



Observatory on the Protection of Taxpayers' Rights

Below you will find a questionnaire filled in by Karina Ponomareva, Associate Professor at *Omsk State University* and Natalia Soloveva, Chairperson of the BoD at *Olimp Zdorovia Group*, both OPTR National Reporters of Russia.

This set of questionnaires comprise the National Reporter's assessment on the country practice during 2020 in the protection of taxpayers' rights, and the level of fulfilment of the minimum standards and best practices on the practical protection of taxpayers' rights identified by Prof. Dr. Philip Baker and Prof. Dr. Pasquale Pistone at the 2015 IFA Congress on "The Practical Protection of Taxpayers' Fundamental Rights".

OPTR - 2020 Questionnaire 1 - Country Practice

Dear National Reporter,

I would like to thank you for your participation in the IBFD's Observatory on the Protection of Taxpayers' Rights (OPTR).

This form collects the information on the practical implementation in domestic law of legal procedures, safeguards and guarantees associated with taxpayers' rights in 82 situations for the practical protection of taxpayers' rights, as monitored by the IBFD Observatory on the Protection of Taxpayers' Rights.

We kindly ask you to assess assertively (yes/no) the level of practical implementation of said procedures, safeguards and guarantees associated with taxpayers' rights in your country. When answering, please bear in mind the actual practice regarding each situation, regardless of whether a given procedure, safeguard or guarantee has been formally adopted in your country.

We would be very grateful if you submit us this questionnaire, duly filled out, by no later than 15 January 2021.

Feel free to contact us for any clarification you may need. We look forward to your valuable contribution to this remarkable project.

Kind regards,

Prof. Dr. Carlos E. Weffe
Managing Editor
IBFD Observatory on the Protection of Taxpayers' Rights.

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Tax Administration

Judiciary

(Tax) Ombudsperson

Academia

Other: _____

Questionnaire 1 - Country Practice

Instructions:

1. Please answer all questions. The form will not allow you to continue/submit your responses until you have answered all questions.
2. For assertive questions, please answer with "yes" or "no" by clicking on the corresponding button.
3. For questions that require you to specify a period of time (namely, Q. 26 and Q. 45), please select the time applicable in your country to carry out the procedures indicated in the questions in practice, within the options provided.
4. For questions with more than one possible answer (namely, Q. 56), please check all necessary boxes to reflect better the practical situation of your country regarding the issue, by clicking on them.

5. When completed, please submit the survey.

6. Once you have submitted the survey, you will receive an email acknowledging your participation in the OPTR and providing a backup of your answers.

7. The email will also include an "edit your survey" link, in case you want to modify any of your answers. You will receive this email every time you submit partial responses.

8. An option to quit the survey and save your answers is provided at the end of each section.

9. If answering partially, please select "Yes" at the end of the section in which you are to submit your partial answers to the survey. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this survey.

10. For editing your answers, please use the last "edit your response" link provided to you via email. Please bear in mind that this is the only way the system will acknowledge your previous answers. If you use a link other than the last one provided, some (or all) changes might not be retrieved by the system.

11. When clicking on the last "edit your response" link, the system will lead you to the front page of the survey. Click on "Next" as many times as needed to get to the section you want to continue in. Once you have reached said section, please remember to change your answer to the question "Do you want to save your results and quit?" to "No", in order to be able to continue.

Area 1 - Identification of taxpayers, issuing tax returns and communicating with taxpayers

1. Do taxpayers have the right to see the information held about them by the tax authority? *

Yes

No

2. If yes, can they request the correction of errors in the information? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

3. Is it possible in your country for taxpayers to communicate electronically with the tax authority? *

Yes

No

4. If yes, are there systems in place to prevent unauthorised access to the channel of communication? *

Yes

No

5. In your country, is there a system of "cooperative compliance" / "enhanced relationship" which applies to some taxpayers only? *

Yes

No

6. If yes, are there rules or procedures in place to ensure this system is available to all eligible taxpayers on a non-preferential/non discriminatory/non arbitrary basis? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

7. Are there special arrangements for individuals who face particular difficulties (e.g. the disabled, the elderly, other special cases) to receive assistance in complying with their tax obligations? *

Yes

No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Area 2 - The issue of tax assessment

8. Does a dialogue take place in your country between the taxpayer and the tax authority before the issue of an assessment in order to reach an agreed assessment? *

Yes

No

9. If a systematic error in the assessment of tax comes to light (e.g. the tax authority loses a tax case and it is clear that tax has been collected on a wrong basis), does the tax authority act ex officio to notify all affected taxpayers and arrange repayments to them? *

Yes

No

10. If yes, can the taxpayer request a meeting with the tax officer? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Area 3 - Confidentiality

11. Is information held by your tax authority automatically encrypted? *

Yes

No

12. Is access to information held by the tax authority about a specific taxpayer accessible only to the tax official(s) dealing with that taxpayer's affairs? *

Yes

No

13. If yes, must the tax official identify himself/herself before accessing information held about a specific taxpayer? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

14. Is access to information held about a taxpayer audited internally to check if there has been any unauthorised access to that information? *

Yes

No

15. Are there examples of tax officials who have been criminally prosecuted in the last decade for unauthorised access to taxpayers' data? *

Yes

No

16. Is information about the tax liability of specific taxpayers publicly available in your country? *

Yes

No

17. Is "naming and shaming" of non-compliant taxpayers practised in your country? *

Yes

No

18. Is there a system in your country by which the courts may authorise the public disclosure of information held by the tax authority about specific taxpayers (e.g. habeas data or freedom of information)? *

Yes

No

19. Is there a system of protection of legally privileged communications between the taxpayer and its advisors? *

Please provide separately (via optr@ibfd.org and c.weffe@ibfd.org) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

Yes

No

20. If yes, does this extend to advisors other than those who are legally qualified (e.g. accountants, tax advisors)? *

Please provide separately (via optr@ibfd.org and c.weffe@ibfd.org) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

Not applicable (click here if you answered "No" to the previous question)

Yes

No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Area 4 - Normal audits

21. Does the principle ne bis in idem apply to tax audits (i.e. that the taxpayer can only receive one audit in respect of the same taxable period)? *

Yes

No

22. If yes, does this mean only one audit per tax per year? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

23. Does the principle audi alteram partem apply in the tax audit process (i.e. does the taxpayer have to be notified of all decisions taken in the process and have the right to object and be heard before the decision is finalised)? *

Yes

No

24. Does the taxpayer have the right to request an audit (e.g. if the taxpayer wishes to get finality of taxation for a particular year)? *

Yes

No

25. Are there time limits applicable to the conduct of a normal audit in your country (e.g. the audit must be concluded within so many months)? *

Yes

No

26. If yes, what is the normal limit in months? *

1-3 months

27. Does the taxpayer have the right to be represented by a person of its choice in the audit process? *

Yes

No

28. May the opinion of independent experts be used in the audit process? *

Yes

No

29. Does the taxpayer have the right to receive a full report on the conclusions of the audit at the end of the process? *

Yes

No

30. Are there limits to the frequency of audits of the same taxpayer (e.g. in respect to different periods or different taxes)? *

Yes

No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Area 5 - More intensive audits

31. Is the principle nemo tenetur applied in tax investigations (i.e. the principle against self-incrimination)? *

Yes

No

32. If yes, is there a restriction on the use of information supplied by the taxpayer in a subsequent penalty procedure/criminal procedure? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

33. If yes to nemo tenetur, can the taxpayer raise this principle to refuse to supply basic accounting information to the tax authority? *

Not applicable (click here if you answered "No" to question 31)

Yes

No

34. Is there a procedure applied in your country to identify a point in time during an investigation when it becomes likely that the taxpayer may be liable for a penalty or a criminal charge, and from that time onwards the taxpayer's right not to self-incriminate is recognised? *

Yes

No

35. If yes, is there a requirement to give the taxpayer a warning that the taxpayer can rely on the right of non-self-incrimination? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

36. Is authorisation by a court always needed before the tax authority may enter and search premises? *

Yes

No

37. May the tax authority enter and search the dwelling places of individuals? *

Yes

No

38. Is a court order required before the tax authority can use interception of communications (e.g. telephone tapping or access to electronic communications)? *

Yes

No

39. Is there a procedure in place to ensure that legally privileged material is not taken in the course of a search? *

Yes

No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Please provide separately (via optr@ibfd.org and c.weffe@ibfd.org) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

40. Is there a procedure for an internal review of an assessment/decision before the taxpayer appeals to the judiciary? *

Yes

No

41. Does the taxpayer need permission to appeal to the first instance tribunal? *

Yes

No

42. Does the taxpayer need permission to appeal to the second or higher instance tribunals? *

Yes

No

43. Is it necessary for the taxpayer to bring his case first before an administrative court to quash the assessment/decision, before the case can proceed to a judicial hearing? *

Yes

No

44. Are there time limits applicable for a tax case to complete the judicial appeal process? *

Yes

No

45. If yes, what is the normal time it takes for a tax case to be concluded on appeal? *

1-3 months



46. Are there any arrangements for alternative dispute resolution (e.g. mediation or arbitration) before a tax case proceeds to the judiciary? *

Yes

No

47. Is there a system for the simplified resolution of tax disputes (e.g. by a determination on the file, or by e/filing)? *

Yes

No

48. Is the principle audi alteram partem (i.e. each party has a right to a hearing) applied in all tax appeals? *

Yes

No

49. Does the taxpayer have to pay some/all the tax before an appeal can be made (i.e. solve et repete)? *

Yes

No

50. If yes, are there exceptions recognised where the taxpayer does not need to pay before appealing (i.e. can obtain an interim suspension of the tax debt)? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

51. Does the loser have to pay the costs in a tax appeal? *

Yes

No

52. If yes, are there situations recognised where the loser does not need to pay the costs (e.g. because of the conduct of the other party)? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

53. If there is usually a public hearing, can the taxpayer request a hearing in camera (i.e. not in public) to preserve secrecy/confidentiality? *

Yes

No

54. Are judgments of tax tribunals published? *

Yes

No

55. If yes, can the taxpayer preserve its anonymity in the judgment? *

- Not applicable (click here if you answered "No" to the previous question)
- Yes
- No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

- Yes
- No

Area 7 - Criminal and administrative sanctions

56. Does the principle ne bis in idem apply in your country to prevent either: *

- The principle does not apply in my country
- The imposition of a tax penalty and the tax liability
- The imposition of more than one tax penalty for the same conduct
- The imposition of a tax penalty and a criminal liability

57. If ne bis in idem is recognised, does this prevent two parallel sets of court proceedings arising from the same factual circumstances (e.g. a tax court and a criminal court)? *

- Not applicable (click here if you answered "No" to the previous question)
- Yes
- No

58. If the taxpayer makes a voluntary disclosure of a tax liability, can this result in a reduced or a zero penalty? *

- Yes
- No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

- Yes
- No

Area 8 - Enforcement of taxes

59. Is a court order always necessary before the tax authorities can access a taxpayer's bank account or other assets? *

Yes

No

60. Does the taxpayer have the right to request a deferred payment of taxes or a payment in instalments (perhaps with a guarantee)? *

Yes

No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Area 9 - Cross-border situations

61. Does the taxpayer have the right to be informed before information relating to him is exchanged in response to a specific request? *

Yes

No

62. Does the taxpayer have a right to be informed before information is sought from third parties in response to a specific request for exchange of information? *

Yes

No

63. If no to either of the previous two questions, did your country previously recognise the right of taxpayers to be informed and was such right removed in the context of the peer review by the Forum on Transparency and Exchange of Information? *

Not applicable (click here if you answered "No" to either question 61 or question 62)

Yes

No

64. Does the taxpayer have the right to be heard by the tax authority before the exchange of information relating to him with another country? *

Yes

No

65. Does the taxpayer have the right to challenge before the judiciary the exchange of information relating to him with another country? *

Yes

No

66. Does the taxpayer have the right to see any information received from another country that relates to him? *

Yes

No

67. Does the taxpayer have the right in all cases to require a mutual agreement procedure is initiated? *

Yes

No

68. Does the taxpayer have a right to see the communications exchanged in the context of a mutual agreement procedure? *

Yes

No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Area 10 - Legislation

69. Is there a prohibition on retrospective tax legislation in your country? *

Yes

No

70. If no, are there restrictions on the adoption of retrospective tax legislation in your country? *

- Not applicable (click here if you answered "Yes" to the previous question)
- Yes
- No

71. Is there a procedure in your country for public consultation before the adopting of all (or most) tax legislation? *

- Yes
- No

72. Is tax legislation subject to constitutional review which can strike down unconstitutional laws? *

- Yes
- No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

- Yes
- No

Area 11 - Revenue practice and guidance

73. Does the tax authority in your country publish guidance (e.g. revenue manuals, circulars, etc.) as to how it applies your tax law? *

Yes

No

74. Does your country have a generalised system of advanced rulings available to taxpayers? *

Yes

No

75. If yes, is it legally binding? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

76. If a binding ruling is refused, does the taxpayer have a right to appeal? *

Yes

No

77. If your country publishes guidance as to how it applies your tax law, can taxpayers acting in good faith rely on that published guidance (i.e. protection of legitimate expectations)? *

Not applicable (click here if you answered "No" to the previous question)

Yes

No

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Area 12 - Institutional framework for protecting taxpayers' rights

78. Is there a taxpayers' charter or taxpayers' bill of rights in your country? *

Please provide separately (via optr@ibfd.org and c.weffe@ibfd.org) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

Yes

No

79. If yes, are its provisions legally effective? *

Please provide separately (via optr@ibfd.org and c.weffe@ibfd.org) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

- Not applicable (click here if you answered "No" to the previous question)
- Yes
- No

80. Is there a (tax) ombudsman / taxpayers' advocate / equivalent position in your country? *

- Yes
- No

81. If yes, can the ombudsman intervene in an on-going dispute between the taxpayer and the tax authority (before it goes to court)? *

- Not applicable (click here if you answered "No" to the previous question)
- Yes
- No

82. If yes to a (tax) ombudsman, is he/she independent from the tax authority? *

- Not applicable (click here if you answered "No" to question 80)
- Yes
- No

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OPTR - 2020 Questionnaire 2 - Standards of Protection

Dear National Reporter,

I would like to thank you for your participation in the IBFD Observatory on the Protection of Taxpayers' Rights (OPTR).

This form collects the information on developments occurred in 2020 regarding the implementation of 57 minimum standards and 44 best practices, distributed into 86 benchmarks, for the practical protection of taxpayers' rights as monitored by the OPTR.

We kindly ask you to provide an impartial, non-judgmental summary of events occurred in 2020 that in your opinion affect the level of compliance of a given of minimum standard/best practice in your country. These events may include, without limitation, legislation enacted, administrative rulings and/or circulars issued, case law and tax administration practices implemented, among others, as requested by this form.

You are also kindly required to assess whether the events you described represent either a step towards or a step away from the practical implementation of the given minimum standard/best practice in your country. Full instructions are provided below.

This form should be filled in as soon as any of the events mentioned above occurs and edited as many times as necessary to cover all relevant developments occurred in 2020, until no later than 15 January 2021. We appreciate very much your cooperation in this regard.

Feel free to contact us for any clarification you may need. We look forward to your valuable contribution to this remarkable project.

Kind regards,

Prof. Dr Carlos E. Weffe
Managing Editor
IBFD Observatory on the Protection of Taxpayers' Rights.

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Country: *

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Taxpayers / Tax Practitioners

Tax Administration

Judiciary

(Tax) Ombudsperson

Academia

Other: _____

Instructions

1. Please answer all questions. The form will not allow you to continue/submit your responses until you have answered all questions.

2. All questions are two or three-tiered (namely, either with parts "MS" and/or "BP", and "S"). They comprise a minimum standard and /or a best practice, and a "summary of relevant facts in 2020", a space for providing a summarized account on facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way.
3. Please Indicate, by clicking on the corresponding button, whether there was an improvement or a decrease of the level of compliance of the relevant standard/best practice in your country in 2020. If there were no changes, please indicate so by clicking on the corresponding button.
4. In ALL cases where an assessment of either improvement or decrease is reported, please refer the relevant novelties in the space provided under "summary of relevant facts in 2020", for each question. Please give a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. In case there is nothing to report for a given minimum standard/best practice, please answer "no changes".
5. If any, make additional, non-judgmental commentaries at the space provided under "summary of relevant facts in 2020".
6. Back up your assertions with the relevant documentary materials, if possible. While it is not mandatory, a short summary of such materials in English is appreciated. You are welcomed to send us these materials to our email: optr@ibfd.org and c.weffe@ibfd.org.
7. When completed, please submit the survey.
8. Once you have submitted the survey, you will receive an email acknowledging your participation in the OPTR and providing a backup of your answers.
9. The email will also include an "edit your survey" link, in case you want to modify any of your answers. You will receive this email every time you submit partial responses.
10. An option to quit the survey and save your answers is provided at the end of each section. This survey has 12 sections, as many as those identified by Baker and Pistone in their 2015 IFA General Report.
11. If answering partially, please select "Yes" at the end of the section in which you are to submit your partial answers to the survey. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this survey.
12. For editing your answers, please use the last "edit your response" link provided to you via email. Please bear in mind that this is the only way the system will acknowledge your previous answers. If you use a link other than the last one provided, some (or all) changes might not be retrieved by the system.
13. When clicking on the last "edit your response" link, the system will lead you to the front page of the survey. Click on "Next" as many times as needed to get to the section you want to continue in. Once you have reached said section, please remember to change your answer to the question "Do you want to save your results and quit?" to "No", in order to be able to continue.

Area 1 - Identification of taxpayers, issuing tax returns and communicating with taxpayers

1 (MS). Implement safeguards to prevent impersonation when issuing a unique identification number *

- No changes
- Shifted away
- Shifted towards

1 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

2 (MS). The system of taxpayer identification should take account of religious sensitivities *

- No changes
- Shifted away
- Shifted towards

2 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

3 (MS). Impose obligations of confidentiality on third parties with respect to information gathered by them for tax purposes *

- No changes
- Shifted away
- Shifted towards

3 (BP). Where tax is withheld by third parties, the taxpayer should be excluded from liability if the third party fails to pay over the tax *

- No changes
- Shifted away
- Shifted towards

3 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

4 (MS). Where pre/populated returns are used, these should be sent to taxpayers to correct errors. *

- No changes
- Shifted away
- Shifted towards

4 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

5 (MS). Provide a right to access to taxpayers to personal information held about them, and a right to correct inaccuracies. *

- No changes
- Shifted away
- Shifted towards

5 (BP). Publish guidance on taxpayers' rights to access information and correct inaccuracies

*

- No changes
- Shifted away
- Shifted towards

5 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

6 (MS). Where communication with taxpayers is in electronic form, institute systems to prevent impersonation or interception *

- No changes
- Shifted away
- Shifted towards

6 (S). Summary of relevant facts in 2019

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

7 (MS). Where a system of "cooperative compliance" operates, ensure it is available on a non-discriminatory and voluntary basis *

- No changes
- Shifted away
- Shifted towards

7 (S). Summary of relevant facts in 2019

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

8 (MS). Provide assistance for those who face difficulties in meeting compliance obligations, including those with disabilities, those located in remote areas, and those unable or unwilling to use electronic forms of communication *

- No changes
- Shifted away
- Shifted towards

8 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Area 2 - The issue of tax assessment

9 (BP). Establish a constructive dialogue between taxpayers and revenue authorities to ensure a fair assessment of taxes based on equality of arms *

No changes

Shifted away

Shifted towards

9 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

10 (BP). Use e-filing to speed up assessments and correction of errors, particularly systematic errors *

- No changes
- Shifted away
- Shifted towards

10 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

1. From April 1, 2020 tax authorities are allowed to inform taxpayers about arrears and arrears on penalties, fines, interest by SMS, e-mail or other means. Such mailing is possible provided that the organization has given its written consent. The frequency of mailing is not more than once a quarter. (Federal Law of 29.09.2019 N 325-FZ; Order of the Federal Tax Service of Russia of 06.07.2020 N ED-7-8/423@)

2. The tax free system switches to electronic document management from January 1, 2021 (Federal Law No. 220-FZ of 20.07.2020).

From the beginning of 2021, amendments to the Tax Code of the Russian Federation will become effective, affecting the issuance of checks and document flow in the tax free system. The new rules will also work for the deduction of VAT, which can be applied by retail organizations participating in the system.

So, a cash receipt will be allowed to be issued not only on paper, but also in electronic form. In addition, the procedure for interaction between sellers, authorized bodies and organizations that pay compensation to individuals has been approved. They will also exchange information electronically.

3. A new form of CFC notification has been implemented (Order of the Federal Tax Service of Russia of 26.08.2019 N MMV-7-13/422@).

If an organization has an obligation to submit a CFC notification starting from January 1, 2020, it must be submitted in a new form. New filling procedures, electronic submission procedures and the corresponding format have also been approved.

The main innovation: it is fixed that only natural persons can fill in the notification by hand. Organizations are required to generate a notification and submit it in electronic form.

4. Documents for the transition to tax monitoring can be submitted electronically

From September 1, 2020 taxpayers can submit electronic documents:

- statement on the conduct of tax monitoring;
- the regulations of information interaction;
- information about organizations and individuals with a direct or indirect share of more than 25%;
- accounting policy for the purposes of taxation of the organization;
- information on the organization of the internal control system and a list of areas for identifying risks.

(Letter of the Federal Tax Service of Russia dated 31.08.2020 N PV-4-23/139@)

Do you want to save your results and quit? *

If "Yes", please submit the form. To edit/complete your answers later, please use the "edit your response" link sent to your email after submitting this form. If not, click "Next" to continue.

Yes

No

Area 3 - Confidentiality

11 (MS). Provide a specific legal guarantee for confidentiality, with sanctions for officials who make unauthorised disclosures (and ensure sanctions are enforced). *

No changes

Shifted away

Shifted towards

11 (BP). Encrypt information held by a tax authority about taxpayers to the highest level attainable. *

No changes

Shifted away

Shifted towards

11 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

12 (MS). Introduce an offence for tax officials covering up unauthorised disclosure of confidential information. *

- No changes
- Shifted away
- Shifted towards

12 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

13 (MS). Restrict access to data to those officials authorised to consult it. For encrypted data, use digital access codes. *

- No changes
- Shifted away
- Shifted towards

13 (BP). Ensure an effective fire-wall to prevent unauthorised access to data held by revenue authorities. *

- No changes
- Shifted away
- Shifted towards

13 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

14 (MS). Audit data access periodically to identify cases of unauthorised access. *

- No changes
- Shifted away
- Shifted towards

14 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

15 (MS). Introduce administrative measures emphasizing confidentiality to tax officials. *

- No changes
- Shifted away
- Shifted towards

15 (BP). Appoint data protection/privacy officers at senior level and local tax offices. *

- No changes
- Shifted away
- Shifted towards

15 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

16 (MS). If a breach of confidentiality occurs, investigate fully with an appropriate level of seniority by independent persons (e.g. judges). *

- No changes
- Shifted away
- Shifted towards

16 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

17 (MS). Provide remedies for taxpayers who are victims of unauthorised disclosure of confidential information. *

- No changes
- Shifted away
- Shifted towards

17 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

18 (MS). Exceptions to the general rule of confidentiality should be explicitly stated in the law, narrowly drafted and interpreted. *

- No changes
- Shifted away
- Shifted towards

18 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

19 (MS). If "naming and shaming" is employed, ensure adequate safeguards (e.g. judicial authorisation after proceedings involving the taxpayer). *

- No changes
- Shifted away
- Shifted towards

19 (BP). Require judicial authorisation before any disclosure of confidential information by revenue authorities *

- No changes
- Shifted away
- Shifted towards

19 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

20 (MS). No disclosure of confidential taxpayer information to politicians, or where it might be used for political purposes. *

- No changes
- Shifted away
- Shifted towards

20 (BP). Parliamentary supervision of revenue authorities should involve independent officials, subject to confidentiality obligations, examining specific taxpayer data, and then reporting to Parliament. *

- No changes
- Shifted away
- Shifted towards

20 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

21 (MS). Freedom of information legislation may allow a taxpayer to access information about himself. However, access to information by third parties should be subject to stringent safeguards: only if an independent tribunal concludes that the public interest in disclosure outweighs the right of confidentiality, and only after a hearing where the taxpayer has an opportunity to be heard. *

- No changes
- Shifted away
- Shifted towards

21 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

22 (MS). If published, tax rulings should be anonymised and details that might identify the taxpayer removed. *

- No changes
- Shifted away
- Shifted towards

22 (BP). Anonymise all tax judgments and remove details that might identify the taxpayer *

- No changes
- Shifted away
- Shifted towards

22 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

23 (MS). Legal professional privilege should apply to tax advice. *

Please provide separately (via optr@ibfd.org) an annex with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

- No changes
- Shifted away
- Shifted towards

23 (BP). Privilege from disclosure should apply to all tax advisors (not just lawyers) who supply similar advice to lawyers. Information imparted in circumstances of confidentiality may be privileged from disclosure. *

Please provide separately (via optr@ibfd.org) an annex with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

- No changes
- Shifted away
- Shifted towards

23 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Legal professional privilege of tax advisors is not regulated by Russian legislation. Russian laws only protect advocate-client communications. Communication with persons without advocate status (including private practitioners and in-house counsels) is not protected by law.

According to Article 90 of the Tax Code of the Russian Federation persons who have received information necessary for tax control in connection with the performance of their professional duties, and such information shall be treated as a professional privilege of these persons, in particular an advocate or an auditor, cannot be questioned as witnesses during tax audits.

24 (MS). Where tax authorities enter premises which may contain privileged material, arrangements should be made (e.g. an independent lawyer) to protect that privilege. *

Please provide separately (via optr@ibfd.org and c.weffe@ibfd.org) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

- No changes
- Shifted away
- Shifted towards

24 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Since April 1, 2020 the information on decisions taken by the tax authorities on the application of methods to ensure the fulfilment of the obligation to pay taxes and on decisions on the adoption of interim measures should be posted on the official website of the Federal Tax Service of Russia. To do this, the deadline is 3 days from the date of adoption of the relevant decision of the tax authority, but not before the entry into force of the decision on bringing to responsibility for committing a tax offence or the decision on refusal in bringing to liability for committing a tax offence the performance of which is secured by a prohibition to alienate (to put in pledge) a taxpayer's property without the consent of the tax authority in accordance with clause 10 of Article 101 of the Tax Code of the Russian Federation.

It is established that this information cannot constitute a tax secret.

Do you want to save your results and quit? *

- Yes
- No

25 (MS). Audits should respect the following principles: (i) Proportionality. (2) Ne bis in idem (prohibition of double jeopardy). (3) Audi alteram partem (right to be heard before any decision is taken). (4) Nemo tenetur se detegere (principle against self/incrimination). Tax notices issued in violation of these principles should be null and void. *

- No changes
- Shifted away
- Shifted towards

25 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

26 (MS). In application of proportionality, tax authorities may only request for information that is strictly needed, not otherwise available, and must impose least burdensome impact on taxpayers. *

- No changes
- Shifted away
- Shifted towards

26 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

27 (BP). In application of ne bis in idem the taxpayer should only receive one audit per taxable period, except when facts that become known after the audit was completed. *

- No changes
- Shift away
- Shift towards

27 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

28 (MS). In application of audi alteram partem, taxpayers should have the right to attend all relevant meetings with tax authorities (assisted by advisors), the right to provide factual information, and to present their views before decisions of the tax authorities become final.

*

- No changes
- Shifted away
- Shifted towards

28 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

29 (MS). In application of nemo tenetur, the right to remain silent should be respected in all tax audits. *

- No changes
- Shifted away
- Shifted towards

29 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

30 (BP). Tax audits should follow a pattern that is set out in published guidelines. *

- No changes
- Shifted away
- Shifted towards

30 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

31 (BP). A manual of good practice in tax audits should be established at the global level. *

- No changes
- Shifted away
- Shifted towards

31 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

32 (BP). Taxpayers should be entitled to request the start of a tax audit (to obtain finality). *

- No changes
- Shifted away
- Shifted towards

32 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

33 (MS). Where tax authorities have resolved to start an audit, they should inform the taxpayer *

- No changes
- Shifted away
- Shifted towards

33 (BP). Where tax authorities have resolved to start an audit, they should hold an initial meeting with the taxpayer in which they spell out the aims and procedure, together with timescale and targets. They should then disclose any additional evidence in their possession to the taxpayer. *

- No changes
- Shifted away
- Shifted towards

33 (S). Summary of relevant facts in 2019

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

34 (MS). Taxpayers should be informed of information gathering from third parties. *

- No changes
- Shifted away
- Shifted towards

34 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

35 (BP). Reasonable time limits should be fixed for the conduct of audits. *

- No changes
- Shifted away
- Shifted towards

35 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

The Government of the Russian Federation has postponed a number of deadlines related to inspections, reporting and payment of taxes and contributions due to COVID-19 pandemic.

The deadline for submitting the VAT declaration for the first quarter of 2020 was extended until May 15, 2020. Other tax reports with a deadline of March - May were postponed for 3 months.

For small and medium-sized businesses that operate in the most affected industries, the payment period has been extended to six months.

36 (MS). Technical assistance (including representation) should be available at all stages of the audit by experts selected by the taxpayer. *

- No changes
- Shifted away
- Shifted towards

36 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

37 (MS). The completion of a tax audit should be accurately reflected in a document, notified in its full text to the taxpayer. *

- No changes
- Shifted away
- Shifted towards

37 (BP). The drafting of the final audit report should involve participation by the taxpayer, with the opportunity to correct inaccuracies of facts and to express the taxpayer's view. *

- No changes
- Shifted away
- Shifted towards

37 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

38 (BP). Following an audit, a report should be prepared even if the audit does not result in additional tax or refund. *

- No changes
- Shifted away
- Shifted towards

38 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Do you want to save your results and quit? *

- Yes
- No

Area 5 - More intensive audits

39 (BP). More intensive audits should be limited to the extent strictly necessary to ensure an effective reaction to non-compliance. *

- No changes
- Shifted away
- Shifted towards

39 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Due to the spread of coronavirus, most control measures were suspended. No more intensive tax audits between related parties were scheduled until the end of June. Ongoing inspections have been suspended. The deadline for submitting a claim for payment by the inspectorate, as well as for making a decision on recovery, has been increased by 6 months (Government Resolution No. 409 of 2 April 2020 "On Measures to Encourage Stable Economic Development")

40 (MS). If there is point in an audit when it becomes foreseeable that the taxpayer may be liable for a penalty or criminal charge, from that time the taxpayer should have stronger protection of his right to silence, and statements from the taxpayer should not be used in the audit procedure. *

- No changes
- Shifted away
- Shifted towards

40 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

41 (MS). Entering premises or interception of communications should be authorised by the judiciary. *

- No changes
- Shifted away
- Shifted towards

41 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

42 (MS). Authorisation within the revenue authorities should only be in cases of urgency, and subsequently reported to the judiciary for ex-post ratification. *

- No changes
- Shifted away
- Shifted towards

42 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

43 (MS). Inspection of the taxpayer's home should require authorisation by the judiciary and only be given in exceptional cases. *

- No changes
- Shifted away
- Shifted towards

43 (BP). Where tax authorities intend to search the taxpayer's premises, the taxpayer should be informed and have an opportunity to appear before the judicial authority, subject to exception where there is evidence of danger that documents will be removed or destroyed.

*

- No changes
- Shifted away
- Shifted towards

43 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

44 (BP). Access to bank information should require judicial authorisation. *

- No changes
- Shifted away
- Shifted towards

44 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

45 (BP). Authorisation by the judiciary should be necessary for the interception of telephone communications and monitoring of internet access. Specialised offices within the judiciary should be established to supervise these actions. *

- No changes
- Shifted away
- Shifted towards

45 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

46 (MS). Seizure of documents should be subject to a requirement to give reasons why seizure is indispensable, and to fix the time when documents will be returned; seizure should be limited in time. *

- No changes
- Shifted away
- Shifted towards

46 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

47 (BP). If data are held on a computer hard drive, then a backup should be made in the presence of the taxpayer's advisors and the original left with the taxpayer. *

- No changes
- Shifted away
- Shifted towards

47 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

48 (MS). Where invasive techniques are applied, they should be limited in time to avoid a disproportionate impact on taxpayers. *

- No changes
- Shifted away
- Shifted towards

48 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Do you want to save your results and quit? *

- Yes
- No

Please provide separately (via optr@ibfd.org and c.weffe@ibfd.org) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

49 (BP). E-filing of requests for internal review to ensure the effective and speedy handling of the review process. *

- No changes
- Shifted away
- Shifted towards

49 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

The project to file complaints in electronic form has been launched in 2020. It allows to file a complaint against the decision of the tax authority based on the results of the audit, tax notification, demand, other documents, as well as actions (inaction) of tax officials through the software provided by electronic document management operators.

In May and June, the new mechanism operated in several regions, including Moscow. In August, the project was extended to the whole country.

50 (MS). The right to appeal should not depend upon prior exhaustion of administrative reviews. *

- No changes
- Shifted away
- Shifted towards

50 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

51 (BP). Reviews and appeals should not exceed two years. *

- No changes
- Shifted away
- Shifted towards

51 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

52 (MS). Audi alteram partem should apply in administrative reviews and judicial appeals. *

- No changes
- Shifted away
- Shifted towards

52 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

53 (MS). Where tax must be paid in whole or in part before an appeal, there must be an effective mechanism for providing interim suspension of payment. *

- No changes
- Shifted away
- Shifted towards

53 (BP). An appeal should not require prior payment of tax in all cases. *

- No changes
- Shifted away
- Shifted towards

53 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

54 (BP). The state should bear some or all of the costs of an appeal, whatever the outcome.

*

- No changes
- Shifted away
- Shifted towards

54 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

55 (MS). Legal assistance should be provided for those taxpayers who cannot afford it. *

- No changes
- Shifted away
- Shifted towards

55 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

56 (MS). Taxpayers should have the right to request the exclusion of the public from a tax appeal hearing. *

- No changes
- Shifted away
- Shifted towards

56 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

57 (A). Tax judgments should be published. *

- No changes
- Shifted away
- Shifted towards

57 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Do you want to save your results and quit? *

- Yes
- No

Area 7 - Criminal and administrative sanctions

58 (MS). Proportionality and ne bis in idem should apply to tax penalties. *

- No changes
- Shifted away
- Shifted towards

58 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

59 (BP). Where administrative and criminal sanctions may both apply, only one procedure and one sanction should be applied. *

- No changes
- Shifted away
- Shifted towards

59 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

60 (BP). Voluntary disclosure should lead to reduction of penalties. *

- No changes
- Shifted away
- Shifted towards

60 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

61 (MS). Sanctions should not be increased simply to encourage taxpayers to make voluntary disclosures. *

- No changes
- Shifted away
- Shifted towards

61 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Do you want to save your results and quit? *

Yes

No

Area 8 - Enforcement of taxes

Please provide separately (via optr@ibfd.org and c.weffe@ibfd.org) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Please be particularly aware of regulations on the COVID-19 pandemic. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

62 (MS). Collection of taxes should never deprive taxpayers of their minimum necessary for living. *

No changes

Shifted away

Shifted towards

62 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

63 (BP). Authorisation by the judiciary should be required before seizing assets or bank accounts *

- No changes
- Shifted away
- Shifted towards

63 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

64 (MS). Taxpayers should have the right to request delayed payment of arrears. *

- No changes
- Shifted away
- Shifted towards

64 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Additional grounds for deferral and delayed payments for taxes, advance payments, and insurance premiums have been introduced. They concern, for example, those whose activities are included in the list of harmed industries due to COVID-19.

65 (BP). Bankruptcy of taxpayers should be avoided, by partial remission of the debt or structured plans for deferred payment. *

- No changes
- Shifted away
- Shifted towards

65 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

The Government Resolution No. 428 of April 3, 2020 introduced a moratorium on bankruptcy for six months from April 6, 2020. From October 7, 2020 it was extended for 3 months for organizations working in the harmed industries.

66 (MS). Temporary suspension of tax enforcement should follow natural disasters. *

Please provide separately (via optr@ibfd.org and c.weffe@ibfd.org) an annexe with the actual wording of relevant excerpts of your country's legislation regarding this matter. Please be particularly aware of regulations on the COVID-19 pandemic. Technically accurate translations of such material into English, if possible, would be very appreciated. Thank you.

- No changes
- Shifted away
- Shifted towards

66 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

The information has been provided in the annexe

Do you want to save your results and quit? *

- Yes
- No

Area 9 - Cross-border situations

67 (MS). The requesting state should notify the taxpayer of cross-border requests for information, unless it has specific grounds for considering that this would prejudice the process of investigation. The requested state should inform the taxpayer unless it has a reasoned request from the requesting state that the taxpayer should not be informed on grounds that it would prejudice the investigation. *

- No changes
- Shifted away
- Shifted towards

67 (BP). The taxpayer should be informed that a cross-border request for information is to be made. *

- No changes
- Shifted away
- Shifted towards

67 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

68 (BP). Where a cross-border request for information is made, the requested state should also be asked to supply information that assists the taxpayer. *

- No changes
- Shifted away
- Shifted towards

68 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

69 (BP). Provisions should be included in tax treaties setting specific conditions for exchange of information. *

- No changes
- Shifted away
- Shifted towards

69 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

70 (MS). If information is sought from third parties, judicial authorisation should be necessary. *

- No changes
- Shifted away
- Shifted towards

70 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

71 (BP). The taxpayer should be given access to information received by the requesting state. *

- No changes
- Shifted away
- Shifted towards

71 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

72 (BP). Information should not be supplied in response to a request where the originating cause was the acquisition of stolen or illegally obtained information. *

- No changes
- Shifted away
- Shifted towards

72 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

73 (BP). A requesting state should provide confirmation of confidentiality to the requested state. *

- No changes
- Shifted away
- Shifted towards

73 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

74 (MS). A state should not be entitled to receive information if it is unable to provide independent, verifiable evidence that it observes high standards of data protection. *

- No changes
- Shifted away
- Shifted towards

74 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

75 (BP). For automatic exchange of financial information, the taxpayer should be notified of the proposed exchange in sufficient time to exercise data protection rights. *

- No changes
- Shifted away
- Shifted towards

75 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

76 (BP). Taxpayers should have a right to request initiation of mutual agreement procedure. *

- No changes
- Shifted away
- Shifted towards

76 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

The order No. 102n of the Russian Ministry of Finance dated 11 June 2020 approved the Procedure for a mutual agreement procedure application to be filed and reviewed in accordance with the provisions of a DTT.

An application for a mutual agreement procedure (a MAP application) can be filed with the Russian Ministry of Finance by a Russian resident or by a Russian citizen (regardless of the residence) in the event of a non-discrimination dispute if double taxation has taken place or may take place. Such persons are listed in article 142.8(2) of the Russian Tax Code.

77 (MS). Taxpayers should have a right to participate in mutual agreement procedure by being heard and being informed as to the progress of the procedure. *

- No changes
- Shifted away
- Shifted towards

77 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

The application may be filed by tax residents and non-residents (if allowed by the relevant DTT). The application may be prepared in free form. The draft order sets the approximate list of documents (copies) that should be attached to the application. The application may be submitted in Russian or English.

The application may be revoked at any stage. (The order No. 102n of the Russian Ministry of Finance dated 11 June 2020).

Do you want to save your results and quit? *

Yes

No

Area 10 - Legislation

78 (MS). Retrospective tax legislation should only be permitted in limited circumstances which are spelt out in detail. *

No changes

Shifted away

Shifted towards

78 (BP). Retrospective tax legislation should ideally be banned completely. *

- No changes
- Shifted away
- Shifted towards

78 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

79 (BP). Public consultation should precede the making of tax policy and tax law. *

- No changes
- Shifted away
- Shifted towards

79 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Do you want to save your results and quit? *

Yes

No

Area 11 - Revenue practice and guidance

80 (MS). Taxpayers should be entitled to access all relevant legal material, comprising legislation, administrative regulations, rulings, manuals and other guidance. *

No changes

Shifted away

Shifted towards

80 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

81 (MS). Where legal material is available primarily on the internet, arrangements should be made to provide it to those who do not have access to the internet. *

- No changes
- Shifted away
- Shifted towards

81 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

82 (MS). Binding rulings should only be published in an anonymised form *

- No changes
- Shifted away
- Shifted towards

82 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

83 (MS). Where a taxpayer relies upon published guidance of a revenue authority which subsequently proves to be inaccurate, changes should apply only prospectively. *

- No changes
- Shifted away
- Shifted towards

83 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

Do you want to save your results and quit? *

- Yes
- No

Area 12 - Institutional framework for protecting taxpayers' rights

84 (MS). Adoption of a charter or statement of taxpayers' rights should be a minimum standard. *

- No changes
- Shifted away
- Shifted towards

84 (BP). A separate statement of taxpayers' rights under audit should be provided to taxpayers who are audited. *

- No changes
- Shifted away
- Shifted towards

84 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

85 (BP). A taxpayer advocate or ombudsman should be established to scrutinise the operations of the tax authority, handle specific complaints, and intervene in appropriate cases. Best practice is the establishment of a separate office within the tax authority but independent from normal operations of that authority. *

- No changes
- Shifted away
- Shifted towards

85 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

86 (BP). The organisational structure for the protection of taxpayers' rights should operate at local level as well as nationally. *

- No changes
- Shifted away
- Shifted towards

86 (S). Summary of relevant facts in 2020

Only if answered "shifted away" or "shifted towards", please give here a summarized account of facts (legislation enacted, administrative rulings, circulars, case law, tax administration practices), in a non-judgmental way. Specify if some content is no longer applicable, due to other developments. If applicable, indicate whether the fact reported is under a minimum standard or fully complies with the best practice. Thank you.

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THE TAX CODE OF THE RUSSIAN FEDERATION PART ONE FEDERAL LAW No. 146-FZ OF 31 JULY 1998

Adopted by the State Duma on 16 July 1998 Approved by the Federation

Council on 17 July 1998 Published in *Rossiiskaya Gazeta* on 6 August 1998

SECTION VII. APPEALING AGAINST THE ACTS OF TAX AUTHORITIES AND THE ACTIONS OR INACTION OF THEIR OFFICIALS

CHAPTER 19. THE PROCEDURE FOR APPEALING AGAINST THE ACTS OF TAX AUTHORITIES AND THE ACTIONS OR INACTION OF THEIR OFFICIALS

Article 138 Appeal Procedure

1. Appeals against non-normative acts of tax authorities and actions or inaction of their officials may be filed with a higher tax authority and (or) with a court in accordance with the procedure laid down in this Code and relevant procedural legislation of the Russian Federation.

An appeal shall be understood to mean a representation made by a person to a tax authority with the object of contesting non-normative acts of a tax authority which have entered into force and actions or inaction of officials of a tax authority where, in the opinion of that person, the contested acts or the actions or inaction of officials of the tax authority violate his rights.

An appellate appeal shall be understood to mean a representation made by a person to a tax authority with the object of contesting a decision of a tax authority concerning the imposition of tax sanctions or a decision concerning the non-imposition of tax sanctions which was issued in accordance with Article 101 of this Code and has not entered into force where, in the opinion of that person, the contested decision violates his rights.

2. Non-normative acts of tax authorities and actions or inaction of their officials (with the exception of non-normative acts adopted following consideration of appeals and appellate appeals, non-normative acts of the federal executive body in charge of control and supervision in the area of taxes and levies and actions or inaction of officials of that body) may be contested through the courts only after they have been contested by appeal to a higher tax authority in accordance with the procedure prescribed by this Code.

In the event that a decision on an appeal (an appellate appeal) is not adopted by a higher tax authority within the time limits established by clause 6 of Article 140 of this Code, non-normative acts of tax authorities and actions or inaction of their officials may be contested through the courts.

Non-normative acts of tax authorities which are adopted following consideration of appeals (appellate appeals) may be contested by appeal to a higher tax authority and (or) through the courts.

Non-normative acts of the federal executive body in charge of control and supervision in the area of taxes and levies and actions or inaction of its officials shall be contested through the courts.

3. Where non-normative acts of tax authorities and actions or inaction of their officials (with the exception of non-normative acts adopted following consideration of appeals and appellate appeals, non-normative acts of the federal executive body in charge of control and supervision in the area of taxes and levies and actions or inaction of officials of that body) are contested through the courts, the time period allowed for filing an appeal with a court shall be calculated from the day on which the person concerned became aware of the decision adopted by a higher tax authority on the relevant appeal, or from the date of expiry of the time limit established by clause 6 of Article 140 of this Code for the adoption of a decision on an appeal (appellate appeal).

4. The contesting by organizations and physical persons through the courts of acts (including normative acts) of tax authorities and actions or inaction of their officials shall take place in accordance with the procedure laid down in relevant procedural legislation of the Russian Federation.

Where acts of tax authorities and actions of their officials are contested through the courts, the execution of the contested acts and the performance of the contested actions may be suspended by a court in accordance with the procedure laid down in relevant procedural legislation of the Russian Federation.

5. The filing of an appeal with a higher tax authority shall not suspend the execution of a contested act of a tax authority or the performance of a contested action by an official of a tax authority, except in the case provided for in this clause.

Where an appeal is filed against a decision concerning the imposition of sanctions for the commission of a tax offence or concerning the non-imposition of sanctions for the commission of a tax offence which has entered into force, the execution of the contested decision may be suspended pending the adoption of a decision on the appeal on the basis of an application from the person who filed the appeal, provided that that person provides a bank guarantee under which the bank undertakes to pay a sum of money equal to the amount of the tax, levy, insurance contributions, penalties and fine not paid in accordance with the contested decision.

An application for the suspension of the execution of a contested decision shall be submitted at the same time as the appeal against the decision concerning the imposition of sanctions for the commission of a tax offence or concerning the non-imposition of sanctions for the commission of a tax offence which has entered into force. An application for the suspension of the execution of the contested decision shall be accompanied by a bank guarantee.

A bank guarantee such as is referred to in this clause shall be subject to the requirements established by clause 5 of Article 74.1 of this Code, with account taken of the following special considerations:

- the term of the bank guarantee must expire no earlier than six months from the day on which the person concerned submits the application for the suspension of the execution of the contested decision;
- the amount for which the bank guarantee was issued must provide for the guarantor bank to fulfil the obligation to pay a sum of money equal to the amount of the tax, levy, insurance contributions, penalties and fine not paid in accordance with the contested decision.

The higher tax authority considering an appeal shall, within five days of receiving an

application for the suspension of the execution of the contested decision, adopt one of the following decisions:

- to suspend the execution of the decision concerning the imposition of sanctions for the commission of a tax offence or the decision concerning the non-imposition of sanctions for the commission of a tax offence;
- to refuse to suspend the execution of the decision concerning the imposition of sanctions for the commission of a tax offence or the decision concerning the non-imposition of sanctions for the commission of a tax offence.

A decision to refuse to suspend the execution of the decision concerning the imposition of sanctions for the commission of a tax offence or the decision concerning the non-imposition of sanctions for the commission of a tax offence may be adopted on the grounds that the bank guarantee presented by the person who filed the appeal does not meet the requirements established by this Article and (or) clause 5 of Article 74.1 of this Code.

The person who filed the appeal shall be notified in writing of the adopted decision within three days of the adoption thereof.

A decision to suspend the execution of a decision shall have effect until the day on which the higher tax authority adopts a decision on the appeal.

In the event that a tax, a levy, insurance contributions, penalties and a fine are not paid or are not paid in full within the time limit established in the tax authority's demand by a person who filed an appeal and whose obligation to pay the tax, levy, insurance contributions, penalties and fine is secured by a bank guarantee, the tax authority shall, not later than five days from the date of expiry of the time limit for the fulfilment of that demand and not earlier than the day on which the higher tax authority adopts a decision on the appeal, send the guarantor bank a demand for the payment of a sum of money under the bank guarantee equal to the outstanding amount of the tax, levy, insurance contributions, penalties and fine which is payable after the adoption by the higher tax authority of the decision on the appeal.

The tax authority shall notify a bank which issued a bank guarantee of its release from obligations under that guarantee not later than five days from the day on which a person who filed an appeal fulfils the obligation to pay the amount of a tax, a levy, insurance contributions, penalties and a fine which was secured by the bank guarantee or not later than five days from the date of adoption of a decision on the appeal in accordance with which the person who filed the appeal does not have the obligation to pay the amount of a tax, a levy, insurance contributions, penalties and a fine which was secured by the bank guarantee.

6. The filing of a repeat appeal (appellate appeal) shall take place within the time limits which are established by this Chapter for the filing of the relevant appeal.

7. A person who has filed an appeal (appellate appeal) may, before a decision is adopted on the appeal (appellate appeal), withdraw it in whole or in part by means of sending a written application to the tax authority which is considering the relevant appeal.

The withdrawal of an appeal (appellate appeal) shall deprive the person who filed that appeal of the right to file a repeat appeal (appellate appeal) on the same grounds.

Article 139. Procedure and Time Limits for the Filing of an Appeal

1. An appeal shall be filed with a higher tax authority through the tax authority whose non-normative acts or the actions or inaction of whose officials are contested. A tax authority whose non-normative acts or the actions or inaction of whose officials are contested shall be obliged, within three days of receiving such an appeal, to transmit it together with all materials to a higher tax authority.

1.1. Upon receiving an appeal, a tax authority against whose non-normative act or against the actions or inaction of whose officials the appeal is filed shall be obliged to take measures to remedy the violation of the rights of the person who filed the appeal. Where the violation of the rights of a person who filed an appeal is remedied, the tax authority shall present notice of this to the higher tax authority within three days from the day of that remediation, accompanied by supporting documents (if available).

2. Except as otherwise established by this Code, an appeal to a higher tax authority may be filed within one year from the day on which the person concerned became aware or should have become aware of the violation of his rights.

An appeal against a decision concerning the imposition of sanctions for the commission of a tax offence or a decision concerning the non-imposition of sanctions for the commission of a tax offence which has entered into force and was not the subject of an appellate appeal may be filed within one year from the date of issue of the contested decision.

An appeal to the federal executive body in charge of control and supervision in the area of taxes and levies may be filed within three months from the day on which a higher tax authority adopted a decision on an appeal (appellate appeal).

In the event that the time limit for the filing of an appeal is missed for a valid reason, that time limit may be restored by a higher tax authority at the petition of the person who files the appeal.

3. A decision of a tax authority which was issued following consideration of materials relating to a tax audit of a consolidated group of taxpayers which has entered into force and has not been the subject of an appellate appeal may be contested by the responsible member of that group or independently by another member of that group insofar as it concerns the imposition on that member of sanctions for the commission of a tax offence. Such an appeal may be filed within one year from the date of issue of the relevant decision.

Article 139.1 Procedure and Time Limits for the Filing of an Appellate Appeal

1. An appellate appeal against a decision concerning the imposition of sanctions for the commission of a tax offence or a decision concerning the nonimposition of sanctions for the commission of a tax offence shall be filed through the tax authority which issued the relevant decision. A tax authority whose decision is contested shall be obliged, within three days of receiving such an appeal, to send it together with all materials to a higher tax authority.

2. An appellate appeal to a higher tax authority against a decision concerning the imposition of sanctions for the commission of a tax offence or a decision concerning the non-imposition of sanctions for the commission of a tax offence may be filed before the date on which the contested decision enters into force.

3. An appellate appeal against a decision of a tax authority which was issued following the examination of materials relating to a tax audit of a consolidated group of taxpayers may be

filed before the date of entry into force of the contested decision by the responsible member of that group or independently by another member of that group insofar as it concerns the imposition on that member of sanctions for the commission of a tax offence.

4. A decision concerning the imposition of sanctions for the commission of a tax offence and a decision concerning the non-imposition of sanctions for the commission of a tax offence which were issued by the federal executive body in charge of control and supervision in the area of taxes and levies may not be the subject of an appellate appeal.

Article 139.2 Form and Content of an Appeal (Appellate Appeal)

1. An appeal shall be filed in writing. An appeal shall be signed by the person who filed it or by his representative.

An appeal may be sent in electronic form via telecommunications channels or via a taxpayer's personal account.

The formats and procedure for the submission of an appeal in electronic form shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

2. The following shall be stated in an appeal:

- 1) the surname, first name and patronymic and the place of residence of the physical person filing the appeal, or the name and address of the organization filing the appeal;
- 2) the non-normative act of the tax authority or the actions or inaction of its officials which are contested;
- 3) the name of the tax authority whose non-normative act or the actions or inaction of whose officials are contested;
- 4) the grounds on which the person filing the appeal considers that his rights have been violated;
- 5) the demands of the person filing the appeal;
- 6) the method of receipt of the decision on the appeal: on paper, in electronic form via telecommunications channels or via a taxpayer's personal account.

3. Telephone and fax numbers, electronic mail addresses and other details needed for the timely consideration of an appeal may be stated in the appeal.

4. Where an appeal is filed by an authorized representative of a person who is contesting a non-normative act of a tax authority or actions or inaction of its officials, the appeal shall be accompanied by documents confirming that representative's authority.

5. An appeal may be accompanied by documents supporting the arguments of the person filing the appeal.

6. The provisions of this Article shall also apply to an appellate appeal.

Article 139.3 Dismissal of an Appeal (Appellate Appeal)

1. A higher tax authority shall dismiss an appeal in whole or in part if it finds that:
 - 1) the appeal has been filed not in compliance with the procedure established by clause 1 of Article 139.2 of this Code, or the appeal does not specify the non- normative acts of a tax authority or the actions or inaction of officials of a tax authority which resulted in the violation of the rights of the person who has filed the appeal;
 - 2) the appeal was filed after the expiry of the time limit established by this Code for the filing of an appeal, and it does not contain a petition for the restoration of the time limit or the restoration of the missed time limit for the filing of the appeal has been refused;
 - 3) before a decision has been adopted on the appeal an application for the withdrawal of the appeal in whole or in part has been received from the person who filed it;
 - 4) an appeal was previously filed on the same grounds;
 - 5) prior to the adoption of a decision on the appeal the tax authority presented notice of the remediation of the violation of the rights of the person who filed the appeal in accordance with the procedure established by clause 1.1 of Article 139 of this Code.
2. A tax authority which is considering an appeal shall adopt a decision to dismiss the appeal in whole or in part within five days of receiving the appeal or an application for the withdrawal of the appeal in whole or in part, except in the case provided for in subsection 5 of clause 1 of this Article.

In the case provided for in subsection 5 of clause 1 of this Article, a tax authority which is considering an appeal shall adopt a decision to dismiss the appeal in whole or in part within five days of receiving information or documents concerning the remediation of the violation of the rights of the person who filed the appeal.

A decision to dismiss an appeal shall be handed over or sent to the person who filed the appeal within three days of the adoption of that decision.

3. The dismissal of an appeal shall not prevent a person from filing a repeat appeal within the time limits which are established by this Code for the filing of the relevant appeal, except where an appeal is dismissed on the grounds specified in subsections 3 and 4 of clause 1 of this Article.

4. The provisions of this Article, with the exception of the provisions of subsections 2 and 5 of clause 1, shall also apply to an appellate appeal.

Chapter 20. CONSIDERATION OF AN APPEAL AND AN OPTION OF A DECISION ON AN APPEAL

Article 140 Consideration of an Appeal (Appellate Appeal)

1. In the course of the consideration of an appeal (appellate appeal), the person who filed that appeal may, at any time before a decision is adopted thereon, present additional documents supporting his arguments.

2. A higher tax authority shall consider an appeal (appellate appeal), documents supporting the arguments of the person who filed the appeal (appellate appeal), additional documents presented in the course of the consideration of the appeal (appellate appeal) and materials presented by the lower tax authority without the participation of the person

who filed the appeal (appellate appeal), except in cases provided for in this clause.

Where, in the course of the consideration of an appeal (appellate appeal) against a decision concerning the imposition of sanctions for the commission of a tax offence or against a decision concerning the non-imposition of sanctions for the commission of a tax offence, discrepancies are found in information contained in materials presented by the lower tax authority or information presented by the taxpayer is found to conflict with information contained in materials of the lower tax authority, the higher tax authority shall consider the appeal (appellate appeal), documents supporting the arguments of the person who filed the appeal (appellate appeal), additional documents presented in the course of the consideration of the appeal (appellate appeal) and materials presented by the lower tax authority with the participation of the person who filed the appeal (appellate appeal).

The director (deputy director) of the higher tax authority shall notify the person who filed the appeal (appellate appeal) of the time and place of the consideration of the appeal (appellate appeal).

3. Following consideration of an appeal (appellate appeal), a higher tax authority:

- 1) shall dismiss the appeal (appellate appeal);
- 2) shall rescind the non-normative act of the tax authority;
- 3) shall rescind the decision of the tax authority in whole or in part;
- 4) shall rescind the decision of the tax authority in full and adopt a new decision on the case;
- 5) shall declare the actions or inaction of the officials of the tax authorities unlawful and issue a substantive decision.

4. Documents presented together with an appeal against a decision issued in accordance with the procedure prescribed by Article 101 or 101.4 of this Code or together with an appellate appeal, and additional documents presented in the course of the consideration of such an appeal before the adoption of a decision thereon, shall be considered by a higher tax authority if the person who filed the appeal in question has presented explanations as to why such documents could not be presented in a timely manner to the tax authority whose decision is being contested.

5. Where, following consideration of an appeal (appellate appeal) against a decision issued in accordance with the procedure prescribed by Article 101 of this Code, a higher tax authority has established the occurrence of a violation of essential conditions of the procedure for the examination of tax audit materials, it shall have the right to rescind the decision in question, to examine the above-mentioned materials, documents supporting the arguments of the person who filed the appeal (appellate appeal), additional documents presented in the course of the consideration of the appeal (appellate appeal) and materials presented by the lower tax authority in accordance with the procedure prescribed by Article 101 of this Code and to issue a decision which is provided for in clause 3 of this Article.

Where, following consideration of an appeal against a decision issued in accordance with the procedure prescribed by Article 101.4 of this Code, a higher tax authority has established the occurrence of a violation of essential conditions of the procedure for the examination of materials relating to other tax control measures, it shall have the right to rescind the decision in question, to examine the above-mentioned materials, documents supporting the arguments of the person who filed the appeal, additional documents presented in the course of the consideration of the appeal and materials presented by the lower tax authority in accordance with the procedure prescribed by Article of this Code and to issue a decision which is provided for in clause 3 of this Article.

6. A decision on an appeal (appellate appeal) against a decision concerning the imposition of sanctions for the commission of a tax offence or a decision concerning the non-imposition of sanctions for the commission of a tax offence which was issued in accordance with the procedure prescribed by Article 101 of this Code shall be adopted by a higher tax authority within one month of the receipt of the appeal (appellate appeal). That time limit may be extended by the director (deputy director) of the tax authority in order to enable documents (information) needed for the consideration of the appeal (appellate appeal) to be obtained from lower tax authorities, or in the event that the person who filed the appeal (appellate appeal) presents additional documents, but not by more than one month.

A decision on an appeal not referred to in paragraph 1 of this clause shall be adopted by a tax authority within 15 days of the receipt of the appeal. That time limit may be extended by the director (deputy director) of the tax authority in order to enable documents (information) needed for the consideration of the appeal to be obtained from lower tax authorities, or in the event that the person who filed the appeal presents additional documents, but not by more than 15 days.

A decision of a director (deputy director) of a tax authority to extend the time limit for the consideration of an appeal (appellate appeal) shall be delivered or sent to the person who filed the appeal (appellate appeal) within three days of its adoption.

A decision adopted by a tax authority following consideration of an appeal (appellate appeal) shall be delivered or sent to the person who filed the appeal (appellate appeal) within three days of its adoption.

Article 142 Consideration of Appeals Lodged with a Court

Appeals (statements of claim) against acts of tax authorities and the actions or inaction of officials of those authorities which are lodged with a court shall be considered and determined in accordance with the procedure which is established by civil procedural and arbitration procedural legislation, administrative judicial proceedings legislation and other federal laws.

In response to the economic difficulties presented by the current public health situation, the Russian President, legislature and government are enacting initiatives designed to support the economy and business

Tax measures can be shown as follows.

- Federal Law No. 102-FZ of 1 April 2020 "On Amendments to Parts One and Two of the Tax Code of the Russian Federation and Certain Legislative Acts of the Russian Federation" suggesting the first tax measures to support the economy during the COVID-19 pandemic came into force on 1 April 2020. The law authorised the Russian Government to alter and/or supplement the provisions of tax legislation concerning tax controls, deadlines for paying taxes, levies and social contributions, reporting, and tax liability.
- Acting within the limits of the above authorities vested in it, on 2 April 2020 the Russian Government adopted tax measures to encourage stable economic development Government Resolution No. 409 of 2 April 2020 "On Measures to Encourage Stable Economic Development". Resolution 409 was published on 6 April 2020.
- On 3 April 2020 the Russian Government adopted a list of economic sectors most harmed by the COVID-19 pandemic (Government Resolution No. 434 of 3 April 2020 "On Adopting a New List of Economic Sectors Most Harmed by the Spread of the Novel COVID-19"). The list was further extended and corrected.
- Federal Law No. 121-FZ of 22 April 2020 "On Amendments to Part Two of the Tax Code of the Russian Federation" introduced specific amendments to the Russian Tax Code concerning calculation and payment of taxes.
- On 24 April 2020 Resolution 409 was amended to include additional tax measures to support businesses. Small and medium sized enterprises operating in Harmed Sectors received a deferral of social insurance contributions as well as an opportunity to pay deferred taxes and social insurance contributions in equal monthly instalments during a twelve-month period starting from the month next to the one in which the deferral ends. The rules of granting deferrals/instalment plans to other organizations, including enterprises important to infrastructure, were also clarified.

As of 30 April 2020 there were 11 sectors on the Harmed Sectors list:

- air and auto-transportation, including airport activity;
- culture, leisure and entertainment (including museums, zoos and cinemas);
- sports and fitness;
- travel agency and tourism services;
- hotels;
- food service;
- continuing education and non-governmental educational institutions;
- household services (repair, laundry, dry cleaning, hairdressing and beauty salons);
- conference and exhibition organizing;
- dental services;
- retail trade in non-foods (for certain goods).

Key Measures Proposed by Resolution 409

General support measures (applied irrespective of the size of the business or type of business activity):

- freezing of the scheduling of any new and suspension of ongoing on-site tax audits (including repeated on-site tax audits) and specific transfer pricing audits until 31 May 2020;
- suspension of procedural deadlines related to tax audits, including deadlines for providing and reviewing taxpayers' objections and issuing tax audit acts or decisions until 31 May 2020;
- extension until 15 May 2020 of deadlines for filing VAT returns, ledgers of VAT invoices raised and received (for non-payers of VAT or persons exempt from VAT) and calculations of social insurance contributions for the first quarter of 2020;
- a three-month deferral of tax reporting (except for VAT returns and social insurance contributions – see above) and financial reporting to be filed in the period of March through May 2020;
- extension by up to ten working days of any deadline for responding to requests of the tax authorities received between March and May 2020 in the course of desk tax audits of VAT returns;
- extension by up to 20 working days of any deadline for responding to requests of the tax authorities and the social insurance fund received between March and May 2020;
- freezing until 31 May 2020 of suspensions of bank operations of taxpayers/tax agents ordered by the tax authorities;
- extension by up to three months of any deadline for filing applications for tax monitoring for 2021;
- removal of tax liability for failing to provide the tax authority with information necessary for tax control (Article 126 of the Russian Tax Code) within the period from March through May 2020;
- extension by six months of any deadline for tax authorities to send requests for payment of taxes, social insurance contributions, late payment interest and fines, and to make decisions to recover them;
- extension by six months of any deadline for the social insurance fund to send requests for payment of mandatory social insurance contributions covering accidents in the workplace and occupational illnesses, late payment interest and fines, and to make decisions to recover them;
- waiver of liability for refusal or failure to provide the insurer with documents necessary for controlling insurance contributions during the period from March through May 2020;
- freezing of the scheduling of any new or the suspension of ongoing currency control audits until 31 May 2020 (except for ongoing audits where the limitation period for administrative liability for identified violations expires before 1 June 2020).

Special support to small and medium sized enterprises operating in Harmed Sectors

The following additional support, which applies automatically, is provided for this category of taxpayers:

- a six-month deferral of corporate income tax, unified tax paid under the simplified tax system, and unified agricultural tax for 2019;
- a four-month deferral of tax payable for the second quarter of 2020 in connection with the application of a patent tax system;
- a six-month deferral of all taxes (excluding VAT and taxes paid as a tax agent) for March and the first quarter of 2020;
- a four-month deferral of all taxes (excluding VAT and taxes paid as a tax agent) for the period from April to June 2020, the second quarter and first six months of 2020;
- postponement of deadlines for advance payments of transport tax, corporate property tax and land tax for the first quarter of 2020 until 30 October 2020 and for the second quarter of 2020 until 30 December 2020 (applicable where such advance payments are provided for by regional legislation);
- a three-month deferral of personal income tax payable by individual entrepreneurs for 2019;
- a six-month deferral of social insurance contributions (including insurance against accidents in the workplace) calculated based on payments and other remuneration to individuals for the period from March through May 2020;
- a four-month deferral of social insurance contributions (including insurance against accidents in the workplace) calculated based on payments and other remuneration to individuals for the period from June through July 2020.

Deferred taxes and social insurance contributions are payable in equal monthly instalments during a twelve-month period starting from the month next to the one in which the deferral ends.

Support to enterprises and individual entrepreneurs operating in Harmed Sectors and to strategic enterprises, enterprises important to infrastructure and enterprises around which towns are built

This category of taxpayers may apply for a deferral of or an instalment plan for taxes and social insurance contributions due in 2020 subject to the following criteria:

- Strategic enterprises, enterprises important to infrastructure and enterprises around which towns are built operating in the sectors not included on the Harmed Sectors list may be allowed a deferral or an instalment plan in respect of taxes (excluding excise tax, VAT, minerals extraction tax, excess profit tax from production of hydrocarbons) in accordance with specific decisions of the Russian Government. No deferral or instalment plan for social insurance contributions is granted to this category of taxpayers.
- From the Harmed Sectors list the Russian Government picked out certain sectors putting them on a separate list, which, in particular, does not include retail trade in non-foods (Annex to Government Resolution No. 570 of 24 April 2020). Those entities that operate in the sectors included on such separate list are allowed a deferral or an

instalment plan for the payment of social insurance contributions and all taxes, excluding excise tax and minerals extraction tax.

- Taxpayers operating in those Harmed Sectors that were not included on the foregoing separate list may apply for a deferral or an instalment plan for taxes subject to the same restrictions as those summarised above for strategic enterprises, enterprises important to infrastructure and enterprises around which towns are built.

The deferral or instalment plan shall be provided if the entity meets at least one of the following financial qualifying criteria:

- a decrease in income by more than 10%;
- a decrease in sales revenue by more than 10%;
- a decrease in revenue from sales subject to 0% VAT by more than 10% (if such income represents more than 50% of total sales revenue); or
- loss for any quarter of 2020 (provided no loss was reported for 2019).

Depending on the volume of the decrease in income (revenue), the deferral may be provided for up to one year, while an instalment plan may be granted for up to five years.

Key Measures Proposed by the Russian Tax Code

- Social insurance contributions are cut in half from 30% to 15% in total for small-to-medium sized enterprises. The reduced rates apply to that part of the employee's salary that exceeds the minimum monthly wage.
- The "non-working" days declared by the President due to the COVID-19 pandemic (Presidential Decrees No. 206 of 25 March 2020, No. 239 of 2 April 2020, No. 294 of 28 April 2020) should be treated as weekend days and public holidays for tax purposes. This means that any statutory deadlines provided by the tax legislation which expire during such non-working period will be automatically postponed to the next working day.
- Starting from 1 January 2020, when calculating corporate income tax, one can deduct the following expenses: (1) acquisition, construction, manufacture and delivery of medical articles for diagnosing and treating COVID-19 according to the list approved by the Russian Government, (2) disinfection, purchase of devices, laboratory equipment, coveralls, personal and collective protective equipment in connection with COVID-19.
- Taxpayers are given the right to pay corporate income tax in advance by monthly payments during the period from April until the end of 2020 based on the *actual amount of profit*.

Special tax treatment is given to subsidies for small and medium sized enterprises operating in Harmed Sectors. More specifically, subsidies are exempt from corporate income tax and personal income tax; costs covered at the expense of subsidies are not deducted for corporate income tax purposes; VAT on goods (works or services) purchased at the expense of subsidies may be recovered.

- Financial incentives to healthcare workers for extraordinary working conditions and extra work load in connection with COVID-19 are exempt from personal income tax.
- Interest income earned by an individual on any Russian bank deposit (except for escrow accounts and rouble deposits where the annual interest rate does not exceed 1%) shall

be taxed if it exceeds a certain limit calculated by multiplying RUB 1 million by the key rate of the Central Bank as of 1 January of the respective year. This would apply to interest earned from 1 January 2021.

- Interest (coupon or discount) income earned by an individual on any Russian debt securities denominated in roubles and issued after 1 January 2017 will be taxed starting from 1 January 2021.

Other measures for taxpayers

- Possibility to deduct expenses on property used to prevent COVID , which transferred on a free of charge basis to medical organizations, state and local authorities etc. Such transfer is exempt from VAT with simultaneous reservation of the right to apply input VAT offset;
- Lump sum deduction of expenses on medical devices for the diagnosis and treatment of new COVID, which are listed in the decree of Russian Government;
- For the purposes of deduction interest under ICO loans it is supposed to fix FOREX for thin capitalization rules and expand the limits established for interest rates (draft law).
- Simplified procedure for payment of personal income tax from the profits of a controlled foreign company, which is supposed to be a fix tax payment (draft law).
- Individuals that stayed in the Russian Federation for a period between 90 to 182 days during 2020 have a right to apply for Russian tax residential status for the purposes of individual income tax for 2020.
- Starting 1 January 2021, for companies in the IT sector, the social security contribution rate will be reduced from 14% to 7.6% and the corporate income tax rate will be reduced from 20% to 3%.