

Free economic zones in the Far East of Russia: benefits and risks for investors

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Abstract: The article is devoted to the comparative analysis of administrative legal regimes of implementation of investment and business activity within the boundaries of the special areas created in the Far East of Russia: special economic zones and territories of advancing social and economic development and the free port of Vladivostok. The study object is to identify similarities and differences in the administrative legal regimes in order to promote enterprise activity and create a favorable investment climate. The paper analyzes in detail the measures of state support of investment and business activity: tax and customs benefits provided to investors; special rules that mitigate the administrative burden in the field of town planning and land relations, relations in the sphere of state control over the economic activity. Special attention is paid to the questions of public financing of engineering and transport infrastructures objects of the territories with special administrative legal regimes of business activity implementation. The authors in detail analyze the content of the Federal Law № 116 "About special economic zones in the Russian Federation" 22.07.2005, the Federal Law № 473 "About the territories of advancing social and economic development in the Russian Federation" 29.12.2014, Federal Law № 212 "About the free port of Vladivostok" 07.13.2015 and the tax standards, customs, town planning and land legislation. The special attention is paid to the agreements content on the territories establishment with a special administrative-legal regime of business activity. Legal norms analyzed from the perspective of the actual experience of its use in the formation of areas with special administrative and legal regimes on the Maritime Territory: the special economic zone of industrial type on the basis of the manufacturing enterprises of the "SOLLERS" group of companies, territories of the advancing socio-economic development "Nadezhdinskaya", "Mikhaylovskaya", the free port of Vladivostok. The paper define strong and weak sides of the three types of special legal and administrative regimes of implementation business activity applied in the Far East of Russia; both investment benefits, and risks, which the investors interested in the use of appropriate incentives and preferences, and the number of recommendations to address those risks, are revealed. Article materials represent the first analytical review of modern investment legislation of the Russian Federation and its practical application. The work may be of interest to head managers and legal consultants of companies interested in the implementation of investment and business activity in the Far East of Russia.

Key words: Investments; Special economic zones; Advancing development; Port; Vladivostok

1. Introduction

In the last decade, the state pays special attention to the socio-economic development of the Russian Far East. As indicated in the preamble of the federal principal program "Economic and social development of the Far East and the Baikal region for the period till 2018" due to the change in the balance of economic power of the main world economy centers in favor of the Pacific Rim, which specific weight increases and in production of a gross world product and in international trade, the Far East development is a perspective problem of the state which the decision depends on the economic prosperity of Russia in general.

The Far East holds a favorable economic geographical position in Russia and the Pacific Rim, neighboring with such countries as China, Japan and South Korea. To the Far East ports the width transport systems of the Trans-Siberian and Baikal-

Amur railway, lines crossing Eurasia, have outputs. Along the Far East coast passes the Northern Sea Route. With the increasing Pacific Rim role in the world economy the importance of the Far East of Russia as the contact zone providing external economic, cultural and other types of interstate cooperation also increases. "Realization of the integration policy of the Far East in the general process and dynamics of the Pacific Rim development and development of its huge potential demands immediate stimulation of economic and demographic development, technical and technological modernization of production, cardinal improvement of investment climate" (The federal principal program "Economic and social development of the Far East and the Baikal region for the period till 2018").

One of the business activity stimulating measures, creation of favorable investment climate in the Far East is the creation of areas with special administrative-legal regime of business activity designed to reduce the administrative burden on

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economic operators, as well as reduce the costs of these entities in the development of the business. The last is reached by means of various mechanisms, granting tax and customs privileges and preferences, funding from government measures to create objects of entrepreneurial infrastructure.

2. References

Special economic zones, territories of the advancing social and economic development, and the free port Vladivostok, which in the methodical purposes it is possible to designate a generic term "free economic zones", belong to territories with special administrative legal regimes of implementation of business activity. The basic legal acts, establishing specific legal and administrative regimes of business activity implementation of in borders of the special territories are the Federal Law № 116 "About special economic zones in the Russian Federation" 22.07.2005 (further - Law About SEZ), the Federal Law № 473 "About the territories of advancing social and economic development in the Russian Federation" 29.12.2014 (further - Law About TAD), Federal Law № 212 "About the free port of Vladivostok" 07.13.2015 (further - Law About FPV).

Identifying similarities and differences in the legal regimes of the territories, as well as the opportunities and risks arising from the entrepreneurs, who intend to use one of these special conditions, is the focus of this work.

3. General characteristic of the free economic zones: concept, subjects

3.1. Types of territories with special administrative legal regimes. System of territories control

According to the para. 1 art. 2 of the Law About SEZ, the special economic zone is the part of the Russian Federation territory, which is defined by the Government of the Russian Federation on which a special regime of entrepreneurial activities, and also the customs procedure of a free customs area can be applied. According to the para. 3 art. 2 of the Law About TAD, the territory of the advancing social and economic development is a part of the territory of the subject of the Russian Federation, including the closed administrative-territorial municipality, on which according to the decision of the Government of the Russian Federation establishes a special legal regime for entrepreneurial and other activities in order to create favorable conditions for attraction investment, ensuring rapid socio-economic development and creation of comfortable conditions for the population life. According to the art. 2 of the Law about FPV under the free port of Vladivostok is understood as part of the Maritime Territory, which in accordance with the Federal Law establishes measures of state support of business.

Already at the level of the territories definitions given by the legislator it is possible to reveal the common and specific features peculiar to each of them. General characteristic of the territories is the establishment in their borders of favorable conditions for business: "... specific mode of implementation of business activity ...", "... measures of the state support of business activity ...".

Features belong to such characteristics as territories placement, government competence on their creation, and the purpose of the creation. For example, special economic zones (hereinafter - SEZ) can be located within the territories of several subjects of the RF, the territory of advancing social and economic development (hereinafter - TAD) - only within the borders of one subject of the Russian Federation, and the free port of Vladivostok (hereinafter - FPV) - within clearly defined the subject of the Russian Federation (the Maritime Territory).

SPV is created on the basis of the Law About FPV, and the Laws About SEZ and TAD are created on the basis of resolutions of the Russian Federation Government and agreements, signed by authorized federal public authorities, public authorities of an appropriate subject of the Russian Federation, and local governments, which borders include the respective territory. So, SEZ of industrial and production type in the territory of Vladivostok is created on the basis of the resolution of the Russian Federation Government dated 18.08.2014 No. 822 and the Agreement on the establishment on the city of Vladivostok territory of the industrial and production type special economic zone dated 16.09.2014 No. S-369-EE/D14 signed between the Russian Federation Government, administration of the Maritime Territory and Vladivostok administration. TAD "Nadezhdinskaya" is created on the basis of the resolution of the Russian Federation Government dated 25.06.2015. No. 629 and Agreements on the establishment on the territory of the municipality Nadezhda the Nadezhdinsky municipal region of the Maritime Territory territories of the advancing social and economic development "Nadezhdinskaya" dated 19.10.2015 No. 01-15/2015.

In the FPV definition, the aspiration of imperious subjects to render assistance in implementation of business activity is especially noted: "... establishment of measures of the state support ..." that testifies to aspiration to keep actually economic development of the territory. In the TAD definition, the emphasis on the social purpose of creation of such territories is placed: "... ensuring the accelerated social and economic development and creation of comfortable conditions for ensuring activity of the population". In the SEZ definition noted the possibility of "... the free customs zone procedure", which describes how the SEZ territory, designed to develop, primarily export-oriented activities.

The legislation provides a certain specialization for some territories types with special

administrative legal regimes. So, the Law About SEZ distinguishes four types of special economic zones: industrial production, port, technology development, and tourism and recreation (Article 4 of the Law About SEZ.). Concerning territories of the advancing development accurate differentiation by territories types cannot be made. However, certain specialization is present here, as lists of activities, which can be carried out within their borders, are defined by the relevant resolutions of the RF Government on the establishment of TAD. Therefore, TAD "Nadezhdinskaya" represents the territory for industrial production development; TAD "Mikhaylovsky" is focused on the agricultural production development. The law on FPV does not provide narrow specialization by the activity type.

To carry out measures of state support and effective development of territories with special legal and administrative regimes of entrepreneurial activity established management systems, which include state agencies, business organizations with 100% state participation (management companies), as well as collegiate territories controls. In general, control systems of certain types of territories are similar in structure and competence of the management entities. However, there are features inherent in the SEZ, TAD and FPV management system.

According to art. 7 of the Law About SEZ, to the SEZ authorities are understood the federal public authority, authorities of the Russian Federation territorial subjects, the supervisory boards of SEZ, advisory councils of SEZ, and management companies. The federal public authority authorized to carry out functions of SEZ management is the Ministry of Economic Development of the Russian Federation (further - the Ministry of Economic Development).

The management company, carrying out functions and powers on SEZ management, is the Special Economic Zones joint-stock company, which 100% of actions belong to the Russian Federation. The Ministry of Economic Development carries out functions of the shareholder on behalf of the Russian Federation.

SEZ advisory councils are created by the Ministry of Economic Development for each type of special economic zones and operate on the basis of the Regulation approved by Order of the Ministry of Economic Development

The supervisory boards of special economic zones are created in order to coordinate the state bodies and local authorities' activities, as well as entrepreneurs for the special zone economic development.

According to chapter 3 of the Law About TAD, the authorized federal public authority, the supervisory boards of SEZ, and management company are the governing authorized federal body, the SEZ supervisory boards and management company. Note that the public authorities of the Russian Federation territorial subjects are not carried to governing bodies by the Law About TAD. They only have an

obligation to finance infrastructure facilities specified in the 3rd part of the art. 4 of the Law About TAD.

The federal public authority, authorized to carry out functions of TAD management is the Ministry of the Russian Federation of the Far East development (further - Ministry of the Far East development).

The Supervisory Board of TAD established to coordinate and monitor the implementation of the agreement on the creation of the territory of advancing social and economic development, facilitate the implementation of TAD projects residents and other investors' projects.

The management company, that performs the functions and powers of TAD management, is determined by the resolution of the RF Government on 04.30.2015, № 432. It is the "Corporation of the Far East Development" joint-stock company.

The management company which is carrying out functions and powers is determined by the Government of the Russian Federation of 30.04.2015 by management of TORAHS No. 432. 100 % of management company stocks belong to the Russian Federation and are carried out on behalf of the Ministry of the Far East development.

According to the chapter 2 of the Law About FPV, governing bodies of FPV are the authorized federal public authority (Ministry of the Far East development), the FPV Supervisory Board and management company (the JSC "Corporation of the Far East Development"). Besides, in art. 9 of the Law About FPV the public council of FPV, formed at authorized body, is specified. However, this body carries out not so much administrative, but many advisory functions.

3.2. Residents of territories with special administrative legal regimes

On the territories with special administrative legal regimes of implementation of business activity can be as the entrepreneurs, having special status (hereinafter - residents), giving them the right to receive state support, and entrepreneurs who do not have such a status. The last has the right to engage in business activities on a general basis, without being able to enjoy the benefits and preferences provided to residents.

The key economic subjects of the territories with special administrative legal regimes of implementation of business activity are residents. Criteria by means of which definitions of residents of territories with special administrative legal regimes are given are identical for three views of territories: an organizational and legal form, a place of registration, conclusion of agreement of conducting activity and inclusion of the organization in the residents' register.

According to art. 9 of the Law About SEZ, the resident of SEZ is the commercial organization (except for the unitary enterprises) or the individual entrepreneur, registered in the territory of municipality where SEZ is located, which concluded

the agreement on implementation of the activity corresponding to the SEZ type with SEZ governing body (for example, for SEZ of industrial and production type such kinds of activity are the production activity, activities for logistics or technology development activity). According to the para. 2 of art. 2 of the Law About TAD, the resident of the advancing social and economic development territory is the individual entrepreneur or the legal entity, which is the commercial organization, which state registration is carried out in the advancing social and economic development territory according to the Russian Federation legislation (except for the state and municipal unitary enterprises), who concluded the agreement on implementation of activity in the advancing social and economic development territory and are included in the residents register of the advancing social and economic development territory. According to Part. 1, art. 10 of the Law About FPV, under the free port of Vladivostok resident is understood the individual entrepreneur or the legal entity, which is the commercial organization, which state registration is carried out in the free port of Vladivostok territory according to the Russian Federation legislation (except for the state and municipal unitary enterprises), who concluded the agreement on implementation of activity and are included in the residents register of the free port of Vladivostok.

To acquire the resident status of the territory, the entrepreneur has to satisfy to criteria established by the legislation. These criteria include: 1) the capital amount that the resident is obliged to make during the project; 2) activities that residents undertake to implement.

Residents of industrial and production SEZ are obliged to make an investment of at least 120 000 000 rubles, including 40 000 000 rubles on the implementation of activities during the first three years from the agreement conclusion date. The residents of port SEZ are obliged to undertake investments in the following amounts: (1) 400 million rubles in the port, river port or airport infrastructure objects construction, including 40 000 000 rubles over three years from the agreement conclusion date on the implementation of activities; (2) one hundred and twenty million rubles for the sea port, river port or airport infrastructure reconstruction, including 40 000 000 rubles over three years from the agreement conclusion date on the implementation of activities (art. 3, 4, art. 12 of the Law About SEZ). The minimum amount of investment for the TAD residents determined by the resolution of the Russian Federation Government on creation of the corresponding TAD. So, according to resolutions of the Russian Federation Government dated 25.06.2015 № 629, № 878 dated 21.08.2015, the minimum amount of TAD "Nadezhdinskaya" and TAD "Mikhaylovsky" residents capital investments and in the corresponding types of economic activity implementation is set at 500 000 rubles. The residents capital investments minimum amount the

free port of Vladivostok is established in the Law About FPV, and in the Russian Federation Government resolution dated 20.10.2015 № 1123 "About the statement of residents criteria selection of the free port of Vladivostok" and amounts 5 000 000 rubles within three years from the date of inclusion of the individual entrepreneur or the legal entity in the register of residents of the free port of Vladivostok.

The businessman intending to get the status of the resident of the respective territory specifies types of business activity in the demand. The kinds of activity of residents of O EZ declared to implementation have to correspond to the O EZ type specified in the resolution of the Government of the Russian Federation and the agreement on its creation. Kinds of activity which the resident of TORAHS intends to carry out in an exhaustive way are defined in the resolution of the Government of the Russian Federation on creation corresponding TORAHS. Kinds of activity of residents of SPV are defined by decisions of the Supervisory board of SPV, way of the indication of kinds of activity at which implementation the status of the resident is not appropriated (by the principle, everything is authorized that directly is not forbidden). So, the decision of the Supervisory board of SPV of 21.10.2015 No. 1 defined the kinds of activity "forbidden" residents by SPV: oil and gas production, administrative activity and the accompanying services, activities for production of excise goods (except for vehicles and fuel). The kinds of activity which are not specified as forbidden can be specified in the demand for acquisition of the status of the resident.

Entrepreneur intending to acquire the status of a resident of the territory concerned, indicating types of entrepreneurial activity in the application; Activities of SEZ residents claimed to implementation must comply with the special economic zone type specified in the decree of the RF Government and the agreement on its establishment. Activities, which are intended to implement the resident top exhaustively defined in the decree of the Russian Government to establish an appropriate top. Forms IVS resident activities are determined by the decisions of the Supervisory Board of SPV, by specifying the types of activities in the implementation of that resident status is not assigned (in principle, everything that is not expressly forbidden). Thus, the decision of the Supervisory Board of SPV from 21.10.2015, the number 1 defined "illegal" residents IVS activities: oil and gas production, administration and related services activities for the production of excisable goods (excluding vehicles and fuel). Activities not listed as prohibited, can be specified in the application for the acquisition of resident status.

The entrepreneur applying for the FPV resident status acquisition has to satisfy to one more criterion: "the realization in the free port of Vladivostok territory of the new investment project, or the implementation of business activities, which

are new for it, that has not been carried out before the date of application" (para. 1 of the Russian Federation Government resolution dated 20.10.2015 № 1123).

Despite the fact that the legislation provides more or less transparent rules, concerning the status of residents of territories with special administrative legal regimes, there is a number of the problem aspects, which affect the interests of both foreign and domestic investors.

(1) A foreign company cannot directly or by creation of the branch in the Russian Federation, get the status of the resident of a free economic zone. Proceeding from the "resident" definitions, given in laws, the resident can become only the individual entrepreneur or the commercial organization registered in borders of the respective territory or in close proximity to it. It means that the foreign investor needs to create the affiliated commercial organization in Russia;

(2) Since in most cases the territory of priority development is outside the settlements, TAD residents have difficulty in placing the administrative offices in the TAD borders. According to the Russian legislation, the legal entity is considered registered at the place of permanent location of the individual executive body, i.e. in the organization (office) daily activity control center location. In practice, the resident offices are located outside the registration place of the commercial organization, which is a violation of state registration of legal entities and may lead to the administrative sanctions application. A number of residents register separate divisions in a place of real finding of the offices, however according to the Law About TAD the resident is forbidden to have branches and representations outside the boundaries of advancing development territories. Of course, as far as TAD infrastructure development this issue will lose its relevance, but today this remains an open question, and not regulated by law.

4. Analysis of the main components of special administrative legal regime of free economic zones

4.1. Tax privileges for residents of territories with special administrative legal regimes of entrepreneurial activity

A special tax regime applies to such taxes raised from residents as a value added tax, corporate income tax, property tax, land tax, and on payments in off-budget funds. Thus, the SEZ residents' tax treatment is different from the tax regime established for the TAD and FPV residents.

The tax privileges structure is not identical to the SEZ separate types provided by the legislation. So, according to the para. 27 part 3 art. 149 of the Tax Code of the Russian Federation from the value added tax exempts the works and services, which are carried out by the resident of SEZ port in the

territory of SEZ. For residents of other SEZ types the similar privilege is not provided.

According to p. 1.2 art. 284 of the Tax Code of the Russian Federation, a tax rate for residents income tax of technology development SEZ, and also the residents of the tourist and recreational SEZ, united by the decision of the Russian Federation Government in the cluster is established of 0 percent for a portion of the tax to be credited to the federal budget. According to p.1 art. 284 of the Tax Code of the Russian Federation residents of all types SEZ can be in whole or in part exempted by the laws of the Russian Federation from payment of the income tax, which is transferred in regional budgets. In Primorye, the said exemption provided by the regional law for SEZ residents in the city of Vladivostok. According to the art. 2(1) of the law, for residents the following lowered rates on the income tax, which is transferred in the regional budget, are established: (1) at a rate of 0 percent - within five tax periods since the tax period, in which according to data of tax accounting the first income from activity in the territory of a special economic zone was recognized; (2) at a rate of 10 percent - during the next five tax periods (instead of 18%) (The Primorsky Krai law dated 19.12.2013 N 330 "About the establishment of the lowered rate of the organizations income tax which is transferred in the regional budget for separate categories of the organizations").

Benefits for property tax of SEZ residents provided by the art. 381 of the Tax Code. According to para. 17 of the article the property, considered on the SEZ resident balance, created or acquired for conducting activity in the SEZ territory, located and used in the SEZ territory for ten years from the month following the property registration month; according to para. 22 of the article the residents property of industrial and production SEZ - the shipbuilding organizations, considered on their balance and used for construction and repair of vessels, is exempted from the taxation within ten years from the date of registration of such organizations as the resident of SEZ, and also concerning the property created or acquired after obtaining the resident status - within ten years from the date of registration of such property.

Exemptions from the tax on land provided by art. 395 of the Tax Code; In accordance with paragraph 9 of this article residents of SEZ in respect of land located in the SEZ territory shall be exempt from taxation, for a period of five years from the month of property rights for each parcel; in accordance with paragraph 11 of the article industrial-production SEZ residents - shipbuilding organizations, shall be exempt from tax in respect of land occupied by buildings, industrial purpose buildings used for construction and / or repair of ships, for a period of ten years from the date of registration of such organizations as the SEZ residents.

Exemptions from insurance contributions payment in the off-budget funds for residents of the technology development and tourist and

recreational SEZ united by the decision of the Russian Federation Government in the cluster. So according to part 3 art. 58 of the federal law № 212 dated 24.07.2009 "About insurance premiums" during the period till 2017 residents of the specified SEZ pay contributions to off-budget funds, to the Pension fund of the Russian Federation, Social Insurance Fund of the Russian Federation, Federal Compulsory Health Insurance Fund in the following size: (1) in Pension Fund of the Russian Federation - 8%, in Social Insurance Fund of the Russian Federation - 2%, in Fund of obligatory medical insurance - 2% (instead of 22%, 2,9%, 5,1% respectively).

The structure of tax privileges for residents of TAD and FPV is almost identical. According to para. 3, 4 p.1 art. 176.1 of the Tax Code of the Russian Federation resident taxpayers of TAD and FPV have the right to compensate the sums of a value added tax in the simplified (declarative) order. The application condition of this exemption is to represent resident-taxpayer to the tax authority a guarantee contract concluded between the management company and the tax authority, in which the management company undertakes to pay to the budget for the taxpayer's tax amounts unduly received by it (credited to it) as a result of compensation tax in a declarative order.

According to p. 1.8 art. 284, 284.4 of the Tax Code, for TAD and FPV residents a tax rate on the tax payable to the federal budget, is set at 0 percent (instead of 2%) for five tax periods starting with the tax period, in which according to the tax accounting data has been received first profits from the activities, carried out at the performance of agreements on the implementation of activities in the TAD or FPV. Regional laws have to provide benefits to tax pay in the sums, which are subject to transfer in regional budgets. The size of the tax rate may not exceed 5% for five tax periods starting with the tax period, in which according to the data of tax accounting, has been received the first profit from the activities, carried out in the performance of agreements on the implementation of activities in TAD and FPV, and may not be less than 10% over the next five tax periods (instead of 18%) (art. 4, art. 284.4 of the tax Code).

Privileges on the property of TAD and FPV residents' tax are provided by the regional legislation. In Primorye, these benefits are fixed in Law of the Primorsky Territory "About the property of organizations tax" dated 28.11.2003 N 82. According to p. 4 art. 2 of the law, a tax rate is established to the property, considered on the organizations balance - the TAD and FPV residents located and / or created and / or acquired for conducting activity in borders of FPV or TAD, which is actually used at implementation of the activity types provided by the agreement on implementation of activity in FPV or TAD in the following sizes: (1) 0 percent - for five years since the month following after the month of statement of the specified property on balance of the resident; (2) 0,5 percent -

within the next five years since the month following after the month preceding the expiration of the grace period (instead of 2.2%) (The Primorsky Krai law dated 28.11.2003 N 82 "About the property tax of the organizations").

Exemptions of insurance contributions payment to the off-budget funds are provided in art. 58.5, 58.6 of the Federal Law dated 24.07.2009 № 212 "About Insurance Contributions to the Pension Fund, Social Insurance Fund of the Russian Federation, the Federal Compulsory Medical Insurance Fund". For ten years from the date of obtaining the FPV or TAD resident status, residents pay contributions to off-budget funds in the following size: (1) the RF Pension Fund - 6% in the RF Social Insurance Fund - 1.5%, in the Mandatory Health Insurance Fund - 0.1% (instead of 22%, 2.9%, 5.1% respectively).

As the land tax is referred by federal legislations to category of local taxes, establishment of privileges on the land tax is referred to competence of governing bodies of municipalities. The possibility of introducing exemptions from the land tax is provided by conditions of Agreements of TAD establishment. So, according to para. 2.12 of the Agreement of the establishment on the territory of the municipality Nadezhdinsky of the Maritime Territory of the advancing social and economic development "Nadezhdinskaya" dated 19.10.2015 № 01-15/2015, adoption of the municipal legal act entering the land tax payment privilege for the TAD "Nadezhdinskaya" residents in the form of 0 tax rates of the tax, which is transferred in the local budget within three tax periods, is provided. The similar condition contains in para. 2.13 of the Agreement on the TAD "Mikhaylovsky" establishment dated 10.10.2015 № 01-14/2015.

Therefore, the tax privileges provided to residents of territories with a special administrative legal regime of implementation of business activity according to its composition and the content covers a significant amount of taxes and, at first glance, can ease the tax burden of residents. However, with the use of these tax benefits associated with a number of difficulties, rooted in law-making and law-enforcement spheres. Here are some of them:

(1) Application of the simplified order of compensation of the VAT, which is provided by art. 176.1 of the Tax Code of the Russian Federation, is interfered by absence in the legislation about TAD and FPV norm providing competence of management company JSC "The Far East Development Corporation" to the guarantee contracts conclusions with the tax authorities in providing obligations of residents for return of the tax sums;

(2) Application of exemptions from payment of insurance contributions to the off-budget funds is not beneficial to the residents, which projects implementation requires significant time costs. Thus, a number of residents of the TAD "Nadezhdinskaya" plan to set up production facilities, which will be put into operation after 2020. This means that only after 2020, the staff of manufacturing enterprise, which

fund of compensation is base for calculation and payment of insurance premiums will be completed. Thus, it is favorable to the resident to apply a privilege on payment of insurance premiums only after the beginning of implementation of activity with use of the constructed production object, but it is compelled to apply it "from the date of acquisition of the status of the resident". Thereof the economic effect of application of this privilege decreases.

4.2. Customs privileges for residents of territories with special administrative legal regimes of entrepreneurial activity

Under the customs privileges are understood the application possibility by the residents of territories with a special administrative legal regime of the business activities of the customs procedure of the free customs zone. The concept of this customs procedure is reflected in the art. 10 of the Agreement on the questions about the free (special, specific) economic zones in the customs territory of the Customs union and a customs procedure of the free customs area (Petersburg, 2010). A free customs area is a customs procedure, at which goods take place and used within the territory of SEZ or its part without payment of the customs duties, taxes, and without application of measures of non-tariff regulation concerning foreign goods and without application of a ban and restrictions on goods of the Customs union ("The agreement on questions of the free (special, specific) economic zones in the customs territory of the Customs union and a customs procedure of a free customs area"). The use of this procedure allows residents to optimize the cost of capital assets imported from abroad for further use within the boundaries of the area where the procedure of free customs zone (in particular, the cost of materials and equipment for construction and installation work on the establishment of a production facility) is applied. If production of the resident is focused on export, costs of import of current assets can be optimized (materials, the accessories used by production of goods).

Legal grounds for the application of the free customs zone procedure are different for different types of territories. In the SEZ and the FPV, this procedure is applied by the law (art. 36 of the Law About SEZ, art. 23 of the Law About FPV). In TAD the procedure of free customs zone is applied by virtue indicate such a possibility in the decision of the Russian Government on the establishment of the TAD corresponding (art. 2, art. 3 of the Law About TAD).

Ability to apply the customs procedure of free customs zone within the borders of the territories with special legal and administrative regimes is due to the creation and equipment of the customs control zone. Concerning SEZ all its territory admits the customs control zone by the law (p. 2 art. 37.2 of the Law About SEZ). Concerning TAD and FPV the customs control zone creation is made on the land or in the building, structure belonging to the resident,

by the decision of customs authority on the basis of the resident application (p. 5 art. 25 of the Law About TAD; p. 7 art. 23 of the Law About FPV). Application the free customs zone procedure in the SPV in some parts of its territory adjacent to the logistics facilities requires a decision by the FPV Supervisory Board (P. 2-4 Article 23 of the Law About FPV). The customs control zone has to be arranged and equipped for the purposes of carrying out customs control. Requirements to such arrangement and equipment are defined by subordinate normative legal acts of the Federal Customs Service of the Russian Federation (The order of FCS of Russia dated 30.04.2015 N 817 "About the approval of requirements to arrangement and the equipment of the territory of the special economic zone and requirements to the arrangement and equipment of the land plots provided to residents of a special economic zone in the cases provided by part 4 of article 37.2 of the Federal law dated July 22, 2005 N 116 "About special economic zones in the Russian Federation", and the order of providing the check mode in the territory of the special economic zone including the order of access for persons on such territory"; The Order of FCS of Russia dated 13.10.2015 N 2034 "About definition of the Rules to the equipment and arrangement of the territory of the advancing social and economic development for customs control").

Benefits from application of procedure of the free customs area are undoubted. At the same time, there are "reefs" capable to affect interests of residents.

(1) Procedures of customs control zones creation are settled with different extent of specification concerning different types of territories with special administrative legal regimes. The most successful is the regulatory base of creation of customs control zones in SEZ. Besides the detail-developed requirements to their arrangement and the equipment, local legal acts worked out procedures of interaction of the management company and government bodies during design, construction and completion of such territories. The specified questions are settled by the tripartite agreement between the Ministry of Economic Development of the Russian Federation, the Federal Customs Service of the Russian Federation and Special Economic Zones joint-stock company dated September 11, 2013, in which the step-by-step algorithm of actions of the specified bodies for coordination of the site planning of the territory, specifications on performance of work on design, project documentation, and check and commissioning of objects of customs infrastructure of SEZ is consolidated.

Concerning customs control zones that will be created similar procedures are not registered in borders of TAD and FPV that, eventually, interferes with application by residents of the free customs zone procedure.

(2) The financing sources of actions for the equipment and arrangement of a customs control zone differ for different areas. The infrastructure of

the customs control zone in the SEZ is created by the forces of the SEZ management company, at its expense, a significant portion of which are funds received from the state budget. As for the customs control zone in areas TAD and FPV, all measures for their design, construction and equipment is expected to perform by forces and at the expense of the residents, which significantly increases the cost of the latter on the implementation of investment projects.

4.3. Measures of property and financial state support of residents of territories with special administrative legal regimes

The laws About SEZ, TAD and FPV provide measures of property and financial support of the residents who are carrying out projects in the respective territories. Residents can be transferred land in state and municipal property (art. 1, art. 12 of the Law About SEZ, para. 8, art. 7 of the Law About TAD, para. 5 p. 2, art. 8 of the Law About FPV). Other property (buildings, structures, constructions), necessary for the TAD and SEZ residents for implementation of their projects, including the objects forming engineering and transport infrastructure of the respective territories, can be transferred (p. 2 art. 12 of the Law About SEZ, p.1 art. 9 of the Law About TAD, para. 3 Rules of the management company, which is carrying out functions of managing of the territory of the advancing social and economic development, the land plots transferred by it to the possession or rent, buildings, structures and constructions located in the territory of the advancing social and economic development, and infrastructure objects of the territory of the advancing social and economic development (further - Rules) (Resolution of the Russian Federation Government dated 24.04.2015 N 390).

Besides the transfer of the land and immovable property located within the boundaries of the concerned territories, the Law About SEZ and TAD provide the State's obligation to build facilities engineering, transport and other kinds of infrastructure for the residents (Art. 1, Art. 12 of the Law About SEZ, p. 1 para. 1 of the Law About TAD). Design and construction of areas infrastructure arranged by the management company at the expense of federal, regional and local budgets; These measures are designed to reduce the costs of the resident to have access to electricity, water and other energy sources.

The amount of the budget appropriations for the infrastructure creation of the territories defined in the Government Decrees about their creation. Thus, during the 2015 - 2017 years, to build the infrastructure of the special economic zone of industrial type in the territory of Vladivostok provided 5.365 billion rubles from the federal budget and 300 million rubles from the budget of the Primorsky Territory; for the TAD "Nadezhdniskaya" infrastructure - 1,986,100,000 rubles from the

federal budget and 1,986,100,000 rubles from the budget of the Primorsky Territory, and from the Nadezhdinsky municipal area budget; for TAD "Mikhaylovsky" infrastructure - 2.219 billion rubles from the federal budget and 2.219 billion rubles from the budget of the Primorsky Territory, and municipal budgets, which created this territory.

The exact structure of engineering and transport infrastructure objects, terms of their design and construction are established in plans of construction projects, which are annexes to agreements on creation of SEZ and TAD, and to the agreements on implementation of activity as residents of SEZ and TAD, which are signed between management companies and investors. Thus, the government is taking concrete measures to reduce investors' costs for projects. At the same time and in this case there are a number of the problem aspects influencing investment appeal of the considered territories.

(1) The land and property transfer to the residents atn the early stages of implementation of investment projects is possible only under the lease agreements. Therefore, in relation to the TAD regime, owing to direct instructions of the law, the land, buildings, structures and facilities are available to the resident of the territory of advancing social and economic development in the property only after fulfillment of all obligations under the agreement (pp. 'c' para. 4 of the Rules). However, in practice, residents can feel the need to transfer the specified lands and objects to property already by preparation for construction (for example, if on the land transferred to the resident real estate objects, which the resident needs to dismantle for implementation of the project, are located, transfer to rent of such objects will not allow the resident to execute action for dismantle and ensuring the platform construction readiness). In addition, the commercial resident organizations with foreign participation in certain cases will not be able to receive the land plots in property owing to the restrictions provided by the Russian legislation concerning transfer of separate categories of lands to persons of the foreign right and / or to the Russian legal entities controlled by persons of the foreign right (See art. 3 of the Federal Law dated 24.07.2002 N 101 "About the lands of agricultural purpose translation").

(2) Plans schedules of infrastructure construction are developed taking into account cash needs of investors, which got the status of residents of the respective territories, and the budgetary funds volumes provided by resolutions of the Russian Federation Government. The specified documents do not consider need of potential residents, which plan occurrence for the respective territories in the medium-term and long term. Partly, this problem can be resolved through the signing the investors of such agreements with the Ministry of the Far East development on intention to realize the investment project in the future that the para. 4 p. 3 art. 3 of the Law about TAD allow.

5. Conclusions

Summing up the results of the analysis of special administrative legal regimes of implementation of business activity in the free economic zones in the territory of the Russian Far East, it is possible to note that the state created the legal, organizational and financial property basis for development of the respective territories, increasing of their appeal to domestic and foreign investors. At the same time, the created rules demand further development, specification and refinement. The most actual aspects of the administrative legal regimes demanding "debug" are: the creation of legal mechanisms of bringing means of regional and local budgets to the management companies acting as customers of design and infrastructure construction; specification of the status and powers of management companies (Belitskaya, 2015); embedding of the control system (Kravchenko & Litvinova, 2015) of the territories with special administrative legal regimes in system of the state electronic interaction, etc.

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