Law No. 306-FZ of 27.11.2010]

17) for the adoption of a decision concerning the introduction of amendments to documents contained in the registration file for a registered medicinal product for medical use which were presented prior to the date of entry into force of Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicinal Products”; 
   [subsection 17 inserted by Federal Law No. 306-FZ of 27.11.2010]
18) for the adoption of a decision concerning the introduction of amendments to documents contained in the registration file for a registered medicinal product for medical use which were presented for expert examination of medicinal products prior to the date of entry into force of Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicinal Products”;

[subsection 18 inserted by Federal Law No. 306-FZ of 27.11.2010]

19) for the issue of permits to conduct clinical trials of medicinal products for medical use on the basis of applications submitted prior to the entry into force of Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicinal Products” and on the basis of applications submitted after the entry into force of Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicinal Products” pursuant to expert examinations carried out prior to the entry into force of Federal Law No. 61-FZ of 12 April 2010 “Concerning the Circulation of Medicinal Products”;

[subsection 19 inserted by Federal Law No. 306-FZ of 27.11.2010]

20) for the state registration of legal entities established by FIFA (Fédération Internationale de Football Association), subsidiary organizations of FIFA, confederations, national football associations (including the Russian Football Union), the “Russia 2018” Organizing Committee, subsidiary organizations of the “Russia 2018” Organizing Committee, suppliers of FIFA goods (work and services), manufacturers of FIFA media information, FIFA broadcasters, commercial partners of FIFA and counterparties of FIFA which are referred to in the Federal Law “Concerning the Preparation 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 Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”;

[subsection 20 inserted by Federal Law No. 108-FZ of 07.06.2013; as amended by Federal Law No. 101-FZ of 01.05.2019]

21) for the accreditation of branches of foreign organizations which have been established in the territory of the Russian Federation by FIFA (Fédération Internationale de Football Association), subsidiary organizations of FIFA, confederations, national football associations, suppliers of FIFA goods (work and services), manufacturers of FIFA media information, FIFA broadcasters, commercial partners of FIFA and counterparties of FIFA which are referred to in the Federal Law “Concerning the Preparation 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 Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”;

[subsection 21 inserted by Federal Law No. 108-FZ of 07.06.2013; as amended by Federal Law No. 101-FZ of 01.05.2019]

22) for the issue of an invitation to a foreign citizen or a stateless person taking part in measures provided for 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” in the period from the date of entry into force of that Federal Law until 31 December 2018 inclusively, and for the issue of an invitation to a foreign citizen or a stateless person entering the Russian Federation in connection with the carrying out of 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
in the period up to 31 December 2021 inclusively; [as amended by Federal Laws No. 101-FZ of 01.05.2019, No. 101-FZ of 20.04.2021]

23) for the issue of a visa to a foreign citizen or a stateless person taking part in measures provided for 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” or for the extension of the period of validity of that visa in the period from the date of entry into force of that Federal Law until 31 December 2018 inclusively, and for the issue of a visa to a foreign citizen or a stateless person entering the Russian Federation in connection with the carrying out of 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 or for the extension of the period of validity of that visa in the period up to 31 December 2021 inclusively; [as amended by Federal Laws No. 101-FZ of 01.05.2019, No. 101-FZ of 20.04.2021]

[23.1-23.4) lost force from 01.01.2019 – Federal Law No. 404-FZ of 30.11.2016]

23.5) in the period up to 31 December 2021 inclusively, for the granting by the federal executive body in charge of foreign affairs of a decision, adopted on the basis of an application from the Russian Football Union and (or) the local organizing structure and forwarded to a diplomatic representation or consular institution of the Russian Federation, on the issue of an ordinary multi-entry visa to a foreign citizen or stateless person taking part in measures provided for 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” for the preparation for and staging in the Russian Federation of the 2020 UEFA European Football Championship, and to a foreign citizen or stateless person participating in the 2020 UEFA European Football Championship provided that those persons are included in the UEFA lists in accordance with that Federal Law; [as amended by Federal Laws No. 101-FZ of 01.05.2019, No. 101-FZ of 20.04.2021]

23.6) in the period up to 31 December 2021 inclusively, for the making of amendments by the federal executive body in charge of foreign affairs to a decision, adopted on the basis of an application from the Russian Football Union and (or) the local organizing structure and forwarded to a diplomatic representation or consular institution of the Russian Federation, on the issue of a visa to a foreign citizen or stateless person taking part in measures provided for 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” for the preparation for and staging in the Russian Federation of the 2020 UEFA European Football Championship, and to a foreign citizen or stateless person participating in the 2020 UEFA European Football Championship provided that those persons are included in the UEFA lists in accordance with that Federal Law; [as amended by Federal Laws No. 101-FZ of 01.05.2019, No. 101-FZ of 20.04.2021]

23.7) in the period up to 31 December 2021 inclusively, for the re-addressing by the federal executive body in charge of foreign affairs of a decision, adopted on the basis of an application from the Russian Football Union and (or) the local organizing structure and forwarded to a diplomatic representation or consular institution of the Russian Federation, on the issue of a
visa to a foreign citizen or stateless person taking part in measures provided for 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” for the preparation for and staging in the Russian Federation of the 2020 UEFA European Football Championship and to a foreign citizen or stateless person participating in the 2020 UEFA European Football Championship to diplomatic representations or consular institutions of the Russian Federation at the request of the Russian Football Union and (or) the local organizing structure, provided that those persons are included in the UEFA lists in accordance with that Federal Law; [as amended by Federal Laws No. 101-FZ of 01.05.2019, No. 101-FZ of 20.04.2021]

24) for the performance of legally significant acts referred to in Article 333.33 of this Code where those acts are performed in accordance with the Federal Law “Concerning Special Considerations Relating to the Functioning of the Financial System of the Republic of Crimea and the City of Federal Significance Sevastopol in the Transitional Period”;
[subsection 24 inserted by Federal Law No. 78-FZ of 20.04.2014]

25) for the state registration of rights in immovable property of the Union State and transactions involving such property;
[subsection 25 inserted by Federal Law No. 349-FZ of 04.11.2014]


[28] lost force from 01.05.2015 – Federal Law No. 381-FZ of 29.11.2014

29) for the issuance of a passport certifying the identity of a citizen of the Russian Federation outside the territory of the Russian Federation, including one containing an electronic information storage medium (a new-generation passport) to persons recognised as citizens of the Russian Federation in accordance with part 1 of Article 4 of Federal Constitutional Law No. 6-FKZ of 21 March 2014 “Concerning the Admission of the Republic of Crimea to the Russian Federation and the Formation within the Russian Federation of New Constituent Entities - the Republic of Crimea and the City of Federal Significance Sevastopol” who had, at the time of submitting an application for the issuance of such a document, a valid passport of a citizen of Ukraine for travel abroad and are applying for the first time for a passport certifying the identity of a citizen of the Russian Federation outside the territory of the Russian Federation, including one containing an electronic information storage medium (a new-generation passport), in the territories of the Republic of Crimea and the city of federal significance Sevastopol;
[subsection 29 inserted by Federal Law No. 157-FZ of 29.06.2015]

30) for the issuance of a national driving licence, a tractor driver’s (tractor operator’s) certificate and registration documents and state vehicle registration plates to persons recognised as citizens of the Russian Federation in accordance with part 1 of Article 4 of Federal Constitutional Law No. 6-FKZ of 21 March 2014 “Concerning the Admission of the Republic of Crimea to the Russian Federation and the Formation within the Russian Federation of New Constituent Entities - the Republic of Crimea and the City of Federal Significance Sevastopol” who had, at the time of submitting an application for the issuance of such documents, valid driving licences, tractor driver’s (tractor operator’s) certificates and registration documents and state vehicle registration plates issued in the territory of Ukraine and are applying for the first time for a
national driving licence, a tractor driver’s (tractor operator’s) certificate and registration
documents and state vehicle registration plates in the territories of the Republic of Crimea and
the city of federal significance Sevastopol;
[subsection 30 inserted by Federal Law No. 157-FZ of 29.06.2015]

[EY Note: Subsection 31 of clause 3 of Article 333.35 loses force from 01.01.2023 – Federal
Law No. 157-FZ of 29.06.2015]

31) for the state registration of rights in immovable property which arose in the territories of
the Republic of Crimea and the city of federal significance Sevastopol before the date of entry
into force of Federal Constitutional Law No. 6-FKZ of 21 March 2014 “Concerning the
Admission of the Republic of Crimea to the Russian Federation and the Formation within the
Russian Federation of New Constituent Entities - the Republic of Crimea and the City of
Federal Significance Sevastopol”;
[subsection 31 inserted by Federal Law No. 157-FZ of 29.06.2015]

32) for the performance of legally significant acts provided for in subsections 1, 3, 6 and 7 of
clause 1 of Article 333.33 of this Code, where documents needed for the performance of those
legally significant acts are sent to the registering body in the form of electronic documents in
accordance with the procedure established by the legislation of the Russian Federation
concerning the state registration of legal entities and private entrepreneurs;
[subsection 32 inserted by Federal Law No. 234-FZ of 29.07.2018]

33) for the performance of legally significant acts provided for in subsection 28.1 of clause 1
of Article 333.33 of this Code when amendments are made to entries in the Unified State
Register of Immovable Property in accordance with paragraphs 2 to 5 of clause 2 of Article 23
of Federal Law No. 102-FZ of 16 July 1998 “Concerning Mortgages (Pledges of Immovable
Property)”;
[subsection 33 inserted by Federal Law No. 158-FZ of 03.07.2019]

34) for the admission to citizenship of the Russian Federation of persons who permanently
reside in the territories of certain districts of the Donetsk and Lugansk regions of Ukraine and
have submitted applications for admission to citizenship of the Russian Federation under the
simplified procedure in accordance with Edict No. 183 of the President of the Russian
Federation of 24 April 2019 “Concerning the Determination for Humanitarian Purposes of
Categories of Persons Who Have the Right to Submit Applications for Admission to
Citizenship of the Russian Federation under the Simplified Procedure”.
[subsection 34 inserted by Federal Law No. 129-FZ of 24.04.2020]

[EY Note: Clause 4 loses force from 1 January 2021 – Federal Law No. 221-FZ of 21.07.2014]

4. The state duty rates established by this Chapter for the performance of legally significant
acts in relation to physical persons shall be adjusted by a factor of 0.7 where the application for
the performance of those legally significant acts is submitted and the relevant state duty is paid
using the unified portal of state and municipal services, regional portals of state and municipal
services and other portals integrated with the unified identification and authentication system.
[clause 4 as reworded by Federal Law No. 402-FZ of 30.11.2016]
Article 333.36. Reliefs for Applications Made to the Supreme Court of the Russian Federation, Courts of General Jurisdiction and Magistrates [title as reworded by Federal Law No. 198-FZ of 28.06.2014]

1. The following shall be exempt from the payment of state duty in relation to cases which are examined by the Supreme Court of the Russian Federation in accordance with the civil procedure legislation of the Russian Federation and the legislation concerning administrative proceedings, by courts of general jurisdiction and by magistrates: [as amended by Federal Laws No. 198-FZ of 28.06.2014, No. 23-FZ of 08.03.2015]

1) plaintiffs – with respect to actions concerning the recovery of salary (monetary allowances) and other claims emanating from employment relations, and with respect to actions relating to the recovery of benefits;

2) plaintiffs – with respect to actions concerning the recovery of alimony;

3) plaintiffs – with respect to actions concerning compensation for damage caused by physical injury or other impairment of health, and by the death of a breadwinner;

4) plaintiffs – with respect to actions concerning compensation for material and (or) moral injury caused by a crime;

5) organizations and physical persons – for the issue of documents to them in connection with criminal cases and cases concerning the recovery of alimony;

6) the parties involved – with respect to the filing of appellate and cassation appeals in relation to marriage annulment actions;

7) organizations and physical persons – with respect to the filing with a court of:

   - applications for the grant of a deferral (instalment plan) for the execution of decisions, for a change in the method or procedure for the execution of decisions, for the overturning of the execution of a decision, the restoration of missed deadlines or the review of a decision, determination or ruling of a court in the light of newly discovered circumstances, or for the review of an extramural decision by the court which adopted that decision;

   - administrative statements of claim, appeals against actions (inaction) of a bailiff/enforcement officer and appeals against rulings on cases concerning administrative offences which have been adopted by relevant authorized bodies; [as amended by Federal Law No. 23-FZ of 08.03.2015]

   - private appeals against determinations of a court, including determinations concerning injunctive relief or the replacement of one kind of relief with another, concerning the application or cancellation of the application of provisional remedies for an administrative statement of claim or the replacement of one remedy with another, concerning the termination or suspension of proceedings or concerning the non-remission or non-reduction of the amount of a fine imposed by a court; [as amended by Federal Law No. 23-FZ of 08.03.2015]

8) physical persons – when filing cassation appeals in respect to criminal cases in which the correct recovery of material damage caused by a crime is contested;
9) public prosecutors – with respect to petitions in defence of the rights, freedoms and legal interests of citizens or an indefinite range of persons or the interests of the Russian Federation, constituent entities of the Russian Federation and municipalities;

10) plaintiffs – with respect to actions for the recovery of material and (or) moral damage resulting from criminal prosecution, including actions associated with the restoration of rights and freedoms;

11) rehabilitated persons and persons recognised as victims of political repressions – when filing petitions in relation to matters arising in connection with the application of the legislation concerning the rehabilitation of victims of political repressions, with the exception of disputes between such persons and their heirs;

12) forced migrants and refugees – when filing administrative statements of claim to contest a refusal to register a petition for the recognition of those persons as forced migrants or refugees;

13) the authorized federal executive body responsible for control (supervision) in the area of the protection of consumer rights (territorial bodies thereof) and other federal executive bodies which carry out functions involving control and supervision in the area of the protection of consumer rights and the safety of goods (work and services) (territorial bodies thereof), local government bodies and social organizations of consumers (associations and unions thereof) – with respect to actions filed in the interests of a consumer, a group of consumers or an indefinite range of consumers;

14) physical persons – when filing adoption applications with a court;

15) plaintiffs – with respect to the examination of cases concerning the protection of the rights and interests of a child;


17) plaintiffs – with respect to non-property-related actions connected with the protection of the rights and legal interests of disabled persons;

18) administrative plaintiffs – with respect to administrative cases involving the hospitalization of a citizen at a medical organization which provides psychiatric care under in-patient
conditions on a non-voluntary basis and (or) involving non-voluntary psychiatric examination;

[subsection 18 as reworded by Federal Law No. 23-FZ of 08.03.2015]

19) state bodies and local government bodies acting as plaintiffs (administrative plaintiffs) or respondents (administrative respondents) in cases examined by the Supreme Court of the Russian Federation, courts of general jurisdiction and magistrates;

[subsection 19 as reworded by Federal Law No. 23-FZ of 08.03.2015]

[20) lost force from 01.01.2014 – Federal Law No. 374-FZ of 27.12.2009]

21) authors of a result of intellectual activity – with respect to actions for the granting to them of the right to use a result of intellectual activity the exclusive right in which belongs to another person (compulsory licence).

[subsection 21 inserted by Federal Law No. 100-FZ of 10.07.2012]

2. The following shall be exempt from the payment of state duty in relation to cases which are examined by the Supreme Court of the Russian Federation in accordance with the civil procedure legislation of the Russian Federation and the legislation concerning administrative proceedings, by courts of general jurisdiction and by magistrates with account taken of the provisions of clause 3 of this Article:

1) social organizations of disabled persons acting as plaintiffs (administrative plaintiffs) or respondents (administrative respondents);

2) plaintiffs (administrative plaintiffs) who are disabled persons of Group I or II, disabled children or persons disabled from childhood; [as amended by Federal Law No. 305-FZ of 02.07.2021]

3) veterans of combat operations and military service veterans when seeking the defence of their rights as established by legislation concerning veterans;

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

4) plaintiffs – with respect to actions associated with the violation of consumer rights;

5) plaintiffs who are pensioners and receive pensions granted according to the procedure established by the pension legislation of the Russian Federation – with respect to property-related claims and property-related administrative claims against the Pension Fund of the Russian Federation or non-state pension funds or against federal executive bodies which provide pension support for persons who have done military service.

[clause 2 as reworded by Federal Law No. 23-FZ of 08.03.2015]

3. When filing property-related statements of claim, property-related administrative statements of claim and (or) statements of claim (administrative statements of claim) containing both property-related and non-property-related claims with courts of general jurisdiction and magistrates, the payers referred to in clause 2 of this Article shall be exempt from the payment of state duty in the event that the amount in dispute does not exceed 1,000,000 roubles. In the event that the amount in dispute exceeds 1,000,000 roubles, the above-mentioned payers shall pay state duty in an amount calculated in accordance with subsection 1 of clause 1 of Article 333.19 of this Code, reduced by the amount of state duty which is payable for an amount in dispute equal to 1,000,000 roubles. [as amended by Federal Law No. 23-FZ of 08.03.2015]
Article 333.37. Reliefs for Applications Made to the Supreme Court of the Russian Federation and Arbitration Courts [title as reworded by Federal Law No. 198-FZ of 28.06.2014]

1. The following shall be exempt from the payment of state duty in relation to cases which are examined by the Supreme Court of the Russian Federation in accordance with the arbitration procedure legislation of the Russian Federation and by arbitration courts: [as amended by Federal Law No. 198-FZ of 28.06.2014]

1) public prosecutors and other bodies when they make applications to the Supreme Court of the Russian Federation and arbitration courts in cases provided for in law in defence of state and (or) social interests;
[subsection 1 as reworded by Federal Law No. 198-FZ of 28.06.2014]

1.1) state bodies and local government bodies acting as plaintiffs or respondents in cases examined by the Supreme Court of the Russian Federation and arbitration courts;
[subsection 1.1 as reworded by Federal Law No. 198-FZ of 28.06.2014]

2) plaintiffs with respect to actions associated with the violation of the rights and legal interests of a child;

3) authors of a result of intellectual activity – with respect to actions for the granting to them of the right to use a result of intellectual activity the exclusive right in which belongs to another person (compulsory licence).
[subsection 3 inserted by Federal Law No. 100-FZ of 10.07.2012]

2. The following shall be exempt from the payment of state duty in relation to cases which are examined by the Supreme Court of the Russian Federation in accordance with the arbitration procedure legislation of the Russian Federation and by arbitration courts with account taken of the provisions of clause 3 of this Article: [as amended by Federal Law No. 198-FZ of 28.06.2014]

1) social organizations of disabled persons which act as plaintiffs and respondents;

2) plaintiffs who are disabled persons of Group I or II.

3. When filing statements of claim of a property-related nature and (or) statements of claim containing both property-related and non-property-related claims with arbitration courts, the payers referred to in clause 2 of this Article shall be exempt from the payment of state duty in the event that the amount in dispute does not exceed 1,000,000 roubles. In the event that the amount in dispute exceeds 1,000,000 roubles, the above-mentioned payers shall pay state duty in an amount calculated in accordance with subsection 1 of clause 1 of Article 333.21 of this Code, reduced by the amount of state duty which is payable for an amount in dispute equal to 1,000,000 roubles.

Article 333.38. Reliefs for Applications for the Performance of Notarial Acts

The following shall be exempt from the payment of state duty for the performance of notarial acts:

1) state government bodies and local government bodies when they apply for the performance of notarial acts in cases prescribed by law;
2) disabled persons of Groups I and II – a relief of 50 per cent for all types of notarial acts;

3) physical persons – for the certification of bequests of property in favour of the Russian Federation, constituent entities of the Russian Federation and (or) municipalities;

4) social organizations of disabled persons – with respect to all types of notarial acts;

5) physical persons – for the issue of certificates of inheritance upon the inheritance of:

- a house, and the land parcel on which the house stands, an apartment or a room or participating interests in the above-mentioned immovable property, if those persons were residing together with the testator at the date of the testator’s death and continue to reside in that house (apartment, room) after his death; [as amended by Federal Law No. 201-FZ of 31.12.2005]

- property of persons who were killed as a result of the performance by them of state or social duties or in connection with the performance of the duty of a citizen of the Russian Federation to save human life and preserve state property and law and order, and property of persons who were subjected to political repressions. Persons killed shall also include persons who died within a period of one year as a result of wounds (contusion) and illnesses which occurred as a result of the above-mentioned circumstances;

- bank deposits, monetary resources in bank accounts of physical persons, insurance amounts under personal and property insurance agreements, amounts of payment for labour, copyrights and amounts of author’s fees provided for by the intellectual property legislation of the Russian Federation, and pensions.

Heirs who have not attained majority age by the date of commencement of succession and persons suffering from mental disorders over whom a tutelage has been established in accordance with the procedure prescribed by legislation shall be exempt from the payment of state duty upon receiving a certificate of inheritance in all cases, irrespective of the type of inheritance property;

6) heirs of employees who were insured at the expense of organizations against death and died as a result of an accident at their place of work (service) – for the issue of certificates of inheritance confirming the right to inherit the insurance amounts;

7) financial and tax authorities – for the issue to them of certificates of inheritance rights of the Russian Federation, constituent entities of the Russian Federation or municipalities;

8) organizations which carry on educational activities and have a boarding facility – for the making of endorsements of execution concerning the recovery from parents of arrears for the maintenance of their children at such organizations; [as amended by Federal Law No. 346-FZ of 27.11.2017]

9) special educational institutions for students with deviant (socially dangerous) behaviour of the federal executive body responsible for education – for the making of endorsements of execution concerning the recovery from parents of arrears for the maintenance of their children in such institutions; [as amended by Federal Law No. 346-FZ of 27.11.2017]
10) military units and organizations of the Armed Forces of the Russian Federation and other forces – for the making of endorsements of execution concerning the recovery of indebtedness in respect of compensation for damage;

11) persons who received wounds while defending the USSR or the Russian Federation and while performing service duties in the Armed Forces of the USSR and the Armed Forces of the Russian Federation – for the authentication of copies of documents required for the grant of reliefs;

12) physical persons who have been recognised in accordance with the established procedure as being in need of improved housing conditions – for the certification of transactions involving the acquisition of residential accommodation which is wholly or partly paid for using payments granted from resources of the federal budget, budgets of constituent entities of the Russian Federation and local budgets; [clause 12 as reworded by Federal Law No. 284-FZ of 29.11.2007]

13) heirs of employees of internal affairs bodies, persons who served in forces of the national guard of the Russian Federation and had special police ranks, servicemen of forces of the national guard of the Russian Federation and servicemen of the Armed Forces of the Russian Federation who were insured through compulsory state personal insurance and were killed in connection with service-related activities or died within one year after discharge from service as a result of wounds (contusion) or illness received while doing service – for the issue of certificates of inheritance rights confirming the right to inherit insurance amounts in respect of compulsory state personal insurance; [as amended by Federal Laws No. 228-FZ of 03.07.2016, No. 108-FZ of 29.05.2019]

14) physical persons – for the certification of a power of attorney for the receipt of pensions and benefits; [clause 14 inserted by Federal Law No. 201-FZ of 31.12.2005]

15) FIFA (Fédération Internationale de Football Association), subsidiary organizations of FIFA, confederations, national football associations (including the Russian Football Union), the “Russia 2018” Organizing Committee, subsidiary organizations of the “Russia 2018” Organizing Committee, suppliers of FIFA goods (work and services), manufacturers of FIFA media information, FIFA broadcasters, commercial partners of FIFA and counterparties of FIFA which are referred to in the Federal Law “Concerning the Preparation 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 Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” – for the performance of notarial acts in connection with the state registration of legal entities and the accreditation of branches and representations of foreign organizations which have been established in the territory of the Russian Federation for the purpose of the holding of the events contemplated by the above-mentioned Federal Law; [clause 15 inserted by Federal Law No. 108-FZ of 07.06.2013; as amended by Federal Law No. 101-FZ of 01.05.2019]

16) physical persons – for the certification of transactions involving the alienation of immovable property situated in a building which is unsafe for use and designated for demolition, where those transactions are subject to compulsory notarial certification in
accordance with the legislation of the Russian Federation.
clause 16 as reworded by Federal Law No. 359-FZ of 11.10.2018

Article 333.39. Reliefs for the State Registration of Acts of Civil Status

The following shall be exempt from the payment of state duty for the state registration of acts of civil status and other legally significant acts performed by civil registry bodies and other authorized bodies: [as amended by Federal Law No. 374-FZ of 27.12.2009]

1) physical persons:

- for the making of amendments to a record of a birth in connection with adoption, including the issue of a new birth certificate;

- for the making of corrections and (or) amendments to records of acts of civil status and the issue of certificates in connection with errors which were committed upon the state registration of acts of civil status through the fault of employees who carry out the state registration of acts of civil status;

- for the issue of notices of the registration of acts of civil status for submission to authorized bodies responsible for matters relating to the granting or recalculation of pensions and (or) benefits;

- for the making of corrections and (or) amendments to records of the deaths of persons who were wrongly repressed and subsequently rehabilitated on the basis of the law concerning the rehabilitation of victims of political repressions, including the issue of death certificates, and for the issue of new death certificates for persons of that category; [as amended by Federal Law No. 374-FZ of 27.12.2009]

- for the issue of notifications of the absence of records of acts of civil status for the purpose of the restoration of lost records of acts of civil status in accordance with the established procedure;

- for the state registration of a birth or a death, including the issue of certificates; [paragraph inserted by Federal Law No. 201-FZ of 31.12.2005]

[paragraph lost force – Federal Law No. 374-FZ of 27.12.2009]

2) bodies which carry on administration in the area of education, guardianship and custodianship bodies and commissions for the affairs of minors and the protection of their rights: [as amended by Federal Law No. 346-FZ of 27.11.2017]

- for the issue of new birth certificates for children deprived of parental care and new certificates concerning the death of their parents and concerning changes of name and the conclusion and annulment of marriage by the deceased parents, and for the requesting and obtaining of such documents from the territory of foreign states;

- for the making of corrections and (or) amendments to civil status records prepared for orphaned children and children deprived of parental care and for their deceased parents,
Article 333.40. Grounds and Procedure for the Refund or Offsetting of State Duty

1. State duty which has been paid shall be partially or wholly refundable in the event that:

1) state duty is paid in a greater amount than is required by this Chapter;

2) a petition, appeal or other application is returned or rejected by courts or the performance of notarial acts is denied by the relevant authorized bodies and (or) officials. If state duty is not refunded, the amount thereof shall be reckoned towards the payment of state duty upon the filing of a repeat claim or administrative claim unless a period of three years has elapsed since the date on which the preceding decision was adopted and provided that the repeat claim or administrative claim is accompanied by the original document concerning the payment of state duty;

3) proceedings on a case (an administrative case) are terminated or a petition (an administrative statement of claim) is left without consideration by the Supreme Court of the Russian Federation, courts of general jurisdiction or arbitration courts.

A plaintiff (administrative plaintiff) shall be refunded 70 per cent of the amount of state duty paid by him if an amicable settlement (conciliation agreement) is concluded, the plaintiff (administrative plaintiff) withdraws the claim or the respondent (administrative respondent) admits the claim (administrative claim), including as a result of conciliation procedures, before a decision is adopted by the first instance court, 50 per cent if this occurs at the stage of the consideration of the case by an appellate court, and 30 per cent if this occurs at the stage of the consideration of the case by a cassation court or a supervisory review of judicial acts.

State duty which has been paid shall not be refundable where a respondent (an administrative respondent) voluntarily meets the claims of the plaintiff (administrative plaintiff) after those plaintiffs have applied to the Supreme Court of the Russian Federation or an arbitration court and a determination has been issued concerning the initiation of proceedings in respect of the statement of claim (administrative statement of claim);

4) persons who have paid state duty abandon the performance of a legally significant act before applying to the authorized body (official) which (who) performs that legally significant act;

5) a person is denied a passport of a citizen of the Russian Federation for departure from the Russian Federation and entry into the Russian Federation which, in cases provided by legislation, certifies the identity of a citizen of the Russian Federation outside the territory of the Russian Federation and in the territory of the Russian Federation, or a refugee’s travel document;

6) an applicant is sent a notification of the acceptance of his petition for withdrawal of an application for state registration of a computer programme, a database or an integrated circuit topography before the date of registration (in the case of the state duty provided for in clause 1 including the issue of certificates.

[clause 2 as reworded by Federal Law No. 374-FZ of 27.12.2009]
7) An application for the performance of a legally significant act and (or) documents are returned unconsidered by the authorized body (official) that carries out that legally significant act.

2. State duty paid for the state registration of a marriage, the annulment of a marriage or a change of name or for the making of corrections and (or) amendments to records of acts of civil status shall not be refundable in the event that the state registration of the relevant act of civil status did not subsequently take place or corrections and amendments to records of acts of civil status were not subsequently made. [as amended by Federal Law No. 374-FZ of 27.12.2009]

3. An application for a refund of an amount of state duty that has been paid (recovered) in excess shall be submitted by the payer of the state duty to a body (official) authorized to perform the legally significant acts for which the state duty was paid (recovered).

An application for a refund of an amount of state duty that has been paid (recovered) in excess may be submitted using the unified state and municipal service portal, regional state and municipal service portals and other portals integrated with the unified identification and authentication system if the application for the performance of the stated legally significant acts was submitted and the appropriate state duty was paid in the same manner. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

An application for a refund of an amount of state duty that has been paid (recovered) in excess shall be accompanied by original payment documents (if the state duty was paid in cash) or copies of payment documents (if the state duty was paid in non-cash form). [as amended by Federal Law No. 325-FZ of 29.09.2019]

A decision on the refund to a payer of an amount of state duty that has been paid (recovered) in excess shall be adopted by the body (official) which (who) performs the acts for which the state duty was paid (recovered).

Where information about the payment of state duty is contained in the State Information System Concerning State and Municipal Payments, documents confirming the payment of state duty by a payer need not be submitted. [paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]

The refund of an amount of state duty that has been paid (recovered) in excess shall be effected by a body of the Federal Treasury.

An application for a refund of an amount of state duty that has been paid (recovered) in excess in respect of cases which are examined in courts and by justices of the peace shall be submitted by the payer of state duty to the tax authority in the locality of the court in which the case was examined.

An application for a refund of an amount of state duty which has been paid (recovered) in excess in respect of cases which are examined by courts of general jurisdiction, arbitration courts, the Supreme Court of the Russian Federation, the Constitutional Court of the Russian Federation and constitutional (charter) courts of constituent entities of the Russian Federation and justices of the peace shall be accompanied by court decisions, determinations or statements
State Duty

concerning the circumstances which form the basis for the full or partial refund of the amount of state duty which has been paid (recovered) in excess, and by the original payment documents if the state duty is refundable in full or copies of those payment documents if it is refundable in part. [as amended by Federal Laws No. 198-FZ of 28.06.2014, No. 401-FZ of 30.11.2016]

An application for a refund of an amount of state duty that has been paid (recovered) in excess may be submitted within three years from the date on which the amount concerned was paid.

An amount of state duty that has been paid (recovered) in excess shall be refunded within one month from the date of submission of the above-mentioned refund application. [as amended by Federal Law No. 137-FZ of 27.07.2006]
[clause 3 as reworded by Federal Law No. 201-FZ of 31.12.2005]

4. State duty paid for the state registration of rights and limitations of rights or encumbrances on items of immovable property shall not be refundable in the event that state registration is denied. [as amended by Federal Law No. 325-FZ of 29.09.2019]

Where the state registration of a right or a limitation (encumbrance) of a right in immovable property or of a transaction involving such property is terminated on the basis of appropriate applications from the parties to an agreement one half of state duty paid shall be refundable.

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

6. A payer of state duty shall have the right to offset an amount of state duty paid (recovered) in excess against the amount of state duty payable for the performance of a similar act.

The above-mentioned offset shall be effected on the basis of an application presented by the payer to the authority (official) to which (to whom) that payer applied for the performance of a legally significant act. An application for an offset of an amount of state duty which has been paid (recovered) in excess may be submitted within three years from the date of adoption of the relevant court decision concerning the refund of state duty from the budget or from the date of payment of that amount to the budget. An application for an offset of an amount of state duty which has been paid (recovered) in excess shall be accompanied by: decisions, determinations and notices of courts, bodies and (or) officials which perform actions for which state duty is paid (recovered) concerning the circumstances which form the basis for the full refund of state duty, and payment orders or receipts bearing an authentic bank mark which confirm the payment of state duty.

7. The refund or offsetting of amounts of state duty which have been paid (recovered) in excess shall take place in accordance with the procedure established by Chapter 12 of this Code.

7.1. A payer of the state duty established in accordance with subsection 94 of clause 1 of Article 333.33 of this Code, with the exception of state duty paid for the granting or extension of the validity of a licence for the retail sale of alcoholic products, shall have the right to credit the amount of state duty paid towards the amount of state duty payable for the performance of a similar act. That credit shall be made if the authorized body has refused to perform a legally significant act on the grounds referred to in clause 9 of Article 19 of Federal Law No. 171-FZ of 22 November 1995 “Concerning State Regulation of the Production and Circulation of Ethyl
Alcohol and Alcoholic and Alcohol-Containing Products and Concerning the Restriction of the Consumption (Drinking) of Alcoholic Products”.

The amount of state duty paid shall be credited on the basis of a written application (an application submitted in electronic form with an enhanced qualified electronic signature via telecommunications channels) of the payer. The form and format of that application shall be approved by the federal executive body responsible for monitoring the production and circulation of ethyl alcohol and alcoholic and alcohol-containing products and for supervision and the provision of services in that area.

The amount of state duty paid may be credited within three from the day on which it is paid.

[clause 7.1 inserted by Federal Law No. 301-FZ of 03.08.2018]

7.2. A payer of state duty paid for the extension of licences and other permits whose periods of validity were extended in connection with a decision of the Government of the Russian Federation shall have the right to have amounts of state duty paid credited towards amounts of state duty payable for the performance of similar acts.

[clause 7.2 inserted by Federal Law No. 305-FZ of 02.07.2021]

8. State duty paid for the performance of acts involving the assaying, analysis and hallmarking of jewellery and other articles of precious metals shall not be refundable in the event that such articles are returned unmarked on grounds provided for in the legislation of the Russian Federation.

[clause 8 inserted by Federal Law No. 112-FZ of 02.05.2015]

9. In the event of the discovery of an error in the preparation of an order for the remittance of state duty that has not resulted in the non-remittance of state duty to the budget system of the Russian Federation via the appropriate Federal Treasury account, the payment shall be adjusted in accordance with the budget legislation of the Russian Federation.

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

Article 333.41. Special Considerations Relating to the Grant of a Deferral or Instalment Plan for the Payment of State Duty

1. A deferral or instalment plan for the payment of state duty shall be granted on the petition of an interested party within the limits of the time period established by clause 1 of Article 64 of this Code. [as amended by Federal Law No. 201-FZ of 31.12.2005]

2. Interest shall be charged on the amount of state duty for which a deferral or instalment plan has been granted during the entire period for which the deferral or instalment plan has been granted.

[Article 333.42. Lost force – Federal Law No. 306-FZ of 2.11.2013]
CHAPTER 25.4. TAX ON ADDITIONAL INCOME FROM HYDROCARBON EXTRACTION

[inserted by Federal Law No. 199-FZ of 19.07.2018]

Article 333.43. Taxpayers. Concepts and Terms Used in Relation to the Charging of Tax on Additional Income from Hydrocarbon Extraction [inserted by Federal Law No. 199-FZ of 19.07.2018]

1. The taxpayers of tax on additional income from hydrocarbon extraction (hereafter in this Chapter referred to as “tax”) shall be organizations that carry on the types of activity referred to in clause 3 of this Article and are users of subsurface resources at subsurface sites for which rights of use were granted to them on the basis of licences issued in accordance with the legislation of the Russian Federation concerning subsurface resources which stipulate, inter alia, the right of the organizations in question to explore for and extract oil or to develop technologies for the geological study, exploration for and extraction of difficult-to-recover commercial minerals at subsurface sites referred to in clause 1 of Article 333.45 of this Code. In this respect, as at 1 January of the year of the tax period there are at the subsurface sites in question recoverable oil reserves confirmed by data in the state balance sheet of reserves of commercial minerals as at 1 January of the year preceding the year of the tax period or information from the report on the state appraisal of oil reserves which was approved by the federal executive body which maintains the state balance sheet of reserves of commercial minerals in accordance with the established procedure in the year preceding the year of the tax period. [as amended by Federal Law No. 342-FZ of 15.10.2020]

2. The following types of extracted commercial minerals shall be classed as hydrocarbons for the purposes of this Chapter:

1) dewatered, desalted and stabilized oil (hereafter in this Chapter referred to as “oil”);

2) gas condensate which has undergone field treatment procedures in accordance with the technical plan for the development of a deposit before being sent for processing (hereafter in this Chapter referred to as “gas condensate”);

3) natural fuel gas (dissolved gas or a mixture of dissolved gas and gas cap gas) from all kinds of hydrocarbon deposits which is extracted via oil wells (hereafter in this Chapter referred to as “associated gas”);

4) natural fuel gas other than associated gas (hereafter in this Chapter referred to as “gas”).

3. Activities of a taxpayer involving the development of a subsurface site for the purposes of hydrocarbon extraction at the subsurface site (hereafter in this Article referred to as “subsurface site development activities”) shall include, for the purposes of this Chapter, the following types of activity carried out by the taxpayer either independently or by engaging third parties (with account taken of the special considerations established by clause 4 of this Article):

1) activities involving the development of technologies for the geological study, exploration for and extraction of difficult-to-recover commercial minerals, prospecting for and appraisal of hydrocarbon deposits and exploration for and extraction (recovery from the subsurface) of
hydrocarbons (any mixture in gaseous and (or) liquid state containing hydrocarbons) at the subsurface site; [as amended by Federal Law No. 342-FZ of 15.10.2020]

2) activities involving the transportation of hydrocarbons (any mixture in gaseous and (or) liquid state containing hydrocarbons) extracted at a subsurface site from places of extraction to places of treatment of hydrocarbons, places of delivery of hydrocarbons to third parties for transportation and (or) for the treatment of hydrocarbons and places of sale of hydrocarbons to third parties without delivery to third parties for transportation;

3) activities involving the treatment of hydrocarbons – the division of any mixture in gaseous and (or) liquid state containing hydrocarbons into derivative mixtures containing certain types of hydrocarbons; the bringing of hydrocarbons (including using facilities of third parties) to a quality whereby they are recognised as a good for the taxpayer;

4) activities involving the storage of hydrocarbons (any mixture in gaseous and (or) liquid state containing hydrocarbons) extracted at a subsurface site;

5) activities involving the creation of associated gas recycling (processing) facilities 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 a subsurface site which have been approved in accordance with the procedure established by the legislation of the Russian Federation concerning subsurface resources;

6) activities involving the leasing to a person who renders services to (performs work for) the taxpayer involving the performance of one or more of the activities referred to in subsections 1 to 5 of this clause of property used in carrying out those types of activity;

7) activities involving the acquisition, construction, manufacture, delivery and making ready for use of fixed assets constituting elements of road, transport, engineering and energy infrastructures that are necessary for carrying on activities involving the prospecting for and appraisal of hydrocarbon deposits at a subsurface site and the exploration for, extraction (recovery from the subsurface), storage and transportation of hydrocarbons (any mixture in gaseous and (or) liquid state containing hydrocarbons) extracted at a subsurface site. [subsection 7 inserted by Federal Law No. 65-FZ of 18.03.2020]

4. The types of activity referred to in subsections 2 to 7 of clause 3 of this Article shall be recognised as activities of a taxpayer involving the development of a subsurface site for the purpose of hydrocarbon extraction at the subsurface site if those types of activity are directly connected with the carrying on of the type of activity referred to in subsection 1 of clause 3 of this Article by the taxpayer at that subsurface site. [as amended by Federal Law No. 65-FZ of 18.03.2020]

5. For the purposes of this Chapter:

1) the level of depletion of oil reserves of a subsurface site shall be calculated by a taxpayer independently on the basis of data in the state balance sheet of reserves of commercial minerals as at the relevant date as the quotient from dividing the amount of accumulated oil extraction (including extraction losses) at the subsurface site by the initial recoverable oil reserves of the subsurface site. The value of the oil depletion level which is calculated in the manner
established by this subsection shall be rounded to the second decimal place in accordance with the current rounding rules;

2) initial recoverable oil reserves of a subsurface site shall be determined as the sum of oil reserves of all categories and accumulated extraction (including extraction losses) from the commencement of exploitation of a particular subsurface site in accordance with data in the state balance sheet of reserves of commercial minerals as at the relevant date;

3) the amount of accumulated oil extraction and initial recoverable oil reserves shall be determined in thousands of metric tonnes;

4) the term “extracted commercial mineral” is used as defined in Chapter 26 of this Code;

5) the term “subsurface site” is used as defined in Chapter 26 of this Code;

6) the quantity of a particular type of hydrocarbon extracted at a subsurface site shall be determined in accordance with the procedure established by Article 339 of this Code, less normative losses of commercial minerals which are assessable to mineral extraction tax at the tax rate of 0 per cent (0 roubles) on the basis of clause 1 of Article 342 of this Code;

7) the quantity of gas and associated gas extracted at a subsurface site and injected into the formation for the purpose of maintaining formation pressure during extraction and associated gas injected into the formation for storage on the basis of a licence issued in accordance with the legislation of the Russian Federation concerning subsurface resources shall be determined on the basis of data in the taxpayer’s records.

**Article 333.44. Procedure and Conditions for Exemption from the Performance of Taxpayer Obligations [inserted by Federal Law No. 199-FZ of 19.07.2018]**

1. Organizations referred to in clause 1 of Article 333.43 of this Code shall have the right to exemption from the performance of taxpayer obligations with respect to tax in relation to the following subsurface sites:

1) subsurface sites referred to in subsection 1 of clause 1 of Article 333.45 of this Code;

2) subsurface sites for which the proportion of all categories of recoverable gas reserves relative to the total hydrocarbon reserves of a subsurface site \( (\text{Ch}_g) \) exceeds 50 per cent in accordance with data in the state balance sheet of mineral reserves as at the first day of the year in which a notification of exemption from the fulfilment of taxpayer obligations is submitted for tax in relation to the subsurface site in question.

The proportion of all categories of recoverable gas reserves relative to the total hydrocarbon reserves of a subsurface site \( (\text{CH}_G) \) shall be calculated using the following formula:

\[
\text{CH}_G = \frac{R_G \times 35}{(R_G + R_{AG}) \times 35 + (R_O + R_{GC}) \times 42}
\]

where \( R_G \) is total recoverable gas reserves of all categories at a subsurface site, expressed in thousands of cubic metres;
$R_{AG}$ is total recoverable associated gas reserves of all categories at a subsurface site, expressed in thousands of cubic metres;

$R_O$ is total recoverable oil reserves of all categories at a subsurface site, expressed in tonnes;

$R_{GC}$ is total recoverable gas condensate reserves of all categories at a subsurface site, expressed in tonnes;

3) subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code.

[subsection 3 inserted by Federal Law No. 65-FZ of 18.03.2020]

2. In order to be exempted from the performance of taxpayer obligations, an organization shall submit to the tax authority where it is registered as a taxpayer (where it is registered as a major taxpayer in the case of organizations classed as major taxpayers) a notification of exemption from the performance of taxpayer obligations with respect to tax, specifying the names of the subsurface sites in relation to which the right to exemption from the performance of taxpayer obligations with respect to tax is exercised, accompanied by copies of the licences to use subsurface resources for the relevant subsurface sites (including all appendices to those licences).

3. A notification of exemption from the performance of taxpayer obligations with respect to tax in relation to subsurface sites referred to in subsection 1 of clause 1 of this Article shall be submitted:

- not later than 31 March 2019 – in the case of subsurface sites for which oil reserves were first entered on the state balance sheet of reserves of commercial minerals before 1 January 2018;

- not later than 31 March of the second year following the year in which oil reserves were first entered on the state balance sheet of reserves of commercial minerals – in the case of subsurface sites for which there are no such reserves on the state balance sheet of reserves of commercial minerals as at 1 January 2018.

A notification of exemption from the performance of taxpayer obligations with respect to tax in relation to subsurface sites referred to in subsection 2 of clause 1 of this Article shall be submitted not later than 31 December of the year preceding the year commencing from which an organization is to cease performing taxpayer obligations with respect to tax in relation to a relevant subsurface site.

A notification of exemption from the performance of taxpayer obligations with respect to tax in relation to subsurface sites referred to in subsection 3 of clause 1 of this Article shall be submitted: [paragraph inserted by Federal Law No. 65-FZ of 18.03.2020]

- not later than 30 June 2020 – for subsurface sites for which oil reserves were first placed on the state balance sheet of mineral reserves before 1 January 2019; [paragraph inserted by Federal Law No. 65-FZ of 18.03.2020]

- not later than 31 March of the second year following the year in which oil reserves were first placed on the state balance sheet of mineral reserves – for subsurface sites for which no such
reserves are on the state balance sheet of mineral reserves as at 1 January 2019. [paragraph inserted by Federal Law No. 65-FZ of 18.03.2020]

4. The form (format) of a notification of exemption from the performance of taxpayer obligations with respect to tax and the procedure for submitting it shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

5. Where a notification of exemption from the performance of taxpayer obligations with respect to tax is submitted, an organization shall be exempt from performing taxpayer obligations in relation to subsurface sites referred to in this Article commencing from:

1) 1 January 2019 – in relation to subsurface sites referred to in paragraph 2 of clause 3 of this Article;

2) the first day of the tax period preceding the tax period in which the notification of exemption from the performance of taxpayer obligations with respect to tax was submitted – in relation to subsurface sites referred to in paragraph 3 of clause 3 of this Article;

3) the first day of the tax period following the tax period in which the notification of exemption from the performance of taxpayer obligations with respect to tax was submitted – in relation to subsurface sites referred to in paragraph 4 of clause 3 of this Article;

4) from 1 January 2020 – in relation to subsurface sites referred to in paragraph 6 of clause 3 of this Article; [subsection 4 inserted by Federal Law No. 65-FZ of 18.03.2020]

5) from the 1st of the tax period preceding the tax period in which the notification of exemption from the performance of taxpayer obligations with respect to tax is submitted – in relation to subsurface sites referred to in paragraph 7 of clause 3 of this Article. [subsection 5 inserted by Federal Law No. 65-FZ of 18.03.2020]

6. Except as otherwise established by this clause, a notification of exemption from the performance of taxpayer obligations with respect to tax may be submitted by an organization which is a user of a subsurface site once in relation to that subsurface site. Thereafter it shall not be permitted for tax to be applied in relation to that subsurface site, unless otherwise established by clause 8 of this Article. [as amended by Federal Laws No. 65-FZ of 18.03.2020, No. 342-FZ of 15.10.2020]

A notification submitted in relation to subsurface sites which do not meet the conditions of clause 1 of this Article and (or) submitted not in compliance with the time limits specified in clause 3 of this Article shall be considered not to have been submitted.

The exemption from the performance of taxpayer obligations with respect to tax on the basis of a relevant notification submitted by an organization that is a user of a subsurface site before 1 January 2020 in relation to a subsurface site referred to in subsection 5 of clause 1 of Article 333.45 of this Code shall apply to tax periods commencing from that date provided that the organization submits by 30 June 2020 a repeat notification of exemption from the performance of taxpayer obligations with respect to tax in relation to that subsurface site. Thereafter the application of the tax in relation to that subsurface site shall not be permitted. If the above-mentioned repeat notification is not submitted, the first submitted notification of exemption
from the performance of taxpayer obligations with respect to tax in relation to that subsurface site shall be considered not to have been submitted commencing from 1 January 2020. [paragraph inserted by Federal Law No. 65-FZ of 18.03.2020]

7. An organization shall be exempt from performing taxpayer obligations in relation to a subsurface site such as is referred to in paragraph 1 of subsection 2 or paragraphs 2 and 3 of subsection 3 of clause 1 of Article 333.45 of this Code until the 1st of the quarter following the quarter in which the organization met the condition of submitting to the tax authority a notification of the exercise of the right to perform taxpayer obligations for tax in relation to the subsurface site in question, except as otherwise established by this clause. [as amended by Federal Law No. 342-FZ of 15.10.2020]

The organization shall have the right to begin to apply tax in relation to the subsurface site in question from the 1st of the quarter in which the organization submitted the relevant notification if the notification specifies that it is to exercise that right beginning from that date. [as amended by Federal Law No. 342-FZ of 15.10.2020]

An organization which has not fulfilled the requirement in relation to a subsurface site such as is referred to in paragraph 1 of subsection 2 of clause 1 of Article 333.45 of this Code within the time limits specified in paragraph 2 of subsection 2 of clause 1 of Article 333.45 of this Code shall not be deemed a taxpayer and shall not perform taxpayer duties in relation to that subsurface site from the date of entry into force of this Chapter. [clause 7 as reworded by Federal Law No. 424-FZ of 27.11.2018]

8. For subsurface sites that are specified in subsection 1 of clause 1 of Article 333.45 of this Code and in relation to which a notification of exemption from the performance of tax obligations for tax has been submitted, tax may be applied in cases specified in this clause.

Tax shall be applied from 1 January 2021 in relation to a subsurface site such as is referred to in paragraph 1 of this clause if the organization that is the user of the subsurface site submits by 31 March 2021 to the tax authority where it is registered as a taxpayer (where it is registered as a major taxpayer in the case of organizations classed as major taxpayers) a notification in any form of the commencement of the calculation of tax in relation to the subsurface site in question from 1 January 2021. [clause 8 inserted by Federal Law No. 342-FZ of 15.10.2020]

Article 333.45. Taxable Object [inserted by Federal Law No. 199-FZ of 19.07.2018]

1. The taxable object for tax shall be additional income from hydrocarbon extraction at a subsurface site which meets any of the following requirements:

1) the subsurface site (excluding subsurface sites referred to in subsections 2 and 5 of this clause) lies wholly or partially; [as amended by Federal Law No. 65-FZ of 18.03.2020]

- within the borders of the Republic of Sakha (Yakutia), the Irkutsk Province, the Krasnoyarsk Territory or the Nenets Autonomous District;

- north of 65 degrees of northern latitude wholly or partially within the borders of the Yamal-Nenets Autonomous District;
- within the Russian part (Russian sector) of the seabed of the Caspian Sea.

The requirement established by this subsection for a subsurface site shall be deemed to be met provided that the level of depletion of oil reserves at the subsurface site is less than or equal to 0.05 in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January 2017 or oil reserves for the subsurface site in question were entered on the state balance sheet of reserves of commercial minerals after 1 January 2017; [as amended by Federal Law No. 342-FZ of 15.10.2020]

2) the subsurface site is situated in the territory of the Russian Federation and includes hydrocarbon reserves of a deposit referred to in Note 8 to the unified Goods Nomenclature for Foreign Economic Activities of the Eurasian Economic Union as at 1 January 2018.

The requirement established by this subsection for a subsurface site shall be deemed to be met provided that the organization which is the user of the subsurface site submits to the tax authority where it is registered as a taxpayer (where it is registered as a major taxpayer in the case of organizations classed as major taxpayers), before 31 December 2021, a notification in any form of the exercise of its right to perform taxpayer obligations with respect to tax in relation to the subsurface site in question;

3) the subsurface site meets one of the following requirements:

- it has a historical level of depletion of oil reserves ($L_{HRD}$) greater than or equal to 0.8;

- it is situated wholly or partially within the borders of the North Caucasus Federal District or the Sakhalin Province (excluding offshore hydrocarbon deposits and deposits partially situated within the borders of the internal sea waters and (or) the territorial sea of the Russian Federation);

- it is situated wholly or partially within the borders of the Tyumen Province, the Khanty-Mansiisk Autonomous District-Yugra, the Yamal-Nenets Autonomous District or the Republic of Komi within borders defined by straight lines consecutively linking points with the following geographical co-ordinates:

<table>
<thead>
<tr>
<th>Subsurface site</th>
<th>Geographical co-ordinates of points of the subsurface site (number of point, north latitude (nnº nn' nn&quot;); eastern longitude (nnº nn' nn&quot;))</th>
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1002 [ARTICLE 333.45]
The requirement of this subsection for the subsurface sites referred to in paragraph 4 of this subsection shall be deemed to be met if the following conditions are simultaneously met in relation to those sites:

- the level of depletion of oil reserves at a subsurface site according to data in the state balance sheet of reserves of commercial minerals as at 1 January 2017 is equal to or greater than 0.2, or is equal to or greater than 0.1 if the subsurface site has been under development for not less than six years as at 1 January 2017, as is confirmed by data in the state balance sheet of reserves of commercial minerals as at 1 January 2011 in accordance with which the level of depletion of oil reserves of the subsurface site in question is greater than 0.01;

- the level of depletion of oil reserves at a subsurface site according to data in the state balance sheet of reserves of commercial minerals as at 1 January 2017 is not greater than 0.8.

The requirements of this subsection for subsurface sites referred to in paragraphs 2 and 3 of this subsection shall be deemed to be met provided that the organization that is the user of such a subsurface site submits to the tax authority where it is registered as a taxpayer (where it is registered as a major taxpayer in the case of organizations classed as major taxpayers) a notification in any form of the exercise of the right to perform taxpayer obligations for tax in relation to the subsurface site in question;

[subsection 3 as reworded by Federal Law No. 342-FZ of 15.10.2020]

4) the subsurface site is situated north of 65 degrees of northern latitude wholly within the borders of the Republic of Komi or is wholly or partially situated within the borders of the Tyumen Province, the Khanty-Mansiisk Autonomous District-Yugra, the Yamal-Nenets Autonomous District, the Republic of Komi, the Orenburg Province or the Samara Province within borders defined by straight lines consecutively linking points with the following geographical co-ordinates:

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3. 53 02 49; 52 11 14;
4. 53 02 38; 52 12 13;
5. 53 02 18; 52 13 09;
6. 53 02 13; 52 14 05;
7. 53 02 00; 52 15 22;
<*> From point 12 to point 1 the boundary of the subsurface site passes along the administrative border of the Orenburg Province and the Republic of Kazakhstan.

The requirement established by this subsection for a subsurface site shall be deemed to be met if the following conditions are simultaneously met in relation to the subsurface site:
- the level of depletion of oil reserves at the subsurface site is less than or equal to 0.05 according to data in the state balance sheet of reserves of commercial minerals as at 1 January 2017 or as at 1 January of the year of entry into force of this Chapter in the case of subsurface sites for which oil reserves were first placed on the state balance sheet of reserves of commercial minerals after 1 January 2017;

- the initial recoverable oil reserves of the subsurface site amount to less than 45 million tonnes according to data in the state balance sheet of reserves of commercial minerals as at 1 January 2017 or as at 1 January of the year of entry into force of this Chapter in the case of subsurface sites for which oil reserves were first placed on the state balance sheet of reserves of commercial minerals after 1 January 2017.

5) the subsurface site lies wholly or partially north of 70 degrees of northern latitude within the borders of the Krasnoyarsk Territory, the Republic of Sakha (Yakutia) or the Chukotka Autonomous District.

The requirement established by this subsection for a subsurface site shall be deemed to be met provided that the level of depletion of oil reserves at the subsurface site is less than or equal to 0.001 in accordance with data in the state balance sheet of mineral reserves as at 1 January 2019 or oil reserves for the subsurface site in question were first entered on the state balance sheet of mineral reserves after 1 January 2019.

2. For the purposes of this Chapter, additional income from hydrocarbon extraction at a subsurface site shall be understood to mean deemed revenue from sales of hydrocarbons extracted at the subsurface site, as determined in accordance with the procedure established by this Chapter, consecutively reduced by the amount of actual expenses associated with hydrocarbon extraction at the subsurface site and the amount of deemed expenses associated with hydrocarbon extraction at the subsurface site, as determined in accordance with the procedure established by this Chapter.

3. Tax shall not be levied on additional income from hydrocarbon extraction at a subsurface site which encompasses the whole or a part of a new offshore hydrocarbon deposit.

4. In the event that the geographical co-ordinates of subsurface sites referred to in subsections 3 and 4 of clause 1 of this Article change as a result of changes in the boundaries of subsurface sites in cases provided for in the legislation of the Russian Federation concerning subsurface resources, and provided that the aggregate initial recoverable oil and gas condensate reserves of each such subsurface site individually have in this respect increased by no more than 20 per cent, the subsurface sites shall be deemed to meet the conditions established by this Article within the boundaries of the changed geographical co-ordinates.

5. For the purposes of this Article the historical level of depletion of oil reserves ($L_{HRD}$) shall be determined using the following formula:

$$L_{HRD} = \text{Error!},$$
where \( N \) is the amount of accumulated oil extraction at a specific subsurface site (including extraction losses) in accordance with data in the state balance sheet of reserves of commercial minerals approved in the year preceding the year of the tax period;

\( V \) is the amount of recoverable reserves of oil of all categories as at 1 January 2006 and accumulated extraction from the commencement of the development of a specific subsurface site in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January 2006. Where oil reserves for a specific subsurface site had not been placed on the state balance sheet of reserves of commercial minerals as at 1 January 2006, initial recoverable oil reserves \( (V) \) shall be determined on the basis of data in the state balance sheet of reserves of commercial minerals as at 1 January of the year following the year in which oil reserves for that subsurface site were first placed on the state balance sheet of reserves of commercial minerals.

[clause 5 inserted by Federal Law No. 342-FZ of 15.10.2020]

**Article 333.46. Procedure for Determining Deemed Revenue from Sales of Hydrocarbons Extracted at a Subsurface Site** [inserted by Federal Law No. 199-FZ of 19.07.2018]

1. For the purposes of calculating tax, deemed revenue from sales of hydrocarbons extracted at a subsurface site for a tax (reporting) period shall be taken to mean the sum of amounts of deemed revenue from sales of hydrocarbons extracted at the subsurface site for each calendar month of the tax (reporting) period.

Where a taxpayer carries on the activity referred to in subsection 6 of clause 3 of Article 333.43 of this Code during a tax (reporting) period, the amount of deemed income for that tax (reporting) period shall be increased by the amount of income from carrying on that activity, as determined in accordance with the procedure established by Chapter 25 of this Code.

2. Deemed revenue from sales of hydrocarbons extracted at a subsurface site for a calendar month \( (R_{T-MONTH}) \) shall be determined using the following formula:

\[
R_{T-MONTH} = P_{OIL} \times V_{OC} \times R \times C_n \times P_{GAS} \times V_{GAS} + 0.95 \times P_{AG} \times V_{AG},
\]

where \( P_{OIL} \) is the average price of Urals oil on global markets for the calendar month in US dollars per barrel, determined in accordance with Chapter 26 of this Code;

\( V_{OC} \) is the quantity of oil and gas condensate extracted at the subsurface site in the calendar month, expressed in tonnes;

\( R \) is the average value for the calendar month of the exchange rate of the US dollar to the Russian Federation rouble, which is determined by the taxpayer independently as the arithmetic mean of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation for all days in the calendar month;

\( C_n \) is the coefficient for converting metric tonnes into barrels, equal to 7.3;

\( P_{GAS} \) is the wholesale gas price for the calendar month that is used as the minimum level of wholesale gas prices and was approved by the federal executive body responsible for adopting regulatory legal acts relating to the state regulation of prices (tariffs) for goods (services) in the
manner prescribed by the Government of the Russian Federation in accordance with Federal Law No. 69-FZ of 31 March 1999 “Concerning Gas Supply in the Russian Federation” for the relevant constituent entity of the Russian Federation where 50 per cent or more of the subsurface site in relation to which tax is calculated is situated, expressed in roubles per thousand cubic metres (excluding value added tax). Where there is no approved wholesale gas price for a particular constituent entity of the Russian Federation, the indicator \( P_{\text{GAS}} \) for that constituent entity of the Russian Federation shall be taken to be equal to the value of \( P_D \) as determined in the manner prescribed by clause 4 of Article 342.4 of this Code. [as amended by Federal Law No. 342-FZ of 15.10.2020]

Where extracted gas is sold by a taxpayer under a purchase-sale contract concluded with an organization which is not an interdependent person in relation to the taxpayer, the taxpayer shall have the right to use the price per thousand cubic metres of gas applied in that contract, less costs for the transportation of a thousand cubic metres of such gas by third parties to the place at which ownership thereof passes to the purchaser (provided that those costs are not included in the contract price), as \( P_{\text{GAS}} \) in relation to the volume of gas in question.

For the purposes of this clause, the sale of gas and (or) associated gas under a purchase-sale contract concluded by a taxpayer with an organization which is an owner of Unified Gas Supply System facilities and (or) with organizations in which an owner of Unified Gas Supply System facilities has a direct or indirect interest where the aggregate amount of that interest is more than 50 per cent during the 12 months preceding the date of conclusion of the contract shall be recognised as the sale of gas to an organization which is not an interdependent person in relation to the taxpayer; [as amended by Federal Law No. 342-FZ of 15.10.2020]

\( V_{\text{GAS}} \) is the quantity of gas extracted at the subsurface site in the calendar month, excluding natural fuel gas injected into the formation in accordance with the technical plan for the development of the deposit for the purpose of maintaining formation pressure during extraction, expressed in thousands of cubic metres;

\( P_{\text{AG}} \) is the price for associated gas, which is determined as the weighted-average value of actual prices at which associated gas was sold by the taxpayer in the calendar month to persons who are not interdependent in relation to the taxpayer, expressed in roubles per thousand cubic metres, less costs for the transportation of a thousand cubic metres of such gas by third parties to the place at which ownership thereof passes to the purchaser (provided that those costs are not included in the contract price). If there were no sales of associated gas to the above-mentioned persons, the value of \( P_{\text{GAS}} \) determined for the calendar month in question shall be used as \( P_{\text{AG}} \); [as amended by Federal Law No. 342-FZ of 15.10.2020]

\( V_{\text{AG}} \) is the quantity of associated gas extracted at the subsurface site in the calendar month, excluding associated gas injected into the formation to maintain formation pressure during extraction or for storage on the basis of an appropriate licence issued in accordance with the legislation of the Russian Federation concerning subsurface resources, in accordance with the technical plan for the development of the deposit, expressed in thousands of cubic metres.
Article 333.47. Actual Expenses Associated with Hydrocarbon Extraction at a Subsurface Site [inserted by Federal Law No. 199-FZ of 19.07.2018]

1. Actual expenses associated with hydrocarbon extraction at a subsurface site (hereafter in this Chapter referred to as “actual expenses for a subsurface site”) shall be understood to mean costs incurred by a taxpayer which are connected with activities associated with the development of that subsurface site, provided that they meet the requirements for the recognition of costs as expenses incurred which reduce income received for the purpose of calculating tax on profit of organizations in accordance with Chapter 25 of the Code. [as amended by Federal Law No. 342-FZ of 15.10.2020]

2. Actual expenses for a subsurface site shall include expenses (excluding value added tax and excise duties, except in cases provided for in this Code) incurred for the acquisition, erection, manufacture, delivery and making ready for use of amortizable property and actual production and sale expenses.

3. Actual expenses incurred for the acquisition, erection, manufacture, delivery and making ready for use of amortizable property shall be taken into account in the amount of actual expenditures which are included in the historical cost of the property as determined in accordance with the procedure established by Article 257 of this Code. In this respect, property shall be classed as amortizable property in accordance with Article 256 of this Code. Expenses shall be recognised as actual expenses incurred for the acquisition, erection, manufacture, delivery and making ready for use of amortizable property, inter alia, if, at the time when the expenses are recognised for tax purposes in accordance with the procedure established by this Chapter, the entire amount or a part of the expenses has not been included in the historical cost of a particular fixed asset (particular fixed assets).

4. For the purposes of this Chapter, actual expenses incurred for the acquisition, erection, manufacture, delivery and making ready for use of amortizable property shall also include expenditures on the extension, further equipping, renovation, upgrading, retooling and partial disposal of relevant property classed as amortizable property. Those expenditures shall be recognised as expenses provided that they meet the requirements for the recognition of such expenditures in calculating tax on profit of organizations in accordance with Chapter 25 of this Code.

5. For the purposes of this Chapter, actual production and sale expenses shall include the following types of expenditures which are classed as production and sale expenses (excluding amounts of amortization charged and amounts of tax calculated in accordance with this Chapter) and non-sale expenses in accordance with Chapter 25 of this Code:

1) material expenses;

2) labour payment expenses;

3) expenses associated the maintenance and operation, repair and servicing of fixed assets and other property and keeping them in working order (up-to-date);
4) expenses associated with the development of natural resources and one-time, regular and other payments for subsurface use that are provided for in the legislation of the Russian Federation concerning subsurface resources; [as amended by Federal Law No. 342-FZ of 15.10.2020]

5) expenses for scientific research and development activities;

6) expenses for compulsory and voluntary insurance;

7) expenses referred to in subsections 1 to 3, 5 to 8, 10 to 12.1, 15, 18, 19, 23 to 27, 32, 34, 35, 37, 40, 41, 45, 47 to 48.2 and 48.5 of clause 1 of Article 264 of this Code;

8) expenses associated with the storage and transportation (delivery) of oil and gas condensate extracted at a subsurface site which are incurred up to the commercial metering station (commercial metering stations) at which, in accordance with the technical plan for deposit development, extracted hydrocarbons are transferred to organizations which carry out the transportation (carriage) of oil and gas condensate through the trunk oil and gas pipeline system, by rail and road transport and by marine, river or mixed (river-sea) navigation vessels, or hydrocarbons are sold to third parties without being delivered to third parties for transportation. [as amended by Federal Law No. 342-FZ of 15.10.2020]

For subsurface sites in relation to which the technical plan for deposit development provides for extracted oil and (or) gas condensate to be shipped via offshore oil loading terminals onto marine, river and (or) mixed navigation (river-sea) vessels, expenses incurred by a taxpayer for the storage and transportation (delivery) of oil and (or) gas condensate extracted at a subsurface site to the place of transfer of ownership of hydrocarbons to third parties shall be included in expenses provided for in this subsection. [paragraph inserted by Federal Law No. 342-FZ of 15.10.2020]

For subsurface sites situated in the Krasnoyarsk Territory, the Irkutsk Province and the Republic of Sakha (Yakutia), expenses provided for in this subsection shall include expenses incurred by a taxpayer for the storage and transportation (delivery) of oil and (or) gas condensate extracted at a subsurface site to the place of transfer of extracted hydrocarbons to a trunk oil pipeline operator that is a natural monopoly holder and (or) to third parties for transportation by rail or by marine, river and (or) mixed navigation (river-sea) vessels; [paragraph inserted by Federal Law No. 342-FZ of 15.10.2020]

9) expenses incurred for well interventions, services involving the extraction and raising of hydrocarbons, geological and geophysical services and services involving the treatment of hydrocarbons to a quality whereby they are recognised as a good for the taxpayer;

10) expenses referred to in subsections 8 (excluding amounts of amortization), 9, 12 and 17 of clause 1 and subsection 6 of clause 2 of Article 265 of this Code;

11) expenses for services involving the transportation of raw materials (other materials) and other types of cargoes to storage and extraction locations and the delivery to extraction locations and rotation villages of employees who are on the staff of the taxpayer and (or) on the staff of an organization with which the taxpayer has concluded a contract and (or) work under civil contracts. [subsection 11 inserted by Federal Law No. 342-FZ of 15.10.2020]
6. The following types of expenditures shall not be taken into account in determining actual expenses for a subsurface site:

1) expenses for services involving the transportation (delivery) of hydrocarbons extracted at the subsurface site which are incurred after the commercial metering station (commercial metering stations) at which, in accordance with the technical plan for deposit development, extracted hydrocarbons are transferred to organizations which carry out the transportation (carriage) of oil and natural fuel gas and dry stripped gas obtained as a result of the processing (recycling) of associated gas through the trunk oil and gas pipeline system, by rail and road transport and by marine, river or mixed (river-sea) navigation vessels, or hydrocarbons are sold to third parties without being delivered to third parties for transportation, and amounts of export customs duties charged on hydrocarbons extracted at the subsurface site;

2) the amount of tax on profit of organizations;

3) the amount of tax on additional income from hydrocarbon extraction;

4) actual expenses at the subsurface site if the taxpayer has, in relation to those expenses, received compensation in the form of property received without consideration such as is referred to in paragraph 5 of subsection 11 of clause 1 of Article 251 of this Code.

7. A taxpayer shall be obliged to maintain separate records of actual expenses for each subsurface site for which the tax base is determined.

The procedure for the maintenance of separate records of expenses shall be determined by the taxpayer independently and shall be established in the taxpayer’s accounting policies for taxation purposes with account taken of the special considerations established by this Chapter. That procedure may not be amended within five years of its approval, except in cases of amendments to tax and levy legislation which directly affect that procedure. In other cases that procedure may be amended by the taxpayer before the lapse of five tax periods only subject to the approval provided for in clause 10 of this Article being obtained.

8. Actual expenses for a subsurface site which cannot be directly attributed to a specific subsurface site or classed as expenses relating to other activities of the taxpayer shall be recorded separately for each subsurface site in a proportion to be determined by the taxpayer in accordance with the procedure established by the taxpayer in its accounting policies for taxation purposes. That procedure may not be amended within five years of its approval, except in cases of amendments to tax and levy legislation which directly affect that procedure. In other cases that procedure may be amended by the taxpayer before the lapse of five tax periods only subject to the approval provided for in clause 10 of this Article being obtained.

9. For the purposes of this Chapter, amounts recorded as part of actual expenses for one subsurface site may not be included in actual expenses for another subsurface site or included again in actual expenses for the first subsurface site.

10. A taxpayer shall have the right to submit an application to the federal executive body in charge of control and supervision in the area of taxes and levies for approval of the procedure for the allocation of expenses referred to in clause 7 and 8 of this Article. The form of the
application and the procedure for approval of the above-mentioned procedure shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.


1. Actual expenses incurred for the acquisition, erection, manufacture, delivery and making ready for use of amortizable property shall be recognised in the tax (reporting) period in which they were paid (partially paid) to the extent of amounts constituting such expenses which have actually been paid, except as otherwise established by this clause.

If work associated with the erection, manufacture, delivery and making ready for use of amortizable property was carried out by the taxpayer independently, those actual expenses (excluding amounts of amortization) shall be recognised in the tax (reporting) period in which they were incurred.

If, on the date on which expenses referred to in this clause are recognised, the taxpayer is unable to class them as expenses associated with activities involved in developing a subsurface site, the expenses in question shall be recognised in the tax (reporting) period in which the taxpayer decided to class those expenses as actual expenses associated with activities involved in developing a subsurface site or in which there falls the date on which an amortizable asset was placed into service (the date on which its historical cost changed). The procedure chosen by the taxpayer for the recognition of such expenses shall be established in its accounting policies for taxation purposes.

Where a taxpayer receives in accordance with the legislation of the Russian Federation, from budgets of the budget system of the Russian Federation, subsidies, and (or) budget investments, and (or) other similar payments to compensate (meet) costs in the form of expenses for the acquisition, construction, manufacture, delivery and making ready for use of amortizable property, and (or) expenses associated with carrying out the extension, retrofitting, renovation, upgrading, retooling or partial abandonment of facilities classed as amortizable property, actual expenses for the acquisition, construction, manufacture, delivery and making ready for use of amortizable property and for the extension, retrofitting, renovation, upgrading, retooling and (or) partial abandonment of such property shall be reduced by the amount of such subsidies (budget investments, other similar payments). [paragraph inserted by Federal Law No. 342-FZ of 15.10.2020]

2. For the purposes of this Chapter, the making of payment (partial payment) for goods (work, services and property rights) shall be understood to mean the termination (partial termination) by the taxpayer which acquired those goods (work, services and property rights) of the reciprocal obligation to the seller which is directly connected with the supply of the goods (performance of work, rendering of services, transfer of property rights), and the transfer of advance payments in respect of future supplies of goods (performance of work, rendering of services, transfer of property rights).

3. Actual production and sale expenses shall be recognised in the manner prescribed by Article 261 (insofar as it concerns expenses for the development of natural resources, excluding expenses for the construction (drilling) of exploratory wells and prospecting and appraisal
wells) and Articles 262, 272 and 325 of this Code. Expenses for the construction (drilling) of exploratory wells and prospecting and appraisal wells shall be recognised in a similar manner to that prescribed by clause 1 of this Article. [as amended by Federal Law No. 342-FZ of 15.10.2020]

In this respect, taxpayers shall have the right, in calculating tax, to take into account the amount of expenses incurred in the tax (reporting) period in full without dividing them into direct and indirect expenses and without allocating them to balances of work in progress and (or) to balances of unsold finished products.

The procedure chosen by the taxpayer for the recognition of expenses shall be stated in the accounting policies for taxation purposes and may not be changed for five consecutive tax periods counting from the tax period following the period in which it was approved.

4. Income must be increased by the amount of actual expenses incurred for the acquisition, erection, delivery and making ready for use of amortizable property that were previously taken into account for taxation purposes in the following cases:

1) if an amortizable asset is sold or otherwise disposed of, other than dismantled, before the lapse of three consecutive tax periods after the tax period in which the item in question was placed into service;

2) if an amortizable asset is temporarily removed from service (other than items temporarily removed from service in the cases and in accordance with the procedure established by industrial safety rules in the legislation of the Russian Federation) or placed under upgrading or renovation (except where items undergoing renovation or upgrading continue to be used in the taxpayer’s activities) for a period of more than six years before the lapse of three consecutive tax periods after the tax period in which the item in question was placed into service;

3) if an amortizable asset is not placed into service before the lapse of three consecutive tax periods (seven consecutive tax periods in the case of amortizable property with respect to which actual expenses (amounts constituting such expenses) were recognised in a period in which the coefficient \( C_{GR} \) established by Article 342.6 of this Code with a value less than 1 was applied in calculating mineral extraction tax and (or) in the retrospective period referred to in clause 1 of Article 333.52 of this Code – in the case of subsurface sites referred to in subsections 1, 2, 4 and 5 of clause 1 of Article 333.45 of this Code) after the tax period in which the expenses in question were recognised; [as amended by Federal Law No. 65-FZ of 18.03.2020]

4) if an amortizable asset ceases to be used, other than in the event of its sale or other disposal (including abandonment), in carrying on activities referred to in clause 3 of Article 333.43 of this Code, taking into account the provisions of clause 4 of Article 333.43 of this Code, at a subsurface site before the lapse of three consecutive tax periods after the tax period in which the asset was placed into service;
[subsection 4 inserted by Federal Law No. 342-FZ of 15.10.2020]

5) in the event of the sale or other disposal of capital construction in progress before the expiry of the period specified by subsection 3 of this clause.
[subsection 5 inserted by Federal Law No. 342-FZ of 15.10.2020]
5. The restoration of actual expenses on the grounds provided for in clause 4 of this Article shall be carried out by the taxpayer by increasing the tax base for the tax (reporting) period in which the event referred to in subsection 1, 2, 4 or 5 of clause 4 of this Article occurred or in the last tax period of the time limit specified in subsection 3 of clause 4 of this Article for placing an amortizable asset into service by an amount equal to the product of the sum of amounts of actual expenses incurred for the acquisition, erection, manufacture and delivery of amortizable property and in rendering them fit for use which are subject to restoration and were previously taken into account for taxation purposes and the loss indexation coefficient established by clause 3 of Article 333.51 of this Code raised to a power equal to the sequential number of the tax period in which the restoration of expenses takes place, counting from the tax period in which the expenses in question were previously taken into account in calculating tax. [as amended by Federal Law No. 342-FZ of 15.10.2020]

After an amortizable asset referred to in subsection 3 of clause 4 of this Article has been placed into service or an amortizable asset has been placed back into service as a result of reactivation and (or) the completion of renovation or upgrading, or from the time when an amortizable asset begins to be used again in carrying on activities referred to in clause 3 of Article 333.43 of this Code, taking into account the provisions of clause 4 of Article 333.43 of this Code, at a subsurface site, amounts of expenses restored in accordance with this Article, to the extent added to the tax base for the relevant tax period, must be included in actual expenses and recognised for the purposes of assessment to tax in the month following the month in which it was placed into service or following the month in which it began to be used again in activities involving the development of a subsurface site. [as amended by Federal Law No. 342-FZ of 15.10.2020]


1. The sum of the following types of expenses shall be recognised as deemed expenses associated with hydrocarbon extraction at a subsurface site (hereafter in this Article referred to as “deemed expenses for a subsurface site”):

1) deemed export customs duty on oil and gas condensate;

2) deemed expenses for the transportation of oil and gas condensate.

2. The amount of deemed expenses for a subsurface site in the form of deemed export customs duty on oil and gas condensate for a tax (reporting) period shall be determined by adding together those expenses for each calendar month of the tax (reporting) period.

Deemed export customs duty on oil and gas condensate for a calendar month ($D_T$) shall be calculated using the following formula:

\[ D_T = ED_{OIL} \times R \times (V_{OIL} + V_{GC}), \]

where $ED_{OIL}$ is the rate of export customs duty on oil expressed in US dollars per tonne which was set in the calendar month concerned in relation to oil extracted at the subsurface site in accordance with the procedure established by Law No. 5003-I of the Russian Federation of 21 May 1993 “Concerning the Customs Tariff” (hereinafter referred to as “the Law of the Russian Federation “Concerning the Customs Tariff””);
R is the average value for the calendar month of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation, which is determined by the taxpayer in accordance with clause 2 of Article 333.46 of this Code; [as amended by Federal Law No. 424-FZ of 27.11.2018]

\[V_{\text{OIL}} \text{ and } V_{\text{GC}} \text{ represent the quantity of oil and gas condensate extracted at the subsurface site for the calendar month.}\]

3. The amount of deemed expenses for a subsurface site in the form of deemed expenses associated with the transportation of oil and gas condensate for a tax (reporting) period shall be determined by means of adding together those expenses for each calendar month of the tax (reporting) period.

The amount of deemed expenses associated with the transportation of oil and gas condensate for a calendar month \((T_C)\) shall be calculated using the following formula:

\[T_C = T_{\text{IOGC}} \times V_{\text{OOC}},\]

where \(T_{\text{IOGC}}\) is the indicative tariff for oil transportation which is determined in accordance with the procedure established by the Government of the Russian Federation for a particular area where commercial oil (gas condensate) metering stations are located at which oil (gas condensate) extracted at a subsurface site is transferred to organizations that carry out the transportation (shipment) of oil (gas condensate) through the trunk pipeline system, by rail or road transport or by marine, river or mixed navigation (river-sea) vessels, or at which oil (gas condensate) is sold to third parties without being transferred to third parties for transportation (hereafter in this clause referred to as “oil custody transfer area”), and is published in official information sources by the authorized federal executive body responsible for adopting regulatory legal acts relating to the state regulation of prices (tariffs) for goods (services). The indicative tariff for oil transportation shall be established in roubles per tonne of oil; [as amended by Federal Law No. 342-FZ of 15.10.2020]

\(V_{\text{OOC}}\) is the quantity of oil and gas condensate extracted at the subsurface site in the calendar month.

In determining the indicative tariff for oil transportation, account shall be taken, in particular, of expenses associated with delivery (transportation) by trunk pipeline and by rail, water and other transport, including expenses associated with transportation from the border of the Russian Federation to global crude markets, expenses associated with order fulfilment and supply control, transloading, bulk handling, loading, unloading and transhipment and payment for port services and freight forwarding services.

Where the indicative tariff for the transportation of oil \((T_{\text{IOGC}})\) has not been determined for a particular oil custody transfer area, the value of \(T_C\) for such oil (gas condensate) extracted at a subsurface site shall be taken to be equal to 0. [paragraph inserted by Federal Law No. 342-FZ of 15.10.2020]

Where oil (gas condensate) was extracted at a subsurface site in relation to which the technical plan for deposit development provides for extracted oil (gas condensate) to be shipped via oil loading terminals onto marine, river or mixed navigation (river-sea) vessels, the indicative tariff
for the transportation of oil (TIOGC) for that oil (gas condensate) shall be determined in the manner prescribed by this clause for the area in question where the transfer of ownership of the oil (gas condensate) to third parties takes place. [paragraph inserted by Federal Law No. 342-FZ of 15.10.2020]

**Article 333.50. Tax Base** [inserted by Federal Law No. 199-FZ of 19.07.2018]

1. The tax base for tax shall be the monetary value of additional income from hydrocarbon extraction at a subsurface site as determined in accordance with Article 333.45 of this Code with account taken of the special considerations established by this Article.

2. The tax base shall be determined separately for each subsurface site.

3. Additional income from hydrocarbon extraction or a loss which is received or incurred at one subsurface site shall not increase (reduce) the tax base determined in accordance with this Article for another subsurface site.

4. Deemed revenue from sales of hydrocarbons extracted at a subsurface site and actual and deemed expenses associated with hydrocarbon extraction at a subsurface site shall be recognised in monetary form for the purposes of this Chapter.

5. In determining the tax base for a subsurface site, deemed revenue from sales of hydrocarbons extracted at the subsurface site and actual and deemed expenses associated with hydrocarbon extraction at the subsurface site shall be determined for the tax period and each reporting period.

6. Where a taxpayer made a loss in a tax (reporting) period, i.e. a negative difference between deemed revenue from sales of hydrocarbons extracted at a subsurface site, as determined in accordance with this Chapter, and the aggregate amount of actual and deemed expenses for the subsurface site which are taken into account for taxation purposes in accordance with the procedure laid down in this Chapter, the tax base shall be taken to be equal to zero in that reporting (tax) period.

Losses made by a taxpayer in a tax period shall be recognised for taxation purposes in accordance with the procedure and subject to the conditions established by Article 333.51 of this Code.

7. In calculating tax for subsurface sites referred to in subsections 1, 2, 4 and 5 of clause 1 of Article 333.45 of this Code, account shall also be taken of historical losses, i.e. losses incurred in the period from 1 January 2011 (or, in the case of subsurface sites referred to in subsection 4 of clause 1 of Article 333.45 of this Code or situated wholly or partially within the Russian part (Russian sector) of the seabed of the Caspian Sea, from 1 January 2007) to 31 December (inclusively) of the year preceding the tax period in which the taxpayer began to apply tax in relation to the subsurface sites in question. [as amended by Federal Law No. 65-FZ of 18.03.2020]

Historical losses shall be determined and recognised for taxation purposes in accordance with the procedure established by Article 333.52 of this Code.
8. In determining the tax base, amounts of actual expenses associated with the acquisition of amortizable property that have been restored in accordance with Article 333.48 of this Code and relate to a subsurface site shall increase the tax base for that subsurface site.


1. A taxpayer which incurred a loss (losses) calculated in accordance with this Chapter in the preceding tax period or in preceding tax periods shall reduce the tax base for the current tax (reporting) period by the entire amount of the loss which they made or by a part of that amount (to carry the loss forward) in accordance with the procedure established by this Article. [as amended by Federal Law No. 342-FZ of 15.10.2020]

1.1. For tax periods whose commencement date falls in the period from 1 January 2021 to 31 December 2023 inclusively, the tax base for tax for the current accounting (tax) period may not be reduced by more than 50 per cent by the amount of losses (historical losses) made in prior tax periods.

The provisions of this clause shall not apply when determining the tax base for subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code. [clause 1.1 inserted by Federal Law No. 342-FZ of 15.10.2020]

2. Where a taxpayer incurred losses in more than one tax period, those losses shall be carried forward in the order in which they were incurred.

3. A taxpayer shall carry forward the amount of a loss incurred in the current tax period, adjusted by a loss indexation coefficient to be determined in the manner prescribed by this clause.

Unless otherwise provided in this clause, the loss indexation coefficient shall be taken to be equal to:

1.163 – for tax periods that ended before 1 January 2020;

1.07 – for other tax periods.

For the purposes of determining the tax base for subsurface sites, the loss indexation coefficient shall be taken to be equal to:

1.1 – for subsurface sites specified in subsection 1 of clause 1 of Article 333.45 of this Code;

1.163 – for subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code. [clause 3 as reworded by Federal Law No. 342-FZ of 15.10.2020]

4. A loss made in a preceding tax period which was not taken into account in determining the tax base for the current tax period (hereafter in this Chapter referred to “loss not carried forward”) may similarly be carried forward in whole or in part to the tax period (tax periods) following the current tax period.
In this respect, the amount of the loss to be carried forward to the tax period following the current tax period shall be determined as the product of the amount of the loss not carried forward and the loss indexation coefficients determined in accordance with clause 3 of this Article for each tax period beginning from the tax period in which the loss not carried forward was determined and until the current tax period (inclusively). [as amended by Federal Law No. 342-FZ of 15.10.2020]

Where losses not carried forward (a part thereof) were made by a taxpayer in different tax periods, the aggregate amount of loss to be taken into account in determining the tax base shall be determined in accordance with paragraph 2 of this clause for the loss not carried forward which was made in each such tax period, taking into account the rule established by clause 2 of this Article.

5. A taxpayer shall be obliged to retain documents confirming the amount of a loss which was made and the amount by which the tax base has been reduced for each tax period during the entire period over which the right to reduce the tax base by the amount of the loss is exercised.

6. Where the right to use subsurface sites is transferred as a result of the re-organization of an organization, whatever the form of the re-organization, and the consequent re-issue of licences to use the subsurface sites in question, amounts of losses (historical losses) not carried forward for taxation purposes by the re-organized organization as a taxpayer of tax shall be taken into account by the taxpayer that is the legal successor of the re-organized organization in the manner prescribed by this Chapter. [clause 6 inserted by Federal Law No. 342-FZ of 15.10.2020]

**Article 333.52. Procedure for Determining and Recognising Historical Losses** [inserted by Federal Law No. 199-FZ of 19.07.2018]

1. A taxpayer which uses subsurface sites referred to in subsections 1, 2, 4 and 5 of clause 1 of Article 333.45 of this Code shall determine the deemed financial result for a particular subsurface site in accordance with the procedure established by this Chapter for the determination of the tax base for tax for each calendar year for the period from 1 January 2011 (or, in the case of subsurface sites referred to in subsection 4 of clause 1 of Article 333.45 of this Code or situated wholly or partially within the Russian part (Russian sector) of the seabed of the Caspian Sea, from 1 January 2007) to the year (inclusively) directly preceding the year in which tax on additional income from hydrocarbon extraction began to be calculated in relation to the subsurface sites in question (hereafter in this Article referred to as “retrospective period”). [as amended by Federal Law No. 65-FZ of 18.03.2020]

For the purposes of this Chapter a historical loss shall be understood to mean a negative deemed financial result determined for a calendar year of the retrospective period.

2. For the purpose of determining the deemed financial result for a particular calendar year of the retrospective period, the taxpayer shall determine deemed revenue from sales of hydrocarbons extracted at a subsurface site and deemed expenses for the subsurface site on the basis of Articles 333.46 and 333.49 of this Code for a particular calendar month of the retrospective period with account taken of the following special considerations:

1) the values of the indicative oil transportation tariff for particular calendar months of the retrospective period shall be determined by the authorized federal executive body responsible
for adopting regulatory legal acts relating to the state regulation of prices (tariffs) for goods (services) in accordance with clause 3 of Article 333.49 of this Code;

2) if, during the retrospective period, the taxpayer applied in relation to oil extracted at a subsurface site referred to in clause 1 of this Article the special formulae for the calculation of the rates of export customs duties on crude oil which are established by clause 5 of Article 31 of the Law of the Russian Federation “Concerning the Customs Tariff” (as worded as at 31 December 2020), for the entire period in which those special formulae are applied the amount of deemed export customs duty on oil and gas condensate shall be taken into account using rates of export customs duties on crude oil which have been calculated using those special formulae. [as amended by Federal Law No. 342-FZ of 15.10.2020]

3. For the purpose of determining the deemed financial result for a particular calendar year of the retrospective period, the taxpayer shall determine the amount of actual expenses for the subsurface site in question in accordance with Articles 333.47 and 333.48 of this Code on the basis of primary accounting documents and tax accounting data for tax on profit of organizations.

In the case of subsurface sites referred to in clause 1 of Article 333.45 of this Code, actual expenses for a particular subsurface site shall also include expenses incurred by the taxpayer in accordance with licence obligations at the subsurface site in question before the year in which oil reserves for that subsurface site were placed on the state balance sheet of reserves of commercial minerals.

4. A taxpayer which has determined a historical loss for a calendar year of the retrospective period in accordance with this Article shall reduce the tax base for the tax (reporting) period following the retrospective period by the entire amount of that loss or by a part of that amount (to carry forward the historical loss) in accordance with the procedure and subject to the conditions established by this Article. [as amended by Federal Law No. 342-FZ of 15.10.2020]

5. Where a taxpayer has determined a historical loss for more than one calendar year of the retrospective period, those historical losses shall be carried forward in the order in which they were incurred.

6. A taxpayer shall carry forward the amount of a historical loss determined for the last calendar year of the retrospective period, adjusted by a retrospective loss indexation coefficient.

Unless otherwise provided in this clause, the retrospective loss indexation coefficient shall be taken to be equal to:

1.163 – for calendar years that ended before 1 January 2020;

1.07 – for calendar years commencing from 1 January 2020.

For the purposes of determining the tax base for subsurface sites, the retrospective loss indexation coefficient shall be taken to be equal to:

1.1 – for subsurface sites specified in subsection 1 of clause 1 of Article 333.45 of this Code;
1.163 – for subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code.

A taxpayer shall reduce the deemed financial result for a calendar year of the retrospective period by the amount of the historical loss determined for the preceding calendar year of the retrospective period, adjusted by a retrospective loss indexation coefficient of 1.163 (hereafter in this Chapter referred to as the carrying forward of historical losses within the retrospective period).

[clause 6 as reworded by Federal Law No. 342-FZ of 15.10.2020]

7. The amount of a historical loss that is to be taken into account in determining the deemed financial result for the calendar year following the year for which the historical loss has been determined shall be determined as the product of the amount of the historical loss not carried forward within the retrospective period and the retrospective loss indexation coefficients determined in accordance with clause 6 of this Article for each calendar year beginning from the year in which the historical loss not carried forward was determined and until the calendar year (inclusively) preceding the calendar year for which the financial result is determined.

A historical loss not carried forward within the retrospective period shall be recognised as a loss for the purposes of calculating tax in the amount determined as at the last day of the first tax period for tax and shall be carried forward in the manner prescribed by this clause with account taken of the requirement referred to in clause 1.1 of Article 333.51 of this Code.

The amount of the historical loss to be carried forward to a tax period shall be determined with account taken of the requirement established by clause 5 of this Article as the product of the amount of the historical loss not carried forward within the retrospective period and the retrospective loss indexation coefficient determined in accordance with clause 6 of this Article for each calendar year beginning from the year in which the historical loss not carried forward was determined and until the calendar year (inclusively) preceding the calendar year of the tax period.

[clause 7 as reworded by Federal Law No. 342-FZ of 15.10.2020]

8. Amounts of historical losses made by a re-organized organization that was exempted from the performance of taxpayer obligations for tax on the basis of the provisions laid down in Article 333.44 of this Code may be included by the taxpayer that is the legal successor of the re-organized organization in historical losses in the manner prescribed by this Chapter where the right to use subsurface sites is transferred as a result of the re-organization of the organization and the consequent re-issue of subsurface use licences for the relevant subsurface sites.

[clause 8 inserted by Federal Law No. 342-FZ of 15.10.2020]


1. The tax period shall be a calendar year.

2. Reporting periods shall be the first quarter, six months and nine months of a calendar year.

Article 333.54. Tax Rate [inserted by Federal Law No. 199-FZ of 19.07.2018]

The tax rate shall be established at 50 per cent.
Article 333.55. Procedure for the Calculation and Payment of Tax and Advance Payments. Minimum Tax

1. Tax shall be calculated as a percentage corresponding to the tax rate of the tax base determined in accordance with Article 333.50 of this Code.

In this respect, tax may not be less than the amount of minimum tax which is determined in accordance with this Article.

2. Minimum tax shall be calculated as a percentage corresponding to the tax rate of the minimum tax base which is determined in accordance with the procedure established by this Article.

3. For subsurface sites referred to in subsections 1, 2, 4 and 5 of clause 1 of Article 333.45 of this Code, the minimum tax base shall be taken to be equal to zero for all tax periods for which the coefficient C_GR determined in accordance with the procedure established by Article 342.6 of this Code is applied with a value of less than 1 in calculating mineral extraction tax in relation to oil extracted at those subsurface sites during the entire tax period. [as amended by Federal Law No. 65-FZ of 18.03.2020]

4. In cases not referred to in clause 3 of this Article, the minimum tax base shall be determined as the amount of deemed revenue from the sale of hydrocarbons extracted at a subsurface site for the tax (reporting) period, as determined in accordance with Article 333.46 of this Code, reduced consecutively by: [as amended by Federal Law No. 342-FZ of 15.10.2020]

- deemed expenses for the subsurface site for the tax (reporting) period;

- actual expenses for the subsurface site for the tax (reporting) period insofar as amounts of taxes are concerned;

- the amount of maximum hydrocarbon extraction expenses, determined as the product of the quantity of oil extracted at a subsurface site for the tax (accounting) period, as determined in accordance with subsection 6 of clause 5 of Article 333.43 of this Code, and a unit cost value of 7,140 roubles (8,600 roubles beginning from 1 January 2024). That unit cost value shall be subject to indexation by the deflator coefficient established for the relevant calendar year. In this respect, until 2021 inclusively the value of the deflator coefficient shall be taken to be equal to 1. [as amended by Federal Law No. 342-FZ of 15.10.2020]

The unit cost value determined in the manner prescribed by this clause to a whole value in accordance with the current rounding rules. [paragraph inserted by Federal Law No. 342-FZ of 15.10.2020]

5. If the minimum tax base determined in accordance with the procedure established by this Article assumes a negative value, the minimum tax base shall be taken to be equal to zero.

6. Taxpayers shall calculate the amount of an advance payment of tax (minimum tax) for each reporting period on the basis of the tax rate and additional income actually received from
hydrocarbon extraction (the minimum tax base), calculated on a cumulative total from the beginning of the tax period until the end of the reporting period.

Advance payments of tax (minimum tax) shall be paid not later than the 28th of the month following a reporting period.

7. Advance payments of tax and (or) minimum tax which have been made shall be credited towards payment of tax (minimum tax) for the tax period and towards payment of the next advance payment.

If the amount of an advance payment thus calculated is negative or equal to zero, those payments shall not be made in the period concerned.

8. Tax (minimum tax) payable for a tax period shall be paid by taxpayers not later than the deadlines established by Article 333.56 of this Code for the submission of a tax declaration.

**Article 334. Taxpayers**

1. The taxpayers of mineral extraction tax (hereafter in this Chapter referred to as “taxpayers”) shall be organizations and private entrepreneurs who are deemed to be users of subsurface resources in accordance with the legislation of the Russian Federation.

2. Taxpayers shall include 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” and which are recognised as subsurface users in accordance with the legislation of the Russian Federation and on the basis of licences and other authorization documents which have effect in accordance with the procedure established by Article 12 of Federal Constitutional Law No. 6-FKZ of 21 March 2014 “Concerning the Admission of the Republic of Crimea to the Russian Federation and the Formation within the Russian Federation of New Constituent Entities – the Republic of Crimea and the City of Federal Significance Sevastopol”.

**CHAPTER 26. MINERAL EXTRACTION TAX**

[inserted by Federal Law No. 111-FZ of 05.05.2011]

**Article 334. Taxpayers**

1. The taxpayers of mineral extraction tax (hereafter in this Chapter referred to as “taxpayers”) shall be organizations and private entrepreneurs who are deemed to be users of subsurface resources in accordance with the legislation of the Russian Federation.

2. Taxpayers shall include 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” and which are recognised as subsurface users in accordance with the legislation of the Russian Federation and on the basis of licences and other authorization documents which have effect in accordance with the procedure established by Article 12 of Federal Constitutional Law No. 6-FKZ of 21 March 2014 “Concerning the Admission of the Republic of Crimea to the Russian Federation and the Formation within the Russian Federation of New Constituent Entities – the Republic of Crimea and the City of Federal Significance Sevastopol”.

[clause 2 inserted by Federal Law No. 379-FZ of 29.11.2014]
Article 335. Registration as a Taxpayer of Mineral Extraction Tax [as amended by Federal Law No. 57-FZ of 29.05.2002]

1. A taxpayer shall be registered as a taxpayer of mineral extraction tax (hereafter in this Chapter referred to as “tax”) at the location of the site of subsurface resources which has been granted to the taxpayer for use in accordance with the legislation of the Russian Federation, unless otherwise stipulated by clause 2 of this Article within 30 calendar days after the state registration of the licence (permit) to use the site of subsurface resources. In this respect, for the purposes of this Chapter the location of the site of subsurface resources which has been granted to the taxpayer for use shall be deemed to be the territory of the constituent entity (entities) of the Russian Federation in which the site of subsurface resources is situated. [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 137-FZ of 27.07.2006]

An organization 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” and which is recognised as a subsurface user on the basis of licences and other authorization documents which have effect in accordance with the procedure established by Article 12 of Federal Constitutional Law No. 6-FKZ of 21 March 2014 “Concerning the Admission of the Republic of Crimea to the Russian Federation and the Formation within the Russian Federation of New Constituent Entities – the Republic of Crimea and the City of Federal Significance Sevastopol” shall be obliged to present copies of those documents, with a duly certified translation into Russian, by 1 February 2015 to the tax authority for the location of the organization if the subsurface site (sites) and location are situated in the territories of the Republic of Crimea and (or) the city of federal significance Sevastopol, or to the tax authority for the location of the subsurface site. Where a taxpayer has been granted a number of subsurface sites for use, the above-mentioned documents shall be presented to the tax authority for the location of one of the subsurface sites, to be designated by that organization independently. [paragraph inserted by Federal Law No. 379-FZ of 29.11.2014]

An organization whose details 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” and which is recognised as a subsurface user on the basis of licences and other authorization documents which have effect in accordance with the procedure established by Article 12 of Federal Constitutional Law No. 6-FKZ of 21 March 2014 “Concerning the Admission of the Republic of Crimea to the Russian Federation and the Formation within the Russian Federation of New Constituent Entities – the Republic of Crimea and the City of Federal Significance Sevastopol” must be registered on the basis of the documents referred to in this clause within five days from the day on which they are presented to the appropriate tax authority. [paragraph inserted by Federal Law No. 379-FZ of 29.11.2014]

The tax authority shall be obliged to issue (send) to the organization within the same time period a notification of registration with a tax authority confirming registration as a taxpayer of mineral extraction tax. [paragraph inserted by Federal Law No. 379-FZ of 29.11.2014]

2. Taxpayers which carry out the extraction of commercial minerals on the continental shelf of the Russian Federation, in the exclusive economic zone of the Russian Federation and outside the territory of the Russian Federation, where such extraction is carried out in territories which
are under the jurisdiction of the Russian Federation (or which are leased from foreign states or used on the basis of an international agreement) on a site of subsurface resources which has been granted to the taxpayer for use, must be registered as taxpayers of tax at the location of an organization or at the place of residence of a physical person. [as amended by Federal Law No. 57-FZ of 29.05.2002]

3. Special considerations relating to the registration of taxpayers as taxpayers of tax shall be determined by the Ministry of Finance of the Russian Federation.
[clause 3 inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 58-FZ of 29.06.2004]

Article 336. Taxable Object

1. The taxable object for mineral extraction tax (hereafter in this Chapter referred to as “tax”), unless otherwise stipulated by clause 2 of this Article, shall be: [as amended by Federal Law No. 57-FZ of 29.05.2002]

1) commercial minerals extracted from the subsurface in the territory of the Russian Federation at a subsurface site (including from a hydrocarbon reservoir) which was granted to the taxpayer for use in accordance with the legislation of the Russian Federation. For the purposes of this Chapter, a hydrocarbon reservoir shall be understood to mean an accounting unit of reserves of one of the types of commercial minerals referred to in subsection 3 of clause 2 of Article 337 of this Code (with the exception of associated gas) in the state balance sheet of reserves of commercial minerals at a particular subsurface site within which no other accounting units of reserves have been designated; 
[subsection 1 as reworded by Federal Law No. 213-FZ of 23.07.2013]

2) commercial minerals recovered from mining waste (losses), where such recovery is subject to separate licensing in accordance with the legislation of the Russian Federation concerning subsurface resources;

3) commercial minerals extracted from the subsurface outside the territory of the Russian Federation where such extraction is carried out in territories which are under the jurisdiction of the Russian Federation (or which are leased from foreign states or used on the basis of an international agreement) on a site of subsurface resources which has been granted to the taxpayer for use.

2. The following shall not be regarded as a taxable object for the purposes of this Chapter:

1) common commercial minerals and underground waters not recorded on the state balance sheet of reserves of commercial minerals which are extracted by a private entrepreneur and used by him directly for personal consumption; [as amended by Federal Law No. 57-FZ of 29.05.2002]

2) extracted (collected) mineralogical, palaeontological and other geological specimens;

3) commercial minerals extracted from the subsurface in the process of the formation, use, renovation and repair of specially protected geological sites of scientific, cultural, aesthetic, sanitary or other social value. The procedure for the recognition of geological sites as specially protected geological sites of scientific, cultural, aesthetic, sanitary or other social value shall be established by the Government of the Russian Federation;
4) commercial minerals recovered from own dumps or waste (losses) of mining and associated processing plants if upon their extraction from the subsurface they were subject to taxation in accordance with the generally established procedure; [as amended by Federal Law No. 57-FZ of 29.05.2002]

5) underground drainage waters not recorded on the state balance sheet of reserves of commercial minerals which are extracted upon the development of deposits of commercial minerals or upon the construction and operation of underground facilities;

6) coal bed methane.

3. For the purposes of this Chapter, a subsurface site shall be understood to mean a block of subsurface resources (whether or not limited in depth) whose spatial boundaries are defined by the geographical co-ordinates of corner points in accordance with the licence for subsurface use, including all mining and geological allotments which are included within it.

Article 337. Extracted Commercial Mineral

1. For the purposes of this Chapter, the commercial minerals referred to in clause 1 of Article 336 of this Code shall be referred to as “extracted commercial mineral”. In this respect, a commercial mineral shall be deemed to be a product of the mining industry and quarry development (unless otherwise provided by clause 3 of this Article) which is contained in mineral raw materials (rock, liquid or other mixture) actually extracted (recovered) from the subsurface (waste, losses) and is the first in terms of its quality to conform to a national standard, a regional standard, an international standard or, in the absence of such standards for a particular extracted commercial mineral, a standard of an organization.

Products obtained from the further processing (enrichment, technological conversion) of a commercial mineral which are products of the processing industry may not be deemed to be a commercial mineral. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

2. The following shall be types of extracted commercial mineral:

1) oil shales;

1.1) coal (in accordance with the classification established by the Government of the Russian Federation):

- anthracite;

- coking coal;

- brown coal;
- coal other than anthracite, coking coal and brown coal; [subsection 1.1 inserted by Federal Law No. 425-FZ of 28.12.2010]

2) peat;

3) raw hydrocarbons:

- dewatered, desalted and stabilized oil;

- gas condensate from all kinds of raw hydrocarbon deposits which has undergone field treatment procedures in accordance with the technical design for the development of a deposit before being sent for processing. For the purposes of this Article, the processing of gas condensate shall mean the separation of helium and of sulphurous and other components and impurities if they are present and the obtaining of stable gas condensate, a wide fraction of light hydrocarbons and processed products thereof; [as amended by Federal Law No. 107-FZ of 21.07.2005]

- natural fuel gas (dissolved gas or a mixture of dissolved gas and gas cap gas) from all kinds of raw hydrocarbon deposits which is extracted via oil wells (hereinafter referred to as “associated gas”);

- natural fuel gas from all kinds of raw hydrocarbon deposits, other than associated gas;

- coal bed methane; [paragraph inserted by Federal Law No. 278-FZ of 29.12.2012] [subsection 3 as reworded by Federal Law No. 117-FZ of 07.07.2003]

4) commercial ores: [as amended by Federal Law No. 57-FZ of 29.05.2002]

- of ferrous metals (iron, manganese, chromium); [as amended by Federal Law No. 57-FZ of 29.05.2002]

- of non-ferrous metals (aluminium, copper, nickel, cobalt, lead, zinc, tin, tungsten, molybdenum, antimony, mercury, magnesium, other non-ferrous metals not mentioned in other groups); [as amended by Federal Law No. 57-FZ of 29.05.2002]

- of rare metals (lithium, rubidium, caesium, beryllium, strontium, cadmium, scandium, rare-earth metals (yttrium, lanthanides (lanthanum, cerium, praseodymium, neodymium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium), indium, thallium, gallium, titanium, germanium, zirconium, hafnium, vanadium, niobium, tantalum, bismuth, selenium, tellurium, rhenium) that form their own deposits in which rare metals are the main components; [as amended by Federal Law No. 284-FZ of 02.08.2019] [paragraph excluded – Federal Law No. 57-FZ of 29.05.2002]

- multi-component complex ores;

5) commercial components of multi-component complex ore which are recovered therefrom when they are assigned within an organization for further processing (dressing, technological conversion); [as amended by Federal Law No. 57-FZ of 29.05.2002]

6) mining-chemical non-metallic raw materials (apatite-nepheline and phosphorite ores, potassium, magnesium and rock salts, boric ores, sodium sulphate, natural sulphur and sulphur
in gas, pyrite and complex ore deposits, barites, asbestos, iodine, bromine, fluorspar, earth dyes (mineral pigments), carbonaceous rocks and other types of non-metallic commercial minerals for the chemical industry and the production of mineral fertilizers; [as amended by Federal Law No. 57-FZ of 29.05.2002]

7) mined non-metallic raw materials (abrasive rocks, vein quartz (except for high-purity quartz and piezo-optic raw materials), quartzites, carbonaceous rocks for the metal industry, quartz-feldspar and siliceous raw materials, glass sands, natural graphite, talc (steatite), magnesite, talc-magnesite, pyrophyllite, muscovite mica, phlogopite mica, vermiculite, refractory clays for the production of muds, sorbents and other commercial minerals not included in other groups); [as amended by Federal Law No. 57-FZ of 29.05.2002]

8) bituminous rocks (excluding those referred to in subsection 3 of this clause); [subsection 8 as reworded by Federal Law No. 57-FZ of 29.05.2002]

9) rare metals that are associated components in ores of other rare metals that form their own deposits, ores of other commercial minerals and multi-component complex ores; [subsection 9 as reworded by Federal Law No. 284-FZ of 02.08.2019]

10) non-metallic raw materials which are used primarily in the construction industry (gypsum, anhydride, natural chalk, dolomite, limestone flux, limestone and calcareous stone of a kind used for the manufacture of lime or cement, natural building sand, pebble, gravel, sand and gravel mixes, building stone, facing stones, marls, clays and other non-metallic minerals which are used in the construction industry);

11) standard product of piezo-optic raw materials, high-purity raw quartz and raw gemstones (topaz, nephrite, jade, rhodonite, lazurite, amethyst, turquoise, agate, jasper and others);

12) natural diamonds, other precious stones from bedrock, placer and man-made deposits, including unworked, graded and classified stones (natural diamonds, emerald, ruby, sapphire, alexandrite, amber);

13) intermediate products containing one or more precious metals (gold, silver, platinum, palladium, iridium, rhodium, ruthenium, osmium), which are obtained upon the completion of a set of operations involving the extraction of precious metals, including:

- alloyed gold (alloy of gold with chemical elements; placer or native gold) which corresponds to a national standard (specifications) and (or) a standard (specifications) of a taxpayer organization;

- concentrates.

In this respect, for the purposes of this Chapter the extraction of precious metals shall be understood to mean the recovery of minerals containing such metals from bedrock (ore), placer and man-made deposits and the subsequent primary processing thereof to obtain concentrates and other intermediate products containing precious metals in accordance with agreed-upon and duly approved documentation for the development of a particular deposit of commercial minerals and (or) the primary processing of mineral raw materials containing precious metals; [subsection 13 as reworded by Federal Law No. 401-FZ of 30.11.2016]
14) natural salt and pure sodium chloride;

15) underground waters containing commercial minerals (industrial waters) and (or) natural curative waters (mineral waters) and thermal waters;

16) radioactive metal raw materials (in particular, uranium and thorium);

17) recoverable commercial components (excluding rare metals) that are associated components in ores of other commercial minerals.

3. There shall also be regarded as a commercial mineral production which is the result of the development of a deposit and which is obtained from mineral raw materials using processing technologies which are special types of mining operations (underground gasification and leaching, dredging and hydraulic working of placer deposits, borehole hydraulic mining) and processing technologies which are classified in accordance with the licence to use subsurface resources as special types of mining operations (in particular, the extraction of commercial minerals from overburden rocks or tailings, the collection of oil from oil spills with the aid of special installations).

Article 338. Tax Base

1. The tax base shall be determined by the taxpayer independently in relation to each extracted commercial mineral (including commercial components which are recovered from the subsurface concurrently upon the extraction of the main commercial mineral).

2. The tax base shall be determined as follows:

1) the tax base shall be determined as the value of extracted commercial minerals as computed in accordance with Article 340 of this Code, except as otherwise established by subsections 2 and (or) 3 of this clause;

2) the tax base shall be determined as the value of extracted commercial minerals as computed in accordance with Articles 340 and 340.1 of this Code in the case of the extraction of hydrocarbons at a new offshore hydrocarbon deposit before the expiry of the time periods and in the territories which are referred to in clause 6 of this Article;

3) the tax base shall be determined as the quantity of extracted commercial minerals in physical terms in the case of the extraction of:

- coal;

- hydrocarbons, other than the hydrocarbons referred to in subsection 2 of this clause;

- multi-component complex ores extracted at subsurface sites situated wholly or partially in the territory of the Krasnoyarsk Territory.
3. The quantity of extracted commercial minerals shall be determined in accordance with Article 339 of this Code.

4. The tax base shall be determined separately for each extracted commercial mineral as defined in accordance with Article 337 of this Code.

5. In the case of extracted commercial minerals for which various tax rates have been established or the tax rate is calculated with account taken of a coefficient, the tax base shall be determined with respect to each tax rate.

6. In the case of the extraction of hydrocarbons at a new offshore hydrocarbon deposit, the tax base shall be determined as their value as computed in accordance with Articles 340 and 340.1 of this Code until the lapse of the following time periods:

1) until the lapse of 60 calendar months commencing from the month following the month in which the date of commencement of commercial hydrocarbon extraction at the new offshore hydrocarbon deposit falls, for deposits that are situated wholly in the Sea of Azov or have 50 per cent or more of their area in the Baltic Sea;

2) until the lapse of 84 calendar months commencing from the month following the month in which the date of commencement of commercial hydrocarbon extraction at the new offshore hydrocarbon deposit falls, for deposits that have 50 per cent or more of their area in the Black Sea (up to 100 metres deep inclusively), the Sea of Japan or the Russian part (Russian sector) of the bed of the Caspian Sea, and for deposits for which the date of commencement of commercial hydrocarbon extraction falls on or before 1 January 2020 and which have 50 per cent or more of their area in the White Sea, the Pechora Sea or the southern part of the Sea of Okhotsk (south of 55 degrees north latitude);

3) until the lapse of 120 calendar months commencing from the month following the month in which the date of commencement of commercial hydrocarbon extraction at the new offshore hydrocarbon deposit falls, for deposits that have 50 per cent or more of their area in the Black Sea (up to 100 metres deep inclusively) and for deposits for which the date of commencement of commercial hydrocarbon extraction falls on or before 1 January 2020 and which have 50 per cent or more of their area in the northern part of the Sea of Okhotsk (at or north of 55 degrees north latitude) or the southern part of the Barents Sea (south of 72 degrees north latitude);

4) until the lapse of 180 calendar months commencing from the month following the month in which the date of commencement of commercial hydrocarbon extraction at the new offshore hydrocarbon deposit falls, for deposits that have 50 per cent or more of their area in the Kara Sea, the northern part of the Barents Sea (at or north of 72 degrees north latitude) and the eastern Arctic (the Laptev Sea, the East Siberian Sea, the Chukchi Sea and the Bering Sea), and for deposits for which the date of commencement of commercial hydrocarbon extraction falls on or before 1 January 2020 and which have 50 per cent or more of their area in the White Sea, the Pechora Sea, the Sea of Okhotsk or the southern part of the Barents Sea (south of 72 degrees north latitude).
Article 339. Procedure for Determining the Quantity of an Extracted Commercial Mineral

1. The quantity of an extracted commercial mineral shall be determined by the taxpayer independently. Depending on the extracted commercial mineral the quantity thereof shall be determined in units of mass or volume. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The quantity of extracted oil that has been dewatered, desalted and stabilized shall be determined in units of net weight. [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

For the purposes of this Chapter, net weight shall be understood to mean the quantity of oil less separated water, associated petroleum gas and impurities and less water, chloride salts and solid impurities identified by laboratory analysis which are contained in the oil in a suspended state. [paragraph inserted by Federal Law No. 158-FZ of 22.07.2008]

The quantity of multi-component complex ores extracted at subsurface sites situated wholly or partially in the territory of the Krasnoyarsk Territory shall be determined in units of weight, in which respect the weights of commercial components within a multi-component complex ore shall not be determined. [paragraph inserted by Federal Law No. 401-FZ of 30.11.2016]

2. The quantity of an extracted commercial mineral shall be determined by the direct method (using measuring devices and equipment) or by the indirect method (by means of calculation on the basis of information on the content of the extracted commercial mineral in the mineral raw materials recovered from the subsurface (waste, losses)), unless otherwise stipulated by this Article. Where the quantity of extracted commercial minerals cannot be determined by the direct method, the indirect method shall be applied. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The method of determining the quantity of an extracted commercial mineral which is applied by a taxpayer must be approved in the taxpayer’s accounting policies for taxation purposes and shall be applied by the taxpayer for the entire duration of activities involving the extraction of the commercial mineral. The method of determining the quantity of an extracted commercial mineral which has been approved by a taxpayer may be changed only in the event that amendments are made to the technical project for the development of the deposit of commercial minerals in connection with changes in the methods used for the extraction of commercial minerals. [as amended by Federal Law No. 57-FZ of 29.05.2002]

3. In this respect, where a taxpayer uses the direct method of determining the quantity of an extracted commercial mineral, the quantity of the extracted commercial mineral shall be determined with account taken of actual losses of the commercial mineral. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Actual losses of a commercial mineral (with the exception of dewatered, desalted and stabilized oil) shall be understood to mean the difference between the calculated quantity of a commercial mineral by which the reserves of the commercial mineral are diminished and the quantity of the commercial mineral which has actually been extracted, as determined upon the completion of the full work cycle for the extraction of the commercial mineral. Actual losses of a
commercial mineral shall be taken into account for the purpose of determining the quantity of the extracted commercial mineral in the tax period in which they were measured in an amount determined on the basis of the results of measurements made. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002, as amended by Federal Law No. 213-FZ of 23.07.2013]

4. Upon the recovery of precious metals from bedrock (ore), placer and man-made deposits, the quantity of the extracted commercial mineral shall be determined on the basis of data in compulsory records relating to extraction which are maintained in accordance with the legislation of the Russian Federation concerning precious metals and precious stones.

Nuggets of precious metals which are not subject to processing shall be recorded separately and shall not be included in the computation of the quantity of the extracted commercial mineral which is established by paragraph 1 of this clause. In this respect, the tax base for them shall be determined separately.

5. Upon the recovery of precious stones from bedrock, placer and man-made deposits, the quantity of the extracted commercial mineral shall be determined after the initial grading, initial classification and initial valuation of the unworked stones. In this respect, unique precious stones shall be recorded separately and the tax base for them shall be determined separately.

6. The quantity of an extracted commercial mineral which is defined in accordance with Article 337 of this Code as commercial components contained in an extracted multi-component complex ore, with the exception of a multi-component complex ore extracted at subsurface sites situated wholly or partially in the territory of the Krasnoyarsk Territory, shall be determined as the quantity of the ore component in chemically pure form. [clause 6 as reworded by Federal Law No. 401-FZ of 30.11.2016]

7. For the purpose of determining the quantity of a commercial mineral extracted in a tax period, unless otherwise provided by clause 8 of this Article account shall be taken of the commercial mineral in relation to which the set of technological operations (processes) associated with the extraction (recovery) of the commercial mineral from the subsurface (waste, losses) has been completed in the tax period.

In this respect, where a commercial mineral deposit is developed in accordance with a licence (permit) for the extraction of a commercial mineral, account shall be taken of the entire set of technological operations (processes) which are provided for in the technical plan for the development of the commercial mineral deposit. [clause 7 inserted by Federal Law No. 57-FZ of 29.05.2002]

8. In the event that mineral raw materials are sold and (or) used before the set of technological operations (processes) provided for in the technical plan for the development of a commercial mineral deposit has been completed, the quantity of the commercial mineral extracted in the tax period shall be determined as the quantity of the commercial mineral contained in those mineral raw materials which were sold and (or) used for own requirements in the tax period in question. [clause 8 inserted by Federal Law No. 57-FZ of 29.05.2002]

9. In determining the quantity of extracted dewatered, desalted and stabilized oil and actual losses occurring in the process of its extraction in relation to oil which is extracted from hydrocarbon reservoirs such as are referred to in subsections 2 to 4 of clause 1 of Article 342.2
of this Code for which the value of the coefficient $C_{DE}$ is less than 1 and hydrocarbon reservoirs such as are referred to in paragraph 9 of clause 3 of Article 342 of this Code for which the value of the coefficient $C_P$ is equal to zero, all of the following requirements must be met: [as amended by Federal Laws No. 366-FZ of 24.11.2014, No. 374-FZ of 23.11.2020]

1) the quantity of extracted oil is metered for each well operating at a hydrocarbon reservoir (at hydrocarbon reservoirs);
[subsection 1 as reworded by Federal Law No. 401-FZ of 30.11.2016]

2) the quantity of extracted well fluid is measured and the physical and chemical characteristics of that fluid are determined for each operating well during the tax period. The quantity of measurements to be made during a tax period shall be determined as the number of days of operation of a well divided by seven and rounded to a whole value in accordance with the current rounding rules, but shall be not less frequent than once in a given tax period;
[subsection 2 as reworded by Federal Law No. 374-FZ of 23.11.2020]

3) the quantity of extracted dewatered, desalted and stabilized oil is determined on the basis of the data referred to in subsections 1 and 2 of this clause.
[clause 9 inserted by Federal Law No. 213-FZ of 23.07.2013]

10. The determination by a subsurface user of the quantity of extracted dewatered, desalted and stabilized oil and actual losses occurring in the process of its extraction and the determination of the physical and chemical characteristics of extracted well fluid for the purposes of applying subsection 2 of clause 9 of this Article shall take place in accordance with the oil metering procedure approved by the Government of the Russian Federation.
[clause 10 as reworded by Federal Law No. 374-FZ of 23.11.2020]

**Article 340. Procedure for the Valuation of Extracted Commercial Minerals for the Purpose of Determining the Tax Base**

1. The value of extracted commercial minerals shall be determined by a taxpayer independently by one of the following methods:

1) on the basis of the selling prices prevailing for the taxpayer in the relevant tax period, without taking into account subsidies; [as amended by Federal Law No. 284-FZ of 29.11.2007]

2) on the basis of the selling prices of the extracted commercial mineral prevailing for the taxpayer in the relevant tax period;

3) on the basis of the calculated value of the commercial minerals.

2. Where a taxpayer uses the valuation method which is referred to in subsection 1 of clause 1 of this Article, the value of a unit of an extracted commercial mineral shall be assessed on the basis of receipts determined with account taken of the selling prices of the extracted commercial mineral prevailing for the taxpayer in the current tax period (or, where these do not exist, in the preceding tax period), without taking into account subsidies from the budget to compensate for the difference between the wholesale price and the calculated value. [as amended by Federal Law No. 284-FZ of 29.11.2007]
In this respect, receipts from the sale of an extracted commercial mineral shall be determined on the basis of the selling prices (reduced by amounts of subsidies from the budget), as determined with account taken of the provisions of Article 105.3 of this Code, excluding value added tax (for sales in the territory of the Russian Federation and to member states of the Commonwealth of Independent States) and excise duty and reduced by the amount of the taxpayer’s delivery expenses depending on the conditions of supply. [as amended by Federal Laws No. 284-FZ of 29.11.2007, No. 227-FZ of 18.07.2011]

Where receipts from the sale of an extracted commercial mineral are received in a foreign currency, it shall be translated into roubles on the basis of the exchange rate established by the Central Bank of the Russian Federation as at the date on which the extracted commercial mineral is sold, which shall be defined depending on the method of recognising income which has been selected by the taxpayer in accordance with Article 271 or Article 273 of this Code. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

For the purposes of this Chapter, the amount of delivery expenses shall include expenses for the payment of customs duties and fees in the case of foreign trade transactions, expenses for the delivery (carriage) of the extracted commercial mineral from a finished product warehouse (accounting point, point of intake into main pipeline, point of shipment to consumer or for processing, point of interface with recipient’s network and similar conditions) to the recipient, and expenses for the compulsory insurance of cargo which are calculated in accordance with the legislation of the Russian Federation.

For the purposes of this Chapter, expenses for the delivery (carriage) of an extracted commercial mineral to the recipient shall include, in particular, expenses associated with delivery (transportation) by main pipelines and by rail, water and other transport, expenses for discharge, delivery, loading, unloading and transhipment and payments for services in ports and forwarding services. [as amended by Federal Law No. 261-FZ of 08.11.2007]

Valuation shall be carried out separately for each type of extracted commercial mineral on the basis of the selling prices of the relevant extracted commercial mineral.

The value of an extracted commercial mineral shall be determined as the product of the quantity of the extracted commercial mineral as defined in accordance with Article 339 of this Code and the value of a unit of the extracted commercial mineral as determined in accordance with this clause.

The value of a unit of an extracted commercial mineral shall be computed as the proportion of receipts from the sale of the extracted commercial mineral as determined in accordance with this clause to the quantity of the extracted commercial mineral sold.

The value of a unit of an extracted commercial mineral which is calculated in the manner prescribed by this clause shall be rounded to two decimal places in accordance with the current rounding rules. [paragraph inserted by Federal Law No. 268-FZ of 30.09.2013]

3. Where there are no subsidies, the taxpayer shall apply to the selling prices of extracted commercial minerals the valuation method which is referred to in subsection 2 of clause 1 of this Article. In this respect, the value of a unit of an extracted commercial mineral shall be assessed on the basis of receipts from the sale of extracted commercial minerals determined on
the basis of the selling prices, with account taken of the provisions of Article 105.3 of this Code, excluding value added tax (in the case of sales in the territory of the Russian Federation and to member states of the Commonwealth of Independent States) and excise duty and reduced by the taxpayer’s delivery expenses depending on the conditions of supply. [as amended by Federal Laws No. 284-FZ of 29.11.2007, No. 227-FZ of 18.07.2011]

Where receipts from the sale of an extracted commercial mineral are received in a foreign currency, it shall be translated into the currency of the Russian Federation on the basis of the exchange rate established by the Central Bank of the Russian Federation as at the date on which the extracted commercial mineral is sold, which shall be defined depending on the method of recognising income which has been selected by the taxpayer in accordance with Article 271 or Article 273 of this Code. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

For the purposes of this Chapter, the amount of delivery expenses shall include expenses for the payment of customs duties and fees in the case of foreign trade transactions, expenses for the delivery (carriage) of the extracted commercial mineral from a finished product warehouse (accounting point, point of intake into main pipeline, point of shipment to consumer or for processing, point of interface with recipient’s network and similar conditions) to the recipient, and expenses for the compulsory insurance of cargo which are calculated in accordance with the legislation of the Russian Federation.

For the purposes of this Chapter, expenses for the delivery (carriage) of an extracted commercial mineral to the recipient shall include, in particular, expenses associated with delivery (transportation) by main pipelines and by rail, water and other transport, expenses for discharge, delivery, loading, unloading and transhipment and payments for services in ports and forwarding services. [as amended by Federal Law No. 261-FZ of 08.11.2007]

Valuation shall be carried out separately for each type of extracted commercial mineral on the basis of the selling prices of the relevant extracted commercial mineral.

The value of a unit of an extracted commercial mineral which is calculated in the manner prescribed by this clause shall be rounded to two decimal places in accordance with the current rounding rules.

The value of an extracted commercial mineral shall be determined as the product of the quantity of the extracted commercial mineral as defined in accordance with Article 339 of this Code and the value of a unit of the extracted commercial mineral as determined in accordance with this clause.

The value of a unit of an extracted commercial mineral shall be computed as the proportion of receipts from the sale of the extracted commercial mineral as determined in accordance with this clause to the quantity of the extracted commercial mineral sold. [paragraph inserted by Federal Law No. 268-FZ of 30.09.2013]

4. Where a taxpayer has not had sales of an extracted commercial mineral, the taxpayer shall apply the valuation method which is referred to in subsection 3 of clause 1 of this Article. [as amended by Federal Law No. 57-FZ of 29.05.2002]

In this respect, the calculated value of an extracted commercial mineral shall be determined by the taxpayer independently on the basis of tax accounting data. In this case, the taxpayer shall
apply the method of recognising income and expenses which it applies for the purpose of determining the tax base for tax on the profit of organizations. [as amended by Federal Law No. 57-FZ of 29.05.2002]

In determining the calculated value of an extracted commercial mineral, the following types of expenses incurred by a taxpayer in a tax period shall be taken into account: [as amended by Federal Law No. 57-FZ of 29.05.2002]

1) material expenses as determined in accordance with Article 254 of this Code, excluding material expenses incurred in the process of the storage, transportation, packing and other preparation (including pre-sale preparation) and in connection with the sale of extracted commercial minerals (including material expenses and excluding expenses incurred by the taxpayer in the process of the production and sale of other types of products and goods (work and services)); [as amended by Federal Law No. 57-FZ of 29.05.2002]

2) labour payment expenses as determined in accordance with Article 255 of this Code, with the exception of labour payment expenses for workers not engaged in the extraction of commercial minerals; [as amended by Federal Law No. 57-FZ of 29.05.2002]

3) amounts of amortization charged as determined in accordance with the procedure established by Articles 256 to 259.2 of this Code, with the exception of amounts of amortization charged on amortizable property not connected with the extraction of commercial minerals; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 158-FZ of 22.07.2008]

4) expenses for the repair of fixed assets as determined in accordance with the procedure established by Article 260 of this Code, with the exception of expenses for the repair of fixed assets not connected with the extraction of commercial minerals; [as amended by Federal Law No. 57-FZ of 29.05.2002]

5) expenses for the development of natural resources as determined in accordance with Article 261 of this Code;

6) expenses provided for in subsections 8 and 9 of Article 265 of this Code, with the exception of expenses referred to in those subsections which are not connected with the extraction of commercial minerals; [as amended by Federal Law No. 57-FZ of 29.05.2002]

7) miscellaneous expenses as determined in accordance with Articles 263, 264 and 269 of this Code, with the exception of miscellaneous expenses which are not connected with the extraction of commercial minerals. [as amended by Federal Law No. 57-FZ of 29.05.2002]

Expenses provided for in Articles 266, 267 and 270 of this Code shall not be taken into account in determining the calculated value of an extracted commercial mineral.

[Paragraph excluded – Federal Law No. 57-FZ of 29.05.2002]

In this respect, direct expenses incurred by a taxpayer during a tax period shall be allocated between extracted commercial minerals and the balance of work-in-progress as at the end of the tax period. The balance of work-in-progress shall be determined and valued with account taken of the special considerations which are set forth in clause 1 of Article 319 of this Code. Indirect expenses as defined in accordance with Chapter 25 of this Code shall also be taken into
account for the purpose of determining the calculated value of an extracted commercial mineral. In this respect, indirect expenses incurred by a taxpayer during a reporting (tax) period shall be distributed between expenditures on the extraction of commercial minerals and expenditures on other activities of the taxpayer in proportions corresponding to the proportion of direct expenses associated with the extraction of commercial minerals to the total amount of direct expenses. The total amount of expenses incurred by the taxpayer in the tax period shall be distributed among extracted commercial minerals in proportions corresponding to the proportion of each extracted commercial mineral to the total quantity of extracted commercial minerals in that tax period. The amount of indirect expenses attributable to commercial minerals extracted in the tax period shall be fully included in the calculated value of the extracted commercial minerals for the relevant tax period. [as amended by Federal Law No. 57-FZ of 29.05.2002]

5. The value of extracted precious metals recovered from bedrock (ore), placer and man-made deposits shall be determined on the basis of the selling prices of chemically pure metal which were prevailing for the taxpayer in the tax period in question (or, if these do not exist, in the nearest preceding tax period), excluding value added tax, reduced by the taxpayer’s expenditures on refining it and delivering (transporting) it to the recipient.

In this respect, the value of a unit of the above-mentioned extracted commercial mineral shall be determined as the product of the proportion (expressed by physical indicators) of the content of chemically pure metal in a unit of the extracted commercial mineral and the value of a unit of chemically pure metal. [as amended by Federal Law No. 57-FZ of 29.05.2002]

6. The value of extracted precious stones shall be determined on the basis of the weighted-average price at which the taxpayer sold extracted precious stones (other than natural diamonds weighing 10.80 carats or more) in the relevant tax period (or, failing that, in the nearest of the twelve preceding tax periods), excluding value added tax, but not lower than the initial valuation conducted in accordance with the legislation of the Russian Federation concerning precious metals and precious stones, except as otherwise established by this clause.

The value of extracted precious stones (natural diamonds) weighing 10.80 carats or more shall be determined on the basis of their sale prices excluding value added tax, but not lower than the initial valuation conducted in accordance with the legislation of the Russian Federation concerning precious metals and precious stones.

Where precious stones (precious diamonds) weighing 10.80 carats or more are supplied for further processing, their value shall be determined on the basis of the weighted-average price at which extracted precious stones (natural diamonds) weighing 10.80 carats or more were sold by the taxpayer in the relevant tax period (or, failing that, in the nearest of the twelve preceding tax periods), excluding value added tax, but not lower than the initial (threshold) valuation thereof conducted in accordance with the legislation of the Russian Federation concerning precious metals and precious stones.

The value of extracted unique precious stones and unique nuggets of precious metals that are not for processing shall be determined on the basis of their sale prices excluding value added tax, less amounts of expenses incurred by the taxpayer to deliver (transport) them to the
United Agricultural Tax

recipient.
[clause 6 as reworded by Federal Law No. 374-FZ of 23.11.2020]

7. The value of hydrocarbons extracted at a new offshore hydrocarbon deposit shall be
determined with account taken of the special considerations which are established by Article
340.1 of this Code.
[clause 7 inserted by Federal Law No. 268-FZ of 30.09.2013]

Article 340.1. Special Considerations Relating to the Determination of the Value of
Hydrocarbons Extracted at a New Offshore Hydrocarbon Deposit [inserted by Federal Law
No. 268-FZ of 30.09.2013]

1. The value of hydrocarbons extracted at a new offshore hydrocarbon deposit shall be
determined as the product of the quantity of the extracted commercial mineral as determined in
accordance with Article 339 of this Code and the value of a unit of the extracted commercial
mineral as computed in accordance with Article 340 of this Code, with account taken of the
provisions of this Article.

Where the value of a unit of an extracted commercial mineral, as referred to in this clause,
which is determined in accordance with Article 340 of this Code for a tax period is less than
the minimum value thereof which is computed in accordance with this Article, the minimum
value of a unit of the extracted commercial mineral shall be used for taxation purposes.

2. The minimum value of a unit of each type of hydrocarbon (with the exception of natural fuel
gas and associated gas) extracted at a new offshore hydrocarbon deposit shall be determined as
the product of the average price of the type of hydrocarbon in question on world markets for
the tax period which has ended, expressed in US dollars per unit of the hydrocarbon, and the
average value for that tax period of the exchange rate of the US dollar to the Russian Federation
rouble which is set by the Central Bank of the Russian Federation.

The minimum value of a unit of natural fuel gas or associated gas extracted at a new offshore
hydrocarbon deposit shall be determined as the weighted-average price of natural fuel gas for
the tax period for volumes of sales by the taxpayer of natural fuel gas extracted at the new
offshore hydrocarbon deposit to the domestic market and for export. [as amended by Federal Law
No. 366-FZ of 24.11.2014]

The price of natural fuel gas in the case of supplies to the domestic market shall be determined
on the basis of the average wholesale price of natural fuel gas on the domestic market of the
Russian Federation for the tax period which has ended with account taken of discounts and
mark-ups (other than discounts and mark-ups associated with costs for the transportation of
natural fuel gas from places of extraction to places of sale) which are determined exclusively
for natural fuel gas which is supplied under contracts with owners of facilities of the Unified
Gas Supply System and (or) organizations in which owners of facilities of the Unified Gas
Supply System have a direct and (or) indirect participating interest with the aggregate of such
participating interests amounting to more than 50 per cent. Those discounts and mark-ups shall
be calculated by the taxpayer independently as the difference between the average wholesale
price of natural fuel gas on the domestic market of the Russian Federation for the tax period
which has ended and the weighted-average price (for volumes of sales by the taxpayer of natural
fuel gas extracted at a new offshore hydrocarbon deposit) of sales of natural fuel gas in
accordance with such contracts in the tax period which has ended, taking into account the
proportion of natural fuel gas extracted at a new offshore hydrocarbon deposit and sold by the taxpayer under such contracts in the tax period which has ended to the total volume of natural fuel gas extracted at that deposit and sold by the taxpayer in the tax period which has ended. [as amended by Federal Law No. 366-FZ of 24.11.2014]

The price of natural fuel gas in the case of export supplies shall be determined as the product of the average price for the tax period which has ended of natural fuel gas supplied beyond the boundaries of the customs territory of the Customs Union, expressed in US dollars per unit of natural fuel gas, and the average value for that tax period of the exchange rate of the US dollar to the Russian Federation rouble which is set by the Central Bank of the Russian Federation.

3. The Government of the Russian Federation shall establish the procedure for computing the average prices referred to in this Article of particular types of hydrocarbons for a tax period which has ended, taking into account the region of extraction of hydrocarbons and a list of world markets based on the extraction region.

The average prices referred to in this Article for a tax period which has ended shall be communicated not later than 15th of the following month through official publications in accordance with the procedure established by the Government of the Russian Federation. Where the above information is not available in official publications, the average price for a tax period which has ended shall be determined by the taxpayer independently according to the procedure established by the Government of the Russian Federation in accordance with paragraph 1 of this clause.

4. The average value of the exchange rate of the US dollar to the Russian Federation rouble for a tax period shall be determined by a taxpayer independently as the arithmetic mean of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation for all days in the relevant tax period.

5. Where a taxpayer extracts hydrocarbons at a new offshore hydrocarbon deposit, the taxpayer shall have the right to refrain from applying the provisions of clause 1 of this Article and to determine the value of an extracted commercial mineral as the product of the quantity of the extracted commercial mineral as determined in accordance with Article 339 of this Code and the minimum value of a unit of the extracted commercial mineral as determined in accordance with this Article.

The procedure for the determination of the value of hydrocarbons extracted at a new offshore hydrocarbon deposit for the purposes of this Chapter shall be laid down in tax accounting policies and must be applied for not less than five years.

6. Where a taxpayer has had no sales in a tax period of hydrocarbons extracted at a new offshore hydrocarbon deposit, the appropriate minimum value determined in accordance with the procedure established by this Article shall be used for taxation purposes.

**Article 341. Tax Period** [article as reworded by Federal Law No. 57-FZ of 29.05.2002]

The tax period shall be deemed to be a calendar month.
Article 342. Tax Rate

1. Tax shall be levied at the tax rate of 0 per cent (0 roubles where the tax base in relation to an extracted commercial mineral is defined in accordance with Article 338 of this Code as the quantity of extracted commercial minerals expressed in physical terms) in the case of the extraction of: [as amended by Federal Law No. 117-FZ of 07.07.2003]

1) commercial minerals insofar as normative losses of commercial minerals are concerned.

For the purposes of this Chapter, normative losses of commercial minerals shall be understood to mean actual losses of commercial minerals occurring during extraction which are technologically connected with the adopted plan and methods for the development of the deposit within the limits of the loss norms which are approved according to a procedure to be determined by the Government of the Russian Federation.

For the purposes of this Chapter, normative losses of commercial minerals such as are referred to in subsection 13 of clause 2 of Article 337 of this Code shall be understood to mean actual losses of precious metals indicated by data in compulsory records maintained in accordance with the legislation of the Russian Federation concerning precious metals and precious stones which occur in the process of carrying out a set of operations involving the extraction of those metals within the limits of loss norms which are approved in accordance with a procedure to be determined by the Government of the Russian Federation. [as amended by Federal Law No. 401-FZ of 30.11.2016]

If, by the time the due date for the payment of tax for the first tax period of a new calendar year is reached, a taxpayer does not have approved loss norms for the new calendar year, until those loss norms have been approved there shall be applied the loss norms which were previously approved in accordance with the procedure established by paragraph 2 of this subsection (the loss norms for precious metals which were previously approved in accordance with the procedure established by paragraph 3 of this subsection) or, in the case of newly developed deposits, the loss norms established in the technical plan; [as amended by Federal Law No. 401-FZ of 30.11.2016]

2) associated gas; [subsection 2 as reworded by Federal Law No. 57-FZ of 29.05.2002]

3) underground waters containing commercial minerals (industrial waters) which are recovered in connection with the development of other types of commercial minerals or which are recovered upon the development of deposits of commercial minerals and upon the construction and operation of underground installations; [as amended by Federal Law No. 57-FZ of 29.05.2002]

4) commercial minerals upon the development of substandard (lower-quality residual reserves) or previously written-off reserves of commercial minerals (except where the quality of reserves of commercial minerals has deteriorated as a result of selective working of the deposit). Reserves of commercial minerals shall be classified as substandard reserves according to a procedure to be established by the Government of the Russian Federation;

5) commercial minerals which remain in overburden and enclosing (diluting) rocks, in waste banks or in waste of processing plants owing to the absence in the Russian Federation of the industrial technology needed for their recovery, or which are extracted from overburden and
enclosing (diluting) rocks and waste of mining and related processing plants (including as a result of the processing of oil slurries) within the limits of the normative levels of the content of commercial minerals in such rocks and waste, as approved according to a procedure to be determined by the Government of the Russian Federation;

6) mineral waters which are used by the taxpayer solely for medicinal and resort purposes without direct sale (including after treatment, preparation, processing and bottling); [as amended by Federal Law No. 57-FZ of 29.05.2002]

7) underground waters which are used by the taxpayer solely for agricultural purposes, including the irrigation of agricultural lands, the supply of water to livestock farms, livestock complexes, poultry plants, agricultural co-operatives and gardening and market gardening non-commercial partnership associations; [as amended by Federal Laws No. 57-FZ of 29.05.2002, No. 321-FZ of 29.09.2019]


[9] Lost force from 01.01.2019 – Federal Law No. 301-FZ of 3.08.2018


13) natural fuel gas (with the exception of associated gas) which is injected into a formation to maintain formation pressure where gas condensate is extracted within one or more subsurface sites licensed for use by the taxpayer in accordance with a technical plan for deposit development which provides for the performance of such work at those subsurface sites. The quantity of natural fuel gas injected into a formation to maintain formation pressure which is taxable at the tax rate of 0 roubles shall be determined by the taxpayer independently on the basis of the direct method of determination using verified and sealed measuring instruments (where natural fuel gas (with the exception of associated gas) is injected into the formation within multiple subsurface sites) and data contained in duly approved federal state statistical observation forms;

[subsection 13 as reworded by Federal Law No. 199-FZ of 19.07.2018]


17) standard tin ores which are mined at subsurface sites lying wholly or partially in the territory of the Far Eastern Federal District, in the period from 1 January 2013 to 31 December 2022 inclusively;

[subsection 17 inserted by Federal Law No. 258-FZ of 21.07.2011; as amended by Federal Law No. 335-FZ of 27.11.2017]

18) natural fuel gas at subsurface sites situated wholly or partially on the Yamal and (or) Gydan peninsulas in the Yamal-Nenets Autonomous District which is used exclusively for the manufacture of liquefied natural gas, until the accumulated volume of extraction of natural fuel gas reaches 250 billion cubic metres at a subsurface site, counting from the 1st of the month in which the sale of the first batch of liquefied gas took place, but not later than upon the lapse of 12 years from that date;

[subsection 18 as reworded by Federal Law No. 65-FZ of 18.03.2020]
18.1) natural fuel gas at subsurface sites situated wholly north of the Arctic Circle or wholly within the borders of the Arkhangelsk Province, the Nenets Autonomous District, the Republic of Komi, the Yamal-Nenets Autonomous District, the Krasnoyarsk Territory, the Republic of Sakha (Yakutia) and the Chukotka Autonomous District which is used exclusively for the manufacture of liquefied natural gas and (or) as raw material for the manufacture of goods constituting petrochemical products at new production facilities, until the accumulated volume of extraction of natural fuel gas reaches 250 billion cubic metres at a subsurface site, counting from the 1st of the month in which the sale of the first batch of those goods took place, but not later than upon the lapse of 12 years from that date.

In this respect, for the purposes of this subsection and subsection 19.1 of this clause:

- new production facilities shall be understood to mean facilities for the production of liquefied natural gas and (or) the processing of liquefied natural gas into goods constituting petrochemical products that were first placed into service on or after 1 January 2022;

- the term “petrochemical products” is used as defined in clause 1 of Article 179.3 of this Code;

[subsection 18.1 inserted by Federal Law No. 65-FZ of 18.03.2020]

19) gas condensate together with natural fuel gas used exclusively for the manufacture of liquefied natural gas at subsurface sites situated wholly or partially on the Yamal and (or) Gydan peninsulas in the Yamal-Nenets Autonomous District, until the accumulated volume of extraction of gas condensate reaches 20 million tonnes at a subsurface site, counting from the 1st of the month in which the sale of the first batch of liquefied natural gas took place, but not later than upon the lapse of 12 years from that date;

[subsection 19 as reworded by Federal Law No. 65-FZ of 18.03.2020]

19.1) gas condensate together with natural fuel gas used exclusively for the manufacture of liquefied natural gas and (or) as raw material for the manufacture of goods constituting petrochemical products at new production facilities at subsurface sites situated wholly north of the Arctic Circle or wholly within the borders of the Arkhangelsk Province, the Nenets Autonomous District, the Republic of Komi, the Yamal-Nenets Autonomous District, the Krasnoyarsk Territory, the Republic of Sakha (Yakutia) and the Chukotka Autonomous District, until the accumulated volume of extraction of gas condensate reaches 20 million tonnes at a subsurface site, counting from the 1st of the month in which the sale of the first batch of those goods took place, but not later than upon the lapse of 12 years from that date;

[subsection 19.1 inserted by Federal Law No. 65-FZ of 18.03.2020]

20) hydrocarbons extracted from a hydrocarbon reservoir within a subsurface site which lies wholly within the boundaries of the internal sea waters or the territorial sea, on the continental shelf of the Russian Federation or in the Russian part (Russian sector) of the bed of the Caspian Sea, provided that at least one of the following conditions is met:

- the level of depletion of reserves of each type of hydrocarbon (excluding associated gas) extracted from the hydrocarbon reservoir in question as at 1 January 2016 is less than 0.1 per cent;

- reserves of hydrocarbons extracted from the hydrocarbon reservoir in question as at 1 January 2016 have not been placed on the state balance sheet of reserves of commercial minerals.
For the purposes of this subsection, the level of depletion of reserves of each type of hydrocarbon (excluding associated gas) extracted from a hydrocarbon reservoir shall be calculated by a taxpayer independently on the basis of data in the state balance sheet of reserves of commercial minerals as the quotient obtained from dividing the amount of accumulated extraction of the type of hydrocarbon in question from a particular hydrocarbon reservoir (including extraction losses) by the initial reserves (in the case of oil – initial recoverable reserves) of that hydrocarbon reservoir.

Initial recoverable oil reserves which have been duly approved with account taken of increments and write-offs of oil reserves shall be determined as the sum of recoverable reserves of all categories and accumulated extraction from the commencement of exploitation of the above-mentioned hydrocarbon reservoir. [as amended by Federal Law No. 102-FZ of 05.04.2016]

Initial reserves of natural fuel gas (excluding associated gas) or gas condensate which have been duly approved with account taken of increments and write-offs of reserves of natural fuel gas (excluding associated gas) or gas condensate shall be determined as the sum of reserves of natural fuel gas or gas condensate of all categories and accumulated extraction from the commencement of exploitation of the above-mentioned hydrocarbon reservoir. [as amended by Federal Law No. 102-FZ of 05.04.2016]

The provisions of this subsection shall apply until the end of the tax period in which there falls the date on which the process design for the development of the offshore hydrocarbon deposit within whose boundaries the relevant reservoir (reservoirs) is situated was first approved in accordance with the established procedure, but not for more than sixty calendar months commencing from the 1st of the month following the month in which any type of hydrocarbon from the relevant hydrocarbon reservoir which is subject to tax is first placed on the state balance sheet of commercial minerals.


[21] Lost force from 01.01.2019 – Federal Law No. 301-FZ of 3.08.2018]


2. Unless otherwise established by clauses 1 and (or) 2.1 of this Article, tax shall be levied at one of the tax rates (depending on the type of extracted mineral) multiplied by the rental coefficient (CRENT) determined in accordance with Article 342.8 of this Code:

[paragraph as reworded by Federal Law No. 309-FZ of 02.07.2021]

1) 3.8 per cent in the case of the extraction of potassium salts;

2) 4.0 per cent in the case of the extraction of:

- peat;

- oil shales;

- apatite-nepheline, apatite and phosphorite ores;
3) 4.8 per cent in the case of the extraction of:

- standard ores of ferrous metals;

- ores of rare metals that form their own deposits;

- rare metals that are associated components in ores of other rare metals that form their own deposits, ores of other commercial minerals and multi-component complex ores.

In the case of the extraction of standard ores of ferrous metals, the stated tax rate shall be multiplied by a coefficient reflecting the method of extraction of standard ores of ferrous metals ($C_{\text{und}}$), to be determined in accordance with Article 342.1 of this Code.

In the case of the extraction of ores of rare metals (lithium, beryllium, scandium, yttrium, lanthanum, cerium, praseodymium, neodymium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, germanium, niobium, tantalum, rhenium) that form their own deposits, rare metals specified in this paragraph that are associated components in ores of other rare metals that form their own deposits, ores of other commercial minerals and multi-component complex ores, the stated tax rate shall be multiplied by a coefficient reflecting factors involved in the extraction of rare metals ferrous metals ($C_{\text{rm}}$), to be determined in accordance with Article 342.7 of this Code;

4) 5.5 per cent in the case of the extraction of:

- radioactive metal raw materials;

- mining-chemical non-metallic raw materials (with the exception of potassium salts and apatite-nepheline, apatite and phosphorite ores);

- non-metallic raw materials used primarily in the construction industry;

- natural salt and pure sodium chloride;

- underground industrial and thermal waters;

- nephelines, bauxites;

5) 6.0 per cent in the case of the extraction of:

- mined non-metallic raw materials;

- bituminous rocks;

- concentrates and other intermediate products containing gold;
- other commercial minerals not included in other groups;

6) 6.5 per cent in the case of the extraction of:

- concentrates and other intermediate products containing precious metals (with the exception of gold);

- precious metals which are commercial components of multi-component complex ore (with the exception of gold);

- standard product of piezo-optic raw materials, high-purity raw quartz and raw gemstones;

7) 7.5 per cent in the case of the extraction of mineral waters;

8) 8.0 per cent in the case of the extraction of:

- standard ores of non-ferrous metals (other than nephelines and bauxites);

9) 766 roubles (in the period from 1 January to 31 December 2015 inclusively), 857 roubles (in the period from 1 January to 31 December 2016) and 919 roubles (in the period from 1 January 2017) per 1 tonne of extracted dewatered, desalted and stabilized oil (with the exception of oil extracted at subsurface sites in relation to which tax on additional income from hydrocarbon extraction is calculated during the entire tax period). In this respect, that tax rate shall be multiplied by a coefficient reflecting movements in world oil prices ($C_p$). The product obtained shall be reduced by the value of the indicator $E_m$ reflecting oil extraction factors. The value of the indicator $E_m$ shall be determined in accordance with the procedure established by Article 342.5 of this Code. [as amended by Federal Law No. 366-FZ of 24.11.2014, No. 199-FZ of 19.07.2018, No. 321-FZ of 15.10.2020]

If the difference calculated in accordance with paragraph 1 of this subsection takes a negative value, that difference shall be taken to be equal to zero; [paragraph inserted by Federal Law No. 321-FZ of 15.10.2020]

9.1) 1 rouble per 1 tonne of extracted dewatered, desalted and stabilized oil extracted at subsurface sites in relation to which tax on additional income from hydrocarbon extraction is calculated during the entire tax period. In this respect, that tax rate shall be multiplied by a coefficient reflecting the level of taxation of oil extracted at subsurface sites in relation to which tax on additional income from hydrocarbon extraction is calculated ($C_{an}$), which shall be determined in accordance with Article 342.6 of this Code.
Where a notification of exemption from the performance of taxpayer obligations with respect to tax on additional income from hydrocarbon extraction is sent to a tax authority in accordance with Article 333.44 of this Code in relation to subsurface sites specified in subsection 1 of clause 1 of Article 333.44 of this Code, upon the extraction of desalted, dewatered and stabilized oil extracted at those subsurface sites the rate of mineral extraction tax shall be applied in accordance with subsection 9 of this clause commencing from 1 January of the year of the entry into force of Chapter 25.4 of this Code (from 1 January of the year following the year in which oil reserves were first entered on the state balance sheet of reserves of commercial minerals in the case of subsurface sites for which there are no such reserves on the state balance sheet of reserves of commercial minerals as at 1 January 2018). [as amended by Federal Law No. 65-FZ of 18.03.2020]

Where a notification (repeat notification) of exemption from the performance of taxpayer obligations with respect to tax on additional income from hydrocarbon extraction is sent to a tax authority in accordance with Article 333.44 of this Code in relation to subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code, upon the extraction of desalted, dewatered and stabilized oil extracted at those subsurface sites the tax rate established by subsection 9 of this clause shall apply: [paragraph inserted by Federal Law No. 65-FZ of 18.03.2020]

- from 1 January 2020 in relation to subsurface sites for which oil reserves were placed on the state balance sheet of mineral reserves before 1 January 2019; [paragraph inserted by Federal Law No. 65-FZ of 18.03.2020]

- from 1 January of the year following the year in which oil reserves were first placed on the state balance sheet of mineral reserves in relation to subsurface sites for which there are no such reserves in the state balance sheet of mineral reserves as at 1 January 2019; [paragraph inserted by Federal Law No. 65-FZ of 18.03.2020]


10) 42 roubles per 1 tonne of gas condensate extracted from all types of hydrocarbon deposits. In this respect, the above-mentioned tax rate shall be multiplied by the base value of a unit of standard fuel (USF), by a coefficient reflecting the degree of difficulty of the extraction of natural fuel gas and (or) gas condensate from a hydrocarbon reservoir (CDF) and by an adjustment coefficient CCM, which shall be determined in accordance with Article 342.4 of this Code. The product obtained shall be increased by a value equal to the product of the indicator CMAN, which is determined in accordance with the procedure established by clause 7 of Article 342.5 of this Code and a coefficient which reflects the quantity of extracted gas condensate excluding natural gas liquids, to which the coefficient CMAN is not applied, and is equal to 0.75. The tax rate calculated in accordance with this subsection shall be rounded to a whole rouble in accordance with the current rounding rules; [subsection 10 as reworded by Federal Law No. 301-FZ of 03.08.2018]

11) 35 roubles per 1,000 cubic metres of gas in the case of the extraction of natural fuel gas from all kinds of hydrocarbon deposits. In this respect, the above-mentioned tax rate shall be multiplied by the base value of a unit of standard fuel (USF) and by a coefficient reflecting the degree of difficulty of the extraction of natural fuel gas and (or) gas condensate from a hydrocarbon reservoir (CDF), which shall be determined in accordance with Article 342.4 of this Code. The product obtained shall be added to the value of the indicator reflecting expenses for the transportation of natural fuel gas (TGF) which is determined in accordance with Article 342.4 of this Code. If the amount obtained is found to be less than 0, the value of the tax rate
shall be taken to be equal to 0. The tax rate calculated in accordance with this subsection shall be rounded to a whole rouble in accordance with the current rounding rules;

12) 47 roubles per 1 tonne of extracted anthracite;

13) 57 roubles per 1 tonne of extracted coking coal;

14) 11 roubles per 1 tonne of extracted brown coal;

15) 24 roubles per 1 tonne of extracted coal other than anthracite, coking coal and brown coal.

16) 730 roubles per 1 tonne of a multi-component complex ore which is extracted at subsurface sites situated wholly or partially in the territory of the Krasnoyarsk Territory and contains copper and (or) nickel and (or) platinum group metals;

17) 270 roubles per 1 tonne of a multi-component complex ore not containing copper and (or) nickel and (or) platinum group metals which is extracted at subsurface sites situated wholly or partially in the territory of the Krasnoyarsk Territory.

The tax rates specified in subsections 12 to 15 of this clause for coal shall be multiplied by deflator coefficients which are established for each type of coal referred to in subsection 1.1 of clause 2 of Article 337 of this Code on a quarterly basis for each ensuing quarter and take into account changes in coal prices in the Russian Federation for the preceding quarter, and by deflator coefficients which have previously been applied in accordance with this paragraph. Deflator coefficients shall be determined and must be officially published in accordance with the procedure established by the Government of the Russian Federation.

Taxpayers which are participants in the Special Economic Zone in the Magadan Province and carry on the extraction of commercial minerals, with the exception of hydrocarbons and common commercial minerals, at subsurface sites which are situated wholly or partially in the territory of the Magadan Province shall pay tax in respect of commercial minerals extracted at such a subsurface site with a coefficient of 0.6 applied;

2.1. Except as otherwise established by clause 1 of this Article, in the case of the extraction of commercial minerals for which the tax base for tax is determined as their value in accordance with subsection 2 of clause 2 of Article 338 of this Code (with the exception of associated gas), tax shall be levied at the tax rate of:

1) 30 per cent in the case of the extraction of commercial minerals until the expiry of the time periods and at the deposits which are referred to in subsection 1 of clause 6 of Article 338 of this Code;
2) 15 per cent in the case of the extraction of commercial minerals until the expiry of the time periods and at the deposits which are referred to in subsection 2 of clause 6 of Article 338 of this Code;

3) 10 per cent in the case of the extraction of commercial minerals (with the exception of natural fuel gas) until the expiry of the time periods and at the deposits which are referred to in subsection 3 of clause 6 of Article 338 of this Code;

4) 5 per cent in the case of the extraction of commercial minerals (with the exception of natural fuel gas) until the expiry of the time periods and at the deposits which are referred to in subsection 4 of clause 6 of Article 338 of this Code. In this respect, tax shall be levied at the tax rate of 4.5 per cent in the case of the extraction of commercial minerals (with the exception of natural fuel gas) by organizations which do not have the right to export liquefied natural gas produced from natural fuel gas extracted at new offshore hydrocarbon deposits to world markets, until the expiry of the time periods and at the deposits which are referred to in subsection 4 of clause 6 of Article 338 of this Code;

5) 1.3 per cent in the case of the extraction of natural fuel gas until the expiry of the time periods and at the deposits which are referred to in subsection 3 of clause 6 of Article 338 of this Code;

6) 1 per cent in the case of the extraction of natural fuel gas until the expiry of the time periods and at the deposits which are referred to in subsection 4 of clause 6 of Article 338 of this Code.

[clause 2.1 inserted by Federal Law No. 268-FZ of 30.09.2013]

2.2. The tax rates specified in subsections 1 to 6, 8 and 12 to 15 of clause 2 of this Article (with the exception of tax rates applied to common commercial minerals and underground industrial and thermal waters and tax rates applied to ores of rare metals that form their own deposits, rare metals that are associated components in ores of other rare metals that form their own deposits and ores of other commercial minerals and multi-component complex ores with the coefficient reflecting factors involved in the extraction of rare metals ($C_{rm}$)) shall be multiplied by a coefficient reflecting the territory in which a commercial mineral is extracted ($C_{te}$), to be determined in accordance with Articles 342.3 and 342.3-1 of this Code.

[subsection 2.2 as reworded by Federal Law No. 284-FZ of 02.08.2019]

3. Except as otherwise indicated in this clause, the coefficient reflecting movements in world oil prices ($C_p$) shall be determined each month by the taxpayer independently by means of multiplying the average level for the tax period of prices for Urals grade oil expressed in US dollars per barrel ($P$), reduced by 15, by the average value for the tax period of the exchange rate of the US dollar to the Russian Federation rouble which is established by the Central Bank of the Russian Federation ($R$), and dividing by 261:

$$C_p = (P - 15) \times \frac{R}{261}$$

[as amended by Federal Laws No. 158-FZ of 22.07.2008, No. 301-FZ of 03.08.2018]

The average level of prices for Urals grade oil for a tax period which has ended shall be determined as the sum of arithmetic purchase and sale prices on world crude oil markets (Mediterranean and Rotterdam) for all days of trading, divided by the number of days of trading in the relevant tax period.
The average price levels for Urals grade oil on the Mediterranean and Rotterdam crude oil markets for a month which has ended shall, on a monthly basis and not later than the 10th of the following month, be communicated through official sources of information in accordance with the procedure established by the Government of the Russian Federation. [as amended by Federal Law No. 424-FZ of 27.11.2018]

If the above-mentioned information is not available in official sources of information, the average price level for Urals grade oil on the Mediterranean and Rotterdam crude oil markets for a tax period which has ended shall be determined by the taxpayer independently.

The average value for a tax period of the exchange rate of the US dollar to the Russian Federation rouble which is established by the Central Bank of the Russian Federation shall be determined by the taxpayer independently as the arithmetic mean of the exchange rate of the US dollar to the Russian Federation rouble which is established by the Central Bank of the Russian Federation for all days in the relevant tax period.

The coefficient $C_P$ which is calculated in accordance with the procedure determined by this Article shall be rounded off to the fourth decimal place in accordance with the current procedure for rounding off.

The coefficient $C_P$ shall be taken to be equal to zero in the case of the extraction of: [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

[paragraph lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020]

- oil from a specific hydrocarbon reservoir classed as occurring within the Bazhenov, Abalak, Khadum and Domanik productive formations in accordance with data in the state balance sheet of reserves of commercial minerals, provided that the following conditions are simultaneously met: [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

oil is extracted from wells operating in accordance with duly approved design documentation only within hydrocarbon reservoirs classed as occurring within the above-mentioned productive formations; [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

the metering of oil extracted from the above-mentioned hydrocarbon reservoirs is carried out with account taken of the requirements established by clause 9 of Article 339 of this Code; [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

oil is extracted from hydrocarbon reservoirs whose reserves are recorded in the state balance sheet of reserves of commercial minerals approved as at 1 January 2012 and for which the level of depletion of reserves in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January 2012 is less than 13 per cent, or for which oil reserves were entered on the state balance sheet of reserves of commercial minerals after 1 January 2012. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

The provisions of paragraphs 9 to 12 of this clause shall apply from the tax period following the tax period in which oil reserves for a specific hydrocarbon reservoir were placed on the state balance sheet of reserves of commercial minerals and until the lapse of 180 tax periods commencing from one of the following dates: [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]
- 1 January 2014 – in the case of hydrocarbon reservoirs for which the level of depletion of reserves in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January 2012 is greater than 1 per cent or equal to 1 per cent, but less than 3 per cent; [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

- 1 January 2015 – in the case of hydrocarbon reservoirs for which the level of depletion of reserves in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January 2012 is greater than 3 per cent or equal to 3 per cent; [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

- 1 January of the year in which the level of depletion of reserves of a specific hydrocarbon reservoir which is calculated by the taxpayer in accordance with data in the state balance sheet of reserves of commercial minerals approved in the year preceding the year of the tax period first exceeded 1 per cent – in the case of other hydrocarbon reservoirs. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

The level of depletion of reserves of a hydrocarbon reservoir for the purposes of the application of paragraphs 9 to 12 of this clause shall be computed in accordance with the procedure established by clause 5 of Article 342.2 of this Code. [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018]

If the value of the coefficient $C_P$ determined in accordance with this clause is less than zero, the coefficient $C_P$ shall be taken to be equal to zero. [paragraph inserted by Federal Law No. 321-FZ of 15.10.2020]
[clause 3 inserted by Federal Law No. 151-FZ of 27.07.2006]


[LEY Note: Article 342.1 loses force from 01.01.2024 – Federal Law No. 152-FZ of 02.07.2013]

**Article 342.1. Procedure for the Determination and Application of the Coefficient Reflecting the Method of Extraction of Standard Ores of Ferrous Metals ($C_{UND}$)** [inserted by Federal Law No. 152-FZ of 02.07.2013]

1. Where the conditions established by this Article are met, the coefficient reflecting the method of extraction of standard ores of ferrous metals ($C_{UND}$) shall be taken to be equal to:

1) 0.1 in the case of the extraction of standard ores of ferrous metals at a subsurface site at which balance sheet reserves of ferrous metals to be worked by underground methods account for more than 90 per cent of balance sheet reserves of ores of ferrous metals at that subsurface site.

There shall be used for the purposes of this subsection a figure for duly approved balance sheet reserves of ferrous metal ores which is determined as the sum of Category A, B, C1 and C2 reserves in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January 2012;
2) 1 in the case of the extraction of standard ores of ferrous metals at a subsurface site which does not meet the criterion specified in subsection 1 of this clause.

2. The value of the coefficient $C_{\text{UND}}$ which is established by subsection 1 of clause 1 of this Article shall be applied in relation to a subsurface site at which the extraction of standard ores of ferrous metals is expected to be completed in full not later than 1 January 2024.

For the purposes of this Article, the completion in full of the extraction of standard ores of ferrous metals at a subsurface site shall be understood to mean the completion of the abandonment (suspension of operation) of mine workings and other structures associated with subsurface use in accordance with the duly approved technical plan.

The procedure for confirming the completion of the extraction of standard ores of precious metals at a subsurface site as at a particular date shall be determined by the Government of the Russian Federation.

3. In the event that, as at 1 January 2024, the taxpayer has not completed the extraction of standard ores of precious metals at a subsurface site at which the coefficient which is established by subsection 1 of clause 1 of this Article was applied, or the taxpayer has independently renounced the application of the coefficient which is established by subsection 1 of clause 1 of this Article, the amount of tax calculated in respect of those ores must be recalculated on the basis of the coefficient $C_{\text{UND}}$ which is established by subsection 2 of clause 1 of this Article commencing from the tax period in which the coefficient $C_{\text{UND}}$ which is established by subsection 1 of clause 1 of this Article was first applied, and must be paid to the budget with penalties applied at a rate equal to one three-hundredths of the refinancing rate of the Central Bank of the Russian Federation effective in that period.

4. For the purposes of this Article, a taxpayer shall be obliged to retain documents supporting the validity of the application of the coefficient which is established by subsection 1 of clause 1 of this Article in calculating and paying tax for the entire period in which that coefficient is applied.

**Article 342.2. Procedure for the Determination and Application of the Coefficient Reflecting the Degree of Difficulty of Oil Extraction ($C_{\text{DE}}$) and the Coefficient Reflecting the Level of Depletion of a Specific Hydrocarbon Reservoir ($C_{\text{RD}}$)**

1. Where the conditions established by this Article are met, the coefficient reflecting the degree of difficulty of oil extraction ($C_{\text{DE}}$) shall be taken to be equal to:


2) 0.2 in the case of the extraction of oil from a specific hydrocarbon reservoir with an approved permeability of not more than $2 \times 10^{-15} \text{ m}^2$ and a net pay for that reservoir of not more than 10 metres;

3) 0.4 in the case of the extraction of oil from a specific hydrocarbon reservoir with an approved permeability of not more than $2 \times 10^{-15} \text{ m}^2$ and a net pay for that reservoir of more than 10 metres;
4) 0.8 in the case of the extraction of oil from a specific hydrocarbon reservoir which is classed as occurring within productive formations of the Tyumen suite according to data in the state balance sheet of commercial minerals;

5) 1 in the case of the extraction of oil from hydrocarbon reservoirs whose characteristics do not conform to those specified in subsections 2 to 4 of this clause. [as amended by Federal Law No. 366-FZ of 24.11.2014]

2. The coefficient $C_{DE}$ shall be applied from the tax period following the tax period in which oil reserves for a particular hydrocarbon reservoir were placed on the state balance sheet of reserves of commercial minerals. For the purposes of this Chapter, the date of the entry of oil reserves on the state balance sheet of reserves of commercial minerals shall be deemed to be the date of the approval by the federal executive body which maintains the state balance sheet of reserves of commercial minerals in accordance with the established procedure of the report on the state expert appraisal of reserves of commercial minerals. [as amended by Federal Law No. 187-FZ of 28.06.2014]

The coefficient $C_{DE}$ at the levels established by subsections 2 to 4 of clause 1 of this Article shall be applied until the lapse of 180 tax periods commencing from 1 January of the year in which the level of depletion of reserves of a specific hydrocarbon reservoir exceeded 1 per cent, except as otherwise established by this clause. After the expiry of the above-mentioned time period the value of the coefficient shall be taken to be equal to 1. [as amended by Federal Law No. 366-FZ of 24.11.2014]


The coefficient $C_{DE}$ at the levels established by subsections 2 to 4 of clause 1 of this Article shall be applied until the lapse of the time period established by paragraph 2 of this clause commencing from 1 January 2014 in the case of hydrocarbon reservoirs for which the level of depletion of reserves in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January 2013 is greater than 1 per cent, except as otherwise established by this clause. After the expiry of the above-mentioned time period the value of the coefficient $C_{DE}$ shall be taken to be equal to 1. [paragraph inserted by Federal Law No. 187-FZ of 28.06.2014 (Rev. 24.11.2014), as amended by Federal Law No. 366-FZ of 24.11.2014]

The coefficient $C_{DE}$ at the level established by subsection 4 of clause 1 of this Article shall be applied until the lapse of the time period established by paragraph 2 of this clause commencing from 1 January 2015 in the case of hydrocarbon reservoirs such as are referred to in subsection 4 of clause 1 of this Article for which the level of depletion of reserves in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January 2012 is greater than 3 per cent. After the expiry of the above-mentioned time period the value of the coefficient $C_{DE}$ shall be taken to be equal to 1. [paragraph inserted by Federal Law No. 187-FZ of 28.06.2014 (Rev. 24.11.2014)]

The level of depletion of reserves of a specific hydrocarbon reservoir for the purposes of computing the coefficients $C_{DE}$ and $C_{RD}$ shall be calculated by a taxpayer in accordance with data in the state balance sheet of reserves of commercial minerals approved in the year preceding the year of the tax period.
3. The value of the coefficient $C_{RD}$ for a hydrocarbon reservoir (with the exception of hydrocarbons such as are referred to in Article 342.4 of this Code) which is situated within a subsurface site shall be determined as follows: [as amended by Federal Law No. 263-FZ of 30.09.2013]

1) where the value of the coefficient $C_{DE}$ for a hydrocarbon reservoir is less than 1 and the level of depletion of reserves of that hydrocarbon reservoir is less than 0.8, the coefficient $C_{RD}$ shall be taken to be equal to 1;

2) where the value of the coefficient $C_{DE}$ for a hydrocarbon reservoir is less than 1 and the level of depletion of reserves of that hydrocarbon reservoir is greater than or equal to 0.8 and less than or equal to 1, the coefficient $C_{RD}$ shall be calculated using the formula:

$$C_{RD} = 3.8 - 3.5 \times \frac{N_{RD}}{V_{RD}}$$

where $N_{RD}$ is the amount of accumulated oil extraction for a specific hydrocarbon reservoir (including extraction losses) in accordance with data in the state balance sheet of reserves of commercial minerals which was approved in the year preceding the year of the tax period;

$V_{RD}$ is initial recoverable oil reserves which have been approved in accordance with the established procedure with account taken of increments and write-offs of oil reserves and are determined as the sum of recoverable reserves of all categories as at 1 January of the year preceding the year of the tax period and accumulated extraction from the commencement of exploitation of the specific hydrocarbon reservoir in accordance with data in the state balance sheet of reserves of commercial minerals which was approved in the year preceding the year of the tax period; [as amended by Federal Law No. 102-FZ of 05.04.2016]

3) where the value of the coefficient $C_{DE}$ for a hydrocarbon reservoir is less than 1 and the level of depletion of reserves of that hydrocarbon reservoir is greater than 1, the coefficient $C_{RD}$ shall be taken to be equal to 0.3;

[4) Lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020]

5) if the subsurface site does not contain hydrocarbon reservoirs for which the value of the coefficient $C_{DE}$ is less than 1, the coefficient $C_{RD}$ to be applied in relation to oil extraction from hydrocarbon reservoirs situated within that subsurface site shall be taken to be equal to 1.

4. The coefficient $C_{RD}$ calculated in accordance with the procedure set forth in clause 3 of this Article shall be rounded to the fourth decimal place in accordance with the current rounding rules.

5. For the purposes of this Article, the level of depletion of reserves of a specific hydrocarbon reservoir shall be computed by a taxpayer independently on the basis of data in the approved state balance sheet of reserves of commercial minerals as the quotient obtained from dividing the amount of accumulated oil extraction from the specific hydrocarbon reservoir (including extraction losses) as at the date of the balance sheet of reserves of commercial minerals by the initial recoverable oil reserves which are determined as the sum of recoverable reserves of all categories and accumulated extraction from the commencement of exploitation of the specific
6. All of the following conditions must simultaneously be met in order for the coefficient $C_{DE}$ to be applied at the levels established by subsections 2 to 4 of clause 1 of this Article: [as amended by Federal Law No. 366-FZ of 24.11.2014]

- oil is extracted from wells operating in accordance with duly approved design documentation only within hydrocarbon reservoirs such as are referred to in subsections 2 to 4 of clause 1 of this Article; [as amended by Federal Law No. 366-FZ of 24.11.2014]

- the metering of oil extracted from hydrocarbon reservoirs such as are referred to in subsections 2 to 4 of clause 1 of this Article is carried out with account taken of the requirements established by clause 9 of Article 339 of this Code; [as amended by Federal Law No. 366-FZ of 24.11.2014]

- oil is extracted from hydrocarbon reservoirs for which oil reserves were entered on the state balance sheet of reserves of commercial minerals after 1 January 2012 or whose oil reserves were recorded in the state balance sheet of reserves of commercial minerals as at 1 January 2012 and for which the level of depletion of reserves in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January 2012 is: [as amended by Federal Law No. 187-FZ of 28.06.2014]

   in the case of the extraction of oil from hydrocarbon reservoirs such as are referred to in subsection 4 of clause 1 of this Article – less than 13 per cent; [paragraph inserted by Federal Law No. 187-FZ of 28.06.2014 (Rev. 24.11.2014)]

   in the case of the extraction of oil from hydrocarbon reservoirs such as are referred to in subsections 2 and 3 of clause 1 of this Article – less than 3 per cent. [paragraph inserted by Federal Law No. 187-FZ of 28.06.2014 (Rev. 24.11.2014)]

Where the conditions established by this clause are not met, the coefficient $C_{DE}$ shall be taken to be equal to 1.

7. The values of the coefficient $C_{DE}$ which are established by subsections 2 and 3 of clause 1 of this Article shall be determined using the permeability and net pay values for a hydrocarbon reservoir which are stated in the state balance sheet of reserves of commercial minerals approved in the year preceding the year of the tax period, having been determined in accordance with a procedure to be established by federal executive bodies authorized by the Government of the Russian Federation, except as otherwise established by clause 8 of this Article. [as amended by Federal Law No. 187-FZ of 28.06.2014]

8. Where oil reserves for a specific hydrocarbon reservoir are entered on the state balance sheet of reserves of commercial minerals (changes are made to the values of the permeability and (or) net pay indicators for a specific hydrocarbon reservoir) on the basis of a report on the state appraisal of reserves of commercial minerals which has been approved in relation to the hydrocarbon reservoir in question by the federal executive body which maintains the state balance sheet of reserves of commercial minerals in accordance with the established procedure during all tax periods commencing from the 1st of the month following the month in which that report was approved until the end of the calendar following the year in which that report was approved, the values of the coefficient $C_{DE}$ which are established by subsections 2 and 3 of
clause 1 of this Article shall be determined using the permeability and (or) net pay indicators which are stated in that report provided that those indicators have been determined in accordance with the procedure which is provided for in clause 7 of this Article.

In this respect, where, according to data in the above-mentioned report, the permeability and (or) net pay indicators for a hydrocarbon reservoir are represented as a range of values, the arithmetic mean of the lowest and highest values of that range shall be used for the purposes of this Article.

Where it follows from the permeability and (or) net pay indicators for a particular hydrocarbon reservoir which are stated in the state balance sheet of reserves of commercial minerals as at 1 January of the year following the year of the approval of the report referred to in paragraph 1 of this clause in relation to oil to be extracted from that reservoir that higher values of the coefficient $C_{DE}$ are applicable than those which are applied by the taxpayer for that reservoir in accordance with paragraph 1 of this clause, the amount of tax calculated for that oil must be recalculated using a coefficient $C_{DE}$ determined in accordance with data in the state balance sheet of reserves of commercial minerals as at 1 January of the year following the year of the approval of the report referred to in paragraph 1 of this clause commencing from the tax period in which the coefficient $C_{DE}$ was first applied in accordance with data in the report referred to in paragraph 1 of this clause. The amount of tax which is calculated as a result of the recalculation must be paid to budgets of the budget system of the Russian Federation with a penalty rate applied at one three-hundredths of the refinancing rate of the Central Bank of the Russian Federation which was effective in that period.

[clause 8 inserted by Federal Law No. 187-FZ of 28.06.2014]

9. For the purposes of this Chapter, the stratigraphic characteristics (system, section, horizon, formation) of hydrocarbon reservoirs for the purposes of classing them as occurring within the Bazhenov, Abalak, Khadum or Domanik productive formations and productive formations of the Tyumen suite in accordance with data in the state balance sheet of reserves of commercial minerals shall be approved by the federal executive body which carries out functions involving the formulation of state policy and statutory regulation in the area of the study, use, replacement and protection of natural resources in consultation with the Ministry of Finance of the Russian Federation.

[clause 9 inserted by Federal Law No. 366-FZ of 24.11.2014]

10. Where, in accordance with duly approved design documentation, oil is extracted from a well which simultaneously serves multiple hydrocarbon reservoirs such as are referred to in subsections 2 to 4 of clause 1 of this Article, for oil extraction from all such reservoirs there shall be applied the highest value of the coefficient $C_{DE}$ from the coefficients established by subsections 2 to 4 of clause 1 of this Article for each such reservoir individually, provided that all the conditions established by this Article are met in the case of each such reservoir.

[clause 10 inserted by Federal Law No. 401-FZ of 30.11.2016]

Article 342.3. Procedure for the Determination and Application of the Coefficient Reflecting the Territory in Which a Commercial Mineral is Extracted [inserted by Federal Law No. 267-FZ of 30.09.2013]

1. The coefficient reflecting the territory in which a commercial mineral is extracted ($C_{TE}$) shall be applied by a participant in a regional investment project which meets the requirement established by subsection 1 of clause 1 of Article 25.8 of this Code and is aimed at the extraction
of commercial minerals or by an organization which has obtained the status of a resident of a priority social and economic development area in accordance with the Federal Law “Concerning Priority Social and Economic Development Areas in the Russian Federation” commencing from the tax period in which the organization was included in the register of participants in regional investment projects or obtained the status of a resident of a priority social and economic development area respectively. [as amended by Federal Laws No. 380-FZ of 29.11.2014, No. 144-FZ of 23.05.2016]

[2-3. Lost force – Federal Law No. 144-FZ of 23.05.2016]

4. The coefficient $C_{TE}$ shall be taken to be equal to 0 until a participant in a regional investment project aimed at the extraction of commercial minerals begins to apply the tax rate of tax on profit of organizations which is established by clause 1.5 of Article 284 of this Code in accordance with clause 2 of Article 284.3 of this Code or a resident of a priority social and economic development area begins to apply the tax rate established by clause 1.8 of Article 284 of this Code in accordance with Article 284.4 of this Code. [clause 4 as reworded by Federal Law No. 380-FZ of 29.11.2014]

5. During the one hundred and twenty tax periods from the commencement of the application of the rate of tax on profit of organizations in accordance with clause 2 of Article 284.3 of this Code in the case of a participant in a regional investment project which meets the requirement established by subsection 1 of clause 1 of Article 25.8 of this Code or in accordance with Article 284.4 of this Code in the case of a resident of a priority social and economic development area, the coefficient $C_{TE}$ shall be taken to be equal to: [as amended by Federal Laws No. 380-FZ of 29.11.2014, No. 144-FZ of 23.05.2016]

1) 0 – during the first twenty-four tax periods;
2) 0.2 – from the twenty-fifth to the forty-eighth tax period inclusively;
3) 0.4 – from the forty-ninth to the seventy-second tax period inclusively;
4) 0.6 – from the seventy-third to the ninety-sixth tax period inclusively;
5) 0.8 – from the ninety-seventh to the one hundred and twentieth tax period inclusively;
6) 1 – in subsequent tax periods.

[EY Note: Clause 6 of Article 342.3 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

6. Commencing from the tax period following the tax period in which the difference between the amount of tax calculated without applying the coefficient $C_{TE}$ and the amount of tax calculated with the coefficient $C_{TE}$ applied with a value of less than 1, determined on a cumulative basis commencing from the tax period specified in clause 2 of Article 284.3 of this Code for a participant in a regional investment project which satisfies the requirement established by subsection 1 of clause 1 of Article 25.8 of this Code and the tax period specified in clause 3 of Article 284.4 of this Code for an organization which has acquired the status of resident of a priority socio-economic development area in accordance with Federal Law No. 473-FZ of 29 December 2014 “Concerning Priority Socio-Economic Development Areas in
the Russian Federation”, exceeds an amount equal to the amount of capital investments made as indicated in the investment declaration, the coefficient CTE shall be taken to be equal to 1.
[clause 6 inserted by Federal Law No. 424-FZ of 27.11.2018]

[EY Note: A clause 6.1 is inserted in Article 342.3 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

7. Where the status of participant in a regional investment project is terminated by decision of a court, a taxpayer shall be considered to have lost the right to apply a coefficient CTE of less than 1 from the tax period in which a coefficient CTE of less than 1 was first applied. In this respect, the amount of tax not paid by the taxpayer as a result of applying a coefficient CTE of less than 1 must be recalculated based on a coefficient CTE equal to 1 beginning from the tax period in which a coefficient CTE of less than 1 was first applied and must be paid to the budget together with corresponding amounts of penalties.

The provisions of this clause shall not apply where a participant in a regional investment project fulfils the obligations laid down in the investment declaration, including with respect to amounts of financing of capital investments for the regional investment project.
[clause 7 inserted by Federal Law No. 374-FZ of 23.11.2020]

Article 342.3-1. Procedure for the Determination and Application of the Coefficient Reflecting the Territory in Which a Commercial Mineral is Extracted in the Case of Participants in Regional Investment Projects for Which Inclusion in the Register of Participants in Regional Investment Projects is Not Required [inserted by Federal Law No. 144-FZ of 23.05.2016]

1. The coefficient reflecting the territory in which a commercial mineral is extracted (CTE) shall be applied by a regional investment project participant such as is referred to in subsection 2 of clause 1 of Article 25.9 of this Code commencing from the tax period in which the following conditions are first all met:

1) grounds have arisen for the determination of a tax base for mineral extraction tax in relation to the commercial minerals in question;

2) the taxpayer – participant in the regional investment project has met the requirement established by subsection 4.1 of clause 1 of Article 25.8 of this Code relating to the minimum volume of capital investments;

3) the taxpayer – participant in the regional investment project has submitted to the tax authority an application such as is referred to in clause 1 of Article 25.12-1 of this Code for the application of a tax relief.

2. During the one hundred and twenty tax periods counting from the tax period referred to in clause 1 of this Article, the coefficient Cte shall be taken to be equal to:

1) 0 - during the first twenty-four tax periods;

2) 0.2 - from the twenty-fifth to the forty-eighth tax period inclusively;

3) 0.4 - from the forty-ninth to the seventy-second tax period inclusively;
4) 0.6 - from the seventy-third to the ninety-sixth tax period inclusively;

5) 0.8 - from the ninety-seventh to the one hundred and twentieth tax period inclusively;

6) 1 - in subsequent tax periods.

3. In the event that the tax period referred to in clause 1 of this Article falls after 1 January 2031, the coefficient $C_{TE}$ shall be taken to be equal to 1.

[EY Note: Clause 4 of Article 342.3-1 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]

4. Commencing from the tax period following the tax period in which the difference between the amount of tax calculated without calculating the coefficient $C_{TE}$ and the amount calculated with a coefficient $C_{TE}$ of less than 1 applied, determined cumulatively commencing from the tax period specified in paragraph 1 of clause 2 of Article 284.3-1 of this Code, exceeds a value equal to the volume of capital investments made which are indicated in the application provided for in clause 1 of Article 25.12-1 of this Code, the coefficient $C_{TE}$ shall be taken to be equal to 1.

[clause 4 inserted by Federal Law No. 301-FZ of 03.08.2018]

**Article 342.4. Procedure for Computing the Base Value of a Unit of Standard Fuel ($U_{SF}$), the Coefficient Reflecting the Degree of Difficulty of the Extraction of Natural Fuel Gas and (or) Gas Condensate from a Hydrocarbon Reservoir ($C_{DF}$) and the Indicator Reflecting Expenses for the Transportation of Natural Fuel Gas ($T_{G}$) [inserted by Federal Law No. 263-FZ of 30.09.2013]**

1. The base value of a unit of standard fuel ($U_{SF}$) shall be computed by a taxpayer independently in relation to the extraction of natural fuel gas (excluding associated gas) and (or) gas condensate for a subsurface site containing a hydrocarbon reservoir using the following formula:

\[
U_{SF} = 0.15 \times C_{GP} \times \left( P_G \times R_G + P_C \times \left( 1 - R_G \right) \right) \times \frac{(1 - R_G) \times 42 + R_G \times 35}{(1 - R_G) \times 42 + R_G \times 35},
\]

[as amended by Federal Law No. 401-FZ of 30.11.2016]

where $P_G$ represents the price of natural fuel gas which is determined for the purposes of this Article in accordance with clause 4 of this Article;

$R_G$ represents a coefficient reflecting the proportion of extracted natural fuel gas (excluding associated gas) to the total quantity of natural fuel gas (excluding associated gas) and gas condensate extracted in the tax period which has ended at the subsurface site containing a hydrocarbon reservoir, as determined in accordance with clause 3 of this Article;

$P_C$ represents the price of gas condensate which is determined for the purposes of this Article in accordance with clause 2 of this Article;
C_{GP} represents the coefficient reflecting the export return on a unit of standard fuel, which is determined in accordance with clause 18 of this Article. [paragraph inserted by Federal Law No. 325-FZ of 28.11.2015; as amended by Federal Law No. 325-FZ of 29.09.2019]

The base value of a unit of standard fuel (U_{SF}) which is computed in accordance with the procedure laid down in this clause shall be rounded off to the fourth decimal place in accordance with the current rounding-off procedure. [paragraph inserted by Federal Law No. 242-FZ of 03.07.2016]

2. The price of gas condensate (P_{C}) shall be computed for the purposes of this Article using the following formula:

\[ P_{C} = (P \times 8 - P_{n}) \times R, \]

where \( P \) is the average price per barrel for Urals oil for the tax period which has ended, expressed in US dollars, which is determined in accordance with the procedure established by clause 3 of Article 342 of this Code;

\( P_{n} \) is the provisional rate of export customs duty on gas condensate which is determined in accordance with the procedure established by clause 16 of this Article;

\( R \) is the average value of the exchange rate of the US dollar to the Russian Federation rouble for the tax period which has ended, which is determined in accordance with the procedure established by clause 3 of Article 342 of this Code.

The average price of gas condensate for a tax period which has ended (P_{C}) which is computed in accordance with the procedure laid down in this clause shall be rounded to the 4th decimal place in accordance with the current rounding rules. [clause 2 as reworded by Federal Law No. 366-FZ of 24.11.2014]

3. The coefficient reflecting the proportion of extracted natural fuel gas (excluding associated gas) to the total quantity of natural fuel gas (excluding associated gas) and gas condensate extracted in a tax period which has ended at a subsurface site which contains a hydrocarbon reservoir (R_{G}) shall be computed using the following formula:

\[ R_{G} = \frac{35 \times G_{Q}}{35 \times G_{Q} + 42 \times C_{Q}}, \]

where \( G_{Q} \) is the quantity of natural fuel gas (excluding associated gas) extracted at the subsurface site for the tax period which has ended, expressed in thousands of cubic metres;

\( C_{Q} \) is the quantity of gas condensate extracted at the subsurface site for the tax period which has ended, expressed in tonnes.

The coefficient \( R_{G} \) which is computed in accordance with the procedure laid down in this clause shall be rounded to the 4th decimal place in accordance with the current rounding rules.

4. The price of natural fuel gas (P_{G}) shall be computed for the purposes of this Article using the following formula:
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\[ P_G = P_D \times R_D + P_E \times (1 - R_D), \]

where \( P_D \) is the average value for the Unified Gas Supply System of the reference price for gas supplied to Russian Federation consumers (other than the public), which shall be calculated by the federal executive body responsible for tariff regulation in accordance with the procedure established by the Government of the Russian Federation. The above-mentioned reference price shall be applicable from the 1st day of the first month of the period for which regulated wholesale gas prices are approved in accordance with the established procedure. The average value for the Unified Gas Supply System of the reference price for gas supplied to Russian Federation consumers (other than the public) shall be posted on the official site of the federal executive body responsible for tariff regulation on the “Internet” telecommunications network not later than 5 days before the 1st day of the first month of the above-mentioned period. In the event that the above-mentioned information is not available on the official site of the above-mentioned body on the “Internet” telecommunications network, the average value for the Unified Gas Supply System of the reference price for gas supplied to Russian Federation consumers (other than the public) shall be determined by the taxpayer independently in accordance with the procedure established by the Government of the Russian Federation. The value of the indicator \( P_D \) shall be calculated each time that regulated wholesale gas prices in the Russian Federation are adjusted, and the indicator value obtained shall be applied for taxation purposes until the next adjustment of regulated wholesale gas prices in the Russian Federation;

\( R_D \) is a coefficient reflecting the proportion of sales of gas to Russian Federation consumers to the overall volume of gas sold by the organization, which is determined in accordance with the procedure established by clause 5 of this Article;

\( P_E \) is the reference price of natural fuel gas in the case of supplies beyond the boundaries of the territories of member states of the Commonwealth of Independent States, which is computed using the following formula:

\[ P_E = P_{DA} \times \left( \frac{100\% - R_{CD}}{100\%} \right) - E_{DA}, \]

where \( P_{DA} \) represents the reference price for sales of gas beyond the boundaries of the territories of member states of the Commonwealth of Independent States. That reference price shall be calculated monthly by the federal executive body responsible for tariff regulation in accordance with the procedure established by the Government of the Russian Federation, shall be posted on the official site of that body on the “Internet” telecommunications network not later than the 15th of the tax period and shall be applicable in the tax period in which it is posted. In the event that the above-mentioned information is not available on the official site of the above-mentioned body on the “Internet” telecommunications network, the reference price for sales of gas beyond the boundaries of the territories of member states of the Commonwealth of Independent States shall be determined by the taxpayer independently in accordance with the procedure established by the Government of the Russian Federation;

\( R_{CD} \) represents the rate of export customs duty for natural fuel gas, expressed as a percentage, which was established for the tax period which has ended;

\( E_{DA} \) represents expenses for the transportation and storage of gas outside the territory of member states of the Customs Union where it is sold beyond the boundaries of the territories.
of member states of the Commonwealth of Independent States, expressed in roubles per 1,000 cubic metres of gas. The amount $E_{da}$ shall be calculated by the federal executive body responsible for tariff regulation in accordance with the procedure established by the Government of the Russian Federation, shall be posted on the official site of that body on the “Internet” telecommunications network not later than 1 March of a calendar year and shall be applicable for twelve consecutive tax periods commencing from 1 March of that calendar year. In the event that the above-mentioned information is not available on the official site of the above-mentioned body on the “Internet” telecommunications network, the amount $E_{da}$ shall be determined by the taxpayer independently in accordance with the procedure established by the Government of the Russian Federation.

The price of natural fuel gas ($P_G$) which is computed in accordance with the procedure laid down this clause shall be rounded to the 4th decimal place in accordance with the current rounding rules.

The reference price of natural fuel gas in the case of supplies beyond the boundaries of the territories of member states of the Commonwealth of Independent States ($P_E$) which is computed in accordance with the procedure laid down in this clause shall be rounded off to the fourth decimal place in accordance with the current rounding-off procedure. [paragraph inserted by Federal Law No. 242-FZ of 03.07.2016] [clause 4 as reworded by Federal Law No. 366-FZ of 24.11.2014]

5. The coefficient reflecting the proportion of sales of gas to Russian Federation consumers to the overall volume of gas sold by an organization ($R_D$) shall be established as equal to:

1) $0.64$ – for taxpayers which are during the entire tax period organizations which are owners of facilities of the Unified Gas Supply System and (or) organizations in which owners of facilities of the Unified Gas Supply System have a direct and (or) indirect participating interest with the aggregate of such participating interests amounting to more than 50 per cent, with the exception of the following taxpayers:

- taxpayers which are organizations in which one of the participants with a participating interest of not less than 50 per cent is a Russian organization in which owners of facilities of the Unified Gas Supply System have a direct and (or) indirect participating interest with the aggregate of such participating interests amounting to less than 15 per cent; [as amended by Federal Law No. 401-FZ of 30.11.2016]

- taxpayers for which the coefficient which is computed for a tax period reflecting the proportion of extracted natural fuel gas (excluding associated gas) to the aggregate volume of extracted hydrocarbons ($C_GPN$) is less than 0.35. The value of the coefficient $C_GPN$ shall be determined in accordance with clause 6 of this Article;

2) $1$ – for taxpayers other than those referred to in subsection 1 of this clause.

6. The value of the coefficient $C_GPN$ which is referred to in clause 5 of this Article shall be determined by a taxpayer independently using the following formula:

$$C_{GPN} = \frac{35 \times G_{TV}}{35 \times (G_{TV} + G_A) + 42 \times (O_V + C_{TV})},$$
where \( G_{TV} \) is the quantity of extracted natural fuel gas (excluding associated gas), expressed in thousands of cubic metres;

\( G_A \) is the quantity of extracted associated gas, expressed in thousands of cubic metres;

\( O_V \) is the quantity of extracted dewatered, desalted and stabilized oil, expressed in tonnes;

\( C_{TV} \) is the quantity of extracted gas condensate, expressed in tonnes.

The indicators \( G_{TV} \), \( G_A \), \( O_V \) and \( C_{TV} \) shall be determined for a tax period which has ended in relation to extraction at all subsurface sites which are being used by the taxpayer.

7. The coefficient reflecting the degree of difficulty of the extraction of natural fuel gas and (or) gas condensate from a hydrocarbon reservoir \( (C_{DF}) \) shall be taken to be equal to the lowest of the values of the coefficients \( C_{DG}, C_L, C_{DO}, C_{AS} \) and \( C_{RDF} \) which are computed for that hydrocarbon reservoir in the manner prescribed by clauses 8 to 12 of this Article.

The coefficient \( C_{DF} \) which is computed in accordance with the procedure laid down in this clause shall be rounded to the 4th decimal place in accordance with the current rounding rules.

8. The coefficient reflecting the level of depletion of gas reserves of a particular subsurface site containing a hydrocarbon reservoir \( (C_{DG}) \) shall be determined by a taxpayer in accordance with the procedure established by this clause.

Where the level of depletion of reserves of natural fuel gas of a particular subsurface site \( (L_{DG}) \) is greater than 0.7 and less than or equal to 0.9, the coefficient \( C_{DG} \) shall be computed using the formula:

\[
C_{DG} = 2.75 - 2.5 \times L_{DG}.
\]

Where the level of depletion of reserves of natural fuel gas of a specific subsurface site \( (L_{DG}) \) is greater than 0.9, the coefficient \( C_{DG} \) shall be taken to be equal to 0.5.

Where the level of depletion of reserves of natural fuel gas of a particular subsurface site \( (L_{DG}) \) is less than or equal to 0.7, the coefficient \( C_{DG} \) shall be taken to be equal to 1.

9. The coefficient reflecting the geographical location of a subsurface site containing a hydrocarbon reservoir \( (C_L) \) shall be determined by a taxpayer in the following manner:

1) where a subsurface site containing a hydrocarbon reservoir lies wholly or partially on the Yamal peninsula and (or) the Gydan peninsula in the Yamal-Nenets Autonomous District, in the period from 1 January 2014 and until the lapse of one hundred and forty-four tax periods commencing from 1 January of the year in which the level of depletion of reserves of natural fuel gas of a specific subsurface site \( (L_{DG}) \) first exceeded 1 per cent (but not earlier than 1 January 2014), the coefficient \( C_L \) shall be computed using the formula:

\[
C_L = 0.066 \times n + 0.144,
\]
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where \( n \) is the sequential number of the calendar year, which is determined for the purposes of this clause as the difference between the year of the tax period and the year in which the level of depletion of reserves of natural fuel gas of a specific subsurface site \( (L_{DG}) \) first exceeded 1 per cent (but not earlier than 1 January 2014), plus 1.

Where, in a tax period, the level of depletion of reserves of natural fuel gas of a specific subsurface site \( (L_{DG}) \) is less than 1 per cent, the sequential number of the year \( (n) \) shall be taken to be equal to 1.

After the lapse of one hundred and forty-four tax periods commencing from 1 January of the year in which the level of depletion of reserves of natural fuel gas of a specific subsurface site \( (L_{DG}) \) first exceeded 1 per cent (but not earlier than 1 January 2014), the coefficient \( C_L \) shall be taken to be equal to 1;

2) where a subsurface site containing a hydrocarbon reservoir lies wholly or partially in the territory of the Astrakhan Province, the coefficient \( C_L \) shall be taken to be equal to 0.73;

3) except as otherwise established by subsection 4 of this clause, where a subsurface site containing a hydrocarbon reservoir lies wholly or partially in the territory of the Irkutsk Province, the Krasnoyarsk Territory or the Far Eastern Federal District or in the Sea of Okhotsk, in the period from 1 January 2014 to 31 December 2033 the coefficient \( C_L \) shall be taken to be equal to 0.1, and commencing from 1 January 2034 the coefficient \( C_L \) for the above-mentioned subsurface sites shall be taken to be equal to 1;

4) for taxpayers such as are referred to in subsection 1 of clause 5 of this Article, where a subsurface site containing a hydrocarbon reservoir lies wholly or partially within the borders of the Irkutsk Province and (or) the Republic of Sakha (Yakutia) and the date of the commencement of commercial extraction of natural fuel gas at that subsurface site falls in the period commencing from 1 January 2018, the coefficient \( C_L \):

- shall be taken to be equal to 0 commencing from the tax period following the tax period in which the licence to use the subsurface site was first issued and until the lapse of fifteen calendar years counted consecutively from 1 January of the year in which there falls the date of commencement of commercial extraction of natural fuel gas at that subsurface site;

- commencing from the sixteenth calendar year counted consecutively from 1 January of the year in which there falls the date of commencement of commercial extraction of natural fuel gas at the subsurface site, shall be calculated using the following formula:

\[
C_L = 0.1 \times (n - 15),
\]

where \( n \) shall be determined for the purposes of this subsection as the sequential number of the calendar year from the sixteenth to the twenty-fourth years counted consecutively from 1 January of the year in which there falls the date of commencement of commercial extraction of natural fuel gas at the subsurface site;

- shall be taken to equal to 1 from the first tax period of the twenty-fifth calendar year counted consecutively from 1 January of the year in which there falls the date of commencement of commercial extraction of natural fuel gas at the subsurface site.
For the purposes of this subsection, the date of commencement of commercial extraction of natural fuel gas at a subsurface site shall be understood to mean the date as at which the state balance sheet of reserves of commercial minerals was prepared in which the level of depletion of reserves of natural fuel gas is first shown to have exceeded 1 per cent;

5) where natural fuel gas is extracted at a subsurface site containing a hydrocarbon reservoir which is located in territories not referred in subsections 1 to 4 of this clause, the coefficient $C_L$ shall be taken to be equal to 1.

[clause 9 as reworded by Federal Law No. 366-FZ of 24.11.2014]

10. The coefficient reflecting the depth of occurrence of a hydrocarbon reservoir ($C_{DO}$) shall be taken to be equal to one of the following values:

- where the smallest depth of occurrence of the hydrocarbon reservoir is less than or equal to 1,700 m, the coefficient $C_{DO}$ shall be taken to be equal to 1;

- where the smallest depth of occurrence of the hydrocarbon reservoir is greater than 1,700 m and less than or equal to 3,300 m, the coefficient $C_{DO}$ shall be taken to be equal to 0.64;

- where the smallest depth of occurrence of the hydrocarbon reservoir is greater than 3,300 m, the coefficient $C_{DO}$ shall be taken to be equal to 0.5 in the case of the extraction of gas condensate and the result of dividing 0.5 by the value of coefficient $C_{GP}$ as determined in accordance with clause 18 of this Article in the case of the extraction of natural fuel gas. [as amended by Federal Laws No. 335-FZ of 27.11.2017, No. 325-FZ of 29.09.2019]

The smallest depth of occurrence of a hydrocarbon reservoir shall be determined by a taxpayer independently on the basis of data in the state balance sheet of reserves of commercial minerals as at 1 January of the year preceding the year of the tax period.

In this respect, in the case of hydrocarbon reservoirs of subsurface sites located in the territories enumerated in paragraphs 2 to 8 of clause 9 of this Article, the coefficient reflecting the depth of occurrence of a hydrocarbon reservoir ($C_{DO}$) shall be taken to be equal to 1.

11. The coefficient reflecting whether or not a subsurface site containing a hydrocarbon reservoir serves a regional gas supply system ($C_{AS}$) shall be determined by a taxpayer in accordance with the procedure established by this clause.

Where a subsurface site containing a hydrocarbon reservoir is a resource base exclusively for a regional gas supply system, the coefficient $C_{AS}$ shall be taken to be equal to 0.1.

In cases not indicated in paragraph 2 of this clause, the coefficient $C_{AS}$ shall be taken to be equal to 1.

12. The coefficient reflecting specific factors relevant to the development of particular reservoirs of a subsurface deposit ($C_{RDF}$) shall be determined by a taxpayer in accordance with the procedure established by this clause.
Where natural fuel gas is extracted from a hydrocarbon reservoir classified as occurring within Turonian productive deposits or productive deposits of the Beryozovskoye series according to data in the state balance sheet of reserves of commercial minerals, in the period from 1 January 2014 until the lapse of one hundred and eighty tax periods commencing from the 1 January of the year in which the level of depletion of natural fuel gas of a hydrocarbon reservoir first exceeded 1 per cent the coefficient $C_{RDF}$ shall be computed using the following formula: \[ C_{RDF} = 0.053 \times n + 0.157, \]
where $n$ is the sequential number of the year, which is determined for the purposes of this clause as the difference between the year of the tax period and the year in which the level of depletion of reserves of natural fuel gas of the hydrocarbon reservoir first exceeded 1 per cent, plus 1.

Where, in a tax period, the level of depletion of reserves of natural fuel gas of a hydrocarbon reservoir is less than 1 per cent, the sequential number of the year ($n$) shall be taken to be equal to 1.

After the lapse of one hundred and eighty tax periods commencing from 1 January of the year in which the level of depletion of reserves of natural fuel gas of the hydrocarbon reservoir first exceeded 1 per cent, the coefficient $C_{RDF}$ shall be taken to be equal to 1.

For the purposes of this clause, the level of depletion of reserves of natural fuel gas of a hydrocarbon reservoir shall be computed by the taxpayer independently on the basis of data in the state balance sheet of reserves of commercial minerals as at 1 January of the year preceding the year of the tax period as the quotient obtained from dividing the amount of accumulated extraction of natural fuel gas (excluding associated gas) from the hydrocarbon reservoir (including extraction losses) by initial reserves of natural fuel gas (excluding associated gas), which are determined as the sum of reserves of all categories and accumulated extraction from the commencement of the exploitation of the hydrocarbon reservoir. \[ \text{as amended by Federal Law No. 102-FZ of 05.04.2016} \]

13. For the purposes of this Article, the level of depletion of reserves of natural fuel gas of a specific subsurface site ($L_{DG}$) shall be computed by a taxpayer independently on the basis of data in the state balance sheet of reserves of commercial minerals as at 1 January of the year preceding the year of the tax period as the quotient obtained from dividing the amount of accumulated extraction of natural fuel gas (excluding associated gas) from the subsurface site in question (including extraction losses) by initial reserves of natural fuel gas (excluding associated gas), which are determined as the sum of reserves of all categories and accumulated extraction from the commencement of the exploitation of the subsurface site. \[ \text{as amended by Federal Law No. 102-FZ of 05.04.2016} \]

14. The indicator reflecting expenses for the transportation of natural fuel gas ($T_G$) shall be determined by a taxpayer annually commencing from 1 January 2015 and shall have effect for twelve tax periods commencing from 1 January of a given year. Until 1 January 2015 the indicator $T_G$ shall be taken to be equal to 0.

The indicator $T_G$ shall be computed using the formula:

$$T_G = 0.5 \times T_D \times \left( \frac{D_G}{D_G} \right) \times \left( 1 \right)$$
where $T_D$ represents the difference between the average actual value of the tariff for services involving the transportation of natural fuel gas through trunk pipelines forming part of the Unified Gas Supply System within the territory of the Russian Federation in the year preceding the year of the tax period, determined as the arithmetic mean of the actual values of tariffs for services involving the transportation of natural fuel gas through trunk pipelines forming part of the Unified Gas Supply System within the territory of the Russian Federation which were effective in each month of the year preceding the year of the tax period, and the computed value of the tariff for services involving the transportation of natural fuel gas for the year preceding the year of the tax period, determined as the product of the average actual value of the tariff for services involving the transportation of natural fuel gas through trunk pipelines forming part of the Unified Gas Supply System within the territory of the Russian Federation in 2013 and a coefficient reflecting changes in consumer prices for goods (work and services) in the Russian Federation commencing from 2013.

The coefficient reflecting changes in consumer prices for goods (work and services) in the Russian Federation commencing from 2013 shall be computed as the ratio of the deflator coefficient established for the year preceding the year of the tax period to the deflator coefficient established for 2013.

The indicator $T_D$ shall be communicated via official information sources by the authorized federal executive body responsible for tariff regulation.

Where the above-mentioned information is not available in official sources, the indicator $T_D$ shall be computed by the taxpayer independently.

Where the value of the indicator $T_D$ as determined in accordance with this clause is less than 0, the indicator $T_D$ shall be taken to be equal to 0.

$D_G$ is the average distance, expressed in kilometres, for which natural fuel gas is transported through trunk pipelines forming part of the Unified Gas Supply System within the territory of the Russian Federation by organizations which are not owners of facilities of the Unified Gas Supply System and (or) organizations in which owners of facilities of the Unified Gas Supply System have a direct and (or) indirect participating interest with the aggregate of such participating interests amounting to more than 50 per cent for the 12 months preceding 1 October of the year preceding the year of the tax period.

The indicator $D_G$ shall be calculated by the federal executive body responsible for tariff regulation and posted on its official site on the “Internet” telecommunications network unless the indicator $T_D$ is equal to zero.

In the event that the above-mentioned information is not available on the official site of the above-mentioned body on the “Internet” telecommunications network and the value of the indicator $T_D$ is not equal to zero, the indicator $D_G$ shall be taken to be equal to 2,000;

$C_G$ is a coefficient which is determined as the ratio of the quantity of natural fuel gas (excluding associated gas) extracted by organizations which are owners of facilities of the Unified Gas Supply System and (or) organizations in which owners of facilities of the Unified Gas Supply
System have a direct and (or) indirect participating interest with the aggregate of such participating interests amounting to more than 50 per cent (with the exception of organizations in which one of the participants with a participating interest of not less than 50 per cent is a Russian organization in which owners of facilities of the Unified Gas Supply System have a direct and (or) indirect participating interest with the aggregate of such participating interests amounting to less than 15 per cent) for the 12 months preceding 1 October of the year preceding the year of the tax period to the quantity of natural fuel gas (excluding associated gas) extracted by other taxpayers for the 12 months preceding 1 October of the year preceding the year of the tax period. [as amended by Federal Law No. 401-FZ of 30.11.2016]

The coefficient $C_G$ shall be determined and communicated via official information sources in accordance with a procedure to be established by the federal executive body which carries out functions involving the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex.

Where the above-mentioned information is not available in official sources, the coefficient $C_G$ shall be taken to be equal to 4.

In the case of taxpayers which are not during the entire tax period organizations which are owners of facilities of the Unified Gas Supply System and (or) organizations in which owners of facilities of the Unified Gas Supply System have a direct and (or) indirect participating interest with the aggregate of such participating interests amounting to more than 50 per cent (with the exception of organizations in which one of the participants with a participating interest of not less than 50 per cent is a Russian organization in which owners of facilities of the Unified Gas Supply System have a direct and (or) indirect participating interest with the aggregate of such participating interests amounting to less than 15 per cent), the coefficient $C_G$ shall be taken to be equal to minus 1. [as amended by Federal Law No. 401-FZ of 30.11.2016]

In the case of subsurface sites which are a resource base exclusively for regional gas supply systems, and in the case of subsurface sites such as are referred to in subsection 4 of clause 9 of this Article for which the value of the coefficient $C_L$ is equal to 0, the indicator reflecting expenses for the transportation of natural fuel gas ($T_G$) shall be taken to be equal to 0. [clause 14 as reworded by Federal Law No. 366-FZ of 24.11.2014]

15. The adjustment coefficient $C_{CM}$ shall be established as equal to the result obtained from dividing the figure 6.5 by the value of the coefficient $C_{GP}$ which is determined in accordance with clause 18 of this Article. [as amended by Federal Laws No. 401-FZ of 30.11.2016, No. 325-FZ of 29.09.2019]

16. For the purposes of this Article, the provisional rate of export customs duty on gas condensate ($P_n$) shall be calculated by the taxpayer for each tax period as follows:

- if the average price for Urals crude oil on world crude markets (Mediterranean and Rotterdam) for the monitoring period is up to 109.5 US dollars per 1 tonne ( inclusively) – at 0 per cent;

- if the average price for Urals crude oil on world crude markets (Mediterranean and Rotterdam) for the monitoring period exceeds the level of 109.5 US dollars per 1 tonne but is not greater than 146 US dollars per 1 tonne ( inclusively) – at a level not exceeding 35 per cent of the
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difference between the average price of that oil for the monitoring period in US dollars per 1 tonne and 109.5 US dollars;

- if the average price for Urals crude oil on world crude markets (Mediterranean and Rotterdam) for the monitoring period exceeds the level of 146 US dollars per 1 tonne but is not greater than 182.5 US dollars per 1 tonne (inclusively) – at a level not exceeding the sum of 12.78 US dollars per 1 tonne and 45 per cent of the difference between the average price of that oil for the monitoring period in US dollars per 1 tonne and 146 US dollars;

- if the average price for Urals crude oil on world crude markets (Mediterranean and Rotterdam) for the monitoring period exceeds the level of 182.5 US dollars per 1 tonne – at a level not exceeding the sum of 29.2 US dollars per 1 tonne and 59 per cent of the difference between the average price of that oil for the monitoring period in US dollars per 1 tonne and 182.5 US dollars.

In this respect, the average price for Urals crude oil on world crude markets (Mediterranean and Rotterdam) for the monitoring period shall be determined in accordance with the procedure established by clause 3 of Article 3.1 of the Law of the Russian Federation “Concerning the Customs Tariff”.

The provisional rate of export customs duty on gas condensate ($P_n$) which is computed in accordance with the procedure laid down in this clause shall be rounded off to the fourth decimal place in accordance with the current rounding-off procedure. [paragraph inserted by Federal Law No. 242-FZ of 03.07.2016]
[clause 16 inserted by Federal Law No. 366-FZ of 24.11.2014]

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

18. The adjustment coefficient $C_{GP}$ shall be established as equal to:

1) 1.4441 from 1 January 2019 – for taxpayers which are during the entire tax period organizations which are owners of facilities of the Unified Gas Supply System and (or) organizations in which owners of facilities of the Unified Gas Supply System have a direct and (or) indirect participating interest where the aggregate of such participating interest amounts to more than 50 per cent, with the exception of the following taxpayers: [as amended by Federal Law No. 325-FZ of 29.09.2019]

- taxpayers which are organizations in which one of the participants with a participating interest of not less than 50 per cent is a Russian organization in which owners of facilities of the Unified Gas Supply System have a direct and (or) indirect participating interest with the aggregate of such participating interests amounting to less than 10 per cent;

- taxpayers for which the coefficient computed for a tax period reflecting the proportion of extracted natural fuel gas (excluding associated gas) to the aggregate volume of extracted hydrocarbons ($C_{GPN}$) is less than 0.35. The value of the coefficient $C_{GPN}$ shall be determined in accordance with clause 6 of this Article;

2) 1 – for taxpayers other than those referred to in subsection 1 of this clause. [clause 18 as reworded by Federal Law No. 401-FZ of 30.11.2016]

1. The indicator reflecting extraction factors (EM) shall be calculated according to the following formula:

\[ EM = C_{MET} \times C_P \times (1 - C_R \times C_{DE} \times C_{RD} \times C_{CAN}) - C_C - C_{PTDS} - C_{MAN}, \]

where \( C_{MET} \) is equal to 530 from 1 January 2015 to 31 December 2015 inclusively and 559 in the period from 1 January 2016;

\( C_P \) is a coefficient which shall be determined in accordance with the procedure established by clause 3 of Article 342 of this Code;

\( C_{DE} \) and \( C_{RD} \) are coefficients which shall be determined in accordance with Article 342.2 of this Code;

\( C_R \) and \( C_{CAN} \) are coefficients determined in accordance with the procedure established by clauses 3 and 4 of this Article respectively;

Unless otherwise indicated in this clause, \( C_C \) shall be established as equal to 428 from 1 January 2019. In this respect, \( C_C \) shall be established as equal to 0 in the case of the extraction of oil referred to in paragraph 9 of clause 3 of Article 342 of this Code; [as amended by Federal Laws No. 301-FZ of 03.08.2018 (Rev. 27.11.2018), No. 325-FZ of 29.09.2019, No. 342-FZ of 15.10.2020]

\( C_{PTDS} \) is a coefficient which shall be determined in accordance with the procedure established by clause 11 of this Article; [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)]

\( C_{MAN} \) is a coefficient which shall be determined in accordance with the procedure established by clause 7 of this Article; [paragraph inserted by Federal Law No. 301-FZ of 03.08.2018 (Rev. 27.11.2018)]

[paragraph lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020]

[2. Lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020]

3. The coefficient \( C_R \) reflecting the level of reserves of a specific subsurface site shall be determined by a taxpayer in accordance with the procedure established by this clause.

Where the level of initial recoverable oil reserves (\( V_R \)) for a specific subsurface site is less than 5 million tonnes and the level of depletion of reserves (\( L_{DR} \)) of a specific subsurface site as determined in accordance with the procedure established by this clause is less than or equal to 0.05, the coefficient \( C_R \) shall be computed according to the following formula:

\[ C_R = 0.125 \times V_R + 0.375, \]

where \( V_R \) represents initial recoverable oil reserves (in millions of tonnes), accurate to 3 decimal places, which have been approved in accordance with the established procedure with
account taken of increments and write-offs of oil reserves and which are determined as the sum of recoverable reserves of all categories as at 1 January of the year preceding the year of the tax period and accumulated extraction from the commencement of exploitation of a specific subsurface site in accordance with data in the state balance sheet of reserves of commercial minerals approved in the year preceding the year of the tax period. [as amended by Federal Law No. 102-FZ of 05.04.2016]

The level of depletion of reserves of a specific subsurface site \( L_{DR} \) for which a licence to use subsurface resources was granted before 1 January 2012 shall be determined as at 1 January 2012 on the basis of data in the state balance sheet of reserves of commercial minerals approved in 2011 as the quotient obtained from dividing the amount of accumulated oil extraction at a specific subsurface site \( N \) by the initial recoverable oil reserves \( V_R \) of a specific subsurface site.

The level of depletion of reserves of a specific subsurface site \( L_{DR} \) for which a licence to use subsurface resources was granted on or after 1 January 2012 shall be determined as at 1 January of the year in which the licence to use subsurface resources is granted on the basis of data in the state balance sheet of reserves of commercial minerals approved in the year preceding the year in which the licence to use subsurface resources is received as the quotient obtained from dividing the amount of accumulated oil extraction at a specific subsurface site \( N \) by the initial recoverable oil reserves \( V_R \) of a specific subsurface site.

Where oil reserves were entered on the state balance sheet of reserves of commercial minerals in the year preceding the year of the tax period or in the year of the tax period, the amount of accumulated oil extraction at a specific subsurface site \( N \) and the initial recoverable reserves \( V_R \) recognised for the purpose of applying the coefficient \( C_R \) shall be determined by the taxpayer independently on the basis of a report on a state expert assessment of oil reserves approved by the federal executive body which maintains the state balance sheet of reserves of commercial minerals in accordance with the established procedure, and after approval of the state balance sheet of reserves of commercial minerals shall be adjusted in the manner prescribed by this clause.

In the event that, in accordance with this clause, the level of initial recoverable reserves \( V_R \) of a specific subsurface site is greater than or equal to 5 million tonnes and (or) the level of depletion of reserves \( L_{DR} \) of a specific subsurface site exceeds 0.05, the coefficient \( C_R \) shall be taken to be equal to 1.

In the event that the amount of accumulated oil extraction at a specific subsurface site \( N \) exceeds the initial recoverable oil reserves \( V_R \) used in calculating the coefficient \( C_R \) according to the formula given in this clause, a coefficient \( C_R \) equal to 1 shall be applied to the amount of that excess.

The coefficient \( C_R \) which is calculated in the manner set forth in this clause shall be rounded off to the 4\(^{th}\) decimal place in accordance with current rounding-off rules.

The procedure for determining the coefficient \( C_R \) based on the formula given in this clause shall not apply in relation to oil which is taxable at the rate of 0 roubles established by clause 1 of Article 342 of this Code. In this respect, the coefficient \( C_R \) shall be taken to be equal to 1.
4. The coefficient reflecting the region of extraction and properties of oil \(C_{\text{CAN}}\) shall be taken to be equal to 1 except in cases specified in this clause. The coefficient \(C_{\text{CAN}}\) shall be taken to be equal to 0 in relation to:

[1] Lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020

2) oil at subsurface sites which lie wholly or partially within the borders of the Republic of Sakha (Yakutia), the Irkutsk Province or the Krasnoyarsk Territory, until the 1\textsuperscript{st} of the month following a month in which at least one of the following circumstances occurred:

- the accumulated volume of oil extraction reached 25 million tonnes at a subsurface site;

- 31 December 2016 fell in the case of subsurface sites with respect to which a licence for use was issued prior to 1 January 2007 and for which the level of reserve depletion \(L_D\) as at 1 January 2007 is less than or equal to 0.05, except as otherwise established by paragraph 4 of this subsection;

- 31 December 2021 fell in the case of subsurface sites for which the level of reserve depletion \(L_D\) as at 1 January 2015 is less than or equal to 0.05 and the date of state registration of the licence to use subsurface resources fell before 31 December 2011 in the case of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals and before 31 December 2006 in the case of a licence to use subsurface resources simultaneously for geological study (prospecting, exploration) and the extraction of commercial minerals;

- the lapse of ten years from the date of state registration of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals or the lapse of fifteen years from the date of state registration of a licence to use subsurface resources simultaneously for geological study (prospecting, exploration) and the extraction of commercial minerals, in the case of subsurface sites not indicated in paragraphs 3 and 4 of this subsection;

3) oil at subsurface sites which lie to the north of the Arctic Circle wholly or partially within the boundaries of the internal sea waters and the territorial sea and on the continental shelf of the Russian Federation, until the 1\textsuperscript{st} of the month following a month in which at least one of the following circumstances occurred:

- the accumulated volume of oil extraction reached 35 million tonnes at a subsurface site;

- 31 December 2018 fell in the case of subsurface sites with respect to which a licence for use was issued prior to 1 January 2009 and for which the level of reserve depletion \(L_D\) as at 1 January 2009 is less than or equal to 0.05, except as otherwise established by paragraph 4 of this subsection;

- 31 December 2021 fell in the case of subsurface sites for which the level of reserve depletion \(L_D\) as at 1 January 2015 is less than or equal to 0.05 and the date of state registration of the licence to use subsurface resources fell before 31 December 2011 in the case of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals and before 31 December 2006 in the case of a licence to use subsurface resources
simultaneously for geological study (prospecting, exploration) and the extraction of commercial minerals;

- the lapse of ten years from the date of state registration of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals or the lapse of fifteen years from the date of state registration of a licence to use subsurface resources simultaneously for geological study (prospecting, exploration) and the extraction of commercial minerals, in the case of subsurface sites not indicated in paragraphs 3 and 4 of this subsection;

4) oil at subsurface sites which lie wholly or partially in the Sea of Azov, until the 1st of the month following a month in which at least one of the following circumstances occurred: [as amended by Federal Law No. 325-FZ of 28.11.2015]

- the accumulated volume of oil extraction reached 10 million tonnes at a subsurface site;

- 31 December 2015 fell in the case of subsurface sites with respect to which a licence for use was issued prior to 1 January 2009 and for which the level of reserve depletion (LD) as at 1 January 2009 is less than or equal to 0.05;

- the lapse of seven years from the date of state registration of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals or the lapse of twelve years from the date of state registration of a licence to use subsurface resources simultaneously for geological study (prospecting, exploration) and the extraction of commercial minerals, in the case of subsurface sites not indicated in paragraph 3 of this subsection;

5) oil at subsurface sites which lie wholly or partially in the territory of the Nenets Autonomous District and on the Yamal peninsular in the Yamal-Nenets Autonomous District, until the 1st of the month following a month in which at least one of the following circumstances occurred:

- the accumulated volume of oil extraction reached 15 million tonnes at a subsurface site;

- 31 December 2015 fell in the case of subsurface sites with respect to which a licence for use was issued prior to 1 January 2009 and for which the level of reserve depletion (LD) as at 1 January 2009 is less than or equal to 0.05, except as otherwise established by paragraph 4 of this subsection;

- 31 December 2021 fell in the case of subsurface sites for which the level of reserve depletion (LD) as at 1 January 2015 is less than or equal to 0.05 and the date of state registration of the licence to use subsurface resources fell before 31 December 2014 in the case of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals and before 31 December 2009 in the case of a licence to use subsurface resources simultaneously for geological study (prospecting, exploration) and the extraction of commercial minerals;

- the lapse of seven years from the date of state registration of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals or the lapse of twelve years from the date of state registration of a licence to use subsurface resources simultaneously for geological study (prospecting, exploration) and the extraction of commercial minerals;
commercial minerals, in the case of subsurface sites not indicated in paragraphs 3 and 4 of this subsection;

6) oil at subsurface sites which lie wholly or partially in the Black Sea, until the 1\textsuperscript{st} of the month following a month in which at least one of the following circumstances occurred:

- the accumulated volume of oil extraction reached 20 million tonnes at a subsurface site;

- 31 December 2021 fell in the case of subsurface sites with respect to which a licence for use was issued prior to 1 January 2012 and for which the level of reserve depletion (L\textsubscript{D}) as at 1 January 2012 is less than or equal to 0.05;

- the lapse of ten years from the date of state registration of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals or the lapse of fifteen years from the date of state registration of a licence to use subsurface resources simultaneously for geological study (prospecting, exploration) and the extraction of commercial minerals, in the case of subsurface sites not indicated in paragraph 3 of this subsection;

7) oil at subsurface sites which lie wholly or partially in the Sea of Okhotsk, until the 1\textsuperscript{st} of the month following a month in which at least one of the following circumstances occurred:

- the accumulated volume of oil extraction reached 30 million tonnes at a subsurface site;

- 31 December 2021 fell in the case of subsurface sites with respect to which a licence for use was issued prior to 1 January 2012 and for which the level of reserve depletion (L\textsubscript{D}) as at 1 January 2012 is less than or equal to 0.05;

- the lapse of ten years from the date of state registration of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals or the lapse of fifteen years from the date of state registration of a licence to use subsurface resources simultaneously for geological study (prospecting, exploration) and the extraction of commercial minerals, in the case of subsurface sites not indicated in paragraph 3 of this subsection;

8) oil at subsurface sites which lie wholly or partially north of 65 degrees north latitude wholly or partially within the borders of the Yamal-Nenets Autonomous District, excluding subsurface sites lying wholly or partially in the territory of the Yamal Peninsula within the borders of the Yamal-Nenets Autonomous District, until the 1\textsuperscript{st} of the month following a month in which at least one of the following circumstances occurred:

- the accumulated volume of oil extraction reached 25 million tonnes at a subsurface site;

- 31 December 2021 fell in the case of subsurface sites with respect to which a licence for use was issued prior to 1 January 2012 and for which the level of reserve depletion (L\textsubscript{D}) as at 1 January 2012 is less than or equal to 0.05;

- the lapse of ten years from the date of state registration of a licence to use subsurface resources for the purposes of exploration and the extraction of commercial minerals or the lapse of fifteen years from the date of state registration of a licence to use subsurface resources simultaneously
for geological study (prospecting, exploration) and the extraction of commercial minerals, in
the case of subsurface sites not indicated in paragraph 3 of this subsection;

9) oil at subsurface sites which lie wholly or partially in the Caspian Sea, until the 1st of the
month following a month in which at least one of the following circumstances occurred:

- the accumulated volume of oil extraction reached 15 million tonnes at a subsurface site, with
the exception of the accumulated volume of oil extraction at new offshore hydrocarbon deposits
within that subsurface site;

- 31 December 2021 fell in the case of subsurface sites with respect to which a licence for use
was issued prior to 1 January 2009 and for which the level of reserve depletion (LD) as at 1
January 2009, determined without taking account of initial recoverable oil reserves and
accumulated oil extraction approved in accordance with the established procedure for new
hydrocarbon deposits at the subsurface site in question, is less than or equal to 0.05;

- the lapse of seven years from the date of state registration of a licence to use subsurface
resources for the purposes of exploration and the extraction of commercial minerals or the lapse
of twelve years from the date of state registration of a licence to use subsurface resources
simultaneously for geological study (prospecting, exploration) and the extraction of
commercial minerals, in the case of subsurface sites not indicated in paragraph 3 of this
subsection.

[subsection 9 inserted by Federal Law No. 325-FZ of 28.11.2015]

5. The level of depletion of reserves (LD) of a specific subsurface site for the purposes of
applying the coefficient C_{CAN} on the grounds provided for in clause 4 of this Article shall be
calculated by the taxpayer on the basis of data in the approved state balance sheet of reserves
of commercial minerals in accordance with clause 2 of this Article and with account taken of
the special considerations established by this clause.

Initial recoverable oil reserves at a subsurface site for which a licence for use was issued before
1 January 2007 shall be determined as the sum of recoverable reserves of all categories and
accumulated extraction from the commencement of exploitation of a subsurface site in
accordance with data in the state balance sheet of reserves of commercial minerals as at 1
January 2006, except as otherwise established by paragraphs 5 to 7 of this clause. [as amended
by Federal Law No. 102-FZ of 05.04.2016]

Initial recoverable oil reserves at a subsurface site for which a licence for use was issued before
1 January 2009 shall be determined as the sum of recoverable reserves of all categories and
accumulated extraction from the commencement of exploitation of a subsurface site in
accordance with data in the state balance sheet of reserves of commercial minerals as at 1
January 2008, except as otherwise established by paragraphs 2 or 5 to 7 of this clause. [as
amended by Federal Law No. 102-FZ of 05.04.2016]

Initial recoverable oil reserves at a subsurface site for which a licence for use was issued before
1 January 2012 shall be determined as the sum of recoverable reserves of all categories and
accumulated extraction from the commencement of exploitation of a subsurface site in
accordance with data in the state balance sheet of reserves of commercial minerals as at 1
January 2011, except as otherwise established by paragraphs 2, 3 or 5 to 7 of this clause. [as
amended by Federal Law No. 102-FZ of 05.04.2016]
In determining the level of depletion of reserves \((L_D)\) of a specific subsurface site as at 1 January 2015, initial recoverable oil reserves at the subsurface site shall be determined as the sum of recoverable reserves of all categories and accumulated extraction from the commencement of exploitation of a subsurface site in accordance with data in the state balance sheet of reserves of commercial minerals: [as amended by Federal Law No. 102-FZ of 05.04.2016]

- as at 1 January 2013 – in the case of subsurface sites for which a licence to use subsurface resources was first issued before 1 January 2013;

- as at 1 January 2015 – in the case of subsurface sites for which a licence to use subsurface resources was first issued after 1 January 2013.

6. For the purposes of determining the coefficient \(C_{\text{CAN}}\) where a licence to use a subsurface site is re-issued (re-issued on multiple occasions), the date of state registration of that licence shall be understood to be the date of state registration of the initial licence to use the subsurface site.

7. Unless otherwise indicated in this clause, the coefficient \(C_{\text{MAN}}\) shall be determined using the following formula:

\[
C_{\text{MAN}} = ED \times R \times C_{\text{ADJ}} - FM,
\]

where \(ED\) is a coefficient calculated in accordance with the procedure established by clause 8 of this Article;

\(R\) is the average value for the tax period of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation, which is calculated in accordance with the procedure established by clause 3 of Article 342 of this Code;

\(C_{\text{ADJ}}\) is a coefficient determined in accordance with the procedure established by clause 6 of Article 193 of this Code;

\(FM\) is a coefficient calculated in accordance with the procedure established by clause 9 of this Article.

In the case of hydrocarbon extraction at new offshore deposits for which the time period established by subsections 1 to 4 of clause 6 of Article 338 of this Code, during which the tax base for hydrocarbons extracted at those deposits (excluding natural fuel gas) is determined as the value of extracted commercial minerals and the tax rates established by clause 2.1 of Article 342 of this Code are applied, has expired, commencing from the tax period in which the tax rates established by subsections 9 and 10 of clause 2 of Article 342 of this Code begin to be applied in relation to those deposits the value of the coefficient \(C_{\text{MAN}}\) shall be taken to be equal to zero:

- until 31 March 2032 (inclusively) – for the deposits referred to in subsections 1 and 2 of clause 6 of Article 338 of this Code;

- until 31 March 2042 (inclusively) – for the deposits referred to in subsection 3 of clause 6 of Article 338 of this Code;
- indefinitely – for the deposits referred to in subsection 4 of clause 6 of Article 338 of this Code.

The value of the coefficient $C_{\text{MAN}}$ shall also be taken to be equal to zero in the case of the extraction of gas condensate at deposits specified in Note 9 to the unified Goods Nomenclature for Foreign Economic Activities of the Eurasian Economic Union as at 1 January 2018.

clause 7 inserted by Federal Law No. 301-FZ of 03.08.2018

8. For the purposes of this Article, the coefficient $ED$ shall be calculated by the taxpayer for each tax period as follows:

- if the average price for Urals crude oil on world petroleum markets (Mediterranean and Rotterdam) for the monitoring period is up to 109.5 US dollars per 1 tonne (inclusively) – at 0;

- if the average price for Urals crude oil on world petroleum markets (Mediterranean and Rotterdam) for the monitoring period exceeds the level of 109.5 US dollars per 1 tonne but is not greater than 146 US dollars per 1 tonne (inclusively) – at a level equal to 35 per cent of the difference between the average price of that oil for the monitoring period in US dollars per 1 tonne and 109.5 US dollars;

- if the average price for Urals crude oil on world petroleum markets (Mediterranean and Rotterdam) for the monitoring period exceeds the level of 146 US dollars per 1 tonne but is not greater than 182.5 US dollars per 1 tonne (inclusively) – at a level not exceeding the sum of 12.78 US dollars per 1 tonne and 45 per cent of the difference between the average price of that oil for the monitoring period in US dollars per 1 tonne and 146 US dollars;

- if the average price for Urals crude oil on world petroleum markets (Mediterranean and Rotterdam) for the monitoring period exceeds the level of 182.5 US dollars per 1 tonne – at a level not exceeding the sum of 29.2 US dollars per 1 tonne and 30 per cent of the difference between the average price of that oil for the monitoring period in US dollars per 1 tonne and 182.5 US dollars.

In this respect, the average price for Urals crude oil on world petroleum markets (Mediterranean and Rotterdam) for the monitoring period shall be determined in accordance with the procedure established by clause 3 of Article 3.1 of the Law of the Russian Federation “Concerning the Customs Tariff”.

The coefficient $ED$ calculated in accordance with the procedure laid down in this clause shall be rounded down to the first decimal place.

clause 8 inserted by Federal Law No. 301-FZ of 03.08.2018

9. The coefficient $FM$ reflecting the occurrence of special circumstances shall be taken to be equal to zero for all tax periods, with the exception of tax periods for which this clause establishes a different procedure for the calculation of that coefficient.

Unless otherwise established by this clause, during tax periods in which a decision of the Government of the Russian Federation adopted in accordance with clause 6.2 of Article 3.1 of
the Law of the Russian Federation “Concerning the Customs Tariff” has effect, the coefficient FM shall be calculated using the following formula:

\[ FM = (D - ED \times (1 - C_{ADJ})) \times R, \]

where D is the rate of export customs duty on crude oil which was in effect in the tax period, expressed in US dollars per 1 tonne;

ED, C_{ADJ} and R are coefficients determined in accordance with the procedure established by this Article.

The coefficient FM as calculated in accordance with the procedure laid down in this clause shall be rounded down to the first decimal place in accordance with the current rounding rules.

[Paragraph lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020]

[clause 9 inserted by Federal Law No. 301-FZ of 03.08.2018]

[10. Lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020]

11. The coefficient C_{PTDS} shall be determined using the following formula:

\[ C_{PTDS} = 105 \times I_{PT} + 92 \times I_{DS} + N_{BUG} + N_{DFO}, \]

where I_{AB} is a binary coefficient for automobile petrol, takes a value equal to zero for tax periods in which the coefficient D_{PT,S} as calculated by the taxpayer in the manner prescribed by this clause takes a value of less than or equal to zero and takes a value equal to 1 when the coefficient D_{PT,S} takes other values.

I_{DS} is a binary coefficient for diesel fuel, takes a value equal to zero for tax periods in which the coefficient D_{DS,S} as calculated by the taxpayer in the manner prescribed by this clause takes a value of less than or equal to zero and takes a value equal to 1 when the coefficient D_{DS,S} takes other values.

The coefficient N_{BUG} reflecting an increment for the change in the damper mechanism from 2020 shall be determined as follows:

\[ N_{BUG} = (N_{C_{DAMP}} - S_{C_{DAMP}} - 0.5 \times C_{A2021}) \times (37.5 / 484) - 124, \]

where N_{C_{DAMP}} is a coefficient reflecting the damper after 2020, to be determined using the formula:

\[ N_{C_{DAMP}} = D_{PT} \times C_{PT\_COMP} + D_{DS} \times C_{DS\_COMP}, \]

where D_{PT}, C_{PT\_COMP}, D_{DS} and C_{DS\_COMP} shall be determined in the manner prescribed by clause 27 of Article 200 of this Code;

S_{C_{DAMP}} is a coefficient reflecting the damper before 2020, to be determined using the formula:
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\[ S_{\text{DAMP}} = (D_{\text{PT}_S} + F_{\text{PT}} + D_{\text{DS}_S} + F_{\text{DS}}) \times (1/2), \]

where \( D_{\text{PT}_S} = P_{\text{PTexp}} - P_{\text{PTdm}_S}; \)
\[ D_{\text{DS}_S} = P_{\text{DSexp}} - P_{\text{DSdm}}; \]

\( F_{\text{PT}} \) is a fixed component for petrol that is equal to 5,600 when \( D_{\text{PT}_S} \) is greater than zero and is equal to zero when \( D_{\text{PT}_S} \) takes any other value;

\( F_{\text{DS}} \) is a fixed component for diesel fuel that is equal to 5,000 when \( D_{\text{DS}_S} \) is greater than zero and is equal to zero when \( D_{\text{DS}_S} \) takes any other value;

\( P_{\text{PTexp}} \) and \( P_{\text{DSexp}} \) are coefficients determined in the manner prescribed by clause 27 of Article 200 of this Code;

\( P_{\text{PTdm}_S} \) is the provisional value of the average wholesale price of class 5 RON-92 petrol in the territory of the Russian Federation, which shall be taken to be equal to 58,800 for the period from 1 January to 31 December 2020 inclusively, 61,740 for the period from 1 January to 31 December 2021 inclusively, 64,827 for the period from 1 January to 31 December 2022 inclusively, 68,068 for the period from 1 January to 31 December 2023 inclusively and 71,472 for the period from 1 January to 31 December 2024 inclusively;

\( P_{\text{DSdm}} \) is the provisional value of the average wholesale price of class 5 diesel fuel in the territory of the Russian Federation, which shall be taken to be equal to 52,500 for the period from 1 January to 31 December 2020 inclusively, 55,125 for the period from 1 January to 31 December 2021 inclusively, 57,881 for the period from 1 January to 31 December 2022 inclusively, 60,775 for the period from 1 January to 31 December 2023 inclusively and 63,814 for the period from 1 January to 31 December 2024 inclusively;

\( C_{\text{A2021}} \) is a coefficient reflecting the adjustment of the damper in 2021, to be determined using the formula:
\[ C_{\text{A2021}} = (P_{\text{PTdm}_2021} - P_{\text{PTdm}}) \times C_{\text{PT COMP}} + (P_{\text{DSdm}_2021} - P_{\text{DSdm}}) \times C_{\text{DS COMP}}, \]

where \( P_{\text{PTdm}} \) and \( P_{\text{DSdm}} \) are coefficients determined in the manner prescribed by clause 27 of Article 200 of this Code;

\( P_{\text{PTdm}_2021} \) is the provisional value of the average wholesale price of class 5 RON-92 petrol in the territory of the Russian Federation prior to the adjustment of the 2021 damper, which shall be taken to be equal to 56,300 for the period from 1 May to 31 December 2021 inclusively, 59,000 for the period from 1 January to 31 December 2022 inclusively, 62,000 for the period from 1 January to 31 December 2023 inclusively and 65,000 for the period from 1 January to 31 December 2024 inclusively;

\( P_{\text{DSdm}_2021} \) is the provisional value of the average wholesale price of class 5 diesel fuel in the territory of the Russian Federation prior to the adjustment of the 2021 damper, which shall be taken to be equal to 50,700 for the period from 1 May to 31 December 2021 inclusively, 53,250 for the period from 1 January to 31 December 2022 inclusively, 56,000 for the period from 1 January to 31 December 2023 inclusively and 58,750 for the period from 1 January to 31 December 2024 inclusively;
January to 31 December 2023 inclusively and 58,700 for the period from 1 January to 31 December 2024 inclusively.

The coefficient $N_{DFO}$ reflecting the Far Eastern increment shall be determined using the following formula:

$$N_{DFO} = D_{FE\_PT} \times \left( \frac{2}{484} \right) - D_{FE\_DS} \times \left( \frac{3.7}{484} \right).$$

where $D_{FE\_PT}$ and $D_{FE\_DS}$ are values determined in roubles per 1 tonne and are calculated by the taxpayer independently as the sum of the values 2,000 and $D_{PT}$ and $D_{DS}$ respectively. The values $D_{PT}$ and $D_{DS}$ shall be determined in the manner prescribed by clause 27 of Article 200 of this Code. In this respect, if the value of $D_{FE\_PT}$ or $D_{FE\_DS}$ is found to be greater than 2,000 or less than 0, for the purposes of this clause $D_{FE\_PT}$ and $D_{FE\_DS}$ shall be taken to be equal to 2,000 or 0 respectively.

The amounts $N_{BUG}$, $N_{C\_DAMP}$, $S_{C\_DAMP}$ and $N_{DFO}$ as calculated in accordance with the procedure established by this clause shall be rounded to the fourth decimal point in accordance with the current rounding rules.

If the value of $N_{BUG}$ determined for a tax period using the formula established by this clause takes a value below zero, the value of $N_{BUG}$ shall be taken to be equal to zero in that tax period.

12. For the purposes of this Article, the level of depletion of reserves of a particular subsurface site ($L_D$) shall be calculated in the manner prescribed by subsection 1 of clause 5 of Article 333.43 of this Code.

Article 342.6. Procedure for Determining the Coefficient Reflecting the Level of Taxation of Oil Extracted at Subsurface Sites in Relation to Which Tax on Additional Income from Hydrocarbon Extraction is Calculated ($C_{AIT}$) [inserted by Federal Law No. 199-FZ of 19.07.2018]

1. The coefficient reflecting the level of taxation of oil extracted at subsurface sites in relation to which tax on additional income from hydrocarbon extraction is calculated ($C_{AIT}$) shall be determined using the following formula:

$$C_{AIT} = 0.5 \times (P_{oil} - 15) \times R \times 7.3 \times C_{GR} - ED \times R + C_{PTDS} \times I_{T\_R},$$

where $P_{oil}$ is the average level of prices for Urals oil for the tax period, expressed in US dollars per barrel, which is determined in accordance with the procedure established by clause 3 of Article 342 of this Code;

$R$ is the average value for the tax period of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation, which is determined in accordance with the procedure established by clause 3 of Article 342 of this Code;

$C_{GR}$ is a coefficient reflecting the period of time which has passed since the date on which commercial oil extraction began at a subsurface site, which is determined in accordance with clause 2 of this Article;
ED is the rate of export customs duty on oil, expressed in US dollars per tonne of dewatered, desalted and stabilized oil, which has been set for the calendar month corresponding to the tax period in relation to oil extracted at the subsurface site in accordance with the procedure prescribed by the Law of the Russian Federation “Concerning the Customs Tariff”.

$C_{PTDS}$ is a coefficient determined in accordance with the procedure established by clause 11 of Article 342.5 of this Code;

$C_{T.R}$ is a coefficient reflecting the region of extraction of oil, which is taken to be equal to zero in relation to dewatered, desalted and stabilized oil extracted at subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code and is taken to be equal to 1 in other cases.

If the value of the coefficient $C_{GR}$ is less than one, the value of ED shall be taken to be equal to zero for the purposes of determining $C_{ART}$. The provisions of this paragraph shall not apply in relation to oil extracted at subsurface sites referred to in subsection 4 of clause 1 of Article 333.45 of this Code.

2. The coefficient reflecting the period of time which has passed since commercial oil extraction began at a subsurface site ($C_{GR}$) shall be determined as follows:

1) 1 – for dewatered, desalted and stabilized oil extracted at subsurface sites referred to in subsection 2 (with respect to subsurface sites for which the coefficient $C_{CAN}$ determined as at 1 January 2021 in the manner prescribed by clause 4 of Article 342.5 of this Code is taken to be equal to 1) and subsection 3 of clause 1 of Article 333.45 of this Code, except as provided by this subsection;

1.2 – for dewatered, desalted and stabilized oil extracted at subsurface sites referred to in subsection 2 of clause 1 of Article 333.45 of this Code that are simultaneously situated within the borders of the Nefteyugansky, Surgutsky and Khanty-Mansiysky districts of the Khanty-Mansiysk Autonomous District-Yugra, for the period from 1 January 2021 to 31 December 2023 (inclusively);

1.95 – for dewatered, desalted and stabilized oil extracted at subsurface sites referred to in subsection 2 of clause 1 of Article 333.45 of this Code that are situated wholly within the borders of the Yamalsky district of the Yamal-Nenets Autonomous District, for the period from 1 January 2021 to 31 December 2023 (inclusively).

For oil extracted at subsurface sites referred to in paragraphs 2 and 3 of this subsection, the coefficient $C_{GR}$ shall be taken to be equal to 1 from 1 January 2024;

2) for dewatered, desalted and stabilized oil extracted at subsurface sites referred to in subsections 1 and 2 (insofar as subsurface sites not referred to in subsection 1 of this clause are concerned) of clause 1 of Article 333.45 of this Code: [as amended by Federal Law No. 342-FZ of 15.10.2020]
- 0.4 – from the 1st of the calendar month commencing from which tax on additional income from hydrocarbon extraction is calculated in relation to the subsurface site in question until 31 December ( inclusively ) of the year in which five consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site. The provisions of this paragraph shall not apply to subsurface sites for which, as at 1 January of the calendar year beginning from which tax on additional income from hydrocarbon extraction is calculated in relation to a particular subsurface site, five consecutive calendar years immediately following the year in which commercial oil extraction began at that subsurface site have elapsed; [as amended by Federal Law No. 342-FZ of 15.10.2020]

- 0.6 – from 1 January to 31 December ( inclusively ) of the year following the year in which five consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site;

- 0.8 – from 1 January to 31 December ( inclusively ) of the year following the year in which six consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site.

The coefficients provided for in this subsection that are below 1 shall not be applied in relation to subsurface sites for which, as at 1 January of the calendar year beginning from which tax on additional income from hydrocarbon extraction is calculated in relation to a particular subsurface site, one calendar year has elapsed immediately following the calendar year in which commercial oil extraction began at that subsurface site;

- 1 – from 1 January of the year following the year in which seven consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site;

3) for dewatered, desalted and stabilized oil extracted at subsurface sites referred to in subsection 4 of clause 1 of Article 333.45 of this Code:

- 0.5 – from the 1st of the calendar month commencing from which tax on additional income from hydrocarbon extraction is calculated in relation to the subsurface site in question until 31 December ( inclusively ) of the year in which one calendar year has elapsed immediately following the year in which commercial oil extraction began at the subsurface site;

- 0.75 – from 1 January to 31 December ( inclusively ) of the year following the year in which one calendar year has elapsed immediately following the year in which commercial oil extraction began at the subsurface site;

- 1 – from 1 January of the year following the calendar year in which two calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site. [as amended by Federal Law No. 342-FZ of 15.10.2020]

The coefficients provided for in this subsection that are below 1 shall not be applied in relation to subsurface sites for which, as at 1 January of the calendar year beginning from which tax on additional income from hydrocarbon extraction is calculated in relation to a particular subsurface site, one calendar year has elapsed immediately following the calendar year in which
commercial oil extraction began at that subsurface site; [paragraph inserted by Federal Law No. 342-FZ of 15.10.2020]

4) for dewatered, desalted and stabilized oil extracted at subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code:

- 0 – from the 1st of the calendar month commencing from which tax on additional income from hydrocarbon extraction is calculated in relation to the subsurface site in question until 31 December (inclusive) of the year in which fifteen consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site; [as amended by Federal Law No. 342-FZ of 15.10.2020]

- 0.2 – from 1 January to 31 December (inclusive) of the year following the year in which fifteen consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site in question; [as amended by Federal Law No. 342-FZ of 15.10.2020]

- 0.4 – from 1 January to 31 December (inclusive) of the year following the year in which sixteen consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site in question; [as amended by Federal Law No. 342-FZ of 15.10.2020]

- 0.6 – from 1 January to 31 December (inclusive) of the year following the year in which seventeen consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site in question; [as amended by Federal Law No. 342-FZ of 15.10.2020]

- 0.8 – from 1 January to 31 December (inclusive) of the year following the year in which eighteen consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site in question; [as amended by Federal Law No. 342-FZ of 15.10.2020]

- 1 – from 1 January of the year following the year in which nineteen consecutive calendar years have elapsed immediately following the year in which commercial oil extraction began at the subsurface site in question. [as amended by Federal Law No. 342-FZ of 15.10.2020]

[subsection 4 inserted by Federal Law No. 65-FZ of 18.03.2020]

3. For the purposes of this Article, the year in which commercial oil extraction began at a subsurface site shall be taken to mean the calendar year in which, as at 1 January thereof, the level of depletion of oil reserves of the subsurface site in question first exceeded 1 per cent in accordance with data in the state balance sheet of reserves of commercial minerals.

In this respect, the level of depletion of oil reserves of a specific subsurface site shall be determined in accordance with the procedure established by subsection 1 of clause 5 of Article 333.43 of this Code.

4. The coefficient $C_{AIT}$ calculated in the manner prescribed by this Article shall be rounded to the 4th decimal place in accordance with the current rounding rules.
If the value of the coefficient $C_{\text{AIT}}$ determined in accordance with this Article is less than 0, the coefficient $C_{\text{AIT}}$ shall be taken to be equal to zero.

[clause 4 inserted by Federal Law No. 424-FZ of 27.11.2018]

**Article 342.7. Procedure for the Determination and Application of the Coefficient Reflecting Factors Involved in the Extraction of Rare Metals ($C_{\text{RM}}$) [inserted by Federal Law No. 284-FZ of 02.08.2019]**

1. If the conditions established by this Article are met, the coefficient reflecting factors involved in the extraction of rare metals ($C_{\text{RM}}$) shall be taken to be equal to:

   1) 0.1 in the case of the extraction of ores of rare metals (lithium, beryllium, scandium, yttrium, lanthanum, cerium, praseodymium, neodymium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, germanium, niobium, tantalum, rhenium) that form their own deposits, rare metals specified in this subsection that are associated components in ores of other rare metals that form their own deposits, ores of other commercial minerals and multi-component complex ores;

   2) 1 in the case of the extraction of ores of rare metals and rare metals not referred to in subsection 1 of this clause.

2. The coefficient $C_{\text{RM}}$ shall be applied until the expiry of 120 tax periods commencing from the tax period in which grounds first appeared for determining the tax base for tax on extraction of commercial minerals in the case of the extraction ores of rare metals referred to in subsection 1 of clause 1 of this Article that form their own deposits, rare metals referred to in subsection 1 of clause 1 of this Article that are associated components in ores of other rare metals that form their own deposits, ores of other commercial minerals and multi-component complex ores.

Upon the expiry of the time period referred to in this clause, the value of the coefficient $C_{\text{RM}}$ shall be taken to be equal to 1.

**Article 342.8. Determining and Applying the Rental Coefficient $C_{\text{REN}}$ [inserted by Federal Law No. 309-FZ of 02.07.2021]**

1. Unless otherwise provided in this Article, the rental coefficient $C_{\text{REN}}$ shall be taken to be equal to 3.5 in relation to the tax rates established by clause 2 of Article 342 of this Code.

2. The rental coefficient $C_{\text{REN}}$ shall be taken to be equal to 0.2 in relation to the tax rate established by subsection 16 of clause 2 of Article 342 of this Code until the expiration of ten consecutive calendar years starting from the year of the commencement of commercial extraction of minerals at a subsurface site provided that the following requirements are simultaneously met:

   1) a multi-component complex ore containing copper and (or) nickel and (or) platinum group metals that is extracted at subsurface sites situated wholly or partially in the territory of the Krasnoyarsk Territory has a nickel content of no more than 0.5 per cent of nickel and a platinum group metals content of no more than 1 gramme per 1 tonne of ore;

   2) the reserve depletion level of subsurface sites referred to in subsection 1 of this clause as at 1 January 2021 is less than 1 per cent;
3) activities involving the extraction of minerals referred to in subsection 1 of this clause are part of a new investment project in relation to which an investment protection and promotion agreement has been concluded by the taxpayer and is in effect.

3. The rental coefficient $C_{\text{RENT}}$ shall be taken to be equal to 1 in relation to:

1) the tax rates established by subsections 7 and 9 to 15 of clause 2 of Article 342 of this Code;

2) the tax rates established by clause 2 of Article 342 of this Code for the following types of extracted minerals: peat, oil shales, raw materials of radioactive metals, non-metallic raw materials used mainly in the construction industry, underground industrial and thermal waters, bituminous rocks, concentrates and other intermediate products containing gold, concentrates and other intermediate products containing silver, common minerals, natural diamonds and other precious and semi-precious stones;

3) the tax rates established by subsections 1 to 6, subsection 8 and subsections 16 to 17 of clause 2 of Article 342 of this Code in the case of the extraction of minerals at subsurface sites whose reserve depletion level as at 1 January 2021 is less than 1 per cent where one of the following conditions is met:

- activities involving the extraction of minerals at the subsurface sites in question form part of a new investment project in relation to which an investment protection and promotion agreement has been concluded by the taxpayer and is in effect or an investment protection and promotion agreement has been performed;

- activities involving the extraction of minerals at the subsurface sites in question are carried on by the taxpayer in connection with the performance by the taxpayer of a special investment contract concluded before 31 December 2020 in accordance with Federal Law No. 488-FZ of 31 December 2014 “Concerning Industrial Policy in the Russian Federation”.

A rental coefficient $C_{\text{RENT}}$ equal to 1 shall apply on the grounds referred to in this subsection for either fifteen consecutive calendar years starting from the year of the commencement of commercial extraction at a subsurface site, or the term of an investment protection and promotion agreement, or the term of a special investment contract, whichever expires latest;

4) the tax rates established by clause 2 of Article 342 of this Code for certain types of minerals extracted at subsurface sites referred to in this subsection, provided that the organization that holds licences to use those subsurface sites and is not a participant in a regional investment project has concluded an extraction and employment retention agreement (hereafter in this Article referred to as “employment retention agreement”) in accordance with clauses 4 to 10 of this Article.

For the purposes of applying the rental coefficient $C_{\text{RENT}}$ in accordance with this subsection, individual types of minerals shall include:

- commercial ores of non-ferrous metals, containing tungsten as the main component, extracted at subsurface sites situated wholly or partially in the territory of the Transbaikal Territory, the Primorye Territory or the Republic of Buryatia;
- boric ores, multi-component complex ores containing lead and zinc and commercial components of multi-component complex ores containing lead and zinc (excluding precious metals constituting commercial components of those multi-component complex ores) extracted at subsurface sites situated wholly or partially in the territory of the Primorye Territory;

- commercial ores of rare metals containing simultaneously titanium, niobium, tantalum and rare-earth metals, extracted at subsurface sites situated wholly or partially in the territory of the Murmansk Province.

The rental coefficient \( \text{C}_{\text{RENT}} \) equal to 1 shall apply from the date specified in the employment retention agreement, but not earlier than 1 January of the calendar year in which the agreement was concluded, and until the last day of the month (inclusively) preceding the month in which the employment retention agreement ceases to have force in accordance with clause 10 of this Article.

4. An employment retention agreement shall be concluded with an organization such as is referred to in subsection 4 of clause 3 of this Article with the Ministry of Finance of the Russian Federation and the federal executive body responsible for the formulation of state policy and legal regulation relating to the study, use, replacement and protection of natural resources.

The organization in question shall have the right to conclude an employment retention agreement by 31 December 2021 (inclusively). From 1 January 2022, the conclusion of employment retention agreements shall not be permitted (except in cases provided for in clause 5 of this Article).

The form of an employment retention agreement, the form of a notification of the termination of an employment retention agreement and the procedures for the conclusion (termination), amendment and supervision of the implementation of an employment retention agreement shall be approved by the Ministry of Finance of the Russian Federation in consultation with the federal executive body responsible for the formulation of state policy and legal regulation relating to the study, use, replacement and protection of natural resources.

5. Where an organization that has concluded an employment retention agreement (hereafter in this clause referred to as “the original employment retention agreement”) is re-organized and (or) the right to use the subsurface site (subsurface sites) specified in the original employment retention agreement is transferred in accordance with the subsurface legislation of the Russian Federation, provided that, at the time of those events, the original employment retention agreement has not ceased to have force on grounds provided for in subsections 3 to 7 of clause 9 of this Article, the organization (organizations) to which the rights to use the subsurface site (subsurface sites) have been transferred and (or) the organization that concluded the original employment retention agreement shall have the right to conclude a new employment retention agreement (new employment retention agreements), provided that the scope of obligations arising from the new agreement (agreements in the aggregate) is equal to the scope of obligations that arose when the original employment retention agreement was concluded.

In this respect, the essential conditions of the employment retention agreement (agreements) as provided for in subsections 4 and 5 of clause 6 of this Article must be met in relation to the entire scope of obligations arising from such employment retention agreements.
6. An employment retention agreement must contain the following essential conditions:

1) the subject-matter of the employment retention agreement – the granting to the organization concluding the employment retention agreement of the right to apply a rental coefficient $C_{\text{RENT}}$ equal to 1 in relation to the extraction of certain types of minerals provided for in subsection 4 of clause 3 of this Article at subsurface sites specified in the employment retention agreement for the effective period of that agreement provided that the organization in question assumes obligations to keep the number of employees of the organization at a level not below that which is specified in the employment retention agreement and to ensure that the extraction of minerals in relation to which the rental coefficient $C_{\text{RENT}}$ equal to 1 is applied takes place in the volumes and within the time periods provided for in the employment retention agreement;

2) the numbers of licences to use subsurface sites in the case of the extraction of certain types of minerals to which a rental coefficient $C_{\text{RENT}}$ equal to 1 may be applied, and their geographical co-ordinates;

3) the tax identification number and full and abbreviated names of an organization (if applicable) holding licences to use the subsurface sites specified in the employment retention agreement;

4) the planned volume of extraction of individual types of minerals provided for in subsection 4 of clause 3 of this Article in relation to which a rental coefficient $C_{\text{RENT}}$ equal to 1 may be applied for each year for the period from 1 January 2021 or from the first day of the calendar year containing the date of conclusion of the employment retention agreement until 31 December 2030 (inclusive), separately by subsurface site specified in the employment retention agreement and by type of mineral (hereinafter referred to as “planned extraction volume”). In this respect, the planned extraction volume shall be determined in accordance with the technical plan for the development of a mineral deposit;

5) the minimum number of employees in relation to whom the employment retention condition must be met, to be determined as an amount that may not be less than the average number of employees of an organization holding licences to use subsurface sites specified in the employment retention agreement for December 2020 (hereafter in this Article referred to as “minimum number of employees”).

7. The conclusion of an employment retention agreement may be refused where one of the following circumstances exists:

1) the employment retention agreement contains inaccurate information;

2) the organization, subsurface sites and (or) types of extracted minerals specified in the employment retention agreement do not satisfy the conditions established by this Article;

3) the employment retention agreement does not meet the requirements laid down in clauses 4 to 6 of this Article;
4) in the case of the conclusion of an employment retention agreement (agreements) on the grounds provided for in clause 5 of this Article, if the condition specified by that clause concerning the scope of obligations is not met.

8. If, while an employment retention agreement is in effect, the period of use of a subsurface site (subsurface sites) specified in the employment retention agreement is extended in accordance with the subsurface legislation of the Russian Federation, and (or) amendments are made to the technical plan for the development of the mineral deposit which provide for an increase in the volume of mineral extraction at the subsurface site (subsurface sites) specified in the employment retention agreement over the period remaining until the expiration of the employment retention agreement compared with the planned extraction volume for the same period, appropriate amendments must be made to the employment retention agreement at the instigation of the organization that concluded that agreement within one month from the date of occurrence of one of the circumstances specified in this clause in accordance with the procedure approved in accordance with clause 4 of this Article for the conclusion (termination), amendment and supervision of the implementation of an employment retention agreement.

It shall not be permissible for amendments to be made to an employment retention agreement in other cases.

9. An employment retention agreement shall cease to have effect upon the occurrence of one of the following circumstances:

1) upon the expiration of the employment retention agreement from 1 January 2031;

2) if the organization that concluded the employment retention agreement is liquidated or re-organized;

3) if, while the employment retention agreement is in effect, the average number of employees of the organization that concluded the employment retention agreement for one calendar month is found to be less than the minimum number of employees specified in the employment retention agreement;

4) if, while the employment retention agreement is in effect, the quantity of an extracted mineral for all tax periods of the calendar year for a subsurface site specified in the employment retention agreement is found to be less than the planned volume of extraction of that mineral for the relevant calendar year as stated in the employment retention agreement;

5) if the organization that concluded the employment retention agreement fails to comply with the requirement laid down in clause 8 of this Article;

6) if the right to use one of the subsurface sites specified in the employment retention agreement is terminated in accordance with the subsurface legislation of the Russian Federation;

7) by agreement between the parties.

10. If the circumstances referred to in subsections 1 and 2 of clause 9 of this Article occur, the employment retention agreement shall cease to have effect from the day on which the circumstances occur.
If the circumstances referred to in subsections 3 to 6 of clause 9 of this Article occur, the employment retention agreement shall cease to have effect from 1 January of the calendar year for which the occurrence of those circumstances has been established. In this respect, amounts of tax calculated in relation to extracted minerals applying a rental coefficient $C_{\text{RENT}}$ equal to 1 for tax periods ending after 1 January of the year for which the occurrence of those circumstances has been established must be recalculated applying a rental coefficient $C_{\text{RENT}}$ equal to 3.5 and paid to the budget insofar as they exceed amounts of tax actually paid for the tax periods in question, with penalties to be paid on that excess from the day following the day on which tax was paid for a respective tax period.

If the circumstance referred to in subsection 7 of clause 9 of this Article occurs, employment retention agreement shall cease to have effect from the date of conclusion of the agreement on the termination of that agreement.

11. For the purposes of this Article:

1) the level of depletion of reserves of a mineral at a subsurface site shall be calculated by the taxpayer independently on the basis of data on the state balance sheet of mineral reserves as at the appropriate date as the quotient obtained from dividing the amount of accumulated extraction of the mineral (including extraction losses) at the subsurface site by initial recoverable reserves of the mineral at the subsurface site. The value calculated in the manner prescribed by this clause for the level of depletion of reserves of a mineral shall be rounded to the second decimal place in accordance with the current rounding rules;

2) the year of the commencement of commercial extraction of a mineral at a subsurface site shall be understood to mean the year as at the first day of which the level of depletion of reserves of a mineral at that subsurface site exceeded 1 per cent.

12. Where the rental coefficient $C_{\text{RENT}}$ may take multiple values in relation to an extracted mineral in accordance with this Article, the lowest of those values shall be used for the purposes of the taxation of that mineral.

**Article 343. Procedure for the Calculation and Payment of Tax** [as amended by Federal Law No. 57-FZ of 29.05.2002]

1. The amount of tax on dewatered, desalted and stabilized oil, extracted commercial minerals shall, unless otherwise stipulated by this Article, be calculated as a percentage corresponding to the tax rate of the tax base.  [as amended by Federal Law No. 117-FZ of 07.07.2003]

The amount of tax on extracted coal, hydrocarbons (with the exception of minerals for which the tax base is determined as their value in accordance with subsection 2 of clause 2 of Article 338 of this Code) and multi-component complex ore extracted at subsurface sites situated wholly or partially in the territory of the Krasnoyarsk Territory shall be calculated as the product of the appropriate tax rate and the size of the tax base.  [paragraph as reworded by Federal Law No. 309-FZ of 02.07.2021]

2. The amount of tax shall be calculated on the basis of the results for each tax period for each extracted commercial mineral, unless a different procedure for the calculation of tax is
established by this Article. Tax shall be payable to the budget at the location of each site of subsurface resources which has been granted to the taxpayer for use in accordance with the legislation of the Russian Federation. In this respect, except where this Article requires the amount of tax to be calculated with respect to each subsurface site at which commercial mineral extraction is carried out, the amount of tax payable shall be computed on the basis of the proportion of a commercial mineral extracted on each site of subsurface resources to the overall quantity of that type of commercial mineral which has been extracted. [as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 425-FZ of 28.12.2010]

3. The amount of tax calculated in relation to commercial minerals extracted outside the territory of the Russian Federation shall be payable to the budget at the location of an organization or at the place of residence of a private entrepreneur. [as amended by Federal Law No. 229-FZ of 27.07.2010]

4. Where a taxpayer applies the tax deduction which is established by Article 343.1 of this Code, the amount of tax payable in respect of coal shall be calculated with respect to each subsurface site at which coal mining is carried out as the product of the relevant tax rate and the tax base, less the amount of the above-mentioned tax deduction. [clause 4 inserted by Federal Law No. 425-FZ of 28.12.2010]

5. Where a taxpayer applies the tax deductions established by Article 343.2 of this Code, the amount of tax calculated by the taxpayer in accordance with this Article for a tax period shall be reduced by the amount of the tax deductions established by that Article. In this respect, where a taxpayer has the right to apply multiple tax deductions established by clauses 3.4, 3.5 and (or) 3.6 of Article 343.2 of this Code, the amount of tax shall be reduced by the amount of one of those tax deductions at the taxpayer’s option. If the amount of the tax deduction determined for a tax period exceeds the amount of tax calculated for that tax period, the amount of the tax deduction shall be taken to be equal to that amount of tax. [clause 5 as reworded by Federal Law No. 342-FZ of 15.10.2020]

6. Where a taxpayer applies the tax deduction established by Article 343.3 of this Code, the amount of tax calculated by the taxpayer in accordance with this Article for a tax period in respect of natural fuel gas from all types of hydrocarbon deposits extracted at a subsurface site situated wholly or partially in the Black Sea shall be reduced by the amount of that tax deduction. [clause 6 inserted by Federal Law No. 286-FZ of 30.09.2017]

7. Where a taxpayer applies the tax deduction which is established by Article 343.4 of this Code, the amount of tax calculated by the taxpayer in accordance with this Article for a tax period in respect of gas condensate from all kinds of hydrocarbon deposits shall be reduced by the amount of that tax deduction. [clause 7 inserted by Federal Law No. 335-FZ of 27.11.2017 (Rev. 28.12.2017)]

8. Where a taxpayer applies the tax deduction established by Article 343.5 of this Code, the amount of tax calculated by the taxpayer in accordance with this Article for a tax period in respect of dewatered, desalted and stabilized oil extracted at subsurface sites that meet the requirements established by clause 2 of that Article shall be reduced by the amount of that tax deduction. [clause 8 inserted by Federal Law No. 342-FZ of 15.10.2020]
Where a taxpayer applies the tax deduction $TD_{ETHANE}$ as established by clause 3.7 of Article 343.2 of this Code, the amount of tax calculated by the taxpayer (a legal successor of the taxpayer) in accordance with this Article in relation to dewatered, desalted and stabilized oil extracted at subsurface sites situated wholly or partially within the boundaries of the Irkutsk Province, starting from the first tax period of 2025 until the first tax period of 2028 inclusively, shall be increased by the value of $MET_{ADD,ETHANE}$, expressed in millions of roubles, which, unless otherwise established by this clause shall be calculated for each tax period in the aggregate for all such subsurface sites using the following formula:

$$MET_{ADD,ETHANE} = \frac{(P - P_{BAS})}{(P_{MAX} - P_{BAS})} \times 1,000,$$

where $P_{MAX}$ and $P_{BAS}$ are values determined in accordance with clause 3.7 of Article 343.2 of this Code;

$P$ is the average level of prices for Urals oil for the tax period expressed in US dollars per barrel, as determined in accordance with the procedure established by clause 3 of Article 342 of this Code.

Where the value $P_{BAS}$ in a tax period is found to be less than the value of $P$, the value $MET_{ADD,ETHANE}$ in that tax period shall be taken to be equal to 0.

Where the value of $MET_{ADD,ETHANE}$ in a tax period is found to be greater than 1,000 million roubles, the value of $MET_{ADD,ETHANE}$ in that tax period shall be taken to be equal to 1,000 million roubles.

The value of $MET_{ADD,ETHANE}$ calculated in accordance with the procedure laid down in this clause shall be rounded to a whole figure in accordance with the current rounding rules.

Where the calculated amount of $MET_{ADD,ETHANE}$ in a tax period is found to be greater than the amount of the outstanding tax deduction $TD_{ETHANE,BALANCE}$, the value of $MET_{ADD,ETHANE}$ shall be taken to equal to $TD_{ETHANE,BALANCE}$, but not more than 1,000 million roubles.

The amount of the outstanding tax deduction $TD_{ETHANE,BALANCE}$ shall be calculated by the taxpayer (a legal successor of the taxpayer) in millions of roubles for each tax period commencing from the first tax period of 2025 using the following formula:

$$TD_{ETHANE,BALANCE} = TD_{ETHANE,TOTAL} + 5500 \times \left( \frac{TD_{ETHANE,TOTAL}}{36000} \right) - MET_{ADD,ETHANE,TOTAL},$$

where $TD_{ETHANE,TOTAL}$ is the sum of $TD_{ETHANE}$ tax deductions claimed by the taxpayer (a legal successor of the taxpayer) in accordance with clause 3.7 of Article 343.2 of this Code in tax periods whose start date falls in the period from 1 January 2022 to 31 December 2024 inclusively.

$MET_{ADD,ETHANE,TOTAL}$ is the sum of the amounts of $MET_{ADD,ETHANE}$ paid by the taxpayer (a legal successor of the taxpayer) for tax periods whose start date falls in the period from 1 January 2025 inclusively.
The value of \( \text{TD}_{\text{ETHANE\_BALANCE}} \) as calculated in accordance with the procedure prescribed by this clause shall be rounded to a whole figure in accordance with the current rounding rules.

If the value of \( \text{TD}_{\text{ETHANE\_BALANCE}} \) determined for a tax period is found to be less than or equal to zero, the value \( \text{MET}_{\text{ADD\_ETHANE}} \) shall not be calculated starting from that tax period.

Notwithstanding other provisions of this clause, if the value of \( \text{TD}_{\text{ETHANE\_BALANCE}} \) determined for the first tax period of 2028 is found to be greater than zero, \( \text{MET}_{\text{ADD\_ETHANE}} \) in that tax period shall be taken to be equal to the value of \( \text{TD}_{\text{ETHANE\_BALANCE}} \).

[clause 9 inserted by Federal Law No. 305-FZ of 02.07.2021]


1. Taxpayers may elect to reduce the amount of tax calculated for a tax period in connection with coal mining at a subsurface site by the amount of economically justified and duly documented expenses incurred by a taxpayer in the tax period in ensuring safe working conditions and occupational protection in connection with coal mining at that subsurface site (tax deduction) in accordance with the procedure established by this Article, or may elect to take those expenses into account in calculating the tax base for tax on the profit of organizations in accordance with Chapter 25 of this Code.

   The procedure for the recognition of expenses such as are referred to in this clause must be reflected in accounting policies for taxation purposes. That procedure may be changed not more frequently than once every five years.

2. The maximum amount of a tax deduction which is applied in accordance with this Article shall be calculated by a taxpayer independently as the product of the amount of tax calculated in connection with coal mining at each subsurface site for a tax period and the coefficient \( C_T \) which is determined in accordance with the procedure established by this Article.

3. The coefficient \( C_T \) shall be determined for each subsurface site in accordance with a procedure to be established by the Government of the Russian Federation with account taken of the methane level of the subsurface site at which coal mining is carried out and with account taken of the liability of the coal to spontaneous combustion in the seam at the subsurface site at which coal mining is carried out. The value of the coefficient \( C_T \) which is calculated in accordance with this Article for each subsurface site shall be established in the accounting policies adopted by the taxpayer for taxation purposes. The value of the coefficient \( C_T \) may not exceed 0.3.

4. Should the actual amount of expenses incurred by a taxpayer in a tax period for the purpose of ensuring safe working conditions and occupational protection in connection with coal mining exceed the maximum amount of the tax deduction which is determined in accordance with clause 2 of this Article, the amount of that excess shall be taken into account in determining a tax deduction over the course of 36 tax periods after the tax period in which the expenses in question were incurred by the taxpayer.
5. The following types of expenses incurred by a taxpayer for the purpose of ensuring safe working conditions and occupational protection in connection with coal mining (according to a list to be determined by the Government of the Russian Federation) shall be included in a tax deduction:

1) material expenses of the taxpayer which are determined in accordance with the procedure laid down in Chapter 25 of this Code;

2) expenses incurred by the taxpayer for the acquisition and (or) creation of amortizable property;

3) expenses incurred by the taxpayer for the extension, further equipping, renovation, upgrading and retooling of fixed assets.

6. Types of expenses incurred for the purpose of safe working conditions and occupational protection in connection with coal mining which are taken into account in determining a tax deduction in accordance with this Article shall be established in the accounting policies for taxation purposes.

7. Taxpayers for whom there is no calculated amount of tax for a tax period may take expenses such as are provided for in clause 5 of this Article into account in determining a tax deduction in accordance with the procedure established by this Article commencing from the tax period in which a obligation to pay tax arises for them.

**Article 343.2. Procedure for Reducing the Amount of Tax Calculated in Connection with the Extraction of Dewatered, Desalted and Stabilized Oil by the Amount of a Tax Deduction**

1. A taxpayer shall have the right to reduce the total amount of tax calculated in accordance with Article 343 of this Code in connection with the extraction of dewatered, desalted and stabilized oil by the tax deductions which are established by this Article.

[2. Lost force from 01.01.2018 – Federal Law No. 335-FZ of 27.11.2017]


3.1. Where oil is extracted at subsurface sites situated wholly within the borders of the Khanty-Mansiisk Autonomous District-Yugra for which the licence for subsurface use was issued before 1 January 2016 and the initial recoverable oil reserves of each site amount to 450 million tonnes or more as at 1 January 2016, the amount of the tax deduction for the tax period shall be determined for the aggregate of the subsurface sites referred to in this clause and shall amount to 2,917 million roubles.

The tax deduction calculated in accordance with this clause shall be applied from 1 January 2018 until 31 December 2027 inclusively.

[clause 3.1 inserted by Federal Law No. 335-FZ of 27.11.2017]

[3.2. Lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020]
3.3. A taxpayer shall have the right to reduce the total amount of tax calculated in connection with the extraction of dewatered, desalted and stabilized oil at subsurface sites meeting the conditions established by this clause by the amount of a tax deduction to be determined in the manner prescribed by this clause (hereafter in this clause referred to as “tax deduction”).

The tax deduction shall apply with respect to the extraction of dewatered, desalted and stabilized oil at subsurface sites which are simultaneously situated within the borders of the Surgutsky and Khanty-Mansiisky districts of the Khanty-Mansiisk Autonomous District-Yugra, for which licences were issued before 1 January 2018 and which each had initial recoverable reserves amounting to 1,000 million tonnes or more as at 1 January 2018.

The amount of the tax deduction shall be determined in the aggregate for all such subsurface sites as follows:

- 3,830 million roubles – if the average level of prices for Urals grade oil for the tax period in US dollars per barrel (P), determined for the tax period in the manner prescribed by clause 3 of Article 342 of this Code, is found to be higher than the oil reference price determined in the manner prescribed by clause 4 of Article 96.6 of the Budget Code of the Russian Federation for the year of the tax period;

- 0 roubles – if the average level of prices for Urals grade oil for the tax period in US dollars per barrel (P), determined for the tax period in the manner prescribed by clause 3 of Article 342 of this Code, is found to be lower than or equal to the oil reference price determined in the manner prescribed by clause 4 of Article 96.6 of the Budget Code of the Russian Federation for the year of the tax period.

For the purposes of this clause, the value of the oil reference price shall be rounded to the second decimal place in accordance with the current rounding rules.

The tax deduction shall apply on condition that a taxpayer holding licences to use the subsurface sites referred to in this clause has concluded an investment agreement on the promotion of oil extraction at those subsurface sites (hereafter in this clause referred to as “extraction agreement”) with the Ministry of Finance of the Russian Federation and the federal executive body responsible for the formulation of state policy and statutory regulation in the area of the study, use, regeneration and protection of natural resources.

An extraction agreement must contain the following essential conditions:

- the subject of the extraction agreement – the numbers of licences to use subsurface sites and the geographical co-ordinates of subsurface sites at which oil in relation to which the tax deduction is to be applied was extracted (hereafter in this clause referred to as “subsurface sites constituting the subject of the extraction agreement”), and the maximum amount of the tax deduction in a tax period for each subsurface site constituting the subject of the investment agreement, but not more than 3,830 million roubles for a tax period in the aggregate for all subsurface sites constituting the subject of the extraction agreement;
- the planned volume of extraction of dewatered, desalted and stabilized oil in tonnes per year in the aggregate for all subsurface sites constituting the subject of the extraction agreement for the period from 1 January 2021 to 31 December 2032 based on the absence of the tax deduction;

- the taxpayer identification number and full and abbreviated names of the taxpayer organization that holds licences to use the subsurface sites constituting the subject of the extraction agreement.

A taxpayer shall have the right to conclude an extraction agreement by 1 July 2021. From 1 July 2021 the conclusion of extraction agreements shall not be permitted.

The conclusion of an extraction agreement may be refused if one of the following circumstances exists:

- the extraction agreement contains inaccurate information;

- the subsurface sites constituting the subject of the extraction agreement do not meet the conditions established by this clause;

- the maximum amount of the tax deduction for the tax period in the aggregate for all subsurface sites constituting the subject of the extraction agreement exceeds 3,830 million roubles.

The form of an extraction agreement, the procedure for concluding (rescinding) an extraction agreement and the procedure for monitoring the performance of an extraction agreement shall be established by the Government of the Russian Federation.

For the purposes of this clause, an interval shall be understood to mean a period from 31 December 2020 until the lapse of three consecutive calendar years, six consecutive calendar years, nine consecutive calendar years or twelve consecutive calendar years.

If the amount of tax deductions for all tax periods whose commencement date falls in a particular interval has exceeded the notional amount of additional budget revenue determined for that interval in the manner prescribed by this clause, the amount of tax deductions to the extent of that excess (hereafter in this clause referred to as “excess amount”) shall be payable to the budget by 31 March of the year immediately following the last year of the interval in question.

The notional amount of additional budget revenue shall be determined as the difference between notional budget revenue based on the application of the tax deduction and notional budget revenue based on the absence of the tax deduction.

Notional budget revenue based on the application of the tax deduction shall be calculated as the sum of the following products:

- the product of the volume of extraction of dewatered, desalted and stabilized oil for all tax periods whose commencement date falls in a particular interval in the aggregate for all subsurface sites constituting the subject of the extraction agreement \( V_{PM,ACT} \) and the weighted-average tax rate determined for the interval in question for volumes of extracted...
dewatered, desalted and stabilized oil in the tax period at each subsurface site constituting the subject of the extraction agreement (TPM_ACT);

- the product of the value of VPM_ACT and the weighted-average rate of export customs duty for oil in roubles per tonne for volumes of extracted dewatered, desalted and stabilized oil in the tax period at each subsurface site constituting the subject of the extraction agreement (DPM_ACT).

Notional budget revenue based on the absence of the tax deduction shall be calculated as the sum of the following products:

- the product of the planned volume of extraction of dewatered, desalted and stabilized oil in tonnes based on the absence of an extraction agreement in the aggregate for all subsurface sites constituting the subject of the extraction agreement in a particular interval, determined on the basis of data contained in the extraction agreement (VPM_PLAN), and the value of TPM_PLAN;

- the product of the value of VPM_PLAN and the value of DPM_ACT.

The tax deduction shall not be applied commencing from the tax period in which the amount of tax deductions granted on the basis of the extraction agreement (taking into account tax deductions relating to excess amounts) first exceeds 459,600 million roubles (hereafter in this clause referred to as “the threshold amount of the deduction”). In this respect, if, after twelve consecutive calendar years commencing from 31 December 2020, the amount of tax deductions (taking into account tax deductions relating to excess amounts) for all tax periods whose commencement date falls in that interval proves to be less than the amount of notional additional budget revenue calculated for that interval, and the taxpayer paid the excess amounts to the budget, the threshold amount of the deduction shall be increased by the excess amounts paid to the budget.

[clause 3.3 inserted by Federal Law No. 340-FZ of 15.10.2020]

3.4. Subject to the special considerations established by this clause, where oil is extracted at a subsurface site such as is referred to in subsection 3 of clause 1 of Article 333.45 of this Code for which the level of depletion of oil reserves is greater than or equal to 0.8, the amount of the tax deduction (TD_RD) for a tax period shall be determined as the product of the coefficient 0.2 and the amount of tax calculated in relation to that oil for the tax period.

The tax deduction (TD_RD) shall be applicable from the following dates:

- for subsurface sites situated wholly or partially in the Sea of Okhotsk – from 1 January 2021;

- for other subsurface sites for which the level of depletion of oil reserves is greater than or equal to 0.8 – from 1 January 2024.

For the purposes of this clause:

- the level of depletion of oil reserves of a subsurface site shall be determined as at 1 January of the year preceding the year of the tax period in the manner prescribed by subsection 1 of clause 5 of Article 333.43 of this Code;
- the tax deduction (TD_{RD}) shall be determined provided that tax on additional income from hydrocarbon extraction is applied during the entire tax period in relation to a subsurface site.

[clause 3.4 inserted by Federal Law No. 342-FZ of 15.10.2020]

3.5. A taxpayer possessing a licence issued before 1 January 2016 to use a subsurface site situated wholly or partially within the borders of the Republic of Tatarstan (Tatarstan) that has initial recoverable oil reserves equal to 2,500 million tonnes or more as at 1 January 2016 shall have the right to reduce the total amount of tax calculated in respect of the extraction of dewatered, desalted and stabilized oil at that and (or) other subsurface sites situated wholly or partially within the borders of the Republic of Tatarstan (Tatarstan) in relation to which tax on additional income from hydrocarbon extraction is not calculated and (or) the coefficients C_R, C_{DE} and C_{RD} with values less than one are not applied by the amount of the tax deduction for the tax period determined in the aggregate for those subsurface sites as follows:

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

- in the amount of expenses referred to in this clause that were actually paid by the taxpayer, but not more than 1,000 million roubles if the average level of prices for Urals grade oil for the tax period in US dollars per barrel (P), determined for the tax period in the manner prescribed by clause 3 of Article 342 of this Code, is found to be higher than the oil reference price determined in the manner prescribed by clause 4 of Article 96.6 of the Budget Code of the Russian Federation for the year of the tax period;

- 0 roubles otherwise.

For the purposes of this clause, amounts of expenses associated with compliance with mandatory requirements established by Federal Law No. 7-FZ of 10 January 2002 “Concerning Protection of the Environment” and Federal Law No. 116-FZ of 21 July 1997 “Concerning the Industrial Safety of Hazardous Production Facilities” shall be taken into account in determining the amount of the tax deduction where they were actually paid in the period from 1 January 2021 to the last day of the tax period (inclusively) and provided that those amounts of expenses are also connected with the extraction of superviscous oil extracted at subsurface sites containing oil with a viscosity of 10,000 mPa or above (in formation conditions).

For the purposes of this clause, expenses (goods, work, services, property rights) shall also be deemed to have been paid where the taxpayer/acquirer of those expenses (goods, work, services, property rights) terminates the reciprocal obligation to the seller which is connected with the supply of those goods (performance of work, rendering of services, transfer of property rights) and when advance payments are transferred in respect of future supplies of goods (performance of work, rendering of services, transfer of property rights).

For the purposes of this clause, the list of expenses associated with compliance with mandatory requirements established by Federal Law No. 7-FZ of 10 January 2002 “Concerning Protection of the Environment” and Federal Law No. 116-FZ of 21 July 1997 “Concerning the Industrial Safety of Hazardous Production Facilities” shall be approved by the Government of the Russian Federation.

[paragraph as reworded by Federal Law No. 309-FZ of 02.07.2021]

Amounts of actually paid expenses referred to in this clause that were not taken into account in determining the amount of the tax deduction in a tax period may be taken into account in
determining the tax deduction in the following tax period within the period in which the tax deduction is applied by the taxpayer.

Amounts of actually paid expenses referred to in this clause that were taken into account in determining the amount of the tax deduction in a tax period may not be included in the tax deduction again in other tax periods or for other subsurface sites.

The tax deduction provided for in this clause shall be applied from 1 January 2021 until the tax period in which the amount of tax deductions provided for in this clause is first found to be more than 36,000 million roubles.

[clause 3.5 inserted by Federal Law No. 342-FZ of 15.10.2020]

3.6. Where oil is extracted at subsurface sites referred to in subsection 2 of clause 1 of Article 333.45 of this Code that are situated wholly within the borders of the Yamalsky district of the Yamal-Nenets Autonomous District, the amount of the tax deduction for a tax period shall be determined in the aggregate for subsurface sites referred to in this clause as follows:

- in the amount of 1,000 million roubles if the average level of prices for Urals grade oil for the tax period in US dollars per barrel (P), determined for the tax period in the manner prescribed by clause 3 of Article 342 of this Code, is found to be higher than the oil reference price determined in the manner prescribed by clause 4 of Article 96.6 of the Budget Code of the Russian Federation for the year of the tax period;

- 0 roubles otherwise.

The tax deduction provided for in this clause shall be granted on condition that a taxpayer holding licences to use the subsurface resources of subsurface sites referred to in this clause has concluded an agreement on the volume of oil extraction and the amount of investments at those subsurface sites (hereafter in this clause referred to as “agreement on extraction volume”) with the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex, which has been agreed with the Ministry of Finance of the Russian Federation.

An agreement on extraction volume must include the following essential conditions:

- the subject of the agreement on extraction volume – the numbers of licences for subsurface use and the co-ordinates of subsurface sites in relation to which a tax deduction is to be applied in accordance with this clause;

- the planned volume of extraction of dewatered, desalted and stabilized oil in tonnes per year for all subsurface sites that are the subject of the agreement on extraction volume for the period from 1 January 2021 to 31 December 2023 inclusively;

- the planned amount of investments per year for all subsurface sites that are the subject of the agreement on extraction volume for the period from 1 January 2021 to 31 December 2023 inclusively;
- the taxpayer identification number and full and abbreviated names of the taxpayer organization holding licences to use the subsurface sites that are the subject of the agreement on extraction volume.

The form of an agreement on extraction volume and the procedure for the conclusion of an agreement on extraction volume shall be established by the federal executive body responsible for the formulation and implementation of state policy and statutory regulation in the area of the fuel and energy complex.

If, for any of the calendar years falling in the period from 2021 to 2023 inclusively, the actual volume of extraction of dewatered, desalted and stabilized oil in tonnes for all subsurface sites that are the subject of the agreement on extraction volume and (or) the actual amount of investment for all such subsurface sites is found to be less than the respective planned values specified in the agreement on extraction volume, the amount of the tax deductions applied by the taxpayer in accordance with this clause in tax periods whose commencement date falls in that calendar year shall be payable to the budget by 31 March of the year immediately following the year in relation to which the total is calculated.

The tax deduction provided for in this clause shall be applied from 1 January 2021 until the tax period in which the amount of tax deductions provided for in this clause is first found to be more than 36,000 million roubles.

For the purposes of this clause, the amount of investments at a subsurface site shall be understood to mean actual expenses for the acquisition, construction, manufacture, delivery and making ready for use of amortizable property at a subsurface site which are taken into account in determining the tax base for that subsurface site in accordance with Chapter 25.4 of this Code.

[clause 3.6 inserted by Federal Law No. 342-FZ of 15.10.2020]

3.7. Where oil is extracted at subsurface sites situated wholly or partially within the borders of the Irkutsk Province, a taxpayer that is carrying out (including through direct participation in a subsidiary company that directly carries out the project) as at 1 January 2021 in the Irkutsk Province a project involving the creation of new production capacities for the processing of ethane and (or) liquefied hydrocarbon gases into goods that are petrochemical products, the amount of the tax deduction for the tax period (TDETHANE), expressed in millions of roubles, shall be determined in the aggregate for the subsurface sites referred to in this clause as follows:

\[ T_{DETHANE} = \frac{(P_{\text{MAX}} - P)}{(P_{\text{MAX}} - P_{\text{BAS}})} \times 1,000, \]

where \( P_{\text{MAX}} \) is an amount equal to 58.43 US dollars;

\( P_{\text{BAS}} \) is an amount equal to 45.95 US dollars;

\( P \) is the average level of prices for Urals oil for the tax period expressed in US dollars per barrel, as determined in accordance with the procedure established by clause 3 of Article 342 of this Code.
Where in a tax period the value $P_{\text{MAX}}$ is found to be less than the value of $P$ or the value of $P_{\text{BAS}}$ is found to be less than the value of $P$, the amount of the tax deduction $TD_{\text{ETHANE}}$ in that tax period shall be taken to be equal to 0.

The value of $TD_{\text{ETHANE}}$ as calculated in accordance with the procedure prescribed by this clause shall be rounded to a whole figure in accordance with the current rounding rules.

The tax deduction provided for in this clause shall be applied in tax periods whose start date falls in the period from 1 January 2022 to 31 December 2024 inclusively.

The list of organizations carrying out (including through direct participation in a subsidiary company that directly carries out the project) as at 1 January 2021 in the Irkutsk Province projects involving the creation of new production capacities for the processing of ethane and (or) liquefied hydrocarbon gases into goods that are petrochemical products and the procedure and criteria for the inclusion of organizations in that list shall be approved by the federal executive body responsible for the formulation and implementation of state policy and legal regulation in the area of the fuel and energy complex. That list must show the full and abbreviated names of an organization carrying out as at 1 January 2021 in the Irkutsk Province a project involving the creation of new production capacities for the processing of ethane and (or) liquefied hydrocarbon gases into goods that are petrochemical products, the location of that organization in the Irkutsk Province and (or) of its autonomous subdivisions located in the Irkutsk Province, and the taxpayer identification number.

The federal executive body responsible for the formulation and implementation of state policy and legal regulation in the area of the fuel and energy complex shall send to the tax authorities by 31 January 2022 a list of organizations carrying out as at 1 January 2021 in the Irkutsk Province projects involving the creation of new production capacities for the processing of ethane and (or) liquefied hydrocarbon gases into goods that are petrochemical products. [clause 3.7 inserted by Federal Law No. 305-FZ of 02.07.2021]


[5-7. Lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020]

8. For the purposes of clauses 3 and 3.3 of this Article, initial recoverable oil reserves shall be determined as the sum of recoverable oil reserves of all categories as at 1 January 2011 and 1 January 2016 respectively and accumulated oil extraction from the commencement of exploitation of a specific subsurface site in accordance with data in the state balance sheet of mineral reserves as at 1 January 2016 and 1 January 2018 respectively. [as amended by Federal Laws No. 335-FZ of 27.11.2017, No. 340-FZ of 15.10.2020]

Article 343.3. Procedure for Reducing the Amount of Tax Calculated in Connection with the Extraction of Natural Fuel Gas from All Types of Hydrocarbon Deposits Extracted at a Subsurface Site Situated Wholly or Partially in the Black Sea [inserted by Federal Law No. 286-FZ of 30.09.2017]

1. A taxpayer shall have the right in tax periods from 1 January 2018 until 31 December 2020 to reduce the total amount of tax calculated in connection with the extraction of natural fuel gas from all types of hydrocarbon deposits extracted at a subsurface site situated wholly partially
in the Black Sea by the amount of a tax deduction to be determined and applied in accordance with the procedure established by this Article (hereafter in this Article referred to as “tax deduction”).

2. A tax deduction shall be applied in a tax period if the following conditions are met with respect to a subsurface site situated wholly or partially in the Black Sea at which the extraction of natural fuel gas from all types of hydrocarbon deposits takes place:

- the coefficient $C_{AS}$ established by clause 11 of Article 342.4 of this Code is not applied to the subsurface site in question;

- the hydrocarbon deposit of the subsurface site at which the extraction of natural fuel gas from all types of hydrocarbon deposits takes place is not classed as a new offshore hydrocarbon deposit.

3. The tax deduction may be applied by taxpayer organizations which underwent state registration in the territory of the Republic of Crimea or the city of federal significance Sevastopol before 1 January 2017.

4. The tax deduction shall be determined as the amount of expenses actually paid by the taxpayer in the period from 1 January 2018 until the last day of the tax period (inclusively) in which the tax deduction is applied for the acquisition, construction, manufacture and delivery of fixed assets which meet the conditions established by clause 5 of this Article and in rendering them fit for use.

The tax deduction may not exceed an amount equal to the product of the coefficient 0.9 and the total amount of tax which it reduces.

Amounts of actually paid expenses such as are referred to in paragraph 1 of this clause which have not been taken into account for taxation purposes in a tax period may be taken into account in determining the tax deduction in any subsequent tax period indicated in clause 1 of this Article.

Amounts of actually paid expenses such as are referred to in paragraph 1 of this clause which have been taken into account for taxation purposes in a tax period may not subsequently be included in the tax deduction in other tax periods or for other subsurface sites.

The classification of property as fixed assets shall take place on the basis of the provisions of clause 1 of Article 257 of this Code.

For the purposes of this Article, the making of payment (partial payment) for goods (work and services) and property rights shall be understood to mean the termination (partial termination) by the taxpayer acquiring those goods (work and services) and property rights of the reciprocal obligation to the seller which directly arises from the supply of the goods (performance of work, rendering of services) and the transfer of property rights.

5. A tax deduction shall be granted on condition that fixed assets such as are referred to in this Article have been included in an investment programme for the development of the gas transportation system of the Republic of Crimea and the city of federal significance Sevastopol
which has been approved by authorized executive state bodies of the Republic of Crimea and the city of federal significance Sevastopol.

6. For the purposes of confirming that the conditions established by this Article are met, a taxpayer shall submit to the tax authority, together with the tax declaration for tax, documents confirming actual payment of expenses such as are referred to in clause 4 of this Article which were taken into account in the relevant tax period in determining the tax deduction and documents confirming that fixed assets are included in an investment programme such as is referred to in clause 5 of this Article.

**Article 343.4. Procedure for Reducing the Amount of Tax Calculated in Respect of the Extraction of Gas Condensate from All Kinds of Hydrocarbon Deposits by the Amount of a Tax Deduction in Connection with the Production of Natural Gas Liquids Upon the Processing of Gas Condensate** [inserted by Federal Law No. 335-FZ of 27.11.2017]

1. A taxpayer shall have the right to reduce the total amount of tax calculated in accordance with this Code in respect of the extraction of gas condensate from all kinds of hydrocarbon deposits by the amount of a tax deduction in accordance with the procedure established by this Code provided that the following conditions are simultaneously met:

1) gas condensate extracted by the taxpayer was sent by the taxpayer and (or) by another Russian organization possessing the right of possession and (or) use and (or) disposal in relation to that gas condensate for processing using process equipment belonging to a Russian organization;

2) natural gas liquids were obtained when gas condensate extracted by the taxpayer was processed using process equipment belonging to a Russian organization;

3) the fact that natural gas liquids were obtained from gas condensate extracted by the taxpayer has been confirmed by documents in accordance with the procedure established by this Article.

2. For the purpose of confirming that the conditions laid down in clause 1 of this Article are met, the taxpayer shall submit the following documents to the tax authority together with the tax declaration:

1) where natural gas liquids are obtained upon processing extracted gas condensate using process equipment belonging to a Russian organization – copies of primary accounting documents confirming that extracted gas condensate was sent for processing and the quantity thereof and confirming that finished products – natural gas liquids obtained in the current period from extracted gas condensate – have been recorded in accounts (entered in accounting records);

2) where extracted gas condensate is sent for processing in accordance with an agreement providing for the provision by a Russian organization to the taxpayer of services involving the processing of extracted gas condensate resulting in the production of natural gas liquids – a copy of the taxpayer’s agreement with that organization and copies of primary accounting documents confirming that extracted gas condensate was supplied to that organization for processing and confirming that finished products – natural gas liquids obtained in the current
period from extracted gas condensate – have been recorded in accounts (entered in accounting records);

3) where extracted gas condensate is sold without processing and the taxpayer knows that the condensate will subsequently be supplied by other organizations for processing resulting in the production of natural gas liquids – a copy of the contract for the sale of the extracted gas condensate, copies of primary accounting documents (including primary accounting documents of third parties where the latter recognise income (expenses) from the sale of that gas condensate without processing or process it (supply it for processing)) confirming that the gas condensate in question was sent for processing (including by third parties), and the quantity thereof, and primary accounting documents confirming that natural gas liquids were obtained from the gas condensate in question (including by third parties) in the form of finished products, and copies of primary accounting documents confirming that finished products – natural gas liquids obtained in the current period from extracted gas condensate – have been recorded in accounts (entered in accounting records).

3. The amount of the tax deduction shall be determined by the taxpayer independently on the basis of results for each tax period using the following formula:

$$D_{GC} = C_{NGL} \times M_{GC} \times D,$$

where $C_{NGL}$ is the recovery factor for natural gas liquids obtained from the processing of gas condensate, including gas condensate extracted by the taxpayer, which is determined for the tax period which has ended by the organization which carries out that processing as the ratio of the quantity of natural gas liquids obtained for the tax period which has ended to the total quantity of gas condensate processed in the tax period which has ended. The value of the coefficient shall be rounded to the fourth decimal point in accordance with the current rounding rules. The value of the coefficient shall be communicated by the organization to subsurface users which have the right to a tax deduction in accordance with this Article by means of an official letter signed by the director or a duly appointed acting director. In the case established by subsection 1 of clause 2 of this Article the value of the coefficient shall be determined by the taxpayer independently;

$M_{GC}$ is the quantity of gas condensate extracted by the taxpayer which was processed using process equipment for the purpose of obtaining natural gas liquids (including by third parties), which is independently determined by the taxpayer, expressed in tonnes and rounded to the fourth decimal point in accordance with the current rounding rules;

$D$ is the rate of the tax deduction in roubles per 1 tonne of natural gas liquids obtained from gas condensate extracted by the taxpayer, which is calculated using the following formula:

$$D = (147 + (n – 1) \times 147,$$

where $n$ is the sequential number of the tax period counted continuously from 1 January 2018, taking the sequential number of the tax period commencing from 1 January 2018 to be equal to 1.

Commencing from the thirty-sixth tax period ($n = 36$) counted in the manner prescribed by this clause, the value of the tax deduction rate shall be taken to be equal to 5,280.
4. The amount of the tax deduction for gas condensate extraction ($D_{GC}$) which is calculated in accordance with the procedure laid down in this Article shall be rounded to the second decimal point in accordance with the current rounding rules.

5. For the purposes of this Article, industrial propane-butane shall also be classed as natural gas liquids unless the following conditions are met:

1) the industrial propane-butane was obtained from the processing of gas condensate using processing equipment first placed into service before 1 January 2018;

2) the industrial propane-butane was obtained (separated) from natural gas liquids previously derived from the processing of gas condensate.

[clause 5 inserted by Federal Law No. 301-FZ of 03.08.2018]

**Article 343.5. Procedure for Reducing the Amount of Tax Calculated in Connection with the Extraction of Dewatered, Desalted and Stabilized Oil by the Amount of the Tax Deduction Associated with the Creation of External Infrastructure Assets** [inserted by Federal Law No. 65-FZ of 18.03.2020]

1. A taxpayer shall have the right to reduce the amount of tax calculated in connection with the extraction of dewatered, desalted and stabilized oil at subsurface sites meeting the requirements established by clause 2 of this Article by the amount of a tax deduction to be determined and applied in accordance with the procedure established by this Article (hereinafter in this Article referred to as “tax deduction”):

The tax deduction shall apply from the 1st of the tax period in which this Article entered into force until the lapse of 120 calendar periods from the commencement of the application of the tax deduction.

2. In order for the tax deduction to be applied in relation to the total amount of tax calculated for the tax period in connection with the extraction of dewatered, desalted and stabilized oil at a subsurface site, that subsurface site must simultaneously meet the following requirements during the entire tax period:

1) the subsurface site is situated wholly or partially north of 67 degrees of northern latitude and south of 69 degrees of northern latitude wholly within the borders of the Krasnoyarsk Territory;

2) the extraction of dewatered, desalted and stabilized oil at the subsurface site is subject to the tax rate established by subsection 9 of clause 2 of Article 342 of this Code and the corresponding coefficients $C_{DE}$, $C_{R}$ and $C_{CAN}$ determined in the manner prescribed by this Chapter as equal to 1, or the tax rate established by subsection 9.1 of clause 2 of Article 342 of this Code (excluding dewatered, desalted and stabilized oil extracted at subsurface sites meeting the requirements established by subsection 5 of clause 1 of Article 333.45 of this Code);

3) rights to use the subsurface site have been granted to an organization in which another organization has a direct or indirect participating interest and the amount of that participating interest is not less than 50 per cent, and in this respect the Russian Federation directly or
indirectly controls more than 50 per cent of the total number of votes conferred by voting shares forming the charter capital of that other organization.

3. The tax deduction may be applied by:

1) organizations to which rights to use the subsurface sites in question were granted before 1 January 2019;

2) organizations to which rights to use the subsurface sites were transferred from organizations referred to in subsection 1 of this clause on or after 1 January 2019 on the grounds and in accordance with the procedure established by the tax and levy legislation of the Russian Federation.

4. The amount of the tax deduction shall be determined as the amount of expenses actually paid in the period from 1 January 2020 to the last day of the tax period (inclusively) in which the tax deduction is applied for the acquisition, construction, manufacture, delivery and making ready for use of fixed assets meeting the requirements established by clause 6 of this Article, and for the acquisition of property rights in those fixed assets.

Expenses referred to in paragraph 1 of this clause shall include expenses of the taxpayer and of persons that have been granted licences to use subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code, provided that those persons transmit to the taxpayer copies of documents confirming the amounts of those expenses and the fact that they have been paid and meet the requirements established by this Article. Expenses of persons that have been granted licences to use subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code shall be taken into account in the determination of the tax deduction by one taxpayer.

For the purposes of this Article, expenses for the acquisition, construction, manufacture, delivery and making ready for use of fixed assets meeting the requirements established by clause 6 of this Article shall also include:

- expenses for the extension, refitting, renovation, upgrading, retooling and partial abandonment of those assets. In this respect, those terms are used as defined in Article 257 of this Code;

- expenses associated with utility connection agreements, cost reimbursement agreements, investment agreements and other similar agreements concluded solely in relation to fixed assets referred to in clause 6 of this Article with organizations that create and operate those assets.

In this respect, the maximum amount of a tax deduction and the procedure for the determination of actually paid amounts of expenses referred to in this clause shall be determined with reference to the procedure and requirements established by this Article.

5. The amount of the tax deduction calculated for each tax period may not exceed the maximum value of $\text{PV}_{\text{VANKOR}}$ which is independently determined by the taxpayer for the tax period in the manner prescribed by clause 7 of this Article. If the maximum value of $\text{PV}_{\text{VANKOR}}$ determined for the tax period is equal to 0, the amount of the tax deduction in that tax period shall be taken to be equal to 0.
Amounts of actually paid expenses referred to in clause 4 of this Article that were not taken into account in determining the amount of the tax deduction in a tax period may be taken into account in determining the tax deduction in the next tax period within the limits of the period referred to in clause 1 of this Article.

Amounts of actually paid expenses referred to in clause 4 of this Article that were taken into account in determining the tax deduction in a tax period may not be included in the tax deduction again in other tax periods or at other subsurface sites.

The classification of fixed assets as fixed assets shall take place on the basis of the provisions of clause 1 of Article 257 of this Code.

For the purposes of this Article:

- advance payments made (transferred) to suppliers (contractors) under agreements on the acquisition, construction, manufacture, delivery and making ready for use of fixed assets and on the acquisition of property rights in such fixed assets shall be equated with expenses for the acquisition, construction, manufacture, delivery and making ready for use of those fixed assets and for the acquisition of property rights in such fixed assets;

- amounts of expenses shall be deemed actually paid where the acquirer of goods (work, services) and property rights has terminated (partially terminated) the obligation to the seller which is directly connected with the supply of those goods (performance of work, rendering of services) and the transfer of property rights or where advance payments have been transferred in respect of future supplies of goods (performance of work, rendering of services, transfer of property rights);

- the term “activities involving the development of a subsurface site” is used as defined in clause 3 of Article 333.43 of this Code.

6. For the purposes of the application of the tax deduction, fixed assets must be classed as elements of road, transport, engineering and energy infrastructures that are necessary for carrying on activities involving the development of subsurface sites referred to in subsection 5 of clause 1 of Article 333.45 of this Code.

Fixed assets referred to in this clause must be placed into service before the expiry of the period of application of the tax deduction.

7. The maximum value of $P_{VANKOR}$ shall be calculated using the following formula:

$$P_{VANKOR} = (Rate_{MET_{act}} - Rate_{MET_{BAS}}) \times Volume_{oil},$$

where $Rate_{MET_{act}}$ is the tax rate applied by the taxpayer in the tax period in connection with the extraction of dewatered, desalted and stabilized oil at a subsurface site.

$Rate_{MET_{BAS}}$ is the value determined by the taxpayer in the manner prescribed by clause 8 of this Article.
Volume\textsubscript{oil} is the quantity of dewatered, desalted and stabilized oil extracted at a subsurface site in relation to which tax was calculated in the tax period, expressed in tonnes.

If the value of Rate\textsubscript{MET,BAS} for a tax period is found to be greater than or equal to the value of Rate\textsubscript{MET,act}, the maximum value of P\textsubscript{VANKOR} for that tax period shall be taken to be equal to 0.

8. The value of Rate\textsubscript{MET,BAS} shall be determined for a tax period in the manner prescribed by this clause in relation to dewatered, desalted and stabilized oil extracted at a subsurface site in roubles per 1 tonne:

1) for dewatered, desalted and stabilized oil in relation to the extraction of which the tax rate established by subsection 9 of clause 2 of Article 342 of this Code is applied, Rate\textsubscript{MET,BAS} shall be determined as the product of the value 919 and the value C\textsubscript{P,BAS}, minus the value D\textsubscript{M,BAS}.

The value C\textsubscript{P,BAS} shall be calculated using the following formula:

\[ C_{P,BAS} = (P_{BAS} - 15) \times \text{Error!} \],

where the value of P\textsubscript{BAS} is taken to be equal to 25;

[paragraphs 5-8 lost force from 01.01.2021 – Federal Law No. 342-FZ of 15.10.2020]

R is the average value for the tax period of the exchange rate of the US dollar to the Russian Federation rouble set by the Central Bank of the Russian Federation, as determined in the manner prescribed by clause 3 of Article 342 of this Code.

The value D\textsubscript{M,BAS} shall be calculated using the following formula:

\[ D_{M,BAS} = C_{MET} \times C_{P,BAS} \times (1 - C_R \times C_{DE} \times C_{RD} \times C_{CAN}) - C_C - C_{PTDS} - C_{MAN}, \]

[as amended by Federal Law No. 342-FZ of 15.10.2020]

where C\textsubscript{MET}, C\textsubscript{R}, C\textsubscript{DE}, C\textsubscript{RD}, C\textsubscript{CAN}, C\textsubscript{C}, C\textsubscript{PTDS} and C\textsubscript{MAN} are coefficients determined in the manner prescribed by Article 342.5 of this Code. [as amended by Federal Law No. 342-FZ of 15.10.2020]

The values C\textsubscript{P,BAS} and D\textsubscript{M,BAS} determined in the manner laid down in this subsection shall be rounded to the fourth decimal place in accordance with current rounding rules;

2) for dewatered, desalted and stabilized oil in relation to the extraction of which the tax rate established by subsection 9 of clause 2 of Article 342 of this Code is applied, Rate\textsubscript{MET,BAS} shall be determined as the product of the value 1 and the value C\textsubscript{AIT,BAS}.

The value C\textsubscript{AIT,BAS} shall be calculated using the following formula:

\[ C_{AIT,BAS} = 0.5 \times (P_{BAS} - 15) \times R \times 7.3 \times C_{GR}, \]

where P\textsubscript{BAS} and R are determined in the manner prescribed by subsection 1 of this clause;
$C_{GR}$ is a coefficient reflecting the period of time that has passed since the date on which commercial oil extraction began at a subsurface site, which is determined in the manner prescribed by Article 342.6 of this Code.

The value $C_{AIT_{BAS}}$ determined in the manner laid down in this subsection shall be rounded to the fourth decimal place in accordance with current rounding rules.

9. For the purposes of confirming that the conditions established by this Article for the application of the tax deduction are met, the taxpayer shall submit to the tax authority, at the same time as the tax declaration for the tax, documents confirming the actual payment of amounts of expenses referred to in clause 4 of this Article that were taken into account in determining the tax deduction and documents confirming that the fixed assets in question meet the requirements established by clause 6 of this Article.

10. Where a fixed asset referred to in clause 6 of this Article is not placed into service before the expiry of the period of application of the tax deduction, the amount of the tax deduction insofar as it comprises actually paid expenses for the acquisition, construction, manufacture, delivery and making ready for use of that fixed asset shall be taken to be equal to 0 for all tax periods in which the taxpayer took those expenses into account in determining the tax deduction. In this respect, the amount of tax must be restored and paid to the budget in accordance with the established procedure with the payment of appropriate amounts of penalties assessed from the day following the day on which tax for the relevant tax period was paid.

11. For the purposes of this Article, the historical cost of a fixed asset shall be determined in the manner prescribed by clause 1 of Article 257 of this Code. If prices not recognised as market prices were applied in transactions taken into account in determining the historical cost of a fixed asset, the historical cost of that fixed asset shall be determined using the prices of those transactions that are taken for taxation purposes in accordance with the procedure and using the methods which are established by Chapter 14.3 of this Code.

If the amount of actually paid expenses for the acquisition, construction, manufacture, delivery and making ready for use of a fixed asset referred to in clause 6 of this Article is found to be greater than the historical cost of that fixed asset as determined in accordance with the procedure and using the methods which are established by Chapter 14.3 of this Code, the amount of the tax deduction insofar as it comprises that excess shall be taken to be equal to 0 for all tax periods in which the taxpayer took the expenses in question into account in determining the tax deduction. In this respect, the amount of tax must be restored and paid to the budget in accordance with the established procedure with the payment of appropriate amounts of penalties assessed from the day following the day on which tax for the relevant tax period was paid.

For the purposes of this Article the term “market price” is used as defined in Article 105.3 of this Code.
Article 343.6. Procedure for Reducing the Amount of Tax Calculated in Connection with the Extraction of Certain Types of Commercial Minerals by Residents of the Arctic Zone of the Russian Federation [inserted by Federal Law No. 195-FZ of 13.07.2020]

1. A taxpayer that has obtained the status of resident of the Arctic Zone of the Russian Federation in accordance with the Federal Law “Concerning State Support for Entrepreneurial Activities in the Arctic Zone of the Russian Federation” shall have the right to reduce the amount of tax calculated in connection with the extraction of commercial minerals referred to in clause 2 of Article 337 of this Code (with the exception of the commercial minerals referred to in subsections 1.1 and 3 of clause 2 of Article 337 of this Code) at new subsurface sites by the amount of a tax deduction to be determined and applied in accordance with the procedure established by this Article (hereafter in this Article referred to as “tax deduction”). In this respect, the determination of whether a subsurface site is a new subsurface site and the application of the tax deduction shall take place in relation to each type of extracted commercial mineral separately.

For the purposes of this Article, a new subsurface site shall be understood to mean a subsurface site situated wholly within the boundaries of the Arctic Zone of the Russian Federation at which the level of depletion of reserves of a specific commercial mineral is less than or equal to the value of 0.001 in accordance with data in the state balance sheet of mineral reserves as at 1 January 2021 or there are no reserves of the commercial mineral in question in the state balance sheet of mineral reserves as at that date.

For the purposes of this Article, the level of depletion of reserves of a commercial mineral shall be calculated by the taxpayer independently on the basis of data in the state balance sheet of mineral reserves as at 1 January 2021 as the quotient from dividing the amount of the accumulated extraction of a specific commercial mineral (including losses occurring during extraction) at a subsurface site by the initial recoverable reserves of that commercial mineral at the subsurface site. The value calculated in the manner prescribed by this clause for the level of depletion of reserves of a commercial mineral shall be rounded to the third decimal place in accordance with the current rounding rules.

The tax deduction shall apply from 1 January 2021 to 31 December 2032 inclusively.

2. The amount of the tax deduction shall be determined as the amount actually paid by the taxpayer in the period from 1 January 2021 up to the last day of the tax period (inclusively) in which the tax deduction is applied in the form of expenses incurred for the acquisition, building, manufacture and delivery of fixed assets meeting the requirements established by clause 3 of this Article and to make them ready for use and expenses under technological connection agreements, investment agreements and other similar agreements concluded exclusively in relation to fixed assets referred to in clause 3 of this Article with organizations that create and operate the assets in question.

In this respect, expenses referred to in paragraph 1 of this clause that were incurred in relation to fixed assets that have been commissioned and in relation to agreements referred to in paragraph 1 of this clause that have been performed shall be taken into account in determining the amount of the tax deduction.
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The amount of the tax deduction may not exceed 50 per cent of the amount of tax payable in the tax period in which the tax deduction is applied.

3. For the purposes of applying the tax deduction, fixed assets must form part of road, transport, engineering and energy infrastructures required to carry on activities involving the extraction of the commercial mineral in connection with whose extraction the amount of tax to be reduced by the tax deduction is calculated, or part of production facilities for the subsequent processing (refinement, conversion) of that commercial mineral.

The classification of assets as fixed assets shall take place on the basis of the provisions of clause 1 of Article 257 of this Code.

The fixed assets referred to in this clause must be commissioned no earlier than 1 January 2021.

4. If prices not deemed to be market prices were applied in transactions taken into account in determining expenses referred to in clause 2 of this Article, those expenses shall be taken into account in determining the tax deduction at an amount determined using the prices of those transactions that are taken for taxation purposes in accordance with the procedure and using the methods established by Chapter 14.3 of this Code. For the purposes of this clause the market price shall be determined with account taken of the provisions of Article 105.3 of this Code.

5. Amounts of actually paid expenses referred to in clause 2 of this Article that were not taken into account in determining the amount of the tax deduction in a tax period may be taken into account in determining the tax deduction in subsequent tax periods.

Amounts of actually paid expenses referred to in clause 2 of this Article that were taken into account in determining the tax deduction in a tax period may not be included in the tax deduction again in other tax periods or in connection with the extraction of commercial minerals at other subsurface sites or the extraction of other commercial minerals at the subsurface site in question.

Article 344. Time Limits for the Payment of Tax [as amended by Federal Law No. 57-FZ of 29.05.2002]

The amount of tax which is payable on the basis of the final result for a tax period shall be paid no later than the 25th of the month following the tax period which has ended.

Article 345. Tax Declaration

1. The obligation to submit a tax declaration shall arise for taxpayers beginning in the tax period in which the actual extraction of commercial minerals began. [as amended by Federal Law No. 57-FZ of 29.05.2002]

The tax declaration shall be submitted by the taxpayer to the tax authorities for the location (place of residence) of the taxpayer. [paragraph inserted by Federal Law No. 57-FZ of 29.05.2002]

2. The tax declaration shall be submitted no later than the last day of the month following the tax period which has ended.
Article 345.1. Procedure for the Presentation of Information by Bodies for the Administration of the State Fund of Subsurface Resources and Bodies Which Exercise Monitoring and Supervision in the Area of Subsurface Use [inserted by Federal Law No. 425-FZ of 28.12.2010]

1. The federal executive body which maintains the state balance sheet of commercial minerals in accordance with the established procedure shall send to tax authorities data from the state balance sheet of reserves of commercial minerals as at the first day of each calendar year, including the following information:

1) the name, taxpayer identification number and code of reason for registration of the subsurface user;
   [subsection 1 as reworded by Federal Law No. 268-FZ of 30.09.2013]

2) particulars of a licence to use subsurface resources;

3) data concerning accumulated oil extraction (including extraction losses) and the initial recoverable oil reserves approved in accordance with the established procedure with account taken of increments and write-offs of oil reserves (with the exception of write-offs of reserves of extracted oil and extraction losses) of all categories for each individual subsurface site, and for each specific hydrocarbon reservoir such as is referred to in subsections 1 to 4 of clause 1 of Article 342.2 of this Code; [as amended by Federal Law No. 213-FZ of 23.07.2013]

4) data concerning the extraction of anthracite, coking coal and brown coal and coal other than anthracite, coking coal and brown coal, and actual extraction losses (broken down by seam);

5) the permeability and net pay values for a hydrocarbon reservoir;
   [subsection 5 inserted by Federal Law No. 213-FZ of 23.07.2013]

6) the names of the productive formations within which a hydrocarbon reservoir has been classed as occurring;
   [subsection 6 inserted by Federal Law No. 213-FZ of 23.07.2013]

7) information on accumulated extraction of each type of hydrocarbon at a new offshore hydrocarbon deposit (including extraction losses) and duly approved initial reserves thereof (in the case of oil – initial recoverable reserves), with account taken of increments and write-offs of reserves of all categories of a commercial mineral (excluding write-offs of reserves of the extracted commercial mineral and extraction losses) for each hydrocarbon deposit (reservoir);
   [subsection 7 inserted by Federal Law No. 268-FZ of 30.09.2013]

8) information on deposits in accordance with clause 6 of Article 338 of the Code;
   [subsection 8 inserted by Federal Law No. 268-FZ of 30.09.2013]

9) the smallest depth of occurrence of a hydrocarbon reservoir;
   [subsection 9 inserted by Federal Law No. 263-FZ of 30.09.2013]

10) information on accumulated extraction of natural fuel gas (excluding associated gas), including extraction losses, and initial reserves of all categories for each specific subsurface site.
   [subsection 10 inserted by Federal Law No. 263-FZ of 30.09.2013; as amended by Federal Law No. 102-FZ of 05.04.2016]
2. Data shall be presented after the issuance of the state balance sheet of commercial minerals as at the first day of each calendar year, but not later than the first day of each calendar year.

[Article 346. Lost force – Federal Law No. 65-FZ of 06.06.2003]