



Legislative Tracking

Tuesday, 13 May 2008

OFFICIAL DOCUMENTS

(No. 18, May 2008, p. 6)

On the penalty for late declaration submittal

The RF Ministry of Finance Letter No. 03-02-07/1-133 of 27 March 2008 informs that in the event that the tax amount specified in the tax return submitted to the tax authority after the time set by the legislation, is paid by the taxpayer on time, he potentially could be charged a RUB 100 penalty for missing the time of the tax return submittal.

UCHET. NALOGI. PRAVO. MOSCOW ISSUE

(No. 18, May 2008, pgs 5, 7)

Concerning the grounds for excluding companies not holding operations from the Unified State Register of Legal Entities

The Moscow Department of the Federal Tax Service Letter No. 09-14/024814 of 17 March 2008 informs that due to the legislative separation of the mechanism of missing debtors liquidation, implied by Federal Law No. 127-FZ of 26 October 2002 “On insolvency (bankruptcy),” and the procedures for the exclusion of inactive legal entities from the State Register by the decision of the registering authority, the decision about the upcoming exclusion from the Unified State Register of Legal Entities, of companies having indebtedness by obligatory payments to the budgets, is taken in the event of the registering (tax) authority having a document regarding the application for bankruptcy procedures for such legal entities. The specified document is provided following the normal procedure by the relevant structural division of the tax authority, in which the inactive legal entity is registered by its residence.

Concerning payments on the transport tax for automobile withdrawn from the owner

The Moscow Department of the Federal Tax Service Letter No. 18-08/4/020096@ of 3 March 2008 clarifies that in the event of an automobile being considered as an exhibit for a criminal case, that is still registered in the Moscow traffic police and has not been included in the list of vehicles that are not subject to the transport tax, there are no reasons for the automobile to be exempted from the transport tax.

On expenses on paying to banks for servicing payroll cards

The Moscow Department of the Federal Tax Service Letter No. 20-12/019080@ of 29 February 2008 states that compensation in the amount of interest withheld by a bank upon employees withdrawing money (salary) from their payroll cards, cannot be deducted for profits tax purposes.

Concerning output VAT upon the transfer of rights to the share of an object under construction

The Moscow Department of the Federal Tax Service Letter No. 09-11/30092 of 28 March 2008 clarifies certain issues relating to the procedure and the time of determination of the tax base for VAT purposes upon the transfer of property rights to residential and non-residential premises.

ROSSIISKAYA GAZETA

(09-05-2008, p. 6)

Concerning the legal status of foreign citizens

Federal Law No. 60-FZ of 6 May 2008 “On making changes to the Federal Law “Concerning the legal status of foreign citizens within the Russian Federation” and certain legislative acts of the Russian Federation” has been officially published. The Law goes into effect 30 days after its official publication.

ROSSIISKAYA GAZETA

(13-05-2008, pgs 9, 11)

Official publication of documents

The following normative acts have been officially published:

- The RF Ministry of Finance Order No. 9n of 18 January 2008 “On approving the Administrative regulation of the Federal Tax Service with regard to the execution of the state function of providing information free of charge (including in writing) to taxpayers, payers of levies and tax agents regarding effective taxes and levies, legislation on taxes and levies and adopted statutory acts, the procedure for the calculation and payment of taxes and levies, rights and obligations of taxpayers, payers of levies and tax agents, authority of tax bodies and its officials, as well as, provision of tax returns (settlements) and clarifications regarding their completion;”
- The RF Government resolution No. 359 of 6 May 2008 “On the procedure for carrying out cash settlements and (or) settlements with payment cards without the use of cash registers;”
- The RF Government Resolution No. 357 of 6 May 2008 “On the extension of the validity term for import customs duty rates for radio frequency (coaxial) cables;”
- The Federal Tariff Service Order No. 83-t/1 of 25 April 2008 “On amendments to Pricelist No. 10-01 ‘Tariffs on transportation of freight and infrastructural services provided by Russian railroads’;”
- The Federal Tariff Service Order No. 122-t/3 of 30 April 2008 “On amendments to Order No. 411-t/7 of 4 December 2007 ‘On fixing extraordinary tariffs on freight transportations by railroads in 2008’;”
- The Federal Tariff Service Order No. 120-t/1 of 30 April 2008 “On indexation of tariffs, levies and payments for freight railroad transportations.”

If you would like advice with regard to any of these issues, please do not hesitate to contact us - the Tax and Legal Department of Deloitte at (495) 787-0600 (Moscow) or (812) 703-7106 (St. Petersburg). A new search tool for our daily Legislative Tracking issues is available now on our website (www.deloitte.com/ru/lt/eng). The Legislative Tracking Service is maintained by professionals from Deloitte. This service is for informational purposes only, and the application of its contents to specific situations will depend on the particular circumstances involved.