Worldwide Corporate Tax Guide

2024

EY
Building a better working world

Preface

Governments worldwide continue to reform their tax codes at a historically rapid rate. Taxpayers need a current guide, such as the *Worldwide Corporate Tax Guide*, in such a shifting tax landscape, especially if they are contemplating new markets.

The content is straightforward. Chapter by chapter, from Albania to Zimbabwe, we summarize corporate tax systems in more than 150 jurisdictions. The content is current as of 1 March 2024, with exceptions noted. Keep up-to-date on significant tax developments around the globe with the EY Global Tax Alert library here.

Each chapter begins with contact information for the key people in that jurisdiction's EY member firm offices. Symbols precede the names of individuals who hold the following functions:

★ National director of the listed tax specialty
◆ Director of the listed specialty in the local office

We then lay out the facts about the jurisdiction's corporate taxes, beginning with an at-a-glance summary. With some variation, the topics covered are taxes on corporate income and gains, determination of trading income, other significant taxes, miscellaneous matters (including foreign-exchange controls, debt-to-equity rules, transfer pricing, controlled foreign companies and anti-avoidance legislation) and treaty withholding tax rates.

At the back of this Tax Guide, you will find a list of the names and codes for national currencies and a list of contacts for other jurisdictions.

For many years, the *Worldwide Corporate Tax Guide* has been published annually along with two companion guides on broad-based taxes: the *Worldwide Personal Tax and Immigration Guide* and the *Worldwide VAT, GST and Sales Tax Guide*. In recent years, those three have been joined by additional Tax Guides on more-specific topics, including the *Worldwide Estate and Inheritance Tax Guide*, the *Worldwide Transfer Pricing Reference Guide*, the *Worldwide R&D Incentives Reference Guide,* and the *Worldwide Capital and Fixed Assets Guide*.

Each of the Tax Guides represents thousands of hours of tax research. They are available free online along with timely *Global Tax Alerts* and other publications on ey.com.

You can keep up with the latest updates at ey.com/globaltaxguides.

The EY organization
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About EY's Tax Services

Your business will only succeed if you build it on a strong foundation and grow it in a sustainable way. At EY, we believe that managing your tax obligations responsibly and proactively can make a critical difference. Our 50,000 talented tax professionals, in more than 150 countries, give you technical knowledge, business experience, consistency and an unwavering commitment to quality service — wherever you are and whatever tax services you need.

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Over the last 40 years, the EY organization has made a significant investment in building a Global Tax Desk Network. It consists of highly integrated teams of more than 300 professionals spanning approximately 60 jurisdictions. The purpose of the Tax Desk Network is to help enable home-country tax experience to be integrated within other jurisdictions and provide services across several of our tax disciplines from hubs in the United States, Brazil, Europe, and Asia-Pacific and China Mainland. The Global Tax Desk Network offers clients a tremendous resource – accessible, timely and integrated tax-planning advice on cross-border investments, providing them worldwide with a forum for information and idea exchange as well as offering cross-disciplinary tax workshops for multinationals. Our Global Tax Desk Network can be contacted at the numbers listed below.

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Albania has introduced a new law on income tax, which entered into force on 18 May 2023 and is effective starting from 1 January 2024 with certain exceptions.

A. At a glance

Corporate Profits Tax Rate (%)	15
Capital Gains Tax Rate (%)	15
Branch Tax Rate (%)	15
Withholding Tax (%)	
Dividends	8
Interest	15
Royalties from Patents, Know-how, etc.	15
Rent	15
Services	15
Insurance Services	15
Participation in Management and Administration Bodies	15
Construction, Installation or Assembly Projects and their Supervision	15
Payments for Entertainment, Artistic or Sporting Events	15
Gambling Gains	15
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

B. Taxes on corporate income and gains

Corporate income tax. A company is resident in Albania if it is incorporated in Albania or at any time during the fiscal year the

management and control of the company is exercised there. Resident companies are subject to corporate income tax on their worldwide income. Foreign companies are subject to tax on profits generated from activities performed through a permanent establishment in the country and on income from Albanian sources.

Rates of corporate tax. The corporate income tax rate is 15%. Until 2029, taxpayers with annual turnover up to ALL14 million (approximately EUR140,000) are subject to 0% income tax.

Windfall tax. In January 2023, the Albanian government introduced a temporary windfall tax on the excess sales realized by Albanian power producers due to the increase in energy prices. The windfall tax is imposed at a rate of 50% on excess income on the electricity sale at a price exceeding ALL8.5/kw, equivalent to roughly EUR73/mwh. The tax is applied retroactively for 2022 and should be paid in two equal installments, respectively, on 31 March and on 30 November of the following year. The tax is a deductible expense for corporate income tax purposes and is applicable until 31 December 2024.

Tax incentives. Tax incentives in Albania are described below.

Until 2025, the corporate income tax rate is 5% for software production and development companies registered before 18 May 2023. Until 2029, a reduced corporate income tax rate of 5% also applies to agricultural cooperatives, certified agrotourism businesses and companies operating in the automotive sector.

Investment in and operation of internationally recognized four- to five-star hotels and resorts that are awarded a special status by the Council of Ministers are exempt from corporate income tax for a 10-year period starting from the commencement of the economic activity, but no later than three years from the award of the special status. This exemption applies to four- to five-star hotels and resorts that are awarded the special status in or before December 2024.

Capital gains and losses. Capital gains derived from the disposal of assets, including shares, are subject to tax at the standard rate of 15%. Capital losses are deductible for tax purposes.

Capital gains derived by nonresidents from the alienation of immovable property located in Albania, shares of Albanian resident entities, securities and financial instruments in Albania, exploitation and other rights regarding minerals, hydrocarbons and other natural resources in Albania and information related to these rights are taxed in Albania. Also, capital gains derived by nonresidents from the alienation of shares deriving more than 50% of their value at any time during the last 365 days, directly or indirectly, from immovable property located in Albania or from any the abovementioned rights or information are taxed in Albania.

Capital gains derived from the direct or indirect transfer of shares or voting rights of an entity that owns rights for the exploitation of minerals, hydrocarbons and other natural resources in Albania or information related to these rights, or operates in the telecommunication sector or as a financial institution, are taxed at the

level of the entity whose ownership is transferred, to the extent that the entity meets both of the following conditions:

- It is subject to a direct or indirect change of ownership by more than 20%.
- It has an average turnover of ALL500 million for the last three years.

The entity is treated as having transferred a proportion of its assets before the transfer. The tax liability is computed on the difference between the fair value and cost of the underlying asset, apportioned to the ownership change percentage. This is a final tax, and the transferor of shares is exempt from taxation on capital gains. If the transferred entity is not liable to pay tax in accordance with the above rule, the obligation rests with the transferor of shares.

A nonresident person that is subject to capital gain taxation in Albania must declare the capital gains and pay the tax liability by submitting an annual income tax return by 31 March of the following year.

The Albanian taxpayer should also report these ownership changes with the tax authorities to the extent that the change is more than 20% for all types of companies and more than 10% for companies whose shares derive more than 50% of their value at any time during the last 365 days, directly or indirectly, from immovable property located in Albania or from exploitation and other rights regarding natural resources and information related to these rights.

Failure to comply with these reporting obligations is subject to heavy penalties.

If a tax treaty is in place, capital gains derived from nonresidents arising from the transfer of shares are taxed in accordance with the provision of the treaty.

Administration. The tax year is the calendar year.

Taxpayers subject to corporate income tax make advance payments of corporate income tax on a quarterly basis. The payments must be made by 31 March for January through March, by 30 June for April through June, by 30 September for July through September and by 31 December for October through December. However, taxpayers may opt to make monthly advance payments of corporate income tax by the 15th day of each month. Newly established companies involved in production activities are not required to make quarterly advance payments for either a period of six months or the period until the end of the fiscal year, whichever is shorter. Failure to pay the advance payment of corporate income tax on time is subject to a penalty of 10% of the amount due plus default interest.

The advance payments for January through March are calculated based on the corporate income tax of the tax year before the preceding tax year. The advance payments for April through December are calculated based on the corporate income tax of the preceding tax year. The tax rate for the calculation of the advance payment is 15%. If the company demonstrates to the tax

authorities that the taxable income in the current year will be substantially lower than the taxable income of the reference period, the tax authorities may decide to decrease the advance payments. If the tax authorities determine that the taxable income of the current year will be increased by more than 10%, compared with the taxable income realized in the reference period, they may decide to increase the advance payments. Companies that generated losses in the reference years make advance payments based on their taxable profit projections for the current year.

By 31 March, companies must file the annual tax return and pay the corporate tax due for the tax year less advance payments made.

Companies not complying with the filing and payment deadlines described above are subject to interest and penalties. Late tax payments are subject to interest at a rate of 120% of the interbanking loan interest rate published by Bank of Albania. The interest is not deductible for corporate income tax purposes. Late tax payments and inaccurate tax return filings are charged with a penalty of 0.06% of the amount of the unpaid tax liability and contribution for each day of delay, capped at 21.9%. In addition, a penalty of ALL10,000 (EUR100) for taxpayers subject to corporate income tax or ALL5,000 (EUR50) for other taxpayers can be assessed if the tax return is not filed by the due date. If the unreported tax liability results from tax evasion, the penalty is 100% of the unpaid liability.

Dividends. Dividends paid by Albanian companies are subject to withholding tax at a rate of 8% unless the rate is reduced under an applicable double tax treaty (see Section F). Dividends received by Albanian companies are exempt from corporate income tax, if all the following conditions are satisfied:

- The recipient company (shareholder) must own a minimum participation of 10% of the share capital or voting rights of the distributing entity.
- The shares must be held by the shareholder for an uninterrupted period of at least 24 months.

If an entity receives dividends before the 24-month holding period is completed, but meets the minimum participation requirement of 10%, the dividends can be exempt from corporate income tax, provided that the recipient company deposits a bank guarantee for the amount of tax that would have been payable in absence of the exemption valid until the completion of the 24-month period.

Foreign tax relief. Foreign direct tax on income and gains of an Albanian resident company may be credited against the corporate tax on the same profits. The foreign tax relief cannot exceed the Albanian corporate income tax charged on the same profits. If a company receives income from a country with which Albania has entered into a double tax treaty, other forms of foreign tax relief may apply, as stipulated in the provisions of the treaty.

C. Determination of trading income

General. The assessment is based on the financial statements prepared in accordance with the local standards or International

Financial Reporting Standards (IFRS), subject to certain adjustments for tax purposes as specified in the Albanian Tax Code and other supplementary legal acts.

All necessary and reasonable expenses incurred for the business activity that are properly documented are deductible, except for the following:

- Gifts and donations.
- Penalties and fines paid to a public authority for a legal offense.
- Wages and salaries not paid through the financial system.
- Expenses for cross-border technical services and consultancy and management fees if the corresponding fees and withholding tax has not been paid by 31 March of the year following the year in which the service is provided. These expenses can be deducted in the next year in case they are paid within that year.

Other types of expenses may be deducted up to a ceiling. These expenses include, but are not limited to, the following:

- Representative and entertainment expenses are deductible up to 0.3% of annual turnover. A higher threshold applies to toll manufacturing companies.
- Production waste and losses, including losses from impairment, are deductible to the extent provided by the relevant legislation.
- Sponsorships are generally deductible up to 3% of the income before tax and up to 5% for media, books publishing, cultural and sports activities. Sponsorships made by taxpayers with annual taxable revenue above ALL100 million (approximately EUR1 million) to sports activities can be deductible at three times the amount sponsored.
- Per diems are deductible up to ALL4,000 per day for traveling inside Albania and up to EUR80 per day for traveling abroad, to the extent that the annual total of per diems is less than 50% of the annual gross salary budget.
- Interest is deductible only to the extent that the rate does not exceed the average 12-month banking interest rate published by Bank of Albania, except interest on loans granted by microcredit financial institutions.
- The net interest expense balance (that is, the difference between the interest expenses and interest revenues, exceeding 30% of earnings before interest, tax, depreciation and amortization [EBITDA]) adjusted for tax purposes is not deductible for the tax period. Such interest not deductible in the current period can be carried forward to five consecutive tax periods. Such limitation does not apply to banks, other financial institutions that are not banks, insurance companies, leasing companies and long-term public infrastructure projects.
- Expenses settled in cash are tax deductible if they do not exceed ALL150,000 (approximately EUR1,150).
- Life and health insurance premium costs for the employees exceeding 5% of their salary are tax deductible for that fiscal year.
- Voluntary pension contributions made by employers in favor of their employees to professional pension plans are tax deductible up to the amount of annual minimum salary, currently at ALL480,000 (approximately EUR4,820) per year.
- Expenses related to tax-exempt revenue.

Inventories. The inventory valuation rules stipulated in the accounting law also apply for tax purposes. Inventory is valued

at historical cost, which is determined by using the weighted average, first-in, first-out (FIFO) or other specified methods. The method must be applied consistently. Changes in the method must be reflected in the books of the company.

Provisions. Companies may not deduct provisions, except for certain levels of special reserves specified by regulations regarding insurance companies and provisions of financial service companies created in compliance with International Financial Reporting Standards and certified by external auditors.

Tax depreciation. Assets are depreciated separately for tax purposes at the following rates:

- Buildings and installations with a useful life beyond 15 years: 5%
- Intangible assets: 15%
- Computers, information systems, software and data storage equipment: 25%
- All other assets: 20%

Relief for losses. Losses may be carried forward for five consecutive years. However, if a change of 50% in the entity's ownership occurs accompanied by a change in the business activity, the remaining losses are forfeited. Loss carrybacks are not allowed.

Groups of companies. Each company forming part of a group must file a separate return. The law does not provide for consolidated tax returns or any other group relief.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax; exempt supplies include leases of land, supplies of buildings (optional) and financial services	
Standard rate	20%
Reduced rate for the supplies of agricultural inputs (products)	10%
Reduced rate for accommodation, restaurant (except for drinks), supplies from companies having the status of "agritourism certified entity," supplies made from brand-name hotels and resorts having a special status, advertisement services from audiovisual media, supplies of books of any type, certain public transport vehicles and construction of sport facilities	6%
Exports of goods and supplies of services relating to international transportation	0%
Real estate property tax	
Buildings	
Buildings used for business purposes; rate applied to value of building	0.2%
Buildings under construction; rate applied to value of the construction surface of buildings that have not been completed as per the time frame stipulated in the construction permit received	30%

Nature of tax	Rate
Agricultural land	ALL700 to ALL5,600 per hectare
Plots of land	ALL0.14 to ALL20 per square meter
Social security contributions, on monthly salary up to ALL176,416; paid by	
Employer	15%
Employee	9.5%
Health insurance contributions on monthly gross salary; paid by	
Employer	1.7%
Employee	1.7%
Excise duties imposed on specified goods (tobacco products, coffee, alcoholic beverages, petrol, diesel, fuel, kerosene and lubricants); the tax is calculated as a specific amount per unit	Various
Consumption tax for petrol, gas, oil and coal	ALL27 per liter

E. Miscellaneous matters

Foreign-exchange controls. Albania has a free foreign-exchange market. The Albanian currency, the lek (ALL), is fully convertible internally.

Residents and nonresidents may open foreign-currency accounts in Albanian banks or foreign banks authorized to operate in Albania. Residents may also open accounts in banks located abroad. All entities must properly document all of their money transfers to comply with the regulations of Bank of Albania. No limits are imposed on the amount of foreign currency that may be brought into Albania. Hard-currency earnings may be repatriated after the deduction of any withholding tax.

Transfer pricing. Albanian transfer-pricing rules were introduced in June 2014 and are aligned with the Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines. Under these rules, taxpayers engaged in controlled transactions are required to maintain transfer-pricing documentation, which must be submitted within 30 days following the tax authorities' request. Failure to prepare transfer-pricing documentation is not sanctioned with penalties, but fulfilling the requirement protects the taxpayer from the assessment of penalties in the event of transfer-pricing-related audit adjustments. Such penalties equal 0.06% of the amount of the unpaid liability for each day of delay, capped at 21.9% (equivalent of 365 days).

Only cross-border and controlled transactions are subject to the transfer-pricing rules. Consequently, domestic transactions are not subject to the rules. Controlled transactions are transactions between related parties, dealings between a permanent establishment and its head office, and transactions with an entity resident in a tax-haven jurisdiction. Two persons are considered related parties if either one of them participates directly or indirectly in the management, control or capital of the other, or the same person(s) participate(s) directly or indirectly in the management,

control or capital of the two parties; that is, the same person owns 50% or more of the share capital of the other person or effectively controls the business decisions of the other person.

The transfer-pricing rules refer to the application of the most appropriate method among the OECD transfer-pricing methods, which are comparable uncontrolled price, resale price, cost-plus, transactional net margin and profit-split. If it can be proved that none of the approved methods can be reasonably applied, taxpayers are allowed to use other more appropriate methods.

Taxpayers are required to submit by 31 March of the following year a Controlled Transaction Notice, which lists the intercompany transactions and the transfer-pricing methods applied to these transactions, if their controlled transactions, including loan balances, exceed in aggregate ALL50 million (approximately EUR363,000).

Failure to timely submit the Controlled Transaction Notice subjects the taxpayer to a penalty of ALL10,000 (approximately EUR70) for each month of delay.

Reorganizations. Business reorganizations between Albanian tax residents, including mergers, divisions or partial divisions, exchanges of shares and transfers of a branch activity are, in principle, tax-neutral transactions, except for any cash payment in excess of a qualified amount. Under the reorganization rules, in the case of a transfer of a branch of activity, the receiving company should continue to use the carrying tax values of the assets transferred for the purposes of calculating tax depreciation and any tax gain or losses related to those assets; the transferring entity should recognize the securities received at their market value at the time of the reorganization. In the case of a merger, division or exchange of shares, the shareholder of the transferring company should not attribute to the securities received in exchange a value for tax purposes greater than the value of the securities they held immediately before the reorganization.

Exit taxation. Under newly introduced rules, when a tax resident transfers its business assets, or its tax residence out of Albania, the transfer shall be subject to Albania capital gains taxation calculated on the difference between the market value of the assets transferred and their tax book value at the time of their exit from Albania.

F. Treaty withholding tax rates

Albania has entered into tax treaties with several jurisdictions. In October 2018, the Albanian Council of Ministers approved for Albania to become a signatory jurisdiction and party to the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (Multilateral Instrument, or MLI), announcing that Albania will enter its reservations and observations. In August 2019, Albania joined the Inclusive Framework on Base Erosion and Profit Shifting. In July 2020, Albania ratified the MLI.

The table below providing the treaty withholding tax rates is for illustrative purposes only. It does not reflect the various special

provisions of individual treaties or the withholding tax regulations in domestic law.

	Dividends %	Interest %	Royalties %
Austria	5/15 (a)	5 (b)	5
Belgium	5/15 (a)	5	5
Bosnia and Herzegovina	5/10 (a)	10	10
Bulgaria	5/15 (a)	10	10
China Mainland	10	10	10
Croatia	10	10	10
Czech Republic	5/15 (a)	5	10
Egypt	10	10	10
Estonia	5/10 (f)	5 (b)	5
France	5/15 (a)	10	5
Germany	5/15 (a)	5 (b)	5
Greece	5	5	5
Hungary	5/10 (a)	0	5
Iceland	5/10 (a)	10 (b)	10
Ireland	5/10 (a)	7 (b)	7
Israel	5/15 (a)	10 (b)	5
Italy	10	5 (b)	5
Korea (South)	5/10 (a)	10 (b)	10
Kosovo	15	10	10
Kuwait	0/5/10 (g)	10	10
Latvia	5/10 (a)	5/10 (b)	5
Malaysia	5/15 (a)	10	10
Malta	5/15 (a)	5	5
Moldova	5/10 (a)	5	10
Montenegro	5/15 (a)	10	10
Netherlands	0/5/15 (c)	5/10 (d)	10
North Macedonia	10	10	10
Norway	5/15 (a)	10	10
Poland	5/10 (a)	10	5
Qatar	0/5 (h)	0/5 (b)	6
Romania	10/15 (a)	10 (b)	15
Russian Federation	10	10	10
Saudi Arabia	5	10	5/8 (j)
Serbia	5/15 (a)	10	10
Singapore	5	5 (b)	5
Slovenia	5/10 (a)	7 (b)	7
Spain	0/5/10 (e)	6 (b)	15
Sweden	5/15 (a)	5	5
Switzerland	5/15 (a)	5	5
Türkiye	5/15 (a)	10 (b)	10
United Arab Emirates	0/5/10 (g)	0	5
United Kingdom	5/15 (i)	6 (b)	0
Non-treaty jurisdictions	8	15	15

(a) The lower rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the payer. The higher rate applies to other dividends.

(b) Interest on government and central bank loans is exempt from withholding tax.

(c) The 0% rate applies if the beneficial owner of the dividends is a company that holds at least 50% of the payer and that has invested at least USD250,000 in the capital of the payer. The 5% rate applies if the beneficial owner of the dividends is a company that holds at least 25% of the payer. The 15% rate applies to other dividends.

(d) The 5% rate applies to interest paid on loans granted by banks or other financial institutions. The 10% rate applies in all other cases.
(e) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 75% of the capital of the payer. The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the payer. The 10% rate applies to other dividends.
(f) The lower rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the payer. The higher rate applies to other dividends.
(g) The 0% rate applies if the beneficial owner of the dividends is a government, a government institution or an agency of the other contracting state. The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the payer. The 10% rate applies to other dividends.
(h) The 0% rate applies if the beneficial owner of the dividend is a government, a government institution or an agency of the other contracting state. The 5% rate applies to other dividends.
(i) The 5% rate applies if the beneficial owner of the dividend is a company that holds directly at least 25% of the capital of the payer or is a pension scheme. The 10% rate applies to other dividends.
(j) The 5% rate applies if the license fee is related to industrial, commercial and scientific equipment. The 8% rate applies to other license fees.

Albania has signed tax treaties with Finland, India and Luxembourg, but these treaties have not yet entered into force.

Algeria

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A. At a glance

Corporate Income Tax Rate (%)	10/19/23/26 (a)
Capital Gains Tax Rate (%)	15/20 (b)
Branch Income Tax Rate (%)	19/23/26 (a)
Withholding Tax (%)	
Dividends	5/15
Interest	10
Royalties from Patents, Know-How, etc.	30
Foreign Services	30
Fees for Technical Assistance and Other Remuneration for Services	30
Branch Remittance Tax	15
Net Operating Losses (Years)	
Carryback	0
Carryforward	4

(a) For details regarding these rates, see Section B.
(b) These rates apply to capital gains on shares and similar securities. The higher rate applies to payments to nonresident individuals or companies.

B. Taxes on corporate income and gains

Corporate income tax. The following companies are subject to corporate income tax (Impôt sur le Bénéfice des Sociétés, or IBS):
- Resident companies (those incorporated in Algeria)
- Nonresident companies that have a permanent establishment in Algeria

In general, IBS is levied on income realized in Algeria, which includes the following:
- Income derived from trading activities carried out by companies
- Income of representative agents of companies
- Income of companies that do not have an establishment or a representative agent but realize a complete cycle of commercial activities

- Income for which the right to tax is attributed to Algeria, under a tax treaty

Tax rates. The following are the IBS rates:
- 10% (preferential rate) for companies carrying out a production activity if they reinvest during the fiscal year. Reinvestments can be made through acquiring production equipment and shares or equity interests or similar securities of up to at least 90% in the capital of another company.
- 19% for companies carrying out production activities.
- 23% for companies engaged in the construction sector and tourism.
- 26% for companies carrying out other activities, such as importation and resale in the same condition.

Companies carrying out activities that are subject to different rates of IBS are charged an IBS rate for each activity according to its portion (pro rata) of the consolidated turnover.

A complementary tax of 10% on company profits is introduced for tobacco manufacturing companies. The tax base of this tax is the same as the tax base subject to the corporate income tax.

Tax incentives. Law No. 22-18 related to investment, which amended Law 16-09, provides for different levels of investment incentives applicable to national and foreign investments made in the production of goods and services, and investments made within the framework of the granting of a license or a concession.

For purposes of the above law, investments include the following:
- Acquiring tangible or intangible assets that are directly included in the production of goods and services, in the context of the creation of new activities, the extension of production capacities and/or the rehabilitation of the production tool
- Participating in the share capital of an Algerian company in the form of cash or in-kind contributions
- Outsourcing activities from abroad

Before the investments are made, they must be registered with the Algerian Agency for the Promotion of Investment (Agence algérienne de promotion de l'investissement, or AAPI) to benefit from the incentives discussed below. The registration of major investment projects (that is, investments equal to or above DZD2 billion) and foreign investments is carried out at the unique desk for large projects and foreign investments within the AAPI.

The Investment Law provides for the following incentive regimes:
- Sector
- Area
- Structuring projects

Sector regime. Investments in the following areas of activity are eligible for the Sector regime:
- Mines and quarries
- Agriculture, aquaculture and fishing
- Industry and food industry
- Pharmaceutical and petrochemical industry
- Services and tourism

- New and renewable energy
- Knowledge economy and information and communication technologies

Area regime. Investments implemented in the following areas are eligible for the Area regime:
- Highlands, South and Deep South locations
- Localities in development that needs special support from the state
- Localities with natural resource potential to be developed

Executive Decree No. 22-301 has fixed the list of places subject to this regime.

Structuring projects regime. According to Executive Decree No. 22-302, structuring investments are defined as investments with a high potential for creating wealth and jobs likely to increase the attractiveness of the territory and to create a knock-on effect on economic activity for sustainable economic, social and territorial development, with the following objectives:
- Import substitution
- Export diversification
- Integration into global and regional value chains
- The acquisition of technology and expertise

According to Executive Decree No. 22-302, investments that meet the following criteria are eligible as structuring projects:
- The creation of 500 direct jobs
- Am investment amount equal to or greater than DZD10 billion

Implementation and Operational stages. The Investment Law offers the tax incentives described below during the Implementation and Operational stages.

The following tax incentives are available during the Implementation stage:
- Exemption from customs duties for goods imported and used directly in the realization of the investment
- Value-added tax (VAT) exemption for goods and services imported or acquired locally that enter into the investment
- Exemption from transfer duties and land registration tax for real estate acquisitions made in the context of the investment
- Exemption from registration duties for company constitutions and capital increases
- Exemption from registration duties, land registration tax and state remuneration on concessions of built and unbuilt real estate intended for the implementation of investment projects
- Exemption from property tax on investment properties for a period of 10 years from the date of acquisition

The above benefits are applicable to all investment regimes.

The following tax incentives are available during the Operational stage:
- Exemption from corporate income tax
- Exemption from the tax on professional activities

The above Operational stage benefits are applicable for three to five years for the Sector regime and for five to 10 years for the two other regimes.

Guaranties granted to foreign investors. Article 8 of the Investment Law provides for a guarantee of transfer of invested capital and the income derived from it. This article specifies that the reinvestment in capital of profits and dividends declared transferable is admitted as an external contribution. To benefit from these guarantees, the foreign investor must bear at least 25% of the overall cost of the investment.

Disposal and transfer of benefits. The Investment Law provides for the possibility of transferring or disposing of goods that have benefited from the incentives, with the approval of the AAPI, which replaces the National Agency for Investment Development (Agence Nationale pour le Développement des Investissements, or ANDI) in the new Law.

Executive Decree No. 22-299 provides for a repayment of the benefits granted in the event of the transfer of the goods that benefited from these benefits. The repayment of benefits is calculated in proportion to the remaining depreciation period.

It is also possible to transfer an investment that has benefited from tax incentives. The new acquirer will handle all the initial investor's engagements and commitments.

Capital gains. Capital gains are included in ordinary income and taxed at the applicable IBS rate.

Capital gains derived from the sale of fixed assets are taxed differently, depending on whether they are short-term capital gains (on assets held for three years or less) or long-term capital gains (on assets held for more than three years).

The following percentages of capital gains derived from the partial or total sale of assets within the framework of industrial, commercial, agriculture or professional activities are included in taxable profits:
- 35% of long-term capital gains
- 70% of short-term capital gains

Capital gains derived from the sale of shares realized by nationals are taxed at a rate of 15%.

Unless otherwise provided by a double tax treaty, nonresident individuals and companies that derive capital gains from the sale of shares of an Algerian entity are subject to a final withholding tax at a rate of 20%.

Administration. An annual tax return must be filed with the tax administration within four months after the end of the financial year. Foreign companies carrying out activities in Algeria through a permanent establishment are subject to the same filing obligations as companies incorporated in Algeria. These obligations include the filing of an annual corporate tax return (IBS return, named G4 form or G4 Bis form), by 30 April of each year.

The IBS is generally paid in three down payments from 20 February to 20 March, from 20 May to 20 June and from 20 October to 20 November of the year following the financial year, if profit has been realized and used for the base of tax calculation. The amount of each down payment is equal to 30% of

the IBS due on profits realized during the last closed financial year.

Permanent establishments of foreign companies must make an IBS down payment equal to 0.5% of the amounts billed every month. When filing the annual IBS return, these IBS down payments are offset against the IBS due.

Certain listed documents must be attached to the IBS return, including the balance sheet and a summary of the profit-and-loss account.

Taxes withheld at source and those paid in cash must be declared on a monthly tax return ("G 50" form). These taxes include the following:

- Personal income tax (Impôt sur le Revenu Global, or IRG)
- Withholding tax due on passive income and remuneration paid to nonresident service suppliers
- Professional training tax and apprenticeship tax
- IBS down payments
- VAT

This form must be filed within 20 days following the end of the month of payment of the relevant remuneration together with the payment of the related taxes.

Dividends. A withholding tax rate of 15% applies to dividends distributed to resident individuals and to entities that do not have permanent establishment in Algeria, subject to double tax treaties, while a 5% withholding tax applies to income derived from the distribution of dividends between two Algerian entities.

Royalties. Unless otherwise provided by double tax treaties, a 30% withholding tax is imposed on royalties and remuneration for services paid to nonresident entities.

For contracts relating to the use of computer software, a tax allowance at a rate of 30% is applicable on the amount of the royalties. Consequently, the effective rate of the withholding tax is 21%.

A tax allowance at a rate of 60% is applied to the amount of the rent amount paid under an international leasing contract. As a result, the effective rate of the withholding tax is 12%.

For royalties benefiting from allowances or a reduced rate, VAT must be paid in addition to withholding tax.

Foreign tax relief. The Algerian Direct Tax Code does not provide for foreign tax relief.

C. Determination of taxable income

General. The computation of taxable income is based on financial statements prepared according to generally accepted accounting principles, provided they are not incompatible with the provisions of the Algerian Direct Tax Code.

Taxable income is determined on the basis of profits and losses. Taxable income includes operating income and "extraordinary income," such as capital gains, gains from the revaluation of business assets and subventions, subject to certain exclusions and business incentives.

In the determination of taxable income, any expenditure that is wholly, exclusively and necessarily incurred for the purposes of the exploitation of the business and the generation of income is deductible from gross income.

Financial expenses related to overseas loans, royalties, technical assistance fees and other fees payable in foreign currencies may be deducted for tax purposes during only the financial year of their effective payment.

Certain expenses are not deductible for tax purposes, including the following:

- Expenses, costs and rents of any type that are not directly assigned to operations (for example, premises leased for accommodation of members of the company's management).
- Fines, interest on late payments and penalties, interest and increases in duties as a result of defaults or insufficiencies in tax returns or payments.
- Gifts (except those for advertisements, the value of which does not exceed DZD1,000 per unit) in a global amount limit of DZD500,000.
- Subsidies or donations except those made to humanitarian organizations or associations or those made to nonprofit research organizations up to DZD4 million.
- Restaurant, hotel and entertainment expenses not directly linked to the business.
- Expenses fulfilling the conditions of deductibility, whose payment is carried out in cash, when the amount of the invoice exceeds DZD1 million, including tax. The deduction is allowed when the payment is carried out by a payment in cash in a bank or postal account.
- The portion of rental of passenger vehicles exceeding DZD200,000 per year, and maintenance and reparation expenses of passenger vehicles that do not constitute the main tool of the activity that are higher than DZD20,000 per vehicle.
- Amounts allocated to sponsoring, patronage and godfathering of sports activities and the promotion of youth initiatives are allowed as a deduction for the determination of the taxable income, subject to being duly justified up to 10% of the turnover of the exercise and within the limit of a maximum of DZD30 million.
- Remuneration for technical assistance, financial and accounting services rendered by a company established abroad to the extent it exceeds 20% of general expenses of the debtor company and 5% of turnover or, for design and engineering consulting firms, to the extent that it exceeds 7% of turnover.
- Interest paid to partners on account of sums made available to the company, in addition to capital shares, whatever the form of the company, to the extent that it exceeds the effective average interest rate reported by the Bank of Algeria (a deduction for such interest is allowed only if the capital has been fully paid up and if the sums made available do not exceed 50% of the capital).
- Expenses incurred on behalf of third parties without a link to the activities performed by the company.
- Professional training tax and apprenticeship tax.
- Expenses related to the promotion of pharmaceutical and parapharmaceutical products to the extent that they exceed 1% of annual turnover.

Inventories. Inventories are valued at cost in accordance with the new Algerian accounting and financial system.

Provisions. Provisions are generally deductible for income tax purposes if they satisfy the following conditions:
- They are established for losses or charges that are clearly identified and likely to occur.
- They are recorded both in the books and financial statements.
- They are listed on the statement of reserves attached to the annual tax return.

Reserves or the portion of them that are not used in accordance with their intended purposes or no longer have a purpose in the following financial year must be added back to the income in such financial year. Abusive establishment of provisions may result in the provisions being added back to taxable income and related penalties applied.

Depreciation. Under the Algerian Direct Tax Code, depreciation of fixed assets must be calculated in accordance with the following:
- Generally accepted limits
- Applicable practices for each type of industry, business or operations
- Rules provided in tax laws with respect to the depreciation system

The following are the three depreciation methods:
- Straight-line method
- Progressive method
- Declining-balance method

The straight-line method is the standard method, while progressive or declining-balance methods may alternatively be used on election.

Under the Algerian Direct Tax Code, the basis of computation of deductible depreciation is limited for private passenger-type vehicles to a purchase value of DZD3 million. This cap of DZD3 million does not apply if such vehicles constitute the main object of the company's activities.

Relief for losses. Tax losses may be carried forward four years. They cannot be carried back.

Groups of companies. Under the Algerian Direct Tax Code, related companies subject to IBS may elect to form a tax-consolidated group. The parent company must make the election for this regime for a four-year period and the election must be accepted by the affiliated companies.

The group tax consolidation regime is based on the consolidation of the balance sheets of the related companies with the parent company.

A tax consolidation group may consist of an Algerian parent company and Algerian subsidiaries in which the parent company owns directly at least 90% of the capital if both of the following conditions are satisfied:
- The capital of the parent company is not owned partially or totally by the subsidiaries.
- 90% or more of the parent company is not owned by another company eligible to be a parent company.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
VAT; standard rate	19
Apprenticeship tax	1
Training tax	1
Social security contributions (total rate of 35%); paid by	
Employer	26
Employees	9
Registration duties	
On sales of shares in stock companies and private limited companies	2.5
On sales of goodwill	5

E. Miscellaneous matters

Foreign-exchange controls. The currency in Algeria is the Algerian dinar (DZD).

Foreign-exchange regulation in Algeria is based on the principle of the convertibility of the Algerian dinar, solely for current transactions. This results in a foreign-exchange control regulation of international fund transfers between residents and nonresidents.

Under Regulation 7-01 of the Bank of Algeria, payments or transfers made with respect to regular transactions within the meaning of Algerian regulations (including foreign-trade transactions involving goods and services) are free, provided that certain conditions are fulfilled (particularly the bank domiciliation [the procedure under which a local party registers a contract with a local bank] and the delivery of a transfer certificate by the tax authorities). Algerian accredited intermediary banks must operate these transactions.

Dividends, profits and net proceeds from investments or the liquidation of investments can also be freely transferred outside Algeria, subject to compliance with certain requirements (particularly, the delivery of a transfer certificate by the tax authorities).

The realization of foreign investments, directly or in partnership, except for share capital, must be financed through Algerian financing institutions.

An exception is provided for foreign financing through a current-account contribution by a foreign shareholder. Executive Decree No. 13-320 of 26 September 2013 determines the terms and conditions for a current-account contribution by a foreign shareholder.

The 2019 Finance Law provides that only strategic and structuring projects for the national economy are eligible to foreign funding via international development finance institutions, subject to the prior approval of relevant local authorities.

Nonresidents may open bank accounts in Algerian dinars and/or in foreign currencies at Algerian accredited intermediary banks.

These bank accounts are subject to specific conditions on opening and operation.

Transfer pricing. Under the Algerian tax rules, for Algerian taxpayers that are owned or controlled by an enterprise located in Algeria or outside Algeria or that own or control an enterprise located in Algeria or outside Algeria, the income indirectly transferred to the related enterprise, either through an increase or decrease of purchase or sale price or through any other means, may be added back to the Algerian taxpayer's taxable income. In the absence of any relevant information for the reassessment of tax, the taxable income is determined by comparison with income of similar enterprises that are regularly operated.

Transfer-pricing documentation requirements. On request of the tax authorities, in the framework of a tax audit, enterprises or companies operating in Algeria and undertaking cross-border and domestic transactions with related parties are required to provide their transfer-pricing documentation and a benchmark study within 15 days from the date of the notification. Failure to answer or providing an insufficient answer triggers a 25% penalty per fiscal year calculated on the basis of the transfer-pricing reassessments resulting from the tax audit.

Companies subject to transfer-pricing declaration are also subject to the filing of an e-declaration form on the tax administration platform "Jibayatic" before 30 April of each year.

In addition, certain Algerian-based taxpayers (mainly companies belonging to foreign international groups, legal entities or businesses operating in the hydrocarbon industry) must file transfer-pricing documentation with their annual tax returns to the tax authorities. The lack of documentation or insufficient documentation at the time of the tax return filing triggers a DZD2 million tax penalty, and in the case of a tax audit, an additional penalty of 25% of deemed transferred profits applies.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %
Austria	5/15 (a)	0/10	10
Bahrain	0	0	0
Belgium	15	0/15 (e)	5/15
Bosnia and Herzegovina	10	10	12
Bulgaria	10	10	10
Canada	15	0/15 (e)	15
China Mainland	5/10 (b)	7	10
Egypt	10	5	10
France	5/15 (a)	12 (e)	5/12
Germany	5/15 (a)	10	10
Indonesia	15	15	15
Iran	5	0/5	5
Italy	15	15	5/15
Jordan	15	0/15 (e)	15
Korea (South)	5/15 (b)	10	2/10
Kuwait	0	0	15
Lebanon	15	0/10	10
Netherlands	5/15	8	5/15
Oman	5/10 (d)	0/5	10

	Dividends %	Interest %	Royalties %
Portugal	10/15 (b)	15	10
Qatar	0	0	5
Romania	15	15	15
Russian Federation	5/15 (b)	0/15 (e)	15
Saudi Arabia	0	— (f)	7
South Africa	10/15 (b)	10	10
Spain	5/15 (a)	5	7/14
Switzerland	5/15 (c)	0/10	10
Syria	15	10	18
Türkiye	12	10	10
Ukraine	5/15 (b)	0/10	10
United Arab Emirates	0	0	10
United Kingdom	5/15 (b)	7	10
Yemen	10	10	10
Non-treaty jurisdictions	15	10	30

(a) The 5% rate applies if the beneficiary of the dividends is a company, other than a partnership, that holds directly at least 10% of the capital of the payer of the dividends. The higher rate applies to other dividends.

(b) The lower rate applies if the beneficiary of the dividends is a company, other than a partnership, that holds directly at least 25% of the capital of the payer of the dividends.

(c) The lower rate applies if the beneficiary of the dividends is a company, other than a partnership, that holds directly at least 20% of the capital of the payer of the dividends.

(d) The lower rate applies if the beneficiary of the dividends is a company, other than a partnership, that holds directly at least 15% of the capital of the payer of the dividends.

(e) The Algerian domestic rate of 10% applies if the rate under the treaty is higher.

(f) The treaty does not include an article regarding interest.

Angola

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A. At a glance

Corporate Income Tax Rate (%)	25 (a)(b)
Capital Gains Tax Rate (%)	25 (c)
Branch Tax Rate (%)	25 (a)(b)
Withholding Tax (%)	
Dividends	10 (d)
Interest	5/10/15 (e)
Royalties	10
Payments for Services	6.5 (f)
Branch Remittance Tax	10
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (g)

(a) The standard Corporate Income Tax rate is 25%. Income from certain activities, such as agriculture, forestry and cattle raising, is subject to tax at a rate of 10%. National oil and gas companies, banks, insurance companies and telecom operators are subject to tax at a rate of 35%.

(b) Tax exemptions or tax reductions are available under the Private Investment Law as well as specific legislation for micro, small- and medium-sized companies. For details, see Section B.

(c) Gains derived from the sale of securities that are not subject to Corporate Income Tax or Personal Income Tax are subject to Investment Income Tax at a rate of 10%. If such gains are derived from treasury bills, treasury bonds and titles issued by the Angolan Central Bank (Banco Nacional de Angola, or BNA) with a maturity of at least three years or from shares of listed companies, a 50% tax relief may apply.

(d) Certain dividends are exempt from tax (see Section B).

(e) In general, interest is subject to a 15% rate. However, certain interest, such as interest on shareholders loans, corporate bonds, bank deposits, treasury bills, treasury bonds and titles issued by the BNA is subject to a 10% rate. Interest on treasury bills and treasury bonds and titles issued by the BNA is subject to a reduced rate of 5% if the maturity is at least three years.

(f) A withholding tax of 6.5% is applicable to amounts paid to local and foreign providers for services. An exception may be available through double tax treaties.

(g) Mining companies may carry forward losses for seven years, up to a limit of 50% of the turnover.

B. Taxes on corporate income and gains

Corporate Income Tax. Companies carrying out industrial and commercial activities in Angola are subject to Corporate Income Tax (Imposto Industrial).

An Angolan company, which is a company that has its head office or effective place of management and control in Angola, is subject to Corporate Income Tax on its worldwide profits.

Foreign entities with a permanent establishment in Angola are subject to Corporate Income Tax only on profits allocated to the Angolan permanent establishment. The tax law provides a force of attraction principle for permanent establishments.

All companies, regardless of whether they have a permanent establishment in Angola, are subject to Corporate Income Withholding Tax on services provided to entities established in Angola for tax purposes.

Corporate Income Tax taxpayers are classified into the following two regimes:
- General Regime: applicable to all companies in general
- Simplified Regime: applicable to companies that are not subject to value-added tax

Rates of corporate tax. The standard Corporate Income Tax rate is 25%.

Income from certain activities, such as agriculture, forestry and cattle raising, is subject to a reduced tax rate of 10%. National oil companies, banks, insurance companies and telecom operators are subject to tax at a rate of 35%.

A Private Investment Law was approved as Law No. 10/18 of 26 June 2018. This law provides that no minimum amount is required for foreign or domestic (national) investments.

Benefits and incentives vary according to the type of regime to which the investment project is subject and the investment zones, among other factors.

The standard regime provides, among other benefits, a reduction of 20% on the final rate for Corporate Income Tax purposes, and a 25% reduction on the Investment Income Tax rate on dividends. Both benefits have a duration of two years.

The special regime applies to investment projects in priority sectors. The benefits vary in accordance with the respective location, and include, among others, the following:
- Reduction of the Corporate Income Tax rate by a percentage ranging from 20% to 90%, for a period varying from two to eight years
- Fifty percent increase of the depreciation rates for an eight-year period
- Reduction of the Investment Income Tax rate on dividends and profits distributed or remitted, by a percentage ranging from 25% and 90%, for a period from two to eight years

The following are the priority sectors:
- Education, technical and professional training, higher education, scientific research and innovation

- Agriculture, food and agro-industry
- Specialized health services
- Reforestation, industrial transformation of forest resources and forestry
- Textiles, clothing and footwear
- Hotel and tourism
- Construction, public works, telecommunications and information technology
- Airport and railway infrastructure
- Production and distribution of electricity
- Sanitation and solid waste treatment

The following are the four investment zones:
- Zone A: Province of Luanda, the capital municipalities of the Benguela and Huíla provinces, and the municipality of Lobito
- Zone B: Provinces of Bié, Bengo, Cuanza-Norte, Cuanza-Sul, Huambo, Namibe and the other municipalities of Benguela and Huíla
- Zone C: Provinces of Cuando Cubango, Cunene, Lunda-Norte, Luanda-Sul, Malanje, Moxico, Uíge and Zaire
- Zone D: Province of Cabinda

The contractual regime applies to investment projects that amount to at least USD10 million and that creates a minimum of 50 jobs for Angolan nationals. The benefits vary in accordance with the specifics of the investment and include, among others, the following:
- Reduction of property tax up to 15 years
- Tax credits up to 50% of the investment value to be recovered during a period of 10 years
- Reduction of corporate income tax up to 15 years
- Deferral of tax payments

Withholding tax. In general, resident and foreign companies are subject to a withholding tax rate of 6.5%.

The following services are excluded from withholding tax:
- Teaching and similar services
- Health services
- Passenger transportation services
- Lease of machinery and equipment subject to Investment Income Tax

A similar exclusion applies to financial and insurance intermediation services, hotel and similar services, and telecommunication services, if the service provider has a taxable presence in Angola. For local service providers, withholding tax does not apply to documented recharges between related parties. Payments for raw materials, parts and other materials used on services provided are also excluded from the withholding tax base if the service provider has a taxable presence in Angola.

The payer must withhold the tax from each payment and remit the withholding tax to the Angolan Revenue Authority. The tax withheld is considered to be an advance Corporate Income Tax payment if the service provider has a residence, head office or permanent establishment in Angola. Excess withholding tax can be carried forward if duly recognized by the Angolan Revenue Authority. If the tax is withheld from a nonresident entity service

provider with no permanent establishment in Angola, these values are considered to be final.

Special taxation regimes. Income from oil and gas extraction is subject to Petroleum Income Tax at a total rate of 50% (under production-sharing agreements) or 65.75% (under other types of joint ventures). Angolan companies benefit from a reduced Petroleum Income Tax rate of 35%. In addition, companies engaged in exploration and production of petroleum oil, gas and similar products must pay Petroleum Production Tax at a total rate of 20%. Petroleum Transaction Tax and a Surface Surcharge may also be levied at rates of 70% and USD300 per square kilometer, respectively. Petroleum Production Tax and Petroleum Transaction Tax are not payable under production-sharing agreements.

Contracts, such as production-sharing agreements, between oil and gas companies and the Angolan government generally override the Petroleum Production Tax and Petroleum Transaction Tax and may set forth different taxes and applicable rates.

Additional taxes and charges apply within the oil and gas and mining industries. Also, specific tax rules apply to the liquefied natural gas project, including withholding tax exemptions on certain interest, dividends, royalties and services income.

Capital gains. Capital gains on profits derived from the sale of fixed assets are subject to Corporate Income Tax at the regular tax rate of 25%. Capital gains derived from the disposal of shares or other instruments generating Investment Income Tax (not taxable for Corporate Income Tax or Personal Income Tax purposes) are subject to Investment Income Tax at a 10% rate.

However, a 50% relief is available for capital gains derived from the disposal of listed shares or from corporate bonds, other securities, treasury bonds, treasury bills and BNA securities, if they are negotiated in a regulated market and if their maturity is of at least three years.

Administration. The tax year is the calendar year.

All companies engaging in activities in Angola must register with the tax department to obtain a taxpayer number.

Companies, including foreign companies with a permanent establishment in Angola, must file an annual Corporate Income Tax return, together with their financial statements and other documentation, by the end of April (Simplified Regime) or May (General Regime) of the following year.

Penalties are imposed for a failure to file tax returns and other required documents. If, on the final assessment, the tax authorities determine that a further payment is required, in addition to the unpaid tax, a penalty of 25% and compensatory interest, assessed daily at a 1% monthly rate, will be due. Late payment interest also applies to nonpayment of the above tax debt.

Dividends. Companies are not subject to Corporate Income Tax on the gross amount of dividends received if the dividends have been subject to Angolan Investment Income Tax.

A 10% Investment Income Tax, which is withheld at source, is imposed on dividends.

The Investment Income Tax Code provides a participation exemption regime that sets an exemption if Angolan parent companies from Angolan subsidiaries subject to Corporate Income Tax hold a minimum of 25% of the share capital for one year and if the company distributing the dividends is listed in the Angolan Stock Exchange Market.

Foreign tax relief. In general, no relief is granted for foreign taxes paid by Angolan taxpayers.

C. Determination of taxable income

General. Taxable income is the income reported in companies' financial statements, subject to certain adjustments. Expenses considered indispensable in the production of income and the maintenance of a production unit are deductible. The following expenses, among others, are not deductible and are added back to taxable income for Corporate Income Tax purposes:

- Provisions and depreciation deemed to be unlawful, excessive or unauthorized by the tax authorities
- Bad or irrecoverable debts
- Input value-added tax not recovered within the timelines foreseen in the law
- Interest on shareholders loans, on the component exceeding the average annual rate published by the BNA
- Personal Income Tax, social security contributions by the employee, Investment Income Tax and Property Tax
- Costs associated with rented property, considered in the computation of Property Tax
- Costs related to previous years
- Donations not covered by the Law of Patronage
- Non-documented expenses and improperly documented expenses
- Confidential expenses (an expense is considered a confidential expense if no valid documentation legally supports the expense and if its nature, function or origin are not materially justifiable)
- Fines and penalties
- Unrealized foreign-exchange losses

Unrealized exchange gains are not part of taxable income.

Rental of immovable property income subject to Property Tax and income subject to Investment Income Tax are excluded from the Corporate Income Tax base.

Stand-alone tax for certain expenses that are nondeductible for Corporate Income Tax purposes. Certain expenses that are nondeductible for Corporate Income Tax purposes are subject to a stand-alone tax. This tax applies currently to confidential expenses (30%, or 50% in certain situations) and donations not made in accordance with the Law of Patronage (15%).

Inventories. Inventories may be valued by any currently acceptable method provided that the method is consistently applied and is based on documented purchase prices.

Provisions. Costs for provisions for the following items are deductible for Corporate Income Tax purposes:

- Bad debts up to 4% (for the annual allowance regarding the booking of a new provision or the increasing of a previous balance) or 10% (accumulated balance) of clients' receivables, if, among other requirements, such credits have been claimed and are due for more than six months and if steps to collect the claim have been undertaken
- Provisions imposed by the public regulatory authorities of financial, insurance and gambling businesses
- Litigation processes regarding facts underlying the litigation claims that would represent costs of that year
- Depreciation in the value of inventory, provided that it does not exceed 0.5% to 3% in the current year (depending on the nature of the activity), up to a limit that can vary between 2.5% and 12% of the value of the inventory

Tax depreciation. Depreciation rates are provided in the law. The following are some of the applicable rates.

Asset	Rate (%)
Vehicles	16.67 to 25
Office buildings	4
Industrial buildings	4 or 6
Machinery, equipment and devices	12.5 to 33.33
Furniture	8.33 to 50

These rates may vary depending on the industry sector.

Relief for losses. Companies may carry forward tax losses for five years. This period is increased to seven years for mining companies (up to a limit of 50% of the turnover). No carryback is allowed.

Groups of companies. The Large Taxpayers Statute establishes that Angolan Large Taxpayers that are integrated in a group of companies may be taxed on the sum of the taxable results obtained by the entities included in the group. For such purpose, a special request through a specific official form must be submitted to the tax authorities by the end of February of the tax year for which the application of this special regime is requested. The Head of the Large Taxpayer's Office must expressly approve this request and, accordingly, the application of the group taxation regime.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax	
General rate	14%
Reduced rates	1%/5%/7%
Excise duties; levied on specific goods provided in Angola or imported into Angola (included in the Excise Duty Code, contained in Law 8/19 of April 24)	2% to 5%

Nature of tax	Rate
Training levy, on oil and gas exploration and production companies and their subcontractors	
Production companies and companies engaged in refining and processing of petroleum	USD0.15 per barrel
Companies owning a prospecting license	USD100,000 a year
Exploration companies	USD300,000 a year
Subcontractors under a contract with a term exceeding one year (levied on annual gross income) and entities engaged in the storage, transport, distribution and trading of petroleum (levied on revenue derived from such activities)	0.5%
Stamp duty	
On the acquisition of real estate	0.3%
On leasing and subleasing of real estate	0.1%/0.4%
On company's share capital	0.1%
On guarantees	0.1% to 0.3%
On financing	0.1% to 0.5%
On financial leasing of real estate	0.3%
On leasing of movable property	0.4%
Custom duties on imports	2% to 70%
Customs emoluments	2%
Property Tax	
Levied on 60% of the gross rent	25%
Levied on property transfers (levied on transaction value)	2%
Social security contributions, on salaries and additional remuneration; the contributions are not payable by expatriates working in Angola if they make contributions to the social security scheme or a similar scheme in their home countries; paid by	
Employer	8%
Employee	3%
Special contribution on foreign-exchange operations; the 2024 State Budget Law approved a special contribution on foreign-exchange operations, which applies to transfers made under contracts for the provision of services, technical assistance, consulting and management, as well as to capital operations and unilateral transfers; the contribution will be in force during 2024; certain payments are exempt from this contribution, including, among others, dividends, interest and capital reimbursements	
Transfers ordered by corporations	10%
Transferred ordered by individuals	2.5%

E. Miscellaneous matters

Foreign-exchange controls. The BNA supervises foreign-exchange operations, which generally must be controlled by commercial

banks that usually act as intermediaries of companies to obtain clearance from the BNA.

BNA issued Bank Order No. 2/20 of 9 January 2020. This order sets out new foreign-exchange procedures to be adopted with respect to current invisible operations carried out by resident companies. The order eliminates the obligation for prior approval of current invisible operations, regardless of their respective amount. Commercial banks are responsible for the evaluation and validation of all current invisible operations.

In general, repatriation of profits is allowed for approved foreign-investment projects if certain requirements are met.

The oil and gas sector is subject to a specific foreign-exchange control regime, which aims primarily to establish uniform treatment in this sector by replacing the multiple exchange regimes that have been applied to oil and gas upstream companies operating in Angola, thereby providing fair treatment to all investors.

These foreign-exchange control rules cover the trade of goods, current invisible operations (according to the Angolan National Bank Instructive, these operations are services, royalties, interest, travel costs and salaries) and capital investments.

For purposes of the rules, exchange operations encompass the following:

- Purchase and sale of foreign currency
- Opening of foreign currency bank accounts in Angola by resident or nonresident entities and the transactions carried out through these bank accounts
- Opening of national currency bank accounts in Angola by nonresident entities and the transactions carried out through these bank accounts
- Settlement of all transactions of goods, current invisible operations and capital movements

Thin-capitalization rules. No thin-capitalization rules are in effect in Angola. However, the deductibility of interest costs with respect to shareholders' loans is limited for Corporate Income Tax purposes. Costs are deductible up to the average annual rate published by the BNA.

Anti-avoidance legislation. The arm's-length principle applies in Angola. Consequently, the tax authorities may adjust the taxable income derived from transactions between related parties.

Related-party transactions. The Large Taxpayers Statute contains specific rules governing "special relations" between taxpayers, which entered into force in October 2013. Under this regime, a special relationship is deemed to occur if one entity exercises, directly or indirectly, a significant influence on the management decisions of another entity. The law also establishes that a taxpayer that has annual turnover exceeding AOA7 billion at the date of closing the accounts must prepare and submit a transfer-pricing file to the Angolan tax authorities. This transfer-pricing file, which must be prepared on an annual basis, must detail the relationships and prices established by the taxpayers with the companies and entities with which they have "special relations." The transfer-pricing file must be submitted by the end of the sixth month following the year-end to which the file

relates. With respect to the economic analysis of the transactions, the new regime provides for the application of the following methods only:

- Comparable uncontrolled price method
- Resale-minus method
- Cost-plus method

Invoice requirements. Requirements are imposed with respect to the keeping and archiving of invoices or equivalent documents by individuals or legal entities with their domicile, registered office, effective management or permanent establishment in Angola. Invoices should be issued through certified software, for certain taxpayers.

Standard Audit File for Tax reporting. Certain companies are required to file, on a monthly basis, a Standard Audit File for Tax (SAF-T). This file follows a standardized template, in an xml format, to be extracted from the accounting software, which must be duly certified. Currently, the monthly reporting corresponds to the sales and purchases carried out in the preceding month.

Tax-neutrality regime for mergers and demergers. A tax-neutrality regime for mergers and demergers applies for Corporate Income Tax purposes at the level of the merged or spun-off companies, but not at the level of the respective shareholders.

F. Tax treaties

Angola has double tax treaties in force with China Mainland, Portugal and the United Arab Emirates, which may allow for the potential reduction of the tax rates applicable to income paid to the relevant countries.

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A. At a glance

Corporate Income Tax Rate (%)	25 to 35 (a)
Capital Gains Tax Rate (%)	0/15/25 to 35 (b)
Branch Tax Rate (%)	25 to 35 (a)
Withholding Tax (%)	
Dividends	0/7/35 (c)
Interest	15.05/35 (d)
Royalties from Patents, Know-how, etc.	21/28/31.5 (d)
Branch Remittance Tax	0/7/35 (c)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) For fiscal years starting from 1 January 2021, the corporate tax is calculated through a progressive scale ranging from 25% to 35%. The scale is updated annually based on the consumer price index. For 2024, annual income from ARS0 to ARS34,703,523.08 is subject to a 25% rate; income from ARS34,703,523.08 to ARS347,035,230.79 is subject to a 30% rate; income exceeding ARS347,035,230.79 is subject to a 35% rate. The amounts are updated annually based on the consumer-price index. An increased rate of 41.5% applies for certain gaming activities.

(b) The 15% rate generally applies to capital gains derived by foreign residents from sales of shares, quotas and other participations in entities. Capital gains derived by foreign residents from listed shares and corporate and government bonds, under certain circumstances, can benefit from an exemption. Argentine corporate residents are subject to the regular corporate tax at rates ranging from 25% to 35%.

(c) A 7% dividend withholding tax rate applies to dividends paid out of profits accrued in fiscal years started from 1 January 2018. Such rate applies to distributions made to resident individuals or foreign investors, while distributions to resident corporate taxpayers are not subject to withholding. A 0% dividend withholding tax rate generally applies to dividends paid out of profits accrued during fiscal years that started before 1 January 2018; however, in these cases, a 35% withholding tax (known as "equalization tax") is triggered if the distribution exceeds the after-tax accumulated taxable income of the taxpayer.

(d) These are final withholding taxes imposed on nonresidents only. For details concerning the rates, see Section B.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are taxed on worldwide income. Any profits, including capital gains, are taxable. Companies incorporated in Argentina and branches of foreign companies are considered to be resident companies.

Rates of corporate tax. Corporate tax is payable at a scale ranging from 25% to 35%. For 2024, annual income from ARS0 to ARS34,703,523.08 is subject to a 25% rate; income from ARS34,703,523.08 to ARS347,035,230.79 is subject to a 30% rate; income exceeding ARS347,035,230.79 is subject to a 35% rate. The amounts are updated annually based on the consumer price index. An increased rate of 41.5% applies for certain gaming activities.

Capital gains. Capital gains derived by tax-resident companies are included in taxable income and taxed at the regular corporate tax rate. Capital gains derived by foreign residents from the sale, exchange, barter or disposal of unlisted shares, quotas,

participations in entities and titles are subject to a 15% tax (indirect sales are included under certain conditions). This tax may be calculated on actual net income or on 90% presumed income, thereby resulting in an effective 13.5% tax on the sale price.

Capital gains derived by foreign residents from the transfer of listed shares are covered by an exemption, to the extent that the investor is not resident in, and the funds do not arise from, "non-cooperating" jurisdictions.

Administration. The tax year for a company is its accounting year. Companies are required to make 10 advance payments of corporate income tax. The first payment is equal to 25% of the preceding year's tax and the other payments are each equal to 8.33% of such tax. The payments are due monthly beginning in the sixth month after the end of the accounting year. The due dates depend on the company's taxpayer registration number.

Companies must file their tax returns and pay any balance due by a specified date in the fifth month after their accounting year. If the payment is late, interest is charged.

Dividends. The dividend withholding tax rate is 7% for profits accrued in fiscal years started from 1 January 2018. The rates mentioned above apply to distributions made to resident individuals or foreign investors, while distributions to resident corporate taxpayers are not subject to withholding. A 0% dividend withholding tax rate generally applies for profits accrued during fiscal years that started before 1 January 2018; however, in these cases, a 35% withholding tax (known as "equalization tax") is triggered if the distribution exceeds the after-tax accumulated taxable income of the taxpayer.

Withholding taxes on interest and royalties. Final withholding taxes are imposed on interest and royalties paid to nonresidents.

A withholding tax rate of 15.05% applies to the following types of interest payments:

- Interest on loans obtained by Argentine financial entities
- Interest on loans granted by foreign financial entities located in the following jurisdictions:
  - — Jurisdictions not considered to be low- or no-tax jurisdictions under Argentine rules
  - — Jurisdictions that have signed exchange-of-information agreements with Argentina and have internal rules providing that no banking, stock market or other secrecy regulations can be applied to requests for information by the Argentine tax authorities
- Interest on loans for the importation of movable assets, except automobiles, if the loan is granted by the supplier of the goods

The withholding tax rate for all other interest payments to nonresidents is 35%.

The general withholding tax rate for royalties is 31.5%. If certain requirements are satisfied, a 21% rate may apply to technical assistance payments and a 28% rate may apply to certain royalties.

Foreign tax relief. Resident companies may credit foreign income taxes against their Argentine tax liability, up to the amount of the

increase in that liability resulting from the inclusion of foreign-source income in the tax base.

Foreign tax credits are also available on the tax paid by the foreign entities in which the Argentine shareholder invests. In the case of a direct participation, a 25% minimum ownership is required, while in the case of an indirect ownership, a participation of at least 15% is required.

C. Determination of trading income

General. Tax is applied to taxable income, which is the accounting profit earned in the tax period after adjustments provided for by the tax law. Exemptions are usually insignificant.

Expenses are deductible to the extent incurred in producing taxable income, subject to certain restrictions and limitations, including, among others, those applicable to the following:
- Representation expenses
- Directors' fees
- Royalties for patents and trademarks paid to nonresidents

Depreciation, rental payments and all other automobile expenses, such as license fees, insurance, fuel and maintenance, are also deductible, subject to certain restrictions. In general, certain limitations apply to the deductibility of interest payments to related entities (see Section E).

Any expense incurred by an Argentine company in favor of a foreign related party that is deemed Argentine-source income for the recipient of the payment can be deducted for tax purposes in the year of accrual only if the payment is made by the date when the income tax return for that year is due. Otherwise, such expenses must be deducted in the year of payment. This limitation also applies to expenses paid to individuals or entities located in "non-cooperating" or "low- or no-tax" jurisdictions, regardless of whether they are related parties.

Foreign-exchange losses. Foreign-currency gains and losses arising from customary business transactions are normally treated as business income or expenses for the year in which the exchange fluctuation occurs. In the case of debts with related parties, foreign-exchange losses are subject to the same deduction restrictions as interest, except in those years in which the tax inflationary adjustment applies.

Inventories. Stock is valued according to procedures established by the tax law, which result in values nearly equal to its market value or replacement cost at the end of the tax period, depending on the type of goods.

Provisions. A provision for bad debts is allowed. However, it must be computed according to rules prescribed by the tax law.

Depreciation. Tangible assets may be depreciated using the straight-line method over the assets' expected lives. A method based on effective use may also be acceptable. In general, buildings are depreciated at an annual rate of 2%. However, a higher rate may be acceptable if it is established that, because of the materials used to construct the building, the expected useful life is less than 50 years. The law does not specify rates for movable assets.

Intangible property may be depreciated only if it has a limited life based on its characteristics. Certain assets, such as goodwill and trade names, may not be depreciated.

Inflationary adjustment. Adjustment for inflation is allowed in accordance with the following rules:

- Inflation adjustment of new acquisitions and investments carried out from 1 January 2018 and onward.
- Application of an integral inflation adjustment mechanism for fiscal years beginning on or after 1 January 2018 if the variation of the Consumer Price Index supplied by the National Institute of Statistics and Censuses is higher than 100% for the 36-month period before the end of the fiscal period.

Relief for losses. Tax losses may be carried forward for five tax periods. Loss carrybacks are not permitted. Certain losses have a specific nature and can only offset the same type of income, such as losses from sales of shares and other types of securities, losses from foreign-source activities and losses from gaming activities.

Except for hedge transactions, losses resulting from the rights contained in derivative instruments or contracts may offset only the net income generated by such rights during the fiscal year in which the losses were incurred or in the following five fiscal years. For this purpose, a transaction or contract involving derivatives is considered a hedge transaction if its purpose is to reduce the impact of future fluctuations in market prices or fees on the results of the primary economic activities of the hedging company.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on goods delivered and services rendered in Argentina, on services rendered outside Argentina that are used or exploited in Argentina, and on imports	
Standard rate	21
Other rates	5/10.5/27
Tax on financial transactions; generally imposed on debits and credits with respect to checking accounts; a portion of the tax may be creditable against other taxes	
General rate	0.6
Other rates	0.05/0.075/0.1/ 0.25/0.5/1.2
Various local taxes on gross receipts, real estate and other items	Various
Tax on purchase of foreign currency (impuesto PAIS)	
Import of goods	17.5
Import of services	25
Dividend payments	17.5
Other rates	30

Nature of tax	Rate (%)
Social security taxes (including medical care contributions), on monthly salaries; paid by employer; a portion may be creditable against VAT; the creditable portion varies depending on where the employees render services	24/26.4
Export duties on goods; general rate; other rates apply to certain exports (oil, grains and others)	5
Tax on personal assets; imposed on all legal persons and individuals domiciled abroad holding ownership interests in Argentine companies; tax is calculated based on the equity value of the Argentine company; tax is paid by the Argentine company, but the company may recover the tax paid from the foreign shareholder	0.5

E. Miscellaneous matters

Foreign-exchange controls. From September 2019, the government has reintroduced certain foreign-exchange controls which are periodically reviewed and redefined.

Exporters must repatriate into Argentina the cash derived from exports of goods and services, among other items, within a specified time period.

Funds derived from loans granted from abroad must be settled in the Argentine foreign-exchange market in order to be able to make the repayment using the same mechanism.

Payment of debts to foreign parties can be routed through the foreign-exchange market subject to compliance with certain requirements.

Payments for imports of goods and services can be routed through the foreign-exchange market subject to certain conditions. For goods delivered and services rendered as from 13 December 2023, payments can generally be made according to the following schedule:

- Four installments in the case of goods (30, 60, 90 or 120 days) except for certain specific situations
- After 30 days for non-related party services, and 180 days in the case of related-party services

Payment of dividends is subject to the Central Bank of Argentina's approval. The Central Bank of Argentina's prior approval is also needed to access the foreign-exchange market to make investments abroad.

Interest deductibility limitation. Under general principles, transactions between related parties must be made on an arm's-length basis.

The Argentine income tax law establishes a limit for the deduction of interest arising from financial loans granted by related parties. The limit equals 30% of earnings before interest, taxes, depreciation and amortization (EBITDA) or a certain amount to be determined by the Executive Power (currently ARS1 million), whichever is higher. The limit each year is

increased by the amount unused (if applicable) in the prior three years. In addition, if certain interest was not deductible in a given year due to the application of the limitation, it can be carried forward for five fiscal years. For this purpose, interest includes foreign-exchange differences (however, this last inclusion is not applicable when comprehensive inflationary adjustment is in force).

The law provides exemptions from the deduction limit for certain situations (for example, the interest is derived on loans obtained by Argentine banks and financial trusts or the beneficiary of the interest has been subject to tax on such income in accordance with the Argentine income tax law). In addition, the limitation does not apply to situations in which it is proved that the ratio of interest to EBITDA of the Argentine borrower is equal to or lower than the same ratio for its economic group with respect to debt with unrelated lenders for the same fiscal year.

Transfer pricing. The Argentine law includes transfer-pricing rules that generally apply to transactions between related parties. In addition, transactions between unrelated parties may also be subject to these rules. Transactions with entities and individuals located in "non-cooperating" or "low- or no-tax" jurisdictions are deemed to be not carried out at arm's length.

In addition, the Argentine law includes rules on analyzing transactions involving the import or export of goods with the participation of a foreign intermediary that is not the actual importer at destination or exporter at origin, respectively, if at least one of the foreign parties involved (that is, the intermediary, importer or exporter) is a related party. In these cases, the law requires proof that the foreign intermediary's remuneration is in line with the risks it assumes, the functions it carries out and the assets involved.

The law provides for the following transfer-pricing methods:
- Comparable uncontrolled price method
- Resale price method
- Cost-plus method
- Profit-split method
- Transactional net margin method

For exports of goods with known prices and with the intervention of an intermediary that is related, or located in "non-cooperating" or "low- or no-tax" jurisdictions, the income tax law requires the Argentine exporter to file the agreements supporting the transactions with the federal tax authorities (Administración Federal de Ingresos Públicos, or AFIP). If the agreements are not filed, the Argentine-source income from the export is determined considering the known prices on the date the goods are loaded into the transportation vehicle, with appropriate comparability adjustments, if applicable.

F. Treaty withholding tax rates

Some of Argentina's tax treaties establish maximum tax rates lower than those under general tax law. To benefit from a reduced treaty withholding tax rate, certain formal requirements must be

met. The following table shows the lower of the treaty rate and the rate under domestic tax law.

	Dividends (a) %	Interest (c) %	Royalties (c) %
Australia	10/15 (b)	0/12	10/15
Belgium	10/15 (b)	0/12	3/5/10/15 (d)
Bolivia	0/7/35	15.05/35	21/28/31.5 (h)
Brazil	10/35 (b)	15	10/15 (e)
Canada	10/15 (b)	0/12.5	3/5/10/15 (d)
Chile	10/15 (b)	4/12/15	3/10/15
Denmark	10/15 (b)	0/12	3/5/10/15 (d)
Finland	10/15 (b)	0/15	3/5/10/15 (d)
France	15	15.05/20	18
Germany	15	10/15	15
Italy	15	15.05/20	10/18 (f)
Mexico	10/15 (b)	0/12	10/15
Netherlands	10/15 (b)	0/12	3/5/10/15 (d)
Norway	10/15 (b)	0/12	3/5/10/15 (d)
Qatar	5/10/15 (g)	0/12	10
Russian Federation	10/15 (b)	15	15
Spain	10/15 (b)	0/12	3/5/10/15 (d)
Sweden	10/15 (b)	0/12	3/5/10/15 (d)
Switzerland	10/15 (b)	0/12	3/5/10/15 (d)
United Arab Emirates	5/10/15 (g)	0/12	10
United Kingdom	10/15 (b)	0/12	3/5/10/15 (d)
Uruguay	0/7/35	15.05/35	21/28/31.5 (g)
Non-treaty jurisdictions	0/7/35	15.05/35 (f)	21/28/31.5 (g)

(a) The rates shown in the table apply only if the corresponding domestic withholding rate is higher than the tax treaty rate. According to the domestic law, the dividend withholding tax rate is 7% for profits accrued during fiscal years starting from 1 January 2018. A 0% dividend withholding tax rate generally applies for profits accrued during previous fiscal years; however, in these cases, a 35% withholding tax (known as "equalization tax") may be triggered if the distribution exceeds the after-tax accumulated taxable income of the taxpayer.

(b) These treaties establish maximum rates of 10% or 15%. The 10% rate applies if the beneficial owner of the dividend is a company that controls, directly or indirectly, at least 25% of the voting power of the payer. The 15% rate applies to other cases.

(c) The rates listed are the lower of the treaty or statutory rates. For details concerning the domestic rates, see Section B.

(d) In general, the rates apply to the following categories of payments:
- 3% for the use of, or right to use, news
- 5% for the use of, or right to use, copyrights of literary, dramatic, musical or other artistic works (but not royalties with respect to motion picture films and works on film or videotape or other means of production for use in connection with television)
- 10% for the use of, or right to use, industrial, commercial or scientific equipment or patents, trademarks, designs, models, secret formulas or processes, or for the use of or information concerning scientific experience, including payments for the rendering of technical assistance
- 15% for other royalties

These categories may differ slightly from treaty to treaty.

(e) The 15% rate applies to royalties for the use of, or right to use, trademarks. The 10% rate applies to other royalties, under certain conditions.

(f) The 10% rate applies to royalties for the use of, or right to use, copyrights of literary, artistic or scientific works. The 18% rate applies to other royalties.

(g) The 5% rate applies if the beneficial owner of the dividend is a government of the other contracting state. The 10% rate applies if the beneficial owner of the dividend is a company that controls, directly or indirectly, at least 25% of the voting power of the payer. The 15% rate applies to other cases.
(h) For details concerning these rates, see Section B.

Armenia

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Because of the rapidly changing economic situation in Armenia, changes are expected to be made to the tax law of Armenia. As a result, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	18
Capital Gains Tax Rate (%)	18
Permanent Establishment Tax Rate (%)	18
Withholding Tax (%)	
Dividends	5
Interest	10
Royalties	10
Insurance Compensation, Reinsurance Payments and Income Received from Freight	5
Income from the Lease of Property, Capital Gains on Property (except Securities) and Other Passive Income	10
Capital Gains on Securities	0/18
Income from Rendering of Services	20
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

B. Taxes on corporate income and gains

Corporate income tax. Resident and nonresident entities pay corporate income tax in Armenia. Resident organizations are organizations that are state registered in Armenia. Nonresident organizations are organizations established in foreign countries. Resident entities are taxed on their worldwide income, which consists of income received from sources in and outside Armenia. Nonresident entities are taxed on Armenian-source income only.

Income earned through a permanent establishment in Armenia, net of tax-deductible expenses, is taxed at the regular corporate income tax rate of 18%. A permanent establishment is defined as a fixed place of business activities in Armenia recognized by the tax authorities through which the enterprise carries on its business. It generally includes organizations or natural persons who represent foreign legal entities conducting commercial activities in Armenia. Domestic tax law and double tax treaties list activities that do not result in a taxable permanent establishment. Foreign legal entities deriving income from the source in Armenia without a permanent establishment are subject to withholding tax on their Armenian-source income at a rate of 0%, 5%, 10%, 18% or 20% (see the withholding tax rates in Section A); the provisions on deductions of expenses as prescribed by the law are not applicable to them and the corporate income tax rate applies to the gross income of the taxpayer.

Armenian law allows foreign investment in various forms, including investment through wholly or partially foreign-owned subsidiaries, share participations in joint stock companies and joint ventures with Armenian legal entities and citizens, permanent establishments and other types of presence.

Tax rates. The regular corporate income tax rate is 18%. For investment funds (except for pension funds and guarantee funds), the corporate income tax rate is 0.01% of net assets. For sole entrepreneurs, the corporate income tax rate is 23%. Sole entrepreneurs and notaries operating in the turnover regime of taxation pay AMD5,000 per month for the respective types of activities. This is considered a final corporate income tax liability.

Capital gains. No separate capital gains tax is imposed in Armenia. Realized capital gains are included in taxable income and are subject to tax at the regular corporate income tax rate. Realized capital gains from the alienation of stocks, shares or equity units held by a legal entity (without a permanent establishment in Armenia) in an organization are taxed at the 0% rate if the sale of stocks, shares or equity units is made after the expiration of two tax years following the tax year, including the date of the acquisition of stocks, shares or equity units.

Realized capital losses can be carried forward together with other losses and be offset against taxable income of future tax years.

Administration. The tax year is the calendar year.

Both Armenian and foreign legal entities conducting business activities in Armenia through a permanent establishment must make advance payments of corporate income tax during the year. The amount payable is the lower of 20% of the amount of corporate income tax calculated for the preceding tax year or 2% of revenue received from the supply of goods, performance of works and/or provision of services during the preceding quarter. The advance payments must be made quarterly by the 20th day of the last month of each quarter.

If the total sum of advance payments exceeds the tax due for the tax year and if the taxpayer applies for a refund, the excess is refunded to the taxpayer. However, in practice, refunds are rare, and accordingly, taxpayers apply overpayments against future tax liabilities.

The annual corporate income tax calculation must be filed and submitted to the Tax Inspectorate by 20 April of the year following the tax year. The corporate income tax must be paid to the state budget by 20 April of the year following the tax year.

Fines are charged on late tax payments at a rate of 0.04% of the tax due for each day of delay, up to a maximum of 730 days. If the taxpayer fails to submit the corporate income tax declaration to the Tax Inspectorate by the due date, a penalty equal to 5% of the total amount of calculated tax is imposed on the taxpayer for each 15-day period. The total amount of the penalties cannot exceed the total amount of the principal tax liability. For the underreporting of taxable income, in addition to the collection of the underreported amount of tax, a penalty equal to 50% of the underreported amount is assessed to the taxpayer.

Corporate income taxpayers also submit annual information on the type of income, date and corporate income taxes withheld from income paid to state-registered companies in the member countries of the Commonwealth of Independent States. This information must be submitted to the Tax Inspectorate by 20 April of the year following the tax year.

Dividends. Dividend withholding tax at a rate of 5% is imposed on dividends paid from Armenian sources to individuals and nonresident legal entities.

For nonresident legal entities, dividends are considered to be paid on the date of the shareholders' decision on distribution of dividends from the reporting year's net profit. This rule applies to dividends attributable to periods after 1 January 2017.

Dividends paid to resident legal entities are not subject to withholding tax. Dividends received by resident taxpayers from participations in the equity of other legal entities or enterprises that do not have the status of a legal entity are not subject to tax.

Interest. Interest withholding tax at a rate of 10% is imposed on interest paid from Armenian sources to individuals and nonresident legal entities. Armenian legal entities receiving interest payments include such payments in their taxable income and are subject to tax on these payments at the regular corporate income tax rate.

Foreign tax relief. The amount of corporate income tax withheld from Armenian residents in foreign countries in accordance with the laws of the foreign countries is credited against the corporate income tax payable in Armenia. However, the amount of the credit may not exceed the amount of the corporate income tax payable in Armenia on the income received in the foreign country. If the amount of the credit exceeds the corporate income tax liability for the tax year, the excess amount may be credited against the corporate income tax in subsequent tax years.

C. Determination of taxable income

General. Taxable income is defined as a positive difference between gross income of the taxpayer and all deductions allowed by the law.

Gross income comprises all revenues of the taxpayer received in the reporting year, except for revenues that are not treated as income according to the law. Gross income includes the following:
- Trading income
- Capital gains
- Income from financial activities
- Gratuitously received assets and income from discounts or remissions of liabilities
- Other items of income

Income received in foreign currency is converted into drams at the daily exchange rate determined by the Central Bank of Armenia for the date of receipt of the income.

Deductible expenses include all documentary supported entrepreneurial expenses. However, certain expenses are nondeductible or partially nondeductible for tax purposes.

Nondeductible expenses include, among others, the following:
- Fines, penalties and other proprietary sanctions transferred to the state and municipal budgets or the funded pension system
- Assets provided, works performed and services provided free of charge and remitted (forgiven) debts
- Depreciation expenses of fixed assets owned by the taxpayer that are provided under leases (in their various forms) if the lease contract stipulates that the right of ownership to the leased property can pass to the lessee on expiration of the term of the contract or prior to such expiration
- Expenses related to the obtaining of income that is deductible from gross income
- Amount of value-added tax (VAT), excise tax and environmental tax that is offset (deducted) in accordance with the procedure established by the Republic of Armenia Tax Code
- The amount of VAT and excise tax calculated and paid in accordance with the procedure established by the Republic of Armenia Tax Code for goods delivered, works performed or services provided free of charge or at a substantially lower value
- For taxpayers other than banks and credit organizations, interest paid on loans and borrowings if such borrowings or loans are provided by the taxpayers to third parties free of interest
- Payments made by taxpayers for leased assets if the assets are provided by them to third parties for free-of-charge use
- Expenses for obtained goods, services received and accepted works from taxpayers considered as micro-entrepreneurs in accordance with the procedure defined by the Republic of Armenia Tax Code

Partially nondeductible expenses include, among others, the following:
- Expenses for business trips outside Armenia that exceed 5% of the gross income for the tax year. The limit of 5% is not taken into account in the tax year of registration.
- Representative expenses exceeding 0.5% (but not more than AMD5 million) of the gross income for the tax year. The limit of 0.5% is not taken into account in the tax year of registration.

- Fees paid by the taxpayer for management services received from nonresident companies and individuals not having a permanent establishment in Armenia, exceeding 2% of the taxpayer's gross income for the reporting year. This measure does not apply to management services rendered to resident companies by their nonresident founders if the companies are engaged in innovative activities in the information technology and computer technique fields, as well as management services rendered to resident companies within the framework of international credit (grant) agreements.
- Payments made by the employer for an employee that are within the terms of voluntary pension insurance in accordance with the legislation and that exceed 7.5% of the employee's remuneration.
- Amounts of financial aid, food provided to individuals, costs for organization of social and cultural events and similar expenses, exceeding 0.25% of the taxable income for the tax year. If there is no gross income during the tax year, the limit is 1% of the total salaries and equivalent payments accrued during the tax year.
- Interest paid on loans and borrowings to the extent that it exceeds twice the bank interest rate defined by the Central Bank of Armenia (currently the deduction is limited to a rate of 24%).
- For taxpayers other than banks and credit organizations, the amount of interest payable on borrowings from entities other than banks and credit organizations in excess of twice the positive amount of equity on the last day of the tax year.
- For banks and credit organizations, the amount of interest payable on borrowings from entities other than banks and credit organizations in excess of nine times the positive amount of equity on the last day of the tax year.
- For taxpayers other than banks and credit organizations, the part of interest paid on loans and borrowings that exceeds the amount of interest received from borrowings made to other taxpayers.
- The part of payments made by taxpayers for leased assets that exceeds the payments received by them for providing the same assets to other taxpayers under subleases.

To calculate taxable income, the taxpayer must account for income and expenses on an accrual basis. Income and expenses are accounted for, respectively, from the moment of the acquisition of the right to receive such income or to recognize the expenses, regardless of the actual period of the deriving of such income or the making of such payments.

Inventories. Inventories are valued at acquisition cost. Costs for storage and transportation must be included in the value of inventory. The first-in, first-out (FIFO) method must be used to value inventory.

Provisions. Bad debts are deductible in accordance with the procedure established by the government of Armenia. Banks, lending organizations, investment companies and insurance companies may deduct bad debts in accordance with the procedure established jointly by the authorized body of the government of Armenia and the Central Bank of Armenia.

In addition, the gross income of banks, lending organizations, stock funds, investment companies or insurance companies may be reduced by a reserve for possible losses in accordance with the procedure established jointly by the authorized body of the government of Armenia and the Central Bank of Armenia.

Tax depreciation. Depreciation (amortization) allowances for fixed and intangible assets are deductible for tax purposes in accordance with the terms and conditions provided by the Republic of Armenia Tax Code.

The annual amount of depreciation (amortization) allowances of fixed and intangible assets is calculated by dividing the acquisition cost or revalued cost (the revaluation is carried out according to the procedure established by the law) of fixed and intangible assets by the number of years in the depreciation period for the appropriate group of fixed assets or for intangible assets. The following are the minimum depreciation periods.

Group	Assets	Minimum depreciation period (years)
1	Buildings and constructions of hotels, boarding houses, rest homes, sanitariums and educational institutions	10
2	Other buildings, constructions and transmission devices	20
3	Production equipment	5
4	Robot equipment and assembly lines	3
5	Computational and communication devices and computers	1
6	Other fixed assets, including growing cattle, perennial plants, and investments intended for improving the land	8

For purposes of the determination of taxable income, taxpayers may choose a depreciation period for fixed assets other than the periods mentioned in the above table, but the chosen period may not be less than one of the abovementioned periods for the appropriate group.

Fixed and intangible assets with a value up to AMD50,000 are depreciated in the tax year of their acquisition.

Intangible assets are amortized over their useful economic lives. If it is impossible to determine the useful life of an intangible asset, the minimum amortization period for the asset is set at 10 years, but it may not exceed the period of the taxpayer's activity.

Notwithstanding the abovementioned rules, taxpayers importing, acquiring, constructing or developing fixed assets between 1 July 2020 and 31 December 2021 may set the depreciation period at their discretion, but not less than one year.

Under the law, land cannot be depreciated.

Relief for losses. Enterprises may carry forward a loss incurred in a tax year to the following five years. Losses may not be carried back.

Groups of companies. Armenian law does not contain any measures allowing members of a group to offset profits and losses.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT); imposed on the delivery of goods and rendering of services (including free of charge or partially free of charge), the importation of goods through the "Release for Domestic Consumption" customs procedure and the importation of goods from the Eurasian Economic Union, with the exception of cases specified by law; reverse-charge VAT is imposed on entrepreneurial activities subject to VAT that are performed in Armenia by foreign entities (including the import of goods to be used by such entities)	0/20
Excise tax; imposed on certain goods (tobacco products, alcoholic beverages, petrol, diesel fuel and motor oils imported or produced in Armenia as well as natural gas filled in gas stations); the tax is calculated as a specified amount per unit of the volume, weight or quantity of goods subject to excise tax	Various
Real estate tax; generally imposed at local (municipal) level; applies to:	
Buildings and constructions; tax base is cadastral value (approximately the market value)	Various
Land; tax base is cadastral value (approximately the market value) or calculated net income	0.25 to 15
Vehicles tax; tax base is traction-motor power	Various

E. Foreign-exchange controls

The Armenian currency is the dram (AMD). The dram is a non-convertible currency outside Armenia. Enterprises may buy or sell foreign currencies through specialized entities in Armenia (banks, branches of foreign banks operating in Armenia, credit organizations, payment and settlement organizations, foreign-currency dealers and brokers licensed by the Central Bank of Armenia, foreign-currency exchange offices and foreign-currency auction organizers).

Armenia does not impose restrictive currency-control regulations. Individuals and enterprises may open bank accounts abroad without any restriction. In general, all transactions performed in Armenia between resident legal entities or individuals must be performed in Armenian drams. Transactions between resident legal entities or private entrepreneurs and nonresident legal entities or private entrepreneurs may be conducted in other currencies.

F. Treaty withholding tax rates

Armenia has entered into tax treaties with 51 jurisdictions. The following table lists the withholding tax rates under these treaties. In general, if the withholding tax rate provided in a treaty exceeds the rate provided by the Republic of Armenia Tax Code, the domestic rate applies.

	Dividends %	Interest (1) %	Royalties %
Austria	5/15 (a)	0/10 (v)	5
Belarus	10/15 (b)	10	10
Belgium	5/15 (a)	0/10 (v)	8
Bulgaria	5/10	5/10 (ff)	5/10 (gg)
Canada	5/15 (d)	10	10
China Mainland	5/10 (g)	10	10
Croatia	0/10 (h)	10	5
Cyprus	0/5 (x)	5	5
Czech Republic	10	5/10 (e)	5/10 (f)
Denmark	0/5/15 (jj)	0/5/10 (kk)	5/10 (ll)
Estonia	5/15 (i)	10	10
Finland	5/15 (i)	5	5/10 (j)
France	5/15 (k)	0/10 (v)	5/10 (l)
Georgia	5/10 (g)	10	5
Germany	7/10 (hh)	5	6
Greece	10	10	5
Hungary	5/10 (g)	5/10 (ii)	5
India	10	10	10
Indonesia	10/15 (d)	0/10 (q)	10
Iran	10/15 (m)	10	5
Ireland	0/5/15 (bb)	5/10 (cc)	5
Israel	0/5/15 (oo)	0/10 (pp)	5/10 (qq)
Italy	5/10 (n)	0/10 (w)	7
Kazakhstan	10	10	10
Kuwait	5	5	10
Kyrgyzstan	10	10	10
Latvia	5/15 (i)	10	10
Lebanon	5/10 (g)	8	5
Lithuania	5/15 (i)	10	10
Luxembourg	5/15 (a)	10	5
Malta	5/10 (mm)	5	5
Moldova	5/15 (o)	10	10
Netherlands	0/5/15 (p)	0/5 (v)	5
Poland	10	5	10
Qatar	5/10 (q)	5	5
Romania	5/10 (r)	10	10
Russian Federation	5/10 (s)	10	0
Serbia	8	8	8
Singapore	0/5 (nn)	5	5
Slovak Republic	5/10 (dd)	10	5
Slovenia	5/10 (g)	10	5
Spain	0/10 (y)	5	5/10 (z)
Sweden	0/5/15 (ee)	5	5
Switzerland	5/15 (t)	0/10 (v)	5
Syria	10	10	12
Tajikistan	10	10	10

	Dividends %	Interest (1) %	Royalties %
Thailand	10	10	15
Turkmenistan	5/15 (u)	10	10
Ukraine	5/15 (u)	10	0
United Arab Emirates	3	0	5
United Kingdom	0/5/10/15 (aa)	5	5
Non-treaty jurisdictions	5	10	10

(1) In several treaties, a 0% rate applies to interest paid to governmental entities, political or administrative-territorial subdivisions, local authorities, central banks or financial institutions owned or controlled by the government. This provision is not reflected in the rates shown in the table.

(a) The 5% rate applies if the actual owner of the dividends is a company (other than a partnership) that directly holds at least 10% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(b) The 10% rate applies if the actual owner of the dividends is a company (other than a partnership) that directly holds at least 30% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(c) The 5% rate applies if the actual owner of the dividends is a company that has invested in the payer more than USD100,000 (or the equivalent amount in Armenian currency). The 10% rate applies in all other cases.

(d) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the capital of the company paying the dividends and if the capital invested by the beneficial owner exceeds USD100,000 (or the equivalent amount in Armenian currency) on the date of declaration of the dividends. The 15% rate applies in all other cases.

(e) The 5% rate applies to interest on loans or credits granted by banks. The 10% rate applies in all other cases.

(f) The 5% rate applies to royalties for the use of, or the right of use, literary, artistic or scientific works, including television or radio content (films and compact discs). The 10% rate applies in all other cases.

(g) The 5% rate applies if the actual owner of the dividends is a company (other than a partnership) that directly holds at least 25% of the capital (assets) of the company paying the dividends. The 10% rate applies in all other cases.

(h) The 0% rate applies if the actual owner of the dividends is a company that directly or indirectly holds at least 25% of the capital of the company paying the dividends for a minimum period of two years before the payment of the dividends and if the dividends are not subject to tax in Croatia. The 10% rate applies in all other cases.

(i) The 5% rate applies if the actual owner of the dividends is a company (other than a partnership) that directly holds at least 25% of the assets of the company paying the dividends. The 15% rate applies in all other cases.

(j) The 5% rate applies to the royalties for the use of, or the right of use, computer software, patents, trademarks, designs or models, plans or secret formulas or processes, or for information concerning industrial, commercial or scientific experience (know-how). The 10% rate applies in all other cases.

(k) The 5% rate applies if the actual owner of the dividends is a company that directly or indirectly holds at least 10% of the assets of the company paying the dividends. The 15% rate applies in all other cases.

(l) The 5% rate applies to the royalties for the use of, or the right to use, copyrights. The 10% rate applies in all other cases.

(m) The 10% rate applies if the actual owner of the dividends is a company (other than a partnership) that owns at least 25% of the assets of the company paying the dividends. The 15% rate applies in all other cases.

(n) The 5% rate applies if the actual owner of the dividends is a company that directly holds at least 10% of the capital of the company paying the dividends for a minimum period of 12 months before the date of declaration of the dividends and if the capital invested by the beneficial owner exceeds USD100,000 or the equivalent amount in Armenian currency. The 10% rate applies in all other cases.

(o) The 5% rate applies if the actual owner of the dividends is a company (other than a partnership) that holds at least 25% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(p) The 0% rate applies if the profits out of which the dividends are paid have been effectively taxed at the normal rate for profits tax and if the dividends

are exempt from tax in the hands of the company receiving such dividends. The 5% rate applies if the actual owner of the dividends is a company (other than a partnership) that directly holds at least 10% of the capital of the company paying the dividends. The 15% rate applies to dividends in all other cases.

(q) The 5% rate applies if the capital invested by the actual owner of the dividends exceeds USD100,000. The 10% rate applies in all other cases.

(r) The 5% rate applies if the actual owner of the dividends is a company that directly holds at least 25% of the assets of the company paying the dividends. The 10% rate applies in all other cases.

(s) The 5% rate applies if the actual owner of the dividends is a company that directly holds at least 25% of the share capital of the company paying the dividends. The 10% rate applies in all other cases.

(t) The 5% rate applies if the actual owner is a company (other than a partnership) that directly holds at least 25% of the capital of the company paying the dividends and if the capital invested by the beneficial owner exceeds CHF200,000 (or the equivalent amount in Armenian currency) on the date of receipt of the dividends. The 15% rate applies in all other cases.

(u) The 5% rate applies if the actual owner of the dividends is a company that owns at least 25% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(v) The 0% rate applies to interest connected to sales on credit of industrial, commercial or scientific equipment or business assets, and to interest on loans granted by banking enterprises.

(w) The 0% rate applies to the interest on loans granted by banking enterprises. The 10% rate applies in all other cases.

(x) The 0% rate applies if the capital invested by the actual owner of the dividends exceeds EUR150,000. The 5% rate applies in all other cases.

(y) The 0% rate applies if all of the following conditions are satisfied:
- The beneficial owner of the dividends is a resident of the other contracting state.
- The beneficial owner of the dividends has held, directly or indirectly, at least 25% of the capital of the company paying the dividends for at least two years before the date of such payment.
- Such dividends are not liable to profit tax in the other contracting state.

(z) The 5% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films or films or tapes used for radio or television broadcasting. The 10% rate applies in all other cases.

(aa) The 0% rate applies if the beneficial owner of the dividends is a pension scheme. The 5% rate applies if the beneficial owner of the dividends satisfies all of the following conditions:
- It is a company that is a resident of the other contracting state.
- It holds, directly or indirectly, at least 25% of the share capital of the company paying the dividends at the date of payment of the dividends.
- It has invested at least GBP1 million (or the equivalent amount in any other currency) in the share capital of the company paying the dividends at the date of payment of the dividends.

The 15% rate applies if dividends are paid out of income (including gains) derived directly or indirectly from immovable property within the meaning of Article 6 by an investment vehicle that distributes most of this income annually and if such vehicle's income from this immovable property is exempted from tax. The 10% rate applies in all other cases.

(bb) The 0% rate applies if the beneficial owner is a company (other than a partnership) that satisfies the following conditions:
- It holds directly at least 25% of the capital of the company paying the dividends.
- It owned the holding for a period of at least two years before it made the claim for the 0% rate.
- In the contracting state in which the company is resident, the company is relieved from tax on dividends by an exemption or would, but for this measure in the tax treaty, be entirely relieved by a credit for tax paid with respect to dividends paid by the company paying the dividends.

The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(cc) The 5% rate applies if interest is paid with respect to loans granted by banking enterprises. The 10% rate applies in all other cases.

(dd) The 5% rate applies if the actual owner of the dividends is a company (other than a partnership) that directly holds at least 10% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(ee) The 0% rate applies if the beneficial owner is a company (other than a partnership) that satisfies the following conditions:
- It holds at least 25% of the capital or the voting power of the company paying the dividends.
- It has owned the holding for a period of at least two years before it made the claim.
- The dividends are exempt from tax in its hands.

The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds at least 10% of the capital or the voting power of the company paying the dividends. The 15% rate applies in all other cases.

(ff) The 5% rate applies to interest on loans or credit granted by banks or financial institutions. The 10% rate applies in all other cases.

(gg) The 5% rate applies to royalties received as consideration for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for television or radio broadcasting. The 10% rate applies in all other cases.

(hh) The 7% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that directly holds at least 25% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(ii) The 5% rate applies if the interest is paid in connection with a loan or a credit granted by a bank. The 10% rate applies in all other cases.

(jj) The 0% rate applies if either of these two conditions is satisfied:
- The beneficial owner is a company that holds directly at least 50% of the capital of the company paying the dividends and that has invested more than EUR2 million or its equivalent in Armenian or Danish currency in the capital of the company paying the dividends at the date of payment of the dividends.
- The beneficial owner is the other contracting state or the central bank of that other state, or any national agency or any other agency (including a financial institution) owned by the government of that other state.

The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the company paying the dividends and that has invested more than EUR100,000 or its equivalent in Armenian or Danish currency in the capital of the company paying the dividends at the date of payment of the dividends. The 15% rate applies in all other cases.

(kk) The 0% rate applies if the interest is paid to a contracting state or a local authority thereof, including the central bank of that other state, or any institution, agency or fund owned by the government of a contracting state. The 5% rate applies if the interest is paid with respect to a loan of any kind granted by a banking enterprise. The 10% rate applies in all other cases.

(ll) The 5% rate applies to royalties for the use of, or the right to use, computer software; patents; trademarks; designs, models or plans; any secret formulas or processes; or for information concerning industrial, commercial or scientific experience (know-how). The 10% rate applies to royalties for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, or films or tapes for television or radio broadcasting.

(mm) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends and has invested at least EUR1,500,000 (or the equivalent amount in any other currency) in the share capital of the company paying the dividends at the date of payment of the dividends. The 10% rate applies in all other cases.

(nn) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the capital of the company paying the dividends or has invested at least USD300,000 (or the equivalent amount in any other currency) in the share capital of the company paying the dividends. The 5% rate applies in all other cases.

(oo) The 0% rate applies if the beneficial owner of the dividends is the other contracting state, the central bank of that other contracting state or a pension plan that is a resident of that other contracting state and does not hold directly or indirectly more than 25% of the capital or 25% of the voting power of the company paying the dividends. The 5% rate applies if the beneficial owner is a company (other than a partnership or a real estate investment company) that holds directly at least 25% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(pp) An exemption from tax shall apply if the interest is paid to the government of the other contracting state, a local authority or the central bank thereof or if the interest is paid by the government of that contracting state, a local authority or the central bank thereof.

(qq) The 5% rate applies to the use of, or the right to use, patents, trademarks, designs or models or plans; the use of, or the right to use, secret formulas or processes or information concerning industrial, commercial or scientific experience (know-how); and the use of, or the right to use, industrial, commercial, or scientific equipment. The 10% rate applies to the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for television or radio broadcasting.

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A. At a glance

Corporate Income Tax Rate (%)	22
Capital Gains Tax Rate (%)	22
Branch Tax Rate (%)	22
Withholding Tax (%)	
Dividends	0/10 (a)
Interest	0
Royalties from Patents, Know-how, etc.	0
Foreign-Exchange Commission	1.3 (b)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) The 0% rate applies to dividends paid to resident holding companies. The 5% rate on dividends paid to nonresident publicly traded companies was abolished as of 1 January 2023. A 5% rate applies to dividends paid on qualifying shareholdings under applicable tax treaties. The 10% rate applies in all other circumstances.

(b) A foreign-exchange commission (FEC) is imposed on all payments by residents to nonresidents. The FEC is withheld by banks on behalf of the Central Bank of Aruba or paid directly to the Central Bank of Aruba by residents.

B. Taxes on corporate income and gains

Corporate income tax. Corporate income tax is levied on resident and nonresident entities. A domestic entity is an entity that is established in Aruba or incorporated under Aruban law.

Tax is levied on total profits earned from all sources during the company's accounting period. "Profit" means the total of net gains, under any name or in any form. Branches of foreign entities are taxed on Aruban-source income, such as profits earned through a permanent establishment.

Permanent establishment. A permanent establishment is deemed to exist in Aruba in the case of the following:
- A permanent representative in Aruba.
- A foreign enterprise that builds, installs, maintains, cleans or repairs capital assets in Aruba for more than 30 days. These 30 days include, among others, days spent on the technical preparation and cleaning up of the site.
- Foreign shareholders (not natural persons) of Aruba fiscal transparent companies with real economic presence in Aruba.

Rate of corporate income tax. The corporate income tax rate is 22%.

Special tax regimes for certain companies. Special tax regimes available for certain companies in Aruba are described below.

Free-Zone Companies. Companies operating in the free-zone are subject to corporate income tax at a rate of 2% on profits derived from their qualifying activities and to a free-zone facility charge of up to 1% on their annual gross turnover. The free-zone is a defined territory in which no import duties are levied if the goods are not imported for use in the domestic market. On approval, services can be rendered outside of the defined territory. The import duties exemption mentioned above does not apply for service companies established outside the defined territory.

The free-zone law was amended as of 1 January 2020. The following are highlights of the amendments:
- Only services designated in a state decree can be rendered by a free-zone company. No such (draft) decree had been published at the time of writing.
- In addition to financial services (already prohibited prior to 1 January 2020), the following services cannot be rendered by a free-zone company:
  - — Notary, lawyer, accountant, tax advisors and similar services
  - — Intellectual property (IP) activities
  - — Other services designated in a state decree (however, no such [draft] decree had been published at the time of writing)
- Qualifying services can be rendered to both foreign and local customers (so-called "ring-fencing" has been eliminated) at the corporate income tax of 2%.
- Companies engaging in the following geographically mobile activities must perform their so-called "core income generating activities" in Aruba with sufficient substance:
  - — Shipping
  - — Head office
  - — Pure holding
  - — Distribution and other services
  - — Other service-related services

A grandfathering period of up to 30 June 2021 is applicable for free-zone service providers performing IP activities as of

1 September 2018 and other free-zone service providers performing non-IP activities as of 15 November 2018.

In addition, the following benefits are available to free-zone companies:
- Exemption from turnover taxes with respect to the supply of goods outside Aruba and the rendering of services to persons outside Aruba
- On request, exemption from the FEC for payments abroad that are not related to local sales
- A 0% dividend withholding tax rate

Imputation Payment Companies. Imputation Payment Companies (IPCs) were subject to the regular corporate tax rate (see *Rates of corporate income tax*). Under the IPC regime, part of the corporate income tax paid by a company was remitted to its shareholders in the form of an imputation payment. The IPC regime was available to all companies conducting qualifying activities such as hotel, financing, licensing or investment activities. The IPC regime was abolished as of 2016. However, existing IPCs can continue making use of this regime until 2026.

Special Purpose Companies. Special Purpose Companies (SPCs) were introduced as of 2016 for qualifying activities. The SPC regime was abolished as of 1 January 2023. However, SPCs in existence on 31 December 2022 can continue to make use of this regime until the last financial year that started before 1 January 2026. In principle, qualifying SPCs are subject to a corporate income tax rate of 10%; for companies performing qualifying hotel operations, the applicable corporate tax rate can be 10%, 12% or 15%. In addition, SPCs are exempt from dividend withholding tax. As of January 2023, the dividend withholding tax exemption for SPC's applies only insofar as the profits of SPCs (which were subject to the aforementioned corporate income tax rates) are (in)directly distributed prior to 1 January 2028.

Exempt Companies. An Exempt Company is exempt from corporate income tax and withholding tax on dividends paid if it performs one of the following activities:
- Financing (if the company does not qualify as a credit institution)
- Investing, other than in real estate
- Holding of shares and participation rights
- Insuring special entrepreneurial risks (activities of captive insurance companies)

As of 1 January 2020, Exempt Companies performing the abovementioned qualifying activities are prohibited from deriving income from IP activities. In addition, Exempt Companies engaged in the abovementioned geographically mobile activities must perform as of 1 January 2020 their so-called "core income generating activities" in Aruba with sufficient substance. A grandfathering period of up to 1 July 2021 is applicable for Exempt Companies whose activities and assets in terms of nature and size existed already on 15 November 2018.

Fiscal transparency. Aruban limited liability companies can opt for fiscal transparency for Aruban corporate income tax and

dividend withholding tax purposes within one month after incorporation. If fiscal transparency is granted, the limited liability company is treated as a partnership for Aruba income tax, corporate income tax and dividend withholding tax purposes; that is, only the partners are taxed in Aruba on Aruban-source income, unless the entity loses its fiscal transparency status.

As of 9 April 2019, all fiscal transparent entities are required to have real economic presence in Aruba (also referred to as "substance requirements") and as a result have a taxable presence in Aruba. Fiscal transparent companies that existed prior to 9 April 2019 will have until 1 January 2022 to comply with the new real economic presence (substance) requirements.

Fiscal transparent companies engaged certain designated activities must now perform their so-called "core income generating activities" in or from Aruba with sufficient substance. The new substance requirements apply to the following designated geographically mobile activities:
- Head office activities
- Insurance
- Distribution and other services
- Shipping
- Financing and leasing
- Holding
- Asset management
- Banking
- IP activities (fiscally transparent companies engaged in certain so-called "enhanced risk IP activities" have an enhanced burden to prove that their income relates to activities performed in or from Aruba)

The existence of the "core income generating activities" in Aruba may also be determined on a group level, meaning that the required activities can be outsourced to affiliated entities established in Aruba.

If the new substance requirements are not met in a certain year, the fiscal transparent company will no longer be treated as a fiscal transparent company as of that year. Consequently, the formerly fiscal transparent company will become subject to profit and dividend withholding tax in Aruba.

Fiscal transparent companies are required to annually report their financial statements and the identity of their shareholder(s) to the tax authorities within six months after the end of their financial year. Noncompliance with this requirement may result in an administrative fine of a maximum AWG10,000, a monetary fine of AWG25,000, incarceration of a maximum of six months or a loss of the fiscal transparent status.

It is possible to obtain an advance ruling from the local tax authorities on the treatment of the local presence.

Branch profits tax. Branches of foreign companies are taxed at the same rate as resident companies. No additional withholding taxes are imposed on remittances of profits.

Capital gains. Capital gains are taxed as ordinary income. However, certain capital gains are exempt from corporate income

tax under the participation exemption (see *Participation exemption*).

Administration. In principle, the corporate income tax return for the preceding accounting period must be filed and the corresponding corporate income tax due must be simultaneously paid within five months after the end of the accounting period.

Dividends. A 10% withholding tax is imposed on dividends distributed to nonresidents. The rate of 5% for dividends distributed to nonresident publicly traded companies was abolished as of 1 January 2023. A 0% rate applies to dividends distributed to resident companies that qualify for the benefits of the participation exemption.

The Tax Regulation for the Kingdom of the Netherlands provides for special dividend withholding tax rates (see Section E).

Participation exemption. Aruban resident companies are exempt from corporate income tax on dividends and capital gains derived from shares with respect to qualifying participations. A qualifying foreign participation must satisfy both of the following conditions:
- The shares must not be held as inventory or as a portfolio investment.
- The participation must be subject to a tax on profits.

Costs (including interest) related to the acquisition of a participation qualifying for the participation exemption are in principle nondeductible. However, if the acquired participation is established in Aruba, interest expenses for the acquisition will be deductible as of the third fiscal year after the acquisition. The interest for the first and second fiscal year are deductible in equal parts over the third, fourth and fifth years after the acquisition.

Foreign tax relief. Foreign tax relief is available through the Tax Regulation for the Kingdom of the Netherlands. Foreign tax relief is also available under the state decree for the avoidance of double taxation.

C. Determination of trading income

General. Commercial profits must be calculated in accordance with "sound business practice" and generally accepted accounting standards.

General deduction limitation rules. Payments to other entities or persons for the use of material goods or for services provided are fully deductible if the payments are at arm's length and, in addition, either of the following conditions applies:
- The payment is not (in)directly due to an affiliated entity or affiliated individual. In brief, parties are affiliated if there is a(an) (in)direct (shared) interest of at least 25% in both parties.
- The payment is included in the taxable base of the receiving entity and is subject to a nominal tax rate of at least 15%.

Inventories. Inventories are generally valued using the historical-cost, first-in, first-out (FIFO) or weighted average methods.

Depreciation. Depreciation may be calculated by the straight-line, declining-balance or flexible methods.

As of 1 January 2023, depreciation of real estate for tax purposes is limited to the so-called bottom value (*bodemwaarde*). The bottom value is equal to 50% of the value for Ground Tax purposes. If a value for Ground Tax is not available, the market value of the real estate is used. In case of co-ownership of a building, the value for Ground Tax purposes of the building is allocated on a prorated ownership basis. Furthermore, parts of a building, the associated land and attachments (for example, a parking lot) are considered as one business asset for depreciation and devaluation to a lower business value. Equipment that can be removed from a building without causing significant damage to the equipment and that are not considered on a standalone basis as built properties are considered to be separate business assets.

Investment allowance. An investment allowance deduction of 10% is applicable for the acquisition of qualifying fixed assets to the extent that the investment in such assets exceeds AWG5,000. The allowance is deducted from the taxable income in the year of the investment. The investment allowance deduction is recaptured in the year of sale if the asset is sold within six years after the date of the investment.

Groups of companies. On written request, Aruban limited companies and/or limited liability companies may form a fiscal unity (tax-consolidated group) for corporate income tax purposes. To qualify for a fiscal unity, the parent company must own at least 99% of the shares in the subsidiary. A fiscal unity can only include corporations established under Aruban law, and all companies should have their place of effective management in Aruba. The whole group is taxed for corporate income tax purposes as if it were one company, and as a result, the subsidiaries in the fiscal unity are no longer individually subject to profit tax, but they should file nil returns yearly.

Relief for losses. Losses in a financial year may be carried forward for five years. No carryback is available. Losses originated incurred in the 2020, 2021 and 2022 financial years (COVID-19 years) can be carried forward for seven years.

D. Miscellaneous matters

Foreign-exchange controls. The Central Bank of Aruba regulates the foreign-exchange market and carries out the necessary transactions as executor of exchange policy. Remittances abroad require an exchange license issued by the Central Bank of Aruba.

Debt-to-equity rules. Aruba does not impose a debt-to-equity ratio.

Controlled foreign companies. Aruba does not have specific controlled foreign company legislation. However, numerous measures limit tax deductions related to intercompany transactions that are not at arm's length and intercompany transactions with low-taxed entities.

Transfer pricing. If a company or individual participates, directly or indirectly, in the management, supervision or the capital of two or more corporate entities, the conditions that apply to the supply of goods and the rendering of services between these related entities must be at arm's length. These conditions are similar to the conditions that would have applied in transactions with unrelated

parties. Information to substantiate arm's-length transactions must include, among other items, the following:
- The agreement between the entities
- Transfer-pricing method that was chosen and why it was chosen
- How the consideration was determined

Country-by-Country Reporting. Local legislation implementing Country-by-Country Reporting (CbCR) obligations and additional transfer-pricing documentation requirements has been enacted as of 1 January 2020. The Country-by-Country (CbC) report is applicable to Aruba tax resident entities that are members of a multinational enterprise (MNE) group with a consolidated group turnover exceeding AWG1.5 billion (approximately USD833 million) in the fiscal year preceding the fiscal year to which the CbC report applies. In addition, a group entity of an MNE that is tax resident in Aruba should notify the tax authorities by the last day of the financial year of the MNE about the identity and tax residency of the CbC reporting entity.

Aruba tax resident entities of an MNE group are also required to have a master file and local file. This requirement only applies to Aruba tax resident entities of an MNE group that have a consolidated group turnover exceeding AWG100 million (approximately USD56 million) in the fiscal year preceding the year to which the tax return applies. The qualifying MNE group entity should have the master file and local file available at the level of the Aruba entity at the moment of filing the tax return. The Aruba tax authorities can request these files from the Aruba entity.

Noncompliance with the abovementioned transfer-pricing documentation requirements and the obligations to hold a master file and/or a local file may lead to the following:
- A reversal of the burden of proof
- A monetary fine up to AWG25,000
- Criminal charges (including a fine or imprisonment)
- Payment of the amount of taxes that have not been collected as a result of the noncompliance

E. Tax treaties

Provisions for double tax relief are included in the Tax Regulation for the Kingdom of the Netherlands. These provisions avoid double taxation between the countries of the Kingdom of the Netherlands (Aruba, Curaçao, the Netherlands [including Bonaire, Sint Eustatius and Saba; these islands are known as the BES-Islands] and Sint Maarten) regarding taxes on income, capital and other items.

Under the Tax Regulation for the Kingdom of the Netherlands, the general withholding tax rate of 10% on dividend distributions from an entity resident in Aruba may be reduced to the following rates:
- 7.5% if the recipient of the dividends is a company that has capital divided in shares and that has a share interest in the nominal paid-up capital of the Aruba entity of at least 25%
- 5% if such recipient of the dividends is also subject to tax on profit at a rate of at least 5.5%

Effective from 10 October 2010, the Netherlands Antilles (which consisted of five island territories in the Caribbean Sea) was

dissolved as a country. As a result, the island territories of Curaçao and St. Maarten became autonomous countries within the Dutch Kingdom. The island territories of Bonaire, St. Eustatius and Saba (BES-Islands) have become a part of the Netherlands as extraordinary overseas municipalities.

The Tax Regulation for the Kingdom of the Netherlands remains in place until bilateral tax treaties have been concluded between the countries in the Dutch Kingdom.

Aruba has entered into tax information exchange agreements with Antigua and Barbuda, Argentina, Australia, the Bahamas, Belgium, Bermuda, the British Virgin Islands, Canada, the Cayman Islands, the Czech Republic, Denmark, the Faroe Islands, Finland, France, Germany, Greenland, Iceland, Mexico, Norway, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Spain, Sweden, the United Kingdom and the United States.

Aruba is recognized by the Organisation for Economic Co-operation and Development as a jurisdiction that has substantially implemented the internationally agreed tax standard and, as such, is approved-listed.

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A. At a glance

Corporate Income Tax Rate (%)	30 (a)
Capital Gains Tax Rate (%)	30 (a)
Branch Tax Rate (%)	30
Withholding Tax (%)	
Dividends	
Franked	0 (b)
Unfranked	30 (c)
Conduit Foreign Income	0 (d)
Interest	
General	10 (e)
Interest Paid by Australian Branch of Foreign Bank to Parent	5 (f)
Interest (Debentures, State and Federal Bonds and Offshore Banking Units)	0 (g)
Royalties from Patents, Know-how, etc.	30 (h)
Construction and Related Activities	5 (i)
Fund Payments from Managed Investment Trusts	15 (j)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0 (k)
Carryforward	Indefinite

(a) A 25% company tax rate applies to eligible companies with less than AUD50 million of turnover.
(b) Franking of dividends is explained in Section B.
(c) This is a final tax that is imposed on payments to nonresidents only. A reduced rate (in recent treaties, reduced rates typically are 0%, 5% or 15%, depending on the level of ownership) applies to residents in treaty countries.
(d) An exemption from dividend withholding tax applies to the part of the unfranked dividends that is declared in the distribution statement to be conduit foreign income.
(e) In general, this is a final withholding tax that is imposed on payments to nonresidents only. However, withholding tax is imposed in certain circumstances on interest paid to residents carrying on business overseas through a

permanent establishment (branch). Modern Australian tax treaties exempt certain government and unrelated financial institutions from withholding tax.

(f) Interest paid by an Australian branch of a foreign bank to its parent is subject to a rate of 5% on the notional interest rate based on a reasonable proxy rate in lieu of the London Interbank Offered Rate (LIBOR).

(g) Unilateral exemptions from interest withholding tax are provided for certain publicly offered debentures and for state and federal government bonds. Concessional taxation of offshore banking units (OBUs) ceased on 30 June 2023, and the withholding tax exemption for OBUs was removed from 1 January 2024.

(h) In general, this is a final withholding tax imposed on royalties paid to nonresidents. A reduced rate may apply to residents of treaty countries (the rate is 5% in recent treaties).

(i) The filing of an Australian tax return to obtain a refund may be required if this withholding results in an overpayment of tax. A variation of the rate to mitigate the adverse cash flow impact is available to certain taxpayers that have previously filed tax returns in Australia.

(j) Managed investment trusts that hold only energy-efficient commercial buildings constructed on or after 1 July 2012 may be eligible for a 10% withholding tax rate.

(k) The temporary tax loss carryback tax offset (notionally carry back eligible tax losses incurred in the 2020, 2021, 2022 or 2023 income years to offset taxable income in 2019 or later years) has ceased.

B. Taxes on corporate income and gains

Corporate income tax. An Australian resident corporation is subject to income tax on its non-exempt worldwide income. A nonresident corporation is subject to Australian tax only on Australian-source income.

Corporations incorporated in Australia are residents of Australia for income tax purposes, as are foreign corporations carrying on business in Australia with either their central management and control (CMAC) in Australia or their voting power controlled by Australian residents.

Current guidance from the Australian Taxation Office (ATO) suggests that foreign companies with Australian CMAC might also be carrying on a business in Australia. Extensive scenarios cover the application of the CMAC test for foreign-incorporated companies; relevant factors include the high-level decision-making process of the boards, virtual decision-making and evidence of the decision-making.

In response to the uncertainty created by the ATO's interpretation, the previous government had committed to amend the law to treat a company incorporated offshore as an Australian tax resident if both the company's core commercial activities are undertaken in Australia and CMAC are in Australia, creating a "significant economic connection to Australia." There has been no progress in developing enabling legislation, which is creating uncertainty, but taxpayers were to have the option of applying the new law from 15 March 2017. A transitional period to preserve nonresident status for certain foreign companies when they have been impacted in their efforts to change their governance arrangements to align with the ATO's approach ceased on 30 June 2023.

For corporations, capital gains are taxed at the relevant corporate income tax rate.

Income of a nonresident corporation not operating in Australia through a permanent establishment may be subject to withholding tax, as discussed below.

Rates of corporate tax. The standard tax rate for resident corporations is 30%.

A 25% rate applies to base rate entities. These are defined as corporate tax entities with no more than 80% of their assessable income being passive income and with an aggregate turnover of less than AUD50 million.

Resource taxation

Petroleum resources. The Petroleum Resource Rent Tax (PRRT) is imposed at a rate of 40% on project profits from the extraction of non-renewable petroleum resources. The PRRT applies to offshore petroleum projects in Commonwealth waters. Onshore petroleum projects can reduce taxpayer's PRRT liabilities for offshore projects because of the transfer of exploration expenditure. A bill has been introduced into parliament that will place a cap on the amount of PRRT deductions claimed equal to 90% of PRRT assessable receipts for that year (2023-24 budget announcement). The government has consulted on an exposure draft law for further proposed changes, including changes with respect to PRRT anti-avoidance rules and tolling arrangements.

Minerals exploration. The Junior Minerals Exploration Incentive (JMEI) enables eligible companies to generate tax credits by giving up a portion of their tax losses from greenfield mineral exploration expenditure, which can then be distributed to shareholders. Tax credits can only be generated for shares of stock issued in that income year. The scheme applies until 30 June 2025, and the Australia-wide credit limit is AUD27.15 million in 2023-24 and AUD29.77 million for 2024-25.

Costs of acquiring exploration rights or information first used for exploration that are not eligible for an immediate deduction are depreciated over the lesser of 15 years or the effective life of the mine.

Carbon-pricing mechanism. Effective from 1 July 2014, the previous carbon-pricing mechanism was replaced by a Direct Action Plan, which included implementation of certain government Emissions Reduction Funds.

Capital gains

Income and capital gains. Australia's tax law distinguishes income (revenue) gains and losses from capital gains and losses, using principles from case law. Broadly, capital gains and losses are not assessable or deductible under the ordinary income tax rules.

However, the capital gains tax (CGT) provisions in the tax law apply to gains and losses from designated CGT events. For corporations, capital gains are taxed at the relevant corporate income tax rate. Designated CGT events include disposals of assets, grants of options and leases, and events arising from the tax-consolidation rules (see Section C).

For CGT purposes, capital gains are calculated by identifying the capital proceeds (money received or receivable or the market value of property received or receivable) with respect to the CGT event and deducting the cost base. CGT gains are reduced by amounts that are otherwise assessable.

Special rules apply to assets acquired before 20 September 1985.

CGT deferrals (rollovers). CGT rollover relief may be elected for various transfers, restructures and takeovers, including scrip takeovers. The effect of the relief is to defer taxation until a subsequent disposal or CGT event, if further rollover relief is not available. Transfers within a tax-consolidated group are ignored for tax purposes (see Section C). The Australian Board of Taxation has finalized its review of CGT rollovers and submitted a report to the government advising on legislative reform in 2022. However, at the time of writing, there had not yet been a government response.

Capital losses are deductible only from taxable capital gains; they are not deductible from ordinary income. However, ordinary or trading losses are deductible from net taxable capital gains.

Foreign residents and CGT. Foreign residents are subject to CGT if an asset is "taxable Australian property," which includes broadly the following:

- Taxable Australian real property: real property located in Australia including a leasehold interest in land, or mining and quarrying or prospecting rights, if the minerals, petroleum or quarry materials are located in Australia.
- Indirect Australian real property interest: broadly, a non-portfolio interest in an Australian or foreign entity if more than 50% of the market value of the entity's assets relates to assets that are taxable Australian real property. Integrity rules to prevent the double counting of intercompany assets apply to consolidated and multiple-entry consolidated groups (see *Tax consolidation* in Section C).
- The business assets of an Australian permanent establishment.

Purchasers obligation to make a non-final withholding to support foreign resident CGT regime. Purchasers are required, broadly, to make a non-final 12.5% foreign resident CGT withholding with respect to the purchase of certain direct or indirect taxable Australian property from foreign residents. The obligations apply to direct real property transactions with a value of AUD750,000 or more, to certain indirect property transactions including company and trust interests and to options and rights to acquire such property or interests. Australian resident vendors of direct property must provide an ATO clearance certificate to not be subject to withholding. The Australian government has announced proposed changes to increase the foreign resident CGT withholding rate to 15% and to remove the threshold from 1 January 2025. These rules must be factored into all acquisition and disposal processes and allow for rate variations and declarations in some cases.

CGT participation exemption for disposals of shares in foreign companies. The capital gain or capital loss derived by a company from the disposal of shares in a foreign company may be partly or wholly disregarded to the extent that the foreign company has an underlying active business, if the holder company held a direct voting interest in the foreign company of at least 10% for a period of at least 12 months in the 2 years before the disposal. This participation exemption can also reduce the attributable income arising from the disposal of shares owned by a controlled foreign company in another foreign company (see Section E).

Venture capital. Venture capital investment concessions provide a 20% nonrefundable tax offset on investments in eligible innovation companies, capped at AUD200,000 per investor per year and a CGT exemption up to 10 years (provided that investments are held for at least three years).

Investors receive a 10% nonrefundable tax offset on capital invested in registered Early Stage Venture Capital Limited Partnerships (ESVCLPs).

Startup financial technology businesses can also access the venture capital investment tax concessions.

Administration. The Australian tax year ends on 30 June. For corporate taxpayers with accounting periods ending on other dates, the tax authorities may agree to use a substituted accounting period (SAP).

In general, companies with an income year-end of 30 June must file an annual income tax return by the following 15 January. Companies granted permission to adopt an SAP must file their returns by the 15th day of the 7th month after the end of their income year.

Under a pay-as-you-go installment system, companies with turnover of AUD20 million or less continue to make quarterly payments of income tax within 21 days after the end of each quarter of the tax year. The amount of each installment is based on the income earned in the quarter. The installment obligations for larger companies with turnover in excess of AUD20 million involve monthly payments.

Measures affecting certain corporate tax entities with respect to public disclosures of their tax positions and their tax-governance processes are outlined below.

ATO reporting of selected tax data for larger companies. The ATO is required to publicly report selected tax data for all corporate entities paying PRRT and selected income tax data for large corporate entities (with total income equal to or exceeding AUD100 million for the income year based on information reported to the Commissioner of Taxation in the entity's relevant return for the tax year). The ATO reports are made, broadly, in December and cover the data for the tax returns filed in the year ended 30 June of the preceding year. Some companies might want to consider supplementary disclosures in their own communications channels.

Voluntary Tax Transparency Code. The Australian government encourages larger companies to adopt a Voluntary Tax Transparency Code (TTC) to promote public understanding of businesses' compliance with Australia's tax laws. The TTC, developed by the Board of Taxation, is a set of principles and minimum standards to guide disclosure of tax information by businesses. The disclosures vary by companies' size, with larger businesses to consider, in addition to reconciliations of accounting to tax aggregates, their tax policy, strategy, governance, total tax contribution and foreign related-party dealings. Business groups are encouraging companies to consider compliance, and

over 200 companies and entities are listed on the public register of signatories.

Disclosure of subsidiary information. The Australian government has introduced into parliament a bill proposing that listed and unlisted public companies must disclose additional information on their subsidiaries, including their country of tax residency in their financial statements, from financial years commencing on or after 1 July 2023.

ATO register of foreign ownership of assets. The Register of Foreign Ownership of Australian Assets is a new register that will record foreign interests in most Australian land, entities, businesses and assets, from 1 July 2023.

Public beneficial ownership register. The Australian government announced, as an election commitment, to implement a public register of beneficial ownership of companies and other legal vehicles (trusts and partnerships). The government has consulted on the phased implementation of the beneficial ownership register, commencing with reporting beneficial ownership information of companies.

Some companies to file General Purpose Financial Statements. Significant global entity companies (global turnover greater than AUD1 billion) with an Australian presence that do not file General Purpose Financial Statements (GPFS) with the Australian Securities and Investments Commission (ASIC) are required to file GPFS with the ATO. The ATO is then required to forward such GPFS to the ASIC. GPFS obligations apply to a narrower "country-by-country reporting entity" subset of significant global entities (SGEs; see Section E).

Payment Times Reporting Scheme. From 1 January 2021, the Payment Times Reporting Scheme imposes a mandatory reporting requirement for large businesses to disclose their payment terms and practices with small business suppliers. This scheme broadly applies to entities with a total income of AUD100 million or more, and entities may also voluntarily elect to register and report under the scheme.

ATO New Investment Engagement Service. Starting 1 July 2021, the ATO introduced the New Investment Engagement Service (NIES), an investor-initiated service for businesses planning significant new investments in Australia.

Sharing Economy Reporting Regime. An operator of an electronic distribution platform (EDP) will be required to report certain transactions under the Sharing Economy Reporting Regime (SERR). The SERR applies to both Australian and non-resident EDPs. EDPs will be required to report information on supplies for consideration that are connected with the indirect tax zone and made through the platform. EDPs will need to report on a six-month basis transactions relating to the following starting from the specified date:

- The supply of taxi travel (including ride-sourcing and ride-sharing): from 1 July 2023
- Short-term accommodation: from 1 July 2023

- All other reportable transactions, such as asset sharing and food delivery: from 1 July 2024

Changes to Commonwealth penalty unit amount. From 1 July 2023, the amount of each Commonwealth penalty unit (CPU) increased from AUD275 to AUD313. This increase applies to offenses committed on or after 1 July 2023. The amount of each CPU will be indexed every three years based on the consumer price index. Penalties are increased when they apply to SGEs. On 13 December 2023, the government announced a proposal to further increase the penalty unit to AUD330, but this is not yet law.

Dividends. Dividends paid by Australian resident companies are franked with an imputation credit (franking credit) to the extent that Australian corporate income tax has been paid by the company on the income being distributed. Tax rules constrain companies from streaming imputation credits to those shareholders that can make the most use of the credits, at the expense of other shareholders.

A company may select its preferred level of franking with reference to its existing and expected franking account surplus and the rate at which it franked earlier distributions. However, under the "benchmark rule" for private companies, all distributions made within a franking period must generally be franked to the same extent.

The franking credit is intended to equal the tax paid by the paying company. For base rate entities benefiting from the reduced corporate rate, the imputation rules require them to determine whether they frank at 25% or 30%, based on the prior year's passive income and aggregated turnover.

A New Zealand company may choose to maintain an Australian franking account and attach Australian franking credits to dividends paid to Australian resident shareholders, for Australian company tax paid on that income.

The consequences of receiving a franked dividend vary depending on the nature of the recipient shareholder.

Resident corporate shareholders. Franked distributions received by resident companies from other Australian resident companies are effectively received free from tax. A recipient company receiving franked distributions grosses up the dividend amount received by the amount of its franking credit, and includes the grossed-up amount in its assessable income. The recipient company is entitled to a tax offset (rebate) equal to the amount of the franking credit on the distribution received; the offset may be used against its own tax payable. In addition, the recipient company is allowed a franking credit in its own franking account; the franking credit may be distributed to its own shareholders.

A resident company is subject to tax on unfranked dividends received, but special rules apply for certain income passed to nonresident shareholders (see *Nonresident shareholders: corporate and non-corporate*).

If a company's entitlement to a tax offset exceeds its tax payable, it can convert the excess franking offset into an equivalent amount

of tax loss. The tax loss may then be carried forward indefinitely for deduction in subsequent years.

Resident individual shareholders. The shareholder includes the dividend received plus the full imputation credit in assessable income. The imputation credit can be offset against personal tax assessed in the same year. Excess credits relating to dividends received are refunded to the shareholder.

Nonresident shareholders: corporate and non-corporate. Issues relevant to dividends and foreign shareholders include the following:

- Franked dividends paid to nonresidents are free from dividend withholding tax.
- Refunds of imputation credits are not available for nonresidents.
- A deduction may be available under dividend flow-through rules if an Australian company wholly owned by a nonresident company receives unfranked non-portfolio dividends (from holdings of at least 10% of the voting power in the company paying the dividends) and pays an unfranked non-portfolio dividend to its nonresident parent. Various conditions must be satisfied, and anti-avoidance rules apply.
- "Conduit foreign income" that flows through Australian companies to foreign investors may also achieve flow-through treatment. Broadly, "conduit foreign income" is foreign-source income earned by an Australian company that is not taxed in Australia. A conduit income distribution that an Australian corporate tax entity makes to a foreign resident is not subject to dividend withholding tax and is not assessable income, to the extent that the entity declares it to be conduit foreign income.

Distributions funded by capital raisings. Following recent Royal Assent of legislation, distributions made on or after 28 November 2023 that are funded by certain capital raisings are unfrankable. The distribution is unfrankable if the following conditions are met:

- It is not consistent with the entity's established practice of making distributions.
- There has been an issue of equity interests.
- It is reasonable to conclude in the circumstances that the principal effect of the issue of any equity interests was to directly or indirectly fund part of the distribution or that any entity that issued or facilitated the issue of any equity interests did so for the purpose of funding the distribution or part of the distribution.

Aligning tax treatment of off-market share buy-backs with on-market buy-backs. Off-market share buy-backs (OMSBB) and selective share cancellations undertaken by listed public companies that are first announced to the market after 25 October 2022 will be treated the same as on-market buy-backs such that no part of the buy-back is taken to be a dividend. A franking debit arises in the franking account of the company that undertakes an OMSBB by an amount equal to the part of the buy-back price not debited to the company's share capital account.

Foreign tax relief. Australian residents are subject to Australian tax on their worldwide income, but they may receive a foreign income tax offset (FITO) for foreign taxes paid on foreign-source

income included in assessable income up to a cap. FITOs must be used in the year in which the related foreign-source income is included in assessable income. Otherwise, they are lost without having provided any relief from double taxation. For controlled foreign companies (CFCs; see Section E), a modified system applies.

C. Determination of trading income

General. Taxable income is defined as assessable income less deductions. Assessable income includes ordinary income and statutory income (specifically listed in the tax law as being assessable income). Non-cash business benefits may be included as income in certain circumstances.

Australia's tax law distinguishes income (revenue) gains and losses from capital gains and losses, using principles from case law. Broadly, capital gains and losses are not assessable or deductible under the ordinary income tax rules; however, the CGT provisions in the tax law may apply (see Section B).

Broadly, the following types of income are not included in assessable income:

- Profits from foreign branches of Australian companies (other than, broadly, income that would be attributable under the CFC rules, see Section E).
- Amounts paid out of income previously taxed under the CFC rules (see Section E).
- Foreign equity distributions received by Australian corporate entities on participation interests. This covers dividends or non-share dividends received from a foreign company with respect to an interest in a company classified as equity under Australian tax rules, subject to a 10% participation requirement. Such distributions received through interposed entities, such as trusts and partnerships, may now also be eligible.

Expenses. Losses or outgoings are deductible to the extent they are incurred in gaining or producing assessable income or are necessarily incurred in carrying on a business for the purpose of gaining or producing assessable income. Provisions for amounts not "incurred" (this term is not defined in the law) during the year, such as leave entitlements of employees, are generally not deductible until payments are made.

Expenses of a capital nature (except business black hole expenditure; see *Five-year deduction for black hole business expenditure*) and those incurred in the production of exempt income are not deductible. Apportionment of expenses having dual purposes is possible.

Fringe benefits tax (see Section D) is deductible. Entertainment expenses are not deductible unless they represent fringe benefits provided to employees. Penalties and fines are not deductible.

Under commercial debt forgiveness rules, the net amount of debts forgiven during an income year reduces the debtor's accumulated revenue tax losses, capital losses, certain undeducted expenditure and cost bases of assets.

Research and development. Eligible research and development (R&D) entities can claim an R&D tax offset for R&D expenditure.

Core and supporting R&D activities must be registered. Supporting R&D activities must be directly related to core R&D activities. Activities that result in the production of goods or services are eligible only if they are undertaken for the dominant (or sole) purpose of supporting the core R&D activity (the "dominant purpose" test).

Eligible R&D expenditure is a notional deduction, which is not deductible but gives rise to tax offsets.

For income years commencing on or after 1 July 2021, if notional deductions are between AUD20,000 and AUD150 million, the following are the R&D tax offsets:

- Companies with an aggregated turnover of less than AUD20 million may receive a refundable R&D tax offset equivalent to their corporate tax rate plus an 18.5% premium.
- Companies with an aggregated turnover of AUD20 million or more may receive a non-refundable R&D tax offset equivalent to their corporate tax rate plus an incremental premium. The incremental premium is based on R&D expenditure as a proportion of total expenditure for the year (R&D intensity).

There are two premium increments, which are the following:

- R&D intensity up to 2% allows for a tax offset equivalent to the company tax rate plus an 8.5% premium.
- R&D intensity exceeding 2% allows for a tax offset equal to the company tax rate plus a 16.5% premium.

If eligible expenditure exceeds AUD150 million for an income year, the tax offset is calculated using the company tax rate. If notional deductions for an income year are less than AUD20,000, the tax offset is only available if a registered service provider is used.

Australia's general anti-avoidance rules may apply to certain R&D schemes and there are complex claw-back rules.

R&D tax transparency. The ATO will publish certain information on the R&D claims reported to the ATO by R&D entities, with the first report to be published in 2024 to apply to companies that filed a company tax return with an R&D tax offset and their income year began on or after 1 July 2021.

Debt and equity classification. Specific debt-and-equity rules focus on economic substance rather than on legal form. If the debt test is satisfied, a financing arrangement is generally treated as debt, regardless of whether the arrangement could also satisfy the test for equity. The test is complex and extends well beyond an examination of whether a borrower has a non-contingent obligation to repay an amount of principal.

The debt or equity classification affects the taxation of dividends (including the imputation requirements), payments received from nonresident entities, thin-capitalization regime, dividend and interest withholding taxes and related measures, but does not limit the operation of the transfer-pricing rules.

Hybrid mismatch rules. Australia introduced a law to adopt the Organisation for Economic Co-operation and Development (OECD) hybrid mismatch rules for income years beginning on or after 1 January 2019. Broadly, they prevent entities liable to income tax in Australia from being able to avoid income taxation or obtain a double non-taxation benefit, by exploiting differences between the tax treatment of entities and instruments across different countries. However, the imported mismatch rule (other than when an importing payment is made under a structured arrangement) applies to income years beginning on or after 1 January 2020. Imported mismatches are mismatches whereby receipts are sheltered from tax directly or indirectly by hybrid outcomes elsewhere in a group of entities or a chain of transactions.

A targeted integrity rule seeks to prevent arrangements circumventing the hybrid mismatch rules by routing investment or financing into Australia via an entity located in a no- or low-tax (10% or less) jurisdiction.

Under the rules, an amount is "subject to foreign tax" if income tax is payable under a law of the foreign country with respect to the amount because the amount is included in the tax base of that law for the foreign tax period. This is also the case if income is included under a provision equivalent to Australia's controlled foreign company (CFC) rules (see *Controlled foreign companies* in Section E). However, as far as the US global intangible low-taxed income (GILTI) regime is concerned, the ATO maintains that the regime is not equivalent to Australia's CFC rules.

The ATO expects work to be undertaken to prove that the imported mismatch rules do not apply before a deduction can be taken for any payment made by Australia to foreign group entities and places a substantial burden of proof on taxpayers to demonstrate that an appropriate inquiry has been made to establish that no Australian payments have a nexus with an offshore hybrid mismatch (between non-Australian entities). The ATO has released final guidance providing taxpayers with a risk-zone framework ranging from white zone (the ATO has provided clearance), through green (low risk) to red (very high risk). Taxpayers may be required to self-assess the risk of the imported hybrid mismatch rule.

Financial arrangements. Extensive rules deal with the taxation of "financial arrangements" (as defined) for specified taxpayers.

The default methods are accruals and realization methods. These are supplemented by various methods available at a taxpayer's election, using accounting approaches with respect to certain financial arrangements. The elective accounting methods include hedge treatment, fair-value reporting, retranslation for foreign-currency arrangements and, in certain cases, use of the values in financial reports for the financial arrangements.

Individuals are not mandatorily covered by these rules. Superannuation entities must apply the rules if the value of their assets exceeds AUD100 million. Approved deposit-taking institutions or securitization vehicles must apply the rules if their aggregate turnover exceeds AUD20 million. All other entities must

apply the rules if either their aggregate turnover exceeds AUD100 million or if the value of their assets exceeds AUD300 million. Taxpayers not covered by the rules can nevertheless elect to apply the rules.

Foreign-exchange gains and losses. Rules for the tax treatment of foreign-currency gains and losses provide broadly the following:

- Foreign-currency gains and losses are brought to account when realized, regardless of whether an actual conversion into Australian currency occurs.
- Foreign-currency gains and losses generally have a revenue character.
- Specific translation rules apply to payments, receipts, rights and obligations denominated or expressed in a foreign currency.
- Functional-currency rules allow an entity that operates predominantly in a foreign currency to determine its income and expenses in that currency, with the net results being translated into Australian currency for the purposes of calculating its Australian income tax liability.

Inventories. In determining trading income, inventories may be valued at cost, market-selling value (the current selling value of an article of trading stock in the taxpayer's trading market) or replacement price, at the taxpayer's option. The last-in, first-out (LIFO) method may not be used. If the cost method is elected, inventories must be valued using the full-absorption cost method.

Bad and doubtful debts. Provisions for doubtful trading debts are not deductible until the debt, having been previously brought to account as assessable income, becomes bad and is written off during an income year.

Capital allowances (depreciation)

Uniform capital allowance regime. Capital allowance rules allow a deduction for the decline in value of a "depreciating asset" held during the year.

A "depreciating asset" is an asset with a limited effective life that may be expected to decline in value over the time it is used. Land, trading stock and intangible assets are not specifically included in the regime because they are not considered to be depreciating assets.

The depreciation rate for a depreciating asset depends on the effective life of the asset. Taxpayers may choose to use either the default effective life determined by the tax authorities or their own reasonable estimate of the effective life. A taxpayer may choose to recalculate the effective life of a depreciating asset if the effective life that was originally selected is no longer accurate because of market, technological or other factors.

Taxpayer re-estimation of effective life is not available for certain intangible assets; the law prescribes their effective lives (for example, 15 years for registered designs or 20 years for standard patents). Statutory life caps that result in accelerated rates are provided for certain assets used in the oil and gas, petroleum, agricultural, and transport industries, as well as for Australian-registered ships.

Taxpayers may choose the prime cost method (straight-line method) or the double diminishing value method (200% of the straight-line rate) for calculating the tax-deductible depreciation for all depreciating assets except intangible assets. For certain intangible assets, the prime cost method must be used.

The cost of a depreciating asset is generally the amount paid by the taxpayer plus further costs incurred while the taxpayer holds the asset. The depreciable cost of a motor car is subject to a maximum limit of AUD68,108 for the 2023-24 income year.

Pooling of assets may be chosen for pool assets costing more than AUD300 but less than AUD1,000 as well as assets that have been depreciated to less than AUD1,000. The pool balance is depreciable at a rate of 37.5% (18.75% for additions during the year), applying the declining-balance method. If the choice is not exercised, the relevant assets are depreciated based on their respective effective lives.

Software development expenditure may be allocated to a software development pool. Beginning in the year following the year of the expenditure, the expenditure is deductible at a rate of 30% per year for three years, followed by a 10% rate in the final year.

The temporary full expensing of depreciating assets measure, which broadly allowed eligible businesses to deduct the full cost of eligible depreciating assets first used or installed ready for use for a taxable purpose (and certain capital improvements) ceased on 30 June 2023. A new instant asset write-off is proposed for small businesses, with aggregate turnover of less than AUD10 million, for assets costing less than AUD20,000 between 1 July 2023 and 30 June 2024.

Construction of buildings. Capital expenditure on the construction of buildings and structural improvements may be eligible for an annual deduction of either 2.5% or 4% of the construction expenditure, depending on the type of structure and the date on which construction began.

Disposals of depreciable assets. For assets other than buildings, if the proceeds received on the disposal of an asset exceed its adjustable value, the excess is included in taxable income. If the proceeds received on the disposal of an asset are less than its adjustable value, a deductible balancing adjustment is allowed.

Five-year deduction for black hole business expenditure. Certain types of business expenditure of a capital nature may be deducted under the capital allowance regime to the extent that the expenditure is not taken into account elsewhere in the income tax law and is not expressly nondeductible for tax purposes. This type of expenditure is known as "black hole business expenditure." The deduction is available on a straight-line basis over five years. Expenditure qualifying for the deduction includes expenditure to establish or alter a business structure, expenditure to raise equity and expenditure in an unsuccessful takeover attempt or takeover defense. Eligible small business taxpayers are entitled to an immediate deduction for certain startup costs.

Relief for losses. Tax losses may be carried forward indefinitely against assessable income derived during succeeding years. A loss is generated after adding back net exempt income.

To claim a deduction for past losses, companies must satisfy either a continuity of ownership test (more than one-half of voting, dividend and capital rights) or a continuity of (same or similar) business test. A modified continuity of ownership test applies to widely held companies. The modified rules simplify the application of the continuity test by making it unnecessary to trace the ultimate owners of shares held by certain intermediaries and small shareholdings. An alternative, more flexible "similar business test" is available with respect to losses incurred in income years beginning on or after 1 July 2015.

Losses are generally not transferable to other group members other than within a tax-consolidated group (see *Tax consolidation*).

A temporary loss carryback measure, which allowed corporate tax entities the option to claim a carryback tax offset in their 2020 or 2021 income tax return, ended on 30 June 2023.

Designated infrastructure projects loss concessions. Companies that only carry on activities for certain designated infrastructure projects are not required to test the recoupment of losses incurred in the 2012–13 and following income years under the continuity of ownership or same business tests. The losses are also increased by the long-term government bond rate. Projects must have been designated by Infrastructure Australia by 30 June 2018, and a cap of AUD25 billion on the value for all projects applies.

Tax consolidation. Tax consolidation is available for groups of wholly owned companies and eligible trusts and partnerships that elect to consolidate. Australian resident holding (head) companies and their wholly owned Australian resident subsidiary members of the group are taxed on a consolidated basis. Consolidation is desirable because no grouping concessions (such as the ability to transfer losses to other group members) are otherwise provided.

The head company becomes the taxpayer, and each subsidiary member of the group is treated as if it were a division of the head company. Transactions between members of a consolidated group are generally disregarded for Australian income tax purposes. The head company assumes the income tax liability and the associated income tax compliance obligations of the group.

Tax consolidation is also available for Australian entities that are wholly owned by a single foreign holding company. The resulting group is referred to as a multiple-entry company (MEC) group, which includes the Tier-1 companies (Australian resident companies directly owned by a foreign member of the group) and their wholly owned Australian resident subsidiaries. A Tier-1 company is selected as the head company. The types of entities that may be subsidiary members of an MEC group are generally the same as those for a consolidated group.

The consolidation rules are very significant for merger and acquisition and restructuring transactions. If a tax consolidated group acquires a "joining entity," the tax cost base of the underlying assets of the joining entity is reset, under complex rules, which can affect the tax treatment of those assets (including the calculation of any tax deductions with respect to such assets). If an entity leaves a consolidated group, the group's cost base of shares in

the leaving entity is reset under specific exit rules. MEC groups are subject to cost base pooling rules to determine the cost base of shares in Tier-1 companies.

The tax-consolidation rules have been subject to various complex ongoing changes affecting ongoing tax positions.

Demergers. Tax relief is available if eligible company or fixed-trust groups divide into two separately owned entities. The demerging company (or fixed trust) must dispose of at least 80% of its ownership interests in the demerged entity, and the underlying ownership interests must not change because of the demerger. The rules provide investors optional CGT rollover relief, as well as dividend exemptions, which are available at the option of the demerging entity. The demerger group is also provided with limited CGT relief.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Goods and services tax	10
Fringe benefits tax on non-cash employee benefits	47
Payroll taxes paid by employers (vary by state)	4 to 6.85

Customs duty is levied on imports of various products into Australia. Other significant taxes include stamp duty and land tax.

E. Miscellaneous matters

General anti-avoidance regime. Australia's general income tax anti-avoidance regime (GAAR, or Part IVA) has been expanded by the following measures focused at significant multinational businesses:

- Multinational Anti-Avoidance Law targeting certain schemes to avoid Australian permanent establishments
- Diverted Profits Tax targeting certain international schemes with insufficient economic substance

Part IVA generally applies if, taking into account eight specified matters, it is determined that the dominant purpose of the parties entering into a scheme was to enable the taxpayer to obtain a tax benefit. If the Commissioner of Taxation makes a Part IVA determination, the tax benefit is denied, and significant penalties may be imposed.

The Australian government announced in the 2022-23 Federal Budget that the Part IVA rules will be amended to expand the scope of the rule to apply to the following:

- Schemes that reduce tax paid in Australia by accessing a lower withholding tax rate on income paid to foreign residents
- Schemes that achieve an Australian tax benefit even if the dominant purpose of the scheme was to reduce foreign income tax

The proposed amendments will apply to income years commencing on or after 1 July 2024, regardless of whether the scheme was entered into before that date.

Broader significant global entity definition. Several anti-avoidance and penalty regimes outlined below apply only to SGEs, which broadly are entities with global turnover greater than AUD1 billion. When the SGE definition was broadened from 1 July 2019 to also apply to groups of entities headed by an entity other than a listed company, a "country-by-country reporting entity" became a narrower subset to the SGE definition.

Multinational Anti-Avoidance Law. The Multinational Anti-Avoidance Law (MAAL) expands Part IVA and, broadly, allows the Commissioner of Taxation to potentially target schemes entered into by SGEs if all of the following apply:

- A foreign entity makes a supply of certain goods or services to an Australian customer.
- Activities are undertaken directly in Australia in connection with the supply by an Australian entity or permanent establishment that is an associate of or commercially dependent on the foreign entity.
- The foreign entity making the supply derives income, some or all of which is not attributable to an Australian permanent establishment of the foreign entity.
- Taking into account the relevant factors, it can be concluded that a principal purpose of the transaction is the enabling of a relevant taxpayer to obtain an Australian tax benefit and/or reduce tax liabilities arising under foreign law, including some deferrals of foreign taxes. A principal purpose is a lower threshold than the dominant purpose discussed in *General anti-avoidance regime*. Relevant factors include the role of the parties in the value chain and their capacity, staffing and resources to carry out their designated functions (to distinguish the parties from insubstantial parties).

Diverted Profits Tax. The Diverted Profits Tax (DPT) expands Part IVA. Under the DPT, if SGEs divert certain profits from Australia and the Commissioner of Taxation issues a DPT assessment, the tax payable on the amount of the diverted profits is subject to a penalty rate of 40%. The DPT applies, broadly, if the following conditions are satisfied:

- The relevant Australian entity or permanent establishment is an SGE for the year of income.
- A scheme exists, and the Australian taxpayer obtains a tax benefit in connection with the scheme (considering reasonable alternative situations).
- A foreign entity that is an associate of the relevant taxpayer entered into the scheme or is otherwise connected to the scheme.
- It is concluded that the scheme (or any part of a scheme) was carried out for a principal purpose of enabling the relevant taxpayer (and/or associate) to obtain a tax benefit, or both to obtain a tax benefit and reduce a foreign tax liability of an associate.

Exclusions apply if it is concluded that one of the following tests applies:

- The relevant Australian entity has income of less than AUD25 million.
- The increase of the foreign tax liability is equal to or exceeds 80% of the tax that would have otherwise been paid in Australia.

- The profit derived by each covered entity reasonably reflects the economic substance of the entity's activities in connection with the scheme.

A limited exclusion applies for some entities that carry on predominantly passive activities (for example, managed-investment trusts, pension funds, sovereign-wealth funds and selected collective-investment vehicles). Extensive ATO protocols and approvals are required to be met before the issuance of a DPT assessment.

Transfer pricing. Australia's transfer-pricing rules, updated in recent years, include measures to ensure that Australian taxable income associated with cross-border transactions is based on arm's-length prices. Several methods for determining the arm's-length price are available. The ATO provides guidance in a binding tax ruling on the appropriate methods, and taxpayers can enter into Advance Pricing Arrangements.

For transactions with parties entitled to benefit from foreign tax treaties, the law confirms the ATO view that Australia's tax treaties provide a separate and unconstrained transfer pricing taxing power.

The OECD transfer-pricing guidance material is incorporated into domestic law.

Australia's transfer-pricing rules are integrated into the self-assessment regime and require broad and timely documentation. The risk of transfer-pricing adjustments is magnified for companies that are involved in significant intragroup financing arrangements or business restructurings or that have losses or low levels of profits. Significant aspects include the following:

- The onus is on the taxpayer who signs the income tax return to confirm that the actual conditions are in line with arm's-length conditions. If the actual and arm's-length conditions do not align and if a transfer-pricing benefit is received, the taxpayer must adjust taxable income, tax losses or other tax attributes. Penalties apply for a false or misleading statement.
- As a basic rule, the arm's-length conditions should be based on the form and substance of the actual commercial or financial relations. However, documentation must address reconstruction, which refers to situations in which the transactions or arrangements actually entered into are ignored and (in some cases) other transactions or arrangements are substituted.
- Taxpayers are treated as not having a reasonably arguable position with respect to any international related-party transaction that is not appropriately documented at the time of the filing of the tax return. A transfer-pricing adjustment with respect to such undocumented transactions attracts a penalty of at least 25%. The penalties are doubled for income years beginning on or after 1 July 2015 for tax-avoidance and profit-shifting schemes, with respect to groups that have global turnover of greater than AUD1 billion. It is essential that appropriate transfer-pricing documentation be in place to have a reasonably arguable position.
- Adjustments can only be within seven years of the date on which the ATO gives the notice of assessment.

For business income tax returns, the International Dealings Schedule requires detailed disclosures designed to flag potential risk areas.

ATO transfer pricing practical compliance guides and risk ratings. The ATO strongly emphasizes transfer-pricing issues in relation to international business transactions. It has issued practical compliance guidelines (PCGs), which cover numerous cross-border transactions, to assist taxpayers in identifying if their conditions and pricing are likely to have a low risk of ATO examination (green zone) through to a high risk of ATO scrutiny (red zone). PCGs cover related-party debt including derivatives, offshore marketing, non-core procurement and shipping hubs, as well as inbound distribution arrangements.

Base and Erosion and Profit Shifting 2.0 Pillar Two. As part of the 2023-24 budget, the Australian government announced that it will implement key aspects of Base Erosion and Profit Shifting (BEPS) 2.0 Pillar Two for multinational groups with turnover greater than EUR750 million. The Income Inclusion Rule (IIR) applies to income years starting on or after 1 January 2024 and Global Domestic Minimum Tax (QDMTT) applies from 1 January 2024. The Undertaxed Profits Rule (UTPR) will apply from 1 January 2025. The proposed law had not yet been released as of 1 March 2024. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://www.ey.com/content/dam/ey-unified-site/ey-com/en-gl/services/tax/documents/beps-2-0-pillar-two-developments-tracker.pdf)

Country-by-country reporting. "Country-by-country reporting entities," a subset of SGEs, are required to prepare and file the following with the ATO:

- A Country-by-Country Report (CbCR) in line with the OECD standards
- A Master File in line with the OECD standards
- A Local File with requirements that include providing electronic copies of related-party agreements

Proposed public CbCR. On 12 February 2024, Australian Federal Treasury released a revised Exposure Draft Bill for consultation on mandatory public disclosures of country-by-country (CbC) and other tax information on a jurisdictional basis for Australia and designated tax jurisdictions with disclosure for other jurisdictions allowed on an aggregate basis. Reporting will apply to reporting periods commencing on or after 1 July 2024 (note that the application has been deferred by a year). The measures will apply to CbC reporting parents if the entity or another member of the CbC reporting group is either an Australian resident or a foreign resident that operates an Australian permanent establishment or branch with local operations. The filing obligation applies to the global parent entity regardless of whether that entity is Australian or foreign.

Increased penalties for SGEs. Increased penalties for SGEs are calculated by multiplying the base penalty amount by 500. Although these heavy penalties were introduced to ensure compliance with new GPFS requirements (see *Requirement for some companies to file General Purpose Financial Statements* in Section B) or the filing of documents required for CbCR, they

can also apply to failure to file any ATO-approved form required to be filed by an SGE (for example, a tax return or activity statement), subject to ATO discretion to remit penalties. For example, an SGE filing an income tax return up to 28 days late risks a late filing penalty of AUD156,500, or up to AUD782,500 if it is more than 112 days late (applying applicable penalty unit rate of AUD313 as of 1 March 2024).

Debt-to-equity (thin-capitalization) rules. Thin-capitalization measures apply to limit debt deductions of Australian operations of multinational groups (including foreign and domestic related-party and third-party debt). In addition, the transfer-pricing measures may affect the deductions available.

Thin-capitalization. The thin-capitalization measures apply to the following:

- Foreign-controlled Australian entities and foreign entities that either invest directly into Australia or operate a business through an Australian branch
- Australian entities that control foreign entities or operate a business through an overseas branch

Current legislated rules proposed to be repealed. The following is a brief listing of the current thin-capitalization rules (but note the proposals discussed in *Proposed changes to thin-capitalization rules* to replace them for years starting on or after 1 July 2023):

- Debt deductions are partially denied if the company's adjusted average debt exceeds the maximum allowable debt.
- In most cases, the maximum allowable debt is calculated by reference to the safe harbor debt amount. The safe harbor debt amount approximates a debt-to-equity ratio of 1.5:1 (or 60% debt-to-total-assets ratio). Separate methodologies apply to financial institutions or consolidated groups with at least one member classified as a financial entity.
- Taxpayers can also determine the maximum allowable debt by reference to an arm's-length debt amount that is based on what amount an independent party would have borrowed from an independent lender. This determination requires the consideration of several factors.
- Certain inward investors can also determine the maximum allowable debt of an Australian entity by reference to the group's worldwide gearing debt amount.
- The thin-capitalization measures restrict the use of multi-tiered gearing structures involving flow-through entities. The ownership threshold to be an "associate entity" is reduced in certain circumstances from 50% to 10% and, in determining the arm's-length debt amount, an entity is required to consider the debt-to-equity ratios of any entities in which the entity has a direct or indirect interest that are relevant to the considerations of an independent lender or borrower.
- The transfer-pricing provisions apply to the pricing of related-party debt, even if an arrangement complies with the thin-capitalization rules.
- The ATO can substitute a hypothetical arm's-length capital structure to set an arm's-length interest rate if the amount of debt is considered not to be arm's length, even if the taxpayer is within the thin-capitalization safe harbor debt levels.

Proposed changes to thin-capitalization rules. On 22 June 2023, the government introduced a bill into parliament to make proposed changes to the thin-capitalization rules for income years commencing on or after 1 July 2023. Proposed amendments to the bill were introduced in November 2023 and the measures are expected to be enacted by the end of the 2023-24 income year.

The proposed amendments include the following:

- The current asset-based rules for general class investors (non-financial entity or authorized deposit-taking institution [ADI]) will be replaced with the following three alternative new tests:
  - A default fixed ratio test based on 30% of tax earnings before interest, tax, depreciation and amortization (EBITDA), with certain adjustments (essentially replaces the safe harbor test)
  - A group ratio test (rather than the worldwide gearing test) by irrevocable election
  - A third-party debt test for general class investors and financial entities that are not ADIs by irrevocable election
- The fixed ratio test will allow the carryforward of denied deductions for up to 15 years if a modified continuity of ownership test or business continuity test is met.
- Accompanying changes will apply the transfer-pricing rules to the amount of the entity's debt not just whether the interest rate used is arm's length.
- For both the fixed ratio test and group ratio test, a "net debt deductions" definition will apply. The debt deduction definition will also be expanded.
- There will be limited exemptions for the following:
  - Certain outward investing entities (non-ADIs) in certain circumstances (90% of Australian assets test)
  - Certain insolvency remote special purpose entities
  - The debt deductions of the entity and its associates combined are AUD2 million de minimis

Existing special rules for ADIs and financial entities will remain. However, there will be some modifications to the definition of a financial entity and the arm's-length debt test will be replaced with the third-party debt test for financial entities that are not ADIs.

The bill also introduced an anti-avoidance rule to deny interest deductions related to certain debt-creation activities. From 1 July 2024, businesses will no longer be able to deduct interest expenses on related-party debt from debt creation related to the acquisition of CGT assets from associates or debt created to fund payments to associates (for example, dividends to associates). The debt-creation rules will apply before the thin-capitalization rules. There will be limited exemptions and exclusions and specific anti-avoidance rules designed to address schemes seeking to avoid the debt-creation rules. Once the rules commence, they may apply with respect to arrangements that occurred on or before and after 1 July 2024.

Proposed denial of interest deductions incurred to derive non-assessable non-exempt income. Proposals to remove interest deductions incurred to derive non-assessable, non-exempt (NANE) income (for example, dividends from foreign subsidiaries

and branch profits) from income years commencing on or after 1 July 2023 have been deferred and will be considered via a separate consultation process.

Proposed denial of deductions for payments relating to intangibles to low-tax jurisdictions. On 31 March 2023, the Australian Federal Treasury released an Exposure Draft Bill to introduce a rule that denies deductions for payments that an SGE (entity with global revenue of at least AUD1 billion) makes to its associates that is attributable to a right or permission to exploit an intangible asset if, due to the arrangement or a related arrangement, the associate directly or indirectly derives income from exploiting those or related intangible assets in a "low corporate tax jurisdiction." The proposed rule will apply to payments made after 1 July 2023. "Low corporate tax jurisdictions" captures the following:

- Foreign countries where the lowest corporate income tax rate applicable to the SGE is less than 15% (or nil)
- Foreign countries with a preferential patent box regime without sufficient economic substance (as determined by the Minister)

Proposed denial of deductions for shortfall interest charges and general interest charges. The Australian government proposed the denial of deductions to companies and individuals for shortfall interest charges (SICs) and general interest charges (GICs) incurred on or after 1 July 2025.

Cross-border related-party financing arrangements. ATO guidance sets out the ATO's compliance approach with respect to cross-border related-party financing arrangements. This guidance provides a self-assessment tool for taxpayers to determine their risk profiles, and the taxpayer determination must be disclosed broadly to the ATO. A second schedule to the guidance applies from 1 January 2019 and sets out 14 specific risk indicators for cross-border related-party derivative arrangements used to hedge or manage the economic exposure of a company or group of companies. A third schedule on outbound interest-free loans applies from 1 January 2020 (with no guidance for inbound interest-free loans). The final compliance approach to the thin-capitalization arm's-length debt test took effect from 1 January 2019, however, in practice the analytical approach and level of evidence outlined should guide prior years to meet the ATO's expectation. (Updates to the guidance are expected for the proposed changes to the thin-capitalization rules from 1 July 2023.)

Controlled foreign companies. A foreign company is a CFC if five or fewer Australian residents hold at least 50% of the company or have de facto control of it, or if a single Australian entity holds a 40% interest in the company, unless it is established that actual control does not exist.

The tainted income of a CFC is attributed to its Australian resident owners, which are required to include such income in their assessable income. In general, the tainted income of a CFC is its passive income and income from certain related-party transactions.

Income is generally not attributable if the CFC passes an active-income test. To pass this test, the CFC's tainted income may not exceed 5% of the CFC's gross turnover.

Whether an amount earned by a CFC is attributable to Australian residents depends on the country in which the CFC is resident. The CFC rules identify "listed countries," which have tax systems that are considered to be closely comparable to the Australian system. The following are the "listed countries:"

- Canada
- France
- Germany
- Japan
- New Zealand
- United Kingdom
- United States

All other countries are "unlisted countries."

Certain amounts are unconditionally attributed regardless of whether the CFC is resident in a listed or unlisted country.

If a CFC resident in a listed country fails the active-income test, its attributable income includes "adjusted tainted income," which is eligible designated concession income prescribed by the regulations on a country-by-country basis. This income includes items such as income subject to tonnage taxation or concessionally taxed capital gains.

If a CFC resident in an unlisted country fails the active-income test, its attributable income includes all of its adjusted tainted income, such as passive income (including tainted interest, rental or royalty income) and tainted sales or services income.

Income derived by a CFC is exempt from Australian income tax if it is remitted as dividends or non-share dividends made with respect to an interest in the company classified as equity under Australian tax rules to an Australian company.

Value shifting. A general value-shifting regime applies to counter certain transactions involving non-arm's-length dealings between associated entities that depress the value of assets for certain income tax and CGT purposes.

Withholding taxes. Interest, dividends and royalties paid to non-residents are subject to Australian withholding tax (also, see Section F for treaty withholding tax rates).

The 10% withholding tax rate on interest is generally the same as the rate prescribed by Australia's treaties (see Section F). However, modern treaties provide for a 0% rate for government and unrelated financial institutions. The interest paid by an Australian branch of a foreign bank to its parent is subject to a rate of 5% of the notional interest paid by the branch on internal funds of the foreign bank entity; the notional interest is limited by reference to reasonable proxy rates in lieu of the LIBOR. Unilateral exemptions from interest withholding tax are provided for certain publicly offered debentures and state and federal government bonds. From 2023-24, the taxable income of an OBU on its offshore borrowing activities is subject to the relevant corporate tax rate and the OBU withholding tax exemption is ceased from 1 January 2024. The ATO has expressed concerns about financing arrangements involving related-party foreign currency-denominated financing with related-party cross-currency interest rate swaps to reduce withholding taxes.

For dividends paid, the withholding tax rate of 30% applies only to the unfranked portion of the dividend. A reduced rate applies if dividends are paid to residents of treaty countries. An exemption from dividend withholding tax applies to the part of the unfranked dividends that is declared in the distribution statement to be conduit foreign income.

A final withholding tax at a rate of 30% is imposed on gross royalties paid to nonresidents. The withholding tax rate is typically reduced under a double tax treaty.

A concessional withholding tax regime applies to distributions by eligible managed investment trusts (MITs) to nonresidents, other than distributions of dividends, interest and royalties. The withholding tax rate is 30%, but a reduced 15% rate applies if the nonresident's address or place of payment is in a country that is listed in the regulations as an "information exchange country" (see *Countries listed as "information exchange countries"*). MITs that hold only newly constructed energy efficient commercial buildings may be eligible for a 10% withholding tax rate. It is proposed to extend the 15% MIT rate to payments with respect to investment in certain newly constructed residential build-to-rent projects from 1 July 2024.

The concessional MIT withholding tax rates are no longer available for certain cross-stapled structure income (see *Companies "stapled" to trusts and sovereign wealth funds*) and for funds with trading trust income or income from residential housing (other than "affordable housing" and under the proposed build-to-rent extension noted above) or agricultural land investments, from 1 July 2019, with transitional rules. In addition, new conditions apply when accessing foreign pension fund withholding tax exemptions and tax exemptions for sovereign wealth funds are codified and limited, also from 1 July 2019.

An optional attribution managed investment trust (AMIT) regime uses an "attribution model" to determine tax distributions from MITs that meet certain criteria. Specific rules deal with how this system interacts with withholding tax obligations.

Australian investment manager regime (IMR) rules allow certain foreign managed funds that have wide membership or use Australian fund managers, and their nonresident investors to qualify for income exemptions for certain income from qualifying investments (in particular, the income exemptions do not apply to income subject to withholding taxes).

The government has established the Australian Corporate Collective Investment Vehicle (CCIV) regime, which has broadly the same tax outcomes as AMITs, including concessional withholding tax rates. The amendments to corporate and financial services law and taxation law apply from 1 July 2022.

Countries listed as "information exchange countries." The concessional withholding tax rates for eligible MITs are restricted to investors in jurisdictions listed in the relevant regulation as an "information exchange country." The regulation lists 137 jurisdictions, including treaty jurisdictions and financial services centers like the Hong Kong Special Administrative Region (SAR), Lichtenstein and Luxembourg.

Common Reporting Standard. Australia adopted the international Common Reporting Standard (CRS) for financial institutions, such as banks, asset managers, funds, custodians and certain insurance companies.

Foreign-exchange controls. The Financial Transaction Reports Act 1988 requires each currency transaction involving the physical transfer of notes and coins in excess of AUD10,000 (or foreign-currency equivalent) between Australian residents and overseas residents, as well as all international telegraphic and electronic fund transfers, to be reported to the Australian Transaction Reports and Analysis Centre. This information is then available to the Commissioner of Taxation, Federal Police, Australian Customs Service and other prescribed law enforcement agencies.

Companies "stapled" to trusts and sovereign wealth funds. Structures using companies and linked trusts ("stapled structures" with similar investors) have long been accepted in the real estate sector. Certain trusts flow eligible income through to lower-taxed investors and foreign entities benefiting from the 15% MIT withholding tax rules; stapled companies generate trading income for the same investors, after deducting cross-staple payments to the trusts. The tax law was amended with application from 1 July 2019 to limit access to the lower MIT withholding tax rate for certain stapled structures income, with substantial transitional rules for certain existing infrastructure projects and a rolling 15-year exemption for approved "nationally significant" infrastructure projects.

Strong focus of the Foreign Investment Review Board on tax issues. The Foreign Investment Review Board (FIRB) approval process for relevant foreign investments involves tax issues, and the ATO is playing an influential role. The national interest test contains standard tax conditions, which are imposed on a case-by-case basis. Additional conditions may be imposed if a significant tax risk is identified by the FIRB and ATO. The requirements affect new and existing inbound investors undertaking certain reorganizations. Tax discussions in FIRB approval processes may add time, particularly if the ATO requires further actions. The framework was strengthened in legislation passed in 2020, enhancing the national security review of sensitive acquisitions and providing extra powers and amendments to streamline investment in non-sensitive areas.

Multilateral Instrument to update Australia's tax treaties. Australia has ratified the Multilateral Instrument (MLI), and deposited final positions adopted with the OECD. As of 1 January 2019, the MLI commenced to alter Australia's covered tax arrangements.

Taxation of the digital economy. Various reviews are being conducted, including a Board of Taxation review (submitted to the government in February 2024), of the tax treatment of digital assets and transactions in Australia.

Digital currencies not taxed as foreign currency. For income years beginning from 1 July 2021, digital currencies, such as cryptocurrency, are excluded from the income tax treatment of foreign currency. Income tax treatment of digital currencies depends on the taxpayer's individual circumstances.

Digital games tax offset. From 1 July 2022, eligible companies that incur qualifying Australian development expenditure of at least AUD500,000 on developing eligible digital games can claim an offset equal to 30% of total qualifying Australian development expenditure up to a AUD20 million claim per year.

F. Treaty withholding tax rates

The table below provides treaty withholding tax rates for dividends, interest and royalties paid by Australian companies to nonresidents.

Under Australian domestic law, certain dividends and interest payments to nonresidents are exempt from withholding tax.

For dividends, Australian domestic law provides that no withholding tax is imposed on dividends to the extent they are franked under Australia's imputation system introduced in 1987 (see Sections B and E). Some of Australia's double tax treaties specifically refer to withholding taxes imposed on franked dividends in some circumstances but, under the domestic tax law, dividend withholding tax is not imposed with respect to franked dividends.

For interest, Australia does not impose withholding tax on interest paid to nonresidents on certain publicly offered company debentures or on interest paid on state and federal government bonds.

	Unfranked dividends %	Interest %	Royalties %
Argentina	10/15 (b)	12	10/15 (c)
Austria (u)(w)	15	10	10
Belgium	15	10	10
Canada	5/15 (k)	10	10
Chile (z)	5/15 (aa)	5/10 (bb)	5/10 (cc)
China Mainland	15	10	10
Czech Republic	5/15 (l)	10	10
Denmark	15	10	10
Fiji	20	10	15
Finland (w)	0/5/15 (a)	0/10 (g)	5
France (w)	0/5/15 (q)	0/10 (g)	5
Germany (ii)	0/5/15 (jj)	0/10 (kk)	5
Hungary	15	10	10
Iceland (nn)	5/15	10	10
India (dd)	15	15	10/15 (c)
Indonesia	15	10	10/15 (c)
Ireland	15	10	10
Israel	0/5/15 (ll)	0/5/10 (mm)	5
Italy (w)	15	10	10
Japan	0/5/10/15 (o)	0/10 (g)	5
Kiribati	20	10	15
Korea (South) (w)	15	15	15
Malaysia (w)	0/15	15	15
Malta	15	15	10
Mexico	0/15 (i)	10/15 (h)	10
Netherlands (w)	15	10	10
New Zealand	0/5/15 (x)	0/10 (y)	5
Norway (w)	0/5/15 (a)	0/10 (g)	5
Papua New Guinea	15	10	10

	Unfranked dividends %	Interest %	Royalties %
Philippines (u)	15/25 (d)	15	25
Poland	15	10	10
Portugal (oo)	5/10	0/5/10	10
Romania	5/15 (e)	10	10
Russian Federation (pp)	5/15 (j)	10	10
Singapore	15	10	10
Slovak Republic	15	10	10
South Africa	5/15 (r)	0/10 (g)	5
Spain	15	10	10
Sri Lanka	15	10	10
Sweden	15	10	10
Switzerland (u)(w)(ee)	0/5/15 (ff)	0/10 (gg)	5 (hh)
Taiwan	10/15 (m)	10	12.5
Thailand	15/20 (f)	10/25 (n)	15
Türkiye	5/15 (s)	0/10 (v)	10
United Kingdom (t)	0/5/15 (a)	0/10 (g)	5
United States	0/5/15 (a)	0/10 (g)	5
Vietnam	15	10	10
Non-treaty jurisdictions	30	10	30

(a) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the rate is 0% or 5%, if the beneficial owner of the dividends is a company that holds at least 80% or 10%, respectively, of the voting power in the payer. In all other cases, the rate is generally 15%.

(b) Australia does not impose withholding tax on dividends to the extent they are franked (notwithstanding that the treaty provides for a rate of up to 10% for franked dividends paid to a person holding directly at least 10% of the voting power in the payer). To the extent dividends are unfranked, the withholding tax rate is 15%, regardless of voting power.

(c) The 10% rate applies to specified types of royalties.

(d) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the rate is 25%, or 15% if a tax rebate or credit is granted against Australian tax to the beneficial owner of the dividends.

(e) Australia does not impose withholding tax on dividends to the extent they are franked (notwithstanding that the treaty provides for a rate of up to 5% for dividends paid out of fully taxed profits if the recipient is a company that holds directly at least 10% of the capital of the payer). To the extent dividends are unfranked, the withholding tax rate is 15%, regardless of voting power.

(f) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the 20% rate applies to dividends paid to a company that holds directly at least 25% of the capital of the payer of the dividends. The 15% rate applies if the condition described in the preceding sentence is satisfied and if the payer is engaged in an industrial undertaking.

(g) The 0% rate applies to government institutions and unrelated financial institutions.

(h) The 10% rate applies if any of the following conditions are satisfied:
- The recipient is a bank or insurance company.
- The interest is derived from bonds and securities traded on a recognized securities market.
- The payer is a bank or the purchaser of machinery and equipment with respect to a sale on credit.

(i) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the 0% rate applies if the recipient of the dividends is a company holding directly at least 10% of the voting power in the payer, and the 15% rate applies in all other cases.

(j) Australia does not impose withholding tax on dividends to the extent they are franked (notwithstanding that the treaty provides for a rate of up to 5% for dividends paid out of fully taxed profits to a company that holds at least 10% of the capital of the payer and that has invested at least AUD700,000 [or the equivalent in Russian rubles] in the payer). To the extent dividends are unfranked, the withholding tax is 15%, regardless of voting power.

(k) Australia does not impose withholding tax on dividends to the extent they are franked (notwithstanding that the treaty provides for a rate of up to 5% for franked dividends if the beneficial owner of the dividends is a company that controls at least 10% of the voting power in the payer). To the extent dividends are unfranked, the rate is 15%, regardless of voting power.

(l) Australia does not impose withholding tax on dividends to the extent they are franked (notwithstanding that the treaty provides for a rate of up to 5% for franked dividends). To the extent dividends are unfranked, the rate is 15%.

(m) Australia does not impose withholding tax on dividends to the extent they are franked (notwithstanding that the treaty provides for a rate of up to 10% for franked dividends). To the extent dividends are unfranked, the rate is 15%.

(n) The 10% rate applies to interest derived by financial institutions or insurance companies.

(o) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the rate is 0% or 5% if the recipient holds at least 80% or 10%, respectively, of the voting power in the payer and 10% in other cases. However, a 15% withholding tax rate applies to fund payments from managed investment trusts but, under Australian law, this rate is reduced to 10% for funds payments by clean building managed investment trusts.

(p) The withholding tax rates listed in the table apply to income derived by non-residents on or after 1 January 2015.

(q) Australia does not impose withholding tax on dividends to the extent they are franked (notwithstanding that the treaty provides for a 0% rate if the dividends paid out of profits that have borne the full company tax and if the recipient is a company that holds directly at least 10% of the voting power of the payer). To the extent dividends are unfranked, the rate is 15%, or it is 5% if the dividends are paid to a company that holds at least 10% of the voting power of the payer.

(r) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the rate on unfranked dividends is 15%, or 5% if the beneficial owner of the dividends is a company that holds directly at least 10% of the voting power of the company paying the dividend.

(s) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the 5% rate applies to dividends paid by a company that is resident in Australia to a company (other than a partnership) that holds directly at least 10% of the voting power in the company paying the dividends. The 15% rate applies in all other cases.

(t) Australia is renegotiating its double tax treaty with the United Kingdom. An exemption from withholding tax for interest payments to related financial institutions is one area for potential change. However, further details are not yet available.

(u) These countries are not currently listed as "information exchange countries" (see Section E).

(v) Interest derived from the investment of official reserve assets by the government of a contracting state, its central bank or a bank performing central banking functions in that state is exempt from tax in the other contracting state. The 10% rate applies in all other cases.

(w) Australia has most-favored-nation clauses in its treaties with Austria, Finland, France, Italy, Korea (South), Malaysia, the Netherlands, Norway and Switzerland. Under the most-favored-nation clause, Australia and the other treaty country must try to renegotiate their tax treaties if the withholding tax rates in another of Australia's tax treaties are lower.

(x) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the 0% rate applies if the recipient holds at least 80% of the payer or if the dividends are paid with respect to portfolio investments by government bodies including government investment funds. The 5% rate applies if the recipient holds at least 10% of the payer. The 15% rate applies to other dividends.

(y) The 0% rate applies to interest paid to government institutions and unrelated financial institutions. The 10% rate applies in all other cases.

(z) The withholding tax rates listed in the table apply to income derived on or after 1 April 2013.

(aa) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the 5% rate applies if the recipient beneficially owns at least 10% of the voting power in the company paying the dividends. The 15% rate applies in all other cases.

(bb) The 5% rate applies if the recipient is a financial institution that is unrelated to and dealing wholly independently with the payer. The 10% rate applies in all other cases.

(cc) The 5% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment. The 10% rate applies to other royalties.

(dd) An amending protocol to the treaty signed on 16 December 2011 entered into force on 2 April 2013. It updates various aspects of the agreement including cross-border services, source-country taxation and assistance in collection of taxes. However, it does not contain any changes to withholding tax rates. For income years starting on or after 29 December 2022, payments or credits paid to entities that are Indian residents for tax purposes by Australian customers for technical services provided remotely (not through a permanent establishment in Australia), that are covered by the Australia-India double tax treaty and that are not royalties within the meaning of Australian tax law are not deemed to have an Australian source.

(ee) Australia and Switzerland signed a revised tax treaty, which entered into force on 14 October 2014. It applies to withholding taxes on income that is derived by a resident of Switzerland on or after 1 January 2015.

(ff) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, a 0% rate applies to dividends paid to the following:
- Publicly listed companies or subsidiaries thereof, and unlisted companies in certain circumstances, that hold 80% or more of the paying company
- Complying Australian superannuation funds and tax-exempt Swiss pension schemes that did not hold more than 10% of the direct voting power or capital in the company, respectively, during the preceding 12-month period

The 5% rate applies to dividends paid to companies that hold 10% or more of the paying company. The 15% rate applies in all other cases.

(gg) Under the revised treaty, the 0% rate applies to interest paid to the following:
- Bodies exercising governmental functions and banks performing central banking functions
- Banks that are unrelated to, and dealing independently with, the payer
- Complying Australian superannuation funds and tax-exempt Swiss pension schemes

The 10% rate applies in all other cases.

(hh) Under the revised treaty, royalties are taxed in the source (of the royalty) country at a rate of up to 5%. The revised definition of "royalties" in the revised tax treaty excludes the right to use industrial, commercial or scientific equipment from the definition, and accordingly, may lower the costs for companies that lease such equipment.

(ii) The revised treaty between Australia and Germany entered into force on 7 December 2016 and applies for withholding taxes from 1 January 2017.

(jj) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, the rates are 0% if the recipient holds at least 80% of the voting power in the payer for at least 12 months, 5% if the recipient holds at least 10% for at least 6 months (including the date of payment) and 10% in other cases. However, a 15% withholding tax rate applies to fund payments from managed investment trusts but, under Australian law, this rate is reduced to 10% for funds payments by clean building managed investment trusts.

(kk) The 0% rate applies if the interest is derived by bodies exercising governmental functions or performing central banking functions or by financial institutions unrelated to and dealing wholly independently with the payer. The 10% rate applies in all other cases.

(ll) Australia does not impose withholding tax on dividends to the extent they are franked. To the extent dividends are unfranked, a 0% rate applies to dividends paid to the following:
- Governments (including government investment funds)
- Central banks
- Tax-exempt pension funds or Australian residents carrying out complying superannuation activities on direct holdings of no more than 10%

The 5% rate applies to companies that hold 10% or more of the paying company throughout a 365-day period. The 15% rate applies in all other cases.

(mm) The 0% rate applies to interest paid to government bodies (including government investment funds) and central banks. The 5% rate applies to interest paid to recognized pension funds, Australian residents carrying out complying superannuation activities and unrelated financial institutions. The 10% rate applies to all other interest payments.

(nn) These rates are applicable from 1 January 2024. The 5% rate applies to the gross amount of the dividends if the beneficial owner is a company that holds directly at least 10% of the voting power in the company paying the dividends

throughout a 365-day period that includes the day of payment of the dividend. The 15% rate applies to the gross amount of the dividends in all other cases.

(oo) This treaty was signed on 30 November 2023 with formal processes to enact into law and ratify pending. The following are applicable rates under the treaty:
- For dividends, the general rate is 10%. The rate is 5% for portfolio dividends derived by governments (including government investment funds), central banks, tax exempt Portuguese pension funds, and Australian superannuation funds or other Australian residents carrying out complying superannuation activities. The rate is also 5% for intercorporate dividends on non-portfolio holdings of at least 10%.
- For interest, the general rate for interest is 10%. The rate is 0% for interest derived by governments (including government investment funds) and central banks. The rate is 5% for tax-exempt Portuguese pension funds, Australian superannuation funds or other Australian residents carrying out complying superannuation activities, and independent financial institutions.

(pp) It has been reported that on 8 August 2023, the Russian Federation suspended specified articles of the Russian Federation's double tax agreements with 38 jurisdictions, including Australia. At the time of writing, the Australian Treasury still listed the treaty as being "In Force."

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A. At a glance

Corporate Income Tax Rate (%)	23 (a)
Capital Gains Tax Rate (%)	23
Withholding Tax (%)	
Dividends	23/27.5 (b)
Interest (from Bank Deposits and Securities only)	0/25 (c)
Royalties from Patents, Know-how, etc.	20 (d)
Net Operating Losses (Years)	
Carryback	0 (e)
Carryforward	Unlimited (f)

(a) This rate applies to distributed and undistributed profits.
(b) In general, this withholding tax applies to dividends paid to residents and nonresidents. An Austrian corporation is generally required to withhold tax at a rate of 27.5%. However, if the distributing company has evidence of the corporate status of the investor, it may withhold tax at a rate of 23%. Certain dividends paid to Austrian and European Union (EU) companies are exempt from tax (see Section B). In addition, a reduction in or relief from dividend withholding tax may be possible under double tax treaties.
(c) For details, see Section B.
(d) This withholding tax applies to nonresidents.
(e) There is an exception for losses from 2020. For details, see *Relief for losses* in Section C.
(f) The offset of loss carryforwards against taxable income is limited to 75% of taxable income in most cases (see Section C).

B. Taxes on corporate income and gains

Corporate income tax. In general, all companies resident in Austria and foreign companies with Austria-source income are subject to corporate income tax. (For the scope of income subject to tax, see *Foreign tax relief*.) A company is resident in Austria if it has its legal seat or its effective place of management in Austria.

Rates of corporate income tax. The corporate income tax rate is generally 23%.

All companies, including those incurring tax losses, are subject to the minimum tax. In general, the yearly minimum tax is EUR500 for an Austrian private limited company (Gesellschaft mit beschraenkter Haftung, or GmbH; and flexible Kapitalgesellschaft, or FlexCo), EUR3,500 for a stock corporation (Aktiengesellschaft, or AG) and EUR6,000 for a European stock corporation (Societas Europea, or SE). For banks and insurance companies, the minimum tax is EUR5,452. Minimum tax may be credited against corporate tax payable in future years.

Participation exemptions. The Austrian tax law provides for national and international participation exemptions.

National. Dividends (including hidden profit distributions) received by an Austrian company from another Austrian company are exempt from corporate income tax (no minimum holding is required). Capital gains derived from the sale of shares in Austrian companies are treated as ordinary income and are subject to tax at the regular corporate income tax rate. In general, capital losses on and depreciation of the participation may be deducted from taxable income, spread over a period of seven years.

International participation. An Austrian company is entitled to the international participation exemption if it holds at least 10% of the share capital of a foreign corporation that is comparable to an Austrian corporation for more than one year. The one-year holding period begins with the acquisition of the participation. The international participation exemption applies to dividends and capital gains.

A decrease in the value of an international participation is generally not tax deductible, but an Austrian company can irrevocably opt for such tax deductibility in the annual tax return for the year of acquisition. If this irrevocable option is exercised, capital gains are subject to tax, and decreases in value and capital losses are tax deductible. In general, capital losses and depreciation of the participation may then be deducted from the taxable income, spread over a period of seven years. In the event of insolvency or liquidation, final losses may be deducted even if the option for tax effectiveness was not exercised. The option does not affect the tax treatment of dividends (that is, they remain tax exempt).

International portfolio participation. Dividends from participations that do not meet the criteria for international participations are subject to the general corporate income tax rate of 23%. However, shareholdings in EU corporations, certain European Economic Area (EEA) corporations (currently only Liechtenstein and Norway) and corporations that are resident in third countries and that have agreed to exchange tax information qualify as international portfolio participations and may benefit from exemptions. Dividends from such international portfolio participations are exempt from tax. Capital gains (and losses) are tax effective (the treatment corresponds to the treatment of national participations; that is, they are tax effective).

The tax exemptions for international participations and international portfolio participations do not apply if the participation is in a company that generates mostly passive income and is located in a low-tax country (low taxation as defined in the controlled foreign company [CFC] regime; see Controlled foreign companies and anti-abuse rules in Section E). Instead, they are taxed at the general Austrian corporate income tax rate of 23%. For international participations and international portfolio participations of at least 5%, foreign tax is credited (switchover to credit method). If the income has already been attributed to the Austrian controlling entity according to the CFC rules, no switchover to the credit method is allowed.

Controlled foreign company and anti-abuse rules. On 1 January 2019, CFC rules entered into force. For details about the CFC rules and anti-abuse rules, see *Controlled foreign companies and anti-abuse rules* in Section E.

Hybrid financing. Dividends from international participations (including international portfolio participations) are not exempt from tax in Austria if such payments are deductible for tax purposes in the country of the distributing company. Also, see *Hybrid mismatches* in Section E.

Expenses. Business expenses are generally deductible. However, an exception applies to expenses that are related to tax-free income. Although dividends from national and international participations and international portfolio participations are tax-free under the Austrian participation exemption, interest incurred on the acquisition of such participations is deductible for tax purposes. However, interest from debt raised to finance the acquisition of participations from affiliates is generally not deductible. In addition, interest and royalty payments to domestic and foreign-affiliated corporations are not tax deductible if the income of the recipient corporation is not subject to tax or taxed at a (nominal or effective) rate of less than 10%. If the recipient corporation is not the beneficial owner, the taxation of the beneficial owner is relevant. An exception applies to payments to entities that meet the EU law privileges for risk capital measures, which are contained in Regulation (EU) No. 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds. If these specific rules of EU law are fulfilled and if the income of the recipient corporation is taxed at a rate of less than 10%, interest and royalty payments to domestic and foreign affiliated corporations remain deductible for tax purposes.

Capital gains. Capital gains derived from sales of shares in Austrian companies are treated as ordinary income and are subject to tax at the regular corporate income tax rate. Capital gains derived from sales of shares in non-Austrian companies may be exempt from tax under the international participation exemption; otherwise, they are treated as ordinary income and subject to tax at the regular corporate income tax rate (*see International participation*).

Withholding taxes on dividends and interest

Dividends. Effective from 1 January 2016, the general withholding tax rate for dividends is 27.5% if the distribution does not constitute a repayment of capital. The withholding tax rate may be reduced to 23% if the investor is a corporation. In practice, this means that if the distributing entity lacks information on the status of an investor (corporate or individual), the 27.5% rate applies. In general, the 27.5% rate applies to dividends paid with respect to portfolio investments, including those paid to corporate investors. If the person required to withhold has information that the investor is a corporation, the 23% tax rate can be applied at source (for example, intercompany dividends). If 27.5% is withheld, corporate investors may reduce their tax burden in Austria to 23% in an assessment and refund procedure, based on their corporate status.

However, this withholding tax does not apply to dividends (other than hidden profit distributions) paid to either of the following:

- An Austrian parent company (fulfilling certain criteria) holding directly or indirectly an interest of at least 10% in the distributing company.
- A parent company (fulfilling certain criteria) resident in another EU country holding directly or indirectly an interest of at least 10% in the distributing company for at least one year.

Furthermore, the withholding tax rate may be reduced for dividends paid to foreign shareholders in accordance with double tax treaties. Depending on the situation, this reduction may be in the form of an up-front reduction at source or a refund of withholding tax.

For dividends paid to parent companies resident in the EU or EEA (if the EEA country grants full administrative assistance; currently only Liechtenstein and Norway meet this condition) that are subject to tax in Austria, Austrian withholding tax is refunded if the shareholder can prove that the withholding tax cannot be credited in the state of residence of the shareholder under tax treaty law. In a court case, this possibility was extended to comparable non-EU resident companies, but this extension has not yet been integrated into the law.

Interest. Interest paid on loans (for example, intercompany loans) is generally not subject to withholding tax in Austria. A 27.5% withholding tax is imposed on interest income paid by Austrian banks, Austrian branches of foreign banks or Austrian paying agents. An exception from the 27.5% rate applies to interest on bank savings and other non-securitized loans from banks (except for compensation payments and lending fees), which are subject to a 25% tax rate. Interest paid to nonresident companies is generally exempt from Austrian withholding tax if certain evidence is provided. In addition, interest income is exempt from withholding tax if the debtor has neither an ordinary residence nor a registered office in Austria and if it is not a domestic branch of a foreign bank. EU withholding tax is abolished, effective from January 2017.

Interest income earned by a company engaged in business in Austria through a permanent establishment is considered business income and must be included in the taxable income of the permanent establishment. For such companies, the withholding tax (if due) is credited against the corporate income tax. If the withholding tax exceeds the tax due, it is refunded. The withholding tax is not imposed if a declaration of exemption stating that the interest is taxed as business income is filed with the Austrian bank.

Cryptocurrencies. As of 1 March 2022, current income and capital gains from cryptocurrencies derived by natural persons are subject to the tax rate for capital assets of 27.5%. For corporations, the corporate income tax rate of 23% applies.

Administration. In principle, the Austrian tax year corresponds to the calendar year. However, other fiscal years are possible. The tax base is the income earned in the fiscal year ending in the respective calendar year. Annual tax returns must be filed by 30 April (30 June, if submitted electronically) of the following

calendar year. Extensions may be granted. A general extension to 31 March (or 30 April) of the second following year is usually granted if a taxpayer is represented by a certified tax advisor (tax returns may be requested earlier by the tax office).

Companies are required to make prepayments of corporate income tax. The amount is generally based on the (indexed) amount of tax payable for the preceding year, and payment must be made in equal quarterly installments on 15 February, 15 May, 15 August and 15 November.

Interest is levied on the amount by which the final tax for the year exceeds the total of the advance payments if this amount is paid after 30 September of the year following the tax year. To prevent interest, companies may pay the amount due as an additional advance payment by 30 September of the year following the tax year.

Foreign tax relief. In general, resident companies are taxed in Austria on their worldwide income, regardless of where that income is sourced. However, the following exceptions exist:

- The Finance Ministry may, at its discretion, allow certain types of income that have their source in countries with which Austria has not entered into a double tax treaty to be excluded from the Austrian tax computation, or it may allow foreign taxes paid to be credited against Austrian corporate income tax. Under a decree of the Ministry of Finance, an exemption is granted in case of active income and taxation of at least 15%. Otherwise, only a credit of foreign taxes is allowed.
- Income earned in countries with which Austria has a double tax treaty is taxable or exempt, depending on the treaty.
- Dividends and capital gains derived from participations of 10% or more in foreign subsidiaries can be exempt from corporate income tax under the international participation exemption (see *Participation exemptions*).
- Dividends from foreign portfolio shareholdings in companies resident in countries that have agreed to exchange tax information are exempt from tax unless the subsidiary is low-taxed (see *Participation exemptions*).

C. Determination of trading income

General. In general, taxable income is based on the profit or loss shown in the financial statements prepared in accordance with Austrian generally accepted accounting principles. The financial statement profit or loss must be adjusted in accordance with special rules set forth in the tax acts. Taxable income is calculated as follows:

Profit per financial statements	X
+ Nondeductible taxes (such as corporate income tax)	X
+ Nondeductible expenses (such as certain interest)	X
– Special allowances and nontaxable income (intercompany dividends and loss carryforwards)*	(X)
= Taxable income	X

* The offset of loss carryforwards against taxable income is limited to 75% of taxable income in most cases.

General interest expense limitation. The interest expense limitation rule applies as of 1 January 2021 to all loans (that is, group and third-party loans, regardless of recourse) and to companies resident in Austria, companies residing abroad with a permanent establishment in Austria and partnerships with an Austrian branch.

Under the interest expense limitation rule, the deduction of interest expense exceeding interest income (net tax deductible interest expense) is limited to 30% of taxable earnings before (net) interest, tax, depreciation and amortization (EBITDA). Tax-exempt income and partnership income should not be considered in the calculation of the taxable EBITDA.

Unused EBITDA can be carried forward over a five-year period. However, the carryforward does not apply if one of the exemptions from the interest expense limitation rule mentioned below applies or if a positive net interest balance exists. Nondeductible interest expense can be carried forward indefinitely but is subject to the change of ownership rules (see *Relief for losses*). A deduction is possible in the following years in accordance with the interest expense limitation rules.

The limitation rule does not apply if one of the following exemption rules applies:

- Exemption threshold. The annual net interest expense is less than EUR3 million.
- Group clause. The company is a member of a tax group (see *Groups of companies*). In the case of tax groups, the interest limitation rule is only to be applied at the level of the head of the tax group when determining the combined taxable profit. In principle, tax groups are also entitled to an allowance of EUR3 million (group allowance), but this amount applies to the entire group of companies (that is, to the head of the tax group and all group members together). Any group interest surplus exceeding the allowance of EUR3 million is in turn only deductible to the extent that it is covered by the offsettable group EBITDA (30% of the taxable group EBITDA). Any group interest surplus or offsettable group EBITDA can be carried forward in accordance with the general rules and can be offset in subsequent years. The head of the tax group that is fully included in consolidated financial statements can deduct the interest surplus for tax purposes without restriction if the equity ratio equals or exceeds the equity ratio of the group.
- Equity ratio escape clause. This clause applies to entities that are fully included in consolidated financial statements prepared in accordance with Austrian generally accepted accounting principles (GAAP), International Financial Reporting Standards (IFRS) or other comparable accounting standards, such as US GAAP. For these companies, interest expense may be fully deducted if the equity ratio (ratio between equity and total assets) of the entity equals or exceeds the equity ratio of the consolidated group, whereby a shortfall of up to two percentage points (rule of tolerance) is not harmful. The equity ratios are determined on the basis of the consolidated and the individual financial statements, but in both cases based on the accounting standards used in the consolidated financial statements. In the case of a tax group, the equity ratio is determined based on a

fictitious subgroup financial statement ("group financial statement") in which all group members must be fully included.
- Grandfathering rule: Interest expenses arising from contracts concluded prior to 17 June 2016 will not be affected by the interest barrier rules. However, such grandfathering exemption is temporary and may finally be applied in the course of the tax assessment for 2025.

Inventories. In determining trading income, inventories must be valued at the lower of cost or market value. Cost may, at the taxpayer's option, be determined using any of the following methods:
- Historical cost
- Average cost
- First-in, first-out (FIFO)
- Under certain circumstances, last-in, first-out (LIFO)

The highest-in, first-out (HIFO) method is not allowed.

Provisions. Accruals for severance payments and pension costs are allowable to a limited extent. Accruals for corporate income tax are not deductible for tax purposes. Provisions with a term of 12 months or more are subject to a mandatory fixed discounting rate of 3.5%, except for accruals for severance payments and pension costs, which are tax deductible to the extent of 100% of their tax value.

For financial years beginning after 31 December 2020, the formation of lump-sum value adjustments and lump-sum accruals is now also recognized for tax purposes. The prerequisite is a prudent assessment of the amount of the lump sum value adjustment or accrual. In addition, general bad debt provisions are accepted for tax purposes for financial years ending after 31 December 2020.

Depreciation. In general, depreciable assets are depreciated over the average useful life. For certain assets, such as buildings and passenger cars, the tax law provides depreciation rates. The following are some of the applicable annual rates.

Asset	Rate (%)
Buildings	1.5/2.5*
Office equipment	10 to 25
Motor vehicles	12.5
Plant and machinery	10 to 20

* The rate of 1.5% applies to buildings that are leased for residential use.

For buildings acquired or constructed after 30 June 2020, an accelerated straight-line depreciation up to a maximum amount of three times the statutory percentage rate is allowed in the first year, and two times the statutory percentage rate is allowed in the second year. Furthermore, in the first year, the half-year depreciation does not apply to buildings.

A declining-balance method for depreciation is optional and allows companies to depreciate fixed assets by up to 30% of the residual book value per year. However, the regime is only applicable for fixed assets purchased or constructed after 30 June 2020. The declining-balance method does not apply to intangible assets; used assets; buildings; goodwill; certain kinds of passenger vehicles and estate cars; station wagons; fixed assets used for

promotion, transport or storage of non-renewable energy sources; and fixed assets that make direct use of non-renewable energy sources (for example, planes). A change from the declining-balance method to the straight-line method during the useful life is permissible, but not vice versa. For fixed assets purchased or constructed on or after 1 January 2023, the declining-balance method is only permissible if it follows the depreciation method in the financial statements.

Research and development. Companies may claim a research and development (R&D) bonus (cash payment) equal to 14% of certain expenses for research and experimental development (according to the Frascati manual, these expenses consist of material costs, labor costs, energy costs and attributed interest). The R&D must be conducted by an Austrian company in Austria or by an Austrian permanent establishment of a foreign company.

Relief for losses. Losses incurred by resident companies may be carried forward without time limit. The offset of loss carryforwards against taxable income is in most cases limited to 75% of the taxable income. The remaining balance of the loss carryforward may be offset against income in future years, subject to the same 75% limitation.

The loss carryforward is attributable to the corporation, not to the shareholders. Consequently, a change in shareholders does not affect the loss carryforward, provided no corresponding substantial change in the business and management of the company occurs (otherwise losses are endangered). Foreign companies with permanent establishments in Austria may claim tax losses only under certain circumstances.

Groups of companies. The group taxation regime allows parent and subsidiaries to consolidate their taxable income. Under the Austrian law, the head of the tax group must be an Austrian corporate entity or branch of an EU/EEA corporate entity that has held more than 50% of the capital and voting rights in the subsidiary since the beginning of the subsidiary's fiscal year. The shareholding can be direct, or it can be held indirectly through a partnership or a group member. Only corporations (not partnerships) qualify as group members. If the holding requirement is satisfied, 100% of the taxable income (profit or loss) of domestic group members is allocated to the taxable income of the group parent, regardless of the percentage of the shareholding in the subsidiary. No actual profit or loss transfer takes place (only an agreement on the split of the tax burden is required). The tax group must exist for at least three full financial years. Otherwise, retroactive taxation on a stand-alone basis applies.

Group taxation also allows a cross-border tax consolidation if the foreign subsidiary is directly held by an Austrian parent (first foreign tier only) and if the type of entity is comparable to an Austrian corporation from a company law perspective. Effective from 1 March 2014, certain companies are excluded from the group taxation regime. Only corporations resident in the EU and in countries with which Austria has agreed on comprehensive administrative assistance can be included in a tax group. The Austrian Ministry of Finance has published a list of all qualifying third countries.

Foreign losses must be recalculated under Austrian tax law. In addition, the deductibility of foreign losses is limited to the lower of the amount according to Austrian tax law and actual losses calculated under foreign tax law. Losses from foreign group members can be deducted from the Austrian tax base in proportion to the shareholding only. Beginning with the 2015 tax year, the utilization of losses of foreign group members is limited to 75% of the domestic group income. Excess losses are included in the loss carryforwards for subsequent years. Profits of a foreign group member are generally not included in the Austrian group parent's income.

To avoid double utilization of losses of a foreign group member, foreign losses that have been imported into the Austrian tax group are added to the Austrian profit if the losses can be offset in the foreign jurisdiction in subsequent years. Foreign losses must also be added to the Austrian income tax base if the foreign subsidiary leaves the group. A recapture is also required if a significant reduction occurs in the size of the foreign subsidiary's business. This measure is designed to prevent dormant foreign entities from remaining in the group to avoid the recapture of foreign losses. Relief for capital losses is provided only in the event of a liquidation or insolvency.

Depreciation to the fair market value of a participation within the group is tax-neutral.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT)	
Standard	20
Reduced	10/13
Payroll taxes, paid by employer	
Family allowance fund; varies by state (under certain circumstances, the range of rates is reduced to 4.02% to 4.1%)	4.22 to 4.30
Community tax	3
Real estate sales tax (including 1.1% registration fee)	4.6
Stamp duties, on certain legal transactions, such as leases and hire contracts	0.8 to 2
Environmental taxes; comprising energy taxes, transport taxes, resource taxes and pollution taxes; according to the Eco Social Tax Reform Act, a new carbon tax was introduced beginning on 1 October 2022 (starting with EUR30 per ton and increased annually up to EUR55 per ton in 2025); a carbon leakage rule prevents companies from relocating; a hardship clause is in place for companies with high energy intensity	Various

E. Miscellaneous matters

Foreign-exchange controls. No restrictions are imposed on the transfer of nominal share capital, interest and the remittance of dividends and branch profits. Royalties, technical service fees

and similar payments may be remitted freely, but routine documentation may be required.

Debt-to-equity rules. Austrian tax law does not provide a special debt-to-equity ratio. Although, in general, shareholders are free to determine whether to finance their company with equity or loans, the tax authorities may reclassify loans granted by shareholders, loans granted by group companies, and loans granted by third parties guaranteed by group companies as equity, if funds are transferred under legal or economic circumstances that typify equity contributions, such as the following:

- The equity of the company is insufficient to satisfy the solvency requirements of the company, and the loan replaces equity from an economic point of view.
- The company's debt-to-equity ratio is significantly below the industry average.
- The company is unable to obtain any loans from third parties, such as banks.
- The loan conveys rights similar to shareholder rights, such as profit participations.

If a loan is reclassified (for example, during a tax audit), interest is not deductible for tax purposes and withholding tax on hidden profit distributions may become due. Capital duty was abolished, effective from 1 January 2016.

In addition, under Austrian corporate law there is the requirement of a minimum equity ratio of above 8% (and in addition, a notional debt repayment period of less than 15 years). If these criteria are not fulfilled, a defined (insolvency mitigation) procedure must be initiated.

Transfer pricing. Austria has accepted the Organisation for Economic Co-operation and Development (OECD) transfer-pricing guidelines and published a summary of the interpretation of the OECD guidelines by the Austrian tax administration in 2010. Under these guidelines, all transactions with related parties must be conducted at arm's length. If a transaction is considered not to be at arm's length, the transaction price is adjusted for corporate income tax purposes. This adjustment may be deemed to be a hidden profit distribution subject to withholding tax or a capital contribution. The Austrian transfer-pricing guidelines were updated in 2021. They take into account the changes that have occurred since 2010 in the area of the interpretation of the arm's-length principle at the OECD level, particularly in the context of the Base Erosion and Profit Shifting (BEPS) project.

In 2016, Austria introduced the Transfer Pricing Documentation Law (TPDL), which follows the three-tier documentation approach consisting of a Country-by-Country Report (CbCR), the master file and the local file. The master file and local file must be prepared if an Austrian constituent entity generated over EUR50 million turnover in the two preceding fiscal years. A CbCR must be prepared if the whole multinational group exceeded a threshold of consolidated turnover of EUR750 million in the preceding fiscal year. By the last day of the fiscal year for which a CbCR is prepared, each Austrian constituent entity of a multinational group exceeding the threshold must inform the competent Austrian tax office of the entity that is preparing or filing the CbCR and where this entity is a resident. Starting from 2022, the

notification by the Austrian constituent entity is only required in the case of changes since the last notification. An Austrian entity that does not reach the threshold for filing a master file and a local file still must file a master file if the multinational group is required to prepare one by another country. In addition, the TPDL clarifies that documentation obligations existing in addition to the TPDL (for example, accounting and filing obligations imposed by the Austrian Federal Fiscal Code [FFC]) are not affected by the TPDL. Therefore, it is strongly suggested that constituent entities resident in Austria of multinational groups that do not exceed the stipulated turnover of the TPDL prepare Transfer Pricing Documentation Reports in accordance with the FFC.

Controlled foreign companies and anti-abuse rules. On 1 January 2019, CFC rules entered into force. The CFC regime (in line with the EU Anti-Tax Avoidance Directive [ATAD; 2016/1164 of 12 July 2016]) applies if more than one-third of the income of a low-taxed foreign company is passive income and if the entity is lacking sufficient economic functions and substance.

Passive income is defined in line with the ATAD as consisting of the following:

- Interest or other income from financial assets
- Royalties and other income from intellectual property
- Dividends and capital gains from the disposal of shares, insofar as they would have been taxable at the level of the Austrian shareholder
- Income from capital leasing
- Income from activity as an insurance company, bank and other financial activities
- Income from invoicing companies, which derive income by selling goods and services that generate no or little economic value from and to affiliated companies

Low taxation means that the effective actual tax burden of the foreign company does not exceed 12.5%. The basis of assessment for the tax burden must be calculated according to Austrian tax law and compared to the actual foreign tax paid. For purposes of the CFC regime, low taxation does not exist if the low taxation stems only from a shorter depreciation period or a more favorable use of losses under the foreign tax law.

An Austrian company controls a foreign company if it holds alone or together with an associated entity directly or indirectly a participation of more than 50% in the foreign company. An associated entity is an entity in which the Austrian entity holds directly or indirectly a participation of at least 25%, as well as any entity that is held by the same entity or person that owns directly or indirectly a participation of at least 25% of the Austrian entity and the other entity. If more than one-third of the income of a low-taxed controlled foreign entity is passive income, the passive income is attributed to its controlling entity or entities to the extent of their participation, unless the foreign entity carries out substantial economic activity based on personnel, equipment, assets and premises. Foreign tax on the attributed passive income can be credited against the Austrian tax.

Hybrid mismatches. To implement the Anti-Tax Avoidance Directive 2 (ATAD 2), which amends the ATAD, into Austrian domestic law, a special regulation for hybrid mismatches entered into force on 1 January 2020. A hybrid mismatch occurs if expenses are deducted in one state and there is no taxation of the corresponding revenue in the other state (deduction/no inclusion) or if expenses can be deducted in more than one state (double deduction). Under the new Austrian anti-hybrid provision, tax effects of hybrid mismatch arrangements must be neutralized if a certain type of defined tax discrepancy occurs in a group of companies or a structured arrangement. The neutralization is achieved either by non-deductibility of the expenses in Austria or inclusion of the corresponding revenue in Austria.

DAC6. The EU directive on cross-border tax arrangements (DAC6) introduces mandatory disclosure requirements for certain cross-border tax arrangements, provided that the main benefit of such arrangements is the expectation of a lower tax burden and/or of other specific characteristics (so-called "hallmarks") defined in the EU-Meldepflichtgesetz, which implements the EU Directive on Administrative Cooperation.

BEPS 2.0 – Pillar Two. On 1 January 2024, Pillar Two measures entered into force. The new "Mindestbesteuerungsgesetz" implements the EU directive on ensuring a global minimum taxation for multinational enterprise groups and large-scale domestic groups in the EU (2022/2523 of 14 December 2022). For the latest information on Pillar Two, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

The following summary is intended purely for orientation purposes; it does not reflect the various special provisions of individual treaties or the withholding tax regulations in domestic tax law.

	Dividends		Interest (a)		Royalties	
	A	B	C	D	E	F
	%	%	%	%	%	%
Albania	15	5	5	5	5	5
Algeria	15	5	10	10	10	10
Armenia	15	5	10	10	5	5
Australia	15	15	10	10	10	10
Azerbaijan	15	5/10 (h)	10	10	10 (i)	5/10 (i)
Bahrain	0	0	0	0	0	0
Barbados	15	5	0	0	0	0
Belarus	15	5	5	5	5	5
Belgium	15	15	15	15	0	10
Belize	15	5	0	0	0	0
Bosnia and Herzegovina	10	5	5	5	5	5
Brazil	15	15	15	15	15 (f)	15 (f)
Bulgaria	5	0	5	5	5	5
Canada	15	5	10	10	10 (k)	10 (k)
Chile	15	15	4/5/10 (z)	4/5/10 (z)	2/10 (aa)	2/10 (aa)
China Mainland	10	7	10	10	10	10
Croatia	15	0	5	5	0	0

	Dividends		Interest (a)		Royalties	
	A	B	C	D	E	F
	%	%	%	%	%	%
Cuba	15	5	10	10	5	5
Cyprus						
From Cyprus	0	0	0	0	0	0
From Austria	10	10	0	0	0	0
Czech Republic	10	0	0	0	5 (j)	5 (j)
Denmark	15	0	0	0	0	0
Egypt						
From Egypt	15	15	15	— (b)	0	0
From Austria	10	10	0	0	0	0
Estonia	15	5	10	10	5/10 (q)	5/10 (q)
Finland	10	0	0	0	5	5
France	15	0	0	0	0	0
Georgia	10	0	0	0	0	0
Germany	15	5	0	0	0	0
Greece	15	5	8	8	7	7
Hong Kong	10	0	0	0	3	3
Hungary	10	10	0	0	0	0
Iceland	15	5	0	0	5	5
India	10	10	10	10	10	10
Indonesia	15	10	10	10	10	10
Iran	10	5	5	5	5	5
Ireland						
From Ireland	15	0	0	0	0	0
From Austria	10	10	0	0	0	10
Israel	10	0	0/5 (bb)	0/5 (bb)	0	0
Italy	15	15	10	10	0	10
Japan	10	0	0/25 (cc)	0/25 (cc)	0	0
Kazakhstan	15	5	10	10	10	10
Korea (South)	15	5	10	10	10 (n)	10 (n)
Kosovo	15	0	10	10	0	0
Kuwait	0	0	0	0	10	10
Kyrgyzstan	15	5	10	10	10	10
Latvia	10	5	10	10	5/10 (q)	5/10 (q)
Liechtenstein	15	0	0	0	10 (l)	10 (l)
Lithuania	15	5	10	10	5/10 (q)	5/10 (q)
Luxembourg	15	5	0	0	0	10
Malaysia						
From Malaysia	Special arrangements		15	15	10 (j)	10 (j)
From Austria	10	5	15	15	10/15 (ff)	10/15 (ff)
Malta						
From Malta	Special arrangements		5	5	10	10
From Austria	15	15	5	5	10	10
Mexico	10	5	10	10	10	10
Moldova	15	5	5	5	5	5
Mongolia	10	5	10	10	5/10	5/10
Montenegro	10	5 (w)	10	10	5/10 (x)	5/10 (x)
Morocco	10	5	10	10	10	10
Nepal	15	5/10 (r)	15 (s)	15 (s)	15	15
Netherlands	15	5	0	0	0	10
New Zealand	15	15	10	10	10	10
North Macedonia	15	0	0	0	0	0
Norway	15	0	0	0	0	0
Pakistan	15	10	15	15	10	10
Philippines	25	10	10/15	10/15	10/15	10/15

	Dividends		Interest (a)		Royalties	
	A	B	C	D	E	F
	%	%	%	%	%	%
Poland	15	5	5	5	5	5
Portugal	15	15	10	10	5	10
Qatar	0	0	0	0	5	5
Romania	5	0	3	3	3	3
Russian Federation	15	5	0	0	0	0
San Marino	15	0	0	0	0	0
Saudi Arabia	5	5	5	5	10	10
Serbia	15	5	10	10	5/10	5/10
Singapore	10	0 (m)	5	5	5	5
Slovak Republic	10	10	0	0	5	5
Slovenia	15	5	5	5	5	5
South Africa	15	5	0	0	0	0
Spain	15	10	5	5	5	5
Sweden	10	5	0	0	0	10
Switzerland	15	0	0	0	0	0
Taiwan	10	10	10	10	10	10
Tajikistan	10	5	8	8	8	8
Thailand						
From Thailand	(b)	15/20	10/25	10/25	15	15
From Austria	(b)	10	10/25	10/25	15	15
Tunisia	20	10	10	10	15 (p)	15 (p)
Türkiye	15	5	15 (v)	15 (v)	10	10
Turkmenistan	15	0	10	10	10	10
Ukraine	15	5	5	5	10	5
USSR (d)	0	0	0	0	0	0
United Arab Emirates	10	0 (ee)	0	0	0	0
United Kingdom	10/15 (dd)	0	0	0	0	0
United States	15	5	0	0	0 (g)	0
Uzbekistan	15	5	10	10	5	5
Venezuela	15	5	10 (e)	10 (e)	5	5
Vietnam	15	5/10 (t)	10	10	10	7.5 (u)
Non-treaty jurisdictions	27.5 (y)	23 (y)	0 (y)	0 (c)	20	20

A General.
B Dividends received from subsidiary company. Shareholding required varies from 10% to 95%, but generally is 25%.
C General.
D Mortgages.
E General.
F Royalties from 50% subsidiary.

(a) Under domestic tax law, a 25% withholding tax is imposed only on interest income from bank deposits and securities. However, interest paid to nonresidents is generally not subject to withholding tax. For details, see Section B.

(b) No reduced rate applies.

(c) No withholding tax is imposed, but the income is subject to tax at the regular corporate rate.

(d) Austria is honoring the USSR treaty with respect to the republics comprising the Commonwealth of Independent States (CIS), except for those republics that have entered into tax treaties with Austria. Austria has entered into tax treaties with Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. The withholding tax rates under these treaties are listed in the above table.

(e) Interest paid by banks is subject to a 4.95% withholding tax.

(f) Trademark royalties are subject to a 25% withholding tax. The withholding tax rate is 15% for royalties paid for literary, artistic and scientific items.

(g) The rate is 10% for royalties paid for the use of films or other means of production used for radio or television.

(h) The 5% rate applies if the participation of the recipient of the dividends exceeds USD250,000. The 10% rate applies if the participation of the recipient of the dividends exceeds USD100,000 but does not exceed USD250,000.
(i) The rate is 5% for royalties paid for technologies not older than three years.
(j) The rate is 0% for royalties paid for literary, artistic and scientific items.
(k) Royalties paid for computer software, patents and know-how are exempt if the royalties are taxed in the state of residence of the recipient.
(l) The rate is 5% for royalties paid to licensors engaged in industrial production.
(m) This rate applies to dividends received from a 10%-subsidiary.
(n) The rate is 2% for amounts paid for the use of commercial or scientific equipment.
(o) The rate is 20% for dividends paid by non-industrial Pakistani corporations.
(p) The rate is 10% for royalties paid for literary, artistic and scientific items.
(q) The 5% rate applies to amounts paid for the use of industrial or scientific equipment.
(r) The 5% rate applies to dividends received from a 25%-subsidiary; the 10% rate applies to dividends received from a 10%-subsidiary.
(s) The rate is 10% for interest paid to a bank if the interest arises from the transacting of bank business and if the recipient is the beneficiary of the interest.
(t) The 5% rate applies to participations of at least 70%. The 10% rate applies to participations of at least 25%.
(u) The rate is 7.5% for technical services.
(v) The rate is reduced to 10% for interest received from a bank. Interest on loans granted by the Österreichische Kontrollbank to promote exports or similar institutions in Türkiye is subject to a withholding tax rate of 5%.
(w) A shareholding of at least 5% is required.
(x) The 10% rate applies to industrial royalties.
(y) See Section B.
(z) The 4% rate applies if the beneficiary is one of the following:
- A bank
- An insurance company
- A company that derives its gross income principally from the active and regular conduct of a credit or financing business in connection with business transactions with persons in which the entity is not affiliated with the payer of the interest
- A company that has sold machinery and equipment if interest is paid on a debt incurred as a result of the sale of that machinery and equipment on credit
- Any other company, provided that in the three tax years preceding the tax year in which the interest is paid, the company finances more than 50% of its liabilities from the issue of bonds on the financial markets or the receipt of interest-bearing deposits, or that more than 50% of the company's assets consist of receivables from unrelated persons

The 5% rate applies to interest related to bonds or debentures that are regularly and mainly traded on a recognized stock exchange.
(aa) The 5% rate applies to royalties for the use of, or the right to use, industrial, commercial or scientific equipment.
(bb) No withholding tax is imposed if any of the following circumstances exist:
- The interest is paid to the government of the other contracting state, or a political subdivision, a local authority or the central bank thereof.
- The interest is paid by the government of the other contracting state, or a political subdivision, a local authority or the Central Bank thereof.
- The interest is paid to a pension fund or similar arrangement that is a resident of the other contracting state.
- The interest is paid to a resident of the other contracting state on corporate bonds that are traded on a stock exchange in the first-mentioned state (state of source) and that were issued by a company that is a resident of that state.
- The interest is paid with respect to a loan, debt claim or credit that is owed to or made, provided, guaranteed or insured by the first-mentioned state (state of source), or political subdivision, local authority or export financing agency thereof.

(cc) In general, no withholding tax is imposed. However, in the case of Austria, income derived from debt claims carrying a right to participate in profits, including income derived from profit-participating loans and profit-participating bonds, may also be taxed in Austria according to the laws of Austria if it arises in Austria; in the case of Japan, interest arising in Japan that is determined by reference to receipts, sales, income, profits or other cash flow of the debtor or a related person, to any change in the value of any property of the debtor or a related person, to any dividend, partnership distribution or similar payment made by the debtor or a related person, or to

any other interest similar to such interest arising in Japan may also be taxed in Japan according to the laws of Japan.

(dd) The 15% rate applies if the dividend is paid by a relevant investment vehicle. If the dividend is paid by any other entity, the general withholding tax rate is 10%.

(ee) This rate applies if the beneficial owner is either of the following:
- The other state itself, a political subdivision or local authority thereof or a Qualified Government Entity
- A company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends

(ff) The rate is 10% for royalties paid for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, or copyrights of scientific works, or for the use of, or the right to use, industrial, commercial, or scientific equipment, or for information concerning industrial, commercial or scientific experience. The rate is 15% for the use of, or the right to use, cinematographic films, or tapes for radio or television broadcasting or any copyrights of literary or artistic works.

Amendments to the treaties with Germany and Korea (South) are applicable from 2024. Amendments to the treaty with the United Arab Emirates are applicable from 2023 (among the changes is the switch from the exemption method to the credit method in Austria).

On 14 September 2023, a protocol amending the treaty with China Mainland was signed. Likewise, on 12 September 2023, a protocol amending the treaty with New Zealand was signed.

In 2021, for the treaties with Tajikistan and Ukraine, protocols implementing Austria's international obligation to align its double tax treaties with the new OECD standard on tax transparency and administrative assistance entered into force.

The tax treaty with the Russian Federation was suspended by the Russian Federation, effective from 7 December 2023. The tax treaty with Argentina was suspended by Argentina, effective from 1 January 2009.

Austria signed and ratified the Multilateral Instrument in 2017. It entered into force in 2018.

Azerbaijan

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Because of the rapidly evolving economic situation in Azerbaijan, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Profits Tax Rate (%)	20
Capital Gains Tax Rate (%)	20
Permanent Representation Tax Rate (%)	20
Withholding Tax (%)	
Dividends	5 (a)
Interest or Financial Lease Payments	10 (b)
Royalties from Patents, Know-how, etc.	14 (b)
Management Fees	10 (b)
Income from International Transportation and Telecommunication Services	6 (b)
Insurance Payments	4 (b)
Payments of other Azerbaijani-Source Income to Foreign Companies	10 (b)
Payments to Countries and Territories with a Preferential Tax Regime	10 (b)(c)
Transfers of Funds to Accounts Created in the Electronic Wallets of Nonresidents	10 (b)(d)
Branch Remittance Tax	10 (b)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) These are final withholding taxes applicable to payments to Azerbaijani and foreign legal entities.

(b) This is a final withholding tax applicable to payments to foreign legal entities unless the payment is made to foreign legal entities incorporated or registered in jurisdictions with a preferential tax regime or payments made to bank accounts located in such jurisdictions.

(c) Direct or indirect payments made by residents of Azerbaijan or permanent establishments of nonresidents located in Azerbaijan to persons incorporated or registered in jurisdictions with a preferential tax regime or payments made to bank accounts located in such jurisdictions are considered to be income from an Azerbaijani source and are subject to a 10% withholding tax on the gross amounts of the payments. The list of jurisdictions with a preferential tax regime is approved by the President of Azerbaijan on an annual basis. Certain payments are specifically excluded from the list of payments considered to be made to the countries and territories with preferential tax regimes

(principal amount of a loan, dividends derived from investments to Azerbaijan, interest from deposits held in financial institutions of Azerbaijan and purchase of bonds, remittances of net profit of permanent establishments of a nonresident to that nonresident, and others).

(d) Transfers of funds to accounts created in the electronic wallets of nonresidents (online payment systems) by residents of Azerbaijan not registered for tax purposes are subject to a 10% withholding tax. This tax must be withheld by a local bank, branch of a foreign bank located in Azerbaijan or national postal operator from the residents making the transfers.

B. Taxes on corporate income and gains

Corporate profit tax. Enterprises carrying on activities in Azerbaijan, including enterprises with foreign investment, joint ventures and legal entities operating through a permanent representation, are subject to tax.

Azerbaijani resident legal entities are subject to tax on their worldwide income. For tax purposes, Azerbaijani resident legal entities are entities incorporated in Azerbaijan and entities that have their effective management located in Azerbaijan, including 100%-owned subsidiaries of foreign companies.

Nonresident legal entities are subject to tax on profits earned through a permanent representation only. A permanent representation is defined as a place where the entrepreneurial activities of a nonresident are carried out in Azerbaijan for a period amounting to or exceeding 90 days in the aggregate. The term permanent representation includes, but is not limited to, the following:

- Persons who are performing the function of a permanent establishment of a nonresident legal entity or a person acting on their behalf, accumulating a client base for their benefit and organizing works with their clients, entitled to prepare and conclude contracts in the name thereof and commonly carrying out the enlisted responsibilities
- A place of management, a bureau, an office, a branch or an agency
- Construction and repair sites, installation, commissioning or assembly object, as well as supervisory activities associated therewith
- A place of exploration, exploitation or extraction of natural resources or drilling equipment or a vessel used for such purposes, as well as supervisory activities over such items
- A place where the business activity of a nonresident is carried out, including a place where goods are produced or services, including consulting services, are performed
- A person who acts in Azerbaijan on behalf of a nonresident and who has and habitually exercises an authority to negotiate and conclude contracts on behalf of that nonresident

The Azerbaijan Law on the Protection of Foreign Investments allows foreign investment in various forms, including investment through 100% foreign-owned subsidiaries, share participations in joint stock companies and in joint ventures with Azerbaijani legal entities, individuals and establishments of branches and representative offices.

Tax rate. All entities operating in Azerbaijan are subject to corporate profit tax at a rate of 20%.

Capital gains. Capital gains are included in taxable income and taxed at the regular rate.

Administration. The tax year is the calendar year. The tax year for newly created enterprises or permanent representations of foreign legal entities runs from the date of formation through 31 December of the year of formation.

All entities operating in Azerbaijan must make advance payments of corporate profit tax by the 15th day following the end of each quarter. Each advance payment must equal at least one-quarter of the profit tax liability for the prior tax year. Alternatively, the amounts of the advance payments may be determined by multiplying the company's revenues for the quarter by the company's effective tax rate for the prior year. Advance tax payments for corporate profit tax of taxpayers that did not have an activity or taxable profit (income) in the prior tax year is calculated only based on the second option. The effective tax rate is equal to tax as a percentage of revenues.

If, at the end of the tax year, it is determined that the total of the advance payments exceeds the tax due for the year, the excess may be credited against future tax obligations or refunded. In practice, however, the tax authorities rarely, if ever, issue refunds. Consequently, entities generally credit overpayments against future taxes.

Dividends. Dividends paid are subject to income tax withholding at a rate of 5%. This is considered a final tax, and companies do not include the dividends in taxable profits. An allocation to a shareholder as a result of the liquidation of a company of its share of undistributed net profit or any asset sourced from such undistributed profit is also treated as a dividend distribution.

Foreign tax relief. Corporate income taxes paid by residents of Azerbaijan in foreign countries on their income derived from those foreign countries may be credited against Azerbaijani profit tax imposed on the same corporate income. However, the amount credited may not exceed the tax calculated on such income under the tax legislation of Azerbaijan.

C. Determination of trading income

General. Taxable profit is determined by computing the profit or loss from business activities and then adding income from non-trading operations, such as leasing income and capital gains, but excluding dividends received. Income received in foreign currency is converted into manats (AZN) at the daily exchange rate determined by the Central Bank of Azerbaijan.

Statutory norms limit the deductions for certain categories of expenses, such as business travel expenses, repair expenses, interest paid on foreign borrowings and interest paid between related parties. Expenses for meals and entertainment as well as for the providing of food and housing to employees are disallowed except for representation expenses, accommodation and meal expenses for employees, as well as healthful and dietary meals, milk, and other equivalent products and means provided to employees working in harsh and hazardous conditions, including those engaged in underground work. Such deductions are allowed within norms approved by the Cabinet of Ministers.

Foreign legal entities doing business through a permanent representation in Azerbaijan are taxed on actual profits. If actual

profits cannot be determined, the tax authorities may determine taxable profits based on either income or expenses, with a deemed profit margin of 20%.

Tax depreciation. Fixed assets, other than buildings, are subject to depreciation by a group method. Under this method, fixed assets are allocated to groups, and the groups are depreciated in aggregate. Depreciation rates, which are specified by law, are applied to the aggregate book values for each of the groups. The depreciable balance for a group is reduced by the depreciation accrued for the year by the group. If any assets of a group are sold during the year, the depreciable balance of the group is reduced by the residual value of such assets. The profit or loss on the sale of such assets is separately determined.

An acquisition of assets under a finance lease is treated as a loan from the lessor to the lessee and a purchase of assets by the lessee. The lessee may then claim depreciation on the assets.

The costs incurred for the repair of fixed assets that are not accounted for on the lessee's balance sheet, not reimbursed at the expense of the rent or not reimbursed by the lessor are capitalized by the lessee are deductible during the contractual term, but not less than five years, with proportionate amortization over the years. The expenses incurred for the repair of leased fixed assets are capitalized separately for each year.

Relief for losses. An enterprise incurring a loss in a tax year may carry forward the loss to the following five years, without limitation on the amount, to offset the profit in such following years. The amounts resulting from the application of lower depreciation and repair expense rates during a period when a taxpayer is eligible for profit (income) tax exemption are not added to the deductible amount for the years following the expiration of the exemption entitlement.

Groups of companies. There are no provisions permitting related enterprises to offset profits and losses among members of a group.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on goods sold and services rendered, in Azerbaijan; the tax law contains specific rules for determining when services are deemed to be provided in Azerbaijan; Azerbaijani taxpayers that make payments to entities that are not registered taxpayers in Azerbaijan for services provided in Azerbaijan must calculate VAT on the payments	18
VAT, on provision of electronic commerce works and services to residents by nonresidents engaged in electronic commerce through the internet information resource; these nonresidents should electronically register for VAT purposes and respectively report and pay their VAT liabilities; the requirement to undergo electronic VAT registration is not mandatory;	

Nature of tax	Rate (%)
if a nonresident provides electronic commerce services to a person not registered as a VAT payer, the bank, branch of a foreign bank located in Azerbaijan or national postal operator from the resident making the transfer is obliged as tax agent to withhold VAT from the payer and remit it to the state budget; if a nonresident provides electronic commerce services to a person registered as VAT payer, the respective person acts as a tax agent and accrues VAT on payment made to the nonresident.	18
Assets tax, on the annual average net book value of fixed assets or the market price of the asset if the insurance value of assets exceeds the net book value	1
Import tariffs	0 to 15

E. Miscellaneous matters

Foreign-exchange controls. The manat (AZN) is a non-convertible currency outside Azerbaijan. Enterprises may buy or sell foreign currency through authorized banks or foreign-exchange offices in Azerbaijan.

To receive foreign-currency income in Azerbaijan, an enterprise must obtain a license issued by the Central Bank of Azerbaijan.

Transfer pricing. Recent legislative amendments to the Tax Code of the Republic of Azerbaijan introduced transfer-pricing rules, effective from 1 January 2017. These rules are conceptually based on the arm's-length principle outlined in the transfer-pricing guidelines developed by Organisation for Economic Co-operation and Development (OECD). The new rules apply to Controlled Transactions, as defined in the rules. The following are Controlled Transactions:

- Transactions between residents of Azerbaijan and nonresident related parties of such residents, as well as between the same residents and any of their establishments, branches or other subsidiaries located in another country or territory
- Transactions between permanent establishments of nonresidents and such nonresidents, as well as representative offices, branches and other establishments of such nonresidents in other countries and any other persons located in other countries that are related parties of such nonresidents
- Transactions between residents of Azerbaijan and/or permanent establishments of nonresidents in Azerbaijan and persons incorporated or registered under the laws of the jurisdictions recognized as preferential tax regime countries under the laws of Azerbaijan
- Transactions between a resident of Azerbaijan or a permanent establishment of a nonresident in Azerbaijan and an unrelated nonresident party if the following conditions are met:
  - The transaction involves sales commodities traded on international commodity exchanges.
  - The total turnover of a resident of Azerbaijan or a permanent establishment of a nonresident in Azerbaijan exceeds AZN30 million and the share of a transaction with any nonresident exceeds 30% of total revenue or expenses, respectively.

Except for the last two abovementioned listed transactions, Controlled Transactions are subject to reporting requirements if the annual turnover of transactions per each counterparty exceeds AZN500,000 (approximately USD294,100).

For the last two abovementioned listed transactions, there is no annual turnover threshold for the reporting requirement. Therefore, they should be reported regardless of the annual turnover. Reporting is achieved through the submission of a Notification on Controlled Transactions by 31 March of the year following the reporting year. Notification should provide details of controlled transactions as well as transfer-pricing-related, self-adjustment amounts, if any. Therefore, a transfer-pricing analysis should be conducted by taxpayers by 31 March in order to reach a conclusion as whether transfer-pricing-related, self-adjustments are to be made, if any. There is a penalty for incorrect presentation of information in the notification. There is an AZN2,000 (approximately USD1,200) penalty for incorrect presentation of information in the notification.

There is a requirement to prepare transfer-pricing documentation with a deadline for such documentation to be provided within 15 days after the date of a request of the tax authorities during a tax audit. There are certain differences between an OECD Local File and a Local File as per country transfer pricing local regulations in terms of required additional documents (that is, a Local File in Azerbaijan is a combination of the OECD's Master File and Local File), economic analysis specifics (benchmarking search strategy and manual check) and tax audit readiness assessment. In most tax audits, an OECD Local File is insufficient since an extensive "defense package" should be prepared as part of the transfer-pricing analysis.

If information provided by a taxpayer is insufficient, the tax authorities have a right to perform their own transfer-pricing analysis and, if relevant, assess additional profit tax liability. Therefore, an OECD Local File can be considered insufficient by the tax authorities during a tax audit if the specified above localization work was not performed. If the tax authorities make a price correction during the on-site tax audit, the additional tax accrual could be subject to a 50% financial sanction.

Country-by-country reporting. Effective from 1 January 2020, constituent entities of a Multinational Enterprise Group (MNE Group) that are residents of Azerbaijan should report their operations in the established form to the tax authorities for country-by-country reporting purposes. An MNE Group is a group of two or more enterprises that are resident in different jurisdictions or a group that includes an enterprise resident in one jurisdiction that carries out business activities through a permanent establishment located in another jurisdiction. A constituent entity of an MNE group consists of the entity and its subsidiaries, affiliates, branches and representative offices. Reporting obligations are imposed on constituent entities of MNE Groups whose overall income within a financial year exceeds EUR750 million.

F. Treaty withholding tax rates

The withholding rates under Azerbaijan's ratified treaties are listed below. Because of recent reductions in domestic withholding tax

rates, the tax treaties may now specify rates that are the same as, or in excess of, domestic rates and, consequently, offer little or no savings with respect to withholding taxes. The rates in the table reflect the lower of the treaty rate and the rate under domestic tax law.

	Dividends %	Interest %	Royalties %
Austria	5/10/15	10	5/10
Belarus	15	10	10
Belgium	5/10/15	10	5/10
Bosnia and Herzegovina	10	10	10
Bulgaria	8	7	5/10
Canada	10/15	10	5/10
China Mainland	10	10	10
Croatia	5/10	10	10
Czech Republic	8	5/10	10
Denmark	5/15	8	5/10
Estonia	5/10	10	10
Finland	5/10	10	5/10
France	10	10	5/10
Georgia	10	10	10
Germany	5/15	10	5/10
Greece	8	8	8
Hungary	8	8	8
Iran	10	10	10
Israel	15	10	5/10
Italy	10	10	5/10
Japan	7/10	7	7
Jordan	8	8	10
Kazakhstan	10	10	10
Korea (South)	7	10	5/10
Kuwait	5/10	7	10
Latvia	5/10	10	5/10
Lithuania	5/10	10	10
Luxembourg	5/10	10	5/10
Malta	8	8	8
Moldova	8/15	10	10
Montenegro	10	10	10
Netherlands	5/10	10	5/10
North Macedonia	8	8	8
Norway	10/15	10	10
Pakistan	10	10	10
Poland	10	10	10
Qatar	7	7	5
Romania	5/10	8	10
Russian Federation	10	10	10
San Marino	5/10	10	5/10
Saudi Arabia	5/7	7	10
Serbia	10	10	10
Slovenia	8	8	5/10
Spain	5/10	8	5/10
Sweden	5/15	8	5/10
Switzerland	5/15	5/10	5/10
Tajikistan	10	10	10
Türkiye	12	10	10
Turkmenistan	10	10	10
Ukraine	10	10	10

	Dividends %	Interest %	Royalties %
United Arab Emirates	5/10	7	5/10
United Kingdom	10/15	10	5/10
Uzbekistan	10	10	10
Vietnam	10	10	10
Non-treaty jurisdictions	10	10	14

Bahamas

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A. At a glance

Corporate Income Tax Rate (%)	0
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	0
Withholding Tax (%)	0

B. Taxes on corporate income and gains

No taxes are currently levied on corporate income or capital gains.

On 21 February 2024, in his midyear budget statement, the Prime Minister of The Bahamas (in his capacity as Minister of Finance) announced the government's intention to introduce a Qualified Domestic Minimum Top-Up Tax (QDMTT) at a rate of 15%. This QDMTT would be imposed on Bahamian entities that are part of multinational entity groups if the group's revenue exceeds EUR750 million (referred to as "Pillar Two entities"). It was also noted that the proposed QDMTT may entail certain Pillar Two Entities accruing Bahamian corporate income tax with respect to 2024. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf).

C. License fees and other duties

Business license fees. All individuals and resident and nonresident entities seeking to do business within The Bahamas must apply with the regulating authorities and be granted approval for a business license to conduct such activities. Application requirements differ depending on the business activity and entity. The entity must seek approvals from the regulatory authorities, and when applicable, provide the requisite supporting documents, and remit applicable fees to meet the business license application criteria. Foreign entities with no physical presence within The

Bahamas conducting business in The Bahamas, including the provision of digital and/or e-commerce services, are also subject to business license compliance requirements.

For corporations designated as residents for exchange-control purposes, their business revenue in The Bahamas is subject to an annual license fee, which varies according to annual revenue or turnover. Businesses that have annual turnover not exceeding BSD100,000 are no longer required to pay a business license fee. If the turnover exceeds BSD100,000 per year, the fee varies from 0.5% to 1.25%, based on the business annual revenue or gross turnover. Instead of the regular fees, businesses that are insurance companies are subject to a business license fee of 2.25% of gross turnover.

There is a specific exemption in the 2023 Business Licence Bill for investment funds regulated under the Investment Funds Act, 2019 (No. 2 of 2019), and businesses that are pure equity holding entities. For those businesses that are not doing business in or from within The Bahamas, businesses that operate as an investment fund or a pure equity holding company do not require a business license as the 2023 Business License Bill does not specifically apply to them. Financial services entities doing business in or from within The Bahamas are subject to business license fees between 0.25% and 2.25% of gross turnover depending on how they are regulated.

Annual business licenses are renewed annually. Businesses with turnover of BSD250,000 but less than BSD5 million are required to submit a report of turnover prepared by a Bahamas Institute of Chartered Accounts (BICA) licensee in accordance with International Standards on Review Engagements. Businesses with turnover of BSD5 million or greater are required to submit audited financial statements prepared by a BICA licensee.

The occasional business license, which is mainly for approved events, is granted for a period of seven days at a fee of BSD25 per application. The temporary business license is granted to foreign individuals or companies for a fee that equals 1.5% of gross turnover.

As an anti-tax avoidance measure, a subsidiary in The Bahamas is subject to the same business license tax rate as is its parent in The Bahamas.

The deadline for the submission of business license renewal applications is one month following the end of the calendar year of the business. Effective 1 July 2022, subject to transitional provisions, all businesses are required to file on a calendar-year basis. The payment of business license fees must be made within three months following the end of the calendar year (31 March). Together with the payment of business license fees, proof of payment of real property tax must be produced before the license is issued.

Corporations regulated by other specified legislation may not be subject to this fee.

Bank and trust company license fees. Offshore banks and trust companies licensed under the Bank and Trust Companies Regulation Act are subject to license fees, which vary depending

on the value of the assets under management. The Banks and Trust Companies Regulations (Amendment) Act, 2019 revised the license fee structure for Domestic Systemically Important Institutions (DSIIs), which include all retail banks in The Bahamas. DSIIs are assessed a levy of 0.3% and are subject to annual license fees ranging from BSD80,000 to BSD2 million per license. The 0.3% levy is calculated as follows: 0.3% is multiplied by the consolidated total domestic liabilities amount of the DSII less the levy threshold plus the regulatory capital amount equivalent to 16% of the DSII's risk-weighted assets.

International business companies. IBCs pay an annual license fee based on authorized capital. Government fees related to the creation of an IBC equal BSD400 for capital up to BSD50,000 and BSD1,200 for capital over BSD50,000. IBCs were previously not subject to business license fees because their return corresponds to export turnover. However, as of 1 July 2022, export turnover is included in the calculation of turnover. Business license tax is now calculated based on total revenues accruing to businesses from their activities in The Bahamas with no exclusions. In addition, IBCs must obtain an annual business license if they carry on a business in or from The Bahamas, and they may also be subject to value-added tax (VAT) registration if they exceed the BSD100,000 threshold of gross turnover. Generally, IBCs were exempt from all other taxes and stamp duties for a period of 20 years, excluding transactions involving real estate within The Bahamas. However, The Bahamas government enacted the Removal of the Preferential Exemption Act, 2018 in an effort to adhere to international tax leading practices, avoid ring-fencing and remove preferential tax treatment. The previous tax exemptions enjoyed by IBCs expired on 31 December 2021. With the expiration of this legislation, the treatment of IBCs is comparable to domestic companies in that IBCs are subject to compliance and reporting requirements, such as stamp duty and other nominal taxes. IBCs are normally created through corporate service providers that charge separate fees for their services.

Limited duration companies. Limited duration companies (LDCs) pay an application fee of BSD850 and an annual license fee based on authorized capital. LDCs may be classified as partnerships for US tax purposes. By complying with certain formalities, an existing IBC may change its status to an LDC.

Insurance companies. Insurance companies that are incorporated in The Bahamas pay stamp tax on authorized capital (for details, see Section D). They also pay the fees described below.

Resident insurance companies that write local business pay an initial registration fee of BSD1,000.

Restricted offshore insurance companies pay an initial registration fee of BSD2,500 and an annual fee of BSD2,500 in subsequent years. Unrestricted companies pay an initial registration fee of BSD3,500 and an annual fee of BSD3,500 in subsequent years. Offshore insurance companies also pay an annual fee of BSD1,000 for each licensed resident insurance manager who provides underwriting as a service. Offshore insurance

companies are exempt from all other taxes for a period of 20 years from the date of registration.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
VAT on any taxable supply of goods and services, as well as importations; applied at the standard rate, unless an exception applies such as a zero-rating or a VAT exemption; standard and zero-rated supplies allow input VAT recovery on purchases made, but VAT exemption results in input VAT being a cost; the government mandates that nonresident entities who provide e-commerce and/or digital services for which the benefit is obtained in The Bahamas are subject to the provisions of the VAT Act; as a result, they are responsible for charging, collecting, reporting, and paying the relevant VAT at the standard rate in accordance with the VAT Act; this applies to business-to-business (B2B) and business-to-consumer (B2C) transactions; the VAT Act does not differentiate between B2B and B2C transactions the legislation provides limited exceptions; VAT registration is mandatory for a person or business making taxable supplies or taxable importations and having turnover exceeding BSD100,000 in any period of 12 months or less; the legislation also provides for voluntary registration; standard rate	10%
VAT on conveyances, long-term leases and other real property transactions; VAT rate based on value of an assignment or transfer of personality or realty	
BSD100,000 and under	2.5%
BSD100,001 and above	10%
VAT flat rate scheme; suppliers charge standard rate for output and apply flat rate to determine input tax	7.5%
Customs duties, on imported items; exemptions may be granted to businesses licensed under certain legislation; rate varies by type of item	Various
Stamp duty (some of the most common)	
A resolution increasing the capital of a domestic limited company; for every BSD50,000 or fraction thereof	BSD10
Repatriation of substantial profits generated in The Bahamas by trading concerns; tax is imposed on each transfer of funds exceeding BSD500,000 per year if the transfer represents dividends, profits or payments for services rendered by a related party	
Repatriated foreign currency	5%
Repatriated Bahamian dollars	1.5%

Nature of tax	Rate
Transaction, instrument or receipt whereby funds are converted into foreign currency regardless of whether such funds are remitted or transferred out of The Bahamas	1.5%
Leasing, subleasing or licensing of marina slips; tax rate applied to value	
BSD0 to BSD100,000	2.5%
BSD100,001 and above	10%
Real property tax; application of tax varies depending on appraised value, location, nationality of owner and development of property; different categories at progressive rates	Various
National insurance contributions on weekly wages up to BSD710, on monthly wages up to BSD3,077, or on annual wages up to BSD36,924; paid by	
Employer	5.9%
Employee	3.9%

E. Miscellaneous matters

Foreign-exchange controls. Corporations doing business in The Bahamas fall into the categories of resident or nonresident.

A resident company is a company that deals in or holds assets in The Bahamas. Business is carried out in Bahamian dollars. Specified transactions requiring foreign currency need prior approval of the Central Bank of The Bahamas to convert Bahamian dollars into another currency.

A nonresident company is one whose shareholders are not designated residents of The Bahamas and whose principal business activity takes place outside The Bahamas. Bank accounts in all currencies other than the Bahamian dollar can be operated free of any exchange controls. Shares of nonresident companies incorporated under the Companies Act cannot be transferred without the prior permission of the Central Bank of The Bahamas. Exchange-control regulations generally do not apply to companies incorporated under the International Business Companies Act.

Economic substance. The Bahamas enacted economic substance legislation, named the Commercial Entities (Substance Requirements) Act 2018 (CERSA) to comply with the global compliance standards under the Organisation for Economic Co-operation and Development (OECD) Action 5, effective from 1 January 2019. CERSA applies to all entities registered in The Bahamas and captures companies incorporated or registered under the following legislation:

- The Company Act
- International Business Company Act
- Partnership Act
- Partnership Limited Liability Act
- Exempt Limited Partnership Act

CERSA further provides that the following activities serve to qualify for CERSA:

- Banking business
- Insurance business
- Fund management business
- Finance and leasing business
- Headquarters' business
- Distribution and service center business
- Shipping business
- Commercial use of intellectual property
- Holding company or one or more of the company's subsidiaries is engaged in one of the activities mentioned above

The new substance requirements apply to entities that perform certain activities, generally described as relevant activities. These requirements apply to entities engaged in banking, insurance or fund management; headquarter companies; companies engaged in financing and leasing; companies engaged in distribution; service centers; shipping companies; and intellectual property businesses, among others. An included entity carrying on relevant activities must conduct core income generating activities (CIGA) in The Bahamas, which presupposes adequate amounts of annual operating expenditure, levels of qualified full-time employees, physical offices, and levels of board management and control in The Bahamas.

In addition, no included entity may outsource any of its CIGA to an entity or person outside of The Bahamas. Special considerations must be taken into account for holding companies and intellectual property companies. Entities are required to file the requisite form or forms with the Department of Inland Revenue within nine months after the end of the fiscal year in the manner specified by the CERSA. The reporting for 2021 and future years must be submitted within nine months after the fiscal year end of the entity as per the CERSA.

Country-by-Country Reporting. The Multinational Entities Financial Reporting Act, 2018, outlined potential Country-by-Country Reporting (CbCR) requirements for the 2018 year-end. Under Sections 4(1) and 4(2) of this act, constituent entities resident in The Bahamas whose reporting fiscal year began during 2018 were required to provide a certain notification to the competent authority by 31 May 2019. The Country-by-Country Exchange of Information portal was reopened on 16 December 2021 for approximately one month to account for any outstanding year-end filings and notifications. Opening and closing dates for 2021 reporting have not yet been made available. CbCR XML Schema Version 2.0 is also in effect from 1 February 2021. Following the Guidance Notes released in December 2020, only Bahamas-based Ultimate Parent Entities (UPE) and Surrogate Parent Entities of multinational enterprise groups are required to notify and prepare Country-by-Country (CbC) Reports. Constituent Entities in The Bahamas of UPEs elsewhere need only notify the competent authority. Notification is a one-off process and does not need to be submitted annually except that changes must be notified by email before the end of the year in which the change occurred.

Beneficial ownership reporting. Registration under the Beneficial Ownership Act, 2018 (BOSS) was implemented to foster greater

transparency within the global financial sector and align with the OECD and Financial Action Task Force (FATF) recommendations. BOSS provides for a "private" searchable register of beneficial owners, domestic and international companies that operate within The Bahamas and is only accessible to approved authorized persons. Licensees are required to notify the Registered Agent or Registrar General of beneficial owners and provide updated information within 15 days of becoming aware of a change in the beneficial owners and registrable legal entities. Licensees under the following acts are required to comply with the BOSS:

- Bank and Trust Regulations Act
- Investment Funds Act
- Security Industry Act 2011
- The Insurance Act
- The Financial and Corporate Service Providers Act

The following facilities are exempted from the obligation of identifying the beneficial owner:

- A legal entity the securities of which are listed on a regulated securities exchange
- An entity incorporated, registered, continued or otherwise established in accordance with Companies Act (Ch. 308) or International Business Companies Act (Ch. 309) as well as any licensees previously defined (licensees or registrants under the Bank and Trust Regulations Act [Ch. 316], the Investment Funds Act [Ch. 369A], the Security Industry Act 2011 [No. 10 of 2011], the Insurance Act [Ch. 347], the External Insurance Act [Ch. 347], or the Financial and Corporate Service Providers Act [Ch. 363])
- Any other legal entity the Attorney general may exempt by regulations

Failure to comply may result in fines ranging from BSD5,000 to BSD40,000 on summary of conviction and BSD10,000 to BSD250,000 on conviction on indictment. Summary of conviction is only triable in the Magistrate's Court (no jury and limited sentences); however, summary of conviction is triable in the Crown Court with a jury after committal proceedings in the Magistrate's Court and may result in higher penalties if the person is found guilty.

F. Tax treaties

The Bahamas does not have any existing tax treaties. The Bahamas has entered into tax information exchange agreements with various countries.

On 3 November 2014, The Bahamas and the United States signed and released a Model 1 Intergovernmental Agreement (IGA) for the implementation of the US Foreign Account Tax Compliance Act (FATCA).

The Bahamas has committed to adopting the OECD Common Reporting Standard (CRS). Reporting Financial Institutions were expected to report to The Bahamas Competent Authority by 31 August 2018 for the reporting year ended 31 December 2017. The reporting deadline for these submissions is August following the calendar year end; however, the deadline does not presently have a fixed date.

Bahamian-domiciled financial institutions are required to remain compliant with both the FATCA and CRS tax regimes as per the IGAs signed by the Bahamian government.

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A. At a glance

Corporate Income Tax Rate (%)	0*
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	0
Withholding Tax (%)	0

* Oil and gas companies are subject to a special income tax (see Section B).

B. Taxes on corporate income and gains

Except for the income tax levied on oil and gas companies, no taxes are levied on corporate income or gains. Oil and gas companies are subject to tax on income derived from the sale of finished or semifinished products manufactured from natural hydrocarbons in Bahrain and from the sale of such raw materials if produced from the ground in Bahrain. The rate of tax is 46%.

C. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT); the scope of VAT includes supplies of all goods and services made in Bahrain as well as imports; certain supplies are zero-rated or exempt	
Standard rate	10%
Customs duties; effective from 1 January 2003, the customs duties of the Gulf Cooperation Council (GCC) countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates) are unified; Bahrain applies the unified tariff in accordance with the Harmonized System codes, issued by the World Customs Organization (WCO); under the unified customs tariff, for all products, except for tobacco and tobacco-related products, customs duties are calculated by applying percentage rates; for tobacco and tobacco-related products, the customs duty equals the higher of an amount calculated by applying a rate of at least 100% to the value of the product or an amount based on the quantity or weight; in general, products are divided into four groups	
Rates for the four groups	Free duty/ 5%/20%/100%/125%
Excise duty; imposed on goods harmful to human health and the environment that are listed by the GCC Financial and Economic	

Nature of tax	Rate
Cooperation Committee	
Carbonated drinks	50%
Energy drinks	100%
Tobacco	100%
Social insurance contributions; collected by the Bahraini social security authorities (the Social Insurance Organization [SIO]); payable on compensation of up to BHD4,000 per month for each employee	
Pension fund contributions; applicable to base salaries and fixed allowances of Bahraini nationals; paid by	
Employer	13%
(The contribution rate for the employer is being increased by 1% on a yearly basis from January 2023 until 2028, when it will reach a rate of 17%.)	
Employee	7%
Insurance against occupational hazard; applicable to base salaries of Bahraini nationals and expatriates; paid by employer	3%
Insurance against unemployment; applicable to base salaries of Bahraini nationals and expatriates; paid by employee	1%
(Non-Bahraini GCC nationals are not covered by the Bahraini social security scheme, as they will continue to be subject to their home country's social security scheme based on the framework agreement signed between all GCC countries (Unified Law of Insurance Protection Extension for the GCC States Citizens Working Outside their Countries in any of the Council State Members). The home country social security contributions will be collected by the SIO and transferred to the home country's social security authorities (details of the process depend on the specific home country.)	
Municipal tax; payable by companies and individuals renting property in Bahrain; the tax rate varies according to the nature of the property and the payer of the utilities (that is, landlord or tenant)	10%
Foreign workers levy; payable monthly by all private and public companies with respect to each employed expatriate	BHD5 for the first five expatriate employees and BHD10 for each additional expatriate employee

D. Miscellaneous matters

Foreign-exchange controls. Bahrain does not impose foreign-exchange controls.

Base Erosion and Profit Shifting. On 11 May 2018, the Organisation for Economic Co-operation and Development (OECD) announced that Bahrain has joined the Base Erosion and Profit Shifting (BEPS) Inclusive Framework (BEPS IF). As a BEPS Associate, Bahrain will be able to work alongside the OECD and G20

countries on developing standards on BEPS-related issues and the implementation of monitoring processes. Bahrain is also now committed to implementing the minimum standards of the BEPS plan, which are Actions 5, 6, 13 and 14. In addition, in line with BEPS Action 5, Bahrain enacted legislation concerning economic substance requirements for certain regulated financial activities, effective from 1 January 2019, as well as for certain non-regulated activities, effective from 1 July 2019. Companies engaged in banking, insurance, fund management, investment holding, financing and leasing, distribution and service center, headquarter companies and intellectual property activities in Bahrain should meet the substance requirements. All in-scope entities are required to file an annual report to the authorities within three months after the end of their financial year. Failing to do so may result in penalties, fines, spontaneous exchange of information and potential deregistration.

In line with the Pillar Two rules on global minimum tax, Bahrain has announced a general intent to introduce corporate income tax beyond the oil and gas sector, as well as Pillar Two laws. There is no public information on the structure or content of such legislation as of now. Additionally, regardless of whether Bahrain introduces corporate income tax/Pillar Two rules, multinationals operating in Bahrain may be exposed to Pillar Two implications in those jurisdictions in which they are present if the jurisdictions have introduced such rules.

Country-by-Country Reporting. In accordance with BEPS Action 13, Bahrain introduced Country-by-Country (CbC) Reporting legislation, which is applicable for fiscal years beginning on or after 1 January 2021. The rules apply to multinational groups with consolidated revenue above BHD342 million (USD907 million). Bahrain-headquartered multinational groups are required to file their CbC Report and notification in Bahrain. Bahrain entities belonging to foreign multinational groups may be subject to CbC notification requirements.

End of service benefit changes for non-Bahrainis/non-GCC nationals. Bahrain implemented a new system for the payment of end-of-service benefits for non-Bahraini employees. The new system requires private sector employers to update their employees' salary details on the SIO portal.

As of 1 March 2024, the end-of-service benefit amounts should be paid to and collected by the SIO on a monthly basis.

The following are the monthly percentages to be collected by the SIO for the end-of-service benefits:
- 4.2% per month in the first three years of employment (zero to three years); that is, half a month's wage per year
- 8.4% per month for each subsequent year of employment (three-plus years); that is, one month's wage per year

The SIO will issue the following two separate monthly invoices to the employer:
- One for the monthly contributions of Bahraini and GCC workers (which is issued under the traditional system and remains unchanged)

- Another invoice for the end-of-service benefits for non-Bahraini and non-GCC employees (per the new end-of-service benefit system)

E. Tax treaties

Bahrain has entered into tax treaties with Algeria, Austria, Bangladesh, Barbados, Belarus, Belgium, Bermuda, Brunei Darussalam, Bulgaria, China Mainland, Cyprus, the Czech Republic, Egypt, Estonia, France, Georgia, Hungary, Iran, Ireland, Isle of Man, Jordan, Korea (South), Lebanon, Luxembourg, Malaysia, Malta, Mexico, Morocco, the Netherlands, Pakistan, Philippines, Portugal, Seychelles, Singapore, Sri Lanka, Sudan, Switzerland, Syria, Tajikistan, Thailand, Türkiye, Turkmenistan, the United Kingdom, Uzbekistan and Yemen.

On 27 November 2020, Bahrain signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (Multilateral Instrument or MLI) and deposited its instrument of ratification of the MLI on 23 February 2022. The MLI will amend tax treaties between Bahrain and other countries listed as Covered Tax Agreements (CTAs), subject to the ratification of the MLI by both Bahrain and the other CTA party and the subsequent entry into force of the MLI. An in-force tax treaty is considered a CTA if both Bahrain and the other treaty jurisdiction are parties to the MLI and have indicated that they wish to modify the agreement using the MLI. The most important impact will be introduction of (or amendments of the existing) clauses related to the principal purpose test and prevention of treaty abuse as well as an enhancement of dispute resolution processes through the mutual agreement procedure to implement BEPS Actions 6 and 14.

Bahrain currently has 26 tax treaties that are CTAs, namely its tax treaties concluded with Barbados, Belgium, Bulgaria, China Mainland, Cyprus, Egypt, Estonia, France, Hungary, Ireland, the Isle of Man, Jordan, Korea (South), Luxembourg, Malaysia, Malta, Mexico, Morocco, the Netherlands, Pakistan, Portugal, Seychelles, Singapore, Thailand, Türkiye and the United Kingdom.

The list of CTAs and MLI effects can be changed, subject to the signing of the MLI by other jurisdictions and/or changes in positions by Bahrain and/or other jurisdictions.

Bahrain has signed tax treaties with the United Arab Emirates and the Hong Kong Special Administrative Region (SAR) in February 2024 and March 2024, respectively. The treaties are not yet in force.

In addition, Bahrain has initialed tax treaty agreements with Guernsey, Liechtenstein and Spain. It is currently in tax treaty negotiations with Jersey, Kyrgyzstan and Latvia. It was also announced in April 2024 that Iraq will start to negotiate a tax treaty with Bahrain.

Bangladesh

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A. At a glance

Domestic Company Income Tax Rate (%) (a)	
General Rate (b)	
Publicly Traded	20/22.5 (c)
Non-Publicly Traded	27.5 (c)
Banks, Insurance Companies and Financial Institutions	
Publicly Traded	37.5
Non-Publicly Traded	40
Capital Gains Tax Rate (%)	15
Branch Tax Rate (%)	27.5 (c)
Withholding Tax Rate (%) (d)	
Dividends	
Paid to Domestic and Nonresident Companies	20 (e)
Paid to Residents Other than Domestic Companies	10/15
Paid to Nonresident Funds and Trusts	20 (e)
Paid to Nonresidents Other than Companies, Funds and Trusts	30 (e)
Interest	
Paid to Residents	10
Paid to Nonresidents	20 (e)
Royalties from Patents, Know-how, etc. and Technical Services Fees	
Paid to Residents	10/12 (f)
Paid to Nonresidents	20 (e)
Branch Remittance Tax	20
Net Operating Losses (Years)	
Carryback	0
Carryforward	6 (g)

(a) For other corporate income tax rates, see *Rates of corporate tax* in Section B.
(b) A surcharge of 2.5% is imposed on the business income of manufacturers of cigarettes, bidi, zarda, gul and other tobacco products.
(c) The 20% rate applies to publicly traded companies that have had more than 10% of their paid-up capital transferred through an initial public offering (IPO). The 22.5% rate applies to publicly traded companies that have had 10% or less of their paid-up capital transferred through an IPO. Each tax rate will be 2.5% higher if income, receipts, expenses and investments over

BDT500,000 per transaction and totaling over BDT3,600,000 annually are not received or paid through a banking channel.

(d) A Tax Identification Number (TIN) is a unique number assigned to a taxpayer in Bangladesh on registration with the Bangladesh tax authorities. The TIN is a unique 12-digit code allotted to each person. The TIN is a mandatory requirement for filing a tax return in Bangladesh. If an income recipient fails to furnish its TIN, tax must be withheld at a rate of 50% higher of the rate specified in the relevant provision of the Income Tax Act, 2023 (ITA).

(e) Taxes withheld from dividends, interest, royalties and technical services fees paid to nonresidents are treated as a minimum discharge of tax liability on such income under the domestic tax laws and no refunds, adjustments or set-offs of such taxes are permitted. The ITA provides that in determining corporate income tax liability in Bangladesh, a nonresident company may apply the tax treaty rate if it is more beneficial to the nonresident, subject to receiving a specific tax withholding order from Bangladesh tax authorities.

(f) For residents, the withholding tax rate on royalties and technical services fees is 10% if the base amount does not exceed BDT2,500,000 and 12% if the base amount exceeds BDT2,500,000. For this purpose, the base amount is the higher of the contract value, the bill or invoice amount, or the payment amount.

(g) Losses may be carried forward (except in the case of minimum tax payable or exemption/reduced tax rate). Unabsorbed depreciation may be carried forward indefinitely to offset taxable profits in subsequent years.

B. Taxes on corporate income and gains

Corporate income tax. For corporate income tax purposes, a "company" is defined in the Companies Act, 1994 (Act No. 18 of 1994), and includes the following:

- The liaison office, representative office or branch office of a foreign establishment
- Any permanent establishment of any foreign entity or person
- Any association or organization registered by or under the laws of any country outside Bangladesh
- Any bank, insurance or financial institution
- Any industrial and commercial organization, foundation, society, co-operative society and any educational institution
- Any organization registered with the Non-governmental Organization (NGO) Affairs Bureau or the Microcredit Regulatory Authority
- Any firm, partnership, joint venture or association of persons, by whatever name called, if any such person is a company or foreign entity within the meaning of the Companies Act, 1994
- Statutory public authorities, local authorities and autonomous bodies
- Any entity established or constituted by or under any law for the time being in force
- All entities other than natural persons, firms, associations, trusts, Hindu undivided families and funds
- Not incorporated by or under any act, any foreign associations or bodies that may, by the National Board of Revenue (NBR), by general or special order, be declared a company for the purposes of the Companies Act, 1994

For Bangladesh income tax purposes, company income comprises the following:

- Income from rent
- Agricultural income
- Income from a business or profession
- Capital gains
- Income from financial assets
- Income from other sources

A company is considered to be resident for tax purposes if it is a Bangladeshi company (that is, the company registered in Bangladesh or if a company's control and management of its affairs is situated wholly in Bangladesh in that year).

A company resident in Bangladesh is subject to tax on its worldwide income, unless the income is specifically exempt. A company not resident in Bangladesh is subject to Bangladesh tax on Bangladesh-source income and on income received or deemed to be received in Bangladesh.

Rates of corporate tax. The following are the corporate income tax rates in Bangladesh.

Nature of company	Rate (%)
Resident companies	
Publicly traded companies	
General rates	20/22.5
Banks, insurance companies and financial institutions	37.5
Non-publicly traded companies (private limited companies)	
General rate	27.5/30 (a)
Banks, insurance companies and financial institutions	40
Mobile phone operator companies	45
Merchant banks	37.5
Cigarette manufacturing companies	45
Tobacco goods manufacturing companies (including Bidi, Gul and Jorda)	45
One-person companies	27.5/30 (a)
Nonresident companies	27.5 (b)

(a) The 27.5% rate applies if required conditions are satisfied.
(b) A branch profit tax is imposed on profit remittances of nonresident companies.

The ITA provides that in determining corporate tax liability in Bangladesh, a nonresident company may apply the tax treaty rate if it is beneficial to the nonresident, subject to receiving a specific tax withholding order from Bangladesh tax authorities.

Tax incentives. Tax incentives available in Bangladesh are described below.

Tax holidays or exemptions are available for the following:
- Newly set up industrial undertakings
- Identifiable expansion units
- Physical infrastructure facilities (for example, water treatment plants, solar energy plants and compressed natural gas and liquefied national gas transmission and terminal lines)
- Computer hardware
- Compressors, including spare parts
- Active pharmaceuticals ingredients and radio pharmaceuticals
- Agricultural machinery
- Automatic brick
- Barrier contraceptives and rubber latex
- Biotechnology-based agricultural products/agro-products
- Furniture

- Home appliances (for example, rice cookers, blenders and washing machines)
- Insecticides and pesticides
- Mobile phones
- Toys
- Leather and leather goods
- Light emitting diode (LED) televisions
- Plastic recycling
- Electrical transformers
- Petrochemicals
- Pharmaceuticals
- Textile machinery
- Tissue grafting
- Processing of locally produced fruits and vegetables
- Artificial fiber or manmade fiber manufacturing
- Automobile parts and components manufacturing
- Automation and robotics design manufacturing, including parts and components thereof
- Artificial intelligence-based system design and/or manufacturing
- Nanotechnology-based products manufacturing
- Aircraft heavy maintenance services, including parts manufacturing

The following are rules for the taxation of income from exports until 30 June 2028:

- For an individual, firm (persons who have entered into partnership with one another are called individually "partners" and collectively "a firm") and a Hindu Undivided Family, 50% of the export income is exempted.
- For other taxpayers, the general tax rate is 12%. If the goods are manufactured in a Leadership in Energy and Environmental Design (LEED) certified factory, the tax rate is 10%.
- Tax at a normal rate is applied to export income if a financial penalty is imposed by any government authority for breaching environmental rules.
- The exporter is a TIN holder.
- The above tax exemption facility is not applicable for all types of transportation services, mobile telecommunication services, and internet and internet-related services.

A company registered under the Companies Act that is engaged in garment production, including thread production, dyeing, finishing, coning, cloth making and printing, may qualify for a reduced tax rate of 15% on the income earned from these activities. This benefit is available until 30 June 2025.

Capital gains arising from the sale of government securities are now chargeable to tax (previously exempt from tax before the 2022 Finance Act). If capital gains arise from the transfer of capital assets under a scheme of amalgamation, no tax is charged (subject to conditions prescribed).

Income from the export of handicraft between July 2022 and June 2024 is entitled to tax exemption.

Income from the business of certain information technology services, such as software development, information technology process outsourcing, information technology support and

software maintenance services, and cybersecurity services, is exempt from tax until June 2024.

Tax exemption. Dividend income received by a company resident or nonresident in Bangladesh is exempt from tax if the company distributing such taxed dividend has maintained a separate account for the taxed dividend.

Minimum tax. The tax deducted or collected under specified sections of the ITA is considered minimum tax.

The minimum tax for all companies and for firms with annual gross receipts of more than BDT5 million are calculated by applying the following percentages to the annual gross receipts.

Type of company	Percentage
Manufacturers of cigarettes, bidi, chewing tobacco, smokeless tobacco or other tobacco products	3%
Carbonated beverages	3%
Mobile phone operators	2%
All other companies	0.6%

In addition, the 2022 Finance Act has extended the applicability of minimum tax to certain taxes, which should be deducted on receipts (that is, the person responsible for the sale of goods or services is liable to collect tax from the buyer at the time of such sale of goods or services and deposit it with the tax authorities). The following are the relevant taxes:

- Tax collected on income remitted from abroad: 10% rate (7.5% for consideration received for contracts on manufacturing, process or conversion, civil work, construction, engineering or works of a similar nature)
- Tax collected from motor vehicles plying commercially: rates are various fixed amounts
- Tax collected from the wheeling charges on electricity: 3% rate
- Tax collected from inland ships: rates are certain amounts of BDT per passenger or gross tonnage

The rate of minimum tax for industrial undertakings engaged in the manufacturing of goods is 0.1% of gross receipts for the first three years of production.

If the taxpayer has income that is exempt from tax or is subject to a reduced rate, special rules apply.

If the regular tax is higher than the minimum tax, the regular tax is payable.

No refunds, adjustments or setoffs of minimum tax is allowed.

Capital gains. Capital gains derived from the transfer of capital assets is taxable at a rate of 15%.

Capital assets include property of any kind held by a taxpayer, regardless of whether the asset is connected to a taxpayer's business or profession, with the exception of the following:

- Any stock in trade (not stocks and shares)
- Personal effects

The transfer of a share in a company that is not a resident of Bangladesh is deemed to be the transfer of an asset located in Bangladesh to the extent that the value of the share transferred is

directly or indirectly attributable to the value of any assets in Bangladesh. Under the circular, "The Offshore Indirect Transfer Rules 2022," detailed provisions have been introduced for indirect transfers.

In computing capital gains, deductions are made from the sales proceeds or the fair market price (whichever is higher) of the capital assets.

Capital gains arising on shares listed in the stock exchange and unlisted shares are taxable at a rate of 15% for nonresidents.

The transfer of shares of a company may not take place unless the relevant tax on capital gains, if any, arising on such transaction is paid.

Capital losses can be carried forward and set off against income from capital gains derived during the next six successive tax years.

The tax deducted by the local custodian (at a rate of 15%) from capital gains of nonresident investors is generally deemed to be the minimum tax applicable to such nonresidents in Bangladesh. Before the 2022 Finance Act, such nonresidents were not subject to any other compliance obligations, such as tax registration and filing of an income tax return, if they did not have a permanent establishment in Bangladesh.

The 2022 Finance Act removed provisions under the Bangladesh income tax law that relaxed the obligation of nonresident companies without a permanent establishment in Bangladesh to file an income tax return in Bangladesh. For further details regarding the changes introduced by the 2022 Finance Act, see *Administration*.

Withholding tax. Payment to resident companies are subject to the following withholding taxes.

Payment	Rate (%)
Dividends	20
Interest	10 (a)
Royalties	10/12 (b)
Fees for technical services	10 (c)
Payments on the supply of goods and the execution of contracts	3/5/7 (d)
Other miscellaneous services not specifically mentioned in the ITA	10 (c)

(a) Withholding is not applicable in the case of interest on loans taken from banks or nonbanking financial institutions.
(b) The 10% rate applies if the amount of the payment does not exceed BDT2,500,000. The 12% rate applies to other payments.
(c) The limit of BDT2,5000,000 has been removed by the 2022 Finance Act and the rate is now dependent on the nature of the transaction.
(d) The applicable rate depends on the amount of the payments.

Payments to nonresident companies are subject to the following withholding taxes.

Payment	Rate (%)
Dividends	20
Companies, funds or trusts	20
Other than companies, funds or trusts	30
Interest	20

Payment	Rate (%)
Royalties and fees for technical services	20
Supply of goods and execution of contract	7.5
Payments for services not mentioned above	20
Any other payments	20

No tax is deducted at source from interest on foreign loans up to 31 December 2024 as per circulars issued.

Taxes withheld from the income of nonresidents is the minimum tax liability for such payments, and no refunds, adjustment or setoffs of such taxes are allowed.

If a nonresident believes that because of a tax treaty or any other reason, the nonresident is not liable to pay any tax in Bangladesh, or is liable to pay tax at a reduced rate, the Bangladeshi tax authorities may issue a certificate to the effect that the payments to the nonresident shall be made without any deduction or, in applicable cases, with a deduction at reduced rate as mentioned in the certificate.

A recommended timeline of 30 days is prescribed by the tax authorities for the issuance of a nil or lower withholding certificate with respect to an application filed by a nonresident for obtaining treaty benefits or for any other reason.

Administration

Tax year. Under the ITA, the mandatory income year is the 12-month period commencing from the first day of July of the relevant year. However, for the purpose of consolidation of accounts, if a subsidiary company or a liaison or branch office in Bangladesh desires to follow the financial year of its parent company, the approval of the Jurisdictional Tax Officer is required.

Income tax filing and payment process. The ITA requires that the income tax return be filed by the 15th day of the 7th month following end of income year (or 15 September following the end of the income year if such 15th day falls before 15 September). Consequently, companies with an income year running from 1 July through 30 June must file the income tax return by 15 January of the subsequent year.

There are no provisions for obtaining an extension for filing an income tax return.

Before the 2022 Finance Act, a nonresident company without a permanent establishment in Bangladesh was exempt from the obligation of filing an annual income tax return in Bangladesh.

The 2022 Finance Act removed provisions under the Bangladesh income tax law that relaxed the obligation of nonresident companies without a permanent establishment in Bangladesh to file an income tax return in Bangladesh. For further details regarding the changes introduced by the 2022 Finance Act, see *Administration*.

There were expectations that tax authorities would issue certain clarifications or guidance on the applicability of the above provisions to nonresidents; however, no guidance has yet been issued by the tax authorities. In the absence of any clarifications, there are contrary views and interpretations regarding filing income

tax returns in Bangladesh by a nonresident without a physical presence in Bangladesh.

In addition, under the ITA, a person is required to furnish, among other items, proof of an income tax return submission for opening and maintaining fixed deposits exceeding BDT1 million.

An electronically generated tax identification number (eTIN) is a prerequisite for filing an income tax return in Bangladesh. Practical challenges currently exist for nonresidents without a physical presence in Bangladesh (for example, a liaison office or branch office) to obtain an eTIN. The Bangladesh tax administration has neither issued any explanation nor amended the current mechanism for nonresidents obtaining an eTIN without a physical presence in Bangladesh.

Advance payment of tax. Every taxpayer is required to pay advance tax in four equal installments on 15 September, 15 December, 15 March and 15 June of each year if the most recently assessed income exceeded BDT600,000. A penalty and interest are imposed for default in payment of an installment of advance tax. If advance tax paid is less than 75% of the assessed tax, the taxpayer must pay simple interest at a rate of 10% per year on the difference between 75% of assessed tax and the advance tax paid.

Foreign tax relief. Foreign tax relief for the avoidance of double taxation is governed by tax treaties with several countries. If no such treaties apply, resident companies may claim a foreign tax credit for the foreign tax paid under domestic law provisions.

The amount of the credit allowed for foreign tax against Bangladesh tax with respect to any type of income may not exceed the amount calculated by applying the average rate of such tax to the doubly taxed income.

A claim for a foreign tax credit must be made to the Deputy Commissioner of Tax of the district in which the claimant is subject to income tax.

The average rate of tax is the rate arrived at by dividing the amount of tax calculated on total income by such income.

C. Determination of trading income

General. All income classifiable under the head "Income from business or profession" is computed in accordance with the method of accounting regularly employed by the business or profession.

The company determines the income from business or profession and resulting tax liability based on its financial result reported in statutory profit and loss account, and after applying adjustments (upward and downward) as provided by the ITA.

The tax under the head "Income from house property" is payable with respect to the annual value of any property, whether used for commercial or residential purposes, consisting of any buildings, furniture, fixtures, fittings and similar items, and lands appurtenant thereto, of which the taxpayer is the owner, other than such portions of the property as the taxpayer may occupy for the

purposes of any business or profession carried on by the taxpayer, the income from which is assessable to tax under the ITA.

Business-related expenses are deductible; capital expenditures and personal expenses are not deductible.

Expenses from which taxes are required to be withheld are not allowable as deductions until the required taxes have been withheld and paid to the government.

Salary and remuneration, other than by crossed check or bank transfer, paid to an employee are disallowed in determining the taxable income of the employer.

An expenditure exceeding BDT1 million paid by an employer with respect to perquisites, as defined in the domestic tax law, to an employee is disallowed in determining the taxable income of the employer.

An expenditure exceeding 10% of the net trading profits disclosed in the statement of accounts as "head office expenses" or "intra-group expenses," or under another name, by a company not incorporated in Bangladesh under the Companies Act is disallowed.

Any "promotional expenditure" exceeding 0.5% of business turnover is disallowed. "Promotional expenditure" is defined as business expense claimed against provision of goods, money or other benefits to any person for the purpose of business but does not include advertising expenses.

An expenditure for overseas traveling exceeding 0.5% of the turnover disclosed in the statement of accounts is disallowed. However, the disallowance does not apply if evidence is produced in support of the additional figure calculated under the relevant provisions of Bangladesh income tax laws and the commercial reasonableness thereof is proved.

Payments of royalties, technical service fees and certain other payments exceeding 10% of the "net business profit" disclosed in the statement of accounts are disallowed. For this purpose, the term "net profit" means net profit from a business or profession, excluding any profit or income of a subsidiary, associate or joint venture.

Depreciation allowances. Business fixed assets that are depreciable for financial accounting purposes are also depreciable for corporate income tax purposes, subject to the tax rules discussed below.

A depreciation allowance may be claimed for any asset owned by a taxpayer and used for the purpose of the business or profession carried on by the taxpayer.

For building, machinery, plant or furniture not wholly used for the purpose of the business or profession, the depreciation allowance is restricted to the proportional part of the amount that could be claimed if such building, machinery, plant or furniture were wholly so used for such purpose.

A depreciation allowance may not be claimed for assets unless the particulars substantiating such claim are filed with the tax

authority at the time of the filing of the income tax return and if such assets are used during the year.

Depreciation is calculated using the declining-balance method and is allowed on classes of assets. Depreciation rates vary according to the class of assets. The following are the general rates.

Class of asset	Rate (%)
Plant and machinery*	10
Office equipment	10
Buildings*	
General	5
Factory	10
Furniture and fittings	10
Computer and computer equipment	25
Imported computer software	10
Bangladesh computer software	20

* Subject to the fulfillment of prescribed conditions, initial depreciation equal to 10% of the actual cost is allowed in the first year with respect to buildings and 25% with respect to plant and machinery (other than ships and motor vehicles) if they are not used for hire.

For passenger motor vehicles or sedan cars not used for hire, the actual cost to the taxpayer is deemed not to exceed BDT3,000,000.

Relief for losses. Business losses, excluding losses resulting from unabsorbed depreciation of business assets (see below), may be carried forward to be set off against taxable income derived from business in the following six years.

Unabsorbed depreciation may be carried forward indefinitely to be set off against taxable income of subsequent years.

Losses under the heading "Capital Gains" (that is, resulting from transfers of capital assets) may be set off against capital income only and can be carried forward for six years to be set off against capital gains.

Taxability of the disallowances made under specified sections of the ITA are deemed as business income, regardless of whether the entity has incurred an overall business loss or has business profits and regardless of the minimum tax paid by the entity. Consequently, in the case of a loss-making entity, tax is separately payable on the amount of the disallowances made under specified sections of the ITA.

Loss sustained by an Association of Person (AOP) under any head of income is permitted to be set off only against the income of the AOP under any other head and may not be set off against the income of the members of the AOP. In addition, any member of AOP is not entitled to carry forward and set off his or her income against any loss sustained by the AOP.

D. Tax for owners of private motor cars

The tax authorities collect advance tax on the registration or renewal of fitness of cars (in the case of vehicles, the transport authorities issue a certificate mentioning the duration for which the vehicles are legally permitted to be used) in the following amounts.

The following are the amounts of the tax for cars and jeeps, which are based on engine capacity.

Engine capacity	Amount of tax (BDT)
Not exceeding 1,500 cc	25,000
More than 1,500 cc but not more than 2,000 cc	50,000
More than 2,000 cc but not more than 2,500 cc	75,000
More than 2,500 cc but not more than 3,000 cc	125,000
More than 3,000 cc but not more than 3,500 cc	150,000
More than 3,500 cc	200,000

The amount of the tax for a microbus is BDT30,000.

The tax is 50% higher for persons who own more than one car in their name or in a joint name. The minimum tax liability for such persons subject to regular income tax is at least equal to the tax collected for the motor car. Tax collected above that amount is not refunded.

E. Miscellaneous matters

Foreign-exchange controls. All cross-border transactions with nonresidents are subject to foreign-exchange controls contained in the Foreign Exchange Regulation Act.

Transfer pricing. Under the transfer-pricing rules, the amount of any income or expenditure arising from an international transaction must be determined based on the arm's-length price.

For this purpose, an international transaction is a transaction between associated enterprises, either or both of which are nonresidents, in any nature of purchase, sale or lease of tangible or intangible assets, provision of service, lending or borrowing of money, or any other transaction having a bearing on the profits, income, losses, assets, financial position or economic value of the enterprise.

Under the transfer-pricing rules, companies having international transactions with associated enterprises must determine the arm's-length price and maintain certain documents if the value of the transactions exceeds BDT30 million in a year. Such companies also need to submit statements of international transactions to the tax authority with the annual income tax return, regardless of the volume of the international transactions. If any transaction is determined not to be at an arm's-length price, the tax authority may determine the price.

A report of chartered accountants or chartered cost and management accountants may be required on notice of the Deputy Commissioner of Taxes in writing if the value of international transactions exceeds BDT30 million in the books during the income year.

F. Treaty withholding tax rates

The table below contains the withholding tax rates that apply to dividends, interest and royalties paid from Bangladesh to nonresidents under the tax treaties in force as of the time of writing. If the treaty provides for a rate lower than the domestic rate, the reduced treaty rate may be applied at source.

	Dividends A %	Dividends B %	Interest (a) %	Royalties %
Bahrain	15	15 (p)	10 (q)	10 (q)
Belgium	15	15	15	10
Canada	15	15	15	10
China Mainland	10	10	10	10
Czech Republic (n)	15	10 (c)	10	10
Denmark	15	10 (b)	10	10
France	15	10 (b)	10	10
Germany	15	15	10	10
Hong Kong SAR (o)	10	15	10	10
India	15	10 (c)	10	10
Indonesia	15	10 (b)	10	10
Italy	15	10 (b)	10/15 (d)	10
Japan	15	10 (e)	10	10
Korea (South)	15	10 (a)	0/10 (f)	10
Malaysia	15	15	15	15
Mauritius	10 (g)	10 (g)	— (h)	— (h)
Netherlands	15	10 (b)	0/7.5/10 (i)	10
Norway	15	10 (b)	10	10
Pakistan	15	15	15	15
Philippines	15	10 (c)	15	15
Poland	15	10 (b)	10	10
Romania	15	10 (b)	10	10
Saudi Arabia	10	10	7.5	10
Singapore	15	15	10	10
Sri Lanka	15	15	15	15
Sweden	15	10 (b)	10/15 (d)	10
Switzerland	15	10 (j)	10	10 (k)
Thailand	15	10 (b)	10/15 (d)	15
Türkiye	10	10	10	10
United Arab Emirates	10	5 (l)	10	10
United Kingdom	15	10 (b)	10	10
United States	15	10 (b)	5/10 (m)	10
Vietnam	15	15	15	15
Non-treaty jurisdictions				
Companies	20	20	20	20
Individuals	10/30	N.A.	0/20/30	20

A Individuals and companies
B Qualifying companies

(a) Some of the treaties provide for an exemption or a reduced rate for certain types of interest, such as interest paid to public bodies and financial institutions, including specified financial institutions, or interest with respect to sales on credit or approved transactions. Such exemptions are not reflected in this column.

(b) The rate applies to dividends paid to a beneficial owner that is a company holding directly at least 10% of the capital of the payer.

(c) The rate applies to dividends paid to a beneficial owner that is a company holding directly at least 25% of the capital of the payer.

(d) The lower rate applies to interest derived by a bank or other financial institution (including an insurance company).

(e) The rate applies to dividends paid to a beneficial owner that is a company owning at least 25% of the voting shares of the payer during the period of six months immediately before the end of the accounting period for which the distribution of profits takes place.

(f) The lower rate applies if interest is paid with respect to a sale on credit of industrial, commercial or scientific equipment.

(g) A most-favored-nation clause applies. Under this clause, if Bangladesh enters into a tax treaty with another country subsequent to entering into the treaty with Mauritius and if this treaty provides for a lower rate for dividends than the 10% rate specified under the treaty with Mauritius, such lower rate applies under the Mauritius treaty.
(h) The domestic rate applies. The treaty does not provide a reduced rate.
(i) Interest related to the construction of industrial, commercial or scientific installations or public works is exempt. The 7.5% rate applies to interest received by a bank or other financial institution (including an insurance company), as long as the Netherlands does not levy a withholding tax on interest.
(j) The rate applies to dividends paid to a beneficial owner that is a company holding directly at least 20% of the capital of the payer.
(k) A most-favored-nation clause may apply with respect to royalties.
(l) The rate applies to dividends paid to a beneficial owner that is a company owning at least 3% of the shares of the payer.
(m) The lower rate applies to interest derived by a bank or other financial institution (including an insurance company) and interest paid with respect to a sale on credit of industrial, commercial or scientific equipment or merchandise.
(n) On 15 January 2021, a double tax treaty between Bangladesh and the Czech Republic entered into force. The treaty is effective from 1 July 2021 in the case of Bangladesh and 1 January 2022 in the case of the Czech Republic.
(o) On 30 August 2023, a double tax treaty between Bangladesh and the Hong Kong Special Administrative Region (SAR) entered into force. The treaty is effective from 1 July 2024 in the case of Bangladesh.
(p) The tax charged shall not exceed 10% if the recipient is a beneficial company that directly holds at least 10% of the capital of the company paying the dividends.
(q) The tax charged shall not exceed 10% if the recipient is the beneficial owner.

Barbados

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Barbados is a member country of the Organisation for Economic and Co-operation and Development (OECD)/G20 Inclusive Framework on Base Erosion and Profit Shifting (BEPS) to tackle tax avoidance, improve the coherence of international tax rules, ensure a more transparent tax environment and address the tax challenges arising from the digitalization of the economy. As part of the new two-pillar plan to reform international taxation rules, which includes the proposal of a global minimum tax of 15%, to address the incentives to shift profits to lower tax regimes and ensure that multinational enterprises pay a fair share of tax wherever they operate, Barbados is in the process of reforming its tax system. In view of the pending changes to the local law, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	9 (a)
Capital Gains Tax Rate (%)	0
Withholding Tax (%)	
Payments to Nonresidents	
Dividends	5
Dividends from Untaxed Profits	25
Dividends from Foreign-Source Income	0
Interest	0
Royalties	0
Rents	25
Management Fees	0
Technical Services Fees	15

Payments to Resident Individuals	
Dividends	15
Interest	15
Payments to Resident Companies	
Dividends	0
Interest	15
Branch Remittance Tax	
Paid Out of Domestic-Source Income	5
Paid Out of Foreign-Source Income	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (b)

(a) This rate applies to all companies generally (including branches of nonresident companies). However, a special regime applies to approved small businesses and certain Constituent Entities of Multinational Enterprise (MNE) Groups. See *Rates of corporate tax* in Section B for further information.

(b) Losses incurred prior to the 2025 income year continue to be available for carryforward up to seven years after the end of the relevant income year.

B. Taxes on corporate income and gains

Corporate income tax. Companies and societies with restricted liability that are resident in Barbados are subject to corporation tax. Resident and domiciled companies are subject to corporation tax on their worldwide income, regardless of whether the income is remitted to Barbados. Resident companies that are not domiciled in Barbados are subject to corporation tax on income derived from Barbados and income from foreign sources to the extent that such foreign income is remitted to Barbados. Nonresident companies carrying on business through a branch pay tax on Barbados-source income only. Income is considered to be Barbados-source if the property that constitutes the source is physically located in Barbados.

A company is considered to be resident in Barbados if its management and control are located in Barbados. The domicile of a company is based on the country of incorporation. Consequently, a company incorporated in Barbados is domiciled there.

Rates of corporate tax. As of the 2024 income year and with effect from 1 January 2024, the following tax rates apply to non-insurance businesses:

- All domestic companies, including branches of nonresident companies, are generally subject to income tax at a rate of 9%.
- Approved small businesses are subject to income tax at a rate of 5.5%.
- Income earned from international shipping is taxed at the following rates:
  - Taxable income up to USD500,000: 5.5%
  - Taxable income between USD500,000 to USD10 million: 3%
  - Taxable income between USD10 million and USD15 million: 2.5%
  - Taxable income over USD15 million: 1%
- A Constituent Entity of an in-scope MNE Group is subject to the following rates if the ultimate parent entity or intermediate

parent entity is located in a jurisdiction that has not implemented top-up tax legislation:
— Taxable income up to USD500,000: 5.5%
— Taxable income between USD500,000 to USD10 million: 3%
— Taxable income between USD10 million and USD15 million: 2.5%
— Taxable income over USD15 million: 1%

Income derived from Barbados government securities by domestic companies is taxed at a rate of 15%.

A branch operating in Barbados pays an additional 5% on its after-tax profits if those profits are remitted or deemed to be remitted to the branch's head office. Branches earning foreign-source income are subject to branch profits tax at a rate of 0%.

Insurance sector. The following are the three classes of licenses for the insurance sector and the rates at which they are taxed:

- Class 1: Insurance companies that restrict the business underwritten by them to related-party business. These insurance companies are taxed at a rate of 0%.
- Class 2: Insurance companies that can underwrite risks of third parties. These companies are taxed at a rate of 2%.
- Class 3: This class includes entities, such as brokers, intermediaries, insurance management companies and insurance holding companies. These entities are taxed at a rate of 2%.

Change in tax base for life insurance companies. Life insurance companies were previously taxed on gross investment income. Effective from the 2020 income year, they are taxed based on net profit before tax, plus or minus certain adjustments for tax purposes. For example, depreciation is added back but capital allowances can be claimed. Changes in actual reserves are now either allowed as a deduction (increases) under Section 10 of the Barbados Income Tax Act or taxable (decreases) under Section 8 of the Act.

Increases in actual reserves are usually capped at an "appropriate amount" for the purpose of the deduction under the provisions of Section 10. Any excess is not deductible in computing taxable income.

There is a one-time, irrevocable election in which unrealized gains and losses arising on mark-to-market securities held by the company can be treated as taxable or deductible when computing taxable income.

Tax incentives. Tax incentives available in Barbados are described below.

Foreign Currency Permit. All entities that earn 100% of their income in foreign currency are entitled to apply for a Foreign Currency Permit, which provides the following benefits:
- Exemption from exchange controls
- Reduced stamp duty and certain property transfer tax exemptions
- Exemption from payment of value-added tax and duties on the importation of plant, machinery and raw materials
- Income tax concessions for specifically qualified individuals

Small Business Development Act. Under the Small Business Development Act, small businesses qualify for the following tax benefits:
- Exemption from withholding tax on dividends or interest paid
- Exemption from import duty on plant and equipment
- Exemption from stamp duty on the execution and registration of financial documents

Only income directly related to the business qualifies for the above tax benefits.

To qualify as a small business, a company must meet the following requirements:
- Its authorized capital does not exceed BBD1 million.
- Its annual sales do not exceed BBD2 million.
- It does not have more than 25 employees.
- It is not a wholly owned or majority-owned subsidiary in a group of companies.

Tourism Development Act. Under the Tourism Development Act, duty-free and income tax concessions are available for approved tourism projects and certain tourism entities. These concessions include the following:
- Exemption from the payment of customs duty on specified items
- Tax deduction equal to 100% of expenditure incurred with respect to the development of a tourism product, tourism research, an apprenticeship scheme or the organization and hosting of tourism exhibitions and trade fairs
- Offset of approved capital expenditure against assessable income
- An investment tax credit (subject to conditions)
- Exemption from withholding tax on dividends paid to shareholders

Special Development Areas Act. Under the Special Development Areas Act, persons carrying out work in designated special development areas in Barbados, as well as persons financing such work, are entitled to certain tax relief. An approved developer is entitled to a reduced corporation tax rate of 30% and exemption from certain taxes, such as the following:
- Import duty, environmental levy and value-added tax on inputs for the construction of new buildings and the renovation or refurbishment of existing buildings
- Charges on the repatriation of interest and capital
- Land tax on the improved value of land
- Property transfer tax on the initial purchase of property

Renewable Energy Incentives. Persons engaged in the development, manufacturing, installation or repair of renewable energy systems and energy-efficient products may be entitled to one or more of the following tax benefits if the required criteria are met:
- 10-year income tax holiday
- Tax deduction of 150% for the following expenditure with respect to the generation, supply and sale of renewable energy, or the installation or supply of renewable energy systems or energy-efficient products:
  - — Interest paid on loans with respect to the construction or upgrading of a property
  - — Expenditure on the training of staff

  — Expenditure on the marketing of products
  — Expenditure on research and development
- 10-year exemption from withholding tax on dividends paid to shareholders

In addition, interest earned by financial intermediaries from financing the development, manufacturing and installation of renewable energy systems and energy-efficient products is exempt from tax for 10 years.

Capital gains. Capital gains are not taxed in Barbados.

Administration. The fiscal (income) year is the period for which the accounts of the business are normally prepared. Tax is calculated on the profits for the accounting period that ends during the fiscal year.

A corporation is required to determine its own tax liability and to prepare and file a corporation tax return. Corporations with year-ends from 1 January to 30 September must prepay tax on or before 15 September and file their returns by 15 March of the following year. If the year-end is after 30 September, the tax must be prepaid on or before 15 December of the income year and 15 March of the following year. The return is filed by 15 June of the following year. Each tax prepayment is based on 50% of the preceding year's tax. Any balance of tax due is paid when the return is filed. Tax returns may be filed using the Barbados Revenue Authority's electronic filing system.

The Revenue Commissioner of the Barbados Revenue Authority may levy a penalty of BBD500 plus 5% of tax payable for failure to file a return. A further penalty of 5% and interest at 1% per month is charged for a failure to pay any tax payable. If a person fails to make a required prepayment of tax, a penalty of 10% and interest at 0.5% per month is charged on the amount of the prepayment.

From the 2024 income year and commencing 1 January 2024, some companies will move to a monthly prepayment cycle. This requirement applies to any company that is part of an MNE Group that has annual revenues of EUR750 million or more in its consolidated financial statements in at least two of the last four fiscal years and whose ultimate parent entity or intermediate parent entity is located in a jurisdiction that has implemented legislation in accordance with the Global Anti-Base Erosion (GloBE) Rules.

Under the monthly prepayment cycle, such companies must prepay corporation tax at a rate of 9% on their taxable income. In this context, taxable income means the taxable income for the income year before the preceding income year, as reported in the company's filed corporate tax returns. The monthly prepayment is calculated as the taxable income multiplied by 9%, net of tax credits, divided by 12. The prepayment is due on the 15th of each month.

Dividends. Dividends received by a resident company from another resident company are not taxable.

Dividends received from a nonresident company are not subject to tax in Barbados if the Barbados company owns 10% or more

of the share capital of the nonresident company and if the shareholding in the nonresident company is not held as a portfolio investment.

Foreign tax relief. A tax credit is allowed for taxes paid to foreign jurisdictions by Barbados resident companies on profits, income or gains earned from such foreign jurisdictions, regardless of whether Barbados has entered into a double tax treaty with the foreign jurisdiction. This credit is allowed up to the amount of the Barbados taxes payable on the income. The foreign tax credit is not permitted to reduce the total tax payable by an entity in Barbados for an income year to less than 1% of its taxable income for that income year. An underlying tax credit is also allowed with respect to foreign dividends if the Barbados company owns at least 10% of the capital of the foreign company. Some form of unilateral relief may be granted on income arising from British Commonwealth countries that provide reciprocal relief.

C. Determination of trading income

General. Taxable income is determined on the basis of accounts prepared in accordance with International Financial Reporting Standards, subject to specific adjustments identified in the Income Tax Act.

Management fees. Management fees paid or payable to nonresidents are not deductible for tax purposes. Management fees include fees for management and/or administrative services provided by a member of a group of companies to other members of the group.

Inventories. The authorities generally accept a method of valuation of inventory that conforms to standard accounting practice in the trade or business, provided it is applied consistently. Average cost or first-in, first-out (FIFO) are the generally accepted methods.

Provisions. Reserves or provisions of a general nature for doubtful accounts receivable are not allowable. However, write-offs of specific amounts or balances are generally allowed.

Tax depreciation. Depreciation and amortization reported in the financial statements are not allowed as deductions in calculating taxable income. However, a company may claim capital allowances. Annual allowances of between 5% and 33$^{1}/_{3}$% are given on the original cost of fixed assets, calculated on a straight-line basis. An annual allowance of 100% is granted with respect to capital expenditure on software. Fifty percent of expenditure on intellectual property is deductible over a 10-year period. In addition, 20% of expenditure on energy audits and the retrofitting of buildings or on the installation of systems to provide electricity from sources other than fossil fuels is deductible over a period of five years.

Relief for losses. With effect from the 2025 income year, losses may be carried forward five years to offset taxable income derived in those years. Tax losses available for offset are restricted to 50% of taxable income in the current year. Losses may not be carried back.

Groups of companies. Group relief will be reintroduced when both the surrendering and claimant company are members of the same group. However, the following companies will be ineligible for group relief:

- Approved small businesses
- Companies granted tax concessions or exemptions under any enactment
- Authorized or exempt mutual funds
- Companies carrying on international shipping business
- Companies carrying on insurance business
- A Constituent Entity whose ultimate parent or intermediate parent is not subject to top-up tax

Group relief will only be available to companies that are subject to a tax rate of 9%.

In general, group relief will be available from the 2025 income year. However, a company with trading losses in excess of BBD100 million that are brought forward from income years prior to 2024 may be eligible to surrender those losses for group relief from the 2024 income year.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on the supply of goods and services in Barbados and on goods imported into Barbados; these include digital services (that is, goods or services purchased by electronic means on the Internet and are for use or consumption in Barbados)	
Standard rate	17.5
Hotel accommodation and supplies related to tourism (The 10% rate was announced by a policy note issued by the Barbados Revenue Authority but has not yet been legislated. It is being applied in practice.)	10
Mobile voice, data and text messaging services	22
Basic food items and exports of goods and services	0
Excise tax, on imports of vehicles; this tax is imposed in addition to the VAT	46.95 to 120
Import duty	5 to 20
National insurance contributions, on monthly insurable earnings up to BBD5,120; paid by	
Employer	12.75
Employee	11.1
Self-employed individual	17.1

E. Miscellaneous matters

Foreign-exchange controls. Foreign-exchange controls in Barbados are administered by the Central Bank, which considers all applications. Certain transactions and routine commercial matters

are delegated to the commercial banks. The Central Bank generally allows the repatriation of funds previously registered as an investment if it has been established that all local tax liabilities have been met. Entities that hold a Foreign Currency Permit are exempted from foreign-exchange controls.

Debt-to-equity rules. Barbados has thin-capitalization rules, which provide for a maximum debt-to-equity ratio of 1.5 to 1. If the debt-to-equity ratio is in excess of the prescribed maximum, restrictions are imposed on the deductibility of interest expense. This applies to interest expenses payable to nonresident entities if the shareholding in the Barbados entity exceeds 10%.

Anti-avoidance legislation. Anti-avoidance provisions may be applied to transactions between related persons that are not carried out at arm's length and to artificial transactions if the primary purpose of the transaction is the reduction of taxable income.

Economic substance. Barbados has economic substance legislation that provides for the imposition of an economic substance test on companies carrying on business in Barbados.

Under this legislation, a resident company that derives income from carrying on certain defined relevant activities must satisfy the economic substance test. For the purposes of the economic substance legislation, a company is resident in Barbados if it meets any of the following conditions:

- It is managed and controlled in Barbados, regardless of its place of incorporation.
- It is a company incorporated outside Barbados and is registered in Barbados as an external company, but it is not regarded as tax resident in the jurisdiction of incorporation.
- It is incorporated in Barbados but is not tax resident in any other jurisdiction.

A resident entity under the economic substance legislation also includes a partnership formed in Barbados that is carrying on one or more relevant activities.

Under the legislation, relevant activities include, but are not limited to, the following:

- Banking business
- Insurance business
- Fund management business
- Finance and leasing business
- Headquarters business
- Shipping business
- Holding company business
- Intellectual property business
- Distribution and service center business

A resident company meets the economic substance test in relation to a relevant activity carried on by a company if it conducts its core income-generating activity (CIGA) in Barbados, and the company is directed, managed and controlled in Barbados in relation to that activity.

A company is considered to conduct its CIGA in Barbados if, having regard to the level of income derived from carrying on of the relevant activity, the following conditions are satisfied:

- There is an adequate number of qualified full-time employees in relation to that activity in Barbados.
- There is an adequate number of employees who are physically present in Barbados in relation to that activity.
- There is adequate operating expenditure incurred in Barbados.
- There are adequate physical assets in Barbados.

In the case of the banking business sector, CIGAs include, but are not limited to, the following:

- Raising funds and managing risk, including credit risk, currency risk and interest risk
- Taking hedging positions
- Providing loans, credit or other financial services to customers
- Managing capital and preparing reports and returns to the Central Bank of Barbados

Entities conducting intellectual property business with high-risk intellectual property (that is, intellectual property acquired from a related party and licensed to other related parties) are presumed to fail the economic substance test. However, this presumption is rebuttable.

Entities in Barbados must file an economic substance declaration annually with the Ministry of International Business within 12 months after the end of each fiscal period.

If an entity fails to meet economic substance requirements, the Ministry of International Business in Barbados may impose a penalty of up to USD150,000 and, if there is a continued failure to meet the requirements, the entity may be removed from the Register of Companies in Barbados.

Country-by-Country Reporting. Barbados has enacted Country-by-Country Reporting requirements, effective from 31 December 2021. Any MNE Group that has a total consolidated group revenue of more than USD850 million as reflected in its consolidated financial statements during the fiscal year, immediately preceding the reporting fiscal year, is required to file a Country-by-Country Report (CbCR) with the competent authority.

A group that has a total consolidated group revenue of less than USD850 million during the fiscal year immediately preceding the reporting fiscal year is considered an "excluded" MNE, which means it is not required to file a CbCR.

The legislation requires each ultimate parent entity of an MNE Group that is resident for tax purposes in Barbados to file a CbCR. Subject to the conditions prescribed in the legislation, the MNE Group may designate one of the constituent entities as a surrogate parent. The surrogate parent entity would then be responsible for filing the CbCR on behalf of all the Barbados tax resident constituent entities of that MNE Group.

An MNE Group includes the following:

- Two or more enterprises for which the tax residences of the enterprises are in different jurisdictions, and are not part of an excluded MNE Group as defined by the legislation
- An enterprise that is resident for tax purposes in one jurisdiction and is subject to tax with respect to the business carried out

through a permanent establishment in another jurisdiction; and is not an excluded MNE Group as defined by the legislation

Any constituent entity of an MNE Group that is resident for tax purposes in Barbados is required, when applicable, to notify the competent authority whether it is the ultimate parent entity or the surrogate parent entity of the MNE Group no later than the last day of the reporting fiscal year of the MNE Group. If a constituent entity of an MNE Group that is resident for tax purposes in Barbados is not the ultimate parent entity nor the surrogate parent entity, it is required to notify the competent authority of the identity and tax residence of the reporting entity no later than the last day of the reporting fiscal year of the MNE Group.

A CbCR must be filed with the competent authority no later than 12 months after the last day of the reporting fiscal year of the MNE group. The first reporting fiscal year is any fiscal year beginning on or after 1 January 2021. Therefore, if an MNE Group's fiscal year end is 31 December, the first reporting fiscal year would run from 1 January to 31 December 2021. The first CbCR will be due for filing on 31 December 2022, and subsequent CbCRs should be filed annually on every 31 December thereafter.

Written guidelines containing directions or specifications with respect to the content, format and method of filing the CbCR have been issued by the competent authority to facilitate the filings.

For making or submitting a false CbCR, there is a penalty of USD25,000 or 10 years of imprisonment or both. A fine of USD5,000 or one year of imprisonment or both in each separate instance of tampering or destroying a report without written authorization from the competent authority and of obstruction of the competent authority in its functions.

There is a penalty of USD5,000 for a failure of an enterprise to comply with the requirements under the legislation and for a failure to pay the penalty within 30 days after receiving notice of a penalty for failure to comply with the requirements under the legislation. The enterprise is liable to a further penalty of USD2,500 for each day or part thereof for which the failure continues after the date on which the original penalty became due and payable.

Qualified Domestic Minimum Top-up Tax. Barbados has introduced a Qualified Domestic Minimum Top-up Tax (QDMTT), which will increase the effective tax rate on the income of qualifying entities to 15%. An entity is a qualifying entity if it satisfies all of the following conditions:

- It is located in Barbados.
- It is a constituent entity of an MNE Group.
- The MNE Group had an annual revenue of EUR750 million or more in the consolidated financial statements of the ultimate parent entity in at least two of the four fiscal years immediately preceding the tested fiscal year.
- It is not an excluded entity.

For the 2024 fiscal year, the QDMTT will only be applicable if the in-scope MNE Group is subject to a top-up tax in another jurisdiction.

Transfer pricing. Barbados is currently developing transfer pricing legislation with an intention to enact such in the short term.

F. Treaty withholding tax rates

The withholding tax rates in the table below apply to payments made to nonresidents of Barbados under the various treaties entered into by Barbados. The treaty rates indicated below represent the maximum rates under the treaties. However, if a lower domestic tax rate exists, the lower rate should be applied. The domestic withholding tax rates are under review and may be subject to change.

	Dividends %	Interest %	Royalties %
Austria	15 (a)	0	0
Bahrain (r)	0	0/15	0
Botswana	12 (b)	10	10
Canada	15	15	10
CARICOM (c)	0	15	15
China Mainland	10 (d)	10	10
Cuba	15 (b)	10	5
Cyprus	15	15	15
Czech Republic	15 (s)	5	10 (u)
Finland	15 (a)	5	5
Ghana (e)	7.5 (a)	7.5 (f)	7.5
Iceland	15 (a)	10 (v)	5
Italy	15 (a)	5 (v)	5
Luxembourg	15 (g)	0	0
Malta	15 (h)	5	5
Mauritius	5	5	5
Mexico	10 (a)	10	10 (i)
Netherlands	15 (j)	5	5 (k)
Panama	11.25 (l)	7.5 (m)	7.5
Portugal	15 (s)	10	5
Qatar	0	0	5
Rwanda	7.5	10	10
San Marino	5 (g)	5 (v)	0
Seychelles	5	5	5
Singapore	0	12 (v)	8
Slovak Republic (e)	5	10 (v)	5
Spain	5 (t)	0	0
Sweden	15 (a)	5	5
Switzerland	15	– (n)	0
United Arab Emirates	0	0	0
United Kingdom	0	0	0 (o)
United States	15 (a)	5	5
Venezuela	10 (h)	15 (p)	10
Non-treaty jurisdictions	5 (q)	0	0

(a) The rate is reduced to 5% if the beneficial owner of the dividends is a company that owns at least 10% of the capital of the payer of the dividends.

(b) The rate is reduced to 5% if the beneficial owner of the dividends is a company that owns at least 25% of the capital of the payer of the dividends.

(c) The Caribbean Community and Common Market (CARICOM) multilateral treaty has been entered into by 10 Member States of CARICOM. The treaty

follows a source-based model of taxation, with double tax relief typically provided in the form of an income exemption in the state of residence.

(d) The rate is reduced to 5% if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends.

(e) This treaty is awaiting ratification and entry into force. Consequently, the provisions of the treaty are not yet in effect.

(f) The rate is reduced to 5% if the interest is derived by a bank that is resident in Ghana.

(g) The rate is reduced to 0% if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends for an uninterrupted period of at least 12 months before the decision to distribute the dividends.

(h) The rate is reduced to 5% if the beneficial owner of the dividends is a company that owns at least 5% of the capital of the payer of the dividends.

(i) The term "royalties" includes payments derived from the alienation of rights or property that are contingent on the productivity, use or disposition of such property.

(j) The rate is reduced to 0% if the beneficial owner of the dividends is a company that owns at least 10% of the capital of the payer of the dividends and if the recipient of the dividends is a company resident in the Netherlands that is not subject to Netherlands company tax on the dividends.

(k) The rate is reduced to 0% for royalties paid for the use of, or the right to use, literary, artistic or scientific works, including royalties with respect to cinematographic films, and films, discs or tapes for radio or television broadcasting.

(l) The rate equals 75% of the statutory nominal rate applicable at the time of the dividend distribution. It is reduced to 5% if the beneficial owner of the dividends is a company that owns at least 25% of the capital of the payer of the dividends.

(m) The rate is reduced to 5% if the interest is derived by a bank that is resident in Panama.

(n) The treaty does not contain an interest article. Consequently, the normal tax rate applies.

(o) The rate is 15% for royalties paid for motion picture or television films.

(p) The rate is reduced to 5% for interest paid to banks.

(q) The rate is reduced to 0% if the dividends are paid out of income earned from foreign sources.

(r) The treaty language is unclear and may be read either as providing an exemption from Barbados withholding tax, or as providing no restriction of Barbados withholding tax. The government has not yet issued guidance as to the correct interpretation.

(s) The rate is reduced to 5% if the beneficial owner of the dividends is a company that directly owns at least 25% of the capital of the company paying the dividends.

(t) The rate is reduced to 0% if the beneficial owner of the dividends is a company that directly owns at least 25% of the capital of the company paying the dividends.

(u) The rate is reduced to 5% for royalties paid for copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for radio or television broadcasting.

(v) The rate is reduced to 0% if the interest is paid to the government of the other contracting state or any agency or instrumentality thereof, including the central bank of that contracting state (subject to certain restrictions).

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A. At a glance

Corporate Income Tax Rate (%)	25 (a)
Capital Gains Tax Rate (%)	
Tangible and Intangible Assets	20/25
Shares	20/25 (b)
Branch Tax Rate (%)	25
Withholding Tax (%)	
Dividends	5/10/15/20/30 (c)
Interest	15/30 (d)
Royalties from Patents, Know-how, etc.	30
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (e)

(a) For further details, see Section B.
(b) Certain capital gains are exempt from tax (see Section B).
(c) The standard withholding tax rate for dividends is 30%. For further details, see Section B.
(d) The standard withholding tax rate for interest is 30%.
(e) For further details, see Section C.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to tax on their annual worldwide income. Nonresident companies are subject to tax on their annual Belgian-source income only. A company is resident in Belgium if its central management is located in Belgium.

Rates of corporate income tax. The corporate tax rate is 25%. A reduced rate of 20% on the first EUR100,000 of taxable income applies to small companies, as defined under corporate law; above this amount, the normal rate applies. One of the principal conditions for the reduced rate is that the company must pay an annual remuneration of at least EUR45,000 to at least one director. For salaries lower than EUR45,000, the salary should at least be equal to the taxable income. The minimum salary requirement does not apply to startup companies incorporated less than four years prior to 1 January of the tax year.

Minimum taxation (Pillar Two). Belgium implemented the European Union (EU) Pillar Two Directive, in force as from 1 January 2024, applicable for tax years starting on or after 31 December 2023. The new legislation includes the following:

- A Qualified Domestic Minimum Top-up Tax
- An Income Inclusion Rule and Undertaxed Profits Rule (UTPR)
- A transitional Country-by-Country Reporting Safe Harbor as well as transitional UTPR Safe Harbor
- Amendments to certain existing provisions, in particular in relation to the research and development (R&D) tax credit regime, in order to meet the definition of a Qualified Refundable Tax Credit

For further information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (ey-beps-2-0-pillar-two-developments-tracker.pdf).

Notional interest deduction. The notional interest deduction (NID) regime is abolished for tax periods ending on or after 31 December 2023. Changes to the financial year-end (as from 11 October 2022, which is the date on which the budgetary measures were announced) will have no effect on the entry into force of this measure. Carried-forward NID, accumulated in previous taxable periods, may still be deducted going forward.

Tax regime for the diamond industry. Belgian tax law provides for a special lump-sum tax regime for the diamond industry.

The gross taxable result of the company equals 2.1% of the diamond trade turnover. This taxable result is subsequently subject to the application of the common corporate tax rules.

However, the net taxable result cannot be lower than 0.55% of the diamond trade turnover.

The special tax regime is subject to the condition that the company manager's salary paid during the tax period be higher than a certain threshold (also depending on the diamond trade turnover of the company).

Tax incentive for audiovisual investments. Belgian tax law includes a tax incentive to attract investments of Belgian companies or branches in audiovisual productions.

Companies planning to invest in a European audiovisual production (to be recognized by the competent departments of the French, Flemish or German communities) and who want to benefit from the tax incentive must conclude a framework agreement with a qualifying audiovisual production company (including a television channel). In this framework agreement, the expected tax value for the production, which is based on the budgeted production expenses (direct as well as indirect expenses, including expenses incurred up to six months before the conclusion of the framework agreement), needs to be included. The estimated tax exemption is based on this tax value. The framework agreement needs to be notified to the tax authorities within one month after it is signed and before completion of the qualifying work.

The invested amounts must be effectively paid to the production company within three months after the contract is signed. They do not create a receivable, nor exploitation rights linked to the underlying project. The invested amount is irrevocably paid to the production company (as an expense; the expense as such is not tax deductible) and is not regarded as an asset. Except for commercial gifts with limited value (under reference of value-added tax [VAT] legislation), no other economic or financial benefit can be granted to the investor.

The investors are entitled to a tax exemption of 421% of the invested funds. For a specific project, the exemption is limited to 203% of the expected final tax value of the tax-shelter certificate as specified in the framework agreement.

However, the exemption in a given tax year remains limited to a maximum of 50% of the investor's increase of taxable reserves (mainly the net accounting profit before application of the tax-shelter exemption but after deduction of distributed dividends and other tax corrections) during that same tax year, with an absolute maximum of EUR1 million.

In the financial statements of the investor, the exempt amounts must be recorded as an "unavailable reserve," which needs to be maintained until the date the tax-shelter certificate is received.

In principle, the exemption is granted in the year in which the framework agreement is concluded or the payments are made. Excess exemptions (exemptions that could not be used based on the above maximum) can be carried forward to the end of the fourth tax period following the year in which the framework agreement is signed.

The tax exemption is obtained immediately but is not definitive, and only becomes final if a number of conditions are met. The exemption only becomes final when a tax-shelter certificate confirming the tax value of the investment is issued by the tax authorities on request of the production company as soon as the production is finalized. The certificate must be sent to the tax authorities of the investor as an enclosure to the investor's corporate income tax return. The certificate needs to be received by the

investor by 31 December of the fourth year following the year in which the framework agreement is signed.

In addition, the final exemption is only granted to the extent that the tax value of the certificate corresponds to the value that was included in the agreement and to the extent that the limits and maximum amounts per tax period are respected. If the tax-shelter exemption is claimed incorrectly, corporate income tax on the difference becomes due, increased with late payment interest.

For the period between the first payment after the conclusion of the framework agreement and the receipt of the tax-shelter certificate, interest can be granted. This period is legally limited to 18 months, and the maximum interest rate that is allowed is fixed at the 12-month Euribor (increased by 450 basis points).

Tax incentive for stage art performances. The tax incentive for audiovisual investments also applies to "European stage art performances" (productions recognized as such by the competent authorities of the French-, Flemish- or German-speaking communities).

To qualify, the production expenses must be incurred within a maximum time limit of 24 months from the date of the signing of the framework agreement and no later than one month after the premiere (being the first performance in the European Economic Area (EEA) taking place no later than two months after the first tryout for framework agreements concluded after 1 August 2022). Expenses incurred before the signing of the framework agreement are not considered eligible production expenses (in contrast to the audiovisual productions' time frame of six months).

In addition, as is the case for audiovisual productions, limitations apply with respect to the maximum amount that can be financed through tax-shelter funding. This amount is calculated based upon the eligible direct and indirect expenses incurred in Belgium and/or the EEA.

From the investor's side, the same limitations apply with respect to the maximum amount of the exemption in a given tax year (an absolute maximum of or EUR1 million and limited to 50% of the increase in taxable income). In this respect, investments in audiovisual productions and stage art performances should be counted together and offset against these limitations.

The entity that is using the tax-shelter funding is subject to corporate income tax. This is particularly important for entities (such as nonprofit organizations) that are in principle only subject to a so-called legal entity tax. These entities are subject to corporate income tax in the tax year in which the first framework agreement is concluded and in the three following tax years.

Tax incentive for video games. The tax-shelter regime for the audiovisual sector and the performing arts is extended to the gaming industry and applicable to framework agreements signed as from 1 January 2023.

To qualify, the production expenses must be incurred within a maximum time limit of 24 months since the date of the signing of the framework agreement and no later than three months after

realization of the final version, as it is first offered for sale. Expenses incurred up to six months before the conclusion of the framework agreement are not eligible.

The exemption in a given tax year remains also limited to a maximum of 50% of the investor's increase of taxable reserves during that same tax year, with an absolute maximum of EUR1 million.

For video games, the total amount of all tax shelter attestations is limited to a maximum of EUR2,500,000 per video game with a maximum development period of four years.

Capital gains. Capital gains derived from the disposal of tangible and intangible assets are taxed at the ordinary rate. Tax deferral is possible if certain conditions are met.

Capital gains on shares are exempt if all of the following conditions are met:
- The subject-to-tax (STT) requirement for the application of the dividend-received deduction (DRD) (see *Dividends*)
- The minimum holding requirement (uninterrupted period or at least one year) of the DRD (see *Dividends*)
- The minimum shareholding requirement of at least 10% or EUR2,500,000

If there is at least one condition not met, the ordinary tax rate of 25% (20% for SMEs) applies.

A reduced rate of 15% applies to capital gains on shares in companies holding real estate (unless the general anti-avoidance rule applies). Any capital losses on these shares are generally not tax deductible, except to the extent of the loss of fiscally paid-up capital in a liquidation.

Capital gains realized on an exchange of shares in a tax-neutral restructuring are exempt from tax under certain conditions.

Administration. A tax year refers to the year following the financial year if the financial year ends on 31 December. If the financial year ends before 31 December, the tax year refers to the year in which the financial year closes. Consequently, the 2024 tax year relates to a financial year ending between and including 31 December 2023 and 30 December 2024.

To avoid a surcharge (6.75% for the 2024 tax year and 9% for the 2025 tax year), tax must be paid in advance in quarterly installments. The balance of tax payable is due within two months after receipt of the notice of assessment. A similar tax prepayment system has been installed for the tax due under the Qualified Domestic Minimum Top-up Tax and/or the Income Inclusion Rule.

Reporting obligation for payments to tax havens. Both resident and nonresident companies are required to report all direct or indirect payments (regardless whether these payments are expenses) in excess of EUR100,000 made to beneficiaries with an address or financial account in "tax havens." To avoid abuse, short-term debts are also considered when calculating the threshold.

For the purpose of this obligation, a country is considered to be a "tax haven" if it is mentioned on one of the following lists:

- Belgian prohibited list of countries with zero or low taxation
- European prohibited list of non-cooperative jurisdictions
- List of the Organisation for Economic Co-operation and Development (OECD) Global Forum on Transparency and Exchange of Information for Tax Purposes, including countries that are "non-compliant" or "partially compliant" with the minimum OECD standards regarding the exchange of information on request (EOIR or transparency standard)

It is sufficient for the reporting obligation to be triggered when the country is on one of the above prohibited lists at the moment the payment is made. It is therefore not required for the country to be qualified as a tax haven during the entire tax period in which the payment is made.

The rules apply to payments to the following:

- Branches located in a tax haven, but with a head office in a listed state.
- Permanent establishments located in such jurisdictions. Payments made to an establishment in a non-tax haven are also targeted if the head office of that establishment is located in a tax haven.
- Bank accounts managed by or held with individuals or permanent establishments located in such jurisdictions.
- Accounts managed by or held with credit institutions or their permanent establishments located in such jurisdictions.

A specific reporting obligation for financial institutions requires financial institutions to automatically and periodically notify their operations with and payments to tax havens.

The payments must be reported in euros on a special form, which must be annexed to the annual corporate income tax return. These payments are tax deductible only if they relate to real and genuine transactions and if they are made to persons that are not artificial constructions.

Extended investigatory and assessment periods up to 10 years apply in cases in which use was made of legal structures in tax havens, aimed at hiding the origin or the existence of capital.

Country-by-Country Reporting. Qualifying multinationals must fulfill transfer-pricing documentation requirements (Master File, Local File and Country-by-Country Reporting [CBCR]).

Public CBCR. Belgium has introduced CBCR, applicable to financial years starting on or after 22 June 2024. The new rules are implemented through incorporation in the Belgian Code for Companies and Associations (BCCA), although some key elements are yet to be addressed through a Royal Decree. To a large extent, the new law mirrors the provisions of the EU Public CbCR Directive in terms of the scope of the Public CbCR requirements for (Belgian) undertakings, as well as the specific publication requirements (that is, by when, where and by whom the publication should be made). Furthermore, the BCCA also provides a new set of penalties for noncompliance with the new Public CbCR requirements and requires auditors to include a statement in their audit report with respect to Public CbCR.

Reporting obligation for remuneration paid or attributed by foreign entities. Belgium has introduced additional reporting and withholding tax requirements for all Belgian employers with respect to remuneration paid or attributed by a foreign parent company or affiliate (mostly share-based incentive programs).

Reporting obligations for digital platforms. The DAC7 transparency rules are implemented into Belgian domestic law. As from 1 January 2023, digital platform operators have an obligation to report revenue (including royalties) earned by sellers and services through a digital platform. The information will be exchanged automatically between all of the impacted EU Member States.

Advance rulings. An advance decision in tax matters (tax ruling) is a unilateral written decision by the Belgian tax authorities at the request of a (potential) taxpayer about the application of the tax law in a specific situation that has not yet occurred, as described by the taxpayer. The purpose of such a ruling is to provide up-front certainty to the taxpayer.

The tax authorities must respond to a ruling request within a three-month period, which may be extended by mutual agreement. A ruling may be valid for a period of five years, except innovation deduction rulings for software that are only valid for three years.

However, advance rulings are not issued in certain circumstances such as the following:
- Transactions that have already been implemented or that are in a tax litigation phase
- Transactions that lack economic substance in Belgium
- Transactions, essential parts of which involve tax havens that do not cooperate with the OECD
- Application of the minimum taxation (Pillar Two) rules

Ruling requests filed with the Belgian tax authorities that relate to multinational investments and transactions must disclose other ruling requests filed in EU or treaty countries regarding the same matters.

In principle, the advance rulings are published.

Belgium also implemented the directives relating to the automatic and compulsory exchange of cross-border tax rulings and advance pricing arrangements (DAC3).

Dividends. A 100% DRD applies to dividends received by a qualifying Belgian company or Belgian branch. To qualify for the DRD, dividends must meet all of the following requirements:
- The recipient company (shareholder) must own a minimum participation of 10% of the share capital or a participation with an acquisition value of at least EUR2,500,000.
- The shares must be held by the shareholder (in full ownership) for an uninterrupted period of at least one year.
- The company distributing the dividends must be a normally taxed company. Companies located in countries applying a significantly more advantageous tax regime are explicitly excluded from the DRD, as well as companies located in countries included in the EU prohibited list of non-cooperative tax jurisdictions (for dividends paid or attributed on or after January 2021).

In the case of insufficient profits, the excess DRD can be carried forward indefinitely to the extent that it relates to qualifying dividends. However, a general limitation on certain tax deductions, including the carried forward excess DRD applies (see *Limitation on certain tax deductions* in Section C). In addition, limitations may apply in cases of restructurings and changes of control. The DRD cannot be offset against several types of disallowed expenses as well as against part of the taxable basis, derived from abnormal or benevolent advantages, by a resident company or branch from a related entity.

The standard withholding tax rate for dividends is 30%, but exemptions and reduced withholding tax rates are applicable under Belgian law or tax treaties.

As a consequence of the implementation of the EU Parent-Subsidiary Directive, no withholding tax is due on dividends distributed to a Belgian company or a company, resident of another EU Member State or a country with which Belgium has concluded a tax treaty containing an exchange-of-information clause, that owns at least 10% of the shares for an uninterrupted period of one year.

A 30% withholding tax is also imposed in the event of the liquidation of a company.

However, small and medium-sized enterprises (SMEs) may allocate all or a part of their taxed profits to a liquidation reserve, booked to a separate account, at a tax charge of 10%. If the liquidation reserve is maintained until the liquidation of the company, no additional tax is levied on these funds. The distribution of the funds to the shareholders before the liquidation of the company is subject to an additional but favorable withholding tax rate of 5% (distribution of a dividend after five years following the last day of the tax period in which the reserve is formed) or 20% (distribution within five years).

Capital reductions, as well as qualifying reimbursements of share premiums and profit certificates, are pro rata allocated to the paid-in capital and to the reserves. The portion allocated to the reserves is considered a dividend for tax purposes that is in principle subject to withholding tax. That portion is first allocated to the taxed reserves (whether or not incorporated in capital; no withholding tax is imposed) and then to the tax-exempt reserves (if any) incorporated in capital. Therefore, to the extent taxed reserves are available, the tax-exempt reserves (if any) are not affected. Non-distributable reserves and other (non-incorporated) tax-exempt reserves (for example, provisions) fall out of scope of this new pro rata rule.

Foreign tax relief. Income derived from a permanent establishment abroad may be exempt under the provisions of a tax treaty. A Belgian company that receives foreign-source interest income and royalties subject to a foreign withholding tax can claim a foreign tax credit in Belgium if certain conditions are satisfied.

C. Determination of trading income

General. Taxable income is based on income reported in the annual financial statements and includes all gains, profits, costs, dividends, interest, royalties and other types of income.

Deductible expenses. Certain business expenses are not deductible for tax purposes, such as certain car expenses, 31% of restaurant expenses and 50% of entertainment expenses.

Decrease and abolition of tax deductions for carbon-emitting company cars. The tax treatment of company cars will evolve, and as of 2026, costs related to company cars will only be eligible for tax deductions in case of a zero-emission company car. A grandfathering rule is foreseen for tax deductions related to non-hybrid company cars purchased, rented or leased before 1 July 2023 as well as a transitional regime for non-hybrid company cars purchased, leased or rented between 1 July 2023 and 31 December 2025 (phasing-out principle).

The electrification of the Belgian company car fleet will increase the need for infrastructure to charge electric cars. Companies are encouraged to invest in publicly accessible (to third parties) charging infrastructure by introducing an increased cost deduction for the depreciation of newly installed publicly accessible charging stations, applicable conditionally on eligible investments made from 1 September 2021 until 31 August 2024. The following rates apply:

- Investments made between 1 September 2021 and 31 March 2023: 200%
- Investments made between 1 April 2023 and 31 August 2024: 150%

Limitation on certain tax deductions. The use of certain deductions is limited to EUR1 million plus 70% of the taxable income in excess of EUR1 million. Therefore, 30% of the tax base in excess of EUR1 million cannot be offset and is a minimum tax base. The limitation applies to the following:

- Carried forward tax losses
- Carried forward DRD
- Carried forward innovation income deduction
- Carried forward NID (calculated before the 2019 tax year) (see *Notional interest deduction* in Section B)
- Incremental NID (calculated as of the 2019 tax year)

However, other deductions can be applied without the limitation, including the following:

- Nontaxable items (for example, gifts and exemptions in accordance with double tax treaties)
- Current year DRD
- Patent income deduction
- Current year innovation deduction
- Current year and carried forward investment deduction
- Group contributions in the context of the new tax consolidation regime

The limitation does not apply to startup companies for the first four tax years.

For the 2024 tax year (financial years starting on or after 1 January 2023), the threshold is reduced from 70% to 40% of the taxable income exceeding the amount of EUR1 million. Consequently, this measure increases the amount of the minimum taxable base to 60% of the taxable income exceeding the amount of EUR1 million. Following the implementation of the Pillar Two legislation, as of the 2025 tax year (financial years

starting on or after 1 January 2024), the 40% threshold will be increased to 70%.

Inventories. Stock values may not exceed the lower of cost or market value; cost is defined as the purchase price of raw materials plus direct and indirect production costs. However, the inclusion of indirect production costs is optional. Accepted valuation methods are first-in, first-out (FIFO); last-in, first-out (LIFO); and weighted average. Valuation of stocks at replacement cost is not allowed.

Provisions. Provisions for liabilities and charges are exempt from tax if they relate to contractual, legal or regulatory obligations existing at the end of the financial year.

Depreciation. In principle, depreciation rates are determined based on the anticipated useful economic life of the assets. The following straight-line rates are generally accepted.

Asset	Rate (%)
Office buildings	3
Industrial buildings	5
Chemical plants	8 to 12.5
Machinery and equipment (including information technology)	10 to 20
Office furniture and equipment	10 to 15
Rolling stock (motor vehicles)	20 to 33
Small tools	33 to 100

R&D investments must be amortized for tax purposes using the straight-line method over a period of at least three years. All other intangible assets must be amortized for tax purposes using the straight-line method over a period of at least five years.

Investment deduction. For the 2024 tax year, a 20.5% investment deduction is available for specific investments and under certain conditions (for example, investments in environmentally friendly R&D, energy savings and related patents) and a 3% investment deduction is available for reusable packaging. A company can opt for a spread investment deduction of 27.5% and can accordingly deduct each year 2.5% of the annual amortization. SMEs are also entitled to a specific investment deduction of 20.5% for investments in fixed digital assets, such as payment systems and cybersecurity systems, and a 20.5% investment deduction for security-related investments. If the company has insufficient taxable income, the investment deduction can be carried forward to the subsequent tax year.

For investments in R&D, a company can irrevocably opt for a tax credit instead of a deduction at the same rate as the investment deduction. As opposed to the investment deduction, this tax credit is effectively paid out if a company has insufficient taxable income for five consecutive tax years (four years as of the 2025 tax year), to align with the definition and conditions of "qualified refundable tax credit" as defined in Article 10 of the OECD Global Anti-Base Erosion Model Rules (also referred to as Pillar Two).

Tax incentives exist for investment in Belgian audiovisual works (see Section B) and for the shipping industry (tonnage tax).

For investments in newly acquired zero-emission trucks, charging stations for zero-emission trucks and infrastructure for hydrogen, the following increased investment deduction is available:
- 42% for investments made between 1 January 2022 and 31 December 2023
- 36.5% for investments made between 1 January 2024 and 31 December 2024

The total investment deduction for these investments is limited to EUR60 million and a company can only benefit from this increased investment deduction under certain conditions (among other conditions, no social security debts and no regional grants received for the investment).

Innovation deduction. Under the innovation deduction regime, the taxpayer should be owner, co-owner, licensee, usufruct or (economic) rights holder of intellectual property (IP) rights. The regime (under conditions) applies to, among others, patents, medicinal products, software and plant-variety rights. The IP should not be recorded as an asset on the balance sheet in order to qualify for the innovation deduction, unless the taxpayer will apply the innovation deduction to capital gains.

The innovation deduction provides for a deduction of 85% of the qualifying net income from IP, effectively reducing the related maximum effective corporate tax rate to 3.8%.

The income derived from the qualifying IP should be included in the Belgian tax base and should be at arm's length. The following is the equation for calculating the innovation deduction:

$$\text{Innovation deduction} = \text{Net IP income} \times \text{nexus ratio} \times 85\%$$

In the above equation, "net IP income" means the income after deduction of overall expenditures incurred for the development or acquisition of the IP right to the extent included in expenses. In addition, a recapture of prior year expenses (incurred after 30 June 2016) up to seven years is possible.

The following is the "nexus ratio":

$$\frac{\text{Qualifying expenditures} \times 130\%}{\text{Overall expenditures}}$$

"Qualifying expenditures" relate to R&D expenditures incurred by the taxpayer, including outsourcing to unrelated parties and excluding expenditures for the acquisition of IP or outsourcing to related parties.

The following are other significant features of the innovation deduction:
- Carryforward of unused innovation deductions to subsequent tax periods (however, see *Limitation on certain tax deductions*)
- Tax neutrality in the context of reorganizations
- Possible combination with other R&D incentives
- No R&D center requirement
- No limitations in time or amounts

When applying the innovation deduction, a taxpayer should keep specific information and documentation available for the tax authorities, such as the following:
- Determination of the gross innovation income (for example, transfer-pricing methods)

- Determination of the costs that must be deducted from the gross innovation income
- Methodology used to calculate the nexus ratio

A set of analytical accounts should be the basis for certain information.

Taxpayers may request tax rulings to obtain legal certainty regarding the conditions and the calculation of the innovation deduction (see *Advance rulings* in Section B).

Relief for losses. In general, companies may carry forward tax losses without limitations. However, a general limitation on certain deductions, including carried forward tax losses, applies (see *Limitation on certain tax deductions*) and certain limitations may apply in cases of restructurings and changes of control.

Tax losses cannot be carried back.

It is also possible to offset losses suffered by a group company for tax purposes with profits from another group company (see *Groups of companies*). Tax losses incurred by a foreign permanent establishment of a Belgian company of which the income is treaty exempt in Belgium is no longer tax deductible from the tax base of the Belgian company. The losses remain deductible only if they cannot be used to offset the profits of the Belgian branch abroad and are considered as final losses incurred in a branch located in the EEA. If such losses cannot be fully used, they are in principle transferable and can be deducted in a later tax period to the extent that they exceed the profits exempted by the double tax treaty. These losses will not be considered final if the company resumes (the same or other) activities in the permanent establishment state within three years after terminating the initial activities and deducting the losses (recapture rule applies in the financial year in which the activities are recommenced).

Groups of companies. Under the group contribution regime, a group company that is in a taxpaying position can make a tax-deductible group contribution to another group company that is in a loss position. This group contribution is taxable in the hands of the receiving group company and may be offset with the current year tax loss. The receiving group company is remunerated for the use of its tax loss by the contributing company for the amount of the tax saving realized by the latter.

Group contributions are available for Belgian resident group companies and Belgian establishments of EEA group companies. They may be made between parents and subsidiaries with direct 90% participation and between sister companies with a direct joint 90% (Belgian or foreign) resident parent. The minimum participation must have been maintained for an uninterrupted period of at least five years as of 1 January of the fourth calendar year before the tax year. As a result, newly established group companies must wait five years before group contributions are possible.

A group contribution agreement (template agreement provided by the Belgian tax authorities) should be concluded by the contributing and receiving company. The agreement is a mandatory attachment to the corporate income tax return.

Specific rules apply if, during the five-year period, one of the parties to a group contribution agreement was involved in, or incorporated pursuant to, a restructuring (regardless of whether it was tax-neutral).

Group contributions are not possible by or with an entity that benefits from a special tax regime (for example, tonnage tax regime).

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, standard rate	21
Social security contributions, on gross salary	
Employer (approximately)	35
Employee	13.07
Real estate tax; rate depends on location (allowed as a deductible expense for corporate income tax purposes)	Various
Environmental tax; rate depends on the location and the activity or product; tax is not deductible for corporate income tax purposes	Various
Registration duties, on contributions to companies	0
Registration duties on the transfer of immovable property	6/12.5

E. Miscellaneous matters

Foreign-exchange controls. Payments and transfers do not require prior authorization. However, for statistical purposes, financial institutions are required to report all transactions with foreign countries to the National Bank of Belgium. Resident individual enterprises are also subject to this reporting obligation if they conclude the transactions through nonresident institutions or directly.

As of 1 January 2024, financial institutions and payment service providers are obliged to electronically report all cross-border payments (EU and non-EU) and to exchange the data in a central EU database.

Transfer pricing. The Belgian Income Tax Code (ITC) contains anti-avoidance provisions that relate to specific aspects of transfer pricing. "Abnormal and gratuitous advantages" granted by a Belgian enterprise are added to the tax base of the Belgian enterprise, unless the advantages are directly or indirectly part of the taxable income of the recipient in Belgium. The ITC also contains anti-avoidance provisions concerning royalties, interest on loans and other items, as well as a provision on the transfer of certain types of assets abroad. Under these provisions, the taxpayer must demonstrate the bona fide nature of the transaction.

Qualifying multinationals must fulfill transfer-pricing documentation requirements (Master File, Local File and Country-by-Country Reporting).

A Transfer Pricing Circular provides the Belgian interpretation of the OECD Guidelines, without the intention to deviate from it. The Transfer Pricing Circular also states that any future changes to the OECD Guidelines can be assumed to be generally followed by the Belgian tax authorities.

Interest limitation rule. Under the interest limitation rule, the tax deductibility of net interest charges ("exceeding borrowing cost") is limited to the higher of the following:

- 30% of the taxable earnings before interest, taxes, depreciation and amortization (EBITDA) of the Belgian company or permanent establishment.
- Minimum threshold of EUR3 million. The EUR3 million threshold is the total amount for all Belgian group companies and permanent establishments and should be divided proportionally between all the Belgian group companies and permanent establishments. Multiple alternatives to proportionally allocate this amount are available.

The net interest charges are equal to the positive difference between interest expenses (interest and economically equivalent expenses) and interest income (interest and economically equivalent income). Economically equivalent income and expenses are, for example, foreign-exchange differences related to interest payments in the framework of a loan agreement, guarantee provisions and discounts on interest-free or abnormally low-interest loans.

Calculating the taxable EBITDA requires the application of a specific and very technical methodology, particularly if the group has more than one Belgian company or permanent establishment.

Positive taxable EBITDA should be compensated with negative taxable EBITDA within the Belgian group, which may significantly reduce the overall deduction capacity. However, companies are allowed to opt out of the calculation of the taxable EBITDA if the exceeding borrowing cost is below EUR3 million.

Excess deduction capacity can be shared by a Belgian company or permanent establishment with another Belgian company or permanent establishment of the group. The shared amount is added to the threshold of one company and deducted from the threshold of the other company. This transfer requires the conclusion of a compulsory yearly agreement (template provided by the Belgian tax authorities), to be attached to the corporate income tax return.

The net interest charges, to the extent that they are disallowed under the 30% EBITDA rule (resulting from a lack of sufficient deduction capacity), can be carried forward to future tax periods.

The interest limitation rule does not apply to interest on loans concluded for the purpose of long-term public infrastructure projects and to interest related to grandfathered loans (loans concluded before 17 June 2016 that have not fundamentally changed since that date). These grandfathered loans remain subject to the old 5:1 thin-capitalization rules (if applicable). The tax authorities have clarified the notion "fundamentally modified" and

identified a number of fundamental modifications and non-fundamental modifications (non-exhaustive).

Controlled foreign companies. From the 2024 tax year (financial years ending on or after 31 December 2023), Belgium adopted new rules governing the taxation of non-distributed profits of controlled foreign companies (CFCs).

The previous CFC regime (Model B rules), which has been in effect since the 2020 tax year, aimed to tax undistributed profits from controlled low-taxed subsidiaries or branches resulting from an artificial arrangement or a series of arrangements set up with the essential purpose to obtain a tax benefit. This approach required the significant people functions generating income for the CFC to be based in Belgium. The new rules (Model A) mainly focus on the taxation of passive profit of a CFC that is directly owned by the Belgian controlling company and that is subject to low taxation abroad, unless the CFC has sufficient economic substance.

To assess whether a portion of the profit of a foreign company should be included in the taxable base of the Belgian controlling company, it must first be determined whether the foreign company qualifies as a CFC. A foreign company qualifies as a CFC if both the participation and taxation condition are met.

The participation condition is met when a Belgian company, either on a standalone basis or together with its associated companies, satisfies any of the following requirements:
- It has the majority of voting rights on all shares.
- It holds at least 50% of the capital.
- It is entitled to at least 50% of the profits of a foreign company.

A foreign permanent establishment (PE) automatically satisfies the participation condition. Because the test is to be done at group level, considering the rights of "associated companies" as well, it can imply that a company that is held for only 10% by a Belgian company qualifies as a CFC because at least 40% is held by other associated companies. This is an important change and broader compared to the previous legislation.

The taxation condition is met for a foreign company or PE that satisfies either of the following requirements:
- It is not subject to income tax.
- It is subject to income tax that is less than half of the Belgian corporate income tax that would have been due be if the foreign company or PE would have been established in Belgium.

The taxation condition is presumed to be met by entities established in jurisdictions listed as tax havens by the EU or Belgium, but this is rebuttable.

Subsequently, it must be assessed whether the CFC is eligible for one of the following safe harbors:
- The Belgian controlling company provides evidence that the CFC is carrying out a substantial economic activity supported by personnel, equipment, assets and buildings, defined as "the offering of goods or services on a particular market." In this regard, the Memorandum of Understanding (this document explains the intent and purpose of a draft law) clarifies that the offering of intercompany services does not meet this definition,

unless the respective transactions are carried out at arm's length.
- Less than 1/3 of the total income of the CFC originates from so-called "passive income."
- The CFC is a regulated financial institution to which the EBITDA interest deduction limitation (see *Interest limitation rule*) does not apply and for which 1/3 or less of the total income is derived from transactions with the Belgian controlling company or entities associated with the latter.

If a CFC is eligible for a safe harbor, its profits are not included in the taxable base of the Belgian controlling company. If no safe harbor applies, the amount of the CFC's undistributed profit to be included in the tax base of the Belgian controlling company should be computed.

Belgian companies are required to disclose the existence of a CFC in their corporate income tax return. This requirement for disclosure becomes effective as soon as both the participation and taxation condition have been met, even if no CFC profit is included in the Belgian taxable base.

Hybrid mismatches. Belgian tax legislation includes a complex set of domestic rules targeting so-called hybrid mismatches (transposition of the EU Anti-Tax Avoidance Directive [ATAD] I and II).

The anti-hybrid rules distinguish between hybrid entities, hybrid transfers, reverse hybrids, hybrid PEs and dual residents, targeting so-called double deduction and deduction non-inclusion outcomes.

Exit taxation. In addition to a step-up to market value on inbound relocations of assets, migrations and restructurings, the exit tax regime also captures the transfer of assets from a Belgian head office to a foreign permanent establishment as a taxable event.

Broadened Belgian permanent establishment definition. To tackle the artificial avoidance of permanent establishment status through commissionaire arrangements and similar strategies, a more economic approach is implemented for the recognition of permanent establishments for domestic purposes, further aligning the Belgian permanent establishment definition with Base Erosion and Profit Shifting (BEPS) Action 7. In particular, the rules on independent agents target a broader range of situations. For example, a Belgian permanent establishment exists if an independent agent acts on behalf of foreign company, even if there is no authority to conclude contracts on behalf of that company. Because these new rules may result in a higher risk of having a permanent establishment in Belgium, foreign companies should review potential permanent establishment situations and re-evaluate past assessments. They should also consider the impact of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS in this respect (Multilateral Instrument, or MLI; see *Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS*).

Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS. The MLI entered into force for Belgium 1 October 2019 and is effective with respect to taxes withheld at

source from 1 January 2020 and with respect to all other taxes levied as of tax periods beginning on or after 1 April 2020.

Mandatory disclosure regime. Belgium transposed EU Directive (2018/822) (DAC6), and the Belgian Mandatory Disclosure Rules (MDR) legislation is broadly aligned to the requirements of the directive. EU intermediaries and relevant taxpayers must report cross-border arrangements that meet at least one of the hallmarks listed in the directive. The Belgian tax authorities published Frequently Asked Questions with respect to the interpretation of certain DAC6 requirements and terminology. The reporting obligations were already challenged before the Belgian Constitutional Court because the definition of an intermediary is broad, capturing lawyers and advisers who must maintain professional secrecy. In this respect, preliminary ruling requests were introduced before the European Court of Justice (Case C-694/20 and Case C-623/22).

Tax dispute resolution mechanism. EU Directive 2017/1852 on tax dispute resolution mechanisms in the EU is implemented in Belgian law. More specifically, in addition to the current procedures relating to transfer-pricing disputes and the allocation of profits to permanent establishments, Belgian law provides for a specific procedure for the settlement of disputes between Member States arising from interpretational differences regarding double tax treaties when these differences result in double taxation.

Reconstitution reserve. The reconstitution reserve is introduced as a COVID-19 pandemic tax measure and intends to help companies reconstitute their solvency that has suffered due to the COVID-19 pandemic. In practice, this reserve would allow companies, during three consecutive tax periods relating to the 2022, 2023 and 2024 tax years (financial years starting on or after 1 January 2021, 1 January 2022 and 1 January 2023), to exempt profits corresponding to the amount of losses they incurred in 2020 (COVID-19-year), under the conditions of maintaining their equity position as well as at least 85% of their existing employment spending. The reserve is subject to the intangibility condition, meaning that the reserve may become taxable on the liquidation of the company or when the reserve is used for distribution.

The measure does not apply to the following:
- Companies performing a capital decrease or a share buyback or paying dividends in the period from 12 March 2020 until the day of filing the tax return relating to a tax year in which a reserve is built up
- Companies making payments to companies located in tax havens (unless supported by valid business reasons and unless they do not exceed EUR100,000) or having share participations in companies located in tax havens
- Companies that benefit from a special tax regime such as cooperative participation companies, companies subject to the special tax regime for shipping companies and real estate investment companies

For each tax year concerned, a special form must be annexed to the annual corporate income tax return.

Expatriate tax regime. For foreign executives and researchers, a special tax regime applies.

Individuals assigned to Belgium (or recruited from abroad) and living in Belgium are considered Belgian tax residents and are taxable in Belgium on their worldwide income. The regime is applicable conditionally.

An employer can reimburse or compensate the employee for recurring additional "costs proper to the employer" (for example, cost of living and housing and home leave) resulting from the assignment or recruitment from abroad. The tax-free character of the reimbursement is limited to 30% of the employee's gross remuneration (excluding the cost reimbursements itself), limited to a maximum amount of EUR90,000 per year. In addition, some costs can be reimbursed tax free by the employer without any specific cap (for example, moving and relocation costs, costs for furnishing the accommodation in Belgium [up to one month of rent] and certain school fees [from the age of 5]).

The special tax regime and its benefits will be available for a fixed period of five years, with a possible extension of three years.

F. Treaty withholding tax rates

The rates in the table below reflect the lower of the treaty rate and the rate under domestic tax law on outbound dividends. Belgium provides an exemption from dividend withholding tax for companies located in jurisdictions with which Belgium has entered into a tax treaty. The exemption is subject to the same conditions as those contained in the EU Parent-Subsidiary Directive. However, the treaty must contain an exchange-of-information clause. As a result, certain jurisdictions are excluded.

With respect to taxes withheld at source, from 1 January 2020, the applicability of the Principle Purpose Test (PPT) as embedded in the MLI (see *Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS* in Section E) to individual treaties must be reviewed. In addition, Belgium has elected the optional inclusion of a discretionary relief provision of Section 4 of Article 7 of the MLI when treaty benefits are denied under the PPT.

	Dividends			
	General rate %	Rate for qualifying companies (a) %	Interest %	Royalties %
Albania	15	5 (b)	5	5
Algeria	15	15	0/15 (c)	5/15 (d)
Argentina	15 (e)	10 (e)(sss)	0/12 (c)(e)	3/5/10/15(e)(f)
Armenia	15	5 (g)	0/10 (c)(ttt)	8
Australia	15	15	10	10
Austria	15	15	0/15 (n)	0/10 (h)
Azerbaijan	15	5/10 (i)	0/10 (j)	5/10 (k)
Bahrain	10	0 (p)	0/5 (n)	0
Bangladesh	15	15	0/15 (uuu)	10
Belarus	15	5	10	5

	Dividends			
	General rate %	Rate for qualifying companies (a) %	Interest %	Royalties %
Bosnia and Herzegovina	15 (b)	10	15	10
Brazil	15	10 (g)	0/10/15 (c)	10/15/20 (m)
Bulgaria	10 (b)	10	0/10 (c)(n)	5
Canada	15	5 (g)	10	0/10 (o)
Chile	15	0 (p)	5/15 (q)(r)	2/5/10 (s)
China Mainland	10	5	10	7
Congo (Democratic Republic of)	10 (e)	5 (e)	0/10 (c)(e)	10 (e)
Côte d'Ivoire	15	15	16	10
Croatia	15	5 (g)	0/10 (c)(n)	0
Cyprus	15 (b)	10	0/10 (n)	0
Czech Republic	15 (b)	5	0/10 (c)(n)	0/5/10 (t)
Denmark	15 (b)	0	10	0
Ecuador	15	5/15 (u)	0/10 (c)	10
Egypt	20	15	15	15/25 (v)
Estonia	15 (b)	5	10	0/5/10 (w)
Finland	15 (b)	5	0/10 (n)(x)	0/5 (k)
France	15 (b)	10 (g)	15	0
Gabon	15	15	0/15 (x)	10
Georgia	15	5	0/10 (c)	5/10 (y)
Germany	15 (b)	15	0/15 (z)	0
Ghana	15	5 (g)	0/10 (c)	10
Greece	15 (b)	5	5/10 (qqq)	5
Hong Kong	15	0/5 (aa)	0/10 (c)(n)	5
Hungary	10 (b)	10	0/15 (n)(x)	0
Iceland	15	5 (g)	0/10 (c)(n)	0
India	15	15	10/15 (c)	10/20 (bb)
Indonesia	15	10	0/10 (vvv)	10
Ireland	15 (b)	15	0/15 (c)(n)	0
Israel	15	15	15	0/10 (d)
Italy	15 (b)	15	15	5
Japan (cc)	10	0 (ss)	0/10 (pp)	0
Kazakhstan	15	5 (g)	10	10 (e)
Korea (South)	15	15	10	10
Kosovo (l)	15	10	15	10
Kuwait	10	0 (dd)	0	10
Kyrgyzstan (ee)	15	15	0/15 (c)(n)	0
Latvia	15 (b)	5	10	0/5/10 (ff)
Lithuania	15 (b)	5	10	0/5/10 (gg)
Luxembourg	15 (b)	10 (hh)	0/15 (z)	0
Malaysia	15	15	10 (jj)	10 (kk)
Malta	15 (b)	15	10	0/10 (k)
Mauritius	10	5 (g)	0/10 (c)(n)	0
Mexico	10	0 (ll)	0/5/10 (qqq)	10
Moldova (ee)	15	15	0/15 (c)(n)	0
Mongolia	15	5 (g)	0/10 (c)(n)	5
Montenegro (l)	15	10	15	10
Morocco	10	6.5	10	10
Netherlands	15 (b)	0/5 (mm)	0/10 (z)	0
New Zealand	15	15	10	10
Nigeria	15	12.5 (g)	12.5	12.5
North Macedonia	15	0/5 (ii)	10	10

	Dividends			
	General rate %	Rate for qualifying companies (a) %	Interest %	Royalties %
Norway	5/15 (ooo)	0/5/15 (nn)	0/10 (z)	0
Pakistan	15	10/15 (ppp)	15	0/15/20 (qq)
Philippines	15	10 (g)	0/10 (rr)	15
Poland	10 (b)	0 (tt)	0/5 (uu)	5
Portugal	15 (b)	15	0/15 (c)	10
Romania	15 (b)	5	10	5
Russian Federation (rrr)	10	10	0/10 (c)	0
Rwanda	15	0 (vv)	0/10 (ww)	10
San Marino	15	0/5 (xx)	0/10 (c)	5
Senegal	15	15	15	10
Serbia (l)	15	10	15	10
Seychelles	15	0/5 (yy)	0/5/10 (qqq)	5
Singapore	15	5 (g)	5	5 (zz)
Slovak Republic	15 (b)	5	0/10 (c)(x)	5
Slovenia	15 (b)	5	0/10 (z)	5
South Africa	15	5	0/10 (c)(n)	0
Spain	15 (b)	0	0/10 (x)	5
Sri Lanka	15	15	0/10 (vvv)	10
Sweden	15 (b)	5	0/10 (c)(n)	0
Switzerland	15	0/15 (aaa)	0/10 (bbb)	0
Taiwan	10	10	0/10 (z)	10
Tajikistan (ee)	15	15	0/15 (c)(n)	0
Thailand	20	15	10/25 (ccc)	5/15 (d)
Tunisia	15	5 (g)	5/10 (c)	11
Türkiye	20	5/15 (ddd)	15	10
Turkmenistan (ee)	15	15	0/15 (c)(n)	0
Ukraine	15	5 (eee)	2/10 (c)	0/10 (fff)
United Arab Emirates	10	0/5 (ggg)	0/5 (ggg)	0/5 (ggg)
United Kingdom	10/15 (b)(hhh)	0/15 (hhh)(iii)	0/10 (jjj)	0
United States	15	0/5 (kkk)	0/15 (lll)	0
Uruguay	15 (e)	5 (e)(g)	0/10 (e)(mmm)	10 (e)
Uzbekistan	15	5 (g)	0/10 (c)	5
Venezuela	15	5	0/10 (c)(n)	5
Vietnam	15	5/10 (nnn)	10	5/10/15 (oo)
Non-treaty jurisdictions	30	30	30	30

(a) Reduced rates apply to outbound dividends if the recipient holds directly or indirectly the level of participation indicated in the treaty. The level of participation is generally 25% of the capital or voting power, unless stated otherwise in a footnote.

(b) The lower rate applies if the foreign company owns directly at least 25% of the paying company's capital.

(c) The lower rate applies conditionally to interest paid on commercial debt claims and to banks.

(d) The lower rate applies to copyright royalties (excluding royalties with respect to copyrights on films and certain other items).

(e) A most-favored-nation clause may be applicable.

(f) The rates are 3% for news items, 5% on copyrights (excluding copyrights on films and certain other items) and 10% on computer software, patents, trademarks, equipment leasing and know-how.

(g) The minimum holding requirement is 10%.

(h) The 0% rate applies under the EU Interest and Royalties Directive. The 10% rate applies if the Austrian company owns more than 50% of the capital in the Belgian company. In other cases, the non-treaty rate of 30% applies.

(i) The rate is 5% if either of the following circumstances exist:
- The Azerbaijani company owns at least 30% of the capital in the Belgian company and has invested at least USD500,000 in that company.
- The Azerbaijani company has invested at least USD10 million in the Belgian company.

The rate is 10% if the Azerbaijani company owns at least 10% of the capital in the Belgian company and has invested at least USD75,000 in that company.

(j) The 0% rate applies to interest paid to government organizations and banks and on commercial debt claims.

(k) The lower rate applies to copyright royalties with respect to films and certain other items.

(l) The tax treaty between Belgium and the former Yugoslavia is applicable.

(m) The 10% rate applies to copyright royalties with respect to films and certain other items. The 20% rate applies to royalties with respect to trademarks and commercial names. The 15% rate applies to other royalties.

(n) The lower rate applies conditionally to interest paid to government organizations and on bank deposits.

(o) The lower rate applies to royalties with respect to copyrights (excluding copyrights on films and certain other items), computer software, patents and know-how.

(p) The minimum holding requirement is 10% for an uninterrupted period of 12 months.

(q) The 5% rate applies to interest on loans granted by banks and insurance companies, and interest on bonds or securities that are regularly and substantially traded on a regulated securities market.

(r) The rates under the treaty are in principle 5% and 15%, but by application of the most-favored-nation clause, the applicable rate can differ (tax treaties with Australia and Japan).

(s) The rates under the treaty are in principle 5% and 10%, but by application of the most-favored-nation clause, the applicable rate can be 2% (Chile-Japan tax treaty).

(t) The rate under the treaty is 10%, but by application of the most-favored-nation clause, the applicable rate can differ (tax treaties between the Czech Republic and the Slovak Republic, and between Austria and Belgium).

(u) The rate under the treaty is 15%, but by application of the most-favored-nation clause, the applicable rate can differ (China Mainland-Ecuador tax treaty).

(v) The 25% rate applies to royalties with respect to trademarks.

(w) The rates under the treaty are 5% (equipment leasing) and 10%, but by application of the most-favored nation clause, the rates can be reduced to 0% for royalties (as defined).

(x) The lower rate applies to interest on current accounts and on advance payments between banks.

(y) The 5% rate applies if the beneficial owner is an enterprise of Georgia.

(z) The 0% rate applies if the recipient is an enterprise. This does not apply to the following:
- Interest on bonds
- Interest paid by a company to a company owning at least 25% of the paying company's voting power or shares

(aa) The 0% rate applies if the Hong Kong company has owned directly at least 25% of the capital in the Belgian company continuously for at least 12 months. The 5% rate applies if the Hong Kong company owns directly at least 10% of the capital in the Belgian company.

(bb) The rate under the treaty is 20%, but by application of the most-favored-nation clause, the applicable rate can differ.

(cc) These are the rates under a new treaty between Belgium and Japan, which is effective from 1 January 2020.
- It has owned directly or indirectly at least 10% of the voting power of the paying company for at least six months ending on the date on which entitlement to the dividends is determined (excluding dividends that are deductible in computing the taxable income of the company paying the dividends in its resident state).
- It is a qualifying pension fund.

The general withholding tax for interest will be 10%. This rate can be conditionally reduced to 0% (for application of the lower rate, consult the tax treaty). A 0% withholding tax rate will apply to royalties.

(dd) This rate applies to dividends paid to the Kuwaiti government or to a company that is at least 25%-owned by the Kuwaiti government.

(ee) The tax treaty between Belgium and the former USSR applies.

(ff) The rates for royalties under the treaty are 5% for equipment leasing and 10% in all other cases. A most-favored-nation clause may be applicable under which the rate is reduced to 0% (Japan-Latvia tax treaty).

(gg) The rates for royalties under the treaty are 5% for equipment leasing and 10% in all other cases. A most-favored-nation clause may be applicable under which the rate is reduced to 0% (Japan-Lithuania tax treaty).

(hh) The minimum holding requirement is 25% or a purchase price of at least EUR6,197,338.

(ii) The 0% rate applies if the North Macedonian company has owned directly at least 25% of the capital in the Belgian company continuously for at least 12 months. The 5% rate applies in the case of a 10% shareholding.

(jj) The domestic rate applies, unless the interest is paid by an enterprise engaged in an industrial undertaking. In that case, the rate may not exceed 10%.

(kk) The domestic rate applies to artistic copyright royalties (including royalties with respect to films and certain other items). For other royalties, the rate may not exceed 10%.

(ll) The lower rate applies to dividends paid to the following:
- A company that holds at least 10% of the capital of the company paying the dividends for an uninterrupted period of at least 12 months
- A qualifying pension fund

(mm) The minimum holding requirement is 25%.

(nn) The 5% rate applies if the beneficial owner is a pension fund. Conditions apply. The 0% rate applies if the beneficial owner is either of the following:
- A company that holds directly at least 10% of the capital of the company paying the dividends for an uninterrupted period of at least 12 months
- A Norwegian political subdivision or local authority, the Central Bank of Norway, the Norwegian Government Pension Fund Global, a statutory body or any institution wholly or mainly owned by the government of Norway, or a political subdivision or local authority thereof

(oo) The 5% rate applies to royalties on patents and industrial and scientific know-how. The 10% rate applies to royalties on trademarks and commercial know-how.

(pp) The general withholding tax for interest is 10%. This rate can be conditionally reduced to 0% (for application of the lower rate, consult the tax treaty).

(qq) The rate is 0% royalties on copyrights (excluding royalties with respect to films and certain other items.). The rate is 15% with respect to royalties on know-how.

(rr) The 0% rate applies to interest on government bonds or on guaranteed or insured loans or credits.

(ss) The 0% rate applies if the beneficial owner is a company that satisfies either of the following conditions:
- It has owned directly or indirectly at least 10% of the voting power of the paying company for at least six months ending on the date on which entitlement to the dividends is determined (excluding dividends that are deductible in computing the taxable income of the company paying the dividends in its resident state).
- It is a qualifying pension fund.

(tt) The 0% rate applies to dividends paid to the following:
- A Polish company that owns directly at least 10% of the capital of the Belgian company for a for an uninterrupted period of at least 24 months
- A qualifying pension fund

(uu) The 0% rate applies to interest on loans granted by banking enterprises, excluding loans represented by bearer securities, and to interest paid to qualifying pension funds.

(vv) The 0% rate applies if the Rwanda company has owned directly at least 25% of the capital in the Belgian company continuously for at least 12 months and does not enjoy the benefit of special measures to promote economic development.

(ww) The lower rate applies if both of the following conditions are satisfied:
- The Rwanda company holds directly or indirectly at least 35% of the capital in the Belgian company.
- The amount of the loan(s) granted by the Rwanda company does not exceed the amount of the equity of the Belgian company.

(xx) The 0% rate applies if the San Marino company has owned directly at least 25% of the capital in the Belgian company continuously for at least 12 months. The 5% rate applies if the San Marino company has owned directly at least 10% but less than 25% of the capital in the Belgian company continuously for at least 12 months.

(yy) The 0% rate applies if the company receiving the dividends holds shares representing directly at least 25% of the capital of the company paying the dividends for an uninterrupted period of at least 12 months. The 5% rate applies if the company receiving the dividends holds directly at least 10% of the capital of the company paying the dividends.

(zz) In the case of equipment leasing, the 5% rate is levied on 60% of the gross amount of the royalties.

(aaa) The 0% rate applies to dividends paid to the following:
- A Swiss company that owns directly at least 10% of the capital of the Belgian company for an uninterrupted period of at least 12 months
- A pension fund

(bbb) The 0% rate applies to interest on loans and credits granted by a company and to interest paid to a pension fund.

(ccc) The 10% rate applies to interest paid to a financial institution.

(ddd) Under the protocol to the treaty, the rate is 5% dividends paid to Turkish companies provided that the dividends received by a Belgian company from a Turkish company are exempt, which is currently the case (the general participation exemption). Otherwise, the treaty rate is 15% if the Turkish company owns directly at least 10% of the capital of the Belgian company and 20% in other cases.

(eee) The minimum holding requirement is 20%.

(fff) The higher rate applies to copyright royalties (including royalties with respect to copyrights on films and certain other items).

(ggg) The 0% rate applies to payments to financial institutions and public bodies.

(hhh) The higher rate applies to dividends paid out of income derived directly or indirectly from immovable property by an investment vehicle that distributes most of this income annually and whose income from such immovable property is exempted from tax.

(iii) The lower rate applies to dividends paid to the following:
- A company that holds at least 10% of the capital of the company paying the dividends for an uninterrupted period of at least 12 months
- A pension scheme (conditionally)

(jjj) The 0% rate applies to interest paid on loans or credits granted by an enterprise to another enterprise and to interest paid to pension funds.

(kkk) The 0% rate applies if the United States company owns at least 80% of the voting power in the Belgian company for a 12-month period ending on the date on which the dividends are declared. The 5% rate applies if the United States company owns directly at least 10% of the voting power in the Belgian company.

(lll) The 15% rate applies to interest on profit-sharing bonds.

(mmm) The 0% rate applies to interest paid to pension funds in the context of administering or monitoring pension schemes.

(nnn) The 5% rate applies if the Vietnamese company owns directly or indirectly at least 50% of the capital in the Belgian company. The 10% rate applies if the Vietnamese company owns directly or indirectly at least 25%, but less than 50%, of the capital of the in the Belgian company.

(ooo) The 5% rate applies if the beneficial owner is a pension fund. Conditions apply.

(ppp) The lower rate applies if a company in Pakistan is engaged in an industrial undertaking and pays dividends to a Belgian company of which it owns not less than 20% of the voting shares during a 365-day period that includes the day of the payment of the dividends (for the purpose of computing that period, no account shall be taken of changes of ownership that would directly result from a corporate reorganization, such as a merger or divisive reorganization, of the company that holds the shares or that pays the dividends).

(qqq) Consult the tax treaty for more information.

(rrr) The Russian Federation has suspended its tax treaty with Belgium with effect from 8 August 2023.

(sss) The lower rate applies if the foreign company owns directly or indirectly at least 25% of the paying company's capital.

(ttt) The lower rate applies to interest paid to a government organization, or with respect to either of the following:
- Bank loans not represented by bearer instruments
- Sales on credit

(uuu) The 0% rate applies to interest paid with respect to commercial debt claims resulting from deferred payments for goods, merchandise or services.

(vvv) The 0% rate applies if the interest is paid to the government or the central bank.

Bermuda

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A. At a glance

Corporate Income Tax Rate (%)	0
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	0
Withholding Tax (%)	0

B. Taxes on corporate income and gains

Bermuda does not currently impose income, withholding or capital gains taxes.

On 27 December 2023, the Government of Bermuda enacted the Corporate Income Tax Act, 2023 (CITA). The CITA imposes a statutory rate of 15% in relation to tax periods beginning on or after 1 January 2025 (commencement date).

Bermuda corporate income tax applies to Bermuda Constituent Entities that are part of multinational entity (MNE) groups if the group revenue as reported in the consolidated financial statements of the ultimate parent company is EUR750 million or more for at least two of the four fiscal years immediately preceding such fiscal year.

The Bermuda corporate income tax includes several significant items that are relevant to MNEs prior to the commencement date. The items most commonly considered in relation to 2023 matters are discussed below.

Economic Transition Adjustment. The Economic Transition Adjustment (ETA) allows certain in-scope entities to revalue assets and liabilities, other than goodwill, from carrying value to fair market value as of 30 September 2023. The amount amortized as an adjustment to taxable income can only offset up to 80% of taxable income (determined prior to the application of tax-loss carryforwards), with any unamortized amounts treated

as a loss carryforward. The step-up under the ETA is mandatory and applies by default, but it is possible to elect out of the ETA.

Inclusion of a provision for losses carried forward. Bermuda Constituent Entity Groups may deduct losses occurring during the five fiscal years preceding the commencement date of the corporate income tax (that is, 2020 through 2024) and determined in the same manner as if the group had been subject to the corporate income tax in the five pre-commencement date fiscal years. If the ETA is applied to a Bermuda Constituent Entity (that is, an ETA Opt-Out Election is not made), the net taxable loss arising with respect to the Bermuda Constituent Entity prior to 1 October 2023 is deemed nil.

Latest information. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf).

C. Fees and other taxes

Annual fee. An annual government fee, based on the assessable capital, is imposed on companies. The following is a schedule of the fees for exempted companies (see Section D).

Capital of company		
Exceeding BMD	**Not exceeding BMD**	**Annual fee BMD**
0	12,000	2,095
12,000	120,000	4,275
120,000	1,200,000	6,590
1,200,000	12,000,000	8,780
12,000,000	100,000,000	10,980
100,000,000	500,000,000	19,605
500,000,000	—	32,676

Certain types of entities are not subject to the annual fee described above. These entities are required to pay the following annual fees.

Entity	**Annual fee (BMD)**
Overseas (Permit) company whose principal business is	
Finance, insurance or operation of an open-end mutual fund	4,335
Any other business	25,000

Entity	**Annual fee (BMD)**
Overseas (Permit) company with a physical presence in Bermuda	2,095
Overseas (Permit) company that does not have a physical presence in Bermuda whose principal business falls within one of the specified categories	2,095
Unit trust management company	3,050
Exempted and overseas partnerships	2,350
Segregated accounts companies	295

Payroll tax. Payroll tax is imposed on all employers on the remuneration paid in their business. Taxable remuneration equals the

sum of wages, salaries and benefits paid in cash or in kind to employees for services rendered during the tax period.

For payroll tax compliance purposes, the fiscal year in Bermuda runs from 1 April through 31 March.

The Payroll Tax Amendment Act 2023 took effect on 1 April 2023. It increased the tax cap on gross earnings from BMD900,000 to BMD1 million, effective from 1 April 2023. It also changed the structure of the payroll tax into the following two separate portions:
- Employer portion
- Employee portion

These two portions must be calculated separately and reported by employers on the quarterly payroll tax returns. The sum of the two portions is the total payroll tax payable.

The employers remain responsible for the payment of both portions. However, they have the option of deducting the employee portion from employee remuneration in full or in part.

The employers are responsible for calculating the full employee portion regardless of whether they deduct it from the employees.

The following are the payroll tax rates for the employer portion, which are based on gross annual remuneration:
- Annual payroll greater than BMD1 million: 10%
- Annual payroll from BMD500,001 to BMD1 million: 7.5%
- Annual payroll from BMD350,001 to BMD500,000: 5.25%
- Annual payroll from BMD200,000 to BMD350,000: 2.5%
- Annual payroll less than BMD200,000: 1%

Effective from 1 April 2023, the employee portion of payroll tax is a separate amount and must be calculated separately from the employer portion.

Although as noted above, employers have the option to deduct the employee portion of payroll tax from employee remuneration, the responsibility to pay the full amount of tax (employer and employee portions) to the Office of the Tax Commissioner still rests with the employers.

Effective from 1 April 2023, the employee portion is calculated using the following marginal tax rate structure:
- On the first BMD48,000 of annual payroll: 0.5%
- On the next BMD48,000: 9.25%
- On the next BMD104,000: 10%
- On the next BMD300,000: 11.5%
- On the next BMD500,000: 12.5%

The maximum taxable remuneration is BMD1 million.

Items exempt from the payroll tax base include employers' contributions to social insurance, the Hospital Insurance Plan, approved retirement plans, hospital and health schemes, life insurance schemes, and workers' compensation schemes.

Social security. All employers and employees must contribute to the national insurance scheme. The social insurance contribution rate is BMD71.84 per employee per week (based on a 52-week

year). The cost is typically shared equally between the employee and the employer. As a result, BMD179.60 is generally deducted from each employee's monthly paycheck in a five-week month and BMD143.68 is deducted from each employee's monthly paycheck in a four-week month. This amount, together with the employer's matching contribution, is remitted to the Bermuda Social Insurance Department.

Incorporation fees. The Bermuda Monetary Authority charge for an application to register a company is BMD340. The government fee for registering a memorandum of association is BMD100.

Financial Services Tax. Effective from 1 April 2019, Financial Services Tax (FST) is imposed on the following financial services providers:

- Banks: 0.0075% on consolidated gross assets at the end of a tax period
- Domestic insurers: 3.5% of gross premiums written in a tax period, excluding premiums relating solely to health insurance
- Money service businesses: 1% of aggregated income and outgoing money transmission volume in a tax period

For purposes of the FST, the tax period is each period of three calendar months beginning with the months of April, May and June 2017.

Every financial services provider subject to FST must within 30 days after the end of each tax period submit to the Office of the Tax Commissioner a return specifying the consolidated gross assets, gross premiums or aggregated income, and outgoing money transmission volume and pay the FST due with respect to that tax period.

General Services Tax. Under a proposal, a General Services Tax (GST) would be levied on turnover from the provision of most services by service providers to the public. It is proposed that the GST would be levied at a rate of 7%. This proposed tax would not be implemented until 1 April 2019, at the earliest. Notable exceptions to the GST would be in the sectors of banking, insurance and health care. Small service providers would also be exempt from GST.

D. Stamp duty

Stamp duty is charged on various legal instruments, including those detailed below.

Conveyance or transfer on sale of land or property. The following are the rates of stamp duty for the sale of Bermuda land or property:

- On the first BMD100,000 of the amount or value, or any part thereof: 2.10%
- On the next BMD400,000 of the amount or value (up to BMD500,000), or any part thereof: 3.15%
- On the next BMD500,000 of the amount (up to BMD1 million) or value, or any part thereof: 4.20%
- On the next BMD500,000 of the amount (up to BMD1.5 million) or value or any part thereof: 6.30%
- Amount in excess of BMD1.5 million: 7.35%

For non-Bermuda property, the rate is 1%.

First-time homebuyers are exempt from stamp duty charges on the first BMD1 million of value in relation to Bermuda real estate.

Lease or agreement for lease. The following are the amounts of stamp duty for a term lease:
- Term of up to three years: 1.05% of the aggregate rent
- Term of more than three years: 1.05% of the aggregate rent payable for the first three years of the lease, plus 0.5% of the aggregate rent payable for any additional period beyond three years

E. Miscellaneous matters

Types of companies. The limited liability company is the most common form of business entity in Bermuda. Limited liability companies may be local, exempted or permit, as described below.

Local companies. Local companies are required to have at least 60% of their issued share capital beneficially owned and controlled by Bermudians. Because this type of company is usually formed for the benefit of residents of Bermuda, the local companies may transact business worldwide or in Bermuda only.

Exempted companies. An exempted company is the most common form used by international businesses to transact business from Bermuda. Exempted companies are exempted from the requirement imposed on local companies that at least 60% of the equity be owned and controlled by Bermudians, as provided for by the Companies Act of 1981. In general, exempted companies may not compete with local companies in the Bermuda market nor own real estate in Bermuda. However, they may carry on business outside Bermuda or with other exempted undertakings in Bermuda. Examples of exempted companies include investment holding companies, trading companies, mutual fund companies, insurance companies and foreign sales corporations.

Permit overseas companies. Permit overseas companies are companies incorporated in jurisdictions other than Bermuda but have a permit to transact business from Bermuda. Permits are obtained through a license granted by the Ministry of Finance. An example of a permit overseas company is a ship-owning company that is incorporated and has ships registered in another country, but by permit conducts business from Bermuda.

Exempted Undertakings Tax Protection Act, 1966. Under the Exempted Undertakings Tax Protection Act, 1966, as amended, all exempted undertakings in Bermuda, such as exempted and permit companies, partnerships and unit trusts, may apply for an undertaking by the government that taxation introduced in Bermuda will not apply to the exempted company until 28 March 2016. Under a recent amendment to this act, the assurance of tax-neutrality is extended from 28 March 2016 until 31 March 2035 if proper application is made with the Registrar of Companies and if a fee of BMD160 is paid.

Foreign-exchange controls. Exempted companies and permit companies are designated as nonresident for exchange control purposes. The nonresident designation allows these entities to operate free of exchange control regulations and enables them, without reference to the Bermuda Monetary Authority, to make payments of dividends, distribute capital, open and maintain foreign bank accounts, maintain bank accounts in any currency and purchase securities. However, the issuance and transfer of shares and the change of beneficial ownership of shares in a Bermuda exempted company must be approved by the Bermuda Monetary Authority. The remittance and repatriation of funds by exempted companies and permit companies are not subject to exchange controls. Similarly, trust settlements on behalf of nonresidents are generally free from exchange controls. Under the Exchange Control Act 1972 and the Exchange Control Regulations 1973, certain exchange controls apply to Bermuda residents and to local companies. No capital or exchange control regulations apply to nonresidents.

The Bermuda dollar (BMD) is pegged to the US dollar at an equal exchange rate, and the two currencies are used interchangeably in Bermuda.

The Bermuda-dollar accounts of residents and local companies are subject to a 1.25% tax on the purchase of a foreign currency.

Transfer of shares. Although the consent of the Bermuda Monetary Authority is ordinarily required for the issue or transfer of any share or security, blanket permission for share issues and transfers may be granted, such as for publicly traded securities.

Common Reporting Standard. On 17 April 2019, Bermuda published *The Common Reporting Standard for Automatic Exchange of Financial Account Information in Tax Matters Regulations*, Version 2.0, for the implementation of the Common Reporting Standards (CRS) Regulations. The CRS Regulations, which entered into force on 1 January 2016, require financial institutions to complete due diligence and reporting on investors, depending on their underlying classifications and tax residency.

United States Foreign Account Tax Compliance Act. On 19 December 2013, Bermuda and the United States signed and released a Model 2 Intergovernmental Agreement (IGA) for the implementation of the US Foreign Account Tax Compliance Act (FATCA). All Bermudian foreign financial institutions (FFIs) and trustee documented trusts must comply with FATCA per those regulations and report FATCA-required information directly to the Internal Revenue Service.

Country-by-Country Reporting. Bermuda has adopted Country-by-Country Reporting (CbCR) in accordance with the Organisation for Economic Co-operation and Development (OECD) Base Erosion and Profit Shifting (BEPS) Action Plan. The CbCR regulations and guidelines were issued in July 2018. The regulations require certain multinationals to submit Country-by-Country Reports to the Bermuda tax authority.

Economic substance. As a member of the OECD Inclusive Framework on BEPS, Bermuda enacted the International Tax

Co-operation (Economic Substance) Act on 31 December 2018, which is effective from 1 January 2019. Legislation requires "relevant entities" conducting "relevant activities" to complete notifications and reporting on an annual basis and maintain substance in the jurisdiction.

Bolivia

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A. At a glance

Corporate Income Tax Rate (%)	25
Capital Gains Tax Rate (%)	25 (a)
Branch Tax Rate (%)	25
Withholding Tax (%) (b)	
Dividends	12.5
Interest	12.5
Royalties	12.5
Professional Services	12.5 (c)
Branch Remittance Tax	12.5
Net Operating Losses (Years)	
Carryback	0
Carryforward	3/5 (d)

(a) See Section B.
(b) A 12.5% withholding tax is imposed on all payments of Bolivian-source income to foreign beneficiaries that carry out the work outside the country (see Section B).
(c) This withholding tax applies to services fees received for specified professional services, including consulting, expert services, and technical, commercial or other advice.

(d) A Bolivian-source loss incurred in a year may be carried forward to offset taxable income derived in the following three years. Loss carryforwards are not subject to inflation adjustment. For the oil and mining production sector and new projects with a minimum capital investment of BOB1 million, the carryforward period is five years. On the reorganization of companies, the carryforward period is four years.

B. Taxes on corporate income and gains

Corporate income tax. Bolivian companies and foreign companies with permanent establishments in Bolivia are subject to income tax on their Bolivian-source income.

Rates of corporate tax. The standard rate of corporate income tax is 25%.

Mining operations. Act No. 535 (New Mining Code), dated 28 May 2014, confirms the additional rate of corporate income tax of 12.5% (previously established by Act. No. 3787, dated 24 November 2007). This additional rate applies to additional taxable profits resulting from favorable price conditions for minerals and metals. The following are significant aspects of this additional rate:

- The 12.5% tax rate applies if mineral and metal quotations are equal or higher than the base quotations established by law.
- The 12.5% tax does not apply to taxable profits attributable to sales that have lower quotations than the base quotations.

The tax referred to above must be paid on a monthly basis. The date of payment depends on the last digit of the Tax Identification Number. The monthly payments are considered advance payments of the tax determined at the end of the year. If the total of the advance payments is less than the amount determined at the end of the year, this difference must be paid. If the total of the advance payments exceeds the amount determined at the end of the year, the difference can be claimed as a tax credit against the standard corporate income tax for the year or the additional amount of corporate income tax for the following year.

Surtax. A 25% surtax is imposed on net income derived from mining, reduced by the following two special deductions:

- A percentage of up to 33%, which varies according to the type of business, of accumulated investment in exploration, development, assets that qualify for environmental incentives and environmental protection, which is directly related to mining extractive activities performed after the 1991 tax year.
- 45% of net income derived from minerals and/or metals extractive activities. This deduction is limited to BOB250 million (USD35.9 million). This limit was established by Supreme Decree No. 24780 and is adjusted by inflation on an annual basis.

For mineral-producing companies, the net income for an extraction operation is the value of the commercialized product in the mining market.

Hydrocarbon Direct Tax. The Hydrocarbon Direct Tax is imposed at a rate of 32% on hydrocarbon production in oil wells located in Bolivia. The Hydrocarbon Direct Tax is calculated and paid in the same manner as the 18% royal prerogatives, which apply to

all extractive fields. The 18% royal prerogatives consist of the following:

- A regional royal prerogative equal to 11% of the gross hydrocarbon production from oil wells, which is paid to the region where the hydrocarbons are produced
- A national royal prerogative equal to 1% of the gross hydrocarbon production
- An amount equal to 6% of the gross hydrocarbon production in oil wells, which is paid to the National Treasury after the deduction of the necessary amounts for the management of the contracts

Capital gains. In general, capital gains are taxed in Bolivia.

Administration. The law specifies the following tax year-ends, which vary according to the type of business.

Business	Tax year-end
Industry (including oil and gas)	31 March
Agriculture and agribusiness	30 June
Mining	30 September
All other businesses	31 December

Annual tax returns and financial statements must be filed with the Internal Revenue Service (IRS) and income tax paid within 120 days after the end of the tax year. Advance payments are not required except for mining companies, which must make payments of income tax when they export minerals or metals.

Debts owed to and credits due from the state are adjusted to reflect changes in the Unidad de Fomento de Vivienda (UFV), which is the inflation index established by the Central Bank of Bolivia.

Fines and interest charges apply to late tax payments and other non-compliance with tax obligations. Under Act No. 812, the interest is calculated based on the age of the debt. The following are the interest rates:

- 4% until the last day of the fourth year
- 6% until the last day of the seventh year
- 10% until the last day of the eighth year

The tax code provides that fraud exists if a tax debt exceeds an amount equal to 10,000 UFV, calculated as of the date of determination of the fraud.

Under Act No. 812, dated 30 June 2016, the statute of limitation for tax audits is eight years.

The statute of limitation period may be increased by two years if the entity does not comply with the obligation to register, registers under a different tax regime, commits tax crimes or carries out commercial and/or financial operations with companies located in countries with low or null taxation (there is a list of countries and regions that is periodically updated).

Withholding taxes. Local entities, including Bolivian permanent establishments of foreign companies, that pay Bolivian-source income to foreign beneficiaries must withhold 12.5% of the amounts paid. For this purpose, Bolivian-source income includes

all dividends, interest payments, branch remittances, royalties, professional service fees (includes consulting, expert services, and technical, commercial or other advice), commissions and other income. In general, Bolivian-source income is revenue that is derived from assets located, placed or economically used in Bolivia, or from activities developed in Bolivia. This rule applies regardless of the nationality, address, or residence of the recipient of the income or the parties involved in the activities, or where the relevant contract is executed. For services, the withholding is applied to beneficiaries who carry out the work outside of Bolivia.

For dividends paid by Bolivian companies, the withholding tax is payable when the dividends are actually paid, remitted or credited. However, branch profits are deemed remitted when the corporate income tax return is due (120 days after the end of the tax year; see *Administration*).

Dividends. The 12.5% withholding tax on payments to foreign beneficiaries applies to dividends paid by Bolivian companies (see *Withholding taxes*). Dividends received from Bolivian companies subject to Bolivian corporate income tax are not taxed.

Foreign tax relief. The Bolivian tax code does not provide foreign tax relief.

C. Determination of taxable income

General. Taxable income is the revenue reported in the companies' financial statements prepared in accordance with generally accepted accounting principles in Bolivia, subject to certain adjustments for tax purposes. In general, all expenses necessary to generate income and to maintain the existence of the company (for example, contributions to regulatory-supervisory organizations, contributions for social benefits and certain national and municipal taxes) are deductible. Donations and other gratuitous transfers to nonprofit organizations that are exempt from income tax may be deducted up to a maximum limit of 10% of taxable income derived in the year of the donation or gratuitous transfer.

Certain expenses are not deductible, including the following:
- Personal withdrawals by owners or partners
- Corporate income tax
- Bonuses and other benefits that are not paid to employees within the time period in which the annual form must be presented for the year of payment
- Interest paid to related parties, to the extent it exceeds, for foreign loans, the London Interbank Offered Rate, plus 3%, or, for local loans, the official lending rate. In addition, interest paid to related parties may not exceed 30% of the interest paid to third parties

Royalties paid with respect to mining activities are creditable or deductible, depending on the price of the minerals and subject to certain limits established by law.

Revenue and expenses are reflected in the year they are accrued.

Documentation for deduction of expenses. To deduct expenses in an amount of BOB50,000 or greater, the taxpayer must have payment supports issued by a financial intermediation entity regulated by the Authority of Supervision of the Financial System (Autoridad de Supervisión del Sistema Financiero, or ASFI). These documents must have the following information:
- Financial institution (issuer) business name
- Transaction or operation number
- Transaction date
- Transaction amount

In June 2015, the IRS issued Normative Resolution No. 10-0017-15, which states that payment supports of transactions equal or greater than BOB50,000 (the Banking Report) must be prepared on an annual basis and must be sent to the IRS between the fifth and ninth day of the following February; the due date depends on the last digit of the taxpayer's Tax Identification Number.

Inventories. Inventories are valued at the lower of market value or replacement cost.

Provisions. Provisions and reserves are not deductible for tax purposes, with the exception of the following:
- Technical reserves in insurance companies
- Mandatory provisions for financial entities
- Severance provisions
- Bad debt provisions
- Provisions for environmental restoration

To claim deductions, certain conditions must be satisfied.

Depreciation and amortization. Fixed assets are generally depreciated using the straight-line method at rates specified by law. The following are some of the annual depreciation rates.

Assets	Rate (%)
Buildings	2.5
Machinery, equipment and installations	12.5
Vehicles	20
Furniture and office equipment	10
Computer equipment	25

Trademarks and similar intangible assets may be amortized in five years if they are valued using the purchase price.

Depreciation charges resulting from changes in value based on professional appraisals carried out after 31 December 1994 are not deductible for tax purposes.

Groups of companies. Groups of companies may not file consolidated returns in Bolivia.

Relief for losses. A Bolivian-source loss incurred in a year may be carried forward to offset taxable income derived in the following three years. Loss carryforwards are not subject to inflation adjustment. For the oil and mining production sector and new projects with a minimum capital investment of BOB1 million, the carryforward period is five years. On the reorganization of companies, the carryforward period is four years.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT), on all sales of goods and services and on imports; VAT on capital goods imported by companies in the agriculture and cattle raising industries and non-extractive industries that will be used to produce goods for export may be deferred for up to 3 years if an advance payment of 10% is made	13%
Transactions Tax, on gross revenue; corporate income tax from the preceding year may be credited against Transactions Tax; sales of a limited liability partnership's capital quota are exempt	3%
Real estate tax, imposed annually on the assigned value of real property and vehicles	Various
Excise tax, on the production or importation of specified goods	
Beer	BOB4.13 per liter plus 1%
Wine	BOB3.78 per liter plus 5%
Tobacco products; rate applied on the price	50%
Blond tobacco cigarettes	BOB153.76 per 1,000 units
Black tobacco cigarettes	BOB81.86 per 1,000 units
Cigar	BOB153.76 per 1,000 units
Vehicles; rate applied on the price	5% to 50%
Electric motor vehicles	0%
Special Tax on Hydrocarbons and Derived Products; as of December 2023, the maximum rate is BOB8.45; prices that include the tax rate	
Vehicular natural gas	BOB1.66 per cubic meter
Petroleum liquid gas	BOB2.25 per kilogram
Special gasoline	BOB3.74 per liter
Premium gasoline	BOB4.79 per liter
Aviation gasoline	BOB4.57 per liter
Kerosene	BOB2.72 per liter
National jet fuel	BOB2.77 per liter
Fuel oil	BOB3.72 per liter
Mining royalty; imposed on gross revenue; rates vary according to the type of mineral	Various
Financial Transactions Tax (Impuesto a las Transacciones Financieras, or ITF); levied on bank transactions in foreign currency (deposits or transfers of funds) carried out within the domestic financial system;	

Nature of tax	Rate
in December 2023, Law 1546 was enacted to approve the government budget for the 2024 fiscal year; this law extended the application of the ITF until 31 December 2028;	0.3%
Additional financial aliquot (tax rate) for corporate income tax; applicable to financial entities, financial leasing companies, general deposit warehouses, investment fund management companies, brokerage firms and securitization companies, regulated by the ASFI, insurance and reinsurance companies, regulated by the Autoridad de Fiscalización y Control de Pensiones y Seguros (APS); tax applicable if return on equity exceeds 6%; tax is neither deductible nor able to be offset	25%
Social security contributions	
Employer	
Health care; on monthly gross revenue per employee	10%
Housing fund; on monthly gross revenue per employee	2%
Professional risk insurance; on monthly gross revenue per employee	1.71%
Solidarity Fund	3%
Solidarity Fund for mining entities	2%
Employees	
Retirement fund	10%
Common risk insurance	1.71%
Solidarity Fund (fixed contribution)	0.5%
Solidarity Fund (variable and cumulative contribution)	
Difference between the total salary and BOB35,000	10%
Difference between the total salary and BOB25,000	5%
Difference between the total salary and BOB13,000	1%
Christmas bonus (Aguinaldo); general paid between 1 December and 20 December each year; if employment is less than a year, the bonus is reduced pro rata	One month's salary
Second Christmas bonus (second Aguinaldo); must be paid if Bolivian gross domestic product increases by more than 4.5%	One month's salary
Termination compensation; bonus for termination of employment; amount depends on length of employment and whether the employee was fired or resigned	Various

E. Miscellaneous matters

Foreign-exchange controls. The Bolivian currency is the boliviano (BOB).

No restrictions are imposed on foreign-exchange transactions, including the repatriation of capital and the remittance of

dividends and royalties abroad. A system of free-floating exchange rates exists in Bolivia. No special registration requirements apply to foreign investment.

The current exchange rate is BOB6.96 = USD1.

Transfer pricing. In July 2014, Act No. 549 introduced a transfer-pricing regime in Bolivia, effective from the 2015 fiscal year. Under this regime, commercial and/or financial transactions performed between related parties must be valued using the arm's-length principle. The transactions must be valued as if they were performed between unrelated parties in comparable markets.

The following methods may be used to value transactions between related parties:
- Comparable uncontrolled price
- Resale price
- Cost-plus
- Profit-split
- Transactional net margin
- Notorious price in transparent markets (applicable to the import or export of commodities)

For this purpose, the IRS may verify if the transactions are valued according to the above methods and make any adjustments or revaluation if the agreed value, regardless of the adopted legal form, does not conform to the economic reality or causes lower taxation in Bolivia.

In April 2015, the IRS issued Normative Resolution No. 10-008-15, which imposes the following obligations:
- If annual operations with related parties are greater than BOB15 million (USD2,155,172), a transfer-pricing study and Form No. 601 must be delivered to the IRS.
- If annual operations with related parties are between BOB7,500,000 (USD1,077,586) and BOB15 million (USD2,155,172), only Form No. 601 must be delivered to the IRS.
- If annual operations with related parties are less than BOB7,500,000 (USD1,077,586), the company must retain information to demonstrate that the operations were made at market values.

In January 2017, the IRS issued Normative Resolution No. 101700000001, which established a tax-haven list that included 76 "low tax countries and regions." This list was updated in March 2018 by Normative Resolution No. 101800000006, and then included 82 "low tax countries and regions." In February 2019, Normative Resolution No. 101900000002 added Curaçao to the tax-haven list of "low tax countries and regions." Parties from these jurisdictions must be considered related parties if any commercial or financial transaction occurs with them.

In Bolivia, the interquartile formula is not applied to calculate the range of value differences. Normative Resolution No. 10-0008-15 established certain formulas to calculate the ranges.

Reorganizations. Profits arising from company reorganizations, which are mergers, divisions or transformations, are not subject to corporate income tax. Regulations on reorganizations are expected to be issued in the near future.

F. Tax treaties

Bolivia has entered into tax treaties with Argentina, France, Germany, Spain, Sweden, the United Kingdom and the United States (income tax with respect to income derived from the international operation of ships and aircraft). It has also signed the Andean Pact, which includes a tax treaty, with Colombia, Ecuador and Peru. However, the government is reviewing these treaties to determine whether they accomplish new government policies. As a result, these treaties may be ratified or revoked.

On December 2017, Normative Resolution No. 1017000030 implemented a procedure and requirements for applying tax-treaty benefits. The Tax Residence Certificate of the foreign company must be obtained, and the local company must report transactions subject to any benefit to the tax authority through the applicable web page.

Bonaire, Sint Eustatius and Saba (BES-Islands; extraordinary overseas municipalities of the Netherlands)

Please direct all requests regarding the BES-Islands to the persons listed below.

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On 10 October 2010, the country Netherlands Antilles, which consisted of five island territories in the Caribbean Sea (Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten), was dissolved. On the dissolution of the Netherlands Antilles, the islands of Bonaire, Sint Eustatius and Saba (BES-Islands) became part of the Netherlands as extraordinary overseas municipalities. Curaçao and Sint Maarten have both become autonomous countries within the Kingdom of the Netherlands. In connection with the dissolution, a complete overhaul of the tax framework in the BES-Islands

was implemented, becoming effective on 1 January 2011. The following chapter provides information on taxation in the BES-Islands only. Chapters on Curaçao and Sint Maarten appear in this guide.

A. At a glance

Profit Tax	– (a)
Capital Gains Tax	– (a)
Real Estate Tax Rate (%)	10/17.5 (b)
Yield Tax Rate (%)	5 (c)

(a) The BES-Islands do not have a profit tax or capital gains tax.

(b) The profit is fixed at 4% of the fair market value of the real estate. The standard rate of the real estate tax is 17.5% of the fixed profit. Consequently, in principle, the effective annual tax rate is 0.7% of the fair market value of the real estate. A reduced rate of 10% applies to hotels, unless the hotel is owned by an individual. Consequently, the effective annual tax rate with respect to hotels is 0.4%. In addition, a 30% surtax is levied over the real estate tax due. Real estate tax applies if an entity using the real estate, by virtue of ownership, possession or a limited right, is deemed to be resident in the BES-Islands. If the entity is deemed to be resident in the Netherlands, the Dutch corporate income tax and the Dutch dividend withholding tax apply instead. For further details, see Section B.

(c) This tax applies if the entity from which distributions of profits are derived is deemed to be resident in the BES-Islands. If the entity is deemed to be resident in the Netherlands, the Dutch corporate income tax and the Dutch dividend withholding tax apply instead. For further details, see Section B.

B. Taxes on corporate income and gains

BES-Islands tax regime. The tax regime in the BES-Islands does not include a profit tax. However, it does include a yield tax and a real estate tax.

Pillar Two. The Pillar Two Global Anti-Base Erosion (GloBE) Model Rules stipulate that multinational enterprises (MNEs) with a (worldwide consolidated) turnover of more than EUR750 million are subject to a global minimum tax rate of at least 15% in each jurisdiction where they have a Constituent Entity (the minimum tax rate is in principle calculated based on the GloBE Model Rules provided by the Organisation for Economic Co-operation and Development [OECD]). The BES-Islands have implemented Pillar Two legislation through a linking provision connected to the Dutch Pillar Two legislation. As a result, Constituent Entities of in-scope MNEs that are located in the BES-Islands should consider the possible application of Pillar Two legislation, including the Income Inclusion Rule and the Qualifying Domestic Minimum Top-up Tax. However, in the BES-Islands, certain provisions, most notably the application of the Under-Taxed Profits Rule, are not included.

Residency fiction. The yield tax and real estate tax mentioned above are not automatically applicable as a result of a residency fiction. In principle, all entities established on the BES-Islands are deemed to be established in the Netherlands for tax purposes and accordingly subject to Dutch corporate income tax (up to 25.8%) and Dutch dividend withholding tax (in principle, 15%). For details on the Dutch taxes, see the chapter on the Netherlands in this guide.

However, on request, entities that have sufficient nexus with the BES-Islands may be subject to the fiscal system of the BES-Islands. In such case, no Dutch corporate income tax applies, but the yield tax and real estate tax apply. Entities are deemed to have

sufficient nexus with the BES-Islands if any of the following circumstances exist:
- The entity is a foundation or trust that is a resident of the BES-Islands.
- The entity has been admitted to a special trade and service depot.
- On request, the entity has obtained a ruling from the tax authorities that, for tax purposes, the entity is deemed to be a resident of the BES-Islands. A request for such a ruling should be made with the tax authorities within six months after the beginning of the calendar year.

The ruling referred to above is issued in the following cases:
- The assets of the entity in the BES-Islands consist of less than 50% of mobile assets, including, among other portfolio investments, participations and cash.
- An entity that does not meet the requirement above can still obtain a ruling if it employs at least three residents of the BES-Islands that manage the entity's assets and if it has at its disposal business premises in the BES-Islands for a period of at least 24 months with a value of at least USD50,000.
- The entity is a holding company that holds at least 50% of the shares in an entity that is admitted to a special trade and service depot or already has obtained such a ruling.
- The entity has a small business with a turnover of no more than USD80,000, the assets of the company in general do not exceed USD200,000, and the company does not carry out financial services, insurance or trust (fiduciary) activities.

Yield tax. The yield tax is levied on distributions (in whatever form) of profits by entities resident in the BES-Islands. The rate of the yield tax is 5%. The entity making the distribution acts as withholding agent. Interest and royalty payments are not subject to the yield tax. The yield tax is not levied on the remittances of profits by branches to their foreign head offices.

Real estate tax. The real estate tax is levied on gains derived from real estate located in the BES-Islands. The real estate tax is levied on a taxpayer (person or entity) that, at the beginning of the year, has the use of real estate by virtue of ownership, possession or a limited right.

The profit is fixed at 4% of the fair market value of the real estate. The rate of the real estate tax is 17.5% of the fixed profit. Consequently, the effective annual tax rate is 0.7% of the fair market value of the real estate. A reduced rate of 10% applies to hotels, unless the hotel is owned by an individual. Consequently, the effective annual tax rate with respect to hotels is 0.4%. In addition, a 30% surtax is levied over the real estate tax due. The value of the real estate is determined by the Tax Inspector. The value is set at the beginning of the period for which the value is determined and is in principle determined for five consecutive calendar years.

Real estate tax is not levied on owner-occupied homes, real estate included in the business assets of a privately run enterprise (that is not operating in the form of an entity) and real estate with a value of less than USD70,000, if the person having use of the real estate is a resident of the BES-Islands.

In addition, entities that are deemed to be residents of the Netherlands (see *Residency fiction*) are exempt from real estate tax.

Administration

Real estate tax. The real estate tax is levied over a period of one calendar year. The Tax Inspector imposes a tax assessment, and the filing of a tax return is not required.

Yield tax. The withholding agent must withhold the yield tax at the time the profit distribution is put at the disposal of the recipient. The withholding agent must file a quarterly tax return and remit the yield tax due within 15 days after the end of the quarter. The tax return does not need to be filed for periods in which no distributions take place.

C. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
General expenditure tax; levied on the delivery of manufactured goods in the BES-Islands by a manufacturer as part of its business, on the rendering of services in the BES-Islands by an entrepreneur as part of its business and on imports of goods	
Bonaire	
Delivery of goods (different rates apply to passenger cars)	8
Insurance	7
Other taxable activities	6
St. Eustatius and Saba	
Delivery of goods (different rates apply to passenger cars)	6
Insurance	5
Other taxable activities	4
Real estate transfer tax	5
Customs duties	0

D. Tax treaties

The Dutch treaty network does not apply to entities deemed to be residents of the BES-Islands. However, the Dutch standard treaty does not exclude entities deemed to be residents of the Netherlands (by the residency fiction) from the application of the treaty.

Provisions for double tax relief are included in the Tax Regulation for the Netherlands. Under a measure in the Tax Regulation for the Netherlands, on request, dividend distributions by a qualifying Dutch subsidiary to its BES-Islands parent company can be exempt from Dutch dividend withholding tax.

Botswana

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A. At a glance

Corporate Income Tax Rate (%)	22 (a)
Capital Gains Tax Rate (%)	22 (b)
Branch Tax Rate (%)	30
Withholding Tax (%)	
Dividends	10
Interest	15
Royalties	15
Management and Technical Fees	15
Payments to Entertainers	10
Payments under Construction Contracts	3 (c)
Brokerage Commission	10 (d)
Rent Paid for Use of Buildings and Land	5 (d)
Purchases of Livestock	4 (e)
Directors' Fees	10 (f)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) For approved manufacturing companies, the rate is 15%.
(b) See Section B.
(c) This tax is imposed on gross receipts derived from construction contracts. This tax is an advance payment that may be offset against the actual tax due.
(d) This tax is an advance payment that may be offset against the actual tax due.

(e) This withholding tax applies to payments for purchases of livestock for slaughter or for feeding for slaughter.
(f) The rate is 15% for fees paid to a nonresident director, unless a double tax treaty provides otherwise.

B. Taxes on corporate income and gains

Corporate income tax. All companies operating in Botswana are subject to tax on earnings in Botswana.

Rates of corporate tax. The corporate tax rate for companies other than manufacturing companies is 22%. Approved manufacturing companies are subject to tax at a reduced tax rate of 15%.

The tax rate for a branch is 30%. Botswana does not impose a branch remittance tax.

International Financial Services Centre (IFSC) companies (as defined) are taxed at a rate of 15%.

Accredited Innovation Hub business taxable income is taxed at 15%.

Special Economic Zone accredited businesses are taxed at 5% for the first 10 years and 10% thereafter.

Diamond-mining companies are taxed in accordance with tax agreements entered into by the companies with the government. Other mining companies are taxed at a rate of 22% or at a rate determined by a formula, whichever is higher. The following is the formula:

$$70 - \frac{1{,}500}{x}$$

$$x = \frac{\text{Taxable income}}{\text{Gross income}} \times 100$$

Capital gains. The capital gains tax applies to gains on the sale of capital assets of a business carried on in Botswana and on the sale of corporate shares and debentures of private companies.

For computing gains on sales of immovable property acquired before 1 July 1982, the cost of acquisition and improvements is first increased by a 10% rate, compounded for each complete 12-month period from the date of acquisition to 1 July 1982. It is then indexed for inflation from 1 July 1982 to the date of sale. For computing gains on immovable property acquired on or after 1 July 1982, the cost of acquisition and improvements is indexed for inflation during the period of ownership.

Only 75% of the gain derived from the sale of shares is subject to capital gains tax. Gains on the sale of shares held for at least one year that are listed on the Botswana Stock Exchange are exempt from capital gains tax if the shares are actually traded on the Botswana Stock Exchange or if the company has released for trading 49% or more of its equity shares on the Botswana Stock Exchange. Sales of shares in IFSC companies are exempt from capital gains tax.

Taxable capital gains are subject to tax at a rate of 22% for resident companies and 30% for nonresident companies.

Administration. The tax year ends on 30 June. Companies are taxed on the profits reported in their latest completed accounting period.

Under an advance payment of tax and self-assessment system, companies must estimate their tax in advance and pay the estimated tax in four equal quarterly installments. The first payment is due three months after the beginning of the accounting period and the subsequent payments are due at the end of every subsequent three-month period. Tax returns must be filed, and any balance of tax due must be paid, within four months of the end of the tax year, or in the case of a company with an accounting period that is different from the tax year, within four months from the end of such accounting period. Underpayments and late payments are subject to interest at a rate of 1.5% per month or part of a month (compounded).

Dividends. A withholding tax of 10% is imposed on dividends paid to residents and nonresidents. It is a final tax.

Dividends distributed by investment or similar companies are exempt from tax if they are paid out of dividends received that suffered withholding tax.

C. Determination of trading income

General. Taxable income is net income reported in the financial statements, modified by certain provisions of the tax law. Expenses are deductible to the extent incurred in producing assessable income.

The rules for determining taxable income for an IFSC company are different from those for a normal company.

Collective-investment undertakings (as defined) are subject to tax on their undistributed income only.

Interest deductibility. Interest expenses claimed as deductions are limited to 30% of the earnings before interest, tax, depreciation and amortization. The excess is claimable over 10 years for mining companies and three years for the non-mining entities. However, the limitation does not apply to companies whose main business is banking or insurance or are variable rate loan stock entities.

Inventories. For tax purposes, inventory is valued at the lower of cost or net realizable value.

Provisions. Specific identifiable provisions are allowable for tax purposes; general provisions are not allowed.

Depreciation. Depreciation is computed using the straight-line method. Official rates vary according to the type of asset. The following are some of the official straight-line rates.

Asset	Rate (%)
Industrial buildings	2.5*
Commercial buildings	2.5
Office equipment	10
Motor vehicles	25
Plant and machinery	15 to 25

* An initial allowance of 25% is also granted.

Capital allowances are subject to recapture on the sale of an asset to the extent that the sales proceeds exceed the tax value after depreciation.

Mining companies may deduct 100% of their mining capital expenditure (as defined) in the year in which the expenditure is incurred.

Relief for losses. In general, tax losses may be carried forward for five years. Mining and prospecting losses may be carried forward indefinitely.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on almost all supplies of goods and services consumed in Botswana	14
Capital transfer tax, paid by the recipient on all gratuitous receipts of property, corporate shares and inheritances, less allowable deductions	12.5

E. Miscellaneous matters

Foreign-exchange controls. No foreign-exchange controls are imposed in Botswana. However, certain forms must be completed for statistical purposes.

Transfer pricing. Botswana introduced transfer-pricing legislation in December 2018 that is effective from 1 July 2019. The regulations, which are based on the Organisation for Economic Co-operation and Development (OECD) Guidelines, cite the OECD guidelines as a relevant source of interpretation of the regulations.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %	Management and technical fees %
Barbados	5/12 (a)	10	10	10 (f)
China (Mainland)	5	7.5	7.5	15
Eswatini	10/15 (e)	10	10	10
France	5/12 (a)	10	10	7.5
India	7.5/10 (c)	10	10	10
Ireland	5	7.5	5/7.5 (h)	—
Lesotho	10/15 (e)	10	10	10
Malawi	5/8 (i)	10	12	10
Mauritius	5/10 (b)	12	12.5	15
Mozambique	10/12 (j)	10	10	10
Namibia	10 (c)	10	10	15
Russian Federation	5/10 (b)	10	10	10
Seychelles	5/10 (b)	7.5	10	10
South Africa	10/15 (e)	10	10	10
Sweden	15 (d)	15 (d)	15 (d)	15
United Arab Emirates	5/7.5 (k)	7.5	7.5	5

	Dividends %	Interest %	Royalties %	Management and technical fees %
United Kingdom	5/12 (a)	10	10	7.5
Zambia	5/7 (g)	10	10	10
Zimbabwe	5/10 (b)	10	10	10
Non-treaty jurisdictions	10	15	15	15

(a) The 5% rate applies if the recipient is a company that holds at least 25% of the share capital of the payer. The 12% rate applies in all other cases. (Although the treaty provides for a 12% rate in all other cases, the domestic rate of 10% applies because it is lower than the treaty rate of 12%.)

(b) The 5% rate applies if the recipient holds at least 25% of the shares of the payer. A 10% rate applies in all other cases.

(c) The 7.5% rate applies if the recipient is a company that holds at least 25% of the capital of the payer of the dividends. The 10% rate applies in all other cases.

(d) If a lower rate is negotiated with any other state in a future treaty, such rate also applies under the Sweden treaty.

(e) The 10% rate applies if the recipient is a company that holds at least 25% of the capital of the payer of the dividends. The 15% rate applies in all other cases. (Although the treaty provides for a 15% rate in all other cases, the domestic rate of 10% applies because it is lower than the treaty rate of 15%.)

(f) If a lower rate is negotiated with any other state in a future treaty, such rate also applies under the Barbados treaty.

(g) The 5% rate applies if the recipient is a company that holds at least 25% of the capital of the payer of the dividends. The 7% rate applies in all other cases.

(h) The 5% rate applies for royalties paid with respect to the use of, or the right to use, industrial, commercial or scientific equipment. The 7.5% rate applies in all other cases.

(i) The 5% rate applies if the recipient is a company that holds at least 25% of the capital of the payer of the dividends. The 8% rate applies in all other cases.

(j) The 10% rate applies if the recipient is a company that holds at least 25% of the share capital of the payer. The 12% rate applies in all other cases. (Although the treaty provides for a 12% rate in all other cases, the domestic rate of 10% applies because it is lower than the treaty rate of 12%.)

(k) The 5% rate applies if the beneficial owner is a company holding at least 10% of the capital of the company. The 7.5% rate applies in all other cases.

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A possible income tax reform is expected to be discussed in Brazil during 2024, which could affect the dividend withholding tax rate and the corporate income tax rate. For details, see Section B.

A. At a glance

Corporate Income Tax Rate (%)	15 (a)
Capital Gains Tax Rate (%)	15 to 25 (a)(b)
Branch Tax Rate (%)	15 (a)
Withholding Tax (%)	
Dividends	0
Interest	15 (c)(d)
Royalties from Patents, Know-how, etc.	15 (c)(d)(e)
Services	15 (c)(d)(e)(f)(g)(h)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (i)

(a) A 10% surtax is also levied (see Section B). As detailed in Section B, a Social Contribution Tax (SCT) is also imposed at the general rate of 9%. In view of the surtax and the SCT, the corporate income tax (CIT) rate in Brazil is generally considered to be 34%.

(b) Under Law 13,259/16, which applies to capital gains derived by Brazilian individuals, effective from 2017, the capital gains tax rate is increased from a 15% flat rate to a progressive rate system with rates ranging from 15% to 22.5%. According to Normative Instruction 1732/17, such increased rates also apply to capital gains derived by nonresident companies and individuals. A 25% rate applies to nonresidents located in low-tax jurisdictions.

(c) The withholding tax is imposed on payments, credits, deliveries or remittances abroad, and on the use of amounts in Brazil for the benefit of nonresidents.

(d) The withholding tax rate may increase to 25% if the recipient is resident in a prohibited list jurisdiction, which means a jurisdiction that taxes income at a rate lower than 20% (or 17% if the jurisdiction or regime complies with the international standards of tax transparency) and/or the jurisdiction's legislation does not allow access to information on the shareholders of legal entities or on the effective beneficiaries of income of nonresidents.

(e) A 10% Contribution for Intervention in the Economic Domain (Contribuição de Intervenção no Domínio Econômico, or CIDE) is imposed on royalties and on technical and administrative service payments. CIDE is payable by the Brazilian payer, and it is not a withholding tax.

(f) The withholding tax rate may increase to 25%, depending on the type of service rendered.

(g) Based on interpretations of tax treaties by the Brazilian tax authorities, it may be possible to claim that withholding income tax is not due on payments for technical services to Austria, Finland, France, Japan and Sweden.

(h) Imports of services generally also trigger the Social Integration Program (Programa de Integração Social, or PIS) tax and the Social Security Financing Contribution (COFINS), at a combined rate of 9.25%, as well as the Municipal Tax on Services (ISS), which is imposed at rates ranging from 2% to 5%, depending on the municipality and the service.

(i) For details, see Section C.

B. Taxes on corporate income and gains

Corporate income tax. Brazilian resident companies are subject to CIT on their worldwide income. Companies resident in Brazil are those incorporated under the Brazilian laws and managed in Brazil.

Foreign branches, agencies or representative offices of Brazilian companies are also subject to Brazilian tax on their income earned overseas. In general, foreign-source losses may not offset Brazilian-source income. A foreign tax credit is available (see *Foreign tax relief*).

In addition to CIT, SCT is imposed on worldwide income (see *Rates of tax*).

Rates of tax

Corporate income tax. The basic rate of CIT is 15%, increased by a surtax of 10% on annual taxable profits exceeding BRL240,000 (approximately USD46,200).

Exemption from, or reduction of, CIT is granted to businesses in certain underdeveloped areas.

Social Contribution Tax. SCT is levied at a general rate of 9%. For financial institutions, private insurance companies and capitalization companies, the SCT rate is 15%. For all banks, the rate is 20%.

SCT is not deductible in calculating CIT. The tax bases for SCT and CIT are basically the same. The total effective tax rate on corporate profits is 34% (25% CIT [including the 10% surtax] plus 9% SCT).

Losses for SCT purposes are subject to the same tax rules applicable to losses for CIT purposes.

At the time of writing, the Brazilian federal government had assumed the compromise to reform the income tax system in Brazil. While there is already a tax reform bill in Congress (approved by the House of Deputies but still pending approval by the Senate), which proposes that the CIT be reduced from 34% to 26% (potentially 27%, depending on other factors under discussion), the likelihood of this bill being approved is uncertain because it was proposed by the former government. It is also uncertain whether the current government would propose a large reform all at once or deliver changes through amendments in several pieces of legislation throughout the year.

Capital gains. Capital gains are treated as ordinary income for Brazilian resident companies and, accordingly, are subject to CIT and SCT.

Capital gains derived by nonresidents on shares and other assets located in Brazil (Foreign Direct Investment [Investimento Estrangeiro Direto, or IED]) are subject to capital gains tax at progressive rates ranging from 15% to 22.5%.

Such increased rates result from Law 13,259/16, which refers only to the capital gains tax rate for Brazilian individuals but is generally applied to nonresident companies and individuals. In Normative Instruction 1732/17, the Brazilian tax authorities confirmed their understanding that the progressive rates also apply to nonresident investors.

A 25% rate applies to nonresidents located in prohibited list jurisdictions.

Investments in the Brazilian financial and capital markets through the regulated market are subject to specific tax rules.

Administration

Filing and payment. The fiscal year is the calendar year. In general, companies must file returns called Escrituração Contábil-Fiscal (ECF) in an electronic format by the last working day of

July of the following year. Extensions to file returns are generally not available.

Companies may elect to pay CIT and SCT on an annual or quarterly basis. In general, this election may not be changed during the calendar year. Companies that elect the annual basis must make advance monthly payments of CIT and SCT. The advance payments are equal to the income tax applicable to either the company's actual taxable income or the company's income calculated in accordance with an estimated method, whichever is lower.

For monthly payments of CIT that are calculated based on the estimated method, the tax base is generally 8% of the company's gross income. Different percentages apply to specific industries, such as the following:

- 16% for financial institutions and transportation services
- 32% for services in general
- 1.6% for gas distribution

For the purpose of computing the advance income tax payments, the applicable rate is 15%. An additional 10% rate is applied to monthly taxable income in excess of BRL20,000 (approximately USD4,050).

The tax base for monthly estimated payments of SCT is generally 12% of gross income plus capital gains and other income, including financial income. This percentage is increased to 32% for service companies. SCT payments must be made at the same time as the income tax payments. The applicable tax rate is generally 9%.

The difference between the tax shown on the annual tax return and the amounts paid in advance must be paid by the last working day of March following the end of the fiscal year. If the amounts paid in advance exceed the tax shown on the annual tax return, the excess may be used to offset the tax due in a month following the fiscal year-end. A refund may be requested from the tax authorities within five years of the tax payment.

Alternatively, companies may pay tax quarterly based on actual quarterly income, computed under the accrual method.

Interest and penalties for late payments. The late payment of taxes is generally subject to the following:

- Interest calculated at the rate applicable to the Special Liquidation and Custody System (Sistema Especial de Liquidação e Custódia, or SELIC), which is published each month by the government
- A daily fine of 0.33% of the tax due, up to a maximum penalty of 20% of the tax due (excluding interest)

In general, assessments resulting from a tax audit are subject to a penalty of 75% on the tax due. The penalty increases to 150% in the case of fraud. These penalties can be reduced by 50% if the payment is made by the last day of the appeal period (other penalty reductions are available during the appeal process). In such case, the effective penalty is 37.5%.

Dividends. Withholding tax is not imposed on dividends paid to residents and nonresidents out of profits generated on or after 1 January 1996.

For earnings recognized in 2014, the excess of dividends paid based on the statutory financial statements over the dividends determined under a "tax balance sheet" is subject to tax. A 15% withholding tax applies to such excess dividends paid to nonresidents. Dividends generated before 2014 are not subject to tax even if they are in excess of the dividends determined under the "tax balance sheet." Dividends generated after 2014 are not subject to tax because the concept of "tax balance sheet" has ceased to exist.

Brazilian companies are allowed to pay a "deductible dividend," which is called interest on net equity (INE), to their shareholders. INE is calculated by applying a benchmark interest rate called Taxa de Juros de Longo Prazo (TJLP) to the net equity of the Brazilian company, followed by certain adjustments provided by the tax law. INE is treated as deductible interest for tax purposes, which is subject to a 15% withholding tax when paid to residents and nonresidents. A 25% rate applies to nonresidents located in prohibited list jurisdictions. Payments to Brazilian residents are fully taxable and are also subject to the PIS and COFINS taxes. (For details regarding the PIS and COFINS taxes, see Section D.)

Newly published Law 14,789/23 modified the INE calculation basis by providing for the exclusion of certain values from the calculation basis of INE, such as equity increases that do not represent an effective inflow of assets into the company, goodwill for future profitability, and intangible assets or options granted. This limitation will likely reduce the distributable INE amounts for each year starting from 2024.

At the time of writing, additional changes to the tax law are being discussed to the tax law, such as to impose withholding tax on dividends and to eliminate INE. At the time of writing, the likelihood of this bill being approved is uncertain (see *Rates of tax*).

Foreign tax relief. A foreign tax credit is available to Brazilian companies on income taxes paid overseas. In general, the foreign tax credit is limited to the amount of Brazilian CIT and SCT on the foreign-source income. Compliance with certain formalities is required to support the foreign tax credit.

C. Determination of taxable income

General. CIT and SCT are due on a company's taxable income, which is the net book income, as adjusted by the tax law. In general, operating expenses are deductible if the following conditions are satisfied: they are necessary, usual and common to the company's activity; they are actually incurred; and they are supported by proper documentation. However, the following expenses, among others, are not deductible:

- Expenses related to fixed assets, including financial and operating lease payments, depreciation and amortization, if the assets are not directly used in the production or commercialization of products and services.
- Fringe benefits furnished to shareholders and officers if the beneficiaries are not identified and individualized (a 35% [effective

rate of 53.84%] withholding tax is imposed on such payments). Neither the fringe benefits nor the withholding tax is deductible.
- Donations in general, gifts and other non-compulsory payments.

Simplified methods are available for calculating the tax liability applicable to small businesses.

Inventories. Companies that have an integrated cost system must value inventory for tax purposes at the lower of cost or market value, using either the average cost or the first-in, first-out (FIFO) method. Direct cost and last-in, first-out (LIFO) methods cannot be used. In general, companies that do not have an integrated cost system must value finished products at 70% of the highest sales price of the product sold in the tax period. Work-in-process must be valued at either 80% of the finished product cost or 1.5 times the highest cost of the material content. Supermarkets and similar enterprises that sell a large number of goods may use a specific system for inventory valuation based on periodic and simplified counting.

Provisions. In general, the only deductible provisions are those for vacation pay and the 13th month salary (annual bonus).

Depreciation. Fixed assets may be depreciated using the straight-line method at rates provided by the Brazilian tax authorities. The following are some of the annual depreciation rates:
- Real estate assets: 4%
- Machinery and equipment: 10%
- Vehicles: 20%
- Computer hardware and software: 20%

Companies that operate two work shifts per day may depreciate machinery and equipment at 1.5 times the normal rate. If the company operates three shifts, it may double the normal rate.

For accounting purposes, companies may calculate depreciation at different rates (taking into account International Financial Reporting Standards [IFRS] criteria, which can affect, in addition to depreciation rates, inventory and other items).

Tax losses. Tax losses may be carried forward indefinitely, but can only offset up to 30% of the company's taxable income for a tax period. No carryback is allowed.

Tax losses may be jeopardized if a company experiences a change in business activity and ownership control between the period in which losses were generated and the period in which losses would otherwise be used to offset taxable income. In general, non-operating tax losses can be offset only against non-operating gains if certain conditions are met. In a corporate restructuring involving a merger, the tax losses of the merged company must be forgone.

D. Other significant taxes

A major tax reform on indirect taxes was approved in 2023, which will affect the summary table below dependent on complementary laws regulating in more detail the new rules, and on a progressive transition period in the following years. See *Indirect tax reform* in Section E. The following table summarizes other significant taxes currently in effect.

Nature of tax	Rate (%)
State value-added tax (ICMS)	0 to 25
General rate for intrastate transactions	17/20
General rate for interstate transactions	12
General rate for interstate resale transactions involving imported goods	4
Transactions in which taxpayers located in the South or Southeast (except for Espírito Santo State) regions that remit goods and services taxable under ICMS to taxpayers resident in the states of the North, Northeast or Centre-West regions or Espírito Santo State	7
Exports	Exempt
Federal value-added tax (IPI); the top rate applies to luxury or superfluous goods, such as alcoholic beverages and cigarettes	0 to 330
Tax on Financial Operations (IOF); imposed on credit transactions, foreign-exchange transactions, insurance operations and financial investments	
Loan operations	
Daily rate (maximum annual rate of 1.5%) for corporations	0.0041
Daily rate (maximum annual rate of 3%) for individuals	0.0082
Additional rate	0.38
Foreign-exchange transactions	0.38 to 6.38
Insurance operations	0.38 to 7.38
Financial investments	Various
Social Integration Program (Programa de Integração Social, or PIS) tax; levied on gross income at a rate of 1.65%; the tax is a non-cumulative (value-added tax [VAT]-type) tax for certain taxpayers; under the non-cumulative regime, some companies are subject to the "single-phase" regime, with the manufacturer being responsible for the contribution collection, usually at a higher rate (2.1% for pharmaceuticals; 2.2% cosmetics and 2.3% auto parts); certain companies, including local financial institutions and companies that manufacture goods in the Manaus Free Trade Zone, are subject to the cumulative regime and make the contribution at a 0.65% rate; the tax is also levied on imports of goods at a rate of 2.1% and on services at a rate of 1.65%, in most cases; however, for certain imported, goods, different rates apply; in certain cases, the rate is reduced to 0%	0/0.65/1.65/2.1 to 3.52
Social Security Financing Contribution (Contribuição para o Financiamento da Seguridade Social, or COFINS); levied on gross income at a rate of 7.6%; the tax is a non-cumulative (VAT-type) tax for certain taxpayers; under the non-cumulative regime, some companies are subject to the "single-phase" regime, with the manufacturer being responsible	

Nature of tax	Rate (%)
for the contribution collection, usually at a higher rate (9.9% for pharmaceuticals; 10.3% for cosmetics and 10.8% for auto parts); certain companies, including local financial institutions and companies that manufacture goods in the Manaus Free Trade Zone, are subject to the cumulative regime and make the contribution at a 3% rate; the tax is also levied on imports of goods at a rate of 9.65% and on services at a rate of 7.6%, in most cases; however, for certain imported goods, different rates apply; in certain cases, the rate is reduced to 0%	0/3/7.6/9.65 to 16.48
Municipal Tax on Services (ISS)	2 to 5
Social security contributions (INSS), on monthly salary; paid by	
Employer	Approximately 28.8
Employee; rate varies depending on amount of remuneration (amount of employee contribution may not exceed BRL642.34 [approximately USD155] a month)	8 to 11
Severance Pay Indemnity Fund (FGTS), on monthly salary	8
Withholding tax on local payments of professional service fees (creditable by the recipient against income tax)	Up to 27.5
Contribution for development of cinematographic and video phonographic works (Condecine); in general, tax rate applied to amounts paid to producers, distributors and intermediaries abroad for the exploitation of cinematographic and video phonographic works	11

E. Miscellaneous matters

Indirect tax reform. A major tax reform on indirect taxes was approved, which will result in a simplification in rates, incidence and VAT returns streamlining the five existing indirect taxes into just two main taxes (Contributions on Goods and Services [Contribuição sobre Bens e Serviços, or CBS; federal tax] and Goods and Services Tax [Imposto sobre Bens e Serviços, or IBS; state and municipal tax]), plus an excise tax and a possible state contribution applied upon primary and semifinished products. In addition to significantly simplifying the current tax system, the new rules are expected to generate a wide range of changes in markets and relative prices of products, and might also reduce the "weight" of tax factors in allocation decisions for productive and commercial investments. The changes will now depend on complementary laws regulating in more detail the new rules and will require considerable transition time.

Foreign investment. As a general rule, all foreign investments, such as equity or debt investments, must be registered with the Central Bank of Brazil (Banco Central do Brasil, or BACEN) to assure the payment of dividends, principal and interest, or the repatriation of capital. Nonresidents holding assets and rights in Brazil, such as equity investments, portfolio investments and

debt investments, must be registered with the Brazilian tax authorities. On registration, the nonresidents obtain a tax identification number (CNPJ for entities or CPF for individuals). Failure to comply with the foreign-exchange regulations and associated requirements is subject to significant penalties. This particularly applies to evasion, false statements and private offsetting transactions.

Until December 2023, to allow Brazilian companies to pay and deduct the royalties up to the amounts prescribed by law related to contracts for the supply of technology and technical services with the transfer of technology, and for the use of trademarks and patents between residents and nonresidents, it was required that these contracts be registered with the National Institute of Industrial Property (Instituto Nacional da Propriedade Industrial, or INPI) and under the Financial Operations Registration – ROF module of the Electronic Declaratory Registration (Registro Declaratório Eletrônico, or RDE) of BACEN's electronic system (SISBACEN). However, from 1 January 2024, royalties paid abroad are subject to the new Brazilian transfer-pricing rules based on new Law 14,596/23, and therefore, their deductibility is now determined by the arm's-length principle. In addition, the registration with INPI and BACEN as a condition for the deductibility was repealed. See *Transfer pricing* for details on the new rules.

Transfer pricing. Brazilian transfer-pricing rules apply only to cross-border transactions entered into between Brazilian companies and foreign related parties. A transaction entered into between a Brazilian company and a resident of a low-tax jurisdiction or a resident in a jurisdiction with a privileged tax regime is also subject to the transfer-pricing rules, even if the parties are not related.

After several years of joint work between the Brazilian Federal Revenue Service (Receita Federal do Brasil, or RFB) and the Organisation for Economic Co-operation and Development (OECD), on 29 December 2022, the Brazilian government published Provisional Measure No. 1,152 (PM 1,152), which introduces new transfer-pricing rules in Brazil.

PM 1,152 was converted to Law 14,596/23 on 14 June 2023, and the RFB issued Normative Instruction 2,161/23 on 19 September 2023 regulating the law, establishing a transfer-pricing framework in Brazil that is aligned with the guidelines provided by the OECD.

The new law and normative instruction address key issues, including the following:

- Introducing the arm's-length principle following international principles stated by the OECD
- Expanding the related-party definition
- Applying this new transfer-pricing system to all cross-border intercompany transactions (including royalties)
- Introducing cost contribution agreements
- Including all cross-border financial transactions, such as intercompany loans, guarantees, cash pooling and insurance
- Implementing transfer-pricing methods according to the OECD standard
- Establishing the need for a functional (risks, functions and assets) and economic analysis

- Introducing penalties for noncompliance with the requirements for transfer-pricing documentation
- Introducing unilateral transfer-pricing agreements similar to advance pricing agreements (APAs)

The publication of the Normative Instruction 2,161/23 represented an important milestone toward the adoption of the arm's-length principle, effective from 1 January 2024. In addition, the RFB will likely publish additional regulations on other related topics not included within Normative Instruction 2,161/23, such as commodities, intangibles, financial operations, cost contribution agreements, business restructurings and APA submissions.

Low-tax jurisdiction and privileged tax regime. The Brazilian low-tax jurisdiction (LTJ) list (prohibited list) and privileged tax regime (PTR) list (gray list) are contained in regulations issued by the Brazilian tax authorities. New definitions of LTJ and PTR were introduced in 2015 and in 2016. In 2016, Ireland was added to the prohibited list, and Austria holding companies without substantial economic activity were added to the gray list. In addition, new rules on the meaning of substantial economic activity were issued in 2016. As of 2018, Costa Rica, Madeira and Singapore were removed from the prohibited list; however, specific regimes in all three jurisdictions were added to the gray list. In 2019, Brazil removed San Marino from the prohibited list. There have been no changes since then.

Thin-capitalization. Under thin-capitalization rules, interest expense arising from a financial arrangement with a related party is deductible only if the related Brazilian borrower does not exceed a debt-to-net equity ratio of 2:1. In addition, interest expense arising from a financing arrangement executed with a party established in a LTJ or benefiting from a PTR is deductible only if the Brazilian borrower does not have a debt-to-net equity ratio of greater than 0.3:1.

Controlled foreign companies. Profits realized by a controlled foreign company (CFC) of a Brazilian company are subject to income taxation on 31 December of each year regardless of any actual distribution by the CFC. Law 12,973/2014 introduced a new CFC regime. Under the new regime, qualifying CFCs are taxed on an entity-by-entity basis (that is, individually regardless of the design of the corporate structure outside of Brazil). If certain conditions are met, a tax consolidation of CFCs can be performed at the level of the Brazilian shareholder, through which the accounting losses of a qualifying CFC may offset taxable income of another CFC.

The earnings of CFC entities whose business is connected to oil and gas activities are exempt from tax in Brazil. Foreign tax credits of CFCs can be used against Brazilian corporate income tax, limited to the Brazilian corporate income tax due on CFC income. Under regulations issued by the Brazilian tax authorities (Normative Instruction 1,520/2014), the Brazilian shareholder can elect which non-Brazilian entities are subject to tax consolidation. Qualifying non-CFC entities are subject to tax in Brazil on an actual or deemed dividend distribution to a Brazilian shareholder. A deemed credit of 9% of the CFC income subject to tax in Brazil is available for qualifying entities.

The Brazilian corporate income tax on CFC income may be subject to installment payments over a period of eight years (12.5% payment per year), but the deferred tax liability is subject to adjustment based on London Interbank Offered Rate plus the US dollar currency exchange variation.

Digital bookkeeping. The Public System of Digital Bookkeeping (Sistema Público de Escrituração Digital, or SPED) is a unified electronic storage of accounting and tax bookkeeping. It is intended to replace bookkeeping prepared on paper and to unify the preparation, storage, and certification requirements of the Board of Trade and of the tax authorities at the municipal, state and federal levels. Most companies are now required to comply with the SPED.

International Financial Reporting Standards. Law 11,638/07 introduced changes to the Brazilian Corporate Law (Law 6,404/76) with respect to the preparation of financial statements for corporations as well as for large companies, regardless of whether they are organized as corporations. This law represented a major step in the process toward harmonization of Brazilian GAAP with IFRS. Under this law, which took effect on 1 January 2008, large companies must prepare their financial statements under Brazilian GAAP, which is consistent with IFRS principles.

Special tax benefits. The Brazilian government has issued laws providing tax incentives to increase investments in Brazil. The following are the main programs:

- Law 11,196/2005: tax benefits for investments in infrastructure and research and development (R&D).
- Special Tax Regime for the Renewal and Expansion of Port Structures (Regime Tributário para Incentivo à Modernização e à Ampliação da Estrutura Portuária, or REPORTO): suspension of IPI, PIS, COFINS and import tax for investments in ports, warehousing and surveillance and monitoring systems.
- RECOF-SPED: a special customs regime that enables companies to import or acquire in the local market with suspended taxes (Import Duty [II], IPI, PIS, COFINS, Marine Fee (AFRMM) and ICMS (only the states of São Paulo [SP], Rio de Janeiro [RJ] and Parana [PR]) goods that will be used in the industrial process for export destination or sales in the local market.
- Tax credit for implementation or expansion of economic ventures. Effective from 1 January 2024, the rules of tax subsidies for investments (*subvenção para investimentos*) provided by Law 12,973/14 were repealed by Law 14,789/23. According to the revoked rules, in general, gains deriving from tax subsidies (for example, VAT presumed credits, and exemption and reduction in the computation basis) could be excluded from CIT and SCT calculation bases, contingent on the amounts of the subsidies being registered in the companies' equity accounts. The amounts of the subsidies also were not subject to PIS and COFINS. Currently, under Law 14,789/23 the amounts of the subsidies are subject to CIT, SCT, PIS and COFINS. An exception is for expansion or modernization projects agreed upon with the governmental bodies (federal, state and municipal). For such cases, a tax credit may be potentially granted only for CIT purposes and is reliant on pre-approval by the RFB.

Consequently, such modifications in the tax treatment of subsidies could increase the tax liabilities for companies that benefited from the previous rules.

F. Treaty withholding tax rates

The rates reflect the lower of the treaty rate and the rate under domestic tax law.

	Dividends %	Interest %	Royalties (k) %
Argentina	0 (n)	15 (d)(n)	10/15 (n)
Austria (s)	0	15 (d)	15 (b)(l)(r)
Belgium	0	15 (a)(d)	15 (c)(m)
Canada	0	15 (a)(d)	15 (l)
Chile	0	15	15
China Mainland	0	15 (d)	15 (l)
Czechoslovakia (h)	0	15 (d)(f)	15 (l)
Denmark (t)	0	15 (d)	15 (l)
Ecuador	0	15 (d)	15 (l)
Finland	0	15 (d)	15 (c)(l)(r)
France	0	15 (a)(d)	15 (c)(l)(r)
Hungary	0	15 (d)(g)	15 (l)
India	0	15 (d)	15 (l)
Israel	0	15 (d)	15 (i)
Italy	0	15 (d)	15 (l)
Japan	0	12.5 (d)	12.5 (e)(l)(r)
Korea (South)	0	15 (a)(d)	10 (l)(p)
Luxembourg	0	15 (a)(d)	15 (l)
Mexico	0	15 (d)	10
Netherlands (u)	0	15 (a)(d)	15 (l)
Norway	0	15 (d)	15 (l)
Peru	0	15 (d)	15
Philippines	0	15 (d)	15 (l)
Portugal	0	15 (d)	15
Russian Federation	0	15 (d)	15
Singapore	0	15 (d)(w)	10 (o)
South Africa	0	15 (d)	10 (p)
Spain	0	15 (d)(f)	10 (o)(p)
Sweden	0	15 (d)	15 (l)(r)
Switzerland	0	15 (v)	10 (o)
Trinidad and Tobago	0	15 (d)	15
Türkiye	0	15 (q)	15 (i)
Ukraine	0	15 (d)	15
United Arab Emirates	0	15 (v)	15
Uruguay	0	15 (d)	10 (c)(o)
Venezuela	0	15 (d)	15
Non-treaty jurisdictions	0	15 (j)	15 (j)

(a) The withholding rate is 10% for interest on certain bank loans with a minimum term of seven years.

(b) The withholding rate is 10% for royalties for the use of, or the right to use, copyrights of literary, artistic or scientific works, excluding cinematographic films and films or tapes for television or radio broadcasting, produced by a resident of a contracting state.

(c) The withholding rate is 10% for royalties for the use of, or the right to use, copyrights of literary, artistic or scientific works or for the use of, or the right to use, cinematographic films or television or radio films or tapes produced by a resident of a contracting state.

(d) Interest paid to the government of the other contracting state, a political subdivision thereof or an agency (including a financial institution) wholly owned by that government or political subdivision is exempt from tax.

(e) The withholding rate is 15% for royalties with respect to copyrights of cinematographic films and films or tapes for radio or television broadcasting.
(f) The withholding rate is 10% for interest on certain long-term (at least 10 years) bank loans.
(g) The withholding rate is 10% for interest on certain long-term (at least eight years) bank loans.
(h) Brazil is honoring the Czechoslovakia treaty with respect to the Czech and Slovak Republics.
(i) This rate applies to royalties related to the use of, or the right to use, trademarks. For other royalties, including payments for technical assistance and technical services, the rate is 10%.
(j) The withholding tax rate may increase to 25% if the recipient is resident in a low-tax jurisdiction or benefits from a privileged tax regime (see Section E).
(k) The tax treaties do not apply to the CIDE (see footnote [d] to Section A).
(l) The withholding tax rate is 25% for royalties paid for the use of trademarks.
(m) The withholding tax rate is 20% for royalties paid for the use of trademarks.
(n) Argentina and Brazil signed a protocol amending the treaty, which entered into force on 1 January 2019. The protocol provides for new maximum rates for dividends (10% and 15%), interest (15%) and royalties (10% and 15%), as well as other changes. The previous wording of the treaty did not provide a maximum rate for royalties, but provided that the domestic rate applied.
(o) The withholding rate is 15% for royalties for the use of, or the right to use, trademarks.
(p) The withholding tax rate applicable to royalties was reduced as a result of the most favorable nation clause contained in the protocol to the treaty. This clause provides for a rate reduction if a future treaty establishes a lower rate. Because of the treaty between Brazil and Israel, the withholding tax rate on royalties was reduced to 10% (except for trademark royalties).
(q) Interest paid from Türkiye to the Brazilian government, Central Bank of Brazil or the National Economic and Social Development Bank (BNDES) are exempt from Turkish tax. Interest paid from Brazil to the Turkish government, the Central Bank of the Republic of Türkiye (Türkiye Cumhuriyet Merkez Bankasi) or the Turkish Bank of Exportation and Importation (Eximbank) are exempt from Brazilian tax.
(r) The protocols of these treaties do not expressly classify payments for technical services as royalties. Based on recent interpretations of the Brazilian tax authorities, it may be possible to claim that technical services fees paid to beneficiaries located in these countries are not subject to withholding income tax.
(s) Brazil's Superior Administrative Court has ruled that under the Brazil-Austria double tax treaty, Brazilian CFC rules do not violate the OECD model tax treaty.
(t) Brazil has published Decree 75.106/74/2019, which approves a protocol to the Brazil-Denmark double tax treaty. The protocol changes the previous methodology used to prevent double taxation (that is, exemption to credit methodology).
(u) Brazil's Superior Administrative Court has ruled that the Brazil-Netherlands double tax treaty does not prevent the application of Brazilian CFC rules.
(v) The withholding rate is 10% if the beneficial owner is a bank and the loan has been granted for a minimum of five years for the financing of the purchase of equipment or of investment projects.
(w) The withholding rate is 10% for interest on certain bank loans with a minimum term of five years.

In 2019, an agreement between Brazil and the United Kingdom for the exchange of information entered into force. In 2022, such countries signed a double tax treaty for which the internal approval measures are still pending. Therefore, the treaty is not yet in force.

In 2022, Brazil also signed a new double tax treaty with Norway, for which the internal approval measures are still pending. Therefore, the revised treaty is not yet in force.

British Virgin Islands

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A. At a glance

Corporate Income Tax Rate (%)	0
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	0
Withholding Tax (%)	0

B. Taxes on corporate income and gains

The BVI Business Companies Act, 2004 (BVI BC Act) entered into force on 1 January 2005. Under the BVI BC Act, companies incorporated under the British Virgin Islands (BVI) Companies Act are exempt from all taxes provided under the BVI Income Tax Ordinance. The BVI BC Act is essentially an amalgamation of the International Business Companies (IBC) Act and the BVI Companies Act, which contained a regime under which all domestic companies incorporated in the BVI were governed. In addition, on 1 January 2007, all International Business Companies on the companies register in the BVI were automatically reregistered under the BVI BC Act and, consequently, the IBC Act was repealed in full.

All Business Companies (BCs) are statutorily exempt from BVI taxes. However, such companies must pay an annual license fee (see Section C). In general, a BC may not transact business with persons resident in the BVI or own interests in real property located in the BVI unless it obtains the relevant trade license from the BVI government. In addition, a BC may not carry on business as a bank, trust company, insurance company or reinsurance company without a license from the BVI Financial Services Commission.

C. Other taxes

Payroll tax. Payroll tax is imposed on every employer and self-employed person who carries on business in the BVI. The tax rates are 10% for Class 1 employers and 14% for Class 2 employers. The tax is applied to the remuneration paid or deemed to be paid, 8% of which may be reclaimed and paid by the employees or deemed employees. Class 1 employers are those meeting the following conditions:

- Payroll during the financial year that does not exceed USD150,000
- Annual turnover that does not exceed USD300,000
- A total of seven or less employees and deemed employees

All employers not falling within the Class 1 category are deemed to be Class 2 employers.

The first USD10,000 of actual remuneration paid to an employee, deemed employee or self-employed person is exempt from tax.

Social tax. Social tax requires both the employer and employee contribute to the mandatory National Insurance Scheme. The total contribution rate is 8.5%, of which 4.5% is paid by the employer and the remaining 4% can be passed on to the employees. These contributions are based on the amount of weekly wages up to a maximum of USD942.31 or monthly wages up to a maximum of USD4,083.33. The maximum annual insurable earnings is USD49,000.

National health insurance. BVI implemented a national health insurance regime, effective from 1 January 2016. This regime requires employers and employees to pay 3.75% each on the employees' monthly income. The maximum income on which national health insurance premiums is assessed is two times the upper wage limit for social security contributions, which currently equals USD8,166.67 per month. Consequently, the maximum amount payable monthly by employees and employers is USD306.25 each. Employees are also required to contribute an additional 3.75% on behalf of an unemployed spouse.

D. Fees and stamp duties

The following table summarizes the fees and stamp duties payable in the BVI.

Nature of fees and duties	Rate
Annual license fees	
BCs incorporated under the BVI BC Act, with authorized share capital of	
Up to USD50,000 or foreign-currency equivalent or authorized to issue up to 50,000 shares	USD550
Exceeding USD50,000 or foreign-currency equivalent or authorized to issue more than 50,000 shares	USD1,350
Restricted Purpose Company	USD8,000
General banking license	USD250,000
Restricted Class I banking license	USD150,000
Restricted Class II banking license	USD150,000
Insurance company license	Up to USD10,000
Class I trust license	USD19,200
Class II trust license	USD16,800
Class III trust license	USD14,400
Class IV trust license	USD7,000
Class V trust license	USD5,000
Restricted Class II trust license	USD1,200 to USD3,600
Restricted Class III trust license	USD600
Stamp duties, on various instruments and transfers of ownership	
Real estate, on higher of consideration or market value	

Nature of fees and duties	Rate
Sales to belongers (individuals born in the BVI or those granted BVI status and BVI companies that are at least 67% owned by such persons and do not have any non-belongers as directors)	4%
Sales to non-belongers	12%
Leases	1% to 1.5%
Other instruments and transfers	0.2% to 5%

E. Foreign-exchange controls

The BVI does not have any foreign-exchange control regulations.

F. Tax treaties

Although the United Kingdom's double tax treaties with Japan and Switzerland have been extended to the BVI, these treaties are not used in practice. The BVI has not entered into any other tax treaties. However, the BVI has entered into tax information exchange agreements with various jurisdictions, including Canada, China Mainland, Japan and the United States, and with 16 European countries, including France, Germany, Ireland, the Netherlands and the United Kingdom.

Foreign Account Tax Compliance Act and Common Reporting Standard. On 30 June 2014, the BVI and the U.S. Treasury signed and released a Model 1 Intergovernmental Agreement for the implementation of the US Foreign Account Tax Compliance Act (FATCA).

All BVI institutions must comply with FATCA regulations. In addition, if required, they must report to the BVI International Tax Authority via the authority's Automatic Exchange of Information website.

The BVI was an early adopter of the Common Reporting Standard (CRS). The BVI issued its initial CRS regulations, which took effect on 1 January 2016. The first reporting for the 2016 tax year was due by the end of July 2017. The expected deadline for subsequent years is 31 May. All BVI institutions must comply with the CRS.

Economic substance. The BVI has adopted Economic Substance regulations in response to the work of the Organisation for Economic Co-operation and Development (OECD) and the EU with respect to fair taxation and has implemented them as of 1 January 2019. All BVI entities must comply with the Economic Substance regulations as applicable.

Brunei Darussalam

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A. At a glance

Corporate Income Tax Rate (%)	18.5 (a)
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	18.5 (a)
Withholding Tax (%) (b)	
Dividends	0
Interest	2.5
Royalties	10
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	6

(a) This is the standard rate. The rate of petroleum income tax is 55%.
(b) For a listing of withholding taxes, see Section D.

B. Taxes on corporate income and gains

Corporate income tax. Limited companies, regardless of whether they are incorporated overseas or locally or are registered as a branch of a foreign company, are subject to a tax on income accruing in, derived from or received in Brunei Darussalam.

Branches of foreign companies are taxed on their profits arising in Brunei Darussalam at the same rates as corporations.

Rate of corporate income tax. The income tax rate is 18.5% for resident and nonresident companies, except for those engaged in petroleum operations. The rate of petroleum income tax is 55%.

For non-petroleum operations, the first BND100,000 of chargeable income is taxed at a reduced rate of one quarter of the full rate, while the next BND150,000 is taxed at half the full rate. The balance of chargeable income is taxed at the full rate. For a new company, the first BND100,000 of chargeable income is exempt from tax. This exemption applies for a company's first three consecutive years of assessment.

Certain enterprises and industries may be exempted from taxation if they are considered essential for the development of the country.

Companies that have gross sales or turnover of BND1 million or less are exempted from corporate income tax or charged with a 0% corporate income tax.

Capital gains. Capital gains are not taxed. Capital losses are not deductible. However, if assets have been acquired for resale rather than for a company's use, any profit from the sale is regarded as taxable income.

Administration. The tax year is the calendar year.

Tax returns must be filed by electronic means.

Corporations must file an annual tax return by 30 June of each year and pay any tax due by the same date. Corporations must also file an Estimated Chargeable Income (ECI) return within three months after their accounting year-end if they are unable to file their annual tax return within this period. Any tax due under an ECI return must be paid by the due date for filing the ECI return. If tax is paid under an ECI return, the tax is adjusted accordingly in the annual tax return. In general, extensions of time are not granted.

Foreign tax relief. Foreign income that is not received in Brunei Darussalam is free from tax. For details regarding Brunei Darussalam's double tax treaties, see Section D.

C. Determination of trading income

General. The following sources of income are subject to tax:

- Gains or profits from any trade, business, profession or vocation
- Gains or profits from employment
- Net annual value of land and improvements occupied or used rent-free for residential or enjoyment purposes
- Dividends, interest or discounts
- Pensions, charges or annuities
- Rents, royalties, premiums and any other profits arising from property

In computing taxable income, normal business expenses may be deducted.

Interest expenses are allowed as a deduction only if the loan generating the charge is used for the production of taxable income.

Provisions. A provision for doubtful debts is not tax-deductible. Trade debts written off as bad are generally allowable as tax deductions when there is sufficient evidence of reasonable steps taken for recovery.

Tax depreciation. Depreciation charged in the financial accounts is not deductible for tax purposes. Instead, capital allowances (tax depreciation) are permitted.

Industrial buildings. An initial allowance of 40% of the qualifying expenditure is given on industrial buildings in the year of expenditure, with a further annual allowance of 20% of qualifying expenditure provided on a straight-line basis until the total expenditure is written off.

Plant and machinery. An initial allowance of 40% of the cost of plant or machinery is given on the qualifying expenditure, and an annual allowance is given on the declining value of the asset. Effective from 1 January 2016, the rates of the annual allowance for all types of assets were changed to 25%. Alternatively, a company may choose to write off such expenditure over three years on a straight-line basis. For plant and machinery not exceeding BND2,000 per item, a company may choose to write off such expenditure fully in the year of acquisition subject to an aggregate cap of BND30,000 per year. For computer and office automation equipment, a company may also choose to write off such assets fully in the year of acquisition.

Effective from 1 January 2014, the capital allowance rate was increased to 150% for assets categorized as plant and machinery for companies in the manufacturing sector. This capital allowance applies only to plant and machinery installed between 1 January 2014 and 31 December 2019.

Mining. All expenditure incurred in connection with the working of a mine or other source of mineral deposit of a wasting nature is considered qualifying mining expenditure. An initial allowance of 10% of the qualifying expenditure is given in the year of expenditure, with annual depletion allowances deductible over the life of the mine. These are determined by multiplying the residue of the capital expenditure by the greater of the fraction of 1/20 and the following fraction:

$$\frac{\text{Output for the year}}{\text{Output for the year plus estimated future output}}$$

Disposals. When an asset is sold, scrapped or destroyed, a balancing allowance or charge is made, based on the difference between the disposal price and the depreciated value on disposal. The balancing charge may be deferred if the plant and machinery disposed of are replaced by similar assets.

Relief for losses. Losses may be carried forward for up to six years to offset future profits. Continuity of trade or ownership is not required to carry forward losses. Losses in one trade or business may be set off against other sources of income for the same year of assessment.

Unabsorbed capital allowances may be carried forward indefinitely, provided the company continues to carry on the same trade or business.

Groups of companies. No special rules or reliefs apply to groups of companies; each company is taxed on its own income as appropriate.

D. Domestic and treaty withholding tax rates

Brunei Darussalam's domestic tax law imposes withholding tax on various payments made to nonresident persons, which include companies and bodies of persons. A company is considered to be a nonresident company if the control and management of its business are not exercised in Brunei Darussalam. The following are the withholding tax rates.

Type of payment	Rate (%)
Interest, commissions, fees or other payments with respect to loans or indebtedness	2.5
Royalties or other lump-sum payments for the use of movable properties	10
Payments for the use of, or the right to use, scientific, technical, industrial or commercial knowledge or information	10
Technical assistance and service fees	10
Management fees	10
Rent or other payments for the use of movable properties	10
Nonresident directors' remuneration	10

The above withholding tax rates may be reduced under tax treaties. Brunei Darussalam has entered into double tax treaties with Bahrain, Cambodia, China Mainland, the Hong Kong Special Administrative Region (SAR), Indonesia, Japan, Korea (South), Kuwait, Laos, Luxembourg, Malaysia, Oman, Pakistan, Qatar, Singapore, the United Arab Emirates, the United Kingdom and Vietnam. In addition, Brunei Darussalam has signed tax treaties with the Philippines and Tajikistan, but these treaties have not yet been ratified. Both resident and nonresident companies may also apply for unilateral relief on income arising from British Commonwealth jurisdictions offering reciprocal relief. However, the maximum relief cannot exceed half the Brunei Darussalam rate.

Bulgaria

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A. At a glance

Corporate Income Tax Rate (%)	10
Capital Gains Tax Rate (%)	10 (a)
Branch Tax Rate (%)	10
Withholding Tax (%)(b)	
Dividends	5 (c)(d)
Interest	0/10 (e)(f)(g)
Royalties from Patents, Know-how, etc.	0/10 (e)(f)
Fees for Technical Services	10 (f)
Rent and Payments Under Lease, Franchising and Factoring Agreements Derived from Sources in Bulgaria	10 (f)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) Capital gains are exempt from tax if they are derived from the following:
- Shares, rights and government bonds through the Bulgarian stock market or stock exchanges in EU or EEA countries
- Shares through a third country market that is considered equivalent to a regulated market and for which the European Commission has adopted a decision on the equivalence of the third country's legal and supervisory framework in accordance with Directive 2014/65/EU

(b) An EU/EEA recipient of Bulgarian-source income that is subject to withholding tax may claim a deduction for expenses incurred in earning that income by filing an annual tax return. The return must be filed by 31 December of the year following the year of accrual of the income.

(c) This tax does not apply to payments to entities that are resident for tax purposes in Bulgaria or EU/EEA countries (no requirements for participation percentage and minimum holding period are imposed). However, under the general anti-tax avoidance rule provided in the domestic corporate income tax law, no exemption from withholding tax is granted to an arrangement or a series of arrangements that, taking into account all of the relevant facts and circumstances, are not genuine and result in tax avoidance.

(d) This rate may be reduced by tax treaties for dividends distributed to entities not resident for tax purposes in EU/EEA countries.

(e) The zero rate applies to Bulgarian-source interest or royalty income accrued to EU associated companies (a minimum holding of 25% of the share capital must be maintained for at least two years) if the income recipient is its beneficial owner. The zero rate can be availed before the expiration of the two-year period if the minimum 25% share capital holding is not interrupted as of the moment of the income accrual (if the share capital holding is interrupted before the expiration of the two-year period, a 10% withholding tax is due together with penalty interest for delay). The exemption from tax does not apply to income accrued on hybrid financial instruments. The zero rate is disallowed if the Bulgarian-source payment is, in substance, a profit distribution or capital decrease or aims at tax avoidance or tax evasion.

(f) This tax applies to payments to nonresidents only and may be reduced in accordance with an applicable tax treaty. In certain cases, the withholding tax applies to income accrued by a nonresident entity through its Bulgarian permanent establishment to other parts of the same entity located outside Bulgaria. Advance payments are not subject to the withholding tax.

(g) Interest on debt (other than government or municipality bonds) extended to the Bulgarian state or a municipality is exempt from withholding tax. Interest income on bonds or other debt instruments issued by Bulgarian resident companies, the Bulgarian state or municipalities on a regulated EU/EEA market is exempt from withholding tax. The exemptions mentioned in the two preceding sentences are granted to all corporate investors, regardless of their tax residency. Interest income paid to nonresident issuers of bonds or other debt instruments is not subject to withholding tax in Bulgaria if all of the following conditions are met:
- The issuer of these bonds or debt instruments is a tax resident of an EU/EEA Member State.
- The purpose for the issuance of the bonds or other debt instruments is that the proceeds will be used for granting a loan to a Bulgarian tax resident company.
- The bonds or other debt instruments are issued on a regulated market in Bulgaria or another EU/EEA Member State.

B. Taxes on corporate income and gains

Corporate income tax. Bulgarian companies are subject to corporate tax on their worldwide income. Bulgarian companies are companies incorporated in Bulgaria. Foreign companies are taxed in Bulgaria on their profits generated from activities conducted through a permanent establishment in the country and on income from Bulgarian sources.

If one or more nonresident entities that are associated or related parties hold in aggregate directly or indirectly 50% or more of the voting rights, capital interests or rights to a share of profit in a hybrid entity that is incorporated or established in Bulgaria, but not a taxable person under the Bulgarian Corporate Income Tax Act, and if these nonresident entities are located in a jurisdiction or jurisdictions that regard the hybrid entity as a taxable person

in Bulgaria, then such hybrid entity should be equated to a legal person. The profits and income of any hybrid entity referred to in the above sentence are taxed according to the rules established by the Bulgarian Corporate Income Tax Act to the extent that such profits and income are not otherwise taxed in the country or according to the legislation of any other jurisdiction. This rule does not apply to a collective-investment vehicle, which is an investment fund or vehicle that fulfills the following conditions:
- It is widely held.
- It holds a diversified portfolio of securities.
- It is subject to investor-protection regulation.

Standard rate of corporate tax. The corporate tax rate is 10%.

A 10% tax is imposed on certain expenses, such as employee-related, in-kind fringe benefits and representation-related expenses, thereby increasing the effective tax rate for companies incurring such expenses (see Section D).

Global minimum tax. Pillar Two of the Base Erosion and Profit Shifting (BEPS) initiative of the Organisation of Economic Co-operation and Development (OECD), started in 2021, envisages a global minimum effective tax rate of 15% for large multinational groups (MNEs) and large-scale domestic groups. In 2022, the EU adopted the Pillar Two rules through Council Directive (EU) 2022/2523 (EU Minimum Tax Directive). As a result, on 22 December 2023, Bulgaria adopted amendments to the Corporate Income Tax Act (CITA), transposing the EU Minimum Tax Directive.

The CITA provides for a top-up tax regime to bridge the gap between the standard corporate tax rate of 10% and the 15% effective tax rate of the EU Minimum Tax Directive. In the scope of the rules, constituent entities (companies and permanent establishments) are part of an MNE and domestic group with a consolidated revenue exceeding EUR750 million in at least two of the four preceding years.

The Bulgarian top-up tax regime includes the following taxes:
- Primary additional tax (the Income Inclusion Rule [IIR]): Taxation of Ultimate and Intermediate Parent Entities in Bulgaria when they or their constituent entities in other jurisdictions are taxed with an effective tax rate less than 15%. It entered into force from 1 January 2024.
- Secondary additional tax (the Undertaxed Profit Rule): Taxation of constituent entities of an MNE when the Ultimate Parent Entity is excluded from taxation with a global minimal tax or is located in a jurisdiction that does not levy such tax. It will enter into force from 1 January 2025.
- National additional tax (Qualified Domestic Top-up Tax): Taxation of constituent entities located in Bulgaria that are taxed at an effective tax rate below 15%. It entered into force from 1 January 2024.

The following are the reliefs from the primary and secondary top-up tax:
- De minimis exclusion: This is applicable when the average allowed revenue of all constituent entities of a group in Bulgaria is less than EUR10 million and the average allowed profit is less than EUR1 million for the four-year period.

- Substance-based relief: This represents a reduction in the tax base by a percentage of the carrying value of certain tangible assets and payroll costs.
- Exclusion for Ultimate and Intermediate Parent Entities in Bulgaria in initial phase of international activities for the first five years of this phase.

The only relief from the national additional tax is the substance-based relief with respect to the tangible assets.

The top-up tax regime will be applied in addition to the ordinary corporate income tax system, which is not adjusted and is applicable for all local Bulgarian entities.

For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (ey-beps-2-0-pillar-two-developments-tracker.pdf).

Capital gains and losses. Capital gains from disposals of assets, including shares, derived by Bulgarian tax residents are included in the current year tax base and are subject to tax at the standard corporate tax rate of 10%. No rollover relief is provided. Capital losses are deductible for tax purposes.

Capital gains are exempt from tax if they are derived from the following:

- Shares, rights and government bonds through the Bulgarian stock market or stock exchanges in European Union (EU) or European Economic Area (EEA) countries
- Shares through a third country market that is considered equivalent to a regulated market and for which the European Commission has adopted a decision on the equivalence of the third country's legal and supervisory framework in accordance with Directive 2014/65/EU

Similarly, losses from the sale of shares, rights and government bonds through such stock exchanges are not deductible for tax purposes.

Administration. The tax year is the calendar year. Annual tax returns must be filed by 30 June of the year following the tax year. The tax return must be accompanied by an activity report for statistical purposes. Taxpayers that did not carry on business activity during the respective year are not required to submit annual tax returns and activity reports.

Companies subject to tax must make advance payments of tax. Only persons that have net sales revenue from the year preceding the previous year above BGN3 million must make monthly advance payments. Newly established companies and companies with sales of less than BGN300,000 for the year preceding the previous year are not required to make advance payments. These taxable persons may opt for quarterly advance payments. Companies with sales ranging from BGN300,000 to BGN3 million for the year preceding the previous year must make quarterly advance corporate tax payments. The tax base for the monthly advance payments is one-twelfth of the company's forecasted annual taxable income for the tax year. The tax base of the quarterly advance payments is one-fourth of the company's forecasted annual taxable income for the tax year. The tax rate for calculating the advance payments is 10%.

The monthly advance payments for January, February and March are due on 15 April of the current tax year. For the months from April through November, the monthly advance payments are due on the 15th day of the respective month; the only exception is that for December the monthly advance payment is due on 1 December. The quarterly advance payments for the first and second quarters are due on the 15th day after the end of the respective quarter. For the third quarter, the advance payment is due by 1 December. No quarterly payment is required for the last quarter. Changes in the amount of the initially reported advance corporate income tax payments can be made with a declaration for adjustment of the advance payments under Article 88 of the Corporate Income Tax Act (CITA) until 15 November of the respective year. Companies must pay the corporate tax due for the tax year, less the advance installments, by 30 June of the following year.

In the case of errors (including accounting errors) related to the prior year for which the tax return was filed, companies can file a one-off corrective corporate income tax return by 30 September of the year.

The tax on certain expenses (see Section D) is payable on an annual basis by 30 June of the following year.

Dividends. A 5% withholding tax is imposed on dividends paid by Bulgarian companies to companies resident for tax purposes in non-EU/EEA countries, as well as on hidden profit distributions to residents of EU/EEA countries.

Remittances of profits by branches to their home countries are not subject to withholding tax.

Foreign tax relief. Bulgarian companies are entitled to a tax credit for identical or similar foreign taxes imposed abroad. The tax credit is limited to the amount of the Bulgarian tax that would have been paid in Bulgaria on the income subject to the foreign tax. In addition, a per-country limitation applies. Bulgarian tax treaties normally provide an exemption from Bulgarian taxation for income from foreign real estate and foreign permanent establishments.

C. Determination of taxable income

General. Taxable income is based on annual accounts prepared in accordance with International Financial Reporting Standards (IFRS) or, for small and medium-sized enterprises, Bulgarian accounting standards. However, taxable income does not equal the profit shown in the accounts, because certain adjustments to revenue and expenses are required for tax purposes with respect to items such as accrual for bonuses, unused leave, depreciation and impairment of assets.

The write-down of assets as a result of impairment is not deductible for tax purposes. The loss is deductible on realization.

IFRS 16 (Leases) related amendments. The expenses and revenues related to operating lease contracts, according to the International Accounting Standards (IAS), and accrued for accounting purposes by the lessee are not recognized for tax

purposes. In addition, the assets that the lessee has a right to use under the operating lease contract, according to the International Accounting Standards, are not recognized as tax-depreciable assets.

The measure also provides that the expenses or revenues determined under the National Accounting Standard 17 (Leasing) with respect to operating lease contracts are recognized for tax purposes. These amounts are treated as accounting expenses or revenues for corporate tax purposes.

The expenses, income, gains and losses realized from the sale-and-leaseback contracts classified as operating leases in accordance with the IAS at the lessee sellers are not recognized for tax purposes. The right-of-use assets arising from the sale-and-leaseback contracts, classified as an operating lease under the IAS and recognized at the lessee sellers, are not tax-depreciable assets.

Also recognized for tax purposes are expenses, income, gains and losses determined in accordance with the rules of the National Accounting Standard 17 (Leasing) with respect to sale-and-leaseback contracts classified as operating leases, attached to the relevant contracts.

Inventories. All cost methods that are applicable under IFRS may be used for tax purposes. For manufacturing entities, the quantity of raw material exceeding the usual quantity of raw materials required for the production of a particular unit is treated as avoidance of taxation and is subject to adjustment for tax purposes.

Impairment of receivables and provisions. Impairments and write-offs of receivables are not deductible for tax purposes until their materialization or the expiration of the five-year statute of limitation to pursue the claim at court. This rule does not apply to financial institutions, which may deduct impairments and write-offs of receivables in the year in which they are booked. Provisions for payables are not deductible for tax purposes until their materialization.

Tax depreciation. The law provides the following maximum tax depreciation rates for categories of assets.

Category	Assets	Rate (%)
1	Buildings, facilities, communication devices, electricity carriers and communication lines, as well as accounting expenses incurred after or on 1 January 2020, for the construction or improvement of the elements of the technical infrastructure (public state or municipal property) that are related to the business activity of the taxpayer and wholly or partially unrecognized for tax purposes	4 (a)
2	Machines, manufacturing equipment and other equipment	30 (b)

Category	Assets	Rate (%)
3	Transportation vehicles, excluding automobiles, road coverings and aircraft runways	10
4	Computers, mobile phones, software and the right to use software	50/100 (c)
5	Automobiles	25
6	Intangibles and other tangible assets that are legally protected for a limited time period	– (d)
7	Other tangible assets	15

(a) The rules in the CITA for accounting expenses related to the repair, construction or improvement or elements of the technical infrastructure (public state or municipal property) are applicable since 1 January 2020. However, the transitional provisions were adopted in the CITA, which state that the Bulgarian entities can treat such accounting expenses incurred or booked in the period of 1 January 2015 to 31 December 2019 in the same manner if the following conditions are met:
- The expenses were treated as tax nondeductible expenses for donations or tax nondeductible expenses for non-business-related activities in this prior period.
- The construction, improvement or repair of elements of the technical infrastructure was actually related to the business activity of the company.

(b) The rate may increase to as high as 50% for new machines for investment purposes.

(c) The upper limit of 100% is applicable for the following:
- Software for management of sales in stores or trade premises (under Article 118, Paragraph 16 of the Value-Added Tax Act (VATA)
- The right to use such software: computers, peripherals for them or mobile phones on which such software is installed

(d) The depreciation rate is determined by dividing 100 by the number of years of the legal restriction. The maximum rate is 33⅓%.

The CITA contains measures requiring companies to prepare tax depreciation plans.

Goodwill arising from business combinations is not treated as a depreciable asset for tax purposes.

Relief for losses. Tax losses may be carried forward to the next consecutive five years, after the year in which the loss was realized. Losses may not be carried back.

Groups of companies. Bulgarian law does not include measures for filing consolidated returns or relieving losses within a group.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; imposed on all domestic supplies of goods and services, imports and intra-EU acquisitions in Bulgaria (apart from reduced rates for certain supplies)	20
Tax on expenses; imposed on payers for representative and social expenses; the amount of the representative and social expenses is not subject to tax in the hands of the recipient	10

Nature of tax	Rate (%)
Tax on expenses; imposed on expenses for fringe benefits resulting from the provision of company assets and personnel to employees, directors and shareholders; companies have the option to apply the 3% tax on corporate expenses triggered by the personal use of company assets and personnel by employees, directors and shareholders or to treat them as fringe benefits taxed at the personal level; companies must choose the method for taxation in their annual corporate tax return	3
Real estate property tax; rate varies by municipality	0.01 to 0.45
Real estate transfer tax; rate varies by municipality	0.1 to 3

E. Miscellaneous matters

Foreign-exchange controls. The Bulgarian currency is the leva (BGN). The exchange rate of the leva against the euro (EUR) is fixed at BGN1.95583 = EUR1.

Bulgaria does not impose foreign-exchange controls. However, some reporting requirements exist.

Each business transaction between local and foreign persons that involves financial credits or direct investment of a local company or sole proprietor abroad, must be declared for statistical purposes to the Bulgarian National Bank (BNB) within 15 days after the date of the transaction.

Under the Foreign Exchange Act, bank payments of up to BGN30,000 may be made freely after the payer declares the purpose of the payments. For payments over BGN30,000, certain requirements must be satisfied, including the submission of certain documents to the bank.

The act does not restrict the amount of foreign currency that may be purchased or imported into Bulgaria. Bulgarian and foreign individuals may export foreign currency of up to the equivalent of EUR10,000 without filing a declaration. The individual must file a declaration for exports exceeding EUR10,000. For exports of cash exceeding EUR15,000 or the equivalent in another currency, the customs authorities should check in the National Revenue Agency's system to determine whether the individual has any outstanding tax liabilities.

Debt-to-equity rules. An interest-limitation rule and thin-capitalization provisions regulate the deductibility of interest expenses, as well as other expenses related to loans.

An interest-limitation rule is applied to corporate taxpayers that incur net interest and other borrowing costs exceeding EUR3 million for the calendar year. The tax deduction of such costs is limited to 30% of the respective entity's tax-adjusted earnings before interest, tax, depreciation and amortization (tax EBITDA). The borrowing costs include the following:

- Interest on all types of debt arrangements, regardless of the creditor status

- Interest-like items, such as depreciation of real estate that includes capitalized borrowing cost and currency losses

All taxpayers (including those below the threshold of EUR3 million) should also adhere to the thin-capitalization regime. This regime is triggered when a company's total debt exceeds three times its equity (both figures should be calculated as an average of the opening and closing balances for the year).

Thin-capitalization provisions regulate the deductibility of interest expenses related to certain transactions, such as the following:
- Nonbank loans from related parties
- Financial leases entered into with related parties
- Bank loans obtained from related parties or guaranteed/collaterized by related parties (special rules on the deductibility of expenses apply if both the third party and the borrower provided a security or guarantee for the loan)

The tax deductibility for the net amount of the regulated interest expenses subject to the thin-capitalization provisions (after deduction of any interest income) is limited to 75% of earnings before interest and tax (EBIT). If the financial result before taking into account the interest expense is a loss, the entire amount of the interest expense is not deductible.

Taxpayers that are both thinly capitalized and that have net borrowing costs of more than EUR3 million should apply both tests and limit their deduction to the outcome that is more restrictive.

The interest not deducted under both regimes can be carried forward indefinitely.

Hidden distributions of profit. Adjustments to taxable income as a result of violations of the arm's-length principle are treated as hidden distributions of profit. The definition of hidden profit distribution also includes the following:
- Amounts not related to the business activity or amounts exceeding the customary market levels, which were accrued, paid or distributed in any form in favor of shareholders, partners or persons related to them, excluding dividends
- Interest on certain hybrid instruments (debt contracts that, subject to a specific test provided for in the CITA seem to be more akin to equity)

Hidden distributions are treated like dividends. Accordingly, they are disallowed for corporate income tax purposes and subject to a 5% withholding tax (if distributed to nonresidents).

In addition, an administrative sanction in the amount of 20% of the distributed amount is imposed. However, voluntary disclosure of hidden profit distributions in the annual corporate income tax return relieves taxpayers of this penalty.

Exit taxation. The CITA provides that when a taxpayer transfers assets or an activity to outside Bulgaria or ceases being a tax resident of Bulgaria, the amount of potential capital gain generated in Bulgaria is taxed, but such gain is not realized at the moment of the transfer. The taxation takes place when Bulgaria loses in whole or in part its right to tax the result of subsequent disposal of the transferred assets or activity.

The new rule covers the following cases:
- Transfer of assets or activity from a Bulgarian headquarter to a permanent establishment of the same entity located outside the country
- Transfer of assets or an activity from a permanent establishment in Bulgaria to another part of the entity located out of the country
- Transfer of assets or an activity in the case of a change in the tax residence from Bulgaria to another country (not applicable if the assets continue to be effectively connected to a permanent establishment in Bulgaria)
- Transfer of an activity conducted through a permanent establishment in Bulgaria to another jurisdiction

In case of an assets transfer, the accounting financial result should be adjusted with the difference between the fair market value and the tax value of the transferred asset as of the time of the transfer. In case of transfer of activity, the result is to be adjusted with the difference between the fair market value of the transferred activity and its tax value decreased by the tax value of the transferred liabilities as of the time of the transfer.

Temporary solidarity contribution. According to provisions in the Bulgarian CITA, companies and permanent establishments from an EU Member State, including Bulgaria, generating at least 75% of their turnover from economic activities in the crude petroleum, natural gas, coal and oil refinery sectors are obligated to pay a mandatory temporary solidarity contribution at a rate of 50% on their surplus profit in the 2022 and 2023 fiscal years. Surplus profit is the basis for the temporary solidarity contribution and is calculated as the taxable profit for the 2022 and/or 2023 fiscal year that is above a 20% increase of the average taxable profit determined under the Bulgarian CITA for the preceding four years (2018 fiscal year through 2021 fiscal year).

The temporary solidarity contribution must be declared and paid in accordance within the statutory deadlines for submitting the annual corporate income tax return. It is recognized as a current expense for corporate income tax purposes. According to the Bulgarian CITA, advance payments can be made for the temporary solidarity contribution.

Interest is due for delay in the payment of the temporary solidarity contribution.

The temporary solidarity contribution has been adopted in the EU with Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices. The provisions in the Bulgarian CITA closely follow the text of the regulation.

F. Treaty withholding tax rates

On 7 June 2017, Bulgaria signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (the Multilateral Instrument or MLI) and provided its provisional list of expected reservations and notifications. The law for ratification of the MLI was adopted by the Bulgarian parliament on 10 June 2022, and it was promulgated in the State Gazette from 24 June 2022. On 16 September 2022,

Bulgaria deposited its instrument of ratification of the MLI and the final list of reservations and notifications with the OECD.

The adopted MLI covers 64 of Bulgaria's double tax treaties. Bulgaria has excluded from the MLI's scope the double tax treaties with seven jurisdictions, which are Finland, Germany, Malta, the Netherlands, Pakistan, Switzerland and Uzbekistan, because an agreement has been reached with most of these counterparties to initiate negotiations for a new double tax treaty or to amend the current double tax treaties via protocols, while the double tax treaties with the Netherlands and Pakistan have been excluded as a result of recently renegotiated double tax treaties.

The MLI applies with respect to withholding tax in the covered double tax treaties from 1 January 2023 and with respect to the other taxes in these agreements from 1 January 2024.

The rates of withholding tax in Bulgaria's tax treaties are described in the following table.

	Dividends (y) %	Interest (ss) %	Royalties %
Albania	5/15 (h)	10	10
Algeria	10	10	10
Armenia	5/10 (m)	5/10 (ll)	5/10 (mm)
Austria	0/5 (tt)	0/5 (uu)	5 (vv)
Azerbaijan	8	0/7 (dd)	5/10 (ee)
Bahrain	0/5 (nn)	0/5 (pp)	0/5 (oo)
Belarus	10	10	10
Belgium	10	0/10 (rrr)	5
Canada	5/10/15 (n)	0/10 (aaa)	0/5/10 (sss)
China Mainland	10 (zzz)	10	7/10 (a)
Croatia	5	5	0
Cyprus	5/10 (r)	7	10
Czech Republic	10	0/10 (ttt)	10
Denmark	5/15 (b)	0	0
Egypt	10	12.5	12.5
Estonia	0/5 (ff)	0/5 (gg)	5
Finland	10 (c)	0	0/5 (d)
France	5/15 (e)	0	5
Georgia	10	10	10
Germany	5/15 (qq)	0/5 (rr)	5
Greece	10	10	10
Hungary	10	10	10
India (fff)	15	0/15 (bbb)	15/20 (ccc)
Indonesia	15	10	10
Iran	7.5	5	5
Ireland	5/10 (r)	5	10
Israel	7.5 (yyy)	5/10 (u)	7.5
Italy (l)	10	0	5
Japan	10/15 (f)	10	10
Jordan	10	0/10 (hh)	10
Kazakhstan	10	10	10
Korea (North)	10	10	10
Korea (South)	5/10 (j)	0/10 (eee)	5
Kuwait	0/5 (v)	5	10
Latvia	5/10 (b)	5	5/7 (w)

	Dividends (y) %	Interest (ss) %	Royalties %
Lebanon	5	7	5
Lithuania	0/10 (aa)	10	10
Luxembourg	5/15 (h)	0/10 (kk)	5
Malta	0 (g)	0	10
Moldova	5/15 (h)	10	10
Mongolia	10	10	10
Morocco	7/10 (q)	10	10
Netherlands (uuu)	0/15 (vvv)	0/5 (www)	5
North Macedonia	5/15 (p)	0/10 (hh)	10
Norway	0/5/15 (hhh)	0/5 (iii)	5
Pakistan	12.5 (ooo)	0/10 (ppp)	10/12.5 (qqq)
Poland	10	10	5
Portugal	10/15 (ddd)	10	10
Qatar	0	0/3 (ww)	5
Romania	5	0/5 (ggg)	5
Russian Federation (aaaa)	15	15	15
Saudi Arabia	5 (lll)	5 (mmm)	5/10 (nnn)
Singapore	5	5	5
Slovak Republic	10	10	10
Slovenia	5/10 (b)	5	5/10 (x)
South Africa	5/15 (h)	5	5/10 (z)
Spain	5/15 (i)	0	0
Sweden	10	0	5
Switzerland	0/10 (xx)	0/5 (zz)	0/5 (xxx)
Syria	10	10	18
Thailand	10	10/15 (s)	5/15 (t)
Türkiye	10/15 (o)	10	10
Ukraine	5/15 (i)	10	10
United Arab Emirates	0/5 (ii)	0/2 (jj)	0/5 (jj)
United Kingdom	0/5/15 (jjj)	0/5 (kkk)	5
United States	0/5/10 (bb)	0/5/10 (cc)	5
Uzbekistan	10	0/10 (yy)	10
Vietnam	15	10	15
Yugoslavia (former Yugoslavia [Serbia and Montenegro])	5/15 (h)	10	10
Zimbabwe	10/20 (k)	10	10
Non-treaty jurisdictions	5	10	10

(a) The 7% rate applies to royalties for the right to use industrial, commercial and scientific equipment; the 10% rate applies to other royalties.

(b) The 5% rate applies if the beneficial owner is a company, other than a partnership, holding directly more than 25% of the capital of the payer.

(c) This rate applies to dividends paid from Finland to Bulgaria. The treaty does not provide a withholding rate for dividends paid from Bulgaria to Finland.

(d) The 5% rate applies to royalties for specified types of intellectual property. The rate for other royalties is 0%.

(e) The 5% rate applies if the beneficial owner of the dividends is a company, other than a general partnership, that holds directly at least 15% of the capital of the payer; the 15% rate applies to other dividends.

(f) The 10% rate applies if the recipient is a legal person owning at least 25% of the voting shares of the payer for at least six months before the end of the accounting period for which the distribution of profits is made. The 15% rate applies to other dividends.

(g) The rate is 0% for dividends paid from Bulgaria to Malta. For dividends paid from Malta to Bulgaria, the withholding tax is the lower of 30% of the gross dividend or the tax imposed on the profits out of which the dividends are paid.
(h) The 5% rate applies if the recipient is a company owning directly at least 25% of the capital of the payer; the 15% rate applies to other dividends.
(i) The 5% rate applies if the recipient is a company, other than a general partnership, owning directly at least 25% of the payer. The 15% rate applies to other dividends.
(j) The 5% rate applies if the recipient is a company that is the beneficial owner of the dividends and holds at least 15% of the capital of the payer. The 10% rate applies to other dividends.
(k) The 10% rate applies if the beneficial owner of the dividends is a company that holds at least 25% of the capital of the payer. The 20% rate applies to other dividends.
(l) The Bulgarian Council of Ministers authorized the signing of a new tax treaty between Bulgaria and Italy. After the new treaty is signed, enters into force and takes effect, it will replace the 1988 income and capital tax treaty between the countries.
(m) The 5% rate applies if the beneficial owner of the dividends has invested at least USD100,000 or an equivalent amount in another currency in the capital of the payer. The 10% rate applies to other dividends.
(n) The 10% rate applies to dividends paid by a Canadian investment company of which at least 10% of the voting shares are controlled directly or indirectly by a foreign company. The 15% rate applies to other dividends. If pursuant to an agreement or convention concluded with a country that is a member country of the OECD after the date of signature of this convention, Bulgaria agrees to a tax rate on dividends that is lower than 10%, such lower rate (but not in any event a rate below 5% for dividends) shall apply for the purpose of this treaty with respect to dividends.
(o) The 10% rate applies if the beneficial owner of the dividends is a company, other than a general partnership, that holds at least 25% of the payer. The 15% rate applies to other dividends.
(p) The 5% rate applies if the beneficial owner of the dividends is a company, other than a partnership, holding directly at least 25% of the payer. The 15% rate applies to other dividends.
(q) The 7% rate applies if the beneficial owner of the dividends is a company, other than a partnership, holding directly at least 25% of the capital of the payer. The 10% rate applies to other dividends.
(r) The 5% rate applies if the recipient is a company owning directly at least 25% of the payer. The 10% rate applies to other dividends.
(s) The 10% rate applies to interest paid to financial institutions, including insurance companies. The 15% rate applies to other interest payments.
(t) The 5% rate applies to royalties received for the use of, or the right to use, copyrights. The 15% rate applies to other royalties.
(u) The 5% rate applies to interest on loans from banks or financial institutions. The 10% rate applies to other interest payments.
(v) The 0% rate applies if the beneficial owner is the government of the other contracting state or any governmental institution or other entity thereof or a company, other than a partnership, holding directly more than 25% of the capital of the payer.
(w) The 7% rate applies to royalties received for the use of, or the right to use, copyrights, patents, logos, models, plans, secret formulas or processes. The 5% rate applies to other royalties.
(x) The 5% rate applies to royalties received for the use of, or the right to use, copyrights (except for cinematographic movies), or scientific, commercial or industrial equipment. The 10% rate applies to other royalties.
(y) A 0% rate applies to dividends paid to entities from EU countries if certain conditions are satisfied.
(z) The 5% rate applies to copyright royalties and other similar payments with respect to the production or reproduction of cultural, dramatic, musical or other artistic works (but not including royalties with respect to motion picture films and works on film or videotape or other means of reproduction for use in connection with television) and to royalties paid for the use of industrial, commercial or scientific equipment. The 10% rate applies to other royalties.
(aa) The 0% rate applies if the beneficial owner of the dividends is a company, other than a general partnership, that holds at least 10% of the payer. The 10% rate applies to other dividends.
(bb) The 5% rate applies if the beneficial owner is a company that owns directly at least 10% of the voting stock of the company paying the dividends. The 0% rate applies if the beneficial owner is a pension fund resident for tax purposes in the United States. Other conditions must also be observed. If the

dividends are paid by a U.S. Regulated Investment Company, U.S. Real Estate Investment Trust or Bulgarian companies, similar specific provisions apply.

(cc) The 0% rate applies if any of the following circumstances exist:
- The beneficial owner is an institution wholly owned by the state.
- The beneficial owner is a financial institution, provided the interest is not paid with respect to a back-to-back loan.
- The beneficial owner is a pension fund, provided that the interest is not derived from the carrying on of a business, directly or indirectly, by such pension fund.
- The interest concerns debt claims guaranteed, insured or financed by the state.

The 10% rate applies to the following payments:
- Contingent interest arising in the United States that does not qualify as portfolio interest under US law
- Interest arising in Bulgaria that is determined with reference to receipts, sales, income, profits or other cash flow of the debtor or a related person, to a change in the value of any property of the debtor or a related person or to a dividend, partnership distribution or similar payment made by the debtor or a related person

The 5% rate applies to other cases.

(dd) The 0% rate applies if either of the following applies:
- The payer or the recipient of the interest is the government, an administrative territorial subdivision or a local authority thereof, the national bank of either contracting state, the state or the State Oil Fund of Azerbaijan.
- The interest is paid with respect to a loan guaranteed by any of the institutions mentioned in the first bullet.

The 7% rate applies to other cases.

(ee) The 5% rate applies to royalties received for the use of patents, designs or models, plans, secret formulas or processes, or for information, regarding industrial, commercial and scientific experience (know-how). The 10% rate applies in all other cases.

(ff) The 0% rate applies if the beneficial owner of the dividends is a company holding directly at least 10% of the capital of the payer. The 5% rate applies in all other cases.

(gg) The 0% rate applies if any of the following circumstances exists:
- The interest is paid to the government, local authority or the central bank of a contracting state.
- The interest is paid on a loan granted, insured or guaranteed by any of the institutions mentioned in the first bullet.
- The interest is paid with respect to the sale on credit of industrial, commercial or scientific equipment.
- The interest is paid on a loan granted by a bank.

(hh) The 0% rate applies to interest originating from one of the contracting states that is paid to the government or the central bank of the other state.

(ii) The 0% rate applies if the beneficial owner of the income derived from one of the contracting states is any of the following:
- The other state or a political subdivision, local government, local authority or the central bank of the other state
  - The Abu Dhabi Investment Authority, Abu Dhabi Investment Council, International Petroleum Investment Company or any other institution created by the government, a political subdivision, a local authority or a local government of the other state, which is recognized as an integral part of the government, as agreed in an exchange of letters between the competent authorities of the contracting states

(jj) The 0% rate applies to income originating from one of the contracting states that is paid to any of the following:
- The other state, a political subdivision, a local government, a local authority or the central bank of the other state
- The Abu Dhabi Investment Authority, Dubai Investment Office, International Petroleum Investment Company, Abu Dhabi Investment Council or any other institution created by the government, a political subdivision, a local authority or a local government of the other state, which is recognized as an integral part of the government, as agreed through the exchange of letters between the competent authorities of the contracting states

(kk) The 0% rate applies if any of the following circumstances exists:
- The interest is paid with respect to the sale on credit of industrial, commercial or scientific equipment.
- The interest is paid with respect to the sale on credit of goods or merchandise delivered by an enterprise to another enterprise.
- The interest is paid on a loan, not represented by bearer shares, granted by a financial institution or by the government.

(ll) The 5% rate applies to interest paid on loans granted by banks or financial institutions. The 10% rate applies to the gross amount of interest in all other cases.

(mm) The 5% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for television or radio broadcasting. The 10% rate applies to the gross amount of royalties in all other cases.

(nn) The 0% rate applies to dividends paid to the government, a local authority, statutory body, agency, the national bank or a wholly owned company of a contracting state.

(oo) The 0% rate applies to royalties paid to the government, a local authority, statutory body, agency, the national bank or a wholly owned company of a contracting state.

(pp) The 0% rate applies to interest paid to the government, a local authority, statutory body, agency, the national bank or a wholly owned company of a contracting state.

(qq) The 5% rate applies if the recipient of the income (other than partnership or a German Real Estate Investment Trust Company) owns at least 10% of the capital of the company paying the dividends.

(rr) The 0% rate applies to interest paid on the following loans:
- Loans granted or guaranteed by the Bulgarian government or municipal and state institutions
- Loans guaranteed by Germany with respect to exports or foreign direct investment or granted by the government of Germany, the Deutsche Bundesbank, the Kreditanstalt für Wiederaufbau or the Deutsche Investitionsund Entwicklungsgesellschaft
- Loans related to the sale on credit of equipment and merchandise
- Loans granted by banks

(ss) A 0% rate (unless explicitly indicated otherwise in the table) broadly applies to interest paid to governments, statutory bodies or central banks. Under certain treaties, it may also extend to other financial institutions and/or local authorities, subject to explicit reference in the respective double tax treaty.

(tt) A 0% rate applies to dividends distributed to beneficial owners that are companies (other than partnerships). A 5% rate applies to distributions to partnerships and in all other cases.

(uu) A 0% rate applies to interest paid on the following loans:
- Loans granted by banks
- Loans granted to the government of Austria or to the government of Bulgaria
- Loans granted, insured or guaranteed by the Oesterreichische Kontrollbank AG or any comparable Bulgarian institution for purposes of promoting exports
- Loans granted in connection with the sale on credit of industrial, commercial or scientific equipment

A 5% rate applies in all other cases.

(vv) A 5% rate applies to royalties.

(ww) The 0% rate applies to interest paid on loans granted by the Bulgarian National Bank, the Qatar Central Bank, the Qatar Investment Fund, the capital pension authority of Qatar, administrative authorities, the Qatar Development Bank, other financial institutions wholly owned by the government of Qatar and other banks or institutions mutually agreed on by the contracting states.

(xx) A 0% rate applies to dividends distributed to the following beneficial owners:
- Resident companies holding directly at least 10% of the capital in the company paying the dividend for at least one year before the payment of the dividend. According to the protocol to the double tax treaty with Switzerland, if the minimum period of one year was not met at the time of the payment of the dividend and, therefore, the respective tax was withheld at the moment of the payment and the tax condition of minimum holding period is met afterward, the beneficial owner of the dividend shall be entitled to a refund of the tax withheld.
- Pension schemes.
- The central bank of the other contracting state.

A 10% rate will apply to distributions to partnerships and in all other cases. The above is according to the provisions of the double tax treaty between Bulgaria and Switzerland, and not the agreement between the EU and Switzerland providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments.

(yy) A 0% rate applies to interest paid on loans granted by the Bulgarian National Bank or, in the case of Uzbekistan, by the Central Bank or the National Bank of the Foreign Economic Activity of the Republic of Uzbekistan, or any other similar financial institution as agreed through an exchange of letters between the competent authorities of the contracting states.

(zz) A 0% rate applies to interest paid on the following loans:
- Loans related to the sale on credit of equipment, merchandise or services.
- Loans granted by financial institutions.
- Loans granted to pension schemes.
- Loans granted to the government of Bulgaria or the government of Switzerland, a political subdivision or local authority, or the central bank of Bulgaria or Switzerland.
- Loans granted by a company to a company of the other contracting state if such company has directly held 10% of the capital for at least one year before the payment of the interest or if both companies are held by a third company and such company has directly held at least 10% of the capital of the first company and 10% of the capital of the second company, for at least one year before the payment of the interest. According to the protocol to the double tax treaty with Switzerland, if the minimum period of one year was not met at the time of the payment of the interest and, therefore, the respective tax was withheld at the moment of the payment and the tax condition of minimum holding period of one year is met afterward, the beneficial owner of the interest shall be entitled to a refund of the tax withheld. The above is according to the provisions of the double tax treaty between Bulgaria and Switzerland, and not the agreement between the EU and Switzerland providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments.

(aaa) The 0% rate applies to interest paid on the following loans:
- Bonds or similar obligations of the government, political subdivisions or local authorities
- Loans granted by the government or state-owned central banks
- Loans and credits made, guaranteed or insured by the Export Development Corporation
- Loans made, guaranteed or insured by the Bulgarian National Bank, the Bulgarian Foreign Trade Bank or other entity as agreed through an exchange of letters between the competent authorities of the contracting states

(bbb) The 0% rate applies to interest paid on the following loans:
- Loans granted by the government, political subdivisions, local authorities or the central banks
- Loans and credits extended or endorsed by the Bulgarian Foreign Trade Bank and the Export-Import Bank of India (Exim Bank) to the extent such interest is attributable to financing of exports and imports only, as well as by other institutions in charge of public financing of external trade
- Loans and credits extended or endorsed by other persons to the extent that the loan or credit is approved by the government

(ccc) The 15% rate applies to royalties relating to copyrights of literary, artistic or scientific works, other than cinematographic films or films or tapes used for radio or television broadcasting. The 20% rate applies to other royalties and technical service fees.

(ddd) The 10% rate applies if the beneficial owner held directly 25% of the capital of the paying entity for an uninterrupted period of at least two years before the payment of the dividend.

(eee) The 0% rate applies to interest paid on the following loans:
- Loans granted by the government, political subdivisions, local authorities or the central banks
- Loans or credits made or guaranteed by the Export Import Bank of Korea and Korea Development Bank, as well as by the Bulgarian Foreign Trade Bank, or any other institution as agreed through an exchange of letters between the competent authorities of the contracting states
- Loans related to the sale on credit of industrial, commercial or scientific equipment

(fff) The existing treaty is being renegotiated.

(ggg) The 0% rate applies if the interest income is accrued and beneficially owned by the state, a local authority, the central bank or other state-owned institution or bank or if the loan receivable is guaranteed, insured or financed by an institution that is wholly owned by the state.

(hhh) The 0% rate applies if the Bulgarian-source dividends are distributed to the Central Bank of Norway, the global government pension fund or an institution in which the government participation is more than 75%. The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The rate is 15% in all other cases.

(iii) The rate is 0% for interest on the following loans:
- Loans granted by a bank, the government, a political subdivision or local authority
- Loans granted, insured or guaranteed by a governmental institution for the purpose of promoting exports or loans in connection with the sale on credit of industrial, commercial or scientific equipment
- Loans granted by banks

(jjj) The 0% rate applies to dividends distributed to companies and pension funds. The 15% rate applies if the dividends are paid out of income (including gains) derived directly or indirectly from immovable property by investment vehicles. In all other cases, the withholding tax rate is 5%.

(kkk) The rate is 0% for interest on loans other than loans granted by financial institutions or pension schemes, the government, a political subdivision or local authority, loans by the central bank, loans between associated companies (that is, a direct holding relationship of at least 10% was maintained for at least one year before the payment of the interest) and loans in connection with the sale on credit of any equipment, merchandise or services.

(lll) The term "dividends" as used in Article 10 of the double tax treaty means income from shares, "jouissance" shares or "jouissance" rights, mining shares, founders shares or other rights, not being debt-claims, participating in profits, as well as income from other rights that is subject to the same taxation treatment as income from shares by the laws of the state of which the company making the distribution is a resident. With reference to Article 10 of the double tax treaty, the following is understood:
- The term "dividends," as defined in Paragraph 3 of Article 10, also includes income derived from full or partial liquidation of a company.
- If profits derived by an enterprise of a contracting state through a permanent establishment situated in the other contracting state have been taxed under Article 7 of the double tax treaty, the remaining amount of such profits may be taxed in that other contracting state, and the tax so charged shall not exceed 5%.
- Dividends that are hidden profit distribution under the law in force in Bulgaria shall be taxed according with the laws of Bulgaria.

(mmm) Article 11 of the double tax treaty is applicable for "income from debt-claims." The term "income from debt-claims" as used in this Article means income from debt-claims of every kind, whether secured by mortgage and whether carrying a right to participate in the debtor's profits and, in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as income from debt-claims for the purpose of this Article. With reference to Article 11 of the double tax treaty, it is understood that income from debt-claims arising in a contracting state and paid to a pension fund that is a resident of the other contracting state and a beneficial owner of that income shall be taxable only in that other contracting state.

(nnn) The 5% rate applies to royalties received for the use of, or the right to use, industrial, commercial or scientific equipment. A 10% rate applies to royalties in all other cases.

(ooo) The 12.5% rate does not apply to dividends that are hidden profit distribution or other similar arrangements under the laws in force in either of the contracting states. In such cases, each contracting state shall apply its own domestic legislation to such income.

(ppp) The 0% rate applies for interest on the following loans:
- Loans granted by the government, a political subdivision or local authority, or the central bank
- Loans granted, guaranteed or insured by the government or any entity or financial institution wholly owned by the government. The competent authorities shall notify each other of such existing organizations and any subsequent changes thereof. For purposes of the above, the entities and financial institutions wholly owned by the government in Pakistan are the State Bank of Pakistan, the Export-Import Bank of Pakistan and the National Bank of Pakistan, while the entities and financial institutions wholly owned by the government in Bulgaria are the Bulgarian National Bank and the Bulgarian Development Bank.

(qqq) The 10% rate applies to "fees for technical services." The term "fees for technical services" for the purposes of this rate means payments of any kind received as a consideration for the rendering of any managerial, technical or consultancy services, including the services of technical or other personnel, but does not include the following:
- Consideration for any construction, assembly or similar project undertaken by the recipient
- Consideration that would be income of the recipient from employment

(rrr) The 0% rate applies to the following types of interest:
- Interest received, on its own account, by a contracting state or by an institution of which the capital is wholly owned by that state
- Interest from commercial debt-claims, including claims represented by commercial documents, relating to installment payments for supplying merchandise, goods or services
- Interest on loans, prepayments or credits of any kind, not represented by bearer instruments, from banks
- Credit interest on current accounts opened with banks, or interest on cash deposits, not represented by bearer instruments, with such institutions

(sss) The 0% rate applies to copyright royalties and similar payments with respect to the production or reproduction of cultural, dramatic, musical or other artistic works (but not including royalties with respect to motion picture films and works on film or videotape or other means of reproduction for use in connection with television). If pursuant to an agreement or convention concluded with a country that is a member country of the OECD after the date of signature of this convention, Bulgaria agrees to a tax rate on royalties that is lower than 10%, such lower rate shall apply for the purpose of this treaty with respect to royalties for the use of, or the right to use, computer software or patents or for information concerning industrial, commercial or scientific experience (but not including any such information provided in connection with a rental or franchise agreement).

(ttt) The 0% rate applies to the following types of interest:
- Interest derived and beneficially owned by the government of the other contracting state, including any local authority thereof, the central bank or any financial institution wholly owned by that government or a resident of the other contracting state in connection with a loan or credit guaranteed by the government of that other state
- Interest paid in connection with the sale on business credit of equipment or merchandise.

(uuu) These are the rates under a new treaty with the Netherlands, which is effective from 1 January 2022.

(vvv) The 0% rate applies to dividends if the beneficial owner is either of the following:
- A company (other than a partnership) that is a resident of the other contracting state and holds directly at least 10% of the capital of the company paying the dividends throughout a 365-day period that includes the day of the payment of the dividend (for the purpose of computing that period, no account should be taken of changes of ownership that would directly result from a corporate reorganization, such as a merger or divisive reorganization, of the company that holds the capital or that pays the dividend)
- A pension fund

(www) The 0% rate applies to interest if one of the following conditions is met:
- The recipient of the interest is a contracting state or a political subdivision or local authority thereof, a public body or the central bank of a contracting state.
- The interest is paid in connection with a loan granted, approved, guaranteed or insured by a contracting state, the central bank of a contracting state, or an agency or entity (including a financial institution) controlled by a contracting state.
- The recipient of the interest is Atradius Dutch State Business NV (or its legal successor) with respect to loans granted, approved, guaranteed or insured by the Netherlands or the recipient of the interest is the Netherlands' Finance Company for Developing Countries (de Nederlandse Financierings-Maatschappij voor Ontwikkelingslanden NV) (or its legal successor).
- The recipient of the interest is a pension fund.
- The interest is paid in connection with a loan granted by a bank or an insurance company.
- The interest is paid in connection with the sale on credit of any industrial, commercial or scientific equipment.
- The interest is paid in connection with the sale on credit of merchandise by one enterprise to another enterprise.

(xxx) According to the protocol to the double tax treaty with Switzerland, as long as Switzerland, in accordance with its domestic legislation, does not levy a withholding tax on royalties paid to nonresidents, royalties shall be taxable only in the state of residence of the beneficial owner of the royalties. The above is according to the provisions of the double tax treaty between Bulgaria and Switzerland, and not the agreement between the EU and Switzerland providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments.

(yyy) A 10% rate applies if the dividends are paid by a company that is a resident of a contracting state out of profits that, by virtue of provisions for the encouragement of investments, are exempted from tax or subject to tax at a rate that is lower than the standard rate levied on the profits of a company resident in that state. In all other cases, a rate that is 50% of the rate that would have been imposed but for this provision applies; however, in any case the rate shall not exceed 12.5% and shall not be less than 7.5%.

(zzz) Profits derived by participants in joint ventures set up under Decree No. 535/1980 of the State Council of the Republic of Bulgaria and distributed according to their rights shall not be regarded as dividends.

(aaaa) On 19 December 2023, the Russian Federation unilaterally adopted a law on the suspension of Articles 5-22 and 24 of the treaty.

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A. At a glance

Tax on Income Rate (%)	20
Capital Gains Tax Rate (%)	20
Withholding Tax (%) (a)	
Dividends	14
Interest	14
Royalties	14
Income from Movable and Immovable Property	14
Fees for Services Performed in Cambodia	14
Technical, Management and Consultation Fees	14
Insurance Premiums	14 (b)
Branch Remittance Tax	14
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (c)

(a) These withholding tax rates apply to payments to nonresidents only. For a listing of withholding taxes applicable to payments to resident taxpayers, see Section B.
(b) This does not apply to reinsurance of risks in Cambodia.
(c) See Section C.

B. Taxes on corporate income and gains

Tax on income. Tax on Income (ToI) is calculated on taxable income inclusive of capital gains and passive income, such as interest, royalties and rent.

The ToI is imposed on the worldwide income of resident taxpayers. It is imposed on the Cambodian-source income of nonresident taxpayers. For companies, resident taxpayers are enterprises organized, managed or having a principal place of business in Cambodia. A company that is not a resident taxpayer and that receives income from a Cambodian source is considered to be a nonresident taxpayer.

ToI rates. The standard rate of ToI for legal persons is 20%.

A tax rate of 30% applies to income derived from oil or natural gas production sharing contracts and from the exploitation of natural resources including timber, ore, gold and precious stones.

A tax rate of 5% is imposed on the gross premium income of insurance companies providing insurance or reinsurance products for property or other risks. However, insurance companies providing life insurance or reinsurance in the form of a savings product are taxed at a rate of 20%.

Minimum tax. Minimum tax is a separate annual tax imposed at a rate of 1% of annual turnover inclusive of all taxes, except value-added tax (VAT). If the ToI liability exceeds the amount of the minimum tax, the taxpayer is not liable for the minimum tax. If taxpayers' accounting records meet the criteria set by the tax authorities for the maintenance of proper accounting records, these taxpayers are exempt from the minimum tax.

Advance Income Tax on Dividend Distribution. The Advance Income Tax on Dividend Distribution (AITDD) is imposed on the distribution of retained earnings to local and overseas shareholders before ToI is declared to the tax department. The AITDD is payable by the distributing company. It is calculated based on the following gross-up calculation of the annual ToI rate:

- Step 1: Divide the amount of the dividend by 0.8.
- Step 2: Apply a rate of 20% to the result of Step 1.

The AITDD becomes a tax credit to utilize against annual ToI. Any excess tax credit can be carried forward to offset against the annual ToI liability in the following year.

From 2020, dividends distributed by Qualified Investment Projects (QIPs) during the tax holiday period are exempt from AITDD.

Investment incentives. A QIP registered and approved by the Council for the Development of Cambodia is entitled to the incentives described below.

Based on the former Law on Investment (old LoI), an exemption from ToI applies to the trigger period and the priority period. The trigger period begins on the date of final registration and ends on the earlier of the end of the third year after the first revenue is earned or the end of the year preceding the year in which the first taxable income is earned. The priority period, which is specified in the Finance Law and varies by project, may have a duration of up to three years. Under the new Law on Investment (new LoI) issued in October 2021, ToI exemption shall be provided for three to nine years, depending on the sector and investment activities, from the time the first income is earned. Also, the new LoI further states that after the ToI exemption period ends, a QIP will continue to be entitled to a reduced ToI rate for six years. The reduced rates are 25% of the standard rate for the first two years, 50% of the standard rate for the next two years and 75% of the standard rate for the last two years.

The taxpayer is entitled to an exemption from the minimum tax if it is confirmed by the tax authorities that the taxpayer is maintaining proper accounting records. Under the new LoI, a QIP is exempt from minimum tax if its accounts are audited by an independent auditor.

QIPs can import construction materials, construction equipment, production equipment and production inputs with customs duty, Specific Tax and VAT borne by the government. However, the incentives of production inputs for domestically oriented QIPs are determined by the Law on Financial Management and/or a Sub-Decree.

Other incentives include a VAT exemption on the local purchase of production inputs, a deduction of 150% of expenses for certain expenses, an exemption from income tax for QIP expansion and additional special incentives for certain potential investments that will contribute to develop Cambodia's economy. These additional incentives are determined by the Law on Financial Management and/or a Sub-Decree.

Capital gains. All realized gains (including capital gains) are considered to be taxable income. Prior to 1 January 2025, tax on capital gains is not separately imposed in Cambodia. Capital gains derived by a legal person from the disposal of fixed assets are treated as ordinary income and generally taxed at the standard ToI rate of 20%.

Administration. Resident taxpayers must file annual ToI or minimum tax returns within three months after the end of the tax year.

Resident taxpayers must make monthly prepayments of ToI, which are each equal to 1% of monthly turnover inclusive of all taxes, except VAT. The tax payments can be used to offset the annual ToI or minimum tax liability. Prepayments of ToI are not required during the period of exemption from ToI.

Effective from the December 2020 monthly tax return, the prepayments must be made by the 25th day of the following month in which the tax liability arose through an e-filing system. Hard-copy tax returns are accepted by 20th day of the following month if the taxpayer has received approval from the tax authorities to submit hard-copy tax returns as a result of difficulties in implementing the e-filing system.

Dividends. Dividends paid to nonresident taxpayers are subject to withholding tax at a rate of 14%.

Withholding taxes

Payments to resident taxpayers. Resident taxpayers carrying on business in Cambodia must withhold tax from payments made to other resident taxpayers at the following rates.

Payment	Rate (%)
Interest paid to recipients other than domestic banks	15
Interest paid on non-fixed term saving accounts by domestic banks	4
Interest paid on fixed-term saving accounts by domestic banks	6
Royalties	15 (a)
Rent paid for movable and immovable property	10 (b)
Payments to individuals for services, including management, consulting and similar services	15 (c)

(a) This withholding tax is not applied to payments made to registered resident taxpayers with valid value-added tax (VAT) invoices on shrink-wrap

software, site licenses, downloadable software and software bundled with computer hardware.

(b) This withholding tax is not applied to payments made to registered resident taxpayers with a valid VAT invoice.

(c) This withholding tax is not applied to payments if the amount is lower than KHR50,000 (approximately USD12.5).

Payments to nonresident taxpayers. Resident taxpayers must withhold tax at a rate of 14% on payments to nonresidents that earn Cambodian-source income, which is defined to include the following:

- Interest paid by resident enterprises, resident pass-through entities or Cambodian governmental institutions
- Dividends distributed by resident taxpayers
- Income from services performed in Cambodia
- Compensation for management and technical services paid by resident persons
- Income from movable or immovable property, if the property is located in Cambodia
- Royalties from the use of, or the right to use, intangible property paid by residents or by nonresidents through a permanent establishment that the nonresident maintains in Cambodia
- Gains from sales of immovable property located in Cambodia or from transfers of interests in immovable property located in Cambodia
- Insurance premiums paid on the insurance of risks in Cambodia
- Gains from the sale of movable property that is part of the business property of a permanent establishment maintained by a nonresident taxpayer in Cambodia
- Income from business activities carried on by nonresidents through a permanent establishment in Cambodia (branch remittance tax)

In general, the above withholding taxes are considered a final tax.

If withholding tax is not withheld from the recipient, it is borne by the payer. Accordingly, the withholding tax is not deductible for purposes of the ToI.

Withholding tax returns and payments. Effective from the December 2020 monthly tax return, resident taxpayers must submit withholding tax returns and remit withholding taxes to the tax authorities by the 25th day of the following month through an e-filing system. Hard-copy tax returns are accepted by the 20th day of the following month if the taxpayer obtains specific approval from the tax authorities to submit hard-copy tax returns as a result of difficulties in implementing the e-filing system.

Foreign tax relief. Cambodia allows a credit against the ToI for foreign taxes paid on foreign-source income if supporting documentation exists.

C. Determination of trading income

General. Taxable income equals the difference between total income and allowed expenses that are incurred to carry on the business.

Allowable deductions include most expenses incurred in the course of carrying on a business enterprise with certain limitations. These limitations include the following:

- The deduction of charitable contributions to specified organizations is limited to 5% of taxable income before deducting the amount of the charitable contributions.
- Depreciation is allowed as a deduction in accordance with rates and methods set forth in the tax regulations.
- Deductions for interest are limited to interest income plus 50% of taxable income excluding interest income and expenses. The disallowed interest may be carried forward to the subsequent five years and deducted subject to the same limitations (also, see *Special rules for loans*).

Nondeductible expenses include the following:

- Expenses incurred on activities generally considered to be amusement, recreation, entertainment or on the use of any means with respect to such activities
- Losses on direct or indirect sales or exchanges of assets between related parties that do not comply with the arm's-length principle
- Penalties, additional tax and late payment interest imposed for violation of the tax regulations
- Donations, grants or subsidies
- Salary and related-party expenses unpaid within 180 days of the next tax year
- Extravagant expenses
- Non-business related expenses
- Prior-year expenses
- Expenses without supporting documents
- Loss arising from giving up on a receivable due to an abnormal act of management or without supporting documents to support the impossibility of recovering the loss

Special rules for loans. According to Cambodia's tax regulations, a limitation of interest rates on loans obtained from banks and other enterprises should be determined in accordance with the following rules:

- A taxpayer cannot get a tax deduction for interest to the extent the rate on loans from third parties exceeded 120% of the market rate at the time of the loan transaction.
- The interest rate for loans from related parties should not exceed the market rate at the time of the loan transaction.

In this context, the term "market rate" is the average interest rate on loans from at least five of the largest commercial banks in Cambodia to their customers. The market rate is published annually by the General Department of Taxation (GDT) for the preceding year.

For loans referred to in the first bullet above, the taxpayer is required to notify and submit the agreements and other supporting documents to the tax authorities within 30 days after entering into the transaction. If the taxpayer fails to notify the tax authorities by providing it with the supporting documents, the loan amount may be added to the taxpayer's taxable income for that year.

For loans referred to in the second bullet above, a copy of the loan agreement is not required to be submitted to the GDT. However, the taxpayer is required to maintain the following supporting documents to provide to the GDT on request:

- Loan agreement that clearly states the length and repayment terms
- Business plan or current and forecasted financial statements and supporting documents with respect to the purpose of borrowing and the explanation relating to the loan
- Board of directors' resolution (for enterprises that are not single private limited companies)

In addition, deductions for interest are limited to interest income plus 50% of taxable income excluding interest income and expenses. Any disallowed interest may be carried forward and a deduction can be claimed in the subsequent five years, subject to the same limitations.

Provisions. Provisions for losses or expenses that have not occurred are not allowed for tax purposes even if the incurrence of such losses or expenses is probable. However, domestic financial institutions may establish provisions for bad debts within the threshold provided by the GDT.

Tax depreciation and amortization. The tax regulations divide fixed assets into four classes for purposes of depreciation and specify the depreciation methods and rates for the classes. The following are the classes.

Classes	Assets	Method	Rate (%)
1	Concrete buildings and structures	Straight-line	5
	Non-concrete buildings	Straight-line	10
2	Computers, electronic information systems and data handling equipment	Declining-balance	50
3	Automobiles, trucks, office furniture and equipment	Declining-balance	25
4	Other tangible property	Declining-balance	20

Intangible assets with a limited useful life, such as patents, copyrights, drawings, models, and franchises, can be amortized over their useful life on a straight-line basis. If the life of intangible assets cannot be determined, the assets are amortized using the straight-line method at a rate of 10%.

A QIP (see Section B) may apply a special depreciation rate of 40% in the year of purchase or in the first year the tangible assets are placed into operation, if later. If the enterprise elects to use the exemption period for the ToI, the special depreciation rate does not apply.

Relief for losses. Losses can be carried forward to offset future taxable income for the following five years. The carryback of losses is not allowed.

The carryforward of losses is not forfeited by a change of ownership. However, it is required that there be no change in the business objectives and activities of the entity.

Groups of companies. Cambodia does not allow consolidated tax filing or provide other group tax relief.

D. Other significant taxes

Value-added tax. Resident taxpayers providing taxable supplies must register for VAT. Taxable supplies include supplies of goods or services by taxable persons in Cambodia.

Effective from 1 April 2022, legal persons that make payments to nonresident suppliers on supplies of digital goods or services to Cambodia are required to apply 10% reverse-charge VAT.

The standard rate of VAT is 10%. A 0% rate of VAT applies to exports of goods and services including international transportation of passengers and goods and services with respect to such transportation. It also applies to enterprises in supporting industries and subcontractors that supply certain goods and services to exporters.

The tax law specifies certain nontaxable supplies.

A resident taxpayer must complete the registration for VAT within 30 days after the date on which it becomes a taxable person. The filing of VAT returns and payment of VAT must be made by the 25th day of the following month, effective from December 2020. Hard-copy tax returns are accepted by 20th day of the following month if the taxpayer has received approval from the tax authorities to submit hard-copy tax returns as a result of difficulties in implementing the e-filing system.

Other taxes. Cambodia imposed various other taxes, including the following:
- Specific Tax on Certain Merchandises and Service
- Tax for Public Lighting
- Accommodation Tax
- Patent Tax
- Registration Tax (property transfer tax)
- Fiscal Stamp Tax
- Tax on Immovable Property
- Tax on Unused Land
- Tax on Means of Transportation

E. Foreign-exchange controls

The Cambodian currency is the Khmer riel (KHR).

Cambodia does not impose any restrictions on the purchase of foreign currencies through authorized financial institutions.

From 28 October 2022, monthly and annual tax declarations must comply with the following exchange rates:
- Daily exchange rate: Taxpayers must use the daily official exchange rate issued by the National Bank of Cambodia (NBC) for the KHR on the total price on the invoice. If the NBC has not issued an official exchange rate for a particular day, a taxpayer must use the official exchange rate of the preceding day.
- Exchange rate for Tax on Salary (ToS)/Tax on Fringe Benefits (ToFB): Taxpayers must use the official exchange rate issued by the NBC on the 15th of each month for their ToS and ToFB calculation. If the NBC has not issued an official exchange rate

on this day, the taxpayer must use the official exchange rate of the preceding day.
- Monthly tax exchange rate: Taxpayers must use the exchange rate on the last day of the month issued by the NBC for their monthly tax calculation.
- Annual tax exchange rate: Taxpayers must use the exchange rate issued by the NBC on the last day of December of each year for which annual tax is calculated.

F. Tax treaties

Double tax treaties with Brunei Darussalam, China Mainland, the Hong Kong Special Administrative Region (SAR), Indonesia, Korea (South), the Macau SAR, Malaysia, Singapore, Thailand and Vietnam have been ratified. A treaty with Türkiye has been agreed but is not yet effective. The treaties reduce the withholding tax rate from 14% to 10% on dividends, interest, technical services and royalties paid to residents of treaty jurisdictions. An application to apply treaty relief must be made to the Cambodian tax authorities.

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A. At a glance

Federal Corporate Income Tax Rate (%)	15 (a)
Federal Capital Gains Tax Rate (%)	7.5 (a)(b)
Branch Tax Rate (%)	15 (a)
Withholding Tax (%)	
Dividends	25 (c)
Interest	0/25 (d)
Royalties from Patents, Know-how, etc.	25 (c)
Branch Remittance Tax	25 (e)
Net Operating Losses (Years)	
Carryback	3
Carryforward	20

(a) These 2024 rates are applied to general income that is not eligible for the manufacturing and processing deduction or the small business deduction. The calculation of the rate is discussed in Section B. Additional tax is levied by the provinces and territories of Canada, and the combined federal and provincial or territorial rates on general income may vary from approximately 23% to 31%.

(b) 50% of capital gains is subject to tax. As part of the annual federal budget announced on 20 April 2024 (Budget 2024), it was proposed to increase the capital gain inclusion rate from 50% to 66 2/3% for corporations for capital gains realized on or after 25 June 2024. As of the date of writing, the rules have not yet been enacted.

(c) Final tax applicable only to nonresidents. This rate may be reduced by a tax treaty (see Section F).

(d) In general, no withholding tax is imposed on interest paid to payees who are dealing at arm's length with the payer. However, withholding tax at a rate of 25% typically applies to interest paid or credited to related nonresidents (the rate may be reduced by a tax treaty). Other specific exemptions or specific inclusions may apply to change the general rules noted above.
(e) This tax is imposed in addition to the regular corporate branch tax rate. For details, see Section B. The rate may be reduced by a tax treaty.

B. Taxes on corporate income and gains

Corporate income tax. Corporations resident in Canada (whether owned by Canadians or nonresidents) are taxed on their worldwide income from all sources, including income from business or property and net taxable capital gains. Nonresident corporations are taxed only on certain Canadian-source income. In general, a corporation is deemed to be resident in Canada if it is incorporated in Canada or has its central management and control located there.

If a tax treaty exists between Canada and the country in which a nonresident corporation is resident, the determination of whether a nonresident is taxable in Canada may be restricted or modified, and lower rates may apply. In general, Canada's tax treaties provide that a nonresident that is resident in a treaty country is subject to Canadian tax on income derived from carrying on business in Canada only if the nonresident has a Canadian permanent establishment.

Rates of income tax. Corporations are taxed by the federal government and by one or more provinces or territories. The basic rate of federal corporate tax for 2024 is 38%, but it is reduced to 15% by an abatement of 10 percentage points on a corporation's taxable income earned in a province or territory and a general rate reduction of 13 percentage points on a corporation's full-rate taxable income. Provincial and territorial tax rates are added to the federal tax and generally vary between 8% and 16% of taxable income.

The federal government and the provincial and territorial governments may apply lower rates of tax to active small business earnings and earnings derived from manufacturing and processing.

Nonresident corporations carrying on business in Canada through a branch are taxable at the full corporate branch tax rate plus applicable provincial tax rate on their net-business income earned in Canada, and they must pay an additional tax (branch tax) of 25% on their after-tax income, subject to an allowance for investment in Canadian property. This branch tax may be reduced by treaty.

Capital gains and losses. For capital gains and losses realized before 25 June 2024, the taxable portion of capital gains and the deductible portion of capital losses is 50%. However, as announced in Budget 2024, the government plans to increase the capital gains inclusion rate from 50% to 66 2/3% for capital gains or losses realized on or after 25 June 2024. As of the date of writing, the rules have not yet been enacted. See Section E for details concerning the taxation of capital gains of nonresidents.

The deductible portion of capital losses (other than allowable business investment losses) in excess of taxable capital gains is termed "net capital loss" and may be carried back three years and carried

forward indefinitely, but may be applied only against taxable capital gains.

Proceeds from the disposition of capital property that exceed the tax cost of such property are generally taxed as capital gains. For depreciable property, tax depreciation previously claimed that is recovered on disposition is generally fully included in income.

If control of a corporation is acquired by a person or group of persons, net capital losses incurred before the change of control cannot be deducted in a year after the acquisition of control. Also, the carryback of capital losses to years prior to such change of control is prohibited. A flow through of net capital losses is provided for on certain amalgamations and liquidations.

If a sale of what might otherwise be capital property is regarded as a sale in the course of a taxpayer's business (such as dealers in real estate, securities or art) or as an adventure in the nature of trade, any resulting gain or loss is fully taxable or deductible.

Administration. A corporation's tax year usually ends on the same date as the financial statement year-end. If an acquisition of control occurs, the corporation is deemed to have a tax year ending immediately before the acquisition of control.

Corporate income tax returns are required to be filed within six months following a corporation's tax year-end. Subject to certain exceptions, nonresident corporations must file a Canadian income tax return if they carry on business in Canada or dispose of taxable Canadian property during the tax year. Nonresident corporations claiming relief from Canadian tax under a tax treaty with another country must disclose detailed information regarding their activities in Canada.

A penalty is levied on returns that are filed late, equal to 5% of the unpaid tax at the required filing date, plus an additional 1% per month (not exceeding 12 months) of such unpaid tax for each month that the return remains unfiled. Repeat offenders may be liable for additional penalties. Nonresident corporations that are required to file Canadian tax returns may be subject to another penalty of up to CAD2,500 even if no tax is payable.

Federal and provincial corporate tax installments must be made monthly during the corporation's tax year. The remaining balance of taxes owed must be paid by the end of the second month following the tax year-end (third month for Canadian-controlled private corporations that carry on an active business and claim a small business deduction).

Interest is charged on late or deficient tax payments based on the prescribed rate. The prescribed rate can vary each quarter. A penalty may apply to late or deficient tax installments.

Dividends. In general, dividends received by one Canadian corporation from another Canadian corporation are fully deductible. However, to prevent the use of private companies to obtain significant tax deferrals on portfolio dividend income, such corporations are subject to a special 38⅓% refundable tax on dividends received from portfolio investments. Additional taxes may be imposed on dividends paid on certain preference-type shares.

Dividends paid by a Canadian corporation to a Canadian resident individual are generally taxable, but the individual also receives a tax credit because the income has already been taxed within the corporation. A dividend received from a nonresident corporation that is a foreign affiliate of a Canadian taxpayer may be exempt from tax (see Section E).

Foreign tax relief. In general, taxpayers resident in Canada may deduct from their Canadian tax liability a credit for income or profits tax and for withholding tax paid to another country. The foreign tax credit is calculated separately for foreign business tax and foreign nonbusiness tax on a country-by-country basis.

If a Canadian corporation receives dividends from a foreign affiliate, the normal foreign tax credits are replaced by either a complete or partial deduction for such dividends (see Section E).

C. Determination of taxable income

General. Taxable profits are computed in accordance with generally accepted commercial principles, modified by certain statutory provisions in the Canadian Income Tax Act.

In general, only 50% of meal and entertainment expenses is deductible for income tax purposes.

Inventories. For tax purposes, inventories may be valued at the lower of cost or fair market value. The last-in, first-out (LIFO) basis is not permitted for tax purposes, despite its acceptability for accounting purposes in certain instances. Corporations may use a different inventory valuation method for tax purposes than the one used for accounting purposes.

Provisions. In general, provisions, such as warranty reserves, are not deductible for income tax purposes. Only actual expenses incurred are tax-deductible.

Depreciation and amortization. Depreciation or amortization included in the financial statements is added back, and tax depreciation, generally calculated on a declining-balance basis at prescribed rates, beginning when the asset is available for use, is deducted for tax purposes. The deduction is generally limited in the first year the asset is available for use. Tax depreciation may be fully or partially claimed at the taxpayer's discretion.

The following are the depreciation rates under the declining-balance method for major categories of assets.

Asset	Rate (%)
Commercial and industrial buildings	4 (a)
Computers	55
Office equipment	20
Motor vehicles	30
Machinery and equipment	20 (b)

(a) Certain eligible nonresidential buildings may qualify for a rate of 6% or 10% (election required).

(b) For machinery and equipment used primarily in manufacturing and processing, the rate is generally 30%. A straight-line rate of 50% applies if the machinery and equipment is acquired after 18 March 2007 and before 2016.

Certain temporary tax measures provide for an enhanced first-year depreciation claim with respect to capital property of a taxpayer (for example, accelerated investment incentive property). These temporary measures apply to certain depreciable capital assets acquired after 20 November 2018 that become available for use before 2028.

Depreciable capital assets are generally pooled into various classes, but, in certain cases, a corporation may elect to include individual pieces of certain types of equipment in separate classes. In general, if an asset is disposed of, the balance of the assets in the class is reduced by the proceeds from the disposition. However, if the proceeds from the disposition of an asset exceed the tax value of the class after depreciation, the excess is recaptured and is subject to tax at the regular corporate tax rates. If the asset is the only asset in the class and if a balance remains after the proceeds of disposition are charged to the class, the balance may be deducted as a terminal loss, subject to certain loss denial rules.

Groups of companies. Canada does not allow consolidated tax reporting for related companies and does not provide relief for group losses.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Goods and Services Tax (GST), a value-added tax, applies to a broad range of goods and services	5
Harmonized Sales Tax, a value-added tax, applies to a broad range of goods and services in certain provinces	Up to 15
Part VI tax on financial institutions, effectively a minimum tax, which is reduced by income taxes paid; applies on a non-consolidated basis to capital in excess of CAD1 billion	1.25
Provincial/territorial income taxes, on taxable income allocated to jurisdictions in which corporations have permanent establishments (lower rates may apply to manufacturing or processing earnings and active small business earnings)	8 to 16
Provincial payroll taxes; varies by province; paid by employers	Up to 4.3
Canada Pension Plan, on pensionable earnings between CAD3,500 and CAD68,500 (amounts in effect for 2024)	
Employer	5.95
Employee	5.95
Self-employed individual	11.9
(The Province of Quebec offers a similar plan for residents of Quebec.)	
Employment Insurance, on insurable earnings up to a maximum of CAD63,200 (amount in effect for 2024)	

Nature of tax	Rate (%)
Employee	1.66
Employer (1.4 times the employee rate)	2.324
(Employment Insurance premiums for residents of the Province of Quebec are reduced, because residents of Quebec also must pay premiums for Quebec Parental Insurance. The aggregate amount for both is similar to the total Employment Insurance premiums computed with respect to persons resident outside Quebec.)	

E. Miscellaneous matters

Foreign-exchange controls. Canada does not impose foreign-exchange control restrictions.

Interest deductibility. Interest paid in Canada is generally deductible if all of the following conditions are satisfied:
- It is paid or payable in the year.
- It is paid or payable pursuant to a legal obligation to pay interest thereon.
- The interest is not in excess of a reasonable amount.
- The interest relates to borrowed money used for the purpose of earning income from a business or property.

In addition, interest paid or payable to a non-arm's-length person and deducted by a Canadian resident or nonresident corporation or trust is also subject to Canada's transfer-pricing rules, which require the terms and conditions made or imposed with respect of the loan to be similar to those that would have been made between persons dealing at arm's length. The transfer-pricing rules apply before the thin capitalization rules and the excessive interest and financing expenses limitation rules (referred to as the EIFEL rules), each of which are discussed below. However, an exception may be available to the application of the transfer-pricing rules in certain cases with respect to loans made to a controlled foreign affiliate, provided that certain conditions are met.

Canada imposes a thin-capitalization rule limiting the ability of nonresidents to withdraw profits through deductible interest charges. These rules apply to Canadian resident and nonresident corporations and trusts. The thin-capitalization rules may also apply to certain back-to-back (BTB) loan arrangements that would otherwise circumvent the application of the thin-capitalization rules. Special rules apply to partnerships to attribute the debts, activities and property of the partnership to its members.

In general, these rules restrict the deductibility of interest paid or payable by a corporation or trust to a specified nonresident shareholder or beneficiary (or to a nonresident person who does not deal at arm's length with a specified shareholder) on debts exceeding 1.5 times the "equity amount" of such corporation or trust. A specified shareholder is a shareholder who, either alone or together with persons with whom the shareholder does not deal at arm's length, owns shares that satisfy either of the following conditions:
- They give the shareholder 25% or more of the votes that could be cast at an annual meeting of shareholders.

- They have a fair market value representing 25% or more of the fair market value of all of the issued and outstanding shares of the corporation.

In general, the BTB rules apply to arrangements whereby a nonresident corporation (parent), or a person related to the parent, of a corporation resident in Canada (Canco) grants a loan (intermediary debt) or a specified right in a particular property (specified right) to an intermediary and the intermediary debt and/or specified right is "connected to" a debt owed by Canco to the intermediary (primary debt), provided that the amount of the intermediary debt and/or fair market value of the property subject to the specified right is not less than 25% of the amount of the primary debt. When applicable, the BTB rules deem the primary debt to be a debt between Canco and the parent for thin-capitalization purposes. The rules also deem interest payments from Canco to the intermediary to be interest payments from Canco to the parent.

BTB rules also apply to royalties and similar payments for withholding tax purposes (discussed below in *BTB rules and interest payments*).

After the general interest deductibility rules, transfer-pricing rules and thin-capitalization rules have been applied, the EIFEL rules should be considered. The EIFEL rules generally follow recommendations in the Organisation for Economic Co-operation and Development (OECD)/G20 Base Erosion and Profit Shifting (BEPS) Action 4 report. The EIFEL rules have two separate sets of provisions that determine the amount by which to restrict the deductibility of net interest and financing expenses, being the amount by which "interest and financing expenses" (IFE) exceed "interest and financing revenues" (IFR). Very generally, under the Fixed Ratio Rules, net interest and finance expenses may be deducted in an amount that does not exceed a fixed percentage of the taxpayer's "adjusted taxable income" (ATI, which approximates tax-adjusted earnings before interest, taxes, depreciation and amortization [EBITDA]) for the year. Alternatively, if certain conditions are met and if a group of corporations and/or trusts so elects, a higher "group ratio" may be applied in lieu of the Fixed-Ratio Rules (the Group Ratio Rules). The rules are currently proposed to be effective for tax years beginning on or after 1 October 2023. The ratio of permissible expenses will be 40% until 1 January 2024 and then will be reduced to 30% for all tax years beginning on or after 1 January 2024. As of the date of writing, the rules have not yet been enacted.

Foreign affiliates. A nonresident corporation is considered a foreign affiliate of a Canadian corporation if the Canadian corporation directly or indirectly owns at least 1% of any class of shares of the nonresident corporation and if the Canadian corporation and related persons directly or indirectly own together at least 10% of any class of shares of that nonresident corporation. Dividends received by a Canadian corporation from a foreign affiliate are fully deductible in Canada if the dividends are derived from income from an active business earned in a country with which Canada has entered into a tax treaty or a Tax Information Exchange Agreement (TIEA). Dividends are taxable

in Canada if they are derived from passive operations (with certain exceptions) or any operations in a non-treaty or non-TIEA country, with relief for foreign tax on such income.

Foreign affiliate dumping rules. Rules, commonly known as the "foreign affiliate dumping (FAD) rules," are aimed at "surplus stripping" on the part of a corporation resident in Canada (CRIC) that is controlled by a nonresident corporation. The FAD rules broadly apply to certain investments in foreign affiliates. They apply to an "investment" in a nonresident corporation (a "subject corporation") by a CRIC if the following two conditions are met:

- The subject corporation must be a foreign affiliate of the CRIC or a foreign affiliate of another corporation resident in Canada that deals at non-arm's length with the CRIC immediately after the investment is made.
- The CRIC must be controlled by one nonresident person or, if no single nonresident person controls the CRIC, by a group of nonresident persons not dealing at arm's length with each other (referred to herein as parent or group of parents, respectively) at the time the investment is made.

The concept of "investment" is broadly defined and includes equity and debt investments in foreign affiliates, as well as the acquisition of shares of another corporation resident in Canada if the fair market value of all of the foreign shares owned directly or indirectly by the Canadian corporation comprises more than 75% of the total fair market value of all the properties owned by the Canadian corporation.

If applicable, the FAD rules deem dividends to have been paid to the parent by the CRIC or cause the paid-up capital (PUC) of the shares of the CRIC to be reduced. If a deemed dividend arises and the CRIC has PUC, the CRIC must file certain prescribed information to reduce PUC instead of triggering a deemed dividend. Otherwise, the CRIC may realize a deemed dividend as well as a corresponding PUC reduction. In an instance in which PUC has been reduced, PUC reinstatement rules may be available if the shares of the subject corporation (or substituted property) are later distributed (or sold) by the CRIC.

Certain exemptions limit the application of the FAD rules. The three most common exemptions are the following:

- For certain internal reorganizations
- If the business activities are more closely connected to the subject corporation than the business carried on by any related nonresident corporation (the more closely connected exception)
- If the debt owed by the foreign affiliate is a pertinent loan or indebtedness (the PLOI exception)

For the more closely connected exception, the officers of the CRIC must have and exercise the principal decision-making authority with respect to the investment, and additional conditions need to be met regarding the officers of the CRIC. In particular, the officers of the CRIC must be residents of Canada and work principally in Canada. To qualify for the PLOI exception, the CRIC and the parent need to jointly elect to treat the debt obligation as a PLOI. In addition, the PLOI needs to generate a minimum amount of income for the CRIC in Canada (namely, interest computed based on the current government of Canada three-month Treasury bill rate plus 4%).

In view of the complex nature of the rules, taxpayers are advised to reach out to their tax advisor to determine whether they could be affected by the rules.

Passive income of controlled foreign affiliates. Any Canadian taxpayer that controls (as defined) a foreign affiliate is taxed on its share of that entity's passive investment income (with certain exceptions) in the year such income is earned, regardless of whether such income is currently paid to the shareholder, except in certain specified circumstances. In addition, any taxpayer is taxed on its shares of any other type of income if the income is earned through a permanent establishment located in a non-treaty or non-TIEA country (except a country with which Canada has entered into negotiations for a TIEA or has sought to enter into such negotiations within the last 60 months).

Upstream loans from foreign affiliates. The upstream loan rules are essentially anti-avoidance measures that are intended to prevent taxpayers from making synthetic dividend distributions from foreign affiliates to avoid what would otherwise be an income inclusion in Canada that would not be fully offset by a corresponding dividends-received deduction as described in *Foreign affiliates*.

The rules have a very broad application. In general, Canadian taxpayers may be required to include in their income a portion of the principal amount (referred to as the "specified amount") of loans made to them by their foreign affiliates. In addition, Canadian taxpayers may be required to include in their income a portion of the principal amount of loans made by their foreign affiliates to certain non-arm's-length persons (other than controlled foreign affiliates that are effectively Canadian controlled). If loans are made to other foreign affiliates, taxpayers may be required to include in their income the portion of such loans to the extent that the taxpayer's surplus entitlement percentage (SEP) in the creditor affiliate exceeds its SEP in the borrowing affiliate. Accordingly, a loan from one foreign affiliate to another foreign affiliate that is not a Canadian controlled foreign affiliate results in an income inclusion only to the extent that the taxpayer has a lower SEP in the borrowing affiliate than in the creditor affiliate.

Similar to the domestic shareholder loan rules, exceptions exist for indebtedness repaid within two years after the date on which the indebtedness arose, provided that the repayment is not part of a series of loans or other transactions and repayments, and for indebtedness arising in the ordinary course of business of the creditor.

Upstream loan continuity rules apply to certain reorganizations of corporations or partnerships. These continuity rules apply to transactions and events that occur on or after 16 September 2016. However, it is possible to elect to have the rules apply as of 20 August 2011.

The income inclusion arising under the upstream loan rules may essentially be offset in whole or in part by a deduction if the taxpayer demonstrates that a hypothetical dividend paid the year the loan is made would have enjoyed a full deduction from the income of the Canadian taxpayer with respect to the exempt,

taxable and/or hybrid surplus of a foreign affiliate of the taxpayer. In addition, the rules provide for a deduction equal to amounts previously included in income in the year that the loan is eventually repaid. The rules also extend the application of the reserve mechanism in certain circumstances to include a deduction for pre-acquisition surplus dividends (essentially equivalent to returns of tax basis), but only to the extent of the taxpayer's Canadian tax basis in the shares of the top-tier foreign affiliate. However, this particular deduction is not available if the taxpayer is a partnership or if the borrower under the relevant loan is a nonresident person with whom the taxpayer does not deal at arm's length, which for example, includes a foreign parent or sister company. As a result, this deduction is normally only available regarding upstream loans from the foreign affiliate to the Canadian taxpayer.

Cross-border cash redeployment and pooling using PLOI. As noted in *Foreign affiliate dumping rules*, the FAD rules include an elective exception for certain foreign affiliate indebtedness (a pertinent loan or indebtedness [PLOI]). Under a similar exception to the shareholder loan rules, loans are allowed to be made without triggering deemed dividends and withholding taxes, if they result in interest income inclusions at the higher of the prescribed rate (the prescribed rate for PLOI is equal to the three-month government of Canada treasury bill rate plus 4%) and essentially, any funding costs incurred by the CRIC to make the loan. The rules are relevant to all CRICs that are part of a foreign-based multinational group, not only to CRICs having foreign affiliates. In many cases, these proposals should facilitate commercially efficient and tax-neutral cross-border redeployments and pooling of cash among members of foreign-based multinational groups that include CRICs.

BTB rules and interest payments. As discussed in *Interest deductibility,* the BTB rules apply to interest paid by a person resident in Canada if the following conditions are met:

- The taxpayer pays or credits an amount of interest in with respect to a debt or other obligation to pay an amount to a person or partnership (the immediate funder).
- The immediate funder/intermediary is not a person resident in Canada that does not deal at arm's length with the taxpayer or a partnership each member of which is not a person resident in Canada that does not deal at arm's length with the taxpayer.
- At any time during which the interest accrued on the debt, there is an amount outstanding as or on account of a debt or other obligation to pay an amount to a person or partnership (the ultimate funder) where it can reasonably be concluded that all or a portion of the debt was entered into or permitted to remain in effect because the debt was entered into or permitted to remain outstanding.
- The amount of withholding tax payable by the taxpayer is less than the amount of withholding tax that would have been payable had the interest payment been made to the ultimate funder rather than the immediate funder.
- The amount of the loan to the ultimate funder and/or fair market value of the property subject to the specified right is not less than 25% of the amount of the debt.

If the above conditions are met, the rules will generally deem the interest payments to have been made to the ultimate funder rather than to the immediate funder. These rules can also apply in instances with multiple intermediaries. If applicable, specific rules apply for determining the amount of interest deemed to have been paid to the ultimate funder.

The BTB rules also apply to payments with respect to rents, royalties and similar payments for withholding tax purposes.

Because these rules are complex, taxpayers should reach out to their tax advisor to determine whether they could be affected by the rules.

Corporate reorganizations. In general, transactions between related corporations must be recognized at fair market value. However, certain common types of domestic and foreign corporate reorganizations may be accomplished with little or no immediate Canadian tax cost.

Anti-avoidance legislation. The Canada Revenue Agency (CRA) may apply a general anti-avoidance rule (GAAR) to challenge transactions that it perceives to result in abusive tax avoidance. This rule does not apply to a transaction that may reasonably be considered to have been undertaken or arranged primarily for bona fide purposes other than to obtain a tax benefit. The application of the rule may cause certain transactions to be ignored or recharacterized.

On 28 March 2023, the Finance Minister issued the annual federal budget for 2023-2024 (Budget 2023). This budget introduced certain measures to amend the GAAR rules, which include a proposed preamble to help address interpretive issues and an economic substance provision to clarify that a transaction that lacks economic substance tends to indicate abusive tax avoidance. The rules are available for consultation until 31 May 2023. Following the consultation, the government intends to publish revised legislative proposals and announce the application date of the amendments.

Transfer pricing. Under Canada's transfer-pricing rules, acceptable transfer-pricing methods are those recommended by the OECD. Other methods may be used if the result obtained is similar to the result that would be obtained from an arm's-length transaction.

Following the OECD's BEPS project, a Country-by-Country Report will need to be filed in a prescribed form with the Minister of National Revenue by entities of multinational enterprises (MNEs; more than EUR750 million in consolidated group revenue) for their fiscal years beginning in 2016 and future years.

Annual information reporting is required for related-party transactions on a T106 information return. In addition, taxpayers are obligated to prepare annual transfer-pricing documentation that meets the requirements set out in Subparagraphs 247(4)(1)(i) to (vi) of the Income Tax Act (Canada). These requirements are not equivalent to the "Local File" as defined by Action 13 of the BEPS project, and taxpayers may be subject to penalties for failure to comply with these Canada-specific requirements on a

contemporaneous basis (that is, contemporaneous with filing of the taxpayer's annual return).

In general, the CRA has a high level of audit coverage on transfer pricing and frequently makes adjustments to taxpayers' pricing. Dispute resolution for transfer-pricing disputes is available domestically through the CRA Appeals Branch, or bilaterally through the Mutual Agreement Procedure under Canada's tax treaties. It is possible to enter into Advance Pricing Agreements with the CRA.

Acquisition of control considerations. If control of a corporation has been acquired, the target corporation is deemed to have a year-end immediately before the acquisition of control. A new tax year begins immediately thereafter, and a new year-end may be selected by the target corporation. If an acquisition of control occurs, special rules apply to the determination and treatment of capital losses, business losses, and certain tax attributes with respect to foreign affiliates.

Capital gains realized by nonresidents. Subject to applicable tax treaties, nonresidents must pay Canadian tax on their net taxable capital gains derived from the disposition of "taxable Canadian property" (TCP). Such property includes, but is not limited to, the following:

- Real or immovable property situated in Canada
- Shares of private corporations or interests in partnerships or trusts that, within the preceding 60 months at any particular time, derived more than 50% of their value from real or immovable property situated in Canada, Canadian resource property, timber resource property, an option with respect to any of the foregoing or any combination thereof
- Shares of Canadian public corporations (in limited circumstances)
- Property used in a business carried on by the nonresident in Canada
- Any option or interest in the above property

A nonresident vendor of TCP (other than property that qualifies as excluded property), Canadian resource property or timber resource property must obtain a tax clearance certificate from the CRA. To obtain such certificate, the nonresident vendor must provide the CRA with acceptable security or must pay tax on the disposition at the time of sale. Excluded property includes, among other items, property that is treaty-protected property of the vendor. In the case of a disposition between a purchaser and a seller not dealing at arm's length, for treaty-protected property to qualify as excluded property, a notice in a prescribed form must be sent to the CRA.

The purchaser must generally withhold and remit to the Receiver General up to 25% (50% in certain circumstances) of the amount by which the cost to the purchaser of the property (other than excluded property) exceeds the amount stipulated in the CRA clearance certificate on account of the nonresident's potential tax liability resulting from the disposition. In the absence of a clearance certificate, the purchaser must generally withhold and remit 25% of the purchase price (50% in certain circumstances). The withholding and remittance obligation is referred to as the

"source deduction." Similar requirements apply for the province of Quebec.

The purchaser remains liable for any source deduction not made in the event it is later determined that the property disposed of does not qualify as excluded property, unless one of the safe harbor rules described below applies. The first safe harbor rule provides that a purchaser is not liable for any source deduction if the purchaser had no reason to believe that the vendor was not resident in Canada after reasonable inquiry. Similarly, a purchaser is not held liable for any source deduction if the property is acquired from a nonresident vendor and if all of the following conditions are satisfied:

- After reasonable inquiry, the purchaser concludes that the vendor is a resident of a country with which Canada has a tax treaty.
- The property is treaty-protected property of the vendor under the tax treaty with the particular treaty country.
- The purchaser sends a notice in a prescribed form to the CRA within 30 days after the acquisition, setting out the date of acquisition, the name and address of the nonresident vendor, a description of the property, the amount paid or payable by the purchaser of the property and the name of the particular treaty country.

In addition, the requirement for the nonresident vendor to file a Canadian tax return may be removed. In general, a nonresident vendor is exempt from filing a Canadian tax return with respect to taxable Canadian properties if all of the following criteria are satisfied:

- No Canadian "corporate income tax" is payable for the tax year.
- The nonresident is not currently liable to pay any Canadian tax with respect to any previous tax year.
- Each TCP that is disposed of during the year is "excluded property," which now includes treaty-exempt property in certain circumstances (see above) and property with respect to which the Minister of National Revenue has issued a nonresident clearance certificate.

Functional currency reporting. In general, all Canadian taxpayers are required to use the Canadian dollar as their reporting currency for tax purposes. However, a corporation may also elect to determine its "Canadian tax results" in a currency other than the Canadian dollar if the currency is a "qualifying currency" and if such currency is the primary currency in which the taxpayer maintains its records and books of account for financial reporting purposes.

The currency is a "qualifying currency" if it is the US dollar, the euro, the British pound, the Australian dollar or a prescribed currency (there are currently no currencies prescribed by regulation). In addition, it is currently proposed to include the currency of Japan which would be applicable to tax years that begin after 2019.

Digital Services Tax. The Federal Government of Canada introduced legislative proposals to implement a Digital Services Tax (DST) with effect from 1 January 2024. The proposals implement a tax of 3% on revenues derived by residents and nonresidents of Canada from certain digital services provided by

them. The 3% tax will apply on taxable "Canadian digital services revenue" to the extent that an entity has the following:
- Group revenue exceeding EUR750 million globally
- Canadian in-scope revenue exceeding CAD20 million

The "Canadian digital services revenue" comprises the following sources of revenue:
- Canadian online marketplace services revenue
- Canadian online advertising services revenue
- Canadian social media services revenue
- Canadian user data services revenue

With respect to the definition of the "online marketplace" in the context of determining the "Canadian online marketplace service revenue," there are a few exclusions from the definition. These exclusions include the following:
- Digital interfaces that have as their main purpose the provision of payment services, the granting of credit or the facilitation of supplies of financial instruments (that is, services rendered by credit card processors, credit card providers and investment trading platforms)
- A digital interface with a single supplier (that is, the website of a traditional retailer that sells its products directly to customers)

Hybrid mismatch rules. On 19 April 2021, the Finance Minister issued the annual federal budget for 2021-2022 (Budget 2021). As part of Budget 2021 the federal government proposed to implement rules consistent with the Action 2 recommendation of the BEPS Action Plan with appropriate adaptations to the Canadian income tax context. The federal government announced that it intends to introduce the rules to neutralize hybrid mismatch arrangements in two separate legislative packages. The first package addresses rules specific to hybrid instruments and will rely on recommendations in Chapters 1 and 2 of the Action 2 report and apply as of 1 July 2022. The second legislative package is intended to address hybrid mismatch arrangement rules not addressed in the first package (branch mismatch arrangements, imported hybrid mismatch arrangements and reverse hybrids) and will apply no earlier than 2023.

On 29 April 2022, the federal government released draft legislative proposals on the first package, which were revised on 28 November 2023. The proposals included rules that target certain notional interest deductions, which go beyond the recommendation of the BEPS Action 2 report. As of the date of writing, the rules have not yet been enacted. As of the date of writing, the DST rules have not yet been enacted.

Pillar One rules. Further to the OECD draft rules consolidated in two major progress reports released in July and October of 2022, countries are working toward completing multilateral negotiations so that the convention to implement Pillar One can be signed by mid-2023, with a view to it entering into force in 2024. Budget 2023 announced that the DST could be imposed as of 1 January 2024, but only if the multilateral convention implementing the Pillar One framework has not come into force. In that event, the DST would be payable as of 2024 with respect to revenues earned as of 1 January 2022.

Pillar Two rules. As part of Budget 2023, the federal government announced the government's intention to introduce legislation implementing the Income Inclusion Rule (IIR) and a domestic minimum top-up tax applicable to Canadian entities of MNEs that are within scope of Pillar Two, with effect for fiscal years of MNEs that begin on or after 31 December 2023. The government also intends to implement the Undertaxed Profits Rule (UTPR) with effect for fiscal years of MNEs that begin on or after 31 December 2024. The government released the second draft legislative proposals for the IIR and domestic minimum top-up tax on 30 April 2024, with draft legislative proposals for the UTPR to follow at a later time. As of the date of writing, the IIR and domestic minimum top-up tax rules have not been enacted.

F. Treaty withholding tax rates

As noted in Section A, in general, Canada's domestic tax law provides exemptions from Canadian withholding tax on interest paid or credited to arm's-length nonresident persons, regardless of their country of residence. In addition, withholding tax does not apply to interest that is considered "fully exempt interest," regardless of the recipient's relationship to the payer. "Fully exempt interest" generally includes the following:

- Interest paid by a government body or crown corporation
- Interest on a mortgage or hypothecary obligation with respect to real property located outside of Canada (certain conditions apply)
- Interest paid to a prescribed international institution or agency
- Deemed interest amounts pertaining to securities lending arrangements (certain conditions apply)

However, regardless of the above general rules, a 25% withholding tax applies to all "participating debt interest." "Participating debt interest" is generally interest, other than fully exempt interest, which satisfies either of the following conditions:

- It is paid or payable on an obligation, other than a prescribed obligation, and all or any portion of the interest is contingent or dependent on the use of or production from property in Canada.
- It is computed by reference to revenue, profit, cash flow, commodity price or any other similar criterion or by reference to dividends paid or payable to shareholders of any class of shares of the capital stock of a corporation.

Similarly, withholding tax applies to the following:

- Interest that is not "fully exempt interest" and is paid or payable to a person with whom the payer is not dealing at arm's length
- Interest with respect to a debt or other obligation to pay an amount to a person with whom the payer is not dealing at arm's length
- Dividends, including dividends deemed to be paid on assessment of a transfer-pricing adjustment
- Rents, royalties or similar payments

Canada has enacted legislation to implement the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI). The MLI entered into effect for any particular covered tax treaty in accordance with the provisions set forth in its "entry into effect" articles and applies to some of Canada's tax treaties with effect as early as 1 January 2020.

The MLI does not operate to modify the application of Canada's tax treaties at the same time. For the MLI to come into effect for a particular bilateral tax treaty, both Canada and the other party to the treaty must have listed the treaty and ratified the MLI. Further, the impact of the MLI on any particular tax treaty will depend on the notifications and reservations made, as well as certain positions taken, by the parties to that treaty under the MLI.

The rates in the table below generally reflect the lower of the treaty rate and the rate under domestic tax law for dividends, interest and royalties paid from Canada to residents of various treaty jurisdictions. Certain exceptions or conditions may apply, depending on the terms of the particular treaty. The following table includes tax treaties currently in force and tax treaties that are signed but not yet in force.

Residence of recipient	Dividends %	Interest %	Royalties (b)(c) %
Algeria	15	15/0	15/0 (ii)
Argentina	15/10 (qq)	12.5/0	15/10/5/3 (sss)
Armenia	15/5 (cccc)	10/0	10
Australia (ccccc)	15/5 (rr)	10/0	10
Austria	15/5 (r)	10/0	10/0
Azerbaijan	15/10 (ggg)	10/0	10/5 (hhh)
Bangladesh	15	15/0	10
Barbados	15	15/0	10/0 (eeee)
Belgium	15/5 (uu)	10/0	10/0 (rrr)
Brazil (ddddd)	25/15 (ooo)	15/10/0	25/15 (ttt)
Bulgaria	15/10/5 (ee)(mmmmm)	10/0	10/5/0 (kkkkk)
Cameroon	15	15/0	15
Chile	15/10/5 (u)(nnnnnn)	15/10/0 (ooooo)	15/10 (ppppp)
China Mainland (ssss)	15/10 (uuu)	10/0	10
Colombia	15/5 (gggg)	10	10
Côte d'Ivoire	15	15	10
Croatia	15/5 (w)	10/0	10
Cyprus	15	15/0	10/0 (eeeee)
Czech Republic	15/5 (d)	10/0	10
Denmark	15/10/5 (q)	10/0	10/0 (g)
Dominican Republic	18	18/0	18/0 (pppp)
Ecuador	15/5 (mm)	15/0	15/12/10 (aaa) (qqqqq)
Egypt	15	15/0 (f)	15 (qqqq)
Estonia	15/5 (x)	10/0	10
Finland	15/5 (n)	10/0	10/0 (zzzz)
France	15/10/5 (m)	10/0	10/0 (g)
Gabon	15	10/0	10
Germany (fffff)	15/5 (ll)	10/0	10/0 (p)
Greece	15/5 (iiii)	10/0	10/0 (jjjj)
Guyana	15	15/0	10
Hong Kong	15/5 (r)	10/0	10
Hungary	15/10/5 (aa)	10/0	10/0 (eeeee)
Iceland	15/5 (r)	10/0	10/0 (jj)
India	25/15 (www)	15/0	20/15/10 (o)
Indonesia	15/10 (z)	10/0	10
Ireland	15/5 (nnn)	10/0	10/0 (jjj)
Israel (ffff)	15/5 (iiii)	10/5/0 (llllll)	10/0 (zzzz)

Residence of recipient	Dividends %	Interest %	Royalties (b)(c) %
Italy	15/5 (xxxx)	10/0 (yyyy)	10/5/0 (nnnn)
Jamaica	15	15/0	10
Japan	15/5 (dd)	10/0	10
Jordan	15/10 (t)	10/0	10
Kazakhstan	15/5 (r)	10/0	10
Kenya	25/15 (xxx)	15/0	15
Korea (South)	15/5 (yy)	10/0	10
Kuwait	15/5 (ss)	10/0	10
Kyrgyzstan	15/5 (sssss)	15/10/0 (ttttt)	10/0 (y)
Latvia	15/5 (x)	10/0	10 (qqqq)
Lebanon (ff)	15/5	10/0	10/5
Lithuania	15/5 (x)	10/0	10 (qqqq)
Luxembourg	15/10/5 (rrrr)	10/0	10/0 (jj)
Madagascar (iiiii)	15/5 (ccc)	10/0	10/5 (kkkk)
Malaysia	15	15/0	15
Malta	15	15/0	10/0 (pppp)
Mexico	15/5 (n)	10/0	10/0 (cc)
Moldova	15/5 (zz)	10/0	10
Mongolia	15/5 (vv)	10/0	10/5 (jj)
Morocco	15	15/0	10/5 (yyy)
Namibia (ggggg)	15/5 (llll)	10/0	10/0
Netherlands	15/10/5 (kk)	10/0	10/0 (g)
New Zealand (vvvv)	15/5/0 (aaaaa)	10/0	10/5 (bbbbb)
Nigeria	15/12.5 (v)	12.5/0	12.5
Norway	15/5 (xx)	10/0	10/0 (lll)
Oman	15/5 (oo)	10/0	10/0 (eee)
Pakistan	15	15/0	15
Papua New Guinea	15	10/0	10
Peru	15/10 (nn)	15/10/0 (rrrrr)	15
Philippines	15	15/0	10
Poland	15/5 (uuuu)	10/0	10/5 (hhhh)
Portugal	15/10 (gg)	10/0	10
Romania	15/5 (mmm)	10/0	10/5 (iii)
Russian Federation	15/10 (uuu)	10/0	10/0 (p)
Senegal	15	15/0	15
Serbia	15/5 (x)	10/0	10
Singapore	15	15/0	15
Slovak Republic	15/5 (tt)	10/0	10/0 (eeeee)
Slovenia	15/5 (pp)	10/0	10
South Africa	15/5 (pp)	10/0	10/6 (l)
Spain (vvv)	15/5 (wwww)	10/0	10/0 (eeeee)
Sri Lanka	15	15/0	10/0 (eeeee)
Sweden	15/10/5 (bb)	10/0	10/0 (jj)
Switzerland (jjjjj)	15/5/0 (n)	10/0 (mmmm)	10/0 (jj)
Taiwan	15/10 (hhhhh)	10/0	10
Tanzania	25/20 (zzz)	15/0	20
Thailand	15	15/0	15/5 (yyy)
Trinidad and Tobago	15/5 (r)	10/0	10/0 (eeeee)
Tunisia	15	15/0	20/15/0 (aaaa)
Türkiye	20/15 (oooo)	15/0	10
Ukraine	15/5 (j)	10/0	10/0 (a)(uuuuu)
USSR (e)	15	15/0	10/0 (zzzz)

Residence of recipient	Dividends %	Interest %	Royalties (b)(c) %
United Arab Emirates	15/10/5 (bbb)	10/0	10/0 (kkk)
United Kingdom (tttt)	15/5/0 (ddd)(vvvvv)	10/0 (ww)	10/0 (fff)
United States (dddd)	15/10/5 (h)(wwwww)	0 (i)	10/0 (p)
Uzbekistan	15/5 (hh)	10/0	10/5 (jj)
Venezuela	15/10 (ppp)	10/0	10/5 (qqq)
Vietnam	15/10/5 (s)	10/0	10/7.5 (bbbb)
Zambia	15	15/0	15
Zimbabwe	15/10 (u)	15/0	10
Non-treaty jurisdictions (k)	25	0	25

(a) A 0% rate generally applies to royalties relating to computer software.

(b) The lower rate usually applies to royalties on cultural works or to royalties relating to computer software, patents and know-how.

(c) Withholding tax of 25% applies if the royalties relate to the use of real or immovable property, including resource property.

(d) The treaty provides that the lower rate applies to dividends paid to a company that controls directly or indirectly at least 10% of the voting power in the payer. Interest on certain government-assisted debt and certain other categories of interest are exempt from withholding tax.

(e) Belarus is honoring the USSR treaty, and consequently that treaty continues to be in force with respect to Belarus. Canada has entered into tax treaties with Estonia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, the Russian Federation, Ukraine and Uzbekistan. Canada has signed tax treaties with Azerbaijan and Armenia, but these treaties have not yet been ratified. The withholding rates under these treaties are listed in the above table. Tajikistan and Turkmenistan have announced that they are not honoring the USSR treaty, but negotiations for new treaties with these countries have not yet begun.

(f) Mortgage interest on Egyptian property is not eligible for reduced rates under the treaty. As a result, the higher rate applies if such interest is not exempt under Canadian domestic law.

(g) The 0% rate applies to certain copyright royalties and to royalties for the use of, or the right to use, computer software, patents or information concerning industrial, commercial or scientific experience. The 10% rate applies to other royalties.

(h) The 5% rate applies to dividends paid to corporate shareholders owning at least 10% of the voting shares of the Canadian company. The 15% rate applies to other dividends.

(i) The fifth protocol to the 1980 tax treaty between Canada and the United States, which entered into force on 15 December 2008, generally provides for a gradual reduction to the withholding tax rate on interest paid or credited to non-arm's-length US residents. Under the protocol, the following withholding tax rates apply:
- 7% for interest paid during the 2008 calendar year
- 4% for interest paid during the 2009 calendar year
- 0% for interest paid after the 2009 calendar year

The reduced rates retroactively apply for the entire calendar year in which the protocol was ratified (that is, effective for interest paid as early as 1 January 2008). For further information regarding the protocol, see footnote (dddd). Withholding tax is not imposed on interest paid or credited to arm's-length nonresidents after the 2007 calendar year.

(j) The 5% rate applies if the beneficial owner of the dividends is a company that controls directly or indirectly at least 20% of the voting power in the payer.

(k) In general, no withholding tax is imposed on interest paid to payees who are dealing at arm's length with the payer. However, withholding tax at a rate of 25% typically applies to interest paid or credited to related nonresidents (the rate may be reduced by a tax treaty). Other specific exemptions or specific inclusions may apply to change the general rules. In addition, most copyright royalties are exempt from withholding tax.

(l) The 6% rate applies to royalties paid on cultural works, copyrights, computer software, patents and certain types of information.

(m) The 5% rate applies if the dividends are paid by a Canadian corporation to a French corporation that controls directly or indirectly at least 10% of the votes of the payer. The 10% rate applies if the dividends are paid by a nonresident-owned investment corporation that is a resident of Canada to a French corporation that controls directly or indirectly at least 10% of the votes of the payer. The 15% rate applies in all other cases.

(n) The 5% rate applies to dividends paid to corporations owning at least 10% of the voting shares and capital of the payer. The 15% rate applies to other dividends. A protocol amending the tax treaty between Canada and Switzerland entered into force on 19 December 2011. The protocol provides that no tax will be withheld if a dividend is paid by a resident of a contracting state to a resident of the other contracting state that operates or administers pension or retirement plans for individuals who are resident in that other contracting state and if the dividend is not derived from the carrying on of a trade or a business.

(o) The general rate is 15%, and payments for the use of, or the right to use, certain industrial, commercial or scientific equipment may qualify for a 10% rate.

(p) The 0% rate applies to royalties on cultural works as well as to payments for the use of, or the right to use, computer software, patents and information concerning industrial, commercial and scientific experience.

(q) The 5% rate applies if the beneficial owner of the dividends is a corporation that holds directly at least 25% of the capital of the payer. The 10% rate applies if the dividends are paid by a nonresident-owned investment corporation that is a resident of Canada to a beneficial owner that is a resident of Denmark and that holds directly or indirectly at least 25% of the capital of the company paying the dividend. The 15% rate applies in all other cases.

(r) The 5% rate applies if the beneficial owner of the dividends is a company that controls directly or indirectly at least 10% of the voting power of the payer.

(s) The 5% rate applies if the beneficial owner of the dividends controls at least 70% of the voting power of the payer. The 10% rate applies if the beneficial owner of the dividends controls at least 25% but less than 70% of the voting power of the payer.

(t) The 10% rate applies if the recipient of the dividends is a company that controls directly or indirectly at least 10% of the voting power of the payer.

(u) The 10% rate applies if the beneficial owner of the dividends is a corporation that controls directly or indirectly at least 25% of the voting power of the payer.

(v) The 12.5% rate applies if the recipient is a company that controls directly or indirectly at least 10% of the votes of the payer.

(w) The 5% rate applies to dividends paid to a resident of Croatia that controls at least 10% of the voting power of the payer or that holds at least 25% of the capital of the payer.

(x) The 5% rate applies if the beneficial corporate owner of the dividends controls directly at least 25% of the voting power of the payer of the dividends.

(y) The 0% rate generally applies to royalties for certain cultural works and copyrights. It also applies to royalties for computer software, patents and information concerning industrial, commercial and scientific experience, if the payer and recipient are not associated persons (as defined).

(z) The 10% rate applies to dividends paid to a company holding at least 25% of the capital of the payer.

(aa) The 5% rate applies if the recipient of the dividends controls directly or indirectly at least 10% of the voting power of the payer. The 10% rate applies to dividends that are paid by a nonresident-owned investment corporation resident in Canada to a company that is a resident of Hungary and that controls at least 25% of the voting power in the company paying the dividends and the beneficial owner of such dividends. The 15% rate applies to all other cases.

(bb) The 5% rate applies if the beneficial owner of the dividends is a corporation that controls directly at least 10% of the voting power of the payer or that holds directly at least 25% of the capital of the payer. The 10% rate applies to dividends paid by a nonresident-owned investment corporation resident in Canada to a beneficial owner resident in Sweden that controls directly at least 10% of the voting power, or holds at least 25% of the capital, of the corporation paying the dividends. The 15% rate applies to other dividends.

(cc) The 0% rate applies to copyright royalties and similar payments with respect to cultural, dramatic, musical or other artistic works.

(dd) The 5% rate applies to dividends paid to a company that owns at least 25% of the voting shares of the payer for the last six months of the accounting period for which the distribution of profits takes place.

(ee) The 10% rate applies if the recipient is a company that controls at least 10% of the votes of the payer.

(ff) The treaty was signed on 29 December 1998, but it is not yet in force. The 5% rate for dividends will apply if the recipient is a company that controls at least 10% of the votes of the payer. The 5% rate for royalties will apply to royalties for certain cultural works, and royalties for certain computer software, patents and know-how if the payer and the payee are not related.

(gg) The 10% rate applies if the recipient is a company that controls at least 25% of the voting power of the payer directly or indirectly.

(hh) The 5% rate applies if the recipient is a company that controls at least 10% of the voting power in the payer.

(ii) The 0% rate generally applies to royalties relating to computer software or patents.

(jj) The lower rate applies to royalties for certain cultural works, and generally to royalties for computer software, patents and know-how.

(kk) The 5% rate applies if the beneficial owner of the dividends owns at least 25% of the capital or controls, directly or indirectly, 10% of the voting power of the payer. The 10% rate applies to dividends paid by a nonresident-owned investment corporation that is a resident of Canada to a beneficial owner that is a company (other than a partnership) resident of the Netherlands and that owns at least 25% of the capital of, or controls directly or indirectly at least 10% of the voting power in, the company paying the dividends. The 15% rate applies to other dividends.

(ll) The 5% rate applies to dividends if the beneficial owner of the dividends is a company that controls at least 10% of the voting power in the payer.

(mm) The 5% rate applies if the recipient is a company that controls directly or indirectly at least 25% of the voting power in the payer.

(nn) The 10% rate applies if the recipient is a company that controls directly or indirectly at least 10% of the voting power in the payer.

(oo) The 5% rate applies if the recipient is a company holding directly or indirectly at least 10% of the capital of the payer.

(pp) The 5% rate for dividends applies if the recipient is a company that controls directly or indirectly at least 10% of the voting power in the payer.

(qq) The 10% rate applies if the recipient of the dividends is a company that holds directly 25% of the capital of the payer. The 15% rate applies in all other cases.

(rr) The 5% rate applies to dividends if the beneficial owner of the dividends is a company that controls at least 10% of the voting power in the payer. The 15% rate applies in all other cases.

(ss) The 5% rate applies if the recipient of the dividends is a company that owns at least 10% of the voting shares, or at least 25% of the value of the shares, of the payer.

(tt) The 5% rate applies if the dividends are paid to a company that controls at least 10% of the voting power in the payer.

(uu) The 5% rate applies to dividends if the beneficial owner of the dividends is a company that owns directly at least 10% of the voting stock of the payer. The 15% rate applies to other dividends.

(vv) The 5% rate for dividends applies if the beneficial owner of the dividends is a company that controls directly or indirectly at least 10% of the voting power in the payer.

(ww) Under the fourth protocol to the treaty, which was signed on 21 July 2014 but is not yet in force, interest paid to an arm's-length party is exempt from withholding tax.

(xx) The 5% rate applies to dividends if the beneficial owner is a company that holds directly at least 10% of the voting power in the company paying the dividends.

(yy) The 5% rate applies to dividends paid to a company (other than a partnership) that is a beneficial owner and controls directly at least 25% of the voting power in the payer.

(zz) The 5% rate for dividends applies if the beneficial owner of the dividends is a company that controls at least 25% of the voting power in the payer.

(aaa) The 10% rate applies to royalties for the use of, or the right to use, industrial, commercial, or scientific equipment.

(bbb) The 5% rate applies to dividends paid to a company holding directly or indirectly at least 10% of the voting power of the payer. The 15% rate applies to other dividends. The 10% rate applies to dividends paid by a nonresident-owned investment corporation resident of Canada to a resident of the United Arab Emirates that holds directly or indirectly at least 10% of the voting power of the payer.

(ccc) The 5% rate applies if the beneficial owner is a company that controls directly or indirectly at least 25% of the voting power in the company paying the dividend. The 15% rate applies in all other cases.

(ddd) The 5% rate applies to dividends paid to a company that controls at least 10% of the voting power of the payer.

(eee) The 0% rate applies to royalties pertaining to certain cultural works, computer software, patents or know-how.

(fff) Payments for the use of computer software, patents and certain know-how are exempt.

(ggg) The 10% rate applies if the recipient is a company holding directly or indirectly at least 10% of the voting power of the payer.

(hhh) The 5% rate applies to certain royalties pertaining to certain computer software, patents or know-how.

(iii) The general withholding tax rate for royalties is 10%. A 5% rate applies to royalties pertaining to certain cultural works, computer software, patents and know-how.

(jjj) The general withholding tax for royalties is 10%. Royalties pertaining to certain cultural works, computer software, patents and know-how are exempt.

(kkk) The general withholding tax rate is 10%. Royalties pertaining to certain cultural works, computer software, patents and know-how are exempt.

(lll) The general withholding tax rate for royalties is 10%. Royalties pertaining to certain cultural works, computer software, patents and know-how are exempt from withholding tax.

(mmm) The 5% rate applies to dividends paid to a company holding directly or indirectly at least 10% of the voting power of the payer. The 15% rate applies to other dividends.

(nnn) The 5% rate applies to dividends paid to a company holding directly or indirectly at least 10% of the voting power of the payer. The 15% rate applies to other dividends.

(ooo) The 15% rate applies if the recipient is a company that holds an equity percentage of at least 10% in the payer of the dividends.

(ppp) The 10% rate applies if the recipient is a company that controls directly or indirectly at least 25% of the voting power in the payer.

(qqq) The 5% rate applies to royalties with respect to certain cultural works, and to royalties for certain computer software, patents and know-how if the payer and payee are not related.

(rrr) The general withholding tax for royalties is 10%. Royalties pertaining to certain cultural works and computer software and royalties for information concerning industrial, commercial or scientific experience are exempt.

(sss) The 3% rate applies to royalties paid for rights to use news. The 5% rate applies to royalties pertaining to certain cultural works. The 10% rate applies to royalties pertaining to patents, trademarks, designs or models, plans, secret formulas and technical assistance.

(ttt) The general rate for royalties is 15%. The 25% rate applies to royalties pertaining to the use of trademarks.

(uuu) The 10% rate applies if the beneficial owner of the dividends is a company that owns at least 10% of the voting power in the payer of the dividends.

(vvv) A protocol between Canada and Spain entered into force on 29 September 2015. The rates under the protocol are reflected in the above table.

(www) The 15% rate applies if the beneficial owner of the dividends is a company that controls directly or indirectly at least 10% of the voting power in the payer.

(xxx) The 15% rate applies to dividends paid to a company that owns at least 10% of the voting shares of the payer during the six-month period immediately preceding the date of payment of the dividend.

(yyy) The 5% rate applies to royalties pertaining to cultural works.

(zzz) The 20% rate applies if the beneficial owner of the dividends is a company that controls directly or indirectly at least 15% of the voting power in the payer.

(aaaa) The 20% rate applies to the following:

- Patent royalties
- Royalties for the use of, or the right to use, trademarks, motion picture films and films or videotapes for use in connection with television
- Payments for the use of, or the right to use, industrial, commercial, scientific or harbor equipment

(bbbb) The 7.5% rate applies to fees for technical services.

(cccc) The 5% rate applies if, at the time the dividend is declared, the recipient is a company holding directly at least 25% of the capital of the payer and if the capital invested by the recipient exceeds USD100,000. The 15% rate applies in all other cases.

(dddd) On 15 December 2008, the fifth protocol to the 1980 tax treaty between Canada and the United States entered into force. The following are amendments contained in the protocol that affect cross-border payments:

- The withholding tax on cross-border interest payments will be eliminated. The protocol provides that the withholding tax rate on interest payments is reduced to 0% (phased out over a three-year period with respect to debt between parties that are "related"). For further details, see footnote (i).
- A "Hybrid Entity Clause" is introduced with respect to income, profits or gains derived through or from certain "fiscally transparent" entities. The protocol can extend treaty relief to income earned through certain "fiscally transparent" entities, such as limited liability corporations and certain other hybrid entities. The protocol may also deny treaty benefits with respect to income derived through or from certain "fiscally transparent" entities.
- The protocol provides that the existing limitation on benefits (LOB) provisions, which are currently applicable for US tax purposes only, will also become operative for Canadian tax purposes. The comprehensive LOB article, designed to counter "treaty shopping" abuses, is a significant development in the Canadian tax landscape and could operate to deny treaty benefits in many situations in which treaty entitlement had never come under question, including situations in which treaty shopping was not a consideration. Consequently, an analysis is required in each case in which payments are made to an entity that may have non-qualifying US or Canadian owners or owners that are residents of other countries, including in certain circumstances, public companies.

(eeee) The 0% rate applies to copyright royalties and similar payments with respect to the production or reproduction of literary, dramatic, musical or artistic works.

(ffff) A renegotiated tax treaty between Canada and Israel was signed on 21 September 2016 and entered into force on 21 December 2016. In general, for withholding taxes, the treaty is generally effective in Canada for amounts paid or credited to nonresidents on or after 1 January 2017; for other taxes, the treaty is effective for tax years beginning on or after 1 January 2017. The new tax treaty replaces the tax treaty signed on 21 July 1975.

(gggg) The 5% rate applies if, at the time the dividend is declared, the recipient is a company holding directly or indirectly at least 10% of the voting power of the payer. The 15% rate applies in all other cases.

(hhhh) The withholding tax rate is 5% for copyright royalties and other similar payments with respect to literary, dramatic or artistic works and royalties for right-to-use patents or know-how. A 10% rate applies to royalties in all other cases.

(iiii) The 5% rate applies if, at the time the dividend is declared, the recipient is a company holding directly or indirectly at least 25% of the capital of the payer. The 15% rate applies in all other cases.

(jjjj) The 0% rate applies to copyright royalties and similar payments with respect to the production or reproduction of cultural or artistic works (excluding royalties with respect to motion picture films and royalties with respect to works on film or videotape or other means of reproduction for use in connection with television broadcasting).

(kkkk) The 5% rate applies to copyright royalties and other similar payments with respect to the production or reproduction of literary, dramatic, musical or other artistic works (but does not include royalties with respect to motion picture films and works on film or videotape or other means of reproduction for use in connection with television), and royalties with respect to computer software, patents or information concerning industrial, commercial or scientific experience (but not including any such royalties provided in connection with rental or franchise agreements).

(llll) The 5% rate applies if the recipient of the dividends is a company that controls directly or indirectly 25% of the voting power of the payer company that is a resident of Canada.

(mmmm) A protocol to the tax treaty between Canada and Switzerland entered into force on 19 December 2011. It provides that interest payments made to a beneficiary in the other contracting state are not subject to withholding tax if the beneficiary is not related to the payer.

(nnnn) The general withholding tax rate for royalties is 10%. The 5% rate applies to certain royalties pertaining to computer software and information concerning industrial, commercial or scientific experience. The withholding tax rate is 0% for copyright royalties and for similar payments with respect to literary, dramatic or artistic works.

(oooo) The 15% rate applies if the beneficial owner of the dividends is a company that owns at least 10% of the voting power in the payer of the dividends.

(pppp) The 0% rate applies to royalties pertaining to certain cultural works.

(qqqq) The last paragraph of the royalties article contains a most-favored nation clause in favor of Canada.

(rrrr) The 5% rate applies if the beneficial owner of the dividends is a corporation that holds directly at least 10% of the voting power of the payer. The 10% rate applies if the dividends are paid by a nonresident-owned investment corporation that is a resident of Canada to a beneficial owner that is a company (other than a partnership) resident in Luxembourg and that holds directly or indirectly at least 25% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(ssss) Tax treaty negotiations with the government of China Mainland began on 6 December 2010. The tax treaty is currently being renegotiated.

(tttt) Negotiations to update the tax treaty with the United Kingdom began on 1 October 2011. On 21 July 2014, the fourth protocol to the treaty was signed, but it is not yet in force.

(uuuu) The withholding tax rate for dividends is 5% if the beneficial owner of the dividends is a company that holds directly at least 10% of the capital of the company paying the dividends. A 15% rate applies to dividends in all other cases.

(vvvv) A renegotiated tax treaty between Canada and New Zealand was signed on 26 June 2015 and entered into force on 1 August 2015.

(wwww) The 5% rate applies to dividends with respect to a direct holding of 10% or more of the voting power. The 15% rate applies to other dividends.

(xxxx) The 5% rate applies to dividends if the beneficial owner of the dividends is a company that controls at least 10% of the voting power in the payer. A 15% rate applies to other dividends.

(yyyy) Interest on certain government or government-assisted debt is exempt from withholding tax.

(zzzz) The 0% rate applies to copyright royalties and other similar payments with respect to the production or reproduction of literary, dramatic, musical or other artistic works, but not including royalties with respect to the following:
- Computer software
- Motion picture films
- Works on film or videotape or other means of reproduction for use in connection with television broadcasting

(aaaaa) The 5% rate applies to dividends paid with respect to holdings of 10% or more of the voting power. The 0% rate applies if the dividend is paid to the central bank that is a portfolio shareholder. The 15% rate applies to other dividends.

(bbbbb) The 5% rate applies to royalties for literary works, computer software, patents and information concerning industrial, commercial or scientific experience. The 10% rate applies to other royalties.

(ccccc) The tax treaty is currently being renegotiated.

(ddddd) The tax treaty is currently being renegotiated. The negotiations began on 26 November 18.

(eeeee) The 0% rate applies to copyright royalties and other similar payments with respect to the production or reproduction of literary, dramatic, musical or other artistic works, but does not apply to royalties with respect to motion picture films and works on film or videotape or other means of reproduction for use in connection with television.

(fffff) The tax treaty is currently being renegotiated. The negotiations began in June 2017.

(ggggg) The treaty was signed on 25 March 2010, but is not yet in force.

(hhhhh) The 10% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 20% of the capital of the payer. The 15% rate applies in all other cases.

(iiiii) The treaty was signed on 24 November 2016 but is not yet in force.

(jjjjj) The tax treaty is currently being renegotiated. The negotiations began in June 2017.

(kkkkk) The rates under the treaty are 0% and 10%. However, by virtue of a most-favored-nation clause, the rates are reduced to 0% and 5%.

(llllll) The 5% rate applies to interest if the beneficial owner is a financial institution and it deals at arm's length with the payer.

(mmmmm) The rate under the treaty is 10%. However, by virtue of a most-favored-nation clause, the rate is reduced to 5%. Under the Bulgaria and Estonia treaty, the rate is 0%; however, due to a restriction in the most-favored-nation clause, the rate for dividends cannot be reduced below 5%.

(nnnnn) The rate under the treaty is 10%. However, by virtue of a most-favored-nation clause, the rate is reduced to 5% with respect to participations of at least 20% of voting power.

(ooooo) The rate under the treaty is 15%. However, by virtue of a most-favored-nation clause, the rate is reduced to 10%.

(ppppp) The rate under the treaty is 15%. However, by virtue of a most-favored-nation clause, the rate is reduced to 10%.

(qqqqq) The general rate under the treaty is 15%. However, by virtue of a most-favored-nation clause, the general rate is reduced to 12%.

(rrrrr) The rate under the treaty is 15%. However, by virtue of a most-favored-nation clause, the rate is reduced to 10% where if either of the following conditions is satisfied:

- The beneficial owner is a contracting state or a political subdivision thereof, the central bank of a contracting state, and banks whose capital is 100% owned by the contracting state, which has granted loans for a period of three years or more. In this latter case, the interest received by such banks is taxed in the state of residence.
- The interest is paid by any of the entities referred to in the first bullet.

(sssss) The 5% rate applies if the dividend is paid to a substantial corporate shareholder. As a result of the intercompany clause, the general rate of 15% may be reduced to 10%.

(ttttt) The general rate under the treaty is 15%. As a result of the intercompany clause, the general rate may be reduced to 10%. The 0% rate applies to interest paid to a government.

(uuuuu) The 0% rate applies to software royalties.

(vvvvv) The 0% rate applies if the dividend is paid to a recognized pension plan.

(wwwww) The 10% rate applies if the dividend is paid by a nonresident-owned investment corporation that is a resident of Canada to the beneficial owner with 10% or more of the voting stock.

Cape Verde

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A. At a glance

Corporate Income Tax Rate (%)	21 (a)
Capital Gains Tax Rate (%)	1/20/21 (b)
Branch Tax Rate (%)	21 (a)
Withholding Tax (%)	
Dividends	
Paid to Residents	0/20 (d)(e)
Paid to Nonresidents	0/10 (c)(d)
Interest	
Shareholders' Loans	
Resident Shareholders	20 (e)(f)(g)
Nonresident Shareholders	20 (c)
Private and Public Company Bonds	
Paid to Residents	10 (f)(g)
Paid to Nonresidents	10 (c)
Bank Deposits	
Paid to Residents	10 (f)
Paid to Nonresidents	20 (c)
Royalties	
Paid to Residents	20 (e)(f)
Paid to Nonresidents	20 (c)
Payments for Services and Commissions	
Paid to Residents	0
Paid to Nonresidents	15 (h)
Rental Income	
Paid to Residents	0
Paid to Nonresidents	10 (f)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (i)

(a) Corporate income tax (Imposto sobre o Rendimento das Pessoas Colectivas, or IRPC) applies to resident companies and nonresident companies with permanent establishments (PEs) in Cape Verde. Micro and small-sized companies can benefit from a 4% reduced rate, which is applied to their turnover. See Section B for details of other rates.

(b) Depending on the situation, a 1% withholding tax is imposed on the consideration or a 20% tax is imposed on the capital gain, provided that the taxpayer is subject to the small-sized companies simplified regime. Also, see Section B.
(c) These rates may be reduced or eliminated by tax treaties.
(d) The 0% rate applies to dividends distributed by companies subject to and not exempt from IRPC.
(e) A withholding tax waiver is foreseen for income obtained from entities within a tax group.
(f) Income must be declared and is subject to the normal tax rates. Amounts withheld may be credited against IRPC due. See Section B.
(g) A withholding tax exemption is available regarding interest from shareholder loans and corporate bonds if the shareholder is a pure holding company (*sociedade gestora de participações sociais*, or SGPS) with voting rights in the subsidiary (this also applies if the participation is held jointly with other entities in which the holding company is dominant).
(h) The 15% rate applies to most services and commissions and may be eliminated under a tax treaty.
(i) Tax losses can be carried forward without any time limit. The amount deductible each year is capped at 50% of the taxable profit for the year.

B. Taxes on corporate income and gains

Corporate income tax. Corporate income tax (Imposto sobre o Rendimento das Pessoas Colectivas, or IRPC) is levied on resident and nonresident entities.

Resident entities. Companies and other entities, including non-legal entities, whose principal activity is commercial, industrial or agricultural, are subject to IRPC on worldwide profits, but a foreign tax credit may reduce the amount of IRPC payable (see *Foreign tax relief*).

A 50% IRPC exemption applies to entities exclusively engaged in agricultural and fishing activities.

Companies and other entities, including non-legal entities, that do not carry out commercial, industrial or agricultural activities, are generally subject to tax on their worldwide income (for details regarding the calculation of the taxable profit of these entities, see Section C).

Nonresident entities. Companies or other entities that operate in Cape Verde through a PE are subject to IRPC on their profits attributable to the PE.

Companies or other entities without a PE in Cape Verde are subject to IRPC on their income deemed to be derived in Cape Verde.

The transfer of shares in a foreign or Cape Verdean company is subject to tax in Cape Verde if more than 50% of the assets owned by the company being transferred are composed directly or indirectly of immovable property located in Cape Verde.

For tax purposes, companies or other entities are considered to have a PE in Cape Verde if they have a fixed installation or a permanent representation in Cape Verde through which they engage in a commercial, industrial or agricultural activity, including the supply of services. Under rules that generally conform to the Organisation for Economic Co-operation and Development (OECD) model convention, a PE may arise from, among others, the following:

- A building site or installation project, including coordination, inspection and supervision activities

- The performance of services (including consultancy) that last for more than 183 days
- The existence of a dependent agent

Double tax treaties may limit the scope of a PE in Cape Verde.

Tax rates. For 2024, IRPC is levied at the following rates.

Type of enterprise	Rate (%)
Companies or other entities with a head office or effective management control in Cape Verde, whose principal activity is commercial, industrial or agricultural	21
Micro and small-sized companies with a head office or effective management control in Cape Verde	4
Entities other than companies with a head office or effective management control in Cape Verde, whose principal activity is not commercial, industrial or agricultural	21
PEs	21
Nonresident companies or other entities without a head office, effective management control or a PE in Cape Verde	
Income subject to withholding tax	10/20
Income not subject to withholding tax	21

Certain types of income earned by companies in the last category of companies listed above are subject to the following withholding taxes.

Type of income	Rate (%)
Interest payments	10/20
Royalties	20
Technical assistance	15
Income from shares (dividends)	0/10
Income from government bonds	10
Revenues derived from the use of, or the right to use, equipment	20
Other revenues from the application of capital	20
Payments for services rendered or used in Cape Verde	20

Applicable double tax treaties may reduce the above withholding tax rates.

A fire brigade surcharge (*imposto de incêndio*) is imposed on resident companies and nonresident companies with a PE in the municipalities of Mindelo (Island of São Vicente) and Praia (Island of Santiago). The fire brigade surcharge is applied at a rate of 2% to the taxable profit determined for IRPC purposes.

Companies licensed under the Cape Verdean International Business Centre (IBC) regime benefit from a reduced rate of IRPC. This tax benefit applies until 2030 and depends on the creation of a minimum of 10 jobs at the International Industry Center (CII) and the International Trade Center (CIC). The following are the reduced rates of IRPC:

- 5% for entities with 10 or more dependent workers
- 3.5% for entities with 20 or more dependent workers
- 2.5% for entities with 50 or more dependent workers

For companies operating in the International Services Center, the IRPC rate is 2.5% if the entity has at least four dependent workers.

The shareholders of the companies that are licensed under the IBC regime may benefit from exemptions on dividends received and on interest derived from shareholder loans. Customs duties exemptions may also be available to entities licensed under the IBC regime.

A tonnage tax applies to entities licensed in the IBC that develop activities related to the international maritime transport of cargo and passengers, provided that the following conditions are met:
- All the ships and similar vessels owned by the taxpayer are registered in Cape Verde's International Register of Ships, and the total activity developed falls within the scope of this regime.
- At least 85% of the income results from activities with other entities installed and functioning in the IBC or with foreign entities.

The tonnage tax profit is calculated using a notional daily profit per ship based on a sliding tariff by reference to the net tonnage of the ship. The following table shows the amounts of daily taxable income.

Net tonnage	Daily taxable income for each 100 net tonnes (CVE)
Up to 1,000	646
From 1,001 to 10,000	566
From 10,001 to 25,000	307
Greater than 25,000	103

Significant incentives are also available for qualifying investment projects under the Investment Law. Qualifying projects may enjoy the following tax benefits:
- A tax credit equal to 20% of relevant investments
- An exemption from municipal real estate holding tax for buildings used in the project
- An exemption from property transfer tax for buildings used in the project
- An exemption from stamp duty with respect to financing necessary for the investment project
- An exemption from customs duties for certain goods and equipment

The abovementioned tax credits can be used in the year of investment for up to 50% of the IRPC liability. Any excess can be carried forward for 15 years.

Further incentives may be available for investment projects that meet the following conditions:
- They have a value exceeding CVE3 billion and create at least 20 jobs (CVE1.5 billion and 10 jobs in the case of investments located in a municipal area whose average gross domestic product [GDP] per capita is lower than the national average, with reference to the last three years).
- They are relevant for the promotion and acceleration of the development of the Cape Verdean economy.
- The promoter of the investment possesses technical and managerial capacities.

The exemptions granted cannot exceed five years (some exceptions are foreseen for projects that are declared by the government as of exceptional investment interest and that meet certain conditions).

Certain customs duties incentives are also available for fishing and industry activities, as well as for, among others, transportation activities and social communication activities.

In addition, tax benefits (IRPC, stamp duty and property transfer tax exemptions) are also available with respect to recovery and insolvency processes.

To promote the regular registration of immovable property in Cape Verde, significant stamp duty and real estate tax exemptions have been introduced.

Certain tax benefits applicable to startups are available, notably a reduction of IRPC, as well as customs duties, VAT and stamp duty exemptions, which are subject to the fulfillment of some conditions.

Corporate shareholders that make cash contributions to the share capital of, among others, startups, and micro and small-sized companies, may benefit from a tax credit limited to 2% of the preceding year's tax liability, provided that certain conditions are met. This regime is not cumulative with the new incentive for the capitalization of companies (see *Notional interest deduction*).

A tax incentive for research and development (R&D) activities was introduced, which, provided all the requirements are met, foresees the possibility of an increment in the deduction of qualified expenses.

Technological companies authorized to operate in the Special Economic Zone for Technological Companies can benefit from a IRPC exemption on profits reinvested.

Resident companies and PEs of foreign companies that perform capital increases in cash in eligible startups or in companies located in a municipality with a low per capita GDP, as well as in micro or small companies, may deduct for tax purposes a portion of such capital contributions up to 2% of the tax liability. This incentive cannot be applied together with the notional interest deduction (see *Notional interest deduction*).

Several incentives exist regarding the creation of jobs and professional internships.

Limitation of benefits. The amount of tax payable cannot be lower than 90% of the amount that would be assessed if the taxpayer did not benefit from certain tax incentives and deduction of tax losses carried forward.

Notional interest deduction. A new incentive for the capitalization of companies was introduced. It consists of an allowance deductible from taxable profit that is available for seven fiscal years. It is computed by the application of a certain rate to the "eligible net equity increases." The "eligible net equity increases" consist of the positive or negative difference between the sum of the "eligible equity increases" (notably share capital increases, including share premium and retention of profits) and the sum of

the "outflows" to shareholders (on reduction of capital, distributions of reserves and retained earnings). The applicable rate from 2024 onward is 10%. In each fiscal year, the deduction shall not exceed CVE20 million. Any excess amount can be carried forward for five years. This regime is not available for financial or insurance entities. Several anti-abuse provisions exist that may prevent the application of the deduction.

Simplified regime of taxation. Micro and small-sized resident companies that have annual turnover not exceeding CVE10 million or no more than 10 employees and that meet certain other conditions may opt to be taxed under a simplified regime of taxation. Companies under the simplified regime of taxation are subject to a rate of 4% levied on the turnover.

Capital gains. Capital gains derived from the sale of investment properties, tangible fixed assets, intangible assets, noncurrent assets held for sale and financial assets are included in taxable income subject to IRPC. The capital gain equals the difference between the sales value, net of expenses incurred on the sale, and the acquisition value, adjusted by depreciation, impairment relevant for tax purposes and an official index.

Fifty percent of the capital gains derived from disposals of certain assets held for more than one year may be exempt if the sales proceeds are invested in tangible fixed assets, intangible assets, investment property and shares during the period beginning one year before the year of the disposal and ending two years after the year of the disposal. A statement of the intention to reinvest the gain must be included in the annual tax return for the year of disposal. The remaining 50% of the net gain derived from the disposal is subject to tax in the year of the disposal.

If only a portion of the proceeds is reinvested, the exemption is reduced proportionally. If, by the end of the second year following the disposal no reinvestment is made, the net capital gain that remains untaxed (50%) is added to taxable profit for that year, increased by 15% and compensatory interest applies. A similar adjustment occurs if the assets in which reinvestment is made are not maintained by the taxpayer for at least two years from year-end of the tax period in which the reinvestment is made.

Losses from the transfer for consideration of shareholdings in tax-haven entities are not allowed as deductions. Losses resulting from shares are also not deductible if the seller has resulted from a transformation, including a change of the business purpose, of an entity for which such losses would not be deductible and if less than three years have elapsed since the date of transformation.

There is also an exclusion from taxable income for capital gains (or losses) realized by resident entities and nonresident entities with a PE in Cape Verde that are derived from the disposal of shares (and other equity instruments), provided the shares have been held for a period of at least 12 months. Such exclusion does not apply to capital gains realized on the transfer of shares acquired from entities domiciled or with a place of effective management in a territory subject to a more favorable tax regime. In addition, the exclusion cannot be applicable if real estate located in Cape Verde accounts for directly or indirectly more than

50% of the assets of the entity whose shares are being transferred.

In addition, an exemption is available for gains realized by nonresident entities without a PE in Cape Verde on the disposal of shares and other securities.

Nonresident companies that do not have a head office, effective management control or a PE in Cape Verde are taxed at a 1% rate on the sales proceeds derived from disposals of real estate, shares and intellectual property. In general, the tax due is paid through withholding tax. Certain gains may be taxed at a 21% rate and require filing of a tax return.

Administration. The tax year is the calendar year.

All companies engaging in activities in Cape Verde must register with the tax department to obtain a taxpayer number. Companies, including foreign companies with a PE in Cape Verde and foreign companies without a PE that had not been subject to withholding tax, must file an annual tax return, together with their financial statements and other documentation, by 31 May in the year following the tax year.

Companies with a head office, effective management control or a PE in Cape Verde must make advance payments of IRPC. Companies whose principal activity is commercial, industrial, agricultural or fishing must make payments in March, August and November of the current tax year. The tax base for the payments is 30%, 30% and 20%, respectively, of the preceding year's tax liability. The tax rate of 21% is applied to this tax base to compute the amount of the advance payment.

Companies with a head office, effective management control or a PE in Cape Verde that have adopted a financial year other than the calendar year must make estimated payments as outlined above, but in the third, seventh and 11th months of their financial year. They must file a tax return by the end of the fifth month following the end of that year.

Companies under the simplified regime of taxation must make advance payments at the end of April, at the end of July, at the end of October and at the end of January of the following year. The IRPC rate of 4% is applied to the preceding quarter's turnover.

If the total amount of the advance payments exceeds the tax due for the tax year, the excess may be carried forward as a tax credit against the tax payable in the following four years or refunded on the occurrence of certain events.

A nonresident company without a PE in Cape Verde must appoint an individual or company, resident in Cape Verde, to represent it with respect to its tax liabilities.

Penalties are imposed for the failure to file tax returns and satisfy other compliance obligations. If, on the final assessment, the tax authorities determine that a further payment is required and that the taxpayer is at fault, interest is imposed on the amount of the additional payment. Fines, which are generally based on the amount of tax due, are also imposed. If the tax due is not paid,

additional interest is imposed from the date of the tax authorities' notice that an additional payment is due.

Binding rulings. The General Tax Code provides the taxpayer the possibility of obtaining a binding ruling. The biding ruling is limited to a certain time period, which is determined on a case-by-case basis by the tax authorities. The ruling is subject to the payment of a fee.

Dividends. Dividends paid by companies to residents and nonresidents are generally subject to withholding tax at rates of 20% and 10%, respectively.

On distributions to resident parent companies, the 20% withholding tax is treated as a payment on account of the final IRPC due.

The 20% rate applies, as a general rule, if dividends are distributed to entities resident in Cape Verde. If the entity distributing the dividends is subject to and not exempt from IRPC, a 0% rate applies.

The 10% rate is exclusively applicable to dividends paid to nonresident entities. Likewise, a 0% rate applies if the distributing entity (resident in Cape Verde) is subject to and not exempt from IRPC.

A resident company or a nonresident company with a PE subject to and not exempt from IRPC may deduct 100% of dividends received from another resident company.

The above regime also applies, under similar conditions, to dividends distributed by foreign affiliates if the underlying profits have been subject to and not exempt from income tax.

If the recipient benefits from a reduced IRPC rate, the recipient may deduct only 50% of the dividends.

If a recipient qualifies for the 100% deduction, the payer of the dividends does not need to withhold tax.

A withholding tax exemption applies to dividends distributed to nonresident companies if the requirements described above are met.

Positive liquidation proceeds are treated as deemed dividends in the portion corresponding to the difference between the liquidation proceeds attributed and the associated capital contributions. Any excess is treated as a capital gain. If the amount is negative, it is treated as a capital loss. Losses from the liquidation of subsidiaries are deductible only if the shares have been held for at least three years.

Foreign tax relief. Foreign-source income is taxable in Cape Verde. However, direct foreign tax may be credited against the Cape Verdean tax liability, limited to the lower of the following amounts:
- The amount of tax incurred in the foreign country
- The amount of IRPC attributable to the foreign-source income

If an applicable double tax treaty reduces the withholding tax rates, the tax credit is limited by the applicable treaty clause. The foreign tax credit cannot be carried forward.

C. Determination of trading income

General. Taxable profit is determined according to the following rules:

- For companies with a head office or effective management control in Cape Verde that are principally engaged in commercial, agricultural or industrial activities, the taxable profit is the net accounting profit calculated in accordance with Cape Verdean generally accepted accounting principles, as adjusted by the IRPC Code.
- For companies with a head office or effective management control in Cape Verde that do not principally engage in commercial, industrial or agricultural activities, the taxable profit is the net total of revenues from various categories of income described in the Personal Tax (Imposto sobre o Rendimento das Pessoas Singulares, or IRPS) Code, less expenses.
- For PEs, the taxable profit is determined as outlined in the first bullet above. In calculating taxable profit, general administrative expenses that are attributable to the PE may be deducted as a cost if justified and acceptable to the tax authorities.

Expenses that are considered essential for the generation or maintenance of profits are deductible. However, certain expenses are not deductible for IRPC purposes including, but not limited to, the following:

- Illicit expenses
- Depreciation and amortization claimed that exceed the rates fixed in the Cape Verdean tax law
- Provisions and impairments (except for those contained in the Cape Verdean tax law)
- IRPC, stand-alone taxes and surcharges
- Penalties and interest charges
- Improperly documented expenses
- Health or personal injury insurance premiums, and expenses or losses with respect to life insurance, contributions to pension funds or supplementary social security systems, except when they are taxed under the IPRS Code or when they are mandatory by law or contracts
- Real estate taxes (except for companies engaged in real estate trading activities)
- Expenses concerning pleasure boats and tourism airplanes, except for those allocated to public transportation companies or used for rental purposes as part of the company's normal activities

Twenty percent of the expenses with personnel with health and illness insurance premiums may be deductible as long as they cover all the employees and have the same coverage for all employees.

Taxpayers with organized accounting may deduct 130% of the costs incurred in the acquisition of water and electricity. A deduction of 130% of the costs is allowed with respect to the certification of products and systems and the acquisition of equipment and software for accounting and invoicing.

Assets under financial leases are deemed to be owned by the lessee. Consequently, the lessee may deduct only applicable tax depreciation and any interest included in the rent payments. Special rules apply to sale-and-leaseback transactions.

Thirty percent of expenses related to passenger or mixed-use vehicles, except when these vehicles are allocated to public service, which are depreciation, rent, insurance, repairs and fuel, and 50% of representation expenses, are not deductible for tax purposes.

Although representation expenses and expenses related to private cars are deductible with some limits, they are subject to a special stand-alone tax at a rate of 10% (this stand-alone tax may not apply in certain cases).

A 10% stand-alone tax rate also applies to tax-deductible daily allowances and compensation for costs incurred by employees when traveling in their own vehicles at the service of the employer if these amounts are not charged to clients and not subject to IRPS.

Undocumented expenses are not deductible. In addition, these expenses are subject to a special stand-alone tax rate of 40%.

A stand-alone tax at a rate of 10% also applies to certain fringe benefits attributed to the employer (if the amount exceeds CVE15,000), which are gifts made to employees, sales of vehicles to employees below market value, travel expenses paid to employees if not related to the company's activities and interest-free or low-interest-rate loans to employees.

The above stand-alone taxes are imposed regardless of whether the company earns a taxable profit or suffers a tax loss in the year in which it incurs the expenses. In addition, all stand-alone tax rates are increased by 10 percentage points if the taxpayer benefits from a privileged tax regime or incurs a tax loss in two consecutive years (with some exceptions).

Inventories. Inventories must be consistently valued by any of the following criteria:

- Effective cost of acquisition or production
- Standard costs in accordance with adequate technical and accounting principles
- Cost of sales less the normal profit margin
- Cost of sales of products cropped from biological assets, which is determined at the time of cropping, less the estimated costs at the point of sale, excluding transportation and other costs required to place the products in the market

Changes in the method of valuation must be justifiable and acceptable to the tax authorities.

Provisions. The following provisions, among others, are deductible:

- Bad and doubtful debts, based on a judicial claim or on an analysis of the accounts receivable
- Inventory losses (inventory values in excess of market value)
- Technical provisions imposed on insurance companies and financial institutions by the competent Cape Verdean regulatory authorities

Depreciation. In general, depreciation is calculated using the straight-line method. The declining-balance method may be used for new tangible fixed assets other than buildings, office furniture and automobiles not used for public transport or rental. Maximum

depreciation rates are established by law. If rates that are less than 50% of the official rates are used, total depreciation will not be achieved over the life of the asset. The following are the principal official straight-line rates.

Asset	Rate (%)
Commercial buildings	3
Industrial buildings	5
Office equipment	12.5 to 33.33
Motor vehicles	12.5 to 20
Plant and machinery	16.66 to 20

Companies may request the prior approval of the tax authorities for the use of depreciation methods other than straight-line, declining-balance or rates increased up to 50%. Approval is granted only if the request is justified by the company's business activities.

Relief for losses. Tax losses may be carried forward without any time limit. The amount deductible each year is capped at 50% of the taxable profit for the year. Loss carrybacks are not allowed.

Companies under the simplified tax regime cannot benefit from the relief for losses. Tax loss carryforwards are forfeited if the taxpayer states a zero annual turnover and does not obtain any income from its normal business activity for two consecutive tax years.

Groups of companies. Resident groups of companies may elect to be taxed on a tax group basis. To qualify for tax grouping, a group must satisfy certain conditions, including the following:

- The parent company must hold, directly or indirectly, at least 75% of the subsidiaries' registered capital, provided that the holding accounts for more than 50% of the voting rights.
- The parent company may not be deemed to be dominated by the other resident company.
- All companies belonging to the group must have their head office and place of effective management in Cape Verde.
- The parent company must hold the participation in the subsidiary for more than one year beginning from the date on which the regime begins to be applied.
- All group companies must be subject to IRPC at the standard rate of 21%.

Applications for consolidated reporting must be filed with the Cape Verdean tax authorities before the end of the third month of the year for which the application is intended to take effect.

Losses of individual group companies may be offset against taxable profit within the consolidated group in accordance with the following rules:

- Losses of individual group companies incurred in years before the tax group can only be offset up to the amount of the taxable profit derived by the company that incurred such losses.
- Tax group losses may be offset against tax group profits only.
- Tax group losses may not be offset against profits generated by companies after they leave the tax group.
- The tax group may not deduct losses incurred by companies after they leave the tax group.

The cap of 50% of the taxable profit with respect to deductible losses also applies for tax group purposes.

The tax group taxable profit equals the sum of the group's companies' taxable profits or losses, as shown in each of the respective tax returns.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax; levied on goods and services, other than exempt services	15%
Excise duties	
General rate	10%
Other rates	0% to 50%
Social security contributions; on salaries; paid by	
Employer	16%
Employee	8.5%
Self-employed workers	11%/19.5%
Property transfer tax; payable by purchaser	1.5%
Municipal real estate holding tax; local tax; imposed annually on the assessed tax value of the property on 31 December; tax payable by the owner of the property	1.5%
Stamp duty	
Credit operations	0.5%
Interest on bank loans and bank services	3.5%
Guarantees	0.5%
Insurance premiums	3.5%
Bills of exchange, promissory notes and other negotiable debt securities	0.5%
Notarial acts of registrations and procedures	15%
Administrative acts and contracts	CVE1,000
Touristic contribution; for every overnight stay in a touristic establishment, up to a maximum of 10 nights; children under 16 years old are not subject to this contribution	CVE220 per night
Ecologic charge; imposed on some products imported or produced domestically that are non-biodegradable or made out of metal, glass or plastic; charge varies depending on the quantity or weight of the goods; payable by the local producer or importer; exemptions are available, including packing material used in medicine or for packing essential food, such as corn, rice, sugar, flour and milk	CVE2 to CVE200 per kilogram

E. Foreign-exchange controls

Foreign-exchange controls. The currency in Cape Verde is the escudo (CVE).

Cape Verde imposes foreign-exchange controls in certain situations.

Mergers and reorganizations. Mergers and other type of corporate reorganizations may be tax neutral in Cape Verde if certain conditions are met.

Controlled foreign entities. A Cape Verdean resident owning, directly or indirectly, at least 25% in the capital, voting rights or rights to income or estate of a controlled foreign entity (CFE) is subject to tax on its allocable share of the CFE's net profit or income. For computing the 25% threshold, the capital and rights owned, directly or indirectly, by related parties are also considered.

Several rules, which are based on the nature of the activity and whether the activity is predominantly directed to the Cape Verdean market, may result in the non-imputation of profits or income.

Payments by residents to nonresidents subject to a more favorable tax regime. In general, payments made by Cape Verdean residents to nonresidents subject to a more favorable tax regime as provided by the General Tax Code are not deductible for tax purposes, and the payers are subject to a stand-alone tax rate of 60%. However, these payments may be deducted and are not subject to stand-alone taxation if the payer establishes the following:
- The payments were made in real transactions.
- The payments are normal.
- The amounts of the payments are not unreasonable.

Related-party transactions. For related-party transactions (transactions between parties with a special relationship), the tax authorities may make adjustments to taxable profit that are necessary to reflect transactions on an arm's-length basis.

A special relationship is deemed to exist if one entity has the capacity, directly or indirectly, to influence in a decisive manner the management decisions of another entity. This capacity is deemed to exist in the following relationships:
- Between one entity and its shareholders, or their spouses, ascendants or descendants, if they possess, directly or indirectly, 20% of the capital or voting rights of the entity
- Between two entities in which the same shareholders, their spouses, ascendants or descendants hold, directly or indirectly, a participation of not less than 20% of the capital or voting rights
- Between any entities bound by dominance relations
- Between a nonresident entity and its Cape Verdean PE
- Between a resident entity and an entity located in territory with a favorable tax regime according to the General Tax Code

Foreign PE profits. Transactions between the head office and a foreign PE must respect the arm's-length principle.

Debt-to-equity rules. A limitation to the deduction of interest expenses (net of interest revenues) applies. The tax deduction for net financial expenses is capped by the higher of the following amounts:
- CVE110 million
- 30% of the earnings before interest, taxes, depreciation and amortization

The nondeductible excess, as well as the unused fraction of the 30% threshold, may be carried forward to the following seven years.

It is possible to consider the 30% threshold on a group basis if tax grouping is being applied.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %
Macau SAR	10	10	10
Mauritius	0/5 (a)	0/10 (b)	7.5
Portugal	10	0/10 (c)	10
Spain	0/10 (d)	0/5 (e)	5
Non-treaty jurisdictions	0/10	10/20	20

(a) The 5% rate applies if the beneficial owner of the dividends is a resident of a contracting state and owns directly less than 25% of the capital stock of the company paying the dividends.

(b) The 0% rate applies if the debtor or payee is the government of a contracting state, a political or administrative subdivision, a local authority or a statutory body thereof, or if the interest is paid to an institution (including a financial institution) in connection with any financing granted by it under an agreement between the governments of the contracting states.

(c) The 0% rate applies to interest paid by the government of one contracting state or derived by the government of the other contracting state.

(d) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends.

(e) The 0% rate applies if any of the following circumstances exist:
- The beneficial owner is the state or the central bank, or a political subdivision or local authority or statutory body.
- The interest is paid by the state in which the interest arises or by a political subdivision or local authority or statutory body thereof.
- The interest is paid with respect to a loan or credit owed to, or granted, made, guaranteed or insured by, the state or a political subdivision, local authority or export financing agency thereof.
- The beneficial owner is a financial institution.
- The interest is paid in connection with the sale on credit of equipment, goods or merchandise, or services.
- The beneficial owner is a pension fund and the income of the fund is exempt from tax.

Cape Verde has also signed double tax treaties with Angola, Equatorial Guinea, Guinea-Bissau, Luxembourg, Morocco, São Tomé and Príncipe, Senegal, and Singapore, but these treaties are not yet in force.

Cayman Islands

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A. At a glance

Corporate Income Tax Rate (%)	0
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	0
Withholding Tax (%)	
Dividends	0
Interest	0
Royalties from Patents, Know-how, etc.	0
Branch Remittance Tax	0

B. Taxes on corporate income and gains

The Cayman Islands does not impose taxes on income, profits, wealth or capital gains.

C. Corporate license fees

Ordinary resident company. An ordinary resident company may transact foreign and domestic business from within the Cayman Islands. A Trade and Business License is required if business is to be conducted within the Cayman Islands unless the business is exempted (see Section D). If Caymanians or persons with Cayman status do not own at least 60% of the issued share capital, hold 60% of board positions or otherwise control such a company, the company must also obtain a Local Companies (Control) Act License before it can do business in the Cayman Islands, unless the business is exempt from this requirement.

Incorporation fees range from a minimum of KYD300 to a maximum of KYD500. Annual fees range from a minimum of KYD300 to a maximum of KYD500. The fees are based on authorized capital.

Ordinary nonresident company. An ordinary nonresident company is similar to a resident company, but it is not permitted to conduct business within the Cayman Islands. However, it may transact within the Islands all matters necessary to conduct its business outside the Islands; for example, it can negotiate contracts or open bank accounts.

Incorporation fees range from a minimum of KYD675 to a maximum of KYD915. Annual fees range from a minimum of KYD800 to a maximum of KYD1,040. The fees are based on authorized capital.

Exempted company. An exempted company is the most common form of company used by the offshore investor. An exempted company, similar to an ordinary nonresident company, may not conduct business within the Cayman Islands, but may transact from within the Islands all the matters necessary to conduct its business outside the Islands. An exempted company has certain advantages over an ordinary resident or nonresident company, including the availability of a Tax Exemption Certificate, which make the exempted company attractive to an offshore investor. A Tax Exemption Certificate provides that no law enacted in the Cayman Islands imposing any tax on income, profits, capital gains or appreciations will apply to the exempted company and that no such tax, estate duty or inheritance tax will be payable on or with respect to the shares, debentures or other obligations (or the income derived from such instruments) of the exempted company. The exemptions provided in the certificate are for a renewable 20-year period.

Incorporation fees range from a minimum of KYD700 to a maximum of KYD2,568. Annual fees range from a minimum of KYD825 to a maximum of KYD2,693. The minimum fee applies to companies with authorized capital of up to KYD42,000; the fee increases on a sliding scale for authorized capital in excess of this amount until it reaches the maximum of KYD2,693, which applies to companies with authorized capital exceeding KYD1,640,000.

An exempted company, through its memorandum and articles of association, may be established as a company limited by shares, a company limited by guarantee or a limited duration company (LDC). LDCs may be treated by the authorities of the United States and other jurisdictions as partnerships for tax and other purposes. An exempted company is classified as an LDC if its corporate existence terminates on the happening of one or more specified events and if it has a maximum life of 30 years. If a company limited by shares has more than one share class, it may be established on the basis that some of its classes will have limited liability and some will have unlimited liability. LDCs must pay a fee of KYD200 on registration in addition to the regular fees described above.

D. Miscellaneous matters

Foreign-exchange controls. The currency of the Cayman Islands is the Cayman Islands dollar (KYD). The exchange rate of the US dollar against the Cayman Islands dollar is fixed at USD1.2 = KYD1.

The Cayman Islands has no foreign-currency exchange control regulations.

Business licenses. Unless exempted, every person or company carrying on a trade or business must have an annual license for each place where such trade or business is carried on. The amount of the fee depends on the type and location of the business, as well as on the number and type of employees.

Companies that engage in certain types of business, such as banking and insurance, may be required to be licensed or registered under relevant laws. These laws may expressly eliminate the requirement that a company obtain a Trade or Business License or a Local Companies (Control) Act License.

The following are the annual license renewal fees payable by insurance companies and banks registered in the Cayman Islands.

	Insurance companies (KYD)
Class A (locally incorporated)	75,000
Class A (approved external insurer)	75,000
Class B(I) (at least 95% of the net premiums written originate from the insurer's related business)	8,500
Class B(II) (over 50% of the net premiums written originate from the insurer's related business)	9,500
Class B(III) (50% or less of the net premiums written originate from the insurer's related business)	10,500

	Banking and trust companies (KYD)
Class A (unrestricted)	1,000,000
Class A (restricted)	300,000 or 350,000
Class B (unrestricted)	60,000 to 100,000
Class B (restricted)	37,000 or 40,000

The fees for Class B banking and trust licenses depend on the corporate structure of the relevant bank (the structures are branches, subsidiaries and private/affiliated companies) and slightly higher fees may be payable on the application and grant of the license. Restricted trust companies must pay an annual fee of KYD7,000 for a restricted trust license alone.

Mutual funds and private funds registered or licensed under the Mutual Funds Act and Private Funds Act, respectively, must pay an annual license fee of KYD3,500. Mutual fund administrators must pay the following license renewal fees:

- Restricted license: KYD7,000
- Unrestricted license: KYD30,000 or KYD35,000 (depending on the number of funds under administration)

Company managers and corporate service providers licensed under the Companies Management Act must pay an annual license fee. For managers, the annual license fee ranges from KYD750 to KYD20,000 (depending on the number of companies under management), plus KYD150 per managed company. For corporate service providers, the annual license fee ranges from KYD500 to KYD10,000, plus KYD75 per company.

Entities registered under the Securities Investment Business Act must pay an annual license fee ranging from KYD2,000 to KYD8,000.

Stamp duties. Stamp duties are charged on the sale, liquidation or transfers of real property, leases, mortgages and shares of underlying real estate, and the execution of various other documents within the Cayman Islands. Transfer duty is payable on transfers of shares in Cayman Islands companies that hold real property in the Cayman Islands, subject to certain exemptions.

Common Reporting Standard. On 16 October 2015, the Cayman Islands published The Tax Information Authority (International Tax Compliance) (Common Reporting Standards) Regulations, 2015, for the implementation of the Common Reporting Standards (CRS) Regulations. The CRS Regulations, which entered into force on 1 January 2016, require financial institutions to complete due diligence and reporting on investors, depending on their underlying classifications and tax residency.

Foreign Account Tax Compliance Act. On 29 November 2013, the Cayman Islands and the United States signed and released a Model 1 IGA for the implementation of the US Foreign Account Tax Compliance Act (FATCA). All Cayman Islands financial institutions and trustee documented trusts must comply with FATCA per those regulations and, if required, must report to the local tax authority on the Cayman Department for International Tax Cooperation Portal.

Country-by-Country Reporting. The Cayman Islands has adopted Country-by-Country Reporting (CbCR) in accordance with the Organisation for Economic Co-operation and Development (OECD) Base Erosion and Profit Shifting (BEPS) Action Plan. The CbCR regulations and guidelines were issued in December 2017. The regulations require certain multinationals to submit Country-by-Country Reports to the Cayman Islands tax authority.

Economic substance. As a member of the OECD Inclusive Framework on BEPS, the Cayman Islands enacted the International Tax Co-operation (Economic Substance) Act on 21 December 2018, which is effective from 1 January 2019. Legislation requires "relevant entities" conducting "relevant activities" to complete notifications and reporting on an annual basis and maintain substance in the jurisdiction.

E. Tax treaties

As of February 2024, the Cayman Islands has entered into bilateral tax information arrangements with Argentina, Aruba, Australia, Belgium, Brazil, Canada, China Mainland, Curaçao, the Czech Republic, Denmark, the Faroe Islands, Finland, France, Germany, Greenland, Guernsey, Iceland, India, Ireland, Isle of Man, Italy, Japan, Malta, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Seychelles, Sint Maarten, South Africa, Sweden, the United Kingdom and the United States.

The Cayman Islands has also entered into a double tax treaty with the United Kingdom and is a participating jurisdiction to the Multilateral Convention on Mutual Administrative Assistance in Tax Matters via extension by the United Kingdom.

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A. At a glance

Corporate Income Tax Rate (%)	25/30 (a)
Capital Gains Tax Rate (%)	20/30 (b)
Branch Tax Rate (%)	5/10/18 (a)(c)
Withholding Tax (%)	
Dividends	5/10/18 (d)
Interest	5/18 (e)
Royalties from Patents, Know-how, etc.	7.5/18 (f)
Fees for Technical Services, Professional Activities and All Other Services Paid Abroad	7/7.5/18 (g)
Certain Payments to Resident Individuals	7/20 (h)
Rent under Leases Paid to Individuals	15 (i)
Branch Remittance Tax	5/10/18 (j)
Net Operating Losses (Years)	
Carryback	0
Carryforward	3

(a) The minimum tax equals 2% of turnover. For further details, see Section B.
(b) In certain circumstances, the tax is deferred or reduced (see Section B).
(c) An optional final withholding tax is available for CIE Petroleum Contractors and Subcontractors (foreign companies that have entered into subcontracts with oil companies registered in Chad). The rate of this final withholding tax is 18% of the net amount of the contract.
(d) This withholding tax also applies to directors' allowances, nondeductible expenses and adjustments or reinstatements following a tax reassessment. This withholding tax applies to residents and nonresidents. The 5% and 10% rates apply to transactions between Chad and Central African Economic and Monetary Community (Communauté Économique et Monétaire de l'Afrique Centrale, or CEMAC) countries.
(e) The rate of this withholding tax is 20% if the relevant interest is paid to a resident and 18% if it is paid to a nonresident. The 5% rate applies to transactions between Chad and CEMAC countries.
(f) The 7.5% rate applies to transactions between Chad and CEMAC countries.

(g) This withholding tax applies to payments by Chadian resident companies to nonresidents. The 7.5% rate applies to transactions between Chad and CEMAC countries.
(h) This withholding tax applies to payments made to individuals in the self-employed professions, trade intermediaries, door-to-door salespersons and representatives of the law (attorneys, bailiffs and notaries).
(i) The withholding tax rate is 15% if the beneficiary of the landlord is a tax resident or a tax nonresident.
(j) The income subject to tax corresponds to the net profit after corporate income tax. The 5% and 10% rates apply to transactions between Chad and CEMAC countries.

B. Taxes on corporate income and gains

Corporate income tax. Chadian companies are taxed on the territoriality principle. As a result, Chadian companies carrying on a trade or business outside Chad are not taxed in Chad on their foreign-source profits. Chadian companies are those registered in Chad, regardless of the nationalities of their shareholders or where they are managed and controlled. Foreign companies with activities in Chad are subject to Chadian corporate tax on Chadian-source profits.

Under the 2020 Finance Law, income tax in Chad is imposed on undertakings deemed to be operating in Chad, which are the following:
- Undertakings headquartered in Chad or with an effective management office in Chad
- Undertakings that have a permanent establishment in Chad
- Undertakings that have a dependent representative in Chad

The profits of undertakings that do not fulfill the conditions referred to above are taxed in Chad if they carry out activities that form a full business cycle in Chad.

Tax rates. Under the General Tax Code, the standard corporate income tax rate applicable to all companies is a flat rate of 30% of taxable income. Corporate income tax is calculated by applying the tax rate to taxable income, which is based on income reported in the audited financial statements. The corporate tax rate is reduced to 25% for companies operating in the industrial and energy sector.

Oil and gas companies are subject to higher rates.

The minimum tax is paid on a monthly basis at a rate of 2% of the turnover of the previous month. The payment must be made by the 15th day of the month following the month of realization of the turnover.

Sales made by wholesale dealers to individuals are subject to withholding tax at a rate of 4%. Wholesale dealers must pay the amount due to the tax authorities by the 15th day of the following month. Purchases made by companies from individuals are also subject to withholding tax at the same rate.

As of 1 January 2024, a special withholding tax of 7% is introduced with respect to amounts paid by operators in the petroleum, mining, petrochemical and refining sector to resident and nonresident subcontractors in these sectors, whether natural or legal persons. The withholding tax is based on the invoice amount paid. Subcontracting companies are allowed to set off the

withholding tax amounts against the amounts of corporate income tax to be paid at the end of the fiscal year.

Profits realized in Chad by branches of foreign companies are subject to a branch withholding tax of 18% levied on the net profit after corporate income tax. The rate is 5% or 10% if paid to companies located in CEMAC countries.

Newly incorporated companies or new businesses conducted by existing companies can be exempt from corporate income tax for five years if they satisfy the following conditions:
- The newly incorporated company or new business must be operating in specific sectors, which are the industry, mining, agriculture, forestry and real estate sectors.
- The newly incorporated company or new business must demonstrate a particular interest for Chad development.
- The newly incorporated company or new business must not compete in any way with existing companies.
- The newly incorporated company must have a regular accounting conducted in Chad.

If the abovementioned conditions are met, the application can be submitted to the Ministry of Finance and Budget.

As of 1 January 2024, new companies under Chadian law that operate in the fields of agriculture, agro-industry, market gardening, livestock, renewable energies, and information and communication technologies benefit for a period of 10 years, from a 50% reduction in the registration fee and the corporate tax base, and they are exempt from the following:
- The business license fee
- The flat-rate minimum tax
- The flat-rate tax
- The apprenticeship tax

However, the amount of corporate tax paid after the allowance must not be less than 15% of the corporate tax rates in force.

A special tax incentive is granted for newly incorporated companies in the following sectors:
- Agriculture
- Breeding
- Education
- Fishing
- Hotels
- Industry
- Information and communication technologies
- Mining and exploration
- Renewable energies
- Sports
- Tourism
- Transport
- Water

These categories of companies benefit from the following for 10 years from the beginning of their activities:
- 50% reduction of the tax base for corporate income tax.
- 50% reduction of the amount of a business license fee.
- 50% reduction in the registration fee for deeds.

- 50% reduction in the amount of the tax on the value of business premises (TVLP).
- Exemption from value-added tax (VAT) on the acquisition of production tools whose acquisition cost, excluding VAT per unit is equal to or greater than XAF50 million.
- Allowance of 50% of the corporate income tax base on eligible investments. However, the amount of corporate income tax paid after the allowance must be less than 15% of the corporate income tax rates in force.
- Exemption from specific excise duty on production in the territories.
- 50% exemption from IRVM (dividends)

For agropastoral companies, 25% of the minimum tax base is exempt.

To be eligible for the abovementioned benefits, beneficiaries must satisfy the following conditions:
- They must be registered in the register of the Directorate General of Taxes (NIF).
- They must have an exemption certificate issued by the DGI.
- They must be under 35 years of age and have a duly justified financing contract.
- They must make declarations and keep accounts.

Capital gains. Capital gains are taxed at the regular corporate rate. For this purpose, capital gains include gains on the sale of real estate and business assets. However, the tax can be deferred or eliminated in the event of a merger under certain conditions.

From 2024, overall net capital gains realized in Chad or abroad by individuals or legal entities on the sale, even indirect, of shares, bonds or equity interests in companies incorporated under Chadian law are taxed at the capital gain tax rate of 18%.

For a business that is totally or partially transferred or discontinued (such as through a liquidation or sale of the business), only one-third of the net capital gains is taxed if the event occurs more than five years after the beginning or purchase of the business, and only one-half of the gains is taxed if the event occurs within the five years following the beginning or purchase of the business.

Administration. The fiscal year runs from 1 January to 31 December.

Companies must file income tax returns by 30 April of the year following the fiscal year. Late returns are subject to a penalty of 1.5% per month, up to 50% of the tax due. An additional penalty of 100% or 150% applies in case of bad faith or in case of fraud discovered through a tax audit. Corporate income tax must be paid by the deadline for filing tax returns. Late payments are subject to a penalty of 2% per month of delay, excluding the application of an additional penalty.

Companies that started operating during the six-month period before the prescribed closing date of 31 December can report their first results at the end of the fiscal year following the fiscal year in which they began activities.

At the same time as the filing of the annual tax return, the company is required to submit a transfer-pricing report for all transactions carried out with its head office or affiliate entities located

outside Chad. Noncompliance with this transfer-pricing documentation requirement (failure to submit the report or the submission of incomplete or incorrect information) is subject to the following sanctions:

- The rejection of relevant intercompany expenses as deductible costs
- A fine of 5% of the gross amount of the concerned transactions, with a minimum of XAF50 million

Late filing of the transfer-pricing report is subject to a fine of XAF10 million the first month of lateness, XAF 20 million for the second month and XAF25 million for any additional months of lateness beginning with the third month.

The 2022 Finance Law introduced a provision exempting from penalties taxpayers who spontaneously proceed to the regularization of their previous situation regarding taxes, duties and fees before 31 December 2022.

Dividends. Dividends paid to resident individuals in Chad are subject to an 18% withholding tax. Resident individuals must include the gross dividend in taxable income, but they receive a corresponding 18% tax credit to prevent double taxation. Dividends received by resident companies are included in their taxable income and are subject to corporate income tax at the regular rate of 30%. Dividends paid to nonresidents are subject to a final 18% withholding tax.

The participation exemption regime may exempt up to 90% of the dividends received from a 50%-owned subsidiary if the parent company and the subsidiary have their registered offices in a CEMAC Member State. The CEMAC Member States are Cameroon, Central African Republic, Chad, Congo (Republic of), Equatorial Guinea and Gabon.

Foreign tax relief. In general, foreign tax credits are not allowed. The income of residents and nonresidents subject to foreign tax that is not exempt from Chadian tax under the territoriality principle is taxable, net of the foreign tax.

C. Determination of trading income

General. Taxable income is based on financial statements prepared according to generally accepted accounting principles and the Organization for the Harmonization of Business Law in Africa (L'Organisation pour l'Harmonisation en Afrique du Droit des Affaires, or OHADA) standard statements.

Business expenses are generally deductible unless specifically excluded by law. Expenses that are not deductible include the following:

- Head office overhead, research costs, and technical, financial and administrative assistance fees paid to nonresidents that exceed 10% of taxable profits before their deduction. Local service providers are not subject to this limitation. This limitation does not apply to technical assistance fees related to the assembly of a factory, which are deductible in their entire amount. In addition, if the payments are made in a tax-haven country or territory, the deductible head office overhead cannot exceed 50% of the gross amount reported as a charge. The tax-haven countries and territories are jurisdictions that are defined with reference to the

prohibited lists of noncooperative or privileged taxation countries and territories published by the Organisation for Economic Co-operation and Development, the European Union or the Minister of Finance of Chad and that do not have a tax treaty with Chad providing for the mutual exchange of information for tax purposes. The privileged taxation countries or territories are defined as those not applying a tax on companies' revenue or those applying a tax rate lower than half of the Chadian corporate income tax rate under the common regime. Interest paid to the head office with respect to intercompany loans are included in the calculation of head office overhead deductible costs.

- Charges from transactions with related parties, if the appropriate transfer-pricing documentation is not filed.
- Rent expenses for movable equipment paid to a shareholder that manages the company in fact or by right and holds, directly or indirectly, more than 10% of the capital.
- Interest paid to shareholders in excess of the central bank annual rate plus two points.
- Commissions and brokerage fees for services on behalf of companies located in Chad that exceed 5% of purchased imports and sales of exports.
- Liberalities, gifts and subsidies exceeding 0.5% of turnover.
- Amounts set aside for self-insurance.
- Certain specific charges (such as contributions other than those for retirement paid to a foreign social security organization, which are deductible up to 15%, and health insurance premiums paid to companies located abroad), gifts, subsidies and penalties (to some extent).
- Expenses paid to local suppliers without reference to a Chadian tax identification number of two parties and expenses paid in cash of XAF500,000 or more.
- Disallowed expenses, such as personal expenses, family expenses, nonbusiness-related expenses, provisions for redundancy for economic purposes and for self-insurance and unsupported expenses.

Inventories. Inventory is normally valued at the acquisition cost or at the lower of cost or market value. Cost must be determined on a weighted-average cost-price method. The first-in, first-out (FIFO) method is also generally acceptable.

Provisions. In determining accounting profit, companies must establish certain provisions, such as a provision for a risk of loss or for certain expenses. These provisions are normally deductible for tax purposes if they provide for clearly specified losses or expenses that are probably going to occur and if they appear in the financial statements and in a specific statement in the tax return.

Insurance companies may deduct technical provisions provided by the Conférence Interafricaine des Marchés d'Assurance (CIMA) Code to the extent that the General Tax Code does not contain any limitation for such deduction.

Credit institutions may deduct provision for bad debts. Such deduction is limited to 25% for the first year, 50% for the second year and 25% for the third year, if the concerned debt is not covered by a guarantee. If the bad debt is covered by a real guarantee, the deductibility is limited to 15% for the first year, 30% for the second year, 30% for the third year and 25% for the fourth year.

Capital allowances. Land and intangible assets, such as goodwill, are not depreciable for tax purposes. Other fixed assets may be depreciated using the straight-line method at rates specified by the tax law. Accordingly, if the rates used for accounting purposes are greater than the prescribed rates, the excess is disallowed for tax purposes.

Relief for tax losses. Losses may be carried forward for three years. However, losses attributable to depreciation may be carried forward indefinitely. Losses may not be carried back.

Groups of companies. The Chadian tax law does not provide for the fiscal integration of Chadian companies equivalent to a consolidated filing position.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on transactions carried out in Chad; certain transactions are exempt	
Standard rate	19.25
Reduced rate	9.9
Exports	0
African Union Tax; on imports from outside Africa	0.2
Business license; rate varies depending on the amount of turnover	Various
Registration duties, on transfers of real property or businesses	3 to 10
Social security contributions on an employee's annual gross salary, limited to XAF6 million	
Family allowances, paid by employer	7.5
Old age, disability and survivor's pension; paid by	
Employer	5
Employee	3.5
For job-related accidents; paid by employer	4
Inclusive tax; on gross salary and effective value of benefits in kind; paid by employer	7.5
Training tax; on gross salary and effective value of benefits in kind; paid by employer	1.2

E. Foreign-exchange controls

Exchange-control regulations exist in Chad for financial transfers outside the franc zone, which is the monetary zone that includes France and its former overseas colonies. A CEMAC rule (No. 02/18/CEMAC/UMAC/CM, dated 21 December 2018) applies to all of the CEMAC countries.

F. Treaty withholding tax rates

Chad has a limited tax treaty network. Chad has only entered into the CEMAC multilateral tax treaty, dated 13 December 1966 and revised in March 2019. Under this treaty, the following are the withholding tax rates.

	Dividends %	Interest %	Royalties %
Cameroon	5/10*	5*	7.5*
Central African Republic	5/10*	5*	7.5*
Congo (Republic of)	5/10*	5*	7.5*
Equatorial Guinea	5/10*	5*	7.5*
Gabon	5/10*	5*	7.5*
Non-treaty jurisdictions	18	18	18

* Payments from a Chadian source are subject to withholding tax under Chadian domestic tax law.

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A. At a glance

Corporate Income Tax Rate (%)	27 (a)
Capital Gains Tax Rate (%)	27/35 (b)
Branch Tax Rate (%)	27 (a)
Withholding Tax (%)	
Dividends	35 (a)(c)(d)
Interest	35 (c)(e)
Royalties from Patents, Trademarks, Formulas and Similar Items	0/15/20/30 (c)(f)
Technical Services	0/15/20 (g)
Other Fees and Compensation for Services Rendered Abroad	35 (c)
Branch Remittance Tax	35 (a)(h)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited

(a) For further details, see Section B.

(b) For domestic operations between two Chilean residents, capital gains are subject to income tax under general provisions (27% rate). Capital gains derived by nonresidents are subject to the general 35% withholding tax rate (treaty provisions may lower the rate).

(c) The tax applies to payments to nonresidents.

(d) The 35% tax applies to the amount of the grossed-up dividend. One hundred percent of the corporate tax paid by the company can be used as a credit against the withholding tax if the shareholder is a resident in a treaty jurisdiction. In the case of non-treaty jurisdictions, only 65% of the corporate tax credit may be used (resulting in a 44.45% effective tax burden).

(e) A reduced rate of 4% applies to certain interest payments including, but not limited to, interest paid on loans granted by foreign banks, insurance companies and financial institutions, and interest paid with respect to import operations. The 4% rate depends on whether the company meets a certain thin-capitalization standard.

(f) No withholding tax is imposed on payments related to standard software if certain requirements are met. A reduced withholding tax rate of 15% applies to payments with respect to the following:
- Invention patents
- Models
- Industrial drawings and designs
- Layout sketches or layouts of integrated circuits
- New vegetable patents
- Use or exploitation of computer programs (software)

The reduced tax rate does not apply to payments made to companies resident in jurisdictions considered to be preferential regimes. As a result, the withholding tax rate for such payments is 30%. A reduced withholding tax rate of 20% applies to payments for television broadcasting and cinematographic materials.

(g) A 15% rate applies to payments for engineering, technical assistance, professional and other technical services rendered in Chile or abroad. However, if the payments are being made to a company domiciled in a jurisdiction considered to be a preferential regime, the withholding tax rate is 20%. Exceptionally, payments abroad made as consideration for technical assistance may be exempted from withholding tax if ruled by the Customs agency to be linked to the exportation of services.

(h) The 35% tax applies to the amount of the grossed-up dividend. One hundred percent of the corporate tax paid by the branch can be used as a credit against the withholding tax if the shareholder is a resident in a treaty jurisdiction. In the case of non-treaty jurisdictions, only 65% of the corporate tax credit may be used (resulting in a 44.45% effective tax burden).

B. Taxes on corporate income and gains

Corporate income tax. Chilean resident entities and branches of foreign entities are subject to income tax on their income from worldwide sources. A resident entity is one that is incorporated in Chile. Corporate income tax is applied annually to accrued net income, with the exception of foreign-source income, which is generally computed on a cash basis. Taxable results of foreign branches and passive income of controlled foreign corporations (see Section E) are recognized on an accrual basis.

Rates of corporate tax. The corporate income tax rate is 27%. Small and medium-sized entities (SMEs) are subject to corporate income tax at a rate of 25%.

Corporate tax paid by a company is creditable against the withholding tax applicable to the distribution of profits to the company's partners or shareholders. The amount of the credit (100% or 65% of the paid corporate income tax) depends on several factors. One hundred percent of the corporate tax credit is available only to shareholders of SMEs and residents of jurisdictions that have a double tax treaty in force with Chile (see below).

Dividends. Dividends received from foreign subsidiaries are taxed as ordinary income. A foreign tax credit is available with respect to such dividends.

Dividend distributions between resident entities are exempt from tax.

Dividends paid by a Chilean company to a nonresident shareholder or partner (entity or individual) are subject to a 35% withholding tax.

Corporate tax paid by the company is creditable against the dividend withholding tax.

For distributions abroad, it is possible to use 100% of corporate tax paid by the company (27%) with the following distinctions:

- On dividend distributions to shareholders or partners who are resident in a non-tax treaty jurisdiction, 35% of the corporate tax credit is not available to be used (in the manner of a higher resulting withholding tax), which translates to an overall tax of 44.45%.
- On dividend distributions to shareholders or partners resident of a tax treaty jurisdiction, no corporate tax credit reduction is applicable, which translates to an overall tax of 35%.

For these purposes (that is, the reduction of 35% of the corporate tax credit depending on jurisdiction of residence of shareholder

or partner), tax treaties signed before 1 January 2020 but not yet enforced will be deemed valid tax treaties until 2026.

For SMEs, it is possible to use 100% of the corporate tax paid by the company with no corporate tax credit reduction, regardless of the jurisdiction of the residence of the shareholder or partner (overall corporate tax of 35%).

This withholding tax rate and structure is not reduced or otherwise modified by Article 10 of valid tax treaties ("the Chile clause").

Mining Royalty. The Mining Royalty comprises the following two components:
- The Ad-Valorem Component
- The Mining Margin Component

The above components are calculated based on the sales volume and the type of minerals extracted.

The sum of these components forms the Mining Royalty. However, this amount is subject to a cap due to a maximum taxation threshold, which takes into account the Mining Royalty, corporate income taxes, and final taxes. The components are discussed below.

Ad Valorem Component. Mining exploiters with annual copper sales exceeding 50,000 metric tons of fine copper (MTFC) are subject to a 1% rate on its sales. This rate specifically applies to revenues derived solely from copper sales, excluding those from other minerals (such as molybdenum, silver and gold).

Margin Component. Mining exploiters whose income derives 50% or more from copper sales and whose sales are equivalent to more than 50,000 MTFC are subject to progressive and marginal tax rates ranging from 8% to 26%. The applicable rate within this range is determined based on the Mining Operating Margin (MOM) of the taxpayer. However, this component does not apply if the Adjusted Mining Operational Taxable Income (RIOMA; the acronym for the Spanish translation) is negative. The RIOMA is determined by taking the corporate income tax base with certain adjustments, so that it reflects only the mining operational taxable income.

Mining exploiters whose income derives less than 50% from copper sales is subject to the following tax rates based on their annual sales:
- Up to the equivalent of 12,000 MTFC: exempt
- More than the equivalent of 12,000 MTFC but not exceeding 50,000 MTFC: tax rate ranges between 0.4% and 4.4%
- More than the equivalent of 50,000 MTFC: progressive tax rates ranging from 5% and 14%, depending on the MOM

Mining exploiters shall apply the respective tax rates over the RIOMA.

Cap. The Mining Royalty is also subject to a cap equal to the combined tax burden of the corporate income tax, the Mining Royalty, and shareholder taxation on profits distributions. If the maximum potential tax burden exceeds such cap, the Mining Royalty is reduced accordingly. Such limit will be set at 46.5% for exploiters with annual sales equal or greater than the

equivalent to 80,000 MTFC and at 45.5% for exploiters with annual sales lower than the equivalent to 80,000 MTFC.

Capital gains. In general, capital gains recognized by foreign investors are subject to a 35% tax. As a general rule, direct or indirect transfers of Chilean shares must be done at fair market value.

Transfers of shares of companies listed on the stock exchange are subject to a sole tax of 10%. Institutional investors are exempt from income tax under certain conditions. Under certain double tax treaties, the tax rate on capital gains related to direct transfer of shares may be reduced to 20%, 17% or 16%.

Indirect transfers of Chilean shares are subject to capital gains tax at a rate of 35% if a nonresident entity transfers its indirect interest in Chile under either of the following conditions:

- The nonresident seller transfers at least 10% of its shares in the indirect holding entity and either of the following circumstances exists:
  - — At least 20% of the fair market value of the total shares held by the seller derives from the fair market value of the Chilean underlying assets.
  - — If, at the date of the transfer, the fair market value of Chilean underlying assets is equal to or greater than approximately USD180 million proportionally.
- The seller is incorporated in a jurisdiction considered preferential (with certain exceptions).

Tax-free reorganization rules (among the same economic group) are available for both direct and indirect transfers if certain requirements are met.

Administration. All accounting periods in Chile must end on 31 December. Income taxes must be paid during the month of April.

Provisional payments on account of final annual income tax are due on a monthly basis.

Foreign tax relief. A foreign tax credit may be claimed up to a limit of 35% of the foreign-source income, depending on the nature of the income and the existence of a tax treaty.

C. Determination of trading income

General. Taxable income, determined in accordance with generally accepted accounting principles, includes all profits, with the exception of specified items that are not considered income for tax purposes.

In general, all expenses that have the capability of producing income (in the corresponding calendar year or potentially in the future), duly sustained and justified, may be deducted to determine taxable income. Disbursements related to transaction contracts between unrelated parties (to prevent litigation or settle an existing one) are deductible. A bad debt over 365 days between unrelated parties is deductible.

Interest associated with investment in Chilean companies is deductible for corporate tax purposes.

In general terms, expenses are deducted on an accrual basis. However, cross-border disbursements to foreign related parties are deductible on a cash basis and only after the respective withholding tax is declared and paid.

Royalty payments to a related party abroad (a relationship strictly for the purposes of the application of this rule) may be subject to additional deductibility restrictions.

Inventories. For inventory valuation, the first-in, first-out (FIFO) method and the weighted average cost method are accepted by law. A corresponding monetary correction (inflation adjustment) must be added to cost.

Monetary correction. The Income Tax Law contains monetary adjustment rules to reflect inflation in tax accounting. These rules, known as monetary correction, require taxpayers to revalue certain assets and liabilities annually based on the changes reflected in the consumer price index (CPI) and in foreign-exchange rates. The different indices that are used to adjust assets and liabilities may result in taxable profits or losses.

The following adjustments must be made for monetary correction purposes:

- The initial net value of fixed tangible assets is restated based on the change in the CPI, which is fixed monthly by the National Statistical Service. Depreciation is computed on the value of the assets after restatement.
- Inventories existing at the balance-sheet date are restated to their replacement cost.
- Credits, rights and liabilities that are in a foreign currency or linked to price indices are adjusted based on the change in the foreign-exchange rate or the relevant index. Investments in foreign entities are treated as foreign-currency denominated assets.

Depreciation. Depreciation must be calculated using the straight-line method. The tax authority has established the following normal periods of depreciation.

Manufacturing industry and trade	**Years**
Machinery	15
Heavy tools	8
Light tools	3
General installations	10

Manufacturing industry and trade	**Years**
Trucks	7
Cars, pickups, station wagons and buses	7
Computers, computer systems, peripherals and similar items	6

Building and mining industries	**Years**
Solid buildings	80
Semisolid buildings	20 to 50
Buildings of light materials	10
Bulldozers, tractors, Caterpillars and other machines employed in heavy construction	8
Drilling equipment, internal combustion engines, soldering equipment and similar equipment	6
Machines employed in mining activities (general rate)	9

Annual depreciation rates must be applied after the revaluation of fixed assets according to the rules of monetary correction (see *Monetary correction*). Accelerated depreciation may be applied to new or imported fixed assets and to imported fixed assets with normal useful lives of three years or more. The accelerated method allows the calculation of depreciation based on a useful life for an asset equivalent to one-third of the normal useful life established by the Chilean tax authorities. However, accelerated depreciation may be used only in determining trading income for corporate tax purposes.

One hundred percent of the value of fixed assets acquired during the period of 1 June 2020 to 31 December 2022 may be claimed as depreciation in the first year of the assets' useful life. Other transitory depreciation regimes and depreciation benefits are available depending on the size of the company and nature of the assets.

Relief for losses. Losses may be carried forward without a time limit. If a qualified change of ownership occurs, accumulated tax losses may not be deducted from income generated after the ownership change.

The carryback of losses is not available.

D. Value-added tax

Value-added tax (VAT) applies to sales and other transactions regarding tangible personal property, as well as to payments for all types of services, except those expressly exempted in the law. It also applies to the habitual sale of real estate. The general tax rate is 19%. VAT is imposed under a credit-debit system.

E. Miscellaneous matters

Foreign-exchange controls. The Central Bank of Chile must be informed of all transactions exceeding USD10,000. Other annual information requirements are imposed.

Taxpayers must report annually (by a sworn statement that must be filed each year) their permanent investments in foreign companies, investments in foreign branches and details regarding their foreign-source income.

Individuals or entities domiciled or resident in Chile must inform the Chilean Internal Revenue Service (IRS) if they become trustees or administrators of trusts created in accordance with foreign law.

Transfer pricing. Chilean transfer-pricing regulations are in line with the Organisation for Economic Co-operation and Development (OECD) guidelines.

Acceptable transfer-pricing methods include the following:
- Comparable uncontrolled price
- Resale price
- Cost-plus
- Profit-split
- Transactional net margin

Any other method may be used if none of the above methods applies to the transaction. The most suitable method should be used, taking into account the facts and circumstances of each related-party transaction.

Taxpayers must file an annual sworn statement identifying related-party transactions and transfer-pricing methods, and providing other information requested by the Chilean IRS through regulations. In addition, taxpayers must keep all relevant information supporting compliance with the transfer-pricing rules.

County-by-Country (CbC) regulations have been in force in Chile since 2017.

In addition, Master File and Local File Sworn Statements must be submitted to the Chilean IRS if certain conditions are met.

Debt-to-equity rules. Excess indebtedness exists if the "debt" of a Chilean entity exceeds three times its tax equity (*capital propio tributario*; financial equity with certain adjustments). "Debt" includes all debt, regardless of whether it is foreign or local or related or unrelated, as well as the debt at the level of the company's permanent establishments abroad.

If excess indebtedness is triggered, a 35% surtax applies on interest if both of the following circumstances exist:
- The interest is paid abroad due to related-party (or deemed related-party) debt.
- The interest benefits from a reduced withholding tax rate (4% under domestic law or tax treaty rate).

In this case, the applied withholding tax may be used as a credit by the Chilean debtor who must bear the 35% penalty tax. The concept of relationship also includes any type of guarantee.

Controlled foreign corporations. In general, foreign-source income is taxed on a cash basis. However, under the controlled foreign corporation (CFC) rules, Chilean resident taxpayers are taxed on an accrual basis on passive income received or accrued by a CFC.

Under the CFC rules, passive income includes the following:
- Dividends or profit distributions from non-controlled entities
- Interest (unless the controlled entity is a bank or financial institution)
- Royalties (unless derived from research and development projects)
- Capital gains
- Income from the lease of real property (unless the exploitation of real property is the principal activity of the controlled entity)
- Income from the assignment of certain assets
- Specified Chilean-source income

Control of a foreign entity is deemed to exist in any of the following circumstances:
- 50% or more of the capital, profit or voting rights is directly or indirectly owned by a Chilean taxpayer.
- The Chilean taxpayer has a decisive influence on the administration of the foreign entity.
- The foreign entity is domiciled in a country or territory with a preferential tax regime, unless proven otherwise (that is, a

foreign entity is deemed controlled if it is domiciled in a tax haven or preferred jurisdiction, unless the Chilean taxpayer demonstrates that it does not control it).

F. Treaty withholding tax rates

The table below lists the withholding tax rates under the Chilean treaties in force. All of these treaties are based on the OECD model convention.

	Dividends %	Interest (f) %	Patent and know-how royalties %
Argentina	10/15 (a)	4/12 (b)(d)	3/10/15
Australia	15 (a)	5/10 (b)(d)	5/10 (c)
Austria	15 (a)	4/5/10 (b)(d)	2/10 (c)(d)
Belgium	15 (a)	4/5/15 (b)	5/10 (c)
Brazil	10/15 (a)	15	15
Canada	10/15 (a)	10 (b)(d)	10 (c)(d)
China Mainland	10 (a)	4/10 (b)(d)	2/10
Colombia	0/7 (a)	5/15	10 (c)
Croatia	5/15 (a)	5/15	5/10
Czech Republic	15 (a)	4/10 (b)(d)	5/10
Denmark	5/15 (a)	4/5/10 (b)(d)	2/10 (c)(d)
Ecuador	5/15 (a)	4/10 (b)(d)	10 (c)
France	15 (a)	4/5/10 (b)(d)	2/10 (c)(d)
India	10 (a)	10	10
Ireland	5/15 (a)	4/5/10 (b)(d)	2/10 (c)(d)
Italy	5/10 (a)	4/10 (b)(d)	2/10 (c)(d)
Japan	5/15 (a)	4/10 (b)	2/10 (c)
Korea (South)	5/10 (a)	4/5/10 (b)(d)	2/10 (c)(d)
Malaysia	5/15 (a)	15 (b)	10
Mexico	5/10 (a)	5/10 (b)(d)	10 (c)(d)
Netherlands	5/15 (a)	4/10 (b)	2/10 (d)
New Zealand	15 (a)	10 (b)	5/10 (c)
Norway	5/15 (a)	4/5/10 (b)(d)	2/10 (c)(d)
Paraguay	10 (a)	10/15 (b)	15 (c)
Peru	10/15 (a)	15	15 (c)
Poland	5/15 (a)	4/5/10 (b)(d)	2/10 (c)(d)
Portugal	10/15 (a)	5/15 (b)	5/10 (c)
Russian Federation	5/10 (a)	15	5/10
South Africa	5/15 (a)	5/15	5/10
Spain	5/10 (a)	4/5/10 (b)(d)	2/10 (c)(d)
Sweden	5/10 (a)	4/5/10 (b)(d)	2/10 (c)(d)
Switzerland	15 (a)	4/5/10 (b)(d)	2/10 (c)(d)
Thailand	10 (a)	10/15	10/15
United Arab Emirates	5/10 (a)	4/10	2/10
United Kingdom	5/15 (a)	4/5/10 (b)(d)	2/10 (c)(d)
United States	5/15 (a)	4/10/15	2/10
Uruguay	5/15 (a)	4/15 (b)	10
Non-treaty jurisdictions	35 (f)	4/35 (g)	15/30 (e)

(a) With respect to Chile, the treaty withholding tax rates for dividends do not apply to the 35% withholding tax applicable under domestic law as long as the corporate tax is creditable against the withholding tax. The 35% tax applies to the amount of the grossed-up dividend. One hundred percent of the corporate tax paid by the Chilean company is creditable against the withholding tax borne by a nonresident shareholder.

(b) These treaties have a most-favored nation (MFN) clause with respect to interest.

(c) These treaties have an MFN clause with respect to royalties. In the case of the Peru treaty, the clause applies after a five-year period beginning on the effective date of the Chile-Peru treaty.

(d) The rates have been expressly ratified by respective countries as a result of the applicability of an MFN clause.

(e) The withholding tax rate is reduced to 15% for payments with respect to the following:
- Invention patents
- Models
- Industrial drawings and designs
- Layout sketches or layouts of integrated circuits
- New vegetable patents
- The use or exploitation of computer programs (software)

The reduced tax rate does not apply to payments made to companies resident in jurisdictions considered to be preferential regimes. The withholding tax rate for such payments is 30%.

(f) The 35% tax applies to the amount of the grossed-up dividend. Up to 100% of the corporate tax paid by the Chilean company is creditable against the withholding tax borne by the nonresident shareholder, depending on the tax regime of the Chilean company.

(g) Under Chilean domestic law, a reduced 4% tax rate applies to the following interest payments:
- Interest paid on loans granted by foreign banks, financial institutions and insurance companies
- Interest paid on bonds
- Interest paid with respect to import operations

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This chapter refers only to the taxation of entities under the tax laws of the Mainland China tax jurisdiction.

A. At a glance

Corporate Income Tax Rate (%)	25
Capital Gains Tax Rate (%)	25 (a)
Branch Tax Rate (%)	25
Withholding Tax (%) (b)	
Dividends	10 (c)
Interest	10
Royalties from Patents, Know-how, etc.	10
Branch Remittance Tax	0

Net Operating Losses (Years)	
Carryback	0
Carryforward	5/10 (d)

(a) Capital gains derived by foreign enterprises from disposals of interests in foreign investment enterprises are subject to a final withholding tax of 10% instead of income tax. This rate may be reduced by applicable tax treaties.
(b) The statutory rate is 20%, which is reduced to 10% by the Enterprise Income Tax Law Implementation Regulations.
(c) Effective from 1 January 2017, foreign investors are eligible for dividend withholding tax deferral treatment if they directly reinvest the attributable or distributable profits from its Chinese tax resident investees or portfolio companies in China, subject to meeting certain required conditions (see Section B).
(d) Effective from 1 January 2018, for qualifying High and New Technology Enterprises (HNTEs) and technology-based small and medium-sized enterprises, the time period for carrying forward net operating losses can be extended to 10 years (see Section C).

B. Taxes on corporate income and gains

Corporate income tax. Corporate residents of China are taxed on their worldwide income, including income from business operations, investment and other sources. A foreign tax credit is allowed for income taxes paid in other countries. This credit is capped at the China income tax payable on the same income calculated under the corporate income tax law.

In general, a company is regarded as tax resident in China if it is incorporated in China or effectively managed in China. "Effective management" is defined as overall management and control over the production, business, personnel, accounting, and assets of a company.

Nonresident companies are taxed on China-source income only. However, if the nonresident company has an establishment in China, non-China source income effectively connected with the China establishment is also taxed.

The term "establishment" is broadly defined to include the following:
- A place of management
- A branch
- An office
- A factory
- A workshop
- A mine or an oil and gas well or any other place of extraction of natural resources
- A building site
- A construction, assembly, installation or exploration project
- A place for the provision of labor services
- A business agent

Rates of corporate tax. The statutory rate of enterprise income tax is 25%. The withholding tax rate on passive income (including dividends, interest, royalties and capital gains) of non-China tax residents is 10%.

A reduced tax rate applies to the following enterprises, subject to the satisfaction of certain conditions:
- During the period from 1 January 2022 to 31 December 2024, for qualifying small and less-profitable enterprises, a 20% rate and 75% reduction of annual taxable income apply to the annual

taxable income exceeding CNY1 million but not exceeding CNY3 million. A qualifying small and less-profitable enterprise refers to an enterprise that is engaged in an industry not restricted or prohibited by China and that meets the following three conditions:
— Its annual taxable income does not exceed CNY3 million.
— The number of its employees does not exceed 300.
— Its total assets do not exceed CNY50 million.
- 15% for HNTEs.
- 15% for qualifying Technologically Advanced Service Companies nationwide (effective from 1 January 2017). Effective from 1 January 2018, companies engaging in the service trade should refer to the Scope of Recognition of Technology Advanced Services for Service Trade as stipulated in the attachment of Circular Caishui [2018] No. 44.
- 10% for key software enterprises, key animation and comics enterprises and integrated circuit designing enterprises.
- 15% for western region enterprises and enterprises in Ganzhou in Jiangxi Province engaging in and deriving 60% of their total income from certain encouraged industries as stipulated in a new western region catalog (from 1 January 2021 to 31 December 2030).
- 15% for qualifying enterprises that are registered in the Guangdong-Macao In-depth Cooperation Zone in Hengqin, the Fujian Pingtan Comprehensive Pilot Zone (Pingtan) or the Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone (Qianhai) (for further details, see below).
- 15% for qualifying enterprises in encouraged industries registered in the Hainan Free Trade Port and engaged in substantive operations.
- 15% for qualifying third-party enterprises that are engaged in pollution prevention and abatement as entrusted by pollution-discharging enterprises or governments.

Tax incentives. A five-year tax holiday (exemption for the first two years and 50% reduction for the next three years) is granted to newly established and qualified HNTEs that are incorporated after 1 January 2008 and that are located in the Shanghai Pudong New Area or one of the five Special Economic Zones (SEZs), which are Hainan Province, Shantou, Shenzhen and Zhuhai in the Guangdong Province, and Xiamen in the Fujian Province.

A five-year tax holiday also applies to qualifying software enterprises, animation and comics enterprises, integrated circuit designing enterprises and qualified integrated circuit production enterprises (or qualified projects in which investments are made on or after 1 January 2018).

For qualified integrated circuit production enterprises (or qualified projects), the tax holiday can be extended to 10 years (up to an exemption for 10 years) under certain conditions. The five-year or 10-year tax holiday starts from the tax year in which a qualifying enterprise begins making profits or when a qualifying project generates its first business operating income. If a software enterprise, animation and comics enterprise or integrated circuit designing or production enterprise cannot satisfy the relevant requirements in a profit-making tax year, the enterprise enjoys the remaining tax holiday from its initial tax year in which

it satisfies the relevant requirements. If qualifying integrated circuit designing enterprises and software enterprises did not have their first profit-making year by 2019, they can enjoy the above tax holiday subject to the newest requirements as listed in the regulations issued in 2020. Qualifying integrated circuit designing enterprises and software enterprises enjoying the tax holiday pursuant to the policies issued prior to 2020 are eligible for the original tax holiday or the newly regulated tax holiday (if more beneficial), provided that they also meet the provisions of the newly issued regulations.

Effective from 1 January 2020 to 31 December 2024, qualified income derived by enterprises in the tourism industry, modern service industry and high-tech industry established in the Hainan Free Trade Port from newly increased overseas direct investment may be exempted from corporate income tax.

Effective from 1 January 2020, eligible corporate enterprises that engage in relevant products (technology) business of the core links in such key areas as integrated circuits, artificial intelligence, biomedicine and civil aviation in the Lingang New Area in Shanghai and that carry out a substantive production or research and development (R&D) activities are subject to the enterprise income tax at a reduced rate of 15% within five years from the date of their establishment.

During the period from 2021 to 2030, certain specified industries in selected areas of Xinjiang, such as agriculture and forestry, irrigation, coal production and related industries, electricity, new energy, oil and gas, production of certain metals and related industries, petrochemical, pharmaceutical, transportation, modern logistics, environmental protection and resources conservation, can also benefit from a five-year tax holiday based on the statutory rate of 25%. A five-year exemption, starting from the year enterprises generate their first business operating income, applies to qualifying enterprises located in the Kashi and Huoerguosi Special Economic Development Zones of Xinjiang.

During the period of 1 January 2021 through 31 December 2025, enterprises that are established in Pingtan or Qianhai (the covered areas) and that engage in encouraged industries can be subject to a reduced corporate income tax rate of 15%. Enterprises engaging in encouraged industries are enterprises that satisfy the following conditions:

- They have their core businesses in the covered area.
- Their businesses relate to industries and projects stipulated in preferential corporate income tax catalogs.
- Their income derived from such core businesses account for more than 60% of their total income.

Effective from 1 January 2021, industrial enterprises that are established in Guangdong-Macao In-depth Cooperation Zone in Hengqin and that satisfy certain criteria can be subject to a reduced corporate income tax rate of 15%. Enterprises entitled to this preferential policy are enterprises that satisfy the following criteria:

- They have their core businesses in the covered area.

- Their businesses relate to industries and projects stipulated in preferential corporate income tax catalogs.
- Their income derived from such core businesses account for more than 60% of their total income.

Effective from 1 January 2021, income derived by enterprises in the tourism industry, modern service industry and high-tech industry established in the Guangdong-Macao In-depth Cooperation Zone in Hengqin from newly increased overseas direct investment shall be exempted from corporate income tax. Income derived from newly increased overseas direct investment must satisfy the following criteria:

- Business profit is obtained from the newly established overseas branches or dividend income corresponding to the newly increased overseas direct investment is obtained from the overseas subsidiaries in which more than 20% (inclusive) of the shares are held.
- The statutory corporate income tax rate of the invested country (region) is not less than 5%.

Effective from 1 January 2023, China temporarily has raised the general pretax super deductions rate from 175% to 200% on an expanded scope of qualifying research and development expenditures (RDEs) incurred by China tax resident enterprises during the year; alternatively, if related qualifying RDEs are incurred for developing intangible assets, the companies may amortize the capitalized intangible assets based on 200% (also increased from the general super deduction rate of 175%) of the actual cost incurred on developing the intangible assets. The super deduction rate for the integrated circuit enterprises and industrial master machine enterprises was increased to 220% from 1 January 2023 to 31 December 2027.

Effective from 1 January 2018, when an enterprise outsources its R&D activities to overseas entities (not including overseas individuals), the enterprise as consignor is eligible for a 100% super deduction based on 80% of expenses incurred for the R&D activities outsourced to overseas entities, provided that the expenses do not exceed two-thirds of the enterprise's total eligible R&D expenses incurred domestically. The actual amount of R&D expenses should be determined in accordance with the arm's-length principle. If the consignor and consignee are related parties, the consignee should provide the consignor with detailed R&D expense statements. The corporate income tax super deduction for expenses incurred for outsourcing R&D activities to overseas entities was not allowed under the rules.

Other tax incentives are available to enterprises engaged in industries, projects, or activities encouraged by national policies. The incentives granted to these encouraged industries, projects and activities typically include the following:

- Income from agriculture, forestry, animal husbandry and fishery projects is eligible for a full tax exemption or 50% reduction of tax, depending on the type of projects.
- Income from infrastructure projects is eligible for a full tax exemption for the first three years and a 50% reduction of tax for the next three years beginning with the first income-generating

year. If certain requirements are met, enterprises that invest in a qualifying public infrastructure project and are approved to perform the project in phases are allowed to calculate the corporate income tax based on the taxable income of each phase and enjoy the tax holiday for different phases of the project separately.
- Income from environmental protection or water or energy conservation projects is eligible for a full tax exemption for the first three years and 50% reduction of tax for the following three years.
- Income from technology transfer is eligible for a tax exemption for the first CNY5 million and a 50% reduction for the amount over that threshold.
- 200% of qualified wages for disabled people can be tax deductible.
- A venture capital company that makes equity investments in qualifying fledgling science and technology enterprises (QFSTEs) for at least 2 years (or 24 months) may offset 70% of its investments against its taxable income. Any excess amount can be carried forward and offset against the taxable income in the subsequent tax years.
- A corporate partner of limited partnership venture capital companies (LPVCCs) that makes equity investments in QFSTEs for at least 2 years (or 24 months) may offset 70% of its investments against its taxable income generated from the LPVCC. Any excess amount can be carried forward and offset against the taxable income generated from the LPVCC by the corporate partner in the following tax years.
- Income derived from recycling business is eligible for a 10% reduction in calculating taxable income.
- Income derived from the provision of community care, childcare and housekeeping services is eligible for a 10% reduction in calculating taxable income from 1 June 2019 to 31 December 2025.
- Interest income derived by company investors from railway bonds issued by China Railway Corporation during the period from 2024 to 2027 is eligible for a 50% reduction in calculating taxable income.
- 10% of the cost incurred in purchasing environmental protection, water and energy saving or production safety equipment can be credited against income tax payable for the year of the purchase.

Capital gains and losses. In general, capital gains and losses are treated in the same manner as other taxable income and losses, and are taxed at the normal income tax rate of 25%. However, China-source capital gains derived by nonresident enterprises, such as gains from the disposal of a foreign investment enterprise (FIE), are subject to a 10% withholding tax. In addition to income tax, real property gains tax is imposed on gains derived from transfers of real properties (see Section D).

Administration. The tax year in China is the calendar year.

An annual corporate income tax return, together with audited financial statements issued by a certified public accountant registered in China and a set of annual reporting forms for related-party transactions, is due within five months after the end of the tax year. Enterprises must settle all outstanding tax liabilities within the same period.

In addition, enterprises must also file quarterly provisional corporate income tax returns within 15 days after the end of each quarter, together with payments of provisional tax based on actual profits. If an enterprise has difficulty in filing a provisional tax return based on the actual quarterly profits, it may pay tax based on estimated profits. The estimated profits are normally computed by reference to one-quarter of the enterprise's actual taxable profits for the preceding year. Otherwise, they are computed under other methods approved by the tax bureau.

Late filing or late payment triggers a surcharge of 0.05% per day and a discretionary penalty of 50% to 500% of the unpaid tax liabilities. For adjustments made under anti-avoidance provisions, such as adjustments with respect to transfer pricing, thin capitalization and controlled-foreign corporations (see Section E), an interest charge is imposed on a daily basis, beginning on 1 June of the year following the tax year to which the tax underpayment is related and ending on the day the tax underpayment is settled. This charge is based on the renminbi yuan (CNY) loan base rate published by the People's Bank of China (PBOC) plus 5%. If contemporaneous documentation and other prescribed documentation are provided or if the contemporaneous documentation is not needed in accordance with the relevant regulations but other relevant documents are provided as required by the tax authorities, the interest charge may be reduced to an amount based only on the CNY loan-based rate published by the PBOC.

Effective from 1 January 2015, the administrative approval requirements for tax incentives were removed and replaced by a record-filing mechanism.

Dividends. Profits of FIEs distributed as dividends are subject to withholding tax at a rate of 10% (this rate may be reduced under a tax treaty or arrangement) when the dividends are actually paid. Effective from 1 November 2015, the investor may determine and enjoy the treaty benefits itself when filing a tax return or making a withholding declaration through a withholding agent, keep relevant information and accept the subsequent post-filing administration from the in-charge tax authorities. Dividends paid between qualified resident companies may be exempted. For this purpose, resident companies are qualified if one tax resident has made a direct investment in the other tax resident. Dividends attributable to publicly traded shares are also treated as tax-exempt investment income if the holding period of the shares is longer than 12 months.

Effective 1 January 2017, if a foreign investor makes an investment directly with the profits that it obtains from a Chinese resident enterprise in an investment project in one of the designated encouraged industries listed under the Foreign Investment Industrial Guidance Catalogue and/or the Catalogue of Priority Industries for Foreign Investments in the Central and Western Regions, the withholding tax deferral policy applies, provided that certain requirements are fulfilled. Effective from 1 January 2018, the qualified application scope for dividend withholding tax deferral policy was expanded from encouraged industries to all non-prohibited industries. If the foreign investor recovers the investment by means of equity transfer, repurchase, liquidation or other ways from a direct investment that has enjoyed benefits

from the withholding tax deferral policy, it must declare and pay the deferred tax amount to the tax authority within seven days after actually receiving the relevant payments.

Interest income derived from perpetual bonds can be deemed as dividends for corporate income tax purpose; that is, if both the issuer and the investor are resident enterprises in China, the interest income received by the investor can be exempted from corporate income tax, while the interest expenses incurred by the bond issuer cannot be deducted for corporate income tax purposes. Alternatively, the interest income derived from perpetual bonds can also be included in the taxable income of the investor for corporate income tax purpose while the interest expenses incurred by the bond issuer can be deducted for corporate income tax purposes. The issuer shall notify the investors which of the two approaches mentioned above will be adopted when issuing the bonds.

Foreign tax relief. A tax credit is allowed for foreign income taxes paid, or indirectly borne, by China resident enterprises, but the credit is generally limited to the amount of China corporate income tax payable on the foreign-source portion of an enterprise's worldwide taxable income. A nonresident enterprise with an establishment or place of business (generally referred to as a permanent establishment [PE]) in China that derives foreign-source income effectively connected to the PE can also claim a tax credit for income taxes paid in foreign jurisdictions, but the credit is limited to China corporate income tax payable on such income. Excess foreign tax credits may be carried forward for a period of five years. Effective from 1 January 2017, Chinese companies may claim an indirect foreign tax credit with respect to five tiers of controlled overseas subsidiaries (previously three tiers). Also, effective from the 2017 tax year, Chinese companies may adopt a comprehensive basis instead of the current country-by-country basis to calculate its foreign tax credit limit. The comprehensive basis is perceived to be more favorable to taxpayers than the country-by-country basis in many cases. Under the country-by-country method, the tax credit limit for each country is calculated by apportioning the total income tax on worldwide taxable income through the application of an apportionment ratio of the taxable income sourced in the relevant country to worldwide taxable income. Under the comprehensive method, the tax credit limit is calculated based on the taxable income derived from all foreign jurisdictions. The enterprise may not change the method within five years after adopting one of the methods.

C. Determination of trading income

General. Taxable income is defined as total revenue less the following:

- Non-taxable income
- Tax-exempt income
- Allowable deductions
- Tax losses

No major differences exist between tax and accounting methods for income computation purposes. Dividends, bonuses, interest, royalties, rent and other income are included in taxable income.

In general, all necessary and reasonable expenses incurred in carrying on a business are deductible for tax purposes. However, specified limits apply to the deductibility of advertisement expenses, entertainment expenses, union fees, employee welfare costs, employee education expenses, commissions and handling fees, supplementary pensions and supplementary medical insurance. Charitable donations of up to 12% of the total annual profit are deductible. Effective from 1 January 2019 to 31 December 2025, qualified donations aiming to reduce poverty shall be fully deducted for corporate income tax purposes and excluded when calculating the annual deduction limitation of charitable donations. Effective from 1 January 2017, charitable donations exceeding the deduction limitation can be carried forward for up to three years following the year in which the charitable donations are made for future deduction.

Management fees paid between enterprises, rental and royalty fees paid between business units of an enterprise, and interest paid between business units of nonbank enterprises are not deductible. Interest paid on related-party borrowing that does not meet debt-to-equity ratio rules (see Section E) may not be deductible. Other nondeductible expenses include the following:

- Sponsorship expenses
- Dividends and returns on equity investments
- Income tax payments including penalties and surcharges
- Donations not fulfilling prescribed requirements
- Provisions not yet approved
- Other expenses not related to production or business operations

For an establishment in China of an enterprise that is not a resident for tax purposes, reasonable expenses allocated from the overseas head office are deductible if these expenses are incurred by the head office for the production or business operations of such establishment and are supported by proper documents issued by the head office.

Inventories. For tax purposes, the cost of inventories is determined in accordance with the following rules:

- The cost of inventories that are paid for in cash is the sum of the purchase price and the related taxes and charges actually paid.
- The cost of inventories that are not paid for in cash is determined based on the fair market value of the consideration and the related taxes and charges actually paid.
- The cost of agricultural products generated from biological assets (for example, animals or woods) is determined based on the necessary raw material, labor and relevant overhead expenditure actually incurred.

Cost may be determined on a first-in, first-out (FIFO), weighted average, or specific identification basis. The last-in, first-out (LIFO) basis is not acceptable for tax purposes. The method chosen must be applied consistently.

Provisions. Provisions that have not been approved by the tax authorities are generally not deductible. These include various provisions and allowances for asset impairment and risk reserves.

Tax depreciation. Depreciation of tangible assets is generally computed using the straight-line method. The following are minimum useful lives for various assets.

Asset	Years
Buildings and structures	20
Aircraft, trains, vessels, machinery, equipment and other production plants	10
Appliances, tools, furniture and other assets related to production and business operations	5
Means of transport other than aircraft, trains and vessels	4
Electronic equipment	3
Productive biological assets in the nature of trees	10
Productive biological assets in the nature of livestock	3
Acquired software (subject to approval)	2

Accelerated depreciation is allowed with respect to certain fixed assets subject to rapid technological obsolescence and fixed assets exposed to constant shock and erosion. A qualified company can follow either the general depreciation rule or the accelerated depreciation rule.

Enterprises engaging in six specific industries may adopt a shortened depreciation life or accelerated depreciation method for corporate income tax purposes for fixed assets acquired on or after 1 January 2014. An additional four specific industries were added to the list, and enterprises in these industries are eligible to choose either a shortened depreciation life or accelerated depreciation method, effective from 1 January 2015.

Effective from 1 January 2019, the industry scope of accelerated depreciation for fixed assets is further extended to the whole manufacturing industry, instead of restricting it to the six and four industries referred to above.

Small and micro-sized enterprises engaging in the 10 specific industries mentioned above can claim a deduction for corporate income tax purposes in the year of acquisition for the cost of devices and equipment with a unit value not exceeding CNY1 million that are acquired on or after 1 January 2014 and used for R&D, as well as for production and business operations; these enterprises are no longer required to depreciate the fixed assets mentioned above over their useful lives. (For accounting purposes, the entire cost must still be depreciated over several years in accordance with accounting rules.) For those fixed assets with a unit value exceeding CNY1 million, the above enterprises may adopt a shortened depreciation life or accelerated depreciation methods for corporate income tax purposes.

Enterprises in various industries can claim a deduction for corporate income tax purposes in the year of acquisition for the cost of devices and equipment with a unit value not exceeding CNY1 million that are acquired on or after 1 January 2014 and used for R&D purposes only; these enterprises are no longer required to depreciate these fixed assets over their useful lives. (For accounting purposes, the entire cost must still be depreciated over several years in accordance with accounting rules.) For fixed assets with a unit value exceeding CNY1 million, the above enterprises may adopt a shortened depreciation life or accelerated depreciation methods for corporate income tax purposes.

Enterprises in various industries can claim a deduction for corporate income tax purposes in the year of acquisition for the cost of

fixed assets with a unit value not exceeding CNY5,000. Enterprises are no longer required to depreciate these fixed assets over their useful lives. (For accounting purposes, the entire cost must still be depreciated over several years in accordance with accounting rules.)

Effective from 1 January 2018 to 31 December 2023, an enterprise may claim a deduction for corporate income tax purposes in the year of acquisition for the cost of newly acquired equipment or appliances (referring to any fixed assets except for real estate or constructions) if the unit value of the equipment or appliance does not exceed CNY5 million. (For accounting purposes, the entire cost must still be depreciated over several years in accordance with accounting rules.) If an enterprise acquires any equipment or appliance with a unit value exceeding CNY5 million, the taxpayer may still choose the general depreciation method or the accelerated depreciation methods according to the old tax rules mentioned above.

Intangible assets, including technical know-how, patents and trademarks, are amortized over the contractual term or over a period of no less than 10 years if a time period is not specified. Self-developed goodwill cannot be amortized or deducted. Acquired goodwill is deductible only if the entire business is transferred or liquidated.

Micro, small and medium-sized enterprises may voluntarily opt for pre-tax deduction at a certain percentage of the unit value of equipment and appliances that are newly acquired during the period from 1 January 2022 to 31 December 2022 with a unit value of CNY5 million or above for corporate income tax purposes. Specifically, for equipment and appliances with a minimum depreciation period of three years as stipulated in the Implementation Regulations for the Corporate Income Tax Law, 100% of the unit value of such equipment and appliances may be deducted on an one-off basis for the current year; and for equipment and appliances with a minimum depreciation period of four, five or 10 years, 50% of the unit value of such equipment and appliances may be deducted on an one-off basis for the current year, and the remaining 50% may be depreciated in the remaining years pursuant to the provisions for pre-tax deduction.

Relief for losses. Tax losses may be carried forward for up to five years. Effective from 1 January 2018, qualifying HNTEs and technology-based small and medium-sized enterprises may carry forward for 10 years for future deduction the losses incurred in the five years preceding the year in which the enterprises gain the qualification, to the extent that the losses have not yet been offset. Carrybacks are not allowed.

Groups of companies. In general, consolidated returns of enterprises are not allowed, and all companies must file separate tax returns, unless specifically approved by government authorities. Tax resident enterprises in China must adopt combined filing for units (branches and establishments without legal person status) operating in different areas of China. On approval by the relevant tax authorities, nonresident enterprises that have two or more establishments in China may select a main establishment to file a combined tax return.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT)	
Standard rate (rate implemented from 1 April 2019)	13
Rate on specified products (primarily basic necessities), agricultural products and utility services (rate implemented from 1 April 2019)	9
Nationwide VAT pilot reform, effective from 1 May 2016, with expanded scope to cover the construction industry, real estate industry, finance industry and lifestyle services industry (China Business Tax has been phased out)	
Leasing of tangible properties (rate implemented from 1 April 2019)	13
Transportation services, postal services, basic telecommunication services, construction services, immovable property (operating and financial) leasing services, sales of immovable property and transfers of land-use rights (rate implemented from 1 April 2019)	9
Modern services (including R&D and technology services, information and technology services, cultural and creative services, logistics auxiliary services, verification and consulting services, radio, film and television services, business supporting services and other modern services), value-added telecommunication services, financial services (including loan services, financial services with direct service charges, insurance services and trading of financial instruments), lifestyle services (including cultural and sports services, education and medical services, tourism and entertainment services, catering and accommodation services, residents, daily services and other life services) and sales of intangible assets other than land-use rights	6
Other reduced levy rates (applicable to small-scale VAT payers other than those in the real estate industry and the construction industry [3%] or general VAT payers in the real estate industry and construction industry who choose to adopt the simplified computation method [5%]; a levy rate of 5% can be chosen for the supply of certain services)	3/5
Temporarily reduced levy rate (applicable to small-scale VAT payers; currently effective until the end of 2027)	1
International transportation and space transportation services, some specific cross-border VAT-payable supplies conducted by domestic entities or individuals for overseas entities that are consumed entirely outside China (the entities or individuals can elect the VAT exemption instead of the 0% rate)	0

Nature of tax	Rate (%)
(VAT previously paid on the purchase of raw materials, parts and taxable services that are used in the production of export goods or in the provision of certain export services is refundable; applicable refund rates depend on types of goods or services that are exported.)	
Postal and collection and delivery services and insurance services provided for the exportation of goods, specified supplies of services and intangible assets that are provided to foreign entities and consumed entirely outside China, international transportation services provided by non-transport operating carriers (transportation operators that enter into transportation service agreements with their customers, charging freight and assuming carriers' responsibilities, and then subcontract the transportation services to real carriers that perform the transportation services for the customers), financial services with direct service charges provided between foreign entities that are not related to any goods, intangible assets or real estate in China;	Exempt
Consumption tax (CT); on the production and importation of certain luxury items, such as cigarettes (including e-cigarettes), gasoline, alcoholic beverages, jewelry, high-end cosmetics (including high-end beauty and makeup cosmetics, high-end skin care cosmetics and cosmetics sets), motor vehicles, motor vehicle tires, golf balls and equipment, luxury watches and yachts	Various
Real property gains tax; imposed on real property transfers (after various deductions)	30 to 60
City construction tax (CCT); based on indirect taxes (including VAT and CT) actually paid (effective from 1 September 2021, no CCT is due for the imported supply of services)	
Taxpayers located in urban areas	7
Taxpayers located in county or township areas	5
Taxpayers located in rural areas	1
Education surcharge (ES); based on indirect taxes (including VAT and CT) actually paid (effective from 1 September 2021, no ES is due for the imported supply of services)	3
Local education surcharge (LES); based on indirect taxes (including VAT and CT) actually paid (effective from 1 September 2021, no LES is due for the imported supply of services)	2

E. Miscellaneous matters

Foreign-exchange controls. In general, the Chinese government permits the free convertibility of current account items of China incorporated enterprises. Current account items are defined as transactions occurring daily that involve international receipts and payments. Current account foreign-exchange receipts and payments include trading receipts and payments, service receipts

and payments, unilateral transfers and dividends paid from after-tax profits.

In addition, China has been further relaxing its foreign-exchange controls in phases by permitting settlement in renminbi yuans (CNY) for all cross-border transactions that were allowed to be settled in foreign currency, including cross-border trades in commodities, services and other current account items, as well as certain capital account items, on a nationwide basis and then extending the CNY settlement to both inbound and outbound transactions. Remittances of dividends to foreign investors and other items including income derived from share transfers, capital reductions, liquidations and early withdrawals of investments may be settled in renminbi yuans.

Remittances of dividends and profits. Remittances of after-tax profits or dividends to foreign investors in FIEs must be supported by written resolutions of the board of directors and audited financial statements, and may not be made until a tax record filing form is issued by the tax authorities.

Remittances of interest and principal. Interest payments on foreign loans are considered current account items. In general, after performing a tax-record filing with the tax authorities, these payments may be made through the enterprise's special foreign-exchange bank account or through conversion at designated foreign-exchange banks.

Since 13 May 2013, enterprises are not required to submit any formal application to the State Administration for Foreign Exchange (SAFE) for the approval of principal repayments. In general, the enterprise may repay the principal from its special foreign-exchange bank account or through conversion at designated foreign-exchange banks. Since 23 October 2019, non-bank debtors are not required to perform foreign loans de-registration (to indicate the termination of foreign debt) at the local SAFE. Such de-registration of the foreign loans can be performed at designated foreign-exchange banks in the same location. In the meantime, nonfinancial enterprises in the pilot areas (the Guangdong-Hong Kong-Macao Greater Bay Area and Hainan province) are not required to register foreign loans with the local SAFE on a case-by-case basis.

Remittances of royalties and fees. Instead of applying for tax clearance for settling outbound payments that exceed USD50,000, effective from 1 September 2013, enterprises can file a record with the in-charge tax authorities by submitting copies of contracts (stamped by the official seal) together with registration forms before making payments of royalties and fees, either out of the enterprise's special foreign-exchange bank account or through currency conversion and payment at a designated foreign-exchange bank. With respect to royalties, the investor may determine and enjoy the treaty benefits when filing a tax return or making a withholding declaration through a withholding agent, and accept the subsequent post-filing administration from the in-charge tax authorities. Proper documentation (such as royalty agreements, invoices and other tax and business documents) is required for all payments of royalties and fees.

Debt-to-equity requirements. Foreign debt quota (including both the debt borrowed from related parties or from third parties) can be either the difference between the total investment and registered capital (refer to the following corporate law requirements) or no more than 2.5 times the net asset value effective from 11 March 2020. In general, FIEs can select one method and it cannot be changed randomly. If the latter method is selected, the FIE must provide the local SAFE with audited financials to support the net asset value.

For FIEs in China, the following debt-to-equity ratios are applicable for the purpose of obtaining foreign-currency loans from foreign parties (including foreign related parties) and meeting corporate law requirements:

- For investment projects of up to USD3 million, the capital contribution must equal or exceed 70% of the total investment.
- For investment projects of over USD3 million but not exceeding USD10 million, the minimum capital requirement is 50% of the total investment, but not less than USD2,100,000.
- For investment projects of over USD10 million but not exceeding USD30 million, the minimum capital requirement is 40% of the total investment, but not less than USD5 million.
- For investment projects in excess of USD30 million, the minimum capital requirement is 33.3% of the total investment, but not less than USD12 million.

The New Law provides for a separate set of debt-to-equity rules for tax purposes. Subject to certain exceptions, in general, the debt-to-equity ratio for financial institutions is 5:1 and the ratio for non-financial institutions is 2:1. The interest expense on funds loaned by a related party that exceed the maximum debt calculated under the debt-to-equity ratio is not deductible for tax purposes.

In addition, the deduction of expenses on a loan from an investor may be limited if the investor has not yet paid up its committed investment capital. The nondeductible interest expense is calculated by apportioning the total interest expenses based on the ratio of the outstanding capital commitment to the total loan balance.

Transfer pricing. China has introduced transfer-pricing rules under which all amounts paid or charged in business transactions between related parties must be determined based on an arm's-length standard. If the parties fail to meet this requirement, the tax bureau may make reasonable adjustments by using one of the following methods:

- Comparable uncontrolled price (CUP)
- Resale price method (RPM)
- Cost-plus method (CPM)
- Transactional net margin method (TNMM)
- Profit split method (PSM)
- Other methods, including asset valuation methods, such as the cost-based method, market-based method and income-based method, and other methods that are consistent with the arm's-length principle

On 29 June 2016, the State Taxation Administration (STA) issued STA Notice [2016] No. 42 (Bulletin 42), replacing the following

items of 2009's Implementation Measures for Special Tax Adjustments (Trial Version; Guoshuifa [2009] No. 2 (Circular 2):
- Chapter 2: Related-Party Transaction (RPT) Reporting
- Chapter 3: Documentation Requirements
- Article 74: Cost Sharing Agreements (CSAs) Documentation
- Article 89: Thin Capitalization Documentation

It also replaced the Annual RPT Forms of Enterprises of the People's Republic of China (Guoshuifa [2008] No. 114), governing RPT disclosure in annual income tax filings. The provisions in Bulletin 42 apply for the 2016 fiscal year and thereafter.

Chinese enterprises must disclose RPTs in RPT forms, which should be submitted to the in-charge tax bureau together with the annual tax return by the due date for the annual return (that is, before 31 May of the following year).

Bulletin 42 replaces Circular Guoshuifa [2008] No. 114 and introduces significant new disclosure requirements with respect to RPTs. The major changes introduced by Bulletin 42 are described below.

RPT forms disclosure. Bulletin 42 increases the number of disclosure forms from 9 to 22, including the following:
- Reporting Entity Information Form
- Summary of Annual Related Party Transaction Forms
- Related Party Relationship Form
- Ownership Transfer of Tangible Asset Transaction Form
- Ownership Transfer of Intangible Asset Transaction Form
- Use Right Transfer of Tangible Asset Transaction Form
- Use Right Transfer of Intangible Asset Transaction Form
- Financial Assets Transaction Form
- Financing Transaction Form
- Related Party Service Transaction Form
- Equity Investment Form
- CSA Form
- Outbound Payment Form
- Overseas Related Party Information Form
- Financial Analysis Form of Annual Affiliated Transactions between Enterprises (unconsolidated)
- Financial Analysis Form of Annual Affiliated Transactions between Enterprises (consolidated)
- Three forms related to Country-by-Country Reporting (CbCR) (the CbCR forms need to be completed in both Chinese and English)

Documentation structure. Bulletin 42 adopts the three-tiered documentation structure set out in the final reports under Action 13 of the Organisation for Economic Co-operation and Development (OECD) Base Erosion and Profit Shifting (BEPS) Action Plan.

This structure consists of a CbCR (disclosed as part of the RPT Forms), a Master File and a Local File. In addition, special item files are required for taxpayers entering or implementing CSAs or falling under the thin-capitalization requirements.

Taxpayers that meet the conditions outlined below need to prepare a Master File and a Local File.

A Master File is required if annual RPTs exceed CNY1 billion, or if any cross-border RPTs occur and the entity's ultimate parent already prepares a Master File.

A Local File is required if RPTs during the year meet any of the following conditions:

- Annual RPTs of physical goods exceed CNY200 million (in the case of toll manufacturing [toll manufacturing refers to an arrangement under which raw materials or component parts are mainly purchased in the name of a foreign principal for use by a Chinese manufacturer in the production of finished goods], the value is based on annual import and export prices for customs purposes)
- Annual RPTs involving the transfer of financial assets exceed CNY100 million
- Annual RPTs involving the transfer of rights to intangibles exceed CNY100 million
- Annual RPTs of other types (for example, related-party service transactions, royalties for use of intangibles and related-party financing transactions) in aggregate exceed CNY40 million

Taxpayers that only deal with domestic related parties can be exempted from preparing the Master File, the Local File and any special item file.

Local Files and special item files are not required for RPTs that are covered under an Advance Pricing Agreement (APA). Furthermore, the amount of these covered transactions is not included when calculating Local File thresholds.

Bulletin 42 provides that resident enterprises that meet one of the following criteria should submit CbCR:

- The resident enterprise is the ultimate parent company of the multinational enterprise group, and total revenue of all kinds from the last fiscal year's consolidated financial statement was over CNY5,500,000,000.
- The resident enterprise is designated to submit CbCR by the multinational enterprise group.

If multinational enterprises are required to prepare CbCR according to relevant provisions of other countries' laws, the Chinese tax authorities can ask for CbCR from the Chinese subsidiaries when undertaking a special tax investigation under the following circumstances:

- The multinational enterprise has not submitted a CbCR to any country.
- The multinational enterprise has submitted a CbCR to another country, but China has not established an Information Exchange Mechanism with that country.
- The multinational enterprise has submitted a CbCR to another country, and China has established an Information Exchange Mechanism with that country, but CbCR has not in fact been successfully exchanged with China.

Bulletin 42 stipulates the deadline for the Master File is 12 months after the close of the financial year of the ultimate parent company; the deadline for the Local File and any special item file is 30 June of the year following the close of the financial year.

Bulletin 42 provides that contemporaneous documentation should be submitted to the tax authorities within 30 days on the request of the tax authorities.

Taxpayers may apply for APAs in China. An APA is an agreement between a taxpayer and one or more tax authorities regarding how transfer prices will be calculated in the future. Effective from 1 December 2016, STA Notice [2016] No. 64 (Notice 64) governs the administration of APAs in China. The APA process has the following six steps:

- Pre-filing meeting
- Intention discussion
- Analysis and evaluation
- Formal application
- Negotiation and conclusion of the arrangement
- Execution monitoring

In contrast to Circular 2, Notice 64 does not allow the pre-filing meeting to be anonymous and does not specify the time periods between each of the steps. It is noteworthy that extensive interactions between the taxpayer and the tax authorities occur well before the APA application is formally accepted. Taxpayers must be prepared to perform significant analysis and provide extensive documentation during the process.

Notice 64 makes numerous references to the analysis of the value chain and of Location Specific Advantages (LSAs), such as location savings and market premiums. This is in keeping with the contemporaneous documentation requirements that the STA put in place under Bulletin 42. Notice 64 provides that the role of LSAs is one of the topics for discussion at pre-filing meetings. Both value-chain analysis and analysis of LSAs are required elements of the draft application materials submitted before the intention discussion.

To further promote APAs, the STA issued STA Notice [2021] No. 24 (Notice 24), "Simplified Procedures for Unilateral Advance Pricing Arrangements," on 26 July 2021. Notice 24 entered into force on 1 September 2021. Notice 24 provides a simplified procedure for a unilateral APA in which the tax authorities should decide whether to accept the application within 90 days, and once accepted, the tax authorities should complete the negotiation within six months (excluding the additional time that may be needed for collecting further information).

On 17 March 2017, the STA issued STA Notice [2017] No. 6 (Notice 6), "Supervisory Measures for Special Tax Investigation Adjustments and Mutual Agreement Procedures." Notice 6 entered into force on 1 May 2017.

Notice 6 contains long-awaited guidance on the application of the arm's-length principle, including guidance with respect to intangible property transactions, intercompany service transactions, location-specific advantages, transfer-pricing methods and various procedural matters. Detailed guidance on mutual agreement procedures (MAPs) under double taxation treaties is provided.

Notice 6 reflects the importance that the STA places on double taxation treaties and on the international consensus that has developed over the course of the BEPS project led by the OECD.

Notice 6 moves Chinese transfer-pricing rules and proposed rules into closer alignment with the new international standards developed during the BEPS project in a number of aspects.

Anti-avoidance rules. The general anti-avoidance rules (GAAR) apply to transactions if the transactions may be considered to have been undertaken or arranged primarily for other than bona fide purposes and if the sole and dominant purpose for a company to enter into such transactions was the obtaining of tax benefits. The Administration Measures of GAAR, which are procedural guidelines on the application of the GAAR, are effective from 1 February 2015.

Controlled foreign corporations. The corporate income tax law contains controlled foreign corporation (CFC) rules, which are designed to counter income deferral strategies. A resident company that holds an interest in a CFC incorporated in a jurisdiction with an effective tax rate of lower than 12.5% may be taxed on its share of profits of the CFC, regardless of whether a dividend has been declared. A nonresident company is considered to be controlled by a China resident company if either of the following conditions is satisfied:

- The China resident company directly or indirectly holds 10% or more of the voting shares in the nonresident company and jointly holds an interest of 50% or more in the nonresident company.
- The China resident company exercises effective control over the nonresident company by means of shares, capital, business operations, purchases and sales or other mechanisms.

China has issued an approved list showing jurisdictions that are not subject to CFC rules, including Australia, Canada, France, Germany, India, Italy, Japan, New Zealand, Norway, South Africa, the United Kingdom and the United States. The CFC rules do not apply if one of the following conditions is satisfied:

- The CFC is located in one of the jurisdictions in the approved list.
- The CFC carries out substantial and positive business activities.
- The CFC reports an annual profit of CNY5 million or less.

F. Treaty withholding tax rates

The following table provides Chinese withholding tax rates for dividends, interest and royalties paid from Mainland China to residents of various treaty jurisdictions and arrangement jurisdictions (Hong Kong and Macau Special Administrative Regions [SARs]). The rates reflect the lower of the treaty rate and the rate under domestic law. The following table is for general guidance only.

	Dividends %	Interest %	Royalties %
Albania	10	10	10
Algeria	5/10 (a)	7	10
Angola	5/8 (b)	8	8
Armenia	5/10 (a)	10	10
Australia	10	10	10
Austria	7/10 (d)	7/10 (h)	6/10 (i)
Azerbaijan	10	10	10
Bahrain	10	10	10
Bangladesh	10	10	10

	Dividends %	Interest %	Royalties %
Barbados	5/10 (a)	10	10
Belarus	10	10	10
Belgium	5/10 (f)	10	7
Botswana	5	7.5	5
Brazil	10	10	10
Brunei Darussalam	5	10	10
Bulgaria	10	10	7/10 (k)
Cambodia	10	10	10
Canada	10	10	10
Chile	10	4/5/10 (t)	2/10 (u)
Congo (Republic of)	5/10 (a)	10	5
Croatia	5	10	10
Cuba	5/10 (a)	7.5	5
Cyprus	10	10	10
Czech Republic	5/10 (a)	7.5	10
Czechoslovakia (m)	10	10	10
Denmark	5/10 (a)	10	7/10 (j)
Ecuador (r)	5	10	10
Egypt	8	10	8
Estonia	5/10 (a)	10	10
Ethiopia	5	7	5
Finland	5/10 (a)	10	7/10 (j)
France	5/10 (a)	10	6/10 (i)
Georgia	0/5/10 (e)	10	5
Germany	5/10/15 (p)	10	6/10 (i)
Greece	5/10 (a)	10	10
Hong Kong SAR	5/10 (a)	7	5/7 (s)
Hungary	10	10	10
Iceland	5/10 (a)	10	7/10 (j)
India	10	10	10
Indonesia	10	10	10
Iran	10	10	10
Ireland	5/10 (c)	10	6/10 (i)
Israel	10	7/10 (h)	7/10 (j)
Italy	10	10	7/10 (j)
Jamaica	5	7.5	10
Japan	10	10	10
Kazakhstan	10	10	10
Korea (South)	5/10 (a)	10	10
Kuwait	5	5	10
Kyrgyzstan	10	10	10
Laos	5	10	10
Latvia	5/10 (a)	10	7
Lithuania	5/10 (a)	10	10
Luxembourg	5/10 (a)	10	6/10 (i)
Macau SAR	5/10 (a)	7	5/7 (s)
Malaysia	10	10	10
Malta	5/10 (a)	10	7/10 (j)
Mauritius	5	10	10
Mexico	5	10	10
Moldova	5/10 (a)	10	10
Mongolia	5	10	10
Morocco	10	10	10
Nepal	10	10	10
Netherlands	5/10 (a)	10	6/10 (i)
New Zealand	5/10	10	10

	Dividends %	Interest %	Royalties %
Nigeria	7.5	7.5	7.5
North Macedonia	5	10	10
Norway	10	10	10
Oman	5	10	10
Pakistan	10	10	10
Papua New Guinea	10	10	10
Philippines	10	10	10
Poland	10	10	7/10 (j)
Portugal	10	10	10
Qatar	10	10	10
Romania (q)	3	3	3
Russian Federation	5/10 (v)	0	6
Rwanda	7.5	8	10
Saudi Arabia	5	10	10
Seychelles	5	10	10
Singapore	5/10 (a)	7/10 (h)	6/10 (i)
Slovenia	5	10	10
South Africa	5	10	7/10 (j)
Spain	5/10 (x)	10	10
Sri Lanka	10	10	10
Sudan	5	10	10
Sweden	5/10 (a)	10	7/10 (j)
Switzerland	5/10 (a)	10	9
Syria	5/10 (a)	10	10
Tajikistan	5/10 (a)	8	8
Thailand	10	10	10
Trinidad and Tobago	5/10 (a)	10	10
Tunisia	8	10	5/10 (l)
Türkiye	10	10	10
Turkmenistan	5/10 (a)	10	10
Ukraine	5/10 (a)	10	10
United Arab Emirates	7	7	10
United Kingdom	5/10 (a)	10	6/10 (i)
United States	10	10	7/10 (j)
Uzbekistan	10	10	10
Venezuela	5/10 (b)	5/10 (g)	10
Vietnam	10	10	10
Yugoslavia (o)	5	10	10
Yugoslavia (former) (n)	10	10	10
Zambia	5	10	5
Zimbabwe	2.5/7.5 (w)	7.5	7.5
Non-treaty jurisdictions	10	10	10

(a) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the capital of the company paying the dividends. The 10% rate applies to other dividends.

(b) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the capital of the company paying the dividends. The higher rate applies to other dividends.

(c) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the voting shares of the company paying the dividends. The 10% rate applies to other dividends.

(d) The 7% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the voting shares of the company paying the dividends. The 10% rate applies to other dividends.

(e) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 50% of the capital of the company paying the dividends and that has invested more than EUR2 million in the capital of the company paying the dividends. The 5% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 10% of the capital of the company paying the dividends and that has invested more than EUR100,000 in the capital of the company paying the dividends. The 10% rate applies to other dividends.

(f) The 5% rate applies if the beneficial owner of the dividends is a company that, before the moment of the payment of the dividends, directly held for an uninterrupted period of at least 12 months at least 25% of the capital of the company paying the dividends. The 10% rate applies to other dividends.

(g) The 5% rate applies to interest paid to banks. The 10% rate applies to other interest payments.

(h) The 7% rate applies to interest paid to banks or financial institutions. The 10% rate applies to other interest payments.

(i) Payments for the use of industrial, commercial or scientific equipment are taxed on the basis of 60% of the gross payments. Consequently, the effective rate for such payments is 6%.

(j) Payments for the use of industrial, commercial or scientific equipment are taxed on the basis of 70% of the gross payments. Consequently, the effective rate for such payments is 7%.

(k) The 7% rate applies to royalties paid for the use of, or the right to use, industrial, commercial and scientific equipment. The 10% rate applies to other royalties.

(l) The 5% rate applies to royalties paid for technical or economic studies or for technical assistance. The 10% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works including cinematographic films, films or tapes for radio or television broadcasting, patents, trademarks, designs or models, plans, or secret formulas or processes, or for the use of, or the right to use, industrial, commercial or scientific experience.

(m) China is honoring the Czechoslovakia treaty with respect to the Slovak Republic until a new treaty is signed.

(n) After the partition of the former Yugoslavia, China is honoring the double tax treaty with the former Yugoslavia with respect to Bosnia and Herzegovina.

(o) China entered into a treaty with the Federal Republic of Yugoslavia. It has been indicated that China considers Serbia to have inherited the Yugoslavia treaty and that China is also honoring the treaty with respect to Montenegro. However, it is suggested that taxpayers check with the relevant tax authorities before relying on this treaty.

(p) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the capital of the company paying the dividends. The 15% rate applies if the dividends are paid out of income or gains derived directly or indirectly from immovable property and such income or gains from such immovable property is exempted from tax. The 10% rate applies to other dividends.

(q) The tax treaty with Romania entered into force on 4 July 2016 and applies to income derived on or after 1 January 2018.

(r) On 10 March 2014, the STA released STA Announcement [2014] No. 16, which announced that the new tax treaty with Ecuador and its protocol, which were signed on 21 January 2013, entered into force on 6 March 2014. The Ecuador treaty and its protocol apply to income derived on or after 1 January 2015. The withholding tax rates under the new treaty are reflected in the table. In addition, the protocol states that the term "interest" also includes other income treated as income from money lent by the tax law of the contracting state in which the income arises if the income is from some type of debt-claim. In the case of divergence of interpretation, the contracting states must resort to the mutual-agreement procedure.

(s) The 5% rate applies to royalties paid to aircraft and ship leasing businesses. The 7% rate applies to other royalties.

(t) The 4% rate applies to interest paid to banks, insurance companies and other financial institutions. The 5% rate applies to interest derived from bonds or securities that are regularly and substantially traded on a recognized securities market. The 10% rate applies to other interest payments.

(u) The 2% rate applies to royalties for the use of, or the right to use, industrial, commercial or scientific equipment. The 10% rate applies to other royalties.

(v) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the capital, valued at least EUR80,000, of the company paying the dividends. The 10% rate applies to other dividends.

(w) The 2.5% rate applies if the beneficial owner of the dividends is a company that controls directly or indirectly at least 25% of the company paying the dividends. The 7.5% rate applies to other dividends.

(x) The 5% rate applies if the beneficial owner is a company that holds directly at least 25% of the capital of the company paying the dividends throughout 365 days, which includes the day of the payment of the dividend. The 10% rate applies to other dividends.

Mainland China has signed tax treaties with Uganda (11 January 2012), Kenya (21 September 2017), Gabon (1 September 2018), Argentina (2 December 2018), Italy (23 March 2019), Norway (12 May 2023), Senegal (17 October 2023) and Cameroon (17 October 2023), but these treaties have not yet been ratified. On 25 August 2015, Mainland China signed a double tax agreement with Taiwan, which has not yet been ratified.

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A. At a glance

Corporate Income Tax Rate (%)	35 (a)
Capital Gains Tax Rate (%)	15
Branch Tax Rate (%)	35 (a)
Withholding Tax (%)	
Dividends	0/10/20 (b)
Interest	0/5/15/20 (c)
Royalties	20
Technical Services, Technical Assistance and Consulting Services	20
Management and Direction (Overhead) Charges	33
Branch Remittance Tax	20 (d)
Net Operating Losses (Years)	
Carryback	0
Carryforward	12 (e)

(a) The general corporate income tax rate is 35%. Some surtaxes can apply to certain companies, such as some financial institutions and the like (five percentage points until 2027, for a total of 40%), some companies engaged in the power generation from hydric resources (3 percentage points until 2026 for a total of 38%), oil companies (between 0 and 15 percentage points for a total of 35% to 50%) and coal mining companies (between 0 and 10 percentage points for a total of 35% to 45%).

(b) Dividends paid to nonresidents are subject to a 20% dividend withholding tax. In the case of dividends paid to resident individuals, the effective dividend tax rate is between 0% to 20% depending on the amount distributed (and after some tax credits are applied to cap the rate up to 20%). Distributions made out of pre-2017 accumulated profits are not subject to this dividend tax. In addition, if the dividends are paid out of profits that were not subject to income tax at the corporate level, a recapture tax applies at a rate of 35%; in this case, for nonresidents, the 20% dividend tax is applied to the amount of the distribution after it is reduced by the recapture tax. A 10% dividend withholding tax on distributions between Colombian companies applies (for further details, see *Dividends* in Section B).

(c) Interest paid or accrued on loans payable to foreign entities is generally subject to a 20% withholding tax. Interest paid on loans that have a term equal or greater than one year is subject to a 15% withholding tax. Interest paid on loans that have a term equal or greater than eight years and that are related to certain infrastructure projects are subject to a 5% withholding tax. Interest paid by Colombian financial institutions and interest paid by Colombian residents to foreign entities with respect to certain international trade operations are deemed to be foreign-source income and are accordingly exempt from withholding tax. Certain qualified loans executed before 31 December 2010 do not generate Colombian-source income. As a result, interest on such loans is exempt from withholding tax.

(d) The remittances of profits out of a branch are subject to the same tax treatment as dividends. Consequently, if the distribution is made out of profits that were not subject to tax at the entity level, a recapture tax applies at a rate of 35%). In this case, the dividend tax (20%) is applied to the amount of the distribution after it is reduced by the recapture tax.

(e) For net operating losses generated until 2016, a grandfathering rule allows an unlimited carryforward.

B. Taxes on corporate income and gains

Corporate income tax. National corporations are taxed on worldwide income and capital gains. National corporations are corporations that have their principal domicile in Colombia or

are organized under Colombian law or that during the respective tax year or period have their effective place of management in Colombia. Beginning in 2023, to determine the effective place of management, taxpayers should consider the place where day-to-day activities of the legal entity are developed by its managers.

Foreign companies that obtain more than 80% of their income (other than passive income) in the jurisdiction of incorporation are not considered to have their effective place of management in Colombia. These companies are known as "80% Foreign Income Companies." Foreign companies that have issued stock or bonds in the Colombian stock exchange or in a recognized foreign stock exchange are not considered to have their effective place of management in Colombia. The subsidiaries of such companies are also not considered to have their effective place of management in Colombia to the extent they are consolidated in the financial statements of its parent; however, such subsidiaries can elect to be treated as a national corporation unless they are 80% Foreign Income Companies.

Branches of foreign corporations and permanent establishments are taxed on attributable worldwide income and capital gains. Attribution is generally based on accounting records, which should be supported by an analysis of functions, assets, risks and personnel.

Indirect transfers of Colombian assets or shares are subject to income tax in Colombia if the Colombian assets or shares account for 20% or more of the book value and/or the fair market value of the assets of the foreign entity that is being transferred.

Corporate income tax rates. The standard corporate income tax rate is 35%. Financial institutions, insurance and reinsurance entities, stockbrokers, among others, with taxable income of more than 120,000 tax units (approximately USD1,448,000) are subject to a tax surcharge of five percentage points until 2027 (combined nominal rate of 40%). Companies devoted to power generation from hydric resources with taxable income higher than 30,000 tax units (approximately USD362,000), including the taxable income from related parties, are subject to a surtax of three percentage points (combined nominal rate of 38%) until 2026. Companies receiving income derived from the development of certain extraction activities of non-renewable resources, and whose taxable income is higher than 50,000 tax units (approximately USD603,000), including the taxable income of related parties, are subject to the following permanent surtax:

- Zero to 15 percentage points for oil companies (combined nominal rate from 35% to 50%)
- Zero to 10 percentage points for coal mining companies (combined nominal rate from 35% to 45%)

The surtax applicable depends on the average price of the product in the year in which the calculation is made, in comparison with the average coal or oil prices within the 10 years prior to the year in which the surtax is determined.

Foreign companies receiving Colombian-source income that is not attributable to a branch office or permanent establishment and that is not fully taxable through withholding tax are generally subject to the standard income tax rate.

A reduced corporate income tax rate of 20% applies to legal entities qualified as Industrial Users of Goods and/or Services in a free-trade zone. Beginning in 2024, industrial users of the free-trade zone will keep benefiting from the 20% tax rate in relation to income derived from exportation of goods or services and to the extent they have agreed on an internationalization plan (with certain exportation targets). However, a 35% rate will apply to income derived from other types of activities. For industrial users that, for 2022, obtained a 60% increase on their gross income, compared with its 2019 gross income, the 20% rate over their income should apply until 2025. Based on a Constitutional Court decision of 2023, industrial users that complied with the requirements to apply the reduced corporate income tax rate before 13 December 2022 should have a grandfathering treatment to keep applying the reduced corporate income tax rate to local sales income (not only to exportation income). Commercial Users in a free-trade zone are subject to the general corporate income tax rate.

Subject to certain conditions and requirements, a special reduced rate of 15% applies to certain activities, such as hotel services, ecotourism parks and/or agritourism parks, services provided in new or refurbished hotels, parks development in certain municipalities, and publishing companies that fulfill certain requirements.

Reduced and gradual corporate income tax rates (8.75% to 26.25%) are available until 2027 for some companies whose main domicile and whole activity is carried out in zones most affected by armed conflict (ZOMAC). Also, reduced and gradual rates (0% to 17.5%) apply to companies whose main domicile and whole activity is carried out in so-called Special Economic and Social Zones (ZESE) and generate certain increases in employment. It is still possible to apply for a ZESE benefit in certain municipalities until the end of 2024.

Certain tax credits are available (see *Foreign tax relief*).

Colombian Holding Company regime. The Colombian Holding Company (CHC) regime applies to Colombian entities as long as they comply with the following requirements:

- They hold at least 10% of the capital of two or more Colombian or foreign entities during at least 12 months.
- They have three or more employees and have human and material resources in Colombia.

To be included in the CHC regime, a request must be made to the tax authority.

Dividends distributed by foreign entities to CHCs are not taxed. When such dividends are distributed in turn by CHCs to Colombian residents, they are taxed, but when such dividends are distributed in turn to nonresidents, they are not taxed.

Income derived from the sale of shares or quotas in a CHC is generally exempt from income tax on the portion that relates to activities performed abroad. In addition, gain on the sale of foreign entities by the CHC is exempted in the hands of the CHC.

Minimum corporate income tax rate. Income taxpayers are subject to a 15% minimum tax rate (adjusted tax rate or ATR). The ATR

is determined based on the ratio between the adjusted income tax (AIT), which is based on the current tax with some adjustments, over the adjusted income (AI), which is based on the accounting profit with some adjustments calculated under local rules. If the ATR is lower than 15%, it should be adjusted to achieve the 15% rate. For companies that file consolidated financial statements in Colombia, the calculation of the ATR should be made at the level of the group, comparing the sum of the AIT with the sum of AI of the companies' part of the consolidation.

This rule does not apply to, among others, nonresidents, companies benefiting from the ZESE regime over the period in which such companies are subject to a 0% rate, companies benefiting from the ZOMAC regime, companies engaged exclusively in publishing activities, hotel services subject to a 15% tax rate and concession agreements. Companies with negative (a loss) in AI are not subject to minimum corporate income tax rate.

Capital gains. The following gains are considered capital gains, which are subject to tax at a rate of 15%:

- Gains on the transfer of fixed assets owned for more than two years
- Gains resulting from the receipt of liquidation proceeds of corporations in excess of capital contributed if the corporation existed for at least two years

Administration. The tax year is the calendar year.

Each year, the Colombian government sets the due dates for the filing of income tax returns and payment of taxes due. Tax payments are made in three installments between February and June for Large Taxpayers (large corporations, according to conditions set by the tax authorities) and in two installments between May and July for other legal entities.

Interest on the late payment of taxes is accrued at the daily effective rate of usury certified by the Superintendency of Finance for the consumption credits, less two points. A penalty for late filing is levied on the amount of tax assessed in the corresponding tax return at a rate of 5% or 10% for each month or a fraction thereof. The penalty for late filing cannot exceed 100% or 200% of the difference of the tax to be paid or the balance in favor, depending on the timing of the filing. The penalty for amending a return may be 10% or 20% of the difference between the amount shown on the original tax return and the correct amount, depending on the timing of the amendment.

Under certain circumstances, the applicable tax penalty can be reduced.

Dividends. Distributions of dividends to nonresidents are subject to dividends tax at a rate of 20%. Distribution of dividends to resident individuals are taxed at progressive income tax rates (up to 39%). However, a 19% tax credit on the value of the dividends would be granted (therefore, the dividends themselves would be subject to a tax rate of up to 20%). Distributions made out of pre-2017 accumulated profits are not subject to this dividend tax. A withholding tax from 0% to 15% is applicable to the amount of the distribution to resident individuals, which is creditable against the individual's income tax liability. A 10% dividend

withholding tax applies to distributions between Colombian companies. This dividend tax is charged only on the first distribution of dividends between Colombian entities and may be credited against the dividend tax due once the ultimate Colombian company (the last Colombian company in an ownership chain) makes a distribution to its shareholders (nonresident entity or individual shareholders or Colombian resident individual shareholders). The dividend tax on local distributions does not apply if the Colombian companies are part of an economic group or controlled companies duly registered with the Chamber of Commerce or if the distribution is to a Colombian entity qualifying for the new CHC regime.

In addition, if the dividend distribution is made out of profits that were not taxed at the entity level, the distribution is subject to withholding tax at the applicable corporate income tax rate of the specific period of the distribution (recapture tax). For 2024, the recapture tax rate is 35%. In this case, the 20% dividends tax applies to the distributed amount after it is reduced by the recapture tax. This results in a combined tax rate of 48%.

If the profits subject to tax at the corporate level in a given year are higher than the commercial profits of that year, the difference can be carried back for two years or carried forward for five years to offset the profits of such periods, in order to reduce or eliminate the amount of the distribution subject to the recapture tax. These periods have a duration of 10 years for taxpayers engaged in concession agreements or public-private associations.

Significant economic presence. From 2024, nonresidents with significant economic presence (SEP) in Colombia will be subject to 10% income tax withholding (unless another withholding tax rate applies) on the sale of goods and the provision of certain listed services (generally digital services) to Colombian customers and users, even if the nonresidents do not have any physical presence in the country. Nevertheless, the nonresident entity or individual may opt to assess its income tax liability at a 3% rate over the gross income. For such purposes, the nonresident should file an income tax return in Colombia.

SEP would be triggered if the following criteria are met:

- The nonresident entity has a deliberate and systematic interaction with the Colombian market. This type of interaction would be presumed to exist when the nonresident has interaction or marketing activities with more than 300,000 customers or users in Colombia during the prior year, or within the relevant tax year, or displays the price in Colombian pesos or allows the payments in Colombian pesos.
- The nonresident entity's gross income from transactions with customers in Colombia is higher than 31,300 tax units (approximately USD377,000) during the prior year or the current tax year.

If the activities in Colombia are developed by different related parties, the above criteria will consider the transactions of all related entities.

Double tax treaties generally prevent a trigger taxation under SEP. If Colombia signs an international agreement that forbids this form of taxation, the rules mentioned above would be

inapplicable from the tax year following the one when the international agreement enters into force (this rule is related with Pillar One of the Base Erosion and Profit Shifting (BEPS) 2.0 project of the Organisation for Economic Co-operation and Development [OECD]).

Foreign tax relief. For national corporations and resident individuals, a credit for foreign taxes paid on foreign-source income is granted, up to the amount of Colombian corporate income tax payable on the foreign-source income.

An indirect tax credit is also granted for foreign taxes paid on income at the level of the foreign company that is distributing corresponding dividends to Colombian shareholders or quota holders. This tax credit equals the amount resulting from the application of the effective income tax rate of the foreign company to the amount of distributed dividends. The sum of the direct tax credit and indirect tax credit may not exceed the corporate income tax payable in Colombia on such dividends.

To be entitled to the direct and indirect tax credit, the domestic taxpayer must prove that the corresponding tax was effectively paid in each relevant jurisdiction. In addition, for the indirect tax credit, the investments must be qualified as fixed assets for the taxpayer. Consequently, indirect tax credits cannot be claimed on portfolio investments.

The tax credit may be claimed in the tax year in which the foreign tax is paid or in any of the following years.

C. Determination of taxable income

General. Taxable income is determined in accordance with the following calculation: gross income, minus non-taxable income, returns, rebates and discounts, equals net income, minus costs and expenses, equals taxable income. In the first instance, such values must be determined in accordance with the Colombian generally accepted accounting principles, which generally follow International Financial Reporting Standards and are subject to several adjustments provided in the tax rules.

In general, to be deductible, expenses must be related to the activity that generates taxable income and must be proportional and necessary with respect to the productive activity of the taxpayer. Some limitations and prohibitions may apply to the deductibility of certain expenses.

In determining taxable income, taxpayers may deduct all paid taxes related to their economic activity, except for certain items such as the debit tax (only 50% is deductible, regardless of whether the tax relates to an income-producing activity) and the equity tax or the single-use plastic tax, which are not deductible.

Payments to entities resident outside Colombia are deductible if they meet the general rules above and, for expenses related to Colombian-source income, if the applicable withholding tax is paid. In general, if no withholding tax applies, the expenses are allowed as deductions, up to a maximum of 15% of the taxpayer's net income before considering all costs and expenses abroad not subject to Colombian withholding tax. Costs or expenses incurred abroad that are related to foreign-source income subject to

income tax in Colombia are deductible if the general requirements are met, even if withholding tax is not imposed, and the 15% limitation mentioned above does not apply.

Royalty payments between related parties for the use of intangibles that were formed in Colombia and royalty payments related to the acquisition of finished goods are not deductible. However, in the latter case, deductibility can be accepted to the extent it is established that the royalty is not already included in the value of the acquired finished good.

Imported technology agreements should be registered with the tax authority to allow the deductibility of the expense. The registration should be made within six months for its subscription (three months when it is an amendment).

Interest and other financial expenses resulting from liabilities owed to foreign related companies are deductible if they comply with the transfer-pricing rules (see Section E) and thin-capitalization provisions.

Payments made to foreign related parties that comply with the transfer-pricing rules (see Section E) may be deductible even if no income tax withholding is required. However, the 15% limitation described above applies to such payments.

Management and direction (overhead) expenses are deductible for Colombian tax purposes if all of the following conditions are satisfied:
- They are related to services rendered.
- The withholding tax has been applied.
- They are supported by transfer-pricing studies.

Certain nontaxable income, special deductions, exempt income and tax credits are limited to an amount equal to 3% of net taxable income, calculated without applying the special deductions subject to the limitation. Items subject to the limitation, among others, include the following:

- Special deduction related to payments made by the employer for the employee's education (or the employee's family)
- Tax credit for investments in environmental control, conservation and improvement
- Special deduction related to labor payments made to female employees who are victims of domestic violence

Income generated from the following activities is exempt from income tax (specific requirements, conditions and limitations apply in each case):
- Income received from another country in the Andean Community (Bolivia, Ecuador and Peru)
- Energy generated from nontraditional sources
- Certain income related to low-income housing projects, including the sale of property devoted to the development of these projects, the first sale of low-income houses, and certain interest on loans for the acquisition of low-income housing (under certain requirements)

Some activities that were exempted in the past, may be still grandfathered for those taxpayers that complied with the requirements to benefit from them.

Foreign-exchange gains or losses. Foreign-exchange gains or losses are recognized for tax purposes at the time of actual realization.

Inventories. Inventories are generally valued using the permanent or periodic inventory methods.

Provisions. Provisions are not allowed as deductions in determining taxable income, except for provisions for accounts receivables and pensions assumed by the employer (in the cases where applicable), which are subject to special tax rules.

Depreciation. Depreciation for tax purposes should follow the depreciation for accounting purposes. However, the annual depreciation rate for tax purposes cannot exceed certain percentages, depending on the type of asset.

If machinery and equipment are used daily in 16-hour shifts, the taxpayer may request an additional 25% on the depreciation rate. If the use exceeds 16 hours, proportional additional depreciation can be requested. Land is generally not depreciable or amortizable.

The balance of the assets pending to be depreciated as of 31 December 2016 should be depreciated under the old rules applicable before 2017.

Amortization. In general, amortization of ordinary and necessary investments used for the purposes of the business is allowed under certain requirements. The amortization of the investments should be made during the time that the related income is expected to be earned, but the amortization period may not be less than five years.

Advance payments should be amortizable as the prepaid services are received.

Acquired identifiable intangibles can be generally amortized to the extent they have a useful limited life. Certain limitations on amortization may apply to identifiable intangibles acquired from related parties.

Goodwill is not amortizable.

Amortizable costs and expenses for the oil industry can be amortized using the units-of-production method. If investments in exploration are unsuccessful, the costs and expenses may be claimed as deductions in the year in which this is determined or in the following two years. Investments made between 2017 and 2022 with respect to the evaluation and exploration stages are amortizable using a five-year, straight-line method. Beginning in 2023, the five-year accelerated amortization for investments in exploratory activities carried out for oil, gas and mining investments is repealed.

Assets and investments pending to be amortized as of 31 December 2016 should be amortized under the old rules applicable before 2017.

Relief for tax losses. Tax losses may be carried forward for 12 years. Tax losses generated up to 2016 can be carried forward with no time limitation.

Restrictions apply to the transfer of losses in mergers or spin-offs (tax-free events for the participating companies for Colombian tax purposes if certain requirements are observed). The surviving entity can offset losses originated in the merged entities (including the surviving entity itself), but only up to the percentage of the equity participation of the merged entities in the surviving entity's equity. Similar rules apply to spin-offs of companies.

The special treatment of tax losses in mergers and spin-offs applies only if the economic activity of the companies involved remains the same after the merger or spin-off occurs.

Inflation adjustment. An optional tax readjustment of fixed assets may be applied. This readjustment is calculated by applying the percentage certified by the government for the adjustment of the tax unit. The readjustment affects the tax basis for the transfer of fixed assets and the determination of taxable net equity. Although the inflation adjustments were eliminated, the accumulated inflation adjustments can be depreciated.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax; imposed, unless expressly excluded by law, on sales of tangible assets and intangibles related to industrial property, on imports of movable tangible assets and on most services rendered in Colombia or from abroad to a Colombian recipient of the services	
General rate	19%
Basic products, such as coffee and wheat	5%
National consumption tax; imposed on, among other items, food services in restaurants, mobile phone services and certain cars	4% to 16%
Industry and commerce tax; a municipal tax on annual or bimonthly gross revenue (other tax periods may apply, depending on the jurisdiction); rates vary depending on the company's activity and municipality; tax effectively paid during the year is a 100% deductible expense	
Bogotá	0.414% to 1.4%
Municipalities other than Bogotá	0.2% to 1%
Signs and Posters Tax; imposed on enterprises with advertisements in public places; tax rate applied to the industry and commerce tax due	15%
Tax on Visible Advertisement Hoardings; imposed on each advertisement on hoardings or billboards with a size equal to or larger than 8 square meters (86,111 square feet)	5 minimum wages
(The minimum wage for 2024 is COP1,300,000 [approximately USD333].)	

Nature of tax	Rate
Debit tax (financial transactions tax); imposed on the amount of each financial, transaction such as disposals of funds from savings accounts, current bank accounts and deposit accounts, which involve cash withdrawals by checks and through other mechanisms, and on the amount of certain accounting entries	0.4%
Equity Tax; Colombian individuals and nonresident (entities and individuals) are subject to this tax if their net equity for tax purposes is equal to or higher than 72,000 Unidad de Valor Tributario (UVT, tax value unit) (approximately USD869,000) as of 1 January of each year; for nonresidents, only Colombian assets should be considered; for nonresidents, shares in Colombian companies, account receivables from Colombian residents, portfolio investment and/or leasing agreements with Colombian lessees are not part of the equity tax base	0.5% to 1.5% (up to 2026) 0.5% to 1% (from 2027)
Tax on single-use plastics; this tax is levied on the sale, self-consumption and importation of single-use plastics used for packaging, wrapping or packing goods	0.00005 tax units (approximately COP2.4) for each gram
Tax on sugary beverages; from 1 November 2023, this tax will apply to ultra-processed sugary beverages, as well as concentrates, syrups and powders that after being mixed or dissolved produce sugary beverages	COP28 to COP55 for each 100ml (for 2024)
Tax on ultra-processed food; from 1 November 2023, some ultra-processed foods will be subject to tax when they have added sugar, salt, sodium and/or fats; tax will be determined over the sale price	10% (2023) 15% (2024) 20% (from 2025)
Social security contributions and payroll taxes	
Pension (foreigners who remain in Colombia in accordance with an employment agreement may voluntarily enroll in the pensions system); contributions calculated on the monthly ordinary salary of the employee; if the monthly salary is more than 25 times the minimum wage, contributions to the social security regime are	

Nature of tax	Rate
calculated on a maximum base of 25 minimum wages; for employees earning integral (all-inclusive) salary, 70% of the salary is the base, but the maximum limit described above applies	
Employer	12%
Employee	4%
Health; contribution calculated on the monthly ordinary salary of the employee; subject to the same maximum limitation and integral salary rules as the pension contributions	
Employer	8.5%
Employee	4%
(Employers are not required to pay the 8.5% health contribution for employees earning less than 10 minimum legal wages.)	
Solidarity Fund; payable by employees on their monthly ordinary salary; contribution required only for employees who earn a monthly salary greater than four minimum wages; subject to same maximum limitation and integral salary rules as pension contributions; rates vary according to the amount of monthly salary earned by employee	
Employees earning up to 16 minimum wages	1%
Employees earning between 16 and 17 minimum wages	1.2%
Employees earning between 17 and 18 minimum wages	1.4%
Employees earning between 18 and 19 minimum wages	1.6%
Employees earning between 19 and 20 minimum wages	1.8%
Employees earning between 20 and 25 minimum wages	2%
Labor risk; payable by employer on monthly ordinary salary; rate depends on a legally established scale based on the degree of risk represented by the economic activity of the company; the Social Security office makes the classification at the time of enrollment; subject to same maximum limitation and integral salary rules as pension contributions	0.522% to 6.96%
Payroll taxes to National Learning Service (SENA), Colombian Family Welfare Institute (ICBF) and Family Compensation Fund; payable by employer on the monthly ordinary salary earned by the employee; no ceiling applies; subject to same integral salary rules as pension contributions; reduced and progressive rates apply to small businesses (Employers are not required to pay the SENA [2%] and ICBF [3%] contributions with respect to employees earning less than 10 minimum legal wages. However, for these	

Nature of tax	Rate
employees, employers are still required to pay the Compensation Fund contribution [4%].)	9%
Custom duty, on Cost, Insurance, Freight (CIF) value; general rates	0% to 15%
Real estate tax; municipal tax imposed on the ownership of land or immovable property; tax rate is applied to the commercial value of the property; rate set by the municipality and varies according to the location and use of the property; general range of rates	0.1% to 3.3%

E. Miscellaneous matters

Foreign-exchange controls. Colombia has a flexible foreign-exchange regime. However, the foreign-exchange regulation provides that some operations must be channeled through the foreign-exchange market (controlled operations). These operations have special reporting procedures and obligations. Any other operation is considered a free-market operation and consequently channeling through the foreign-exchange market is not mandatory. The following are the controlled operations:

- Foreign loans
- Foreign investment in Colombia and Colombian investment abroad
- Foreign-trade operations (imports and export of goods)
- Derivatives transactions
- Endorsements and warranties

The operations under the controlled exchange market must be channeled through authorized foreign-exchange intermediaries (financial institutions and commercial banks) or compensation accounts (foreign bank accounts that are registered with the Colombian Central Bank [Banco de la República de Colombia]).

Exchange operations that are not covered by the controlled market are conducted through the free market. These operations include the purchase of foreign currency that is used to open free-market bank accounts abroad.

Foreign investors may receive abroad, without limitation, annual profits derived from an investment that is registered with the Colombian Central Bank. This operation must be reported to the Colombian Central Bank within the legal term and the report must follow the procedures set forth in the law.

Nonresident individuals are not allowed to grant foreign loans to Colombian residents. However, some exceptions to this prohibition applies. The loans must be registered with a foreign-exchange intermediary, prior or simultaneously to the disbursement of the loan, and the cash flow of foreign currency related to the foreign loans must be channeled. These loans can be stipulated, disbursed and paid in Colombian or foreign currency, as agreed by the parties.

Controlled foreign companies. The controlled foreign company (CFC) regime applies to Colombian tax residents (individuals or entities) that directly or indirectly hold an interest equal to or greater than 10% of the capital or of the profits of a foreign entity that is considered a CFC.

CFCs are corporations, as well as investment vehicles, such as trusts, collective-investment funds, and private interest foundations, which meet the conditions to be considered a related party for transfer-pricing purposes.

For income tax purposes, Colombian taxpayers should immediately recognize the net profits of the CFC derived from passive income, in proportion to their participation in the CFC's capital or profits, without the need to wait to receive a distribution of profits in Colombia.

Under this regime, passive income generally includes the following:
- Dividend and profit distributions from a company or investment vehicle
- Interest
- Income derived from the exploitation of intangibles
- Income originated from the sale of assets that generates passive income
- Income from the sale or lease of immovable property
- Income derived from the sale or purchase of tangible goods acquired from (or sold to) a related party if the manufacturing and consumption of the goods occurs in a jurisdiction different from the one in which the CFC is located or is tax resident
- Income from the performance of certain services in a jurisdiction different from the one in which the CFC is located or is tax resident

A Colombian tax resident that recognizes taxable income under the application of the CFC regime may request a tax credit for taxes paid abroad with respect to the passive income.

Dividends and benefits that are distributed by a CFC and that have been already taxed in Colombia, should be considered nontaxable income for the Colombian taxpayer.

Debt-to-equity rules. Interest paid on direct or indirect loans with related parties that in average exceeds a 2:1 debt-to-equity ratio is not deductible. For this purpose, the equity taken into account is the taxpayer's net equity for the preceding year, and the debt taken into account is debt that accrues interest.

Transfer pricing. The transfer-pricing regime includes several of the methods contained in the OECD rules. Significant aspects of the transfer-pricing system in Colombia include the following:
- All events that create economic linkage are specifically mentioned in the tax code.
- The rules do not cover local operations between related companies established in Colombia, except for transactions between local entities and free-trade zone users.
- Parties that have gross equity exceeding 100,000 tax units (approximately USD1,207,000) as of the last day of the tax year or gross revenues for the year in excess of 61,000 tax units (approximately USD736,000) must prepare and file transfer-pricing information returns.
- For supporting documentation purposes, transactions above 45,000 tax units (approximately USD543,000) threshold, by type of transaction, are subject to transfer-pricing analysis. For financing transactions with related parties, the amount of the

debt must be considered when determining the total transaction amount.
- Transactions with residents or those domiciled in tax havens or in preferential regimes are subject to transfer-pricing analysis if the amount, by type of transaction, exceeds 10,000 tax units (approximately USD120,000). The tax haven jurisdiction list is issued by the Colombian government. The preferential regime determination should be made based on certain criteria provided in the regulations.
- Penalties are imposed for not meeting filing requirements, submitting erroneous or incomplete reports or failing to meet other requirements.

Transfer-pricing documentation includes the Local File and the Master File with the multinational group's global relevant information.

In addition, for multinational groups with a Colombian parent entity, a Country-by-Country Report (CbCR) must be completed under the following circumstances:
- The parent is resident in Colombia.
- The parent has affiliates, subsidiaries, branches or PEs abroad.
- The parent is not a subsidiary of another entity resident abroad.
- The parent is required to prepare, submit and disclose consolidated financial statements.
- The parent has annual consolidated revenue equal to or exceeding 81 million tax units (approximately USD978 million).

A non-Colombian parent can designate an entity resident in Colombia or a resident abroad with a PE in Colombia as the responsible party for providing the CbCR to the Colombian tax authority.

Colombian taxpayers that do not provide a CbCR must file a notification indicating which entity of the multinational group is providing this report and the jurisdiction in which the report is being provided.

Anti-abuse rules. Under anti-abuse rules, tax abuse is defined as the use or implementation of a transaction or several transactions without apparent commercial or economic purpose and with the aim of obtaining a tax benefit.

The tax authority can recharacterize any abusive transaction. It is understood that a transaction has no commercial or economic purpose if the following circumstances exist:
- The transaction is developed in a way that is not economically or commercially reasonable.
- The transaction gives rise to a high tax benefit that is not in line with the economic or business risks assumed by the taxpayer.
- The legal agreement is not aligned with the real will of the parties.

F. Tax treaties

Colombia has entered into a multilateral tax treaty with Bolivia, Ecuador and Peru, which follows the source criteria. In addition, Colombia has double tax treaties in effect with Canada, Chile, the Czech Republic, France, India, Italy, Japan, Korea (South), Mexico, Portugal, Spain, Switzerland and the United Kingdom that are based on the OECD model convention.

Colombia has entered into tax treaties covering certain international air transportation services with several countries, including Argentina, Brazil, France, Germany, Italy, Panama, Türkiye, the United States and Venezuela.

Colombia has also signed double tax treaties with Brazil, Luxembourg, the Netherlands, the United Arab Emirates and Uruguay, which are not yet in effect.

The following table presents the withholding tax rates for dividends, interest and royalties under Colombia's double tax treaties.

	Dividends %	Interest %	Royalties %
Canada	5/15	10	10
Chile	0/7/35 (a)	5/15	10
Czech Republic	5/15/25	0/10	10
France	5/15	0/10	10
India	5/15	0/10	10
Italy	5/15	0/5/10	10
Japan	0/5/10/15	0/10	2/10
Korea (South)	5/10/15	0/10	10
Mexico	0/33	0/5/10	10
Portugal	10/33	10	10
Spain	0/5/35 (a)	0/10	10
Switzerland	0/15	0/10	10
United Kingdom	0/5/15	0/10	10
Non-treaty jurisdictions (b)	20/35	0/5/15/20	20

(a) Dividends that are not taxed at the corporate level are subject to a tax rate of 35% (for 2024) at the shareholder level. However, the 35% rate may be reduced if the dividends are exempt from income tax at the corporate level and are reinvested for a three-year term.

(b) For details regarding these rates, see Section A.

Congo, Democratic Republic of

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A. At a glance

Corporate Income Tax Rate (%)	30 (a)
Capital Gains Tax Rate (%)	30
Special Capital Gains Tax Rate for Mining Companies	30 (b)
Branch Tax Rate (%)	30
Withholding Tax (%) (b)	
Dividends	20 (c)
Interest	20 (d)
Royalties	20 (e)
Services	14 (f)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (g)

(a) The corporate income tax rate is 30% for all companies registered in the Democratic Republic of Congo (DRC).
(b) See Section B.
(c) The rate of dividend withholding tax for mining companies is 10%.
(d) Under the amended Mining Code, dated 9 March 2018, interest on loans abroad to mining companies is not subject to withholding tax if the following conditions are satisfied:
- The loan is exclusively used for the mining project.
- The interest rates and other borrowing terms for carrying out the projects are established in accordance with the arm's-length principle.

(e) The net amount of royalties is subject to tax. For this purpose, net royalties equal gross royalties minus professional expenses, or 30% of gross royalties (resulting in an effective tax rate of 20%).
(f) This withholding tax applies to payments for services provided to Congolese companies by foreign companies and individuals without a permanent establishment in the DRC. The tax base is the gross amount of the applicable invoice.
(g) Under the amended Mining Code, dated 9 March 2018, the carryforward period for mining companies is limited to five years following the year of the loss.

B. Taxes on corporate income and gains

Corporate income tax. Congolese companies are taxed on the territoriality principle. As a result, companies carrying on a trade or

business outside the Democratic Republic of Congo (DRC) are not taxed in the DRC on the related profits. Congolese companies are those registered in the DRC, regardless of the nationality of the shareholders or where the company is managed and controlled. Foreign companies (for example, branches) engaged in activities in the DRC are subject to Congolese corporate tax on Congolese-source profits only.

A company is considered to have a permanent establishment in the DRC if it satisfies either of the following conditions:

- It has a fixed place of business in the DRC, including an effective place of management, branch, office, factory, plant, workshop, agency, store, offices, laboratory, buying and selling counter, warehouse, real estate property under rental agreement, a mine, an oil or gas well, a quarry or any other place of exploitation and extraction of natural resources or any other fixed or permanent place of business, or in absence of a fixed place of business, it carries out a professional activity directly, under its own name, during a period of at least six months.
- It provides services, including advisory services, through employees or other individuals engaged by a company for that purpose, and the activities of this nature continue for a period or periods that represent a total of more than six months within any 12-month period.

Foreign companies are taxable on the benefits that they realize through their permanent establishment in the DRC. It further states that "when a person other than an agent with an independent status acts on behalf of a foreign company, that person is considered as having a permanent or fixed establishment in the DRC for all activities that this person carries out for this company, if the said person:

- has power in the DRC, which he usually exercises to allow it to enter into contracts on behalf of that company;
- does not have such power, he usually keeps in the DRC a regular stock of goods for delivery on behalf of the foreign company."

Rates of corporate tax. The regular corporate income tax rate is 30%.

The minimum tax payable is 1% of the annual turnover for larger corporations.

For small corporations with annual revenues of less than CDF10 million, the corporate income tax is set at CDF30,000. For average-sized corporations with annual revenues between CDF10 million and CDF80 million, the corporate income tax rate is 1% of the annual revenue for sales of goods and 2% for the provision of services.

Capital gains. Increases resulting from capital gains and depreciation that are realized and either realized or expressed in the accounts or inventories are included in profits and are subject to tax at a rate of 30%.

Increases resulting from unrealized capital gains that are expressed in the accounts or inventories and that are not treated as profits are not yet taxable. This rule applies only if the taxpayer holds a regular accounting and if it fulfills its declarative obligations.

Increases resulting from realized capital gains on buildings, tools, materials and movable assets (regardless of whether they result from rent payments), as well as on participations and portfolios, are taxable to the extent that the sales price exceeds the acquisition price or cost. A deduction is made from the amount of the depreciation that has already been claimed for tax purposes.

Special tax on capital gains for mining companies. Law No. 007/2002 of 11 July 2002 on Mining Code and Decree No. 038/2003 of 26 March 2003 regarding the Mining Regulations, as amended and completed to date by the Law No. 18/001 of 9 March 2018, and Decree No. 18/024 of 8 June 2018, introduced a special tax at a rate of 30% on capital gains from the sale of shares (Article 253 bis of the Mining Code and Article 529 bis of the Mining Regulations). Ministerial Order No. CAB/MIN/FINANCES/2020/021 of 3 December 2020 set out the terms of calculation, filing and settlement of the special tax on capital gains from the sale of shares.

Administration. The fiscal year extends from 1 January to 31 December. Tax returns must be filed by 30 April.

Under the 2024 Financial Law corporate tax installments, each representing 30% of the previous year's tax base for the first two installments, and 20% for the third installment, must be paid before 1 August, 1 October and 1 December of the year in which taxable income is generated, using a provisional installment payment slip according to the model set by the tax administration. The balance of tax due must be paid by the following 30 April.

A penalty of 2% per month is assessed for late payment of tax. Tax is fixed automatically if a tax return is not filed.

Dividends. In principle, dividends paid are subject to a 20% withholding tax. The rate of dividend withholding tax for mining companies is 10%. A dividend withholding tax applies to branches.

Foreign tax relief. In general, foreign tax credits are not allowed. Income subject to foreign tax that is not exempt from Congolese tax under the territoriality principle is taxable.

C. Determination of trading income

General. Taxable income is based on financial statements prepared in accordance with principles set by the Organization for the Harmonization of Business Law in Africa (Organisation pour l'Harmonisation en Afrique du Droit des Affaires, or OHADA) Accounting Act, except for banks and insurance companies. The net amount of income is taxed. This amount equals gross income minus business expenses incurred during the tax year to acquire and retain the income. Business expenses are generally deductible unless specifically excluded by law. The following expenses are not deductible:

- Head office, remuneration or management fees for services paid to nonresidents that are not justified
- Head office overhead or remuneration for certain services (studies and technical assistance) paid to nonresidents
- Expenditure of a personal nature, such as maintenance of household, appraisal fees, holidays and other expenses not necessary for the profession

- Corporate income tax, as well as real tax (tax on movable assets, tax on vehicles or tax on mining concessions), to the extent that the real tax does not constitute an operating expense
- All judicial or administrative fines, and fees and charges relating to breaches by income beneficiaries
- Certain specific charges, gifts, subsidies and penalties
- Directors' fees allocated under the Corporations Act to members of the General Council
- Expenditures on leased property, including depreciation of the property
- Provisions for losses, expenses or depreciation of assets, excluding provisions for the recovery of mineral deposits and provisions for the recovery of bank capital
- Commissions and brokerage fees if it cannot be proven that the tax on turnover (see Section D) has been paid for these items
- Most liberalities (payments that do not produce a compensatory benefit, such as excessive remuneration paid to a director)

Donations and subventions. Under the 2023 Financial Law, donations and subventions are deductible if paid to the Social Fund of the DRC (Fonds Social de la République), to research organizations, to public interest organizations of philanthropic and social purposes, and to sport associations located in the DRC, up to a limit of 0.5% of the annual turnover, and if justified or documented.

Telecommunications costs. Fifty percent of telecommunication costs are deductible. The 2023 Finance Law adds that the internet costs are 100% deductible provided the internet connection is used for professional purposes only.

Entertainment costs. Forty percent of entertainment costs remain deductible.

Interest paid to shareholders. Under the 2023 Finance Law, interest paid to the shareholders that legally or factually have the power to manage the company are deductible only if the sums put at the disposal of the company do not exceed, for all the shareholders, the amount of the paid share capital.

Inventories. Inventories are normally valued at their historical cost or acquisition cost.

Provisions. In determining accounting profit, companies must implement certain provisions, such as a provision for risk of loss or for certain expenses. These provisions are not deductible for tax purposes. However, provisions for recovery of bank capital and provisions for the recovery of the mineral deposit are deductible for tax purposes.

Tax depreciation. Land and intangible assets, such as goodwill, are not depreciable for tax purposes. Other fixed assets may be depreciated using the straight-line method at rates specified by tax law. The following are some of the specified annual rates.

Asset	Rate (%)
Buildings	2 to 5
Office equipment	10
Motor vehicles	20 to 25
Plant and machinery	10

Companies can also opt for a regressive method for tax depreciation of specific assets with an annual rate of two to three times the straight-line rate.

Relief for tax losses. Tax losses incurred in a tax year may be carried forward indefinitely. However, the deduction of the available tax losses is capped at 60% of the annual taxable income.

Under the amended Mining Code, dated 9 March 2018, the carryforward period for mining companies is limited to five years following the year of the loss.

Groups of companies. The DRC does not have a fiscal integration system equivalent to a consolidated filing position.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	
Standard rate	16
Reduced rate	8
Payroll taxes	
Annual income not exceeding CDF43,200,000; progressive rates	3 to 40
Annual income exceeding CDF43,200,000; flat rate	30
Exceptional income tax for expatriates (IERE)	
Mining companies; Article 244 bis of Law No. 18/001 of 9 March 2018, which reformed the Mining Code, increases the exceptional income tax rate to 12.5% for the first 10 years of the project and provides for the common rate of 25% for the following years	12.5
Other companies	25
Social Security National Institute (Caisse national de sécurité sociable, or CNSS) contributions; payable monthly	
Employers	13
Employees	5
National Institute for Professional Preparation (Institut national de préparation professionnelle, or INPP); payable monthly by employers	1 to 3
National Agency for Labor (Office National de l'Emploi or ONEM); payable monthly by employers	0.2

E. Miscellaneous matters

Foreign-exchange controls. The currency in the DRC is the Congolese franc (CDF). The exchange rate is variable.

In the DRC, the Central Bank of Congo regulates foreign-exchange controls. It also supervises the regulation on the transfer of currency. Cash transfers from or into the DRC are not subject to restrictions if they do not exceed the equivalent of USD10,000. An exchange control fee of 0.2% is levied on payments to or from abroad.

Debt-to-equity rules. The DRC does not have any thin-capitalization rules, but several measures may apply to related-party transactions (see *Transfer pricing*).

Transfer pricing. The DRC has several measures applicable to related-party transactions that are not conducted on an arm's-length basis.

These provisions include the disallowance of loan interest with respect to rates exceeding the annual average of the effective rates charged by the credit institutions of the country in which the lending company is established and the repayment of principal beyond five years.

Management fees paid to a related party may be deducted from the corporate income tax base if the following conditions are satisfied:

- The services rendered can be clearly identified (that is, they are genuine services that are effectively rendered and directly related to operating activities).
- The services cannot be rendered by a local company (that is, overhead expenses recharged to the local entity are excluded).
- The amount paid for the services corresponds to the remuneration paid in identical transactions between independent companies.

These arm's-length requirements are consistent with those set forth in the Mining Code.

Transfer-pricing documentation requirements also apply in the DRC. As a result, companies must put at the disposal of the tax administration during a tax audit, general and specific information on an affiliated group of companies (Master File and Local File), including the following:

- General description of the deployed activity, including changes that occurred during the year
- A general description of the legal or operational structures of the affiliated group of companies, including identification of the related companies engaged in transactions involving the company established in the DRC (local company)
- A general description of the function performed and risk assumed by the affiliated companies as soon as they affect the local company
- A list of the main intangible assets owned, including patents, trademarks, trade names and know-how, relating to the local company
- A general description of the group's transfer-pricing policy
- A description of transactions made with other affiliated companies, including the nature and amount of cash flows, such as royalties
- A listing of the cost-sharing agreement, copies of preliminary agreements related to transfer pricing that are concluded under the conditions of the regulation, and the prescription relating to the determination of transfer pricing, affecting the results of the local company
- Presentation of the method or methods for determining transfer pricing, in compliance with the arm's-length principle, including an analysis of the functions performed, assets used and risks

assumed, and an explanation concerning the selection and application of the methods used
- An analysis of comparative elements considered as relevant by the company if the selected method requires it

The transfer-pricing documentation (a condensed version) must be filed with the tax administration within two months after the filing of the corporate income tax return.

In addition, the corporate income tax law disallows branches from deducting overhead charges incurred by the parent company and charged back to the branch.

Certification of the financial statements. Before 2023, annual financial statements had to be certified as correct by the taxpayer or its representative and countersigned by either the accountant or advisor. From 2023, to be accepted by the tax administration, the financial statements must be certified by a chartered accountant duly registered at the national association of the chartered accountants in accordance with the conditions defined by a decree from the Minister of Finance.

Companies subject to the certificate are all companies established in the DRC, including those required by law to use a specific accounting framework other than SYSCOHADA (for example, banks, microfinance institutions, insurance companies and social security). Exceptions are provided for small businesses that have a turnover of less than CDF80 million and that, in accordance with tax legislation, must keep their accounts using the minimal cash system.

F. Tax treaties

The DRC has entered into double tax treaties with Belgium and South Africa. The following are the withholding tax rates under the treaties.

	Dividends %	Interest %	Royalties %
Belgium	10/15 (a)	10	10
South Africa	5/15 (b)	10	10
Non-treaty jurisdictions (c)	20	20	20

(a) The 10% rate applies if the Belgian recipient company was eligible under the Investment Code or another investment incentive and if it holds at least 25% of the capital of the payer. Otherwise, the rate is 15%.
(b) The 5% rate applies if the South African recipient company holds at least 25% of the capital of the payer. Otherwise, the rate is 15%.
(c) For further details, see Section A.

Congo, Republic of

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A. At a glance

Corporate Income Tax Rate (%)	28 (a)
Capital Gains Tax Rate (%)	20/28 (b)
Branch Tax Rate (%)	15 (c)
Withholding Tax (%)	
Dividends	15 (d)
Interest	15
Royalties from Patents, Know-how, etc.	20
Payments for Non-commercial Services and Activities	10

Revenues Earned by Certain Foreign Companies	7.26/20 (e)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	3

(a) The minimum tax is 1% of turnover. The corporate income tax rate is 25% for agricultural companies.
(b) In certain circumstances, the tax is deferred or reduced (see Section B). For foreign companies, a special capital gains tax rate of 20% applies.
(c) The branch tax is calculated based on the net profit decreased by the amount of the corporate income tax, to which a tax rebate of 30% is applied.
(d) This tax also applies to directors' fees, nondeductible expenses and adjustments of profits following a tax examination. For directors' fees, the rate is 17%.
(e) For details, see Section B.

B. Taxes on corporate income and gains

Corporate income tax. Congolese companies are taxed on the territoriality principle. As a result, Congolese companies carrying on a trade or business outside Congo are not taxed in Congo on the related profits. Congolese companies are those registered in Congo, regardless of the nationality of the shareholders or where the company is managed and controlled. Foreign companies engaged in activities in Congo are subject to Congolese corporate tax on Congolese-source profits only.

Tax rates. The regular corporate income tax rate is 28%.

The minimum tax payable is 1% of the annual turnover and cannot be less than XAF1 million (or XAF500,000 if turnover is less than XAF10 million a year). For petroleum products retailers and businesses, the tax base for the minimum tax is the margin because the sales prices are regulated and capped by the state. For companies specializing in brokerage activities, the tax base consists of the commissions (brokerage fees). The minimum tax is fully deductible for corporate income tax purposes, unless the amount of the minimum tax exceeds the corporate income tax.

Under the 2024 Finance Law, the rate of minimum tax is increased to 2% for companies that incur tax losses two years in a row. This surcharge is not deductible for corporate income tax purposes. However, in the company's first profit-making year after incurring the losses, one-half of the 2% tax is deductible.

The corporate income tax rate is 25% for agricultural companies, micro-finance companies and private educational institutions registered as companies.

The branch tax is imposed at a rate of 15%. It is calculated based on the net profit decreased by the amount of the corporate income tax, to which a tax rebate of 30% is applied.

A withholding tax at a rate of 7.26% is imposed on the turnover of foreign companies that are engaged in activities in Congo on a temporary basis (that is, for a maximum duration of one year) if they are covered by a Temporary Authorization to Operate (the French acronym is ATE) issued by the trade authorities. A 20% withholding tax is imposed on income sourced in Congo that is derived by foreign companies not established in Congo, unless

otherwise provided by a double tax treaty between Congo and the residential country of the beneficiary.

Corporations may apply for various categories of priority status and corresponding tax exemptions. The priority status varies depending on the nature of the project and the level of investments.

The Charter of Investments may grant a tax exemption for a three-year period for new activities in industry, agriculture, forestry and mining. In addition, under the General Taxes Code, a tax exemption for a two-year period may be granted for such new activities.

Capital gains. Capital gains are taxed at the regular corporate rate. The tax, however, can be deferred if the proceeds are used to acquire new fixed assets in Congo within three years or in the event of a merger.

If the business is totally or partially transferred (directly or indirectly) or discontinued, only one-half of the net capital gains is taxed if the event occurs less than five years after the startup or purchase of the business, and only one-third of the gains is taxed if the event occurs five years or more after the business is begun or purchased. The total gain is taxed, however, if the business is not carried on in any form by any person.

Capital gains derived by natural or legal entities domiciled abroad on the sale of all or part of their shares in the capital of companies registered under Congolese laws are subject to a special tax at a rate of 20%. This withholding tax is payable at the time of registration of the deed of disposal.

Administration. The fiscal year extends from 1 January to 31 December. Financial statements must be filed by 20 May.

Companies must pay the minimum tax between 10 March and 20 March, and corporate tax must be paid in four installments between the 10th and 20th days of February, May, August and November. Each installment must be equal to 20% of the preceding year's tax. The balance of tax due must be paid by the following 20 May.

A 50% penalty is assessed for late payment of tax.

Dividends. Dividends paid are subject to a 15% withholding tax. Resident corporations are taxed on the gross dividend; a corresponding 15% tax credit is available for double tax relief.

After three years, business profits credited to the non-compulsory reserve are deemed to be dividends and are accordingly subject to the 15% withholding tax on dividends.

A parent corporation may exclude from taxation the net dividends received from a Congolese or foreign subsidiary if the following conditions are satisfied:

- The parent company is a Congolese public limited company or limited liability company that holds 30% or more of the capital of the subsidiary that is also a public limited company or a limited liability company.
- The subsidiary carries on only industrial, agricultural, mining, forestry, large-scale fishing or stock-breeding activities.

No withholding credit is allowed if the net dividends are excluded from taxation.

A Congolese public limited company or limited liability company may exclude from taxation 90% of the net dividends received from a public limited company or limited liability company located in Congo or in another Central African Economic and Monetary Community (CEMAC) country if the parent company holds 25% or more of the capital of the payer of the dividends.

Foreign tax relief. In general, foreign tax credits are not allowed; income subject to foreign tax that is not exempt from Congolese tax under the territoriality principle is taxable net of the foreign tax. A tax treaty with France, however, provides a tax credit on dividends.

C. Determination of trading income

General. Taxable income is based on financial statements prepared in accordance with generally accepted accounting principles and the standard statements of the Organization for Harmonization of Business Law in Africa (OHADA) treaty. The members of OHADA are Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo (Democratic Republic of), Congo (Republic of), Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Niger, Senegal and Togo.

Business expenses are generally deductible unless specifically excluded by law. To be deductible, these expenses must meet the following specific conditions:

- They must relate to the direct interest of the company.
- They must result in an effective cost and be accompanied by supporting documents.
- They must impact the net assets of the company.
- They must be accounted among the costs of the financial year in which they are incurred.
- They must reflect a relevant management of the company. Otherwise, they are considered as abnormal management acts.

Nevertheless, there are some expenses that are not deductible by virtue of the law. For example, the following expenses are not deductible:

- Head office overhead or remuneration for services paid to nonresidents that exceeds 20% of taxable income before the deduction of such items.
- Head office fees or remuneration for certain services (studies and technical assistance) paid to nonresidents by companies engaged in building and public works, by engineering firms and by accounting firms, to the extent that the expenses exceed 2% of turnover.
- Royalties from patents, brands, models or designs paid to a nonresident corporation participating in the management of, or owning shares in, the Congolese corporation.
- Interest paid to a shareholder in excess of the central bank annual rate plus three points and, if the shareholder is in charge of management, interest on the portion of the loan exceeding one-half of the capital stock. The same rule applies to interest

paid to companies or financial institutions that are part of the same group.
- Interest paid on loans that are contracted with nonresident companies and that are not declared to the competent services of the Ministry of Finance in accordance with the foreign-exchange regulations.
- Payments made from banks accounts in foreign currency held in or out of the CEMAC area, without a proper authorization of the central bank.
- Commissions and brokerage fees exceeding 5% of purchased imports.
- Certain specific charges, gifts, subsidies and penalties.
- Most liberalities (payments that do not produce a compensatory benefit, such as excessive remuneration paid to a director).
- Corporate income tax.

Inventories. Inventory is normally valued at the lower of cost or market value.

Provisions. In determining accounting profit, companies must establish certain provisions, such as a provision for a risk of loss or for certain expenses. These provisions are normally deductible for tax purposes if they are linked to clearly specified losses or expenses that are likely to occur and if they appear in the financial statements and in a specific statement in the tax return.

Provisions established for annual leaves of employees, retirement indemnities and receivables against the state are never deductible.

Tax depreciation. Land and intangible assets, such as goodwill, are not depreciable for tax purposes. Other fixed assets may be depreciated using the straight-line method at rates specified by tax law. The following are some of the specified annual rates.

Asset	Rate (%)
Commercial and industrial buildings	5
Office equipment	15
Motor vehicles	20 to 33.33
Plant and machinery	10 to 33.33

Heavy new assets acquired for manufacturing, transformation, transport and handling qualify for a special depreciation scheme at a rate of 40% in the year of acquisition if all the following conditions are satisfied:
- The assets are used only in industrial, mining, hydrocarbons, forestry or agricultural activities. For mining, hydrocarbons and forestry activities, the various types of assets eligible for the special depreciation scheme are listed in the joint circular signed by the Minister of Finance and the minister of the concerned sector of activity.
- The assets can be used for a period exceeding three years.
- The total value of the assets exceeds XAF40 million.
- The assets will be intensively used.

The request for the special depreciation scheme must be addressed to the General Director of Taxes within three months following the acquisition of the asset. The authorization to use this scheme is granted by the Minister of Finance.

Relief for tax losses. Losses may be carried forward for three years. Losses attributable to depreciation may be carried forward indefinitely, but they must be reported on the depreciation table. Losses cannot be carried back.

Groups of companies. The Congolese tax law provides for a fiscal integration system and a fiscal regime for holding companies with tax exemptions, particularly with respect to capital gains, dividends and interest on loans.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	18.9
Business activity tax (*patente*); calculated based on annual turnover according to sliding scale	0.040
Registration duties	
On commercial deeds	1
On transfers of real property or businesses	4 to 10
Tax on salaries (TUS)	7.5
Social security contributions, on annual salaries; paid by	
Employer	
Family allowance contribution	10.035
Work accident insurance	2.25
Old-age pension	8
Universal Health Insurance contribution (on total of gross monthly salaries)	4.55
Employee	
Old-age pension	4
Universal Health Insurance contribution (on gross monthly salary)	2.27

E. Miscellaneous matters

Foreign-exchange controls. The Congolese currency is the CFA franc BEAC (XAF). The fixed exchange rate for the CFA franc BEAC is XAF655,957 = EUR1.

Exchange-control regulations exist in Congo for financial transfers outside the franc CFA zone (XAF zone), which is the monetary zone made up of the central African states.

Transfer pricing. The Congolese tax law contains the transfer-pricing measures described below.

From a general perspective, Congolese transfer pricing regulations are aligned with the Organisation for Economic Co-operation and Development (OECD) Guidelines. Regarding the materiality limit or thresholds for the transfer-pricing documentation, the entities that generate more than or equal to XAF500 million of turnover or have at least XAF500 million of gross assets on the balance sheet at the end of the year must prepare a Local File together with the transfer-pricing return and Country-by-Country Report (CbCR). Transfer-pricing documentation is mandatory and must be filed with the tax authorities every year no later than 20 November (statutory deadline for submission).

Amounts paid by a Congolese company to another entity or a group of companies located outside Congo are considered indirect transfers or profits if the payer is dependent *de jure* or *de facto* on the recipient of the payments and if the tax authorities establish that the payments are excessive or unjustified. This measure applies to certain transactions, including the following:

- Overcharges for purchases
- Payments of excessive royalties
- Loans that are interest-free or have unjustifiable rates
- Discounts of debts
- Advantages granted out of proportion with the benefit provided by a service provider

Payments for the use of patents, marks, drawings and models, interest payments and payments for services made by a Congolese company to a nonresident company located in a country with low or no taxation (for example, tax haven or fiscal noncooperative states), are considered indirect transfers of benefits.

F. Treaty withholding tax rates

The following table lists the withholding rates applicable under Congo's international tax treaties.

	Dividends %	Interest %	Royalties %
France	15	0 (a)	15
Italy	8/15 (b)	0	10
Mauritius	0/5 (c)	5	0
CEMAC countries	5/10 (d)	10	10
Non-treaty jurisdictions	15	15	20

(a) Interest is subject to tax in the recipient's country. Withholding tax is not imposed in the country of source.

(b) The 8% rate applies if the beneficiary holds at least 10% of the registered share capital of the payer. The 15% rate applies in all other cases.

(c) No withholding tax is imposed if the beneficiary holds at least 25% of the registered share capital of the payer. The 5% rate applies in all other cases.

(d) The 5% rate applies if the beneficiary holds at least 25% of the registered share capital of the payer. The 10% rate applies in all other cases.

Costa Rica

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A. At a glance

Corporate Income Tax Rate (%)	30 (a)
Capital Gains Tax Rate (%)	2.25/15/30 (a)(b)
Branch Tax Rate (%)	30 (a)
Capital Income Tax Rate (%)	15/30 (a)(c)
Withholding Tax (%)	
Dividends	15 (d)
Interest	15 (e)(f)
Royalties from Know-how and Technical Services	25 (e)
Transportation and Telecommunications	8.5 (e)(g)
Salaries and Pensions	10 (e)
Fees and Commissions	25 (e)(f)
Reinsurance	5.5 (e)(g)
News Services, Videos and Films	20 (e)(g)
Advance Payments	
Credit and Debit Card Payments	2 (h)
Payments for Professional Services Made by Insurance Companies	2 (i)
Other	30 (e)
Branch Remittance Tax	15
Net Operating Losses (Years)	
Carryback	0
Carryforward	3/5 (j)

(a) The 30% rate is reduced to 20%, 15%, 10% or 5% for companies whose annual gross income does not exceed specified amounts (for further details, see Section B).

(b) The ordinary Capital Gains Tax rate is 15%. For the first sale of goods and rights acquired before 1 July 2019, an alternative rate of 2.25%, assessed on the gross transaction value, is available. However, capital gains are subject to corporate income tax if they are derived from depreciable assets, goods or rights that are part of the taxpayer's activities or if the transaction is part of the ordinary trade or business of the company (for further details, see Section B).

(c) The ordinary Capital Income Tax rate is 15%. However, capital income is subject to corporate income tax if it derives from goods or rights that are part of the taxpayer's activities, or if the transaction is part of the ordinary trade or business of the company (for further details, see Section B).

(d) Dividends may be exempt if the recipient is a local entity that carries out an economic activity and is subject to income tax (for further details, see Section B). The withholding tax is considered a final tax.

(e) This is a final withholding tax that is imposed on non-domiciled companies and non-domiciled individuals.

(f) For further details regarding withholding tax on interest, fees and commissions, see Section B.

(g) Non-domiciled companies engaged in these types of activities through a permanent establishment in Costa Rica that do not comply with requirements to report income or to file an income tax return may be subject to an imputed amount of taxable income equivalent to 10.5%, 15% or 30% of their total gross income derived from Costa Rica. Imputed taxable income is subject to the ordinary corporate income tax rate. For further details, see Section C.

(h) Resolution DGT-R-036-2014 established a 2% withholding requirement for debit or credit card payments processed by financial institutions in Costa Rica. The amounts withheld by the financial institutions are treated as advance payments of the recipient's final income tax liability. The 2% withholding requirement applies only to 88% of the amount of the transaction made with a debit or credit card. The following persons are exempted from this withholding requirement:
- Entities not subject to income tax
- Companies under the simplified tax regime
- Transporters of persons or goods
- Gas stations
- Taxpayers engaged in agricultural activities that do not have an obligation to make partial income tax payments
- Taxpayers that generally do not have an obligation to make partial income tax payments

(i) Resolution DGT-R-55-2017 established that insurance companies must withhold 2% on payments made for "professional services" paid to individuals or companies selling their services through direct contracting or public bid.

(j) Net operating losses may be carried forward for three years. Agricultural companies may carry forward net operating losses for five years. Initial costs (pre-operational expenses) incurred by a local entity may be deducted for corporate income tax purposes within the first five fiscal years from the date the company becomes operational.

B. Taxes on corporate income and gains

Corporate income tax. The Costa Rican tax system operates on the territoriality principle. Therefore, corporations are taxed on local-source income, defined as income derived from services rendered, goods located or investments used within Costa Rica. Significant modifications were introduced through Law No. 10.381 and Executive Decree No. 44262-H. Although these measures included a reinforcement of the territorial principle, which stated that only income from within the Costa Rica's geographical limits is taxable, they also provided exceptionally that foreign-source income will be taxed if it is earned by a nonqualified entity within a multinational group. To be considered a qualified entity, a company must have adequate economic substance in Costa Rica and comply with specific substance requirements.

Corporate income tax rates. The corporate income tax rate is 30%. However, for companies with annual gross income of up to CRC120,582,000 (approximately USD236,509.49), the following progressive rates are applicable:
- 5% for annual net income (taxable income) up to CRC5,687,000 (approximately USD11,154.47)
- 10% for annual net income between CRC5,687,000 and CRC8,532,000 (approximately USD16,734.66)
- 15% for annual net income between CRC8,532,000 and CRC11,376,000 (approximately USD22,312.88)
- 20% on the amount of annual net income exceeding CRC11,376,000 (approximately USD22,312.88)

The amount of the applicable annual gross income is adjusted on a yearly basis.

Free Trade Zone Regime. The Free Trade Zone Regime is an incentive system offered by the Costa Rican government to companies that invest in the country and meet the requirements and

obligations set forth in the Free Trade Zone Law and its regulations. The regime is granted discretionally by the government, mainly based on the proposed investment value for the country's economic development.

Companies operating under the Free Trade Zone Regime that are in the Great Metropolitan Area (GMA) benefit from an income tax exemption of 100% for the first eight years and of 50% for the next four years. Companies located outside the GMA benefit from an income tax exemption of 100% for the first 12 years and of 50% for the next 6 years. The Ministry of National Planning and Economic Policy specifies which areas are considered part of the GMA.

On 22 January 2010, the executive branch of the Costa Rican government published Law No. 8794, which amends and adds certain sections to the Free Trade Zone Regime Law No. 7210. This law created a new category of companies that can apply for the Free Trade Zone Regime. This category is for companies that produce or process goods, regardless of whether the goods are for exportation. Companies in this category are subject to income tax at reduced rates (0%, 5%, 6% or 15%) for a specified number of years depending on whether the company is located inside or outside the GMA or depending on the amount of the investment.

To comply with the international standard of Base Erosion and Profit Shifting (BEPS) Action 5, the Free Trade Zone Regime Law was modified to include the Strategic Eligibility Index for Service Companies as a condition of entry and permanence with respect to the Free Trade Zone Regime for service companies. Therefore, services companies do not have any limitations on the selling of their services to the local market, and the income derived from these sales should be covered by the income tax and dividend tax incentives.

Capital gains. Capital gains are subject to the Capital Gains Tax at a 15% rate that is levied on the sale of tangible or intangible assets. For the first sale of goods and rights acquired before 1 July 2019, taxpayers are allowed to apply a capital gains tax of 2.25% to the gross purchase price.

Capital losses should be deductible against gains subject to Capital Gains Tax if requirements under the Capital Gains Tax rules are met.

The gains are subject to corporate income tax at a general 30% rate if any of the following circumstances exist:
- The sale of the assets is considered to be part of the company's ordinary trade or business.
- The goods or rights are used to generate taxable income.
- The asset being transferred is a depreciable asset.

Capital Income Tax. For purposes of the Capital Income Tax, capital income is classified as "Movable Capital Income" or "Immovable Capital Income."

"Immovable Capital Income" includes income derived from real estate, such as leases, subleases and the creation or assignment of any right of use and enjoyment of immovable property.

"Movable Capital Income" includes, among others, the following types of income:

- Income derived from the transfer of funds to third parties, including repurchases of securities, such as interest derived from financing and loans
- Income derived from leases, subleases and the creation or assignment of any right of use and enjoyment of movable property, intangible assets and other rights such as intellectual property
- Dividends received and other income similar to dividends

As a general rule, income characterized as Immovable Capital Income is subject to a 15% tax rate, which is assessed on 85% of the gross income received by the taxpayer without the possibility of additional expense deductions.

For Movable Capital Income, the applicable tax rate is 15% assessed on the gross income received by the taxpayer, with no deductions allowed.

Alternatively, taxpayers that generate capital income and that have at least one employee engaged in this business activity may elect to characterize this type of income as ordinary taxable income and, accordingly such income is subject to corporate income tax that is assessed on the net taxable income. The corresponding election must be notified to tax authorities before the beginning of the fiscal year and remains mandatory for a minimum of five years.

Capital income is subject to corporate income tax at a general 30% rate if either of the following circumstances exist:

- The capital income is considered to be part of the company's ordinary trade or business
- The assets generating the capital income are part of the taxpayer's activities (that is they are used to generate ordinary income)

Administration. The statutory tax year runs from 1 January through 31 December. Companies must file annual corporate income tax returns and pay any tax due within two months and 15 days after the end of the tax year. Taxpayers that report under the statutory tax year have a filing deadline of 15 March. On request, tax authorities may authorize a different tax year in special circumstances.

The current year tax liability must be paid in quarterly installments, which are based on the preceding year's income tax paid or the average of the last three years' tax liability, whichever is higher. If a company did not file a return for the last three years, the installment payments are calculated based on the tax liability from the last year a return was filed. New companies must make quarterly payments based on their first-year projected income, which must be reported to the tax authorities on or before the last day of January. If no projected income is reported, the tax authorities may determine the quarterly tax payments based on an imputed income amount.

Companies defined by the tax authorities as National Large Taxpayers must file audited financial statements on request from the tax authorities. The audited financial statements must be

submitted within three months after the request of the tax authorities. The period to respond may be extended by three months if approved by the tax authorities. National Large Taxpayers who declare losses or zero tax liability (*cuota tributaria cero* in Spanish) must submit their audited financial statements within three months following the close of the corporate income tax fiscal year. An extension of this deadline may be granted for an additional three months if approved by the tax authorities.

In addition, Resolution No. DGT-R-30-2014 requires National Large Taxpayers to update their relevant tax information using a web-based platform called AMPO within one month from the end of their fiscal year. Taxpayers that become classified as National Large Taxpayers must submit the tax information within two months after being notified of their National Large Taxpayer status by the tax authorities. The relevant tax information to be provided includes, among other items, the following:

- Agencies
- Branches or commercial premises
- Mergers
- Royalty payments for the use of intangible assets
- Equity participation in other entities
- Participations in economic groups

Dividends. In general, dividends paid or credited by corporations to individuals or entities are subject to a 15% withholding tax. Dividend distributions paid to another entity domiciled in Costa Rica are exempt, provided that the recipient is an entity that carries out an economic activity and is subject to income tax or is the holding company of a financial conglomerate or group duly supervised in Costa Rica.

Dividend distributions by companies of their own shares are also exempt.

Domiciled companies include companies incorporated in Costa Rica and companies that have a permanent establishment in Costa Rica.

Interest withholding tax. Interest, commissions, financial expenses and lease payments for capital assets paid to non-domiciled individuals or legal entities are subject to a 15% withholding tax. Interest, commissions and financial expenses paid by entities regulated by the Superintendence of Financial Entities (Superintendencia General de Entidades Financieras, or SUGEF) to foreign entities that are also regulated and supervised in their jurisdictions are subject to a 5.5% withholding tax rate. An exemption applies to interest, commissions and financial expenses paid to multilateral development banks and other institutions of multilateral or bilateral development, as well to other nonprofit entities that are not subject to tax.

The Income Tax Law limits the deductibility of financial expenses from debts with nonbanking entities (for details, see *Limitations on the deductibility of financial expenses* in Section E).

Foreign tax relief. The current position of the tax authorities is that Costa Rican taxpayers cannot deduct foreign taxes paid abroad in calculating their taxable income.

C. Determination of trading income

General. Income tax is determined in accordance with International Accounting Standards (IAS), subject to adjustments required under the Costa Rican Income Tax Law and general resolutions issued by the tax authorities. Taxable income includes all income derived from Costa Rican sources, such as income from industrial, agricultural and trade activities in Costa Rica, income from services rendered in Costa Rica and income derived from real estate transactions, assets, capital, goods and rights invested or used in Costa Rica.

Imputed income. The tax authorities may assess imputed income in the cases described below.

Non-domiciled companies that do not file tax returns. Non-domiciled companies engaged in certain types of activities in Costa Rica through a permanent establishment that do not comply with requirements to report income or file income tax returns are subject to an imputed income assessment equal to a specified percentage of their Costa Rican gross income, unless they provide evidence of a lower amount of actual income. For example, documentation supporting an allocation of income between Costa Rica and other countries would prove that all income is not Costa Rican source. The amount of the imputed income assessment is subject to tax at the normal income tax rate. The following are some of the presumed amounts of taxable income:

- Transport and telecommunications: 15% of gross income
- Reinsurance: 10.5% of the net value of the reinsurance undertakings, guarantees and premiums of any type
- Media, cinema and international news: 30% of gross income

Airlines, maritime shipping, transportation and communication companies. Airlines, maritime shipping, transportation and communication companies may enter into an agreement with the tax authorities to compute Costa Rican taxable income using a special formula based on the company's worldwide and local revenues.

Loan and financing transactions. Unless the taxpayer provides evidence to the contrary, loan and financing transactions are deemed to derive a minimum amount of interest based on the highest active interest rate fixed by the Banco Central de Costa Rica (central bank) for lending and financial transactions or, if this rate is not available, on the average market rate being charged in the Costa Rican banking system. The tax authorities do not allow any exceptions to this rule unless the parties entered into a formal written loan or financing agreement.

Inventories. The Costa Rican Income Tax Regulations provide that acquisition cost must be used to record assets. The acquisition cost may be computed using several valuation methods, such as the first-in, first-out (FIFO) and weighted average cost methods. The tax authorities eliminated last-in, first-out (LIFO) as a valid inventory valuation method for tax purposes as of 3 February 2015.

Provisions. In general, provisions, including provisions for contingent liabilities such as doubtful accounts and severance pay, are not deductible expenses. However, actual payments of such liabilities are considered to be deductible expenses.

Tax depreciation. Depreciation may be computed using the straight-line or the sum-of-years' digits method. The tax authorities may allow a special accelerated depreciation method in certain cases. The tax authorities may authorize other methods based on the type of asset or business activity. The method chosen must be applied consistently. Depreciation is computed based on the useful life of the asset as specified in the Income Tax Regulations. The following are some of the straight-line rates.

Asset	Rate (%)
Buildings	2/4/6
Plant and machinery	7/10/15
Vehicles	10/15/34
Furniture and office equipment	10/20
Tools	10

Relief for losses. Taxpayers may carry forward net operating losses for three years.

Agricultural companies may carry forward net operating losses for five years.

Initial costs (pre-operational expenses) incurred by a local entity may be deducted for corporate income tax purposes within the first five fiscal years from the date the company becomes operational.

Groups of companies. Costa Rican law does not allow the filing of consolidated income tax returns or provide any other tax relief to consolidated groups of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (reduced rates may be applicable)	13%
Real estate transfer tax; the definition of "transfer" includes indirect transfers in addition to direct transfers of immovable property; indirect transfers are the transfer of control over the legal owner of immovable property	1.5%
Vehicle transfer tax	2.5%
Customs duties	
Agricultural products; average rate	12.5%
Industrial products; average rate	3.9%
Certain raw materials and machinery and equipment (Certain specified goods and merchandise are subject to higher rates of customs duty.)	0%
Real estate tax (assessed and collected by the municipalities)	0.25%
Payroll taxes; withheld by employers; paid by employee; rate depends on compensation level	10%/15%/ 20%/25%
Social security contributions	
Employer	26.67%
Employee	10.67%

Nature of tax	Rate
Municipal taxes (varies by municipality)	Various
Solidarity Tax for the Strengthening of Housing Programs; (Solidarity Tax) contained in Law No. 8683; purpose of the tax is to finance public housing programs; tax applicable to residential property that is used habitually or occasionally or for recreational purposes, that the taxpayer owns or has the right to use and that is located in Costa Rica; taxpayers are subject to the tax if the value of the infrastructure (permanent structures, such as houses, swimming pools and parking lots) exceeds CRC145 million (approximately USD284,402.94); the value of the infrastructure must be updated every three years starting from 2016 (for example, 2016, 2019 and so forth) and is due on 15 January of the corresponding year in accordance with the parameters established by the tax authorities; if the taxpayer is subject to the tax (that is, meets value threshold for the infrastructure) the tax base is computed as the total value of the infrastructure (not just the excess of CRC145 million) plus the value of the land as of 1 January, based on a specific zoning model determined by tax authorities; hotel businesses may be subject to the tax depending on their operating model and the type of infrastructure; the tax is paid annually and is due on 15 January of every year (for example, for a fiscal year-end of 31 December 2022, the tax is due by 15 January 2023); Solidarity Tax is independent from the other real estate taxes and is not deductible for income tax purposes; the tax rates are progressive	0.25% to 0.55%
Annual Tax on Legal Entities; applies to all business entities and branches that are registered in the Mercantile Registry; amount of tax depends on whether the entity is registered as a taxpayer and on its gross income in its last corporate income tax return if so registered; tax rate is applied to a base salary; base salary is a monetary point of reference updated each year by the Ministry of Finance and is typically used in certain laws as a reference for tax computations (for example, tax penalties); in 2024, the base salary is CRC462,200 (approximately USD906.55); payable by 30 January of each year	
Entities not registered as taxpayers or inactive	15%
Entities with gross income of less than 120 base salaries	25%

Nature of tax	Rate
Entities with gross income between 120 and 279 base salaries	30%
Entities with gross income equal to or in excess of 280 base salaries	50%

E. Miscellaneous matters

Foreign-exchange controls. The currency in Costa Rica is the colón (CRC). As of 1 March 2024, the exchange rate of the colón against the US dollar was CRC509.84 = USD1.

No restrictions are imposed on foreign-trade operations or foreign-currency transactions.

Limitations on the deductibility of financial expenses. The Income Tax Law will limit the deductibility of financial expenses from debts with nonbanking entities.

The annual interest deduction cannot exceed a certain percentage (see next paragraph) of the company's earnings before interest, taxes, depreciation and amortization (EBITDA). Interest paid on loans with local financial institutions supervised by the SUGEF or foreign financial institutions supervised in their country are not subject to this limitation. The interest expense that exceeds this threshold will be considered to be non-deductible for income tax purposes and can be taken as a deducible expense in the following tax periods, provided that interest expenses in each year does not exceed the specified percentage of the company's EBITDA.

This limitation will apply from the 2021 fiscal year with a 30% percentage for the first two years. The percentage will then be adjusted downward by 2% each year until reaching 20%.

F. Tax treaties

Costa Rica has income tax treaties in effect with Germany, Mexico, Spain and the United Arab Emirates.

The following are the withholding tax rates under Costa Rica's tax treaties.

	Dividends %	Interest %	Royalties %
Germany	5/15 (a)	5 (b)	10
Mexico	5/12 (a)	10 (d)	10
Spain	5/12 (a)	5/10 (c)	10
United Arab Emirates	5/12 (a)	5/10 (e)	12
Non-treaty jurisdictions (f)	15	15	25

(a) The 5% rate applies if the beneficial owner of the dividends is a company that owns directly at least 20% of the capital of the entity paying the dividends.

(b) Interest paid from Germany to the Costa Rican government is exempt from German taxes. Interest paid from Costa Rica under a loan guaranteed by Germany for exportation or foreign direct investment or paid to the German government, the Deutsche Bundesbank, the Kreditanstalt für Wiederaufbau or the Deutsche Investitions-und Entwicklungsgesellschaft is exempt from Costa Rican taxes. Interest can only be taxed in the contracting state of which the recipient is a resident if the interest is paid in connection with any of the following:
- The sale of commercial or scientific equipment on credit
- The sale of goods by an enterprise to another enterprise on credit
- A loan of any type made by a bank resident in one of the contracting states

(c) The 5% rate applies if the term of the loan agreement under which the interest is derived is five years or longer.

(d) Interest derived from Costa Rica and paid to a resident of Mexico is exempt from withholding tax if the recipient of the interest is the beneficial owner and if one of the following circumstances exists:
- The beneficial owner is the Mexican state, one of its political subdivisions or one of its local entities, or the Central Bank of Mexico.
- The interest is paid by the Costa Rican state, one of its political subdivisions or one of its local entities, or the Central Bank of a Costa Rica.
- The interest is derived from Costa Rica and is paid on a loan with at least a three-year term granted by the Banco Nacional de Comercio Exterior, S.N.C., Nacional Financiera, S.N.C., the Banco Nacional de Obras y Servicios Públicos, S.N.C. or by any other institution agreed upon by the competent authorities.

(e) Under the treaty, a 5% rate applies if the loan maturity is at least five years. A 10% rate applies if the maturity of the loan is less than five years.

(f) For further details, see Section A.

Croatia

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A. At a glance

Corporate Income Tax Rate (%)	10/18 (a)
Capital Gains Tax Rate (%)	10/18 (a)
Branch Tax Rate (%)	10/18 (a)
Withholding Tax (%)	
Dividends	10
Interest	15
Royalties from Patents, Know-how, etc.	15
Foreign Performance Fees (for Artists, Entertainers and Sportspersons) Paid Based on a Contract with a Foreign Person That Is Not a Natural Person	10
All Types of Payments Subject to Withholding Tax That Are Made to Residents of Non-cooperative Jurisdictions on the European Union (EU) List	25 (b)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) See Section B.

(b) These are prohibited list jurisdictions with which Croatia does not have a double tax treaty in place. The prohibited list jurisdictions are currently American Samoa, Anguilla, Fiji, Guam, Palau, Panama, Samoa, Trinidad and Tobago, the United States Virgin Islands, and Vanuatu.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to tax on their worldwide income. A company is resident in Croatia if its legal seat or its place of management and supervision is located in Croatia. Branches of foreign companies are subject to tax only on their profits derived from Croatia. Investment funds without legal personalities established and operating in accordance with the law for investment funds are not corporate income taxpayers.

Tax rates. The standard rate of corporate income tax is 18%. A lower corporate income tax rate of 10% applies to taxpayers that realized revenue of less than EUR1 million in the respective tax period.

Tax incentives. Tax exemptions and other tax reliefs are available in accordance with the Croatian Corporate Income Tax Act and special legislation regulating incentives. For example, the Investment Promotion Act provides incentives for investments in new business activities and new workplaces.

Capital gains and losses. Capital gains and losses from the sale of assets are considered regular taxable income and tax-deductible expenses, respectively. No separate capital gains tax applies; capital gains are subject to the regular corporate income tax rates of 18% or 10%. Specific rules apply to unrealized gains and losses on certain types of assets. Depending on the type of asset, such gains or losses may be not taxable or not tax deductible, and may be recognized for tax purposes in the period of the realization of the asset.

Administration. The regular tax year is the calendar year, but a company may apply for a different tax year.

Annual tax returns must be filed by the end of the fourth month following the tax year. However, in the case of the winding up of a company by applying shortened procedure, the tax period is aligned with such shortened procedure. The corporate income tax return submission deadline for bankruptcy is shortened to 30 days from the ending date of the tax year. The final corporate income tax return submission deadline for winding-up liquidation or other proceedings in accordance with special regulations is eight days from the date when the tax period ends.

Companies must make monthly advance payments of tax. In principle, each monthly advance payment is equal to 1/12 of the tax due for the preceding year. The balance of tax due must be paid by the end of the fourth month following the tax year. If the total of the advance payments exceeds the tax due for the year, the company may claim a refund.

Dividends. Dividends paid to foreign shareholders are taxable at a rate of 10%.

Foreign tax relief. A foreign tax credit is available to resident companies for foreign tax paid on income earned directly or through permanent establishments abroad. The amount of the credit is the

lower of the Croatian corporate tax payable on the foreign income and the foreign tax paid.

C. Determination of trading income

General. The corporate income tax base is determined in accordance with the accounting regulations (Croatian Financial Reporting Standards [CFRS]/International Financial Reporting Standards [IFRS]), adjusted for certain items that increase or decrease the tax base.

The following items decrease the tax base:
- Revenues from dividends and profit shares under certain conditions
- Unrealized profits from value adjustments of shares if they were previously taxed
- Revenues from collected written-off receivables that were taxed in previous periods
- Depreciation expenses carried forward from previous periods
- Tax incentives in accordance with special laws
- Expenses from previous tax periods that were previously taxed (that is, expenses that had been nondeductible)
- Government subsidies for the COVID-19 pandemic

The following items increase the tax base:
- Depreciation expenses exceeding the maximum allowable amounts and rates (excess may be carried forward).
- Penalty interest paid between related parties.
- Privileges and other benefits granted to individuals and legal persons to execute certain actions in favor of the company.
- Nondeductible interest on loans between related parties.
- The costs of forced collection of tax and other levies.
- Unrealized losses from value adjustments of shares, if these were included in the expenses.
- Unrealized losses from value adjustments of depreciable assets except in the case of extraordinary damages.
- Fifty percent of entertainment expenses resulting from a business relationship with a business partner, including related value-added tax (VAT). These expenses include the following:
  — Gifts, regardless of whether they include the mark of the company or product
  — The cost of holidays, sports, recreation and leisure
  — Rental of airplanes, automobiles, vacation homes and vessels
- Fines imposed by competent bodies.
- Fifty percent of expenses, including related VAT but not including insurance and interest costs, incurred with respect to owned or rented motor vehicles or other means of personal transportation (for example, personal car, vessel, helicopter and airplane) used by managerial, supervisory and other employees, if the personal use of the means of personal transportation is not taxed as a benefit in kind.
- Inventory shortages above the amount prescribed by the Croatian Chamber of Economy, if the shortages are not subject to personal income tax.
- Donations in cash or in kind exceeding 2% of the preceding year's revenue. The limitation does not apply to donations made in accordance with the competent ministry's decisions on special programs and actions undertaken outside the regular business activities of the beneficiary. The donations also include financing of health care expenses (surgery, purchases of medicines or

orthopedic devices, and transport and accommodation costs with respect to health care institutions) for individuals who are not covered by primary, additional or private health insurance. The donations can also include donations of food producers or traders that donate food for social, humanitarian and other helpful purposes or that donate food to people hit by natural disasters. The food donations must be in line with special provisions of the Ministry of Agriculture.
- Expenses identified in the course of a tax audit, including VAT personal income tax and obligatory contributions incurred with respect to hidden profit payments, including payments of private costs of shareholders, company members and individuals and persons related to these individuals.
- Other expenses not incurred for the purpose of earning profit.

The expenses mentioned above, except privileges and other benefits granted to individuals and legal persons to execute certain actions in favor of the company and expenses identified in a tax audit, do not increase the tax base if they are subject to personal income tax.

Legislation that entered into force from 2017 introduced the possibility of determining the tax base based on the cash principle for taxpayers that realized revenue of less than EUR1 million in the preceding tax period. The Corporate Income Tax Act provides detailed rules for determining such tax base. Corporate income taxpayers that are also VAT taxpayers may also determine the tax base based on the cash principle if they have, based on VAT rules, already chosen to pay VAT based on realized income.

Inventories. Inventories are valued in accordance with CFRS or International Accounting Standards (IAS)/IFRS. In general, inventories are valued at the lower of cost or net realizable value. Costs include all acquisition costs, conversion costs and other costs incurred in bringing inventories to their current location and condition. In general, the cost of inventories must be determined using the first-in, first-out (FIFO) or weighted average method.

Losses from value adjustments of inventories are recognized as tax-deductible expenses at the time of disposal of the inventories.

Specific rules deal with allowable limits of inventory shortages.

Provisions. The following provisions are deductible for tax purposes:
- Provisions for severance payments to be paid in the following year according to the prepared restructuring plan
- Provisions for costs of renewing natural resources
- Provisions for costs incurred during guarantee periods
- Provisions for costs related to court disputes that have already been initiated against the taxpayer (excluding interest)
- Provisions for the risk of potential loss in banks, up to the amount prescribed by the Croatian special regulations
- Provisions in insurance companies, up to the obligatory amount prescribed by the law governing the insurance
- Provisions for the unused vacation in accordance with accounting principles

Trade receivables. Value adjustments of trade receivables are deductible if the receivables are overdue for more than 60 days as

of the end of the tax year and if they are not collected by the 15th day before the filing of the tax return. However, if a taxpayer does not take measures for debt collection (for example, sue the debtor) before the receivables are barred by the statute of limitations, the receivables treated as deductible for tax purposes in prior years must be included in taxable income. In addition, value adjustments are deductible for tax purposes in the following circumstances:

- The receivables do not exceed EUR665 per debtor (corporate income taxpayers or sole proprietors subject to personal income tax).
- The receivables do not exceed EUR40 per unrelated individuals if the total receivables per individual do not exceed this amount on the last day of the tax period.
- The company is suing the debtor or a foreclosure is being conducted.
- The receivables are reported in a bankruptcy proceeding of the debtor.
- The debt has been settled in the pre-bankruptcy or bankruptcy proceedings of the debtor.
- The taxpayer proves that costs of initiating certain collection procedures exceed receivables or the taxpayer proves it used the duty of care to initiate collection of the debt (which ultimately could not be collected).
- The debt is written off based on special provisions related to the consumer's bankruptcy.

The write-off of receivables confirmed in the settlement procedure (based on the Act on Compulsory Administration Procedure in Companies of Systemic Importance for the Republic of Croatia [Lex Agrokor]) should be treated as tax-deductible expense (applicable for 2018 and future corporate income tax returns).

Credit institutions may treat as tax deductible the write-off of receivables from unrelated individuals and legal entities that were previously impaired and recorded as a provision in accordance with the regulations of the Croatian National Bank. In that case, the credit institution should waive the right to collect the written-off amount of the receivable and should submit a written statement to the debtor and guarantor on the termination of their obligation in the amount of write-off. With respect to the debtor and guarantor, the amount of the written-off liability is not considered to be taxable income and has no impact on other prescribed thresholds. The credit institution should submit together with the corporate income tax return an overview of write-offs performed in line with these provisions, with an indication of the total amount of write-offs and a breakdown by individual placement (individual loan receivable) and loan borrower.

Tax depreciation. Depreciation is calculated by using the straight-line method. The following are the maximum annual depreciation rates prescribed by the Corporate Income Tax Act.

Asset	Rate (%)
Buildings and ships over 1,000 gross registered tons	10
Primary herd and personal cars	40
Intangible assets, equipment, vehicles	

Asset	Rate (%)
(except personal cars), and machinery	50
Computers, computer hardware and software, mobile telephones and computer network accessories	100
Other assets	20

The deduction for tax depreciation cannot exceed the expense for accounting depreciation. If maximum allowable tax depreciation exceeds accounting depreciation, the accounting depreciation prevails for tax purposes. If accounting depreciation exceeds maximum allowable tax depreciation, the excess may be deducted in future periods.

Depreciation expenses for personal cars and other vehicles used for personal transportation are deductible up to the amount calculated on the purchase cost of EUR54,000 per vehicle. The limitation does not apply to vehicles used exclusively for rental or transportation activities.

Depreciation of assets that are not used in the performance of ordinary business activities is not deductible for tax purposes.

If the accounting records of a taxpayer include vessels, airplanes, apartments or resort houses and if the taxpayer uses these assets in its regular business activities, the depreciation of such assets may be claimed as deductible expenses for tax purposes if the following conditions are met:
- The taxpayer is registered for the activity of renting such assets.
- The revenue realized from the use of the vessels and airplanes is at least 7% of the purchased value of the vessels or airplanes.
- The revenue from the use of apartments and resort houses is at least 5% of the purchase value of the apartments or resort houses.

Relief for losses. Tax losses may be carried forward for five years, but they may not be carried back.

The legal successor may lose the right to a loss carryforward after a legal change (business combination) and/or change in ownership of the company of more than 50% if one of the following circumstances exists:
- The taxpayer did not perform its business activity for the two tax periods before the occurrence of the legal change and/or change in ownership.
- Within two tax periods after the occurrence of the legal change and/or change in ownership, the business activity of the taxpayer substantially changes.

Groups of companies. Croatia does not allow consolidated returns or provide any other tax relief for groups of companies. Each company within a group is taxed separately.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	5/13/25
Real estate tax, on the value determined by the tax authorities	3

Nature of tax	Rate (%)
Social security contributions; paid by	
Employer	16.5
Employee	20
Personal income tax; the withholding liability lies with the employer	
Up to EUR4,200 per month	15 to 23.6
In excess of EUR4,200 per month	25 to 35.4
(The rate ranges are defined by each municipality.)	

E. Miscellaneous matters

Foreign-exchange controls. The Croatian currency is the euro (EUR).

The Croatian National Bank is responsible for foreign-exchange regulations.

The Foreign Exchange Act generally imposes restrictions on payments abroad that do not have a legal basis. No restrictions are imposed on transfers of paid-in share capital, dividends, profits, interest, royalties, fees for know-how and similar payments.

Under the Foreign Exchange Act, Croatian resident companies may acquire foreign securities, provide long-term and short-term loans to nonresident companies, acquire real estate abroad and engage in certain other specified transactions. Such transactions are allowed if they are reported to the Croatian National Bank.

Natural persons may make direct investments abroad, acquire foreign securities, provide long-term loans to nonresidents, acquire real estate abroad and provide short-term loans to nonresidents who are related parties (family members).

Transfer pricing. Croatia has transfer-pricing rules that apply to transactions between Croatian residents and nonresidents. Under these rules, the tax authorities may adjust the taxable income of Croatian taxpayers derived from transactions with foreign related companies if they deem the prices and agreed conditions to be different than arm's-length prices and conditions. In such circumstances, taxable income is increased (or expenses decreased) by the difference between prices stated in the financial statements and arm's-length prices. These rules also apply to transactions between two Croatian residents if one of the related parties has special tax status (pays corporate income tax at reduced rates) or has a tax-loss carryforward.

A company may apply one of the following methods for establishing an arm's-length price:
- Comparable uncontrolled price method
- Resale price method
- Cost-plus method
- Profit-split method
- Transactional net margin method

Under the Croatian excessive interest rate rule, the deduction of interest on a loan received by a Croatian taxpayer from a related party is limited to a maximum deductible interest rate published by the Croatian Minister of Finance before the beginning of the

relevant tax year (2.4% per year for 2023 and 3.25% per year for 2024).

The abovementioned interest rate is calculated as the average of the interest rates on the outstanding balances of loans that are granted for a period longer than one year to nonfinancial companies and that are published by the Croatian National Bank in the current calendar year.

Instead of the rate prescribed by the Minister of Finance, taxpayers can apply the abovementioned transfer pricing methods for establishing an arm's-length interest rate, subject to the condition that such method apply to all agreements.

Taxpayers can enter into an agreement in the area of transfer pricing and contractual relations between related companies with the Croatian tax authorities and tax authorities in other jurisdictions if applicable (resident jurisdictions of related companies or permanent establishments through which the business activities are carried out). Advance pricing agreements (APAs) enable parties to determine a set of criteria for determining transfer prices (for example, methods, adjustments and key assumptions) before beginning related-party transactions during a tax period.

Debt-to-equity ratios. Under thin-capitalization rules, interest on loans received from foreign shareholders owning 25% or more of the shares, capital or voting rights of the borrower, on loans guaranteed by such shareholders or on loans received from related parties, is not deductible if the loan balance exceeds four times the shareholders' share in the equity of the borrower.

Prepayments of dividends. If the dividends or profit shares are prepaid to an individual during a tax year and if the realized profit at the end of a tax year is insufficient to cover such prepayment, the prepayment is considered to be income subject to personal income tax. The taxpayer must maintain documentary evidence of dividend prepayments and submit it with the tax return.

Anti-Tax Avoidance Directive. The Anti-Tax Avoidance Directive contains rules regarding interest deductibility, controlled foreign companies (CFCs), hybrid mismatches and exit taxation.

Under the interest deductibility rule, to calculate the tax-deductible expense, the taxpayer may determine the exceeding borrowing costs incurred in the tax period to be up to 30% of earnings before interest, taxes, depreciation and amortization (EBITDA) or EUR3 million, whichever is higher. The exceeding borrowing costs are considered to be costs exceeding the taxable interest income or other economically equivalent taxable income. The amount of nondeductible exceeding costs is reduced for the amounts for which the tax base is increased under Article 8 (thin-capitalization rules) and Article 14 (interest on loans between related parties) of the Corporate Income Tax Act.

Under the CFC rule, a CFC of a taxpayer is an entity that exists in any organizational legal form or as a permanent establishment located in another country whose income is not liable to tax or is non-taxable in that country if both of the following conditions are met:

- The taxpayer alone or together with the related parties participates directly or indirectly with more than 50% of the voting rights, is the direct or indirect owner of more than 50% of the capital or realizes the right to receive more than 50% of the profit of the entity.
- The actual profit tax that the company or a permanent establishment paid abroad in another EU state is less than the difference between the income tax that would be charged to company or the permanent establishment in Croatia and the actual profit tax paid by the company or permanent establishment.

If the entity or the permanent establishment is considered a CFC, the Croatian taxpayer is required to include the following CFC income in its tax base:

- Interest or other financial asset income
- License fees or other income from intellectual property
- Dividends, shares in profits and revenues from the disposal of shares
- Financial leasing income
- Income from insurance, banking and other financial activities
- Income derived from goods and services purchased from related parties and sold to related parties, with little or no added economic value

Hybrid entities are entities that have a difference in legal definition and are not considered taxpayers in one tax jurisdiction, while the same entities are considered taxpayers in another tax jurisdiction. Payments between such entities may lead to recognition of double deduction or deduction without inclusion, leading to an erosion of the tax base. A hybrid mismatch arises between related parties, between the taxpayer and an affiliate, between the head office and a permanent establishment, between two or more permanent establishments of the same entity or under a structured arrangement.

Regarding exit taxation, the capital gain is taxed at the moment of the transfer of assets from headquarters to a permanent establishment or vice versa, transfer of residence or transfer of activities, whereby the legal taxation of those assets in Croatia ceases. However, the transfer of assets, including cash, between the parent company and the subsidiary is not taxed. Also, exit taxation does not apply if any of the following circumstances exist:

- The assets are temporarily transferred and are designated to be returned to the transferor's Member State within 12 months.
- The transfer is carried out to meet prudential capital requirements for liquidity management purposes.
- The transfer of the asset is related to financing of securities or an asset is given as a guarantee.

F. Tax treaties

Croatia has entered into double tax treaties on avoidance of double taxation with many jurisdictions (see the withholding rate table below).

Croatia has signed a tax treaty with Egypt, but this treaty is not yet effective. Croatia is engaged in negotiations on treaties with Australia, the Hong Kong Special Administrative Region (SAR), Saudi Arabia and the United States.

Croatia has adopted the double tax treaties entered into by the former Yugoslavia with Finland, Norway and Sweden.

The withholding tax rates for payments by Croatian companies under Croatia's double tax treaties and under the former Yugoslavia's double tax treaties adopted by Croatia are listed in the table below.

Croatia became a member of the EU on 1 July 2013. As of that date, provisions of the Interest and Royalty Directive and Parent-Subsidiary Directive adopted by Croatian corporate income tax legislation became applicable to payments to recipients within the EU.

	Dividends %	Interest %	Royalties %
Albania	10	10	10
Andorra	5	5	5
Armenia	0/10 (a)	10	5
Austria	0/15 (b)	5	0
Azerbaijan	5/10 (x)	10	10
Belarus	5/15 (c)	10	10
Belgium	5/15 (d)	10	0
Bosnia and Herzegovina	5/10 (e)	10	10
Bulgaria	5	5	0
Canada	5/15 (f)	10	10
Chile	5/15 (g)	5/15	5/10
China Mainland	5	10	10
Cyprus	5	5	5
Czech Republic	5	0	10
Denmark	5/10 (h)	5	10
Estonia	5/15 (i)	10	10
Finland	5/15 (c)	0	10
France	0/15 (j)	0	0
Georgia	5	5	5
Germany	5/15 (k)	0	0
Greece	5/10 (l)	10	10
Hungary	5/10 (l)	0	0
Iceland	5/10 (m)	10	10
India	5/15 (i)	10	10
Indonesia	10	10	10
Iran	5/10 (l)	5	5
Ireland	5/10 (n)	0	10
Israel	5/10/15 (o)	5/10	5
Italy	15	10	5
Japan	0/5/10 (aa)	5	5
Jordan	5/10 (p)	10	10
Kazakhstan	5/10 (e)	10	10
Korea (South)	5/10 (l)	5	0
Kosovo	5/10 (e)	5	5
Kuwait	0	0	10
Latvia	5/10 (l)	10	10
Lithuania	5/15 (q)	10	10
Luxembourg	5/15 (d)	10	5
Malaysia	5/10 (r)	10	10
Malta	5 (s)	0	0
Mauritius	0	0	0
Moldova	5/10 (l)	5	10

	Dividends %	Interest %	Royalties %
Morocco	8/10 (w)	10	10
Netherlands	0/15 (b)	0	0
North Macedonia	5/15 (c)	10	10
Norway	15	0	10
Oman	0	5	10
Poland	5/15 (c)	10	10
Portugal	5/10 (m)	10	10
Qatar	0	0	10
Romania	5	10	10
Russian Federation	5/10 (y)	10	10
San Marino	5/10 (l)	10	5
Slovak Republic	5/10 (l)	10	10
Slovenia	5	5	5
South Africa	5/10 (l)	0	5
Spain	0/15 (t)	0	0
Sweden	5/15 (u)	0	0
Switzerland	5/15 (c)	5	0
Syria	5/10 (m)	10	12
Türkiye	10	10	10
Turkmenistan	10	10	10
Ukraine	5/10 (l)	10	10
United Arab Emirates	5	5	5
United Kingdom	5/15/10 (z)	5	5
Vietnam	10	10	10
Yugoslavia (v)	5/10 (l)	10	10
Non-treaty jurisdictions	10	15	15

(a) The 0% rate applies if the recipient (beneficial owner) is an entity that directly or indirectly holds at least 25% of the payer. The 10% rate applies to other dividends.

(b) The 0% rate applies if the recipient (beneficial owner) is an entity that directly holds at least 10% of the payer. The 15% rate applies to other dividends.

(c) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 25% of the payer. The 15% rate applies to other dividends.

(d) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly or indirectly at least 10% of the payer. The 15% rate applies to other dividends.

(e) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 25% of the payer. The 10% rate applies to other dividends.

(f) The 5% rate applies if the recipient (beneficial owner) is an entity that directly or indirectly controls at least 10% of the voting power of the payer, or holds directly at least 25% of the payer. The 15% rate applies to dividends paid by investment corporations that are resident in Canada but are owned by non-residents and in all other cases.

(g) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 20% of the payer. The 15% rate applies to other dividends.

(h) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 25% of the payer or if the recipient (beneficial owner) is a pension fund or similar institution that provides insurance services or pension benefits. The 10% rate applies to other dividends.

(i) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 10% of the payer. The 15% rate applies to other dividends.

(j) The 0% rate applies if the recipient (beneficial owner) is an entity that directly or indirectly holds at least 10% of the payer. The 15% rate applies to other dividends.

(k) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 10% of the payer. The 15% rate applies to other dividends.

(l) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 25% of the payer. The 10% rate applies to other dividends.

(m) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 10% of the payer. The 10% rate applies to other dividends.

(n) The 5% rate applies if the recipient (beneficial owner) is an entity that directly controls at least 10% of the voting power of the payer. The 10% rate applies to other dividends.
(o) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 25% of the payer. The 10% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 10% of the payer and if the entity is a resident of Israel. The 15% rate applies to other dividends.
(p) The 5% rate applies if the recipient (beneficial owner) is an entity that holds at least 25% of the payer and if this ownership is not achieved for the purposes of exploiting these provisions. The 10% rate applies to other dividends.
(q) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 10% of the payer. The 15% rate applies to other dividends.
(r) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 10% of the payer. The 10% rate applies to other dividends.
(s) The 5% rate applies if the dividends are paid by a Croatian resident to a Maltese resident (beneficial owner). If dividends are paid by a Maltese resident to a Croatian resident (beneficial owner), the applicable rate is the rate used to tax the profits out of which the dividends are paid.
(t) The 0% rate applies if the recipient is an entity that holds directly at least 25% of the payer and if the dividends are paid to a company whose assets are fully or partially divided into shares. The 15% rate applies to other dividends.
(u) The 5% rate applies if the recipient is an entity that directly holds at least 25% of the voting power of the payer. The 15% rate applies to other dividends.
(v) This treaty applies to Montenegro and Serbia.
(w) The 8% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 25% of the payer. The 10% rate applies to other dividends.
(x) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 25% of the payer and its respective share in capital amounts to at least EUR150,000. The 10% rate applies to other dividends.
(y) The 5% rate applies if the recipient (beneficial owner) is an entity that holds directly at least 25% of the payer and its respective share in capital amounts to at least USD100,000. The 10% rate applies to other dividends.
(z) The 5% rate applies if the recipient (beneficial owner) is an entity that controls directly or indirectly at least 25% of the payer. The 15% rate applies if the dividends are paid out of income (including gains) derived directly or indirectly from immovable property by an investment vehicle that distributes most of this income annually and if this income is exempt from tax. The 10% rate applies to other dividends.
(aa) The 0% rate applies if the recipient (beneficial owner) is an entity that is a resident of the other contracting state and that holds directly or indirectly at least 25% of the voting power of the payer throughout a 365-day period that includes the date on which entitlement to the dividends is determined. Dividends that are tax deductible for the payer in the country of its residence may be taxed in the country of its residence, but if the recipient-resident of the other contracting state is the beneficial owner of the dividend, the withholding tax rate may not be higher than 10%. The 5% rate applies to other dividends.

Curaçao

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Tax Policy and Controversy

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On 10 October 2010, the country Netherlands Antilles, which consisted of five island territories in the Caribbean Sea (Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten), was dissolved. On dissolution of the Netherlands Antilles, the islands of Bonaire, Sint Eustatius and Saba (BES-Islands) became part of the Netherlands as extraordinary overseas municipalities. Curaçao and Sint Maarten have both become autonomous countries within the Kingdom of the Netherlands. The former Netherlands Antilles tax laws remain applicable to Curaçao, with the understanding that references in the laws to "the Netherlands Antilles" should now read "Curaçao." The following chapter provides information on taxation in Curaçao only. Chapters on BES-Islands and Sint Maarten appear in this guide.

A. At a glance

Corporate Income Tax Rate (%)	15/22
Capital Gains Tax Rate (%)	15/22
Branch Tax Rate (%)	15/22
Withholding Tax (%)	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	10*

* Losses incurred by certain companies during their first four years of business may be carried forward indefinitely. Losses incurred during the first six years by an entity that has the objective of engaging in business in the shipping or aviation industry may be carried forward indefinitely.

B. Taxes on corporate income and gains

Profit tax. Profit tax is levied on resident and nonresident entities. Resident entities are those incorporated under former Netherlands Antilles or current Curaçao laws, even if their management is located abroad, as well as entities incorporated under foreign law, but effectively managed in Curaçao.

For resident entities, profit tax is, in principle, levied on the aggregate amount of net profits earned from a domestic enterprise during the entity's accounting period. Income that is considered to be derived from foreign entrepreneurial activities is effectively not taxed. Nonresident entities are subject to profit tax on specific Curaçao income items, such as profits earned through a permanent establishment and income related to real estate property in Curaçao, including interest derived from a mortgage on such real estate property.

Tax rates. Resident and nonresident entities, including branches of foreign companies, are subject to a profit tax rate of 15% with respect to the first ANG500,000 (USD280,000) of taxable income, while the taxable income exceeding ANG500,000 (USD280,000) is subject to a profit tax rate of 22%. However, different rates may apply with respect to the innovation box, tax holiday, Curaçao Investment Companies (CICs) and the regime for designated activities.

Withholding taxes are not imposed on remittances of profits by branches to their foreign head offices.

Tax incentives. Reduced tax rates and other tax incentives (tax holidays) are available to new business enterprises that engage in certain activities, including tourism, land development, retail and wholesale.

The G20 and the Organisation for Economic Co-operation and Development (OECD) finalized work on the Base Erosion and Profit Shifting (BEPS) Project and published their report in October 2015. Based on a 15-point action plan issued in July 2013, the project has created uncertainty in the global tax landscape as many countries have begun to make BEPS-driven changes to their tax laws and administrative practices. Changes in legislation and policy both locally and internationally due to BEPS have impacted, among others, tax-exempt status and the E-zone facility, which are discussed below.

Reduced profit tax rate for designated activities. Income from the following activities may be subject to the reduced profit tax rate of 3%:

- The building or improvement of aircraft and vessels as well as the maintenance and repair of aircraft and vessels with a length of at least 10 meters and machinery and other materials used onboard these vessels and aircraft
- Support services, such as administrative service, back-office services, and call or data centers, if these activities are rendered to an enterprise with a turnover of at least ANG50 million (USD28 million)
- Warehousing and ancillary logistic services performed for third parties
- Fund management and fund administration services in Curaçao provided to unaffiliated investment funds and the managers of such investment funds

Companies that conduct the aforementioned activities under the reduced profit tax rate of 3% must have real presence (substance) in Curaçao, which includes the requirement that the core income-generating activities be performed in Curaçao.

Curaçao Investment Companies. As of 1 July 2018, CICs became subject to Curaçao profit tax. They were previously exempt from Curaçao profit tax. Private and public limited liability companies incorporated under former Netherlands Antilles or current Curaçao laws may qualify as CICs. CICs are only allowed to exclusively (100%) or almost exclusively (90% or more) engage in the extending of loans, investing in securities and deposits, and developing and exploiting of intellectual and industrial property rights and similar property or user rights. The exploitation of intellectual property rights can in principle only benefit from the reduced profit tax rate of 0% to the extent that it concerns "qualifying intellectual property" and to the extent that the intellectual property was developed by the taxpayer in Curaçao or on behalf and for the account of the taxpayer in Curaçao (nexus approach). To qualify as a CIC, a company must submit a written request to the Tax Inspector, and certain conditions must be satisfied. In addition, the company should have real presence (substance) in Curaçao. CICs are not eligible for benefits under the bilateral regulation for the avoidance of double taxation between the Netherlands and Curaçao, the Tax Regulation for the Kingdom of the Netherlands or any other double tax treaty of the

former Netherlands Antilles or Curaçao. However, exchange-of-information provisions in the tax regulation, tax treaties and tax information exchange agreements apply to CICs. If a CIC loses its status, it is treated as a regularly taxed company and it receives a tax-free step-up.

Taxed private foundations and trusts. The 2011 tax reform of the Curaçao profit tax legislation introduced the option for private foundations and trusts to be subject to a reduced effective profit tax rate of 10%. In principle, the profit of Curaçao private foundations and trusts is exempt from profit tax, to the extent that the profit realized is not derived from a business enterprise. After the option is exercised, the reduced effective rate of 10% applies for a period of at least three full fiscal years. After this three-year period, the private foundation can request to discontinue being subject to the reduced effective rate of 10%.

Transparent companies. Curaçao public limited liability companies or private limited liability companies or similar companies with a capital divided in shares can opt for fiscal transparency for Curaçao profit tax and individual income tax purposes. To qualify as a transparent company, a written request must be filed and certain conditions must be satisfied. If fiscal transparency is elected, the company is treated for tax purposes as a partnership; that is, only the partners can be taxed in Curaçao on Curaçao sources of income. If a transparent company loses its transparent status, it is treated as a regularly taxed company that is subject to tax. In addition, as of January 2015, rules were introduced regarding the valuation of assets and liabilities of a company that acquires or loses tax transparent status.

Ruling policy. Curaçao has an extensive advance tax ruling practice. These rulings include, among others, the following:
- Cost-plus (informal capital) rulings for intercompany activities
- Minimum gross margin rulings for finance activities
- Royalties and dividends (holding activities) ruling
- Substance rulings

On 13 July 2023, the Curaçao tax authorities adopted a formal ruling policy that primarily provides guidelines concerning requests with both an international and local character. This policy was necessitated by, among others, the significant modifications introduced to the Profit Tax Ordinance 1940 over the years, including several new provisions, requiring or making it advisable for contact between the taxpayer and the Tax Inspector to obtain certainty in advance. These revisions either require or advise pre-emptive contact between the taxpayer and the Tax Inspector through a ruling request to obtain certainty in advance. The ruling policy provides tools for evaluating and responding to these requests.

Other incentives. Curaçao also offers other incentives for specific activities, such as the international use of aircraft and ships and the insurance of risks outside Curaçao.

Capital gains. Under the current profit tax rules, in general, no distinction is made between the taxation of capital gains and the taxation of other income. Both realized capital gains and other income are in principle subject to the regular profit tax rates. The

taxation of capital gains that are realized on qualifying share interests is discussed in *Participation exemption* in Section C.

Administration. The standard tax year is the calendar year. However, on request and under certain conditions, a company may use a different financial accounting year as its tax year.

Taxpayers must file a provisional tax return within three months after the end of the financial year. In principle, this return must show a taxable profit that is at least equal to the taxable profit shown on the most recently filed final tax return. Any tax due must be paid at the time of filing of the provisional tax return. An extension of the filing and payment deadline for the provisional return is not possible. On request of the taxpayer, the Tax Inspector may consent to the reporting of a lower taxable profit than the taxable profit shown on the most recently filed final tax return.

The final tax return must be filed within 12 months after the end of the financial year. Any difference between the tax due based on the provisional return and the tax due based on the final return must be settled at the time of the filing of the final return.

To ensure compliance with the rules described above, penalties may be imposed. The tax authorities may impose arbitrary assessments if the taxpayer fails to file a tax return. Additional assessments, including a penalty, may be imposed if insufficient tax is levied. A penalty of up to 100% of the additional tax due may be imposed. Depending on the degree of fault, this penalty may vary from 25% to 100%.

Taxpayers that do not meet the requirement of regular accounting or regular annual closing are considered to have derived all their income from a domestic enterprise. As a result, such income will be subject to profit tax in Curaçao.

Dividends. Curaçao does not levy dividend withholding tax on dividend distributions.

Withholding taxes. Curaçao does not levy withholding taxes on dividends, interest or royalties.

C. Determination of taxable income

General. Taxable profit must be calculated in accordance with the so-called principles of sound business practices.

As described above, Curaçao has a territorial profit tax regime. Income from a foreign enterprise is effectively not taxed. To determine whether the income is generated through a domestic or foreign enterprise, the income (except for financial or insurance companies) is allocated based on the ratio between the local causal costs versus the total causal costs of the taxpayer but excluding the costs of material (in general: the costs of goods sold).

Passive income, which is income not generated through an enterprise, is considered income from a domestic enterprise. This may include interest, rental income and portfolio dividend income. Royalty income is always considered passive income (however, under stringent conditions, such income may be subject to a profit tax rate of 0% in Curaçao). For financial and insurance

companies, foreign financing income and insurance income are considered foreign income (effectively not taxed) to the extent that the activities of the company constitute an active business activity.

On 4 March 2021, a national decree was published. The content of the decree has retroactive effect to 1 January 2020 and contains further guidelines for determining the taxable base of a taxpayer under the territorial profit tax rules. The decree is mostly a codification of the explanatory notes to the new legislation and contains minor changes to it.

Taxpayers deriving income that is not generated from a domestic enterprise must have real presence in Curaçao. Their presence should also arise to the level of a permanent establishment if the activities had been conducted by a foreign enterprise. Failure to meet these substance requirements can result in penalties ranging from ANG50,000 (USD28,000) to ANG500,000 (USD280,000).

All expenses incurred with respect to conducting a domestic enterprise are, in principle, deductible. However, if expenses exceed normal arm's-length charges and are incurred directly or indirectly for the benefit of shareholders or related companies, the excess is considered to be a nondeductible profit distribution (dividend). In addition, certain expenses, such as fines, penalties and expenses incurred with respect to crimes, are not deductible. The costs of representation, including receptions, festive meetings and entertainment, excursions, and study trips (including the related costs of travel and accommodation), are no longer deductible. Only 80% of expenses incurred on food, beverages and goodies (for example, tobacco) is deductible. Costs of donations, promotional gifts, courses, conferences, seminars and symposiums are 100% deductible. However, travel expenses related to these items are 80% deductible.

In principle, interest expenses of domestic enterprises are deductible for tax purposes if the interest rate is determined on an arm's-length basis. However, certain restrictions apply to the deduction of interest on loans connected to certain tax-driven transactions and intragroup reorganizations. Under thin-capitalization rules, the deductibility of interest accrued or paid directly or indirectly to an affiliated TEC may be restricted. As of 1 January 2015, the thin-capitalization rules were extended to loans received from nonresident TECs belonging to the same "concern" ("concern" is specifically defined in the tax law).

Participation exemption. In principle, a 100% participation exemption applies for all qualifying share interests held by Curaçao corporate taxpayers.

In general, a share interest qualifies for the participation exemption if it represents at least 5% of the share capital or voting power in a company or if the amount paid for the shareholding amounts to at least ANG890,000 (USD500,000). In addition, any member of a cooperative association can apply for the participation exemption. Effective from 1 January 2015, the participation exemption was extended to participations in mutual funds that are considered to be special-purpose capital and to participations in

nonresident mutual funds that are subject to profit tax in their country of residency.

For dividend income, additional requirements are imposed for a participation to be considered a qualifying participation. To apply the 100% exemption on dividends, either of the following conditions must be met:

- The gross income of the participation consists of 50% or less of dividends, interest or royalties received other than out of the enterprise of the participation ("non-portfolio investment clause").
- The participation is subject to a statutory profit tax rate of at least 10% or the participation is subject to a foreign tax regime, as referred to in Article 1A, Paragraph 11 of the profit tax legislation ("subject-to-tax clause"). In this respect, foreign tax regimes as defined in Article 1A, Paragraph 11 of the profit tax legislation includes the tax regimes applicable in European Union (EU) Member States or its outermost regions, Member States of the OECD, or countries with which Curaçao has concluded a treaty for the avoidance of double taxation.

The above conditions may be met on a consolidated basis. If neither of the above conditions is met, a lower limited participation exemption applies to dividends. The limited participation exemption was amended as of 1 January 2015. Instead of calculating an exemption on the reported income, a formula is used to calculate the income to be reported. The income to be reported is calculated using the following formula:

$$\text{Income} \times \frac{10}{T}$$

For purposes of the above formula, "T" represents the tax rate applicable for the year in which the income is reported. Consequently, an effective tax rate of 10% applies to non-qualifying participations.

The subject-to-tax clause and the non-portfolio-investment clause do not apply to the 100% participation exemption on capital gains and income received from participations that exclusively or almost exclusively hold immovable property.

Expenses that are connected with the participation, including financing expenses, are deductible if the expenses are directly or indirectly related to income that is taxable in Curaçao.

Deemed dividends by bank-held CICs and passive foreign investment companies. As of 1 January 2020, passive investment companies held by banks or other regulated credit institutions are considered to have distributed their annual profits to the extent of the bank's interest in the passive investment company. This deemed distribution is 50% for domestic passive investment companies and 100% for foreign passive investment companies, resulting in an effective tax rate of 5% or 10%, respectively, for domestic and foreign passive investment companies.

Tax depreciation. In general, assets are depreciated using the straight-line method, with the residual value taken into consideration. The following are some of the applicable rates.

Asset	Rate (%)	Residual value (%)
Buildings	2 to 2.5	50
Office equipment	10 to 50	Nil
Motor vehicles	10 to 33	15
Plant and machinery	10	10

The rates listed above provide a general overview of the depreciation rates. The actual depreciation rate depends on the type of asset used by the company. The depreciation of buildings is limited. Buildings can be depreciated to 50% of the value of the building as stipulated in the assessment for the National Ordinance on Immovable Property Tax (*Landsverordening onroerendezaakbelasting 2014*). For pre-owned buildings that have been depreciated by 1 January 2016 for less than three years, the limitation on the depreciation will become effective in the fourth year. For buildings that have already been depreciated to an amount that exceeds the limit, no clawback occurs. In such case, the depreciated value is respected.

An investment allowance deduction of 10% is granted for acquisitions of fixed assets to the extent that the investment in such assets exceeds ANG5,000 (USD2,800). The allowance is deducted from taxable income in the year of the investment. The investment allowance deduction is recaptured in the year of sale if the asset is sold within six years (15 years for buildings) after the date of the investment. For investments in the maintenance and restorations of monuments listed in the Curaçao Monuments Ordinance, the allowance is increased to a one-time investment deduction of 25%.

Groups of companies. On written request, Curaçao resident taxpayers may form a fiscal unity (tax-consolidated group) for profit tax purposes. To qualify for a fiscal unity, the parent company must own at least 99% of the shares in the subsidiary. A fiscal unity may include, among others, a company incorporated under Dutch law that has its place of effective management in Curaçao. The whole group is taxed for profit tax purposes as if it were one company and, as a result, the subsidiaries in the fiscal unity are no longer individually subject to profit tax. The Tax Inspector must decide on the request within two months after the receipt of the request.

The advantages of fiscal unity treatment for profit tax purposes include the following:

- Losses of one subsidiary may be offset against profits of other members of the fiscal unity.
- Reorganizations, including movements of assets with hidden reserves from one company to another, have no direct tax consequences for profit tax purposes.
- Intercompany profits may be fully deferred.

The fiscal unity does not apply for turnover tax purposes.

Relief for losses. Losses in a financial year may be carried forward for 10 years. No carryback is available.

Losses incurred by certain companies during their first four years of business may be carried forward indefinitely. Losses incurred during the first six years by an entity that has the objective of

engaging in business in the shipping or aviation industry may be carried forward indefinitely.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Turnover tax in Curaçao; a general consumption tax on goods delivered, imports, and services rendered by entrepreneurs (legal entities or individuals) in Curaçao and services rendered in Curaçao by foreign entrepreneurs; primary life goods and certain imports are exempt	
Nature of tax	**Rate (%)**
Standard rate	6
Insurance	7
Hotel accommodation	7
Specific goods and services listed as luxurious or unhealthy	9
Real estate transfer tax	4
Import duties	0 to 62

E. Miscellaneous matters

Foreign-exchange controls. The currency in Curaçao is the Antillean guilder (ANG).

For foreign investors that obtain a foreign-exchange license from the Central Bank of Curaçao and Sint Maarten, no restrictions are imposed on the movement of funds into and out of Curaçao and Sint Maarten. In general, the Central Bank automatically grants foreign-exchange licenses for remittances abroad. Residents are subject to several foreign-exchange regulations imposed by the Central Bank. However, residents may be granted nonresident status for foreign-exchange control purposes. Some reporting requirements exist for statistical purposes.

Transfer pricing. In general, intercompany charges should be determined on an arm's-length basis. Entities must keep transfer-pricing documentation on file that shows how the intercompany conditions were agreed upon and whether these conditions are at arm's length.

Companies with a consolidated group turnover exceeding ANG1.5 billion (approximately USD842 million) are subject to Country-by-Country Reporting legislation and are required to have Master File and Local File documentation in their administration.

F. Foreign tax relief and tax treaties

Unilateral relief for foreign tax is provided under the profit tax legislation. The relief for foreign tax, whether or not levied at source, is limited to the part of the foreign tax that is levied with respect to income derived from a domestic enterprise operated in Curaçao. Relief for foreign tax is granted by means of a tax credit that is limited to the lower of the following amounts:

- The amount of foreign tax that is levied during the respective financial year, increased by such amounts levied in the preceding 10 years if these amounts have not been used to reduce the Curaçao profit tax

- The profit tax liability based on the Profit Tax Ordinance 1940 if and to the extent that the income derived from the domestic enterprise in Curaçao and taxed abroad, reduced by the deductible expenses attributable to this income, is the only income of the taxpayer

In addition to the above unilateral provisions which are incorporated in the profit tax legislation, Curaçao published its first unilateral decree for the avoidance of double taxation on 11 October 2022. For years, the avoidance of double taxation in wage, income and inheritance tax was based on unpublished policy, resulting in an inconsistent approach by the tax authorities and inconsistent case law. To introduce a consistent means for the avoidance of double taxation, the decree now provides rules that allow for either an exemption or credit for various types of income. At the same time, the decree expands the rules for the avoidance of double taxation for profit tax purposes.

Bilateral provisions for double tax relief are contained in the tax treaty with Norway and in the Tax Regulation for the Kingdom of the Netherlands (consisting of Aruba, Curaçao, the Netherlands and Sint Maarten). The Tax Regulation for the Kingdom of the Netherlands applied between Curaçao and the Netherlands up to 31 December 2015. From 1 January 2016, the Tax Regulation for the Kingdom of the Netherlands applies only between Curaçao and Aruba and Sint Maarten until these jurisdictions negotiate and sign another agreement with Curaçao.

In June 2014, Curaçao and the Netherlands entered into a new bilateral regulation for the avoidance of double taxation. This tax arrangement, which essentially functions as a tax treaty, was approved by the Dutch parliament and was formally published on 9 October 2015. It took effect as of January 2016. The tax arrangement includes, among other measures, a 0% Dutch dividend withholding tax rate that applies under certain conditions. Curaçao does not impose withholding tax on payments from Curaçao to residents of other countries.

The former Netherlands Antilles has entered into tax information exchange agreements with Antigua and Barbuda, Australia, Bermuda, British Virgin Islands, Canada, Cayman Islands, Denmark, Faroe Islands, Finland, France, Germany, Greenland, Iceland, Italy, Mexico, New Zealand, St. Lucia, St. Vincent and the Grenadines, Spain, Sweden, the United Kingdom and the United States. As a result of the constitutional reform of the Kingdom of the Netherlands, the tax treaties entered into by the Netherlands Antilles became automatically applicable to the surviving countries, which are the legal successors of the Netherlands Antilles.

Curaçao has negotiated tax treaties with Jamaica and Malta, which have not yet been ratified by the Curaçao government. Curaçao is also negotiating several double tax treaties and additional tax information exchange agreements.

An intergovernmental agreement between Curaçao and the United States implementing the US Foreign Account Tax Compliance Act (FATCA) entered into force as of 3 August 2016. Financial institutions in Curaçao must file the required FATCA reporting through a portal set up by the Curaçao government.

Under the latest published OECD list, Curaçao qualifies as an approved-listed jurisdiction.

Curaçao signed the multilateral agreement on automatic exchange of information and will begin the exchange of information based on the Common Reporting Standard in 2017.

The Kingdom of the Netherlands has entered into many bilateral investment treaties that also apply to Curaçao.

Curaçao also signed the OECD Convention on Mutual Administrative Assistance in Tax Matters.

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A. At a glance

Corporate Income Tax Rate (%)	12.5
Capital Gains Tax Rate (%)	20
Branch Tax Rate (%)	12.5
Withholding Tax (%)	
Dividends	0/17 (a)(b)
Interest	0/17 (b)(c)
Royalties from Patents, Know-how, etc.	0/5/10 (b)(d)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) A Special Contribution to the Defence Fund (Defence Tax) at a rate of 17% is withheld from dividends paid (or deemed to be paid) to resident and domiciled individuals.

(b) Cyprus introduced withholding tax on dividends, and interest payments made to companies that are resident in jurisdictions included on the European Union (EU) list of non-cooperative jurisdictions on tax matters (Annex I) or are registered in a jurisdiction listed by the EU as non-cooperative for tax matters and not considered to be tax resident in another jurisdiction that is not included on the EU list. Such withholding taxes are applicable as of 31 December 2022. Also, see *Dividends* and *Interest* in Section B.

(c) A Special Contribution to the Defence Fund (Defence Tax) at a rate of 17% is withheld from interest paid to resident companies and resident and domiciled individuals, if the interest is either not considered to arise in the ordinary course of the business of the recipient or is not closely connected to the ordinary course of business of the recipient.

(d) See Section B for more detailed comments.

B. Taxes on corporate income and gains

Corporate income tax. Companies resident in Cyprus are subject to income tax on their worldwide income. A company is resident in Cyprus if its control and management are exercised in Cyprus.

As of 31 December 2022, a company incorporated or registered in Cyprus whose management and control is exercised outside Cyprus is considered resident for tax purposes of Cyprus unless such company is a tax resident in another country.

Nonresident companies are taxed only on income derived from a permanent establishment in Cyprus and on rental income from property located in Cyprus.

Rate of corporate tax. The standard rate of corporate income tax is 12.5%.

Capital gains. A capital gains tax of 20% is levied on gains derived from the disposal of the following:
- Immovable property located in Cyprus
- Shares in companies whose assets include, among others, immovable property located in Cyprus
- Shares in companies that participate (either directly or indirectly) in a company or companies that own immovable property located in Cyprus and at least 50% of the market value of such shares is derived from the relevant property
- A sale agreement of immovable property located in Cyprus.

The disposal of shares of companies listed on a recognized stock exchange is exempt from capital gains tax. In addition, no capital gains tax is imposed if the transfer is made in the course of a qualifying company reorganization.

The gain subject to tax in Cyprus equals the disposal proceeds less the greater of the cost or market value on 1 January 1980, adjusted for inflation. Inflation is calculated using the official Retail Price Index. In the case of disposal of shares of companies that directly or indirectly hold property in Cyprus, the disposal proceeds subject to capital gains are restricted to the market value of the immovable property held directly or indirectly by the company whose shares are sold.

Gains from the disposal of immovable property that consists of land or land and buildings is exempt from capital gains tax if the property is acquired between 16 July 2015 and 31 December 2016 from an independent third party and not through an exchange of property or through a donation or gift.

Contribution to the Central Agency for Equal Distribution of Burdens. The Contribution to the Central Agency for Equal Distribution of Burdens applies to disposals of immovable property situated in Cyprus and disposals of shares (not listed on a recognized stock exchange) of a company that directly and/or indirectly holds immovable property for which a general valuation has been undertaken by the Department of Lands and Surveys. For disposals of immovable property, a 0.4% rate applies on sale proceeds. For disposals of a company that directly and/or indirectly holds immovable property, the 0.4% rate applies on the valuation undertaken by the Department of Lands and Surveys. Transactions entered into as part of a loan restructuring, company reorganizations or donation may be exempted from such contribution.

Administration. The tax year in Cyprus is the same as the calendar year. Income tax is payable by 31 August following the end of the relevant tax year. However, an estimate of tax due is made by 31 July during the tax year and provisional tax is payable in two equal installments by 31 July and 31 December. The two provisional payments can be made by 31 August and 31 January without the imposition of interest or penalties.

As of 1 January 2024, overdue tax is subject to interest at a rate of 5% per year on the basis of complete months. In addition, a flat 5% penalty is imposed on the tax due in the event of a failure to pay the tax by the due date. An additional penalty of 5% is

imposed if the outstanding tax is not paid within two months after the due date.

Dividends. Dividends paid to nonresident persons are generally not subject to withholding tax. However, Cyprus introduced withholding tax on dividends paid to companies that are resident or are registered in a jurisdiction listed by the EU as non-cooperative for tax matters (Annex I of the EU list). Such withholding tax is applicable as of 31 December 2022. More specifically, dividends paid by a Cypriot tax resident company to a company that is a resident in a jurisdiction that is included on the EU list, or to a company incorporated or registered in a jurisdiction included on the EU List and not considered to be tax resident in another jurisdiction that is not included on the EU List, is subject to 17% withholding tax on the amount of the dividend paid.

The withholding tax applies if the company receiving the dividend is included on the EU list and if such company participates directly in the Cypriot company paying the dividend by more than 50% in voting rights, owns more than 50% of the share capital or is entitled to 50% or more of the profits of the Cypriot company. In addition, withholding tax shall apply if two or more associated enterprises that are included on the EU list participate directly in the Cypriot company paying the dividend and collectively have more than 50% in voting rights, or own more than 50% of the share capital or are entitled to 50% or more of the profits of the Cypriot company. However, no withholding tax will be imposed on dividends paid with respect to securities listed on a recognized stock exchange.

A 17% Special Contribution to the Defence Fund (Defence Tax) is withheld from dividends paid to resident and domiciled individuals. This is a final tax.

A Cypriot tax resident company is deemed to have distributed as dividends 70% of its after-tax accounting profits (subject to certain adjustments) two years after the end of the relevant tax year (for example, the deemed distribution date for the 2022 tax year is 31 December 2024). The amount of the deemed dividend is reduced by any actual dividend distributions made up to the deemed distribution date relating to the year whose profits are subject to deemed distribution. The Special Contribution to the Defence Fund (Defence Tax) is withheld only on the proportion of profits that is attributable to shareholders considered to be residents of Cyprus (individuals and bodies of persons).

The deemed distribution rules do not apply to profits that are directly or indirectly attributable to shareholders that are nonresidents of Cyprus and/or to individual shareholders that are Cypriot tax residents but do not have a domicile in Cyprus.

Interest. Interest paid to nonresident persons is generally not subject to withholding tax. However, as of 31 December 2022, withholding tax is imposed on interest received by or credited to a company that is resident in a jurisdiction included on the EU list, or to a company that is incorporated or registered in a jurisdiction included on the EU list and is not resident in another jurisdiction that is not included on the EU list, if the interest is derived from sources within Cyprus. As of 1 January 2024, the

withholding tax rate on interest is 17%. However, no withholding tax shall apply on any interest payments made by an individual. In addition, no withholding tax will be imposed on interest received by or credited to a non-Cypriot tax resident company with respect to securities listed on a recognized stock exchange.

Royalties and technical assistance. Cyprus levies withholding tax on payments made to nonresident persons who do not carry on any business in Cyprus at a rate of 10% on technical assistance payments and on the gross amount of royalty payments that are connected with the economic utilization of intellectual property rights in Cyprus. Even if royalty payments are not connected with economic utilization in Cyprus, as of 31 December 2022, there is withholding tax on such payments if they are made to companies that are resident in jurisdictions included on the EU list of non-cooperative jurisdictions on tax matters (Annex I) or are registered in a jurisdiction listed by the EU as non-cooperative for tax matters and not considered to be tax resident in another jurisdiction that is not included on the EU list.

A 5% rate applies to royalties paid with respect to films and television.

A 5% withholding tax is also imposed on payments made to nonresident persons in consideration for services performed in Cyprus with respect to activities connected with the exploration or exploitation of the seabed or subsoil or their natural resources or with respect to activities relating to the installation and exploitation of pipelines and other installations on the subsoil, seabed or sea surface, if such payments are not connected with a permanent establishment in Cyprus.

Withholding tax may be reduced or eliminated on the basis of a double tax treaty. In addition, no withholding tax applies to royalties paid to associated companies that are resident in an EU Member State if relevant ownership requirements are met (at least 25%).

Foreign tax relief. Foreign tax on profits and gains of Cypriot resident persons is credited against the tax payable in Cyprus on the same profits or gains (pooling of credits is generally not allowed). Such foreign tax relief cannot exceed the Cyprus tax payable on the same profits or gains. Any unused foreign tax relief cannot be carried forward.

C. Determination of taxable income

General. The determination of taxable income is based on accounts prepared in accordance with generally accepted accounting principles, subject to certain adjustments and provisions of the tax law. Expenses must be incurred wholly and exclusively for the generation of income and must be supported by relevant evidence.

Dividend income received

Dividends received from a Cypriot tax resident company. Dividends received from a Cypriot tax resident company are unconditionally exempt from income tax in Cyprus. In addition, such dividends are also exempt from Defence Tax, except for dividends that are paid indirectly after the lapse of four years

from the end of the year in which the profits were generated (from which the dividend is derived).

Dividends received from a non-Cypriot tax resident company. Dividends received from a non-Cypriot tax resident company are exempt from income tax provided such dividends are not deductible at the level of the dividend-paying company for the purposes of determining the foreign tax on the income of the dividend paying-company. In addition, such dividends are exempt from Defence Tax if either of the following apply:

- The dividend-paying company derives at least 50% of its income directly or indirectly from activities that do not lead to investment income ("active versus passive income" test).
- The foreign tax burden on the profit to be distributed as a dividend is not substantially lower than the Cyprus rate (in practice interpreted not to be lower than 6.25%) at the level of the dividend-paying company ("effective minimum foreign tax" test).

If neither of the above tests above are met, Defence Tax is levied at a rate of 17% on the gross amount of dividends received.

If a dividend is subject to Defence Tax, it should be possible to claim foreign tax relief both on a unilateral basis (under Cypriot tax law) and a bilateral basis (under the relevant double tax treaty) for any withholding tax suffered abroad.

Notional interest deduction on equity. Cyprus tax resident companies (as well as foreign companies having a permanent establishment in Cyprus) that carry on a business are entitled to claim a notional interest deduction (NID) on their equity capital. The NID is deducted from the taxable income of the entity for the relevant tax year (subject to any restrictions) for the period within the tax year during which the equity belongs to the entity and is used by that entity for the carrying on of its activities. The NID equals the "reference interest rate" multiplied by the "new capital" (the NID cannot be claimed on "old capital"). The "reference interest rate" equals the 10-year government bond yield rate of the jurisdiction in which the "new capital" is invested plus a risk premium of 5%.

The NID granted on new capital cannot exceed 80% of the taxable profit resulting from the use of capital before allowing for NID. In the event of losses, the NID will not be available. Effectively, this means that NID cannot create or increase tax losses.

Taxpayers can elect not to claim NID or claim part of it for each tax year.

Inventories. Inventory is generally valued at the lower of cost or net realizable value. The cost must be determined under the first-in, first-out method and/or the weighted average cost formula. The last-in, first-out method is not acceptable.

Depreciation and amortization allowances

Plant and machinery. A straight-line allowance of 10% a year is given on capital expenditures for plant and machinery. For machinery and plant acquired during the period of 2012 through 2018, a deduction for wear and tear at 20% per year is allowed.

Industrial and hotel buildings. A straight-line allowance of 4% a year is available for industrial and hotel buildings. For industrial and hotel buildings acquired during the period of 2012 through 2018, a deduction for wear and tear at 7% is allowed.

Commercial buildings. A straight-line allowance of 3% a year is allowed for commercial buildings.

Office equipment. A straight-line allowance of 20% a year is allowed for computers. Other office equipment is depreciated under the straight-line method at an annual rate of 10%. For other office equipment acquired during the period of 2012 through 2018, a deduction for wear and tear at a rate of 20% per year is allowed.

Motor vehicles. In general, a straight-line allowance of 20% a year is allowed for motor vehicles (except for private saloon cars for which no tax depreciation is available).

Sales of depreciable assets. On the disposal of an asset, a so-called balancing statement must be prepared. If the sale proceeds are less than the remaining depreciable base, a further allowance (balancing deduction) equal to the amount of the difference is granted. If the sale proceeds exceed the depreciable base, the excess (up to the amount of allowances claimed) is included in taxable income (balancing addition). As of 1 January 2020, the obligation to prepare a balancing statement does not apply to intangible assets.

Taxation of intangible assets. The provisions of the Intellectual Property (IP) Box regime have been aligned with the recommendations of the Organisation for Economic Co-operation and Development (OECD) Action 5 of the Base Erosion and Profit Shifting (BEPS) Plan on Countering Harmful Tax Practices More Effectively, Taking into Account Transparency and Substance.

The IP Box regime is based on the OECD-recommended nexus approach. This approach limits application of the IP Box regime if research and development (R&D) is being outsourced to related parties. The approach links the benefits of the regime with the R&D expenses incurred by the taxpayer. Under the new IP Box regime, qualifying taxpayers can claim a tax deduction equal to 80% of qualifying profits resulting from the business use of the qualifying assets. A taxpayer may elect not to claim the deduction or only claim a part of it. The following is the calculation for qualifying profits:

$$\frac{\text{Qualifying expenditure} + \text{Uplift expenditure}}{\text{Overall expenditure}} \times \text{Overall IP income}$$

The cost of the acquisition or development of intangible assets of a capital nature is amortized in a reasonable manner over its useful economic life, which is determined based on accounting standards, with a maximum period of 20 years. Taxpayers may claim all or part of the amortization for tax purposes. Any unused amortization can be carried forward and used in future tax years.

New 120% research and development expenses deduction. All expenses for scientific research and development (R&D) recognized under internationally acceptable accounting standards are

deductible. The deduction is available to people carrying on a business who are the economic owners of the relevant intellectual property. For 2022 to 2024, an additional increased deduction, equal to 20% of the actual amount of the relevant R&D expenses, is allowed. This additional 20% deduction also applies to R&D expenses that are capitalized for accounting purposes. This additional deduction should not be available to taxpayers that claim a deemed deduction under the provisions of the IP Box regime.

Relief for losses. Effective from 1 January 2012, losses can be carried forward to the following five years. Loss carrybacks are not allowed.

Group loss relief. Group loss relief for losses incurred in the corresponding year of assessment is allowed between resident group companies that meet certain conditions.

Group loss relief also applies to cases in which the surrendering company is registered in and is a tax resident of another EU Member State, provided that it has exhausted all possibilities available for using the losses in its respective country of tax residency or in an EU country where its intermediary holding company has its legal and tax seat. In such circumstances, the tax losses are calculated based on the provisions of the Cypriot tax laws.

Cyprus does not have any tax consolidation rules, and companies are required to submit a stand-alone income tax return.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on any supply of goods or services, other than an exempt supply, made in Cyprus by a taxable person (taxable if annual supplies exceed EUR15,600) in the course of business	0/3/5/9/19
Payroll taxes	
Social insurance contribution, levied on each employee's gross salary, up to EUR5,239 a month; payable by both employer and employee	8.8
Employer's contribution to the General Healthcare System; contributions are capped to yearly emoluments of EUR180,000	2.9
Employee's contribution to the General Healthcare System; contributions are capped to yearly emoluments of EUR180,000	2.65
Special Cohesion Fund, levied on gross salary; payable by employer (no cap applies)	2
Human Resource Development Authority and Redundancy Fund, levied on gross salary, up to EUR5,239 a month; paid by employer	1.7

E. Miscellaneous matters

Foreign-exchange controls. Cyprus does not impose foreign-exchange controls.

Transfer pricing. The arm's-length principle is codified in the Cyprus tax law with language similar to that of Article 9 of the OECD Model Tax Convention. Consequently, all transactions entered into with related and/or connected parties must be concluded on an arm's-length basis; otherwise, the tax authorities have the statutory right to make adjustments to taxable income. Therefore, the arm's-length price must be applied on transactions between related parties in their commercial or financial relations.

Effective 1 January 2022, Cyprus introduced transfer pricing rules in accordance with the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations. The transfer-pricing rules provide for the content of the Transfer Pricing Documentation Files (Local and Master Files) and the Summary Information Table as well as introduce the concept of Advance Pricing Agreements.

EU Anti-Tax Avoidance Directive. The Cypriot tax laws have been amended to incorporate the relevant provisions of the EU Anti-Tax Avoidance Directive (ATAD). The amendments made in 2019 and 2020 are summarized below. The Cypriot tax authorities have issued guidance with respect to the interest limitation rules. In addition, it is expected that guidance will be issued during 2024 with respect to the controlled foreign company (CFC) rules.

General anti-abuse rule. The amendments include a broadly worded general anti-abuse rule in line with the wording used in the ATAD.

Interest limitation rules. The interest limitation rules restrict the tax deductibility of exceeding borrowing costs (as defined) to 30% of the tax-adjusted earnings before interest, taxes, depreciation and amortization (EBITDA). The most important aspects of the interest limitation rules are the following:

- The interest limitation rules apply at a Cypriot group level (75% criterion).
- A de minimis exception applies for exceeding borrowing costs up to EUR3 million.
- An exemption applies to stand-alone entities and to financial institutions.
- Grandfathering rules apply to loans concluded before 17 June 2016.
- Long-term public infrastructure loans are excluded.
- Equity-escape clause measures are provided.
- Carryforward measures for unused interest capacity and for exceeding borrowing costs whose deductibility is restricted are provided.

Controlled foreign corporations. Controlled foreign corporation (CFC) rules are applicable in Cyprus as of 1 January 2019. If certain conditions are met, a Cypriot controlling taxpayer must include in its tax base the non-distributed income of a CFC company to the extent such profits arise from non-genuine arrangements that have been put in place for the essential purpose of obtaining a tax advantage under the Cypriot Income Tax Law. An arrangement or series thereof is regarded as non-genuine to the extent that the significant people functions that have contributed

to the generation of the income of the CFC are substantially performed by the Cypriot controlling company and/or other Cypriot persons associated with the Cypriot controlling company.

Exit taxation rules. As of 1 January 2020, a company that is tax resident in Cyprus or a non-Cypriot tax resident company that has a permanent establishment in Cyprus is subject to tax at an amount equal to the market value of the transferred assets at the time of exit, less their value for tax purposes, in any of the following cases:

- A Cypriot tax resident company transfers asset(s) from its head office in Cyprus to its permanent establishment in another EU Member State or in a third country in so far as Cyprus no longer has the right to tax the transferred assets due to the transfer.
- A non-Cypriot tax resident company with a permanent establishment in Cyprus transfers assets from its permanent establishment in Cyprus to its head office or another permanent establishment in another EU Member State or in a third country in so far as Cyprus no longer has the right to tax the transferred assets due to the transfer.
- A Cypriot tax resident company transfers its tax residence from Cyprus to another EU Member State or to a third country, except for those assets that remain effectively connected with a permanent establishment in Cyprus and for which Cyprus maintains its right to tax.
- A non-Cypriot tax resident company with a permanent establishment in Cyprus transfers the business carried on by its permanent establishment from Cyprus to another EU Member State or to a third country in so far as Cyprus no longer has the right to tax the transferred assets due to the transfer.

Anti-hybrid rules. Rules against hybrid mismatches are applicable as of 1 January 2020 (with the exception of rules against reverse hybrids, which are effective as of 1 January 2022). The aim of the rules is to ensure that deductions or credits are only taken in one jurisdiction and that there are no situations involving deductions of payments in one country without taxation of the corresponding income in the other country concerned. The rules are typically limited to mismatches as a result of hybridity and do not affect the allocation of taxing rights under a tax treaty. The following are the rules:

- Hybrid financial instrument mismatches: Situations in which the qualification of a financial instrument or the payment made under it differs between two jurisdictions (for example, the instrument is considered to be debt in the payer jurisdiction and as equity in the payee jurisdiction).
- Hybrid entity mismatches: Situations in which an entity is qualified as opaque under the laws of one jurisdiction (that is, a taxable entity under the laws of that jurisdiction) and qualified as transparent by another jurisdiction (for example, the partners of the entity are taxable on their profit shares under the laws of that other jurisdiction).
- Hybrid transfers: Situations in which the laws of two jurisdictions differ on whether the transferor or the transferee of a financial instrument has the ownership of the payments on the underlying asset.

- Hybrid permanent establishment mismatches: Situations in which the business activities in a jurisdiction are treated as being carried on through a permanent establishment by one jurisdiction while those activities are not treated as being carried on through a permanent establishment in the other jurisdiction.
- Imported mismatches: Situations in which the effect of a hybrid mismatch between parties in third countries is shifted into the jurisdiction of an EU Member State through the use of a non-hybrid instrument thereby undermining the effectiveness of the rules that neutralize hybrid mismatches. This includes a deductible payment in an EU Member State under a non-hybrid instrument that is used to fund expenditure involving a hybrid mismatch.
- Tax residency mismatches: Situations in which a taxpayer is resident for tax purposes in two or more jurisdictions.

Company reorganization rules. Exemptions are available for profits or gains arising as part of a qualifying company reorganization, such as a merger, partial division or transfer of assets. However, the law includes general anti-abuse provisions that aim to make sure that the exemptions are available to bona fide company reorganizations. The exemptions also extend to stamp duty, contributions to the Central Agency for Equal Distribution of Burdens and land transfer fees.

Global Minimum Tax (Pillar Two). The Pillar Two rules introduce a minimum effective tax rate (ETR) of 15% to multinational enterprise (MNEs) or large-scale domestic groups with consolidated annual revenues of EUR750 million in at least two of the four fiscal years immediately preceding the tested fiscal year. The following two interlocked rules exist:

- The Income Inclusion Rule (IRR)
- The Undertaxed Profit Rule (UTPR) through which an additional amount of tax called a "top-up tax" should be collected each time that the ETR due on the income of an MNE or domestic large-scale group in a given jurisdiction is below 15%.

Cyprus is expected to introduce the IRR for financial years beginning on or after 31 December 2023 and the UTPR for financial years beginning on or after 31 December 2024. A Domestic Top-up tax Rule is likely to be introduced for financial years beginning on or after 31 December 2024. For the latest information, please refer to the *BEPS 2.0 – Pillar Two Developments Tracker* (ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

As noted in Section A, Cyprus does not impose outbound withholding taxes on dividend and interest payments made to non-Cypriot tax resident persons with the exception of certain payments made to companies that are registered in a jurisdiction included on the EU list of non-cooperative jurisdictions on tax matters (Annex I) and not considered to be tax resident in another

jurisdiction that is not included on the EU list. Also, see *Dividends* and *Interest* in Section B.

	Dividends %	Interest %	Royalties %
Andorra	0	0	0
Armenia	0/5 (u)	0/5 (b)	5
Austria	10	0	0
Azerbaijan (z)	0	0	0
Bahrain	0	0	0
Barbados	0	0	0
Belarus	5/10/15 (a)	5	5
Belgium	10/15 (d)	0/10 (hh)	0
Bosnia and Herzegovina (aa)	10	10	10
Bulgaria	5/10 (h)	0/7 (ii)	10
Canada	15	0/15 (b)	0/10 (r)
China Mainland	10	10	10
Croatia	0	0/5 (ww)	5
Czech Republic	0/5 (y)	0	10
Denmark	0/15 (s)	0	0
Egypt	5/10 (ss)	10	10
Estonia	0	0	0
Ethiopia	5	0/5 (b)	5
Finland	5/15 (l)	0	0
France	10/15 (f)	0/10 (e)	0/5 (g)
Georgia	0	0	0
Germany	5/15 (m)	0	0
Greece	25	10	0/5 (g)
Guernsey	0	0	0
Hungary	5/15 (h)	0/10 (b)	0
Iceland	5/10 (jj)	0	5
India	10	0/10 (b)	10
Iran	5/10 (ff)	0/5 (gg)	6
Ireland	0	0	0/5 (g)
Italy	15	10	0
Jersey	0	0	0
Jordan	5/10 (jj)	0/5 (v)	7
Kazakhstan	5/15 (tt)	0/10 (b)	10
Kuwait	0	0	5
Kyrgyzstan (z)	0	0	0
Latvia	0/10 (kk)	0/10 (ll)	0/5 (mm)
Lebanon	5	0/5 (b)	0
Lithuania	0/5	0	5
Luxembourg	0/5 (j)	0	0
Malta	0/15 (nn)	0/10 (b)	10
Mauritius	0	0	0
Moldova	5/10 (h)	5	5
Montenegro (aa)	10	10	10
Netherlands	0/15 (xx)	0	0
Norway	0/15 (oo)	0	0
Poland	0/5 (cc)	0/5 (b)	5
Portugal	10	10	10
Qatar	0	0	5
Romania	10	0/10 (b)	0/5 (c)
Russian Federation	5/15 (k)	0/5/15 (uu)	0
San Marino	0	0	0

	Dividends %	Interest %	Royalties %
Saudi Arabia	0/5 (qq)	0	5/8 (rr)
Serbia (aa)	10	10	10
Seychelles	0	0	5
Singapore	0	0/7/10 (o)	10
Slovak Republic (bb)	10	0/10 (v)	0/5 (r)
Slovenia	5	0/5 (v)	5
South Africa	5/10 (dd)	0	0
Spain	0/5 (j)	0	0
Sweden	5/15 (h)	0/10 (b)	0
Switzerland	0/15 (ee)	0	0
Syria	0/15 (d)	0/10 (b)	10/15 (n)
Thailand	10	0/10/15 (p)	5/10/15 (q)
Ukraine	5/10 (w)	0/5 (b)	5/10 (x)
United Arab Emirates	0	0	0
United Kingdom	0/15 (vv)	0	0
United States	5/15 (pp)	0/10 (i)	0
Uzbekistan (z)	0	0	0
Non-treaty jurisdictions	0 (t)	0 (t)	0 (t)

(a) The rate is 10% for dividends paid to a company holding directly at least 25% of the capital of the payer. The rate is 5% if the recipient of the dividends has invested at least EUR200,000 in the share capital of the payer.

(b) The rate is 0% for interest paid to the government of the other contracting state and other state-owned and governmental authorities. Specific treaty analysis should be made in each case.

(c) The rate is 0% for royalties paid for literary, artistic or scientific works, as well as for film and television royalties.

(d) The lower rate applies to dividends paid to a company holding directly or indirectly at least 25% of the capital of the payer (indirectly applies only to the Belgium treaty).

(e) The rate is 0% for interest paid to the government of the other contracting state and for interest paid on bank loans or with respect to credit sales of industrial, commercial or scientific equipment or merchandise.

(f) The rate is 10% for dividends paid to a company holding directly at least 10% of the share capital of the payer.

(g) In general, the rate is 5% for film and cinematographic rights.

(h) The rate is 5% for dividends paid to a company holding directly at least 25% of the share capital of the payer.

(i) The rate is 0% for interest paid to a government, bank or financial institution.

(j) The 0% rate applies if the beneficial owner is a company (other than a partnership) holding at least 10% of the capital of the company paying the dividends. The 5% rate applies in all other cases.

(k) The rate is reduced to 5% if the beneficial owner of the dividends is any of the following:
- An insurance company
- A pension fund
- A company whose shares are listed on a recognized stock exchange if it holds at least 15% of the payer's share capital for at least 365 days and if it has at least 85% of its voting shares publicly traded
- One of the contracting states
- One of the contracting states' central banks

(l) The 5% rate applies if the beneficial owner is a company (other than a partnership) holding at least 10% of the voting power of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(m) The 5% rate applies if the recipient of the dividends is a direct beneficial owner of at least 10% of the capital of the company paying the dividends. The 15% rate applies to other dividends.

(n) The rate is 10% for royalties paid for literary, artistic or scientific works, or for films or television. The rate is 15% for payments for the use of industrial, commercial or scientific equipment.

(o) The 0% rate applies to interest paid to the government. The rate is 7% for interest paid to banks and financial institutions.

(p) The 0% rate applies to interest paid to the government. The 10% rate applies to interest paid to banks. The 15% rate applies in other cases.
(q) The rate is 5% for royalties paid for literary, artistic or scientific works, or for film or television. The rate is 10% for payments for the use of industrial, commercial or scientific equipment.
(r) The rate is 0% for royalties paid for literary, dramatic, musical or artistic works.
(s) The 15% rate is the general withholding tax rate. However, the 0% rate applies, among other conditions, if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends and if such holding has been maintained for an uninterrupted period of at least 12 months.
(t) A 5% rate applies to royalties paid with respect to films and television. A 10% rate applies to other royalties if the asset for which the royalties are paid is used in Cyprus. Please refer to Section B for dividends and interest.
(u) A 5% rate applies if the beneficial owner of the dividends has invested in the capital of the payer company less than the equivalent of EUR150,000 at the time of the investment.
(v) The 0% rate applies if the interest is paid to the government, a local authority, central bank or similar state-owned enterprises (as provided under the respective tax treaty).
(w) The 5% rate applies if the dividend recipient holds at least 20% of the capital of the dividend paying company or has invested at least EUR100,000 in such company. The 10% rate applies in all other cases.
(x) The 5% rate applies to royalties paid with respect to copyrights of scientific works, patents, trademarks, secret formulas or processes, or information concerning industrial or commercial experience. The 10% rate applies to other royalties, particularly for literary works, music works, films and software.
(y) The 0% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends and if such holding is maintained for an uninterrupted period of at least one year. The 5% rate applies in all other cases.
(z) The treaty between Cyprus and the USSR is still honored by Cyprus.
(aa) The treaty between Cyprus and the Socialist Republic of Yugoslavia still applies.
(bb) The treaty between Cyprus and Czechoslovakia still applies.
(cc) The 0% rate applies if the beneficial owner of the dividends is a company that holds at least 10% of the capital of the company paying the dividends for a continuous period of at least 24 months.
(dd) The withholding tax rate on dividends is 5% if the beneficial owner of the dividend is a company (other than a partnership) that holds at least 10% of the dividend paying company. In all other cases, the rate is 10%.
(ee) The 0% rate applies if the recipient of the income is a qualifying pension fund, the government of the other state or a company that holds directly at least 10% of the capital of the company paying the dividends for an uninterrupted period of at least one year. In all other cases, the rate is 15%.
(ff) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends. The 10% applies in all other cases.
(gg) The 0% rate applies if the interest is paid to ministries, other governmental institutions, municipalities, the central bank and other banks wholly owned by the other contracting state.
(hh) The 0% rate applies to the following:
- Interest paid to the other contracting state, a political subdivision or a local authority of that state, the national bank of that state, or any institution the capital of which is wholly owned by that state or the political subdivisions or local authorities of that state
- Interest on deposits (not represented by bearer instruments) with a banking enterprise

(ii) The 0% rate applies to interest arising in a contracting state and paid to or guaranteed by the government of the other contracting state or a statutory body thereof, or to the national bank of that other state.
(jj) The 5% rate applies to the gross amount of the dividends if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 10% rate applies to the gross amount of dividends in all other cases.
(kk) The 0% rate applies to the gross amount of the dividends if the beneficial owner is a company (other than a partnership). The 10% rate applies to the gross amount of the dividends in all other cases.

(ll) The rate is 0% for the gross amount of interest paid by a company that is a resident of a contracting state to a company (other than a partnership) that is a resident of the other contracting state and is the beneficial owner of the interest. The 10% rate applies to the gross amount of the interest in all other cases.

(mm) The rate is 0% for the gross amount of the royalties paid by a company that is a resident of a contracting state to a company (other than a partnership) that is a resident of the other contracting state and is the beneficial owner of the royalties. The 5% rate applies to the gross amount of the royalties in all other cases.

(nn) If dividends are paid by a company that is a resident of Cyprus to a resident of Malta that is the beneficial owner of the dividends, the Cyprus tax may not exceed 15% of the gross amount of the dividends. If the dividends are paid by a company resident of Malta to a resident of Cyprus that is the beneficial owner of the dividends, the Maltese tax shall not exceed the tax chargeable on the profits out of which the dividends are paid.

(oo) The 0% rate applies to the gross amount of the dividends if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 15% rate applies to the gross amount of the dividends in all other cases.

(pp) The 15% rate applies to the gross amount of the dividends. The 5% rate applies if certain conditions are met.

(qq) The 0% rate on dividends applies if the beneficial owner is a company (other than a partnership) that holds, directly or indirectly, at least 25% of the capital of the company paying the dividends. The 5% rate applies in all other cases.

(rr) The 5% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment. The 8% rate applies in all other cases.

(ss) The rate is 5% for dividends paid to a company holding directly at least 20% of the share capital of the payer for at least 365 days. The 10% rate applies in all other cases.

(tt) The rate is 5% for dividends paid to a company holding directly at least 10% of the share capital of the payer. The 15% rate applies in all other cases.

(uu) The standard withholding tax rate is 15%. A 5% withholding tax rate applies if the beneficial owner of the interest is a company whose shares are listed on a registered stock exchange, provided that no less than 15% of the voting shares of that company are in free float and that these voting shares hold directly at least 15% of the capital of the company paying the interest throughout a 365-day period. A 0% withholding tax rate applies to, among others, the following categories (provided that the beneficial ownership test is met):
- Interest paid to insurance undertakings or pension funds
- Interest paid to banks
- Interest on government bonds, corporate bonds and Eurobonds listed on a registered stock exchange

(vv) Cyprus and the United Kingdom entered into a new treaty during 2018. Under the new treaty, the 0% rate applies to dividends paid by a company that is a resident of a contracting state to the beneficial owner who is a resident of the other contracting state. The 15% rate applies to dividends paid out of income (including gains) derived directly or indirectly from immovable property by an investment vehicle that distributes most of this income annually and whose income from such immovable property is exempt from tax.

(ww) The rate is 0% if interest is paid in any of the following circumstances:
- In connection with the sale on credit of any industrial, commercial or scientific equipment
- In connection with the sale on credit of any merchandise by one enterprise to another enterprise
- On any loan granted by a bank

(xx) The 15% rate applies to the gross amount of the dividends. The 0% rate applies if certain conditions are met.

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A. At a glance

Corporate Income Tax Rate (%)	21 (a)
Capital Gains Tax Rate (%)	0/21 (b)
Branch Tax Rate (%)	21
Withholding Tax (%)	
Dividends	0/15/35 (c)(d)(e)

Interest	0/15/35 (c)(e)(f)(g)
Royalties	0/15/35 (c)(e)(g)(h)
Rental Income from Leases	5/15/35 (c)(e)(g)(i)
Net Operating Losses (Years)	
Carryback	2 (j)
Carryforward	5

(a) Basic investment funds (see Section B) are subject to tax at a rate of 5%. A 0% rate applies to pension funds.

(b) Capital gains derived by Czech or European Union (EU)/European Economic Area (EEA) parent companies (as defined in the Czech tax law) on transfers of shares in their subsidiaries are exempt from tax if certain conditions are satisfied (see Section B).

(c) The rates may be reduced by applicable tax treaties.

(d) Dividends are subject to a final withholding tax at a rate of 15%. Under the principles of the EU Parent-Subsidiary Directive (No. 2011/96/EU), dividends paid by Czech companies to parent companies (as defined in the directive and Czech law) located in EU/European Free Trade Association (EFTA) countries are exempt from withholding tax if the parent company maintains a holding of at least 10% of the distributing company for an uninterrupted period of at least one year (further conditions apply). Dividend distributions between two Czech companies or between foreign subsidiaries and their Czech parents are exempt from tax under similar conditions. The tax exemption does not apply if any of the following circumstances exist (further conditions may apply):
- The parent company or the subsidiary is exempt from corporate income tax or similar tax applicable in its jurisdiction.
- The parent or subsidiary may opt for an exemption (or a similar relief) from corporate income tax or similar tax applicable in its jurisdiction.
- The parent or subsidiary is subject to zero corporate income tax or similar tax applicable in its jurisdiction.
- The subsidiary treats the dividend payments as tax deductible.

(e) The 35% withholding tax generally applies to Czech-source income arising to Czech tax nonresidents from countries outside the EU/EEA that have not entered into a double tax treaty with the Czech Republic or a bilateral or multilateral tax information exchange agreement that is binding on both the Czech Republic and the respective foreign country. The 35% withholding tax rate also applies if the Czech income payer is unable to prove the tax residency status of the respective beneficial income owner. If applicable, the 35% rate affects all types of income subject to withholding tax (for example, dividends, interest, royalties or rental income). It does not affect rental income from financial leases if the 5% withholding tax rate applies (see footnote [i]).

(f) Interest payments to nonresidents are generally subject to withholding tax at a rate of 15% (special rules apply to some bonds). Under the principles of the EU Directive 2003/49/EC, interest paid by Czech companies to related companies (as defined in the directive) located in EU/EFTA countries is exempt from withholding tax if certain additional conditions are met.

(g) For certain types of income, EU/EEA tax residents may choose to include the income in their tax return and have it taxed at the standard corporate income tax rate after deduction of associated expenses (while claiming a credit for the withholding tax paid against tax liability stated in the tax return) or they may choose to treat the withholding tax as a final tax on the income.

(h) This withholding tax applies to nonresidents. Under the principles of EU Directive 2003/49/EC, royalties paid by Czech companies to companies located in EU/EFTA countries are exempt from tax if certain additional conditions are met.

(i) A 5% withholding tax is imposed on gross rent if the lease contract stipulates that the lessee takes over the ownership of the leased asset (tangible asset only) for a purchase price or for free at the end of the lease term or if the lease contract stipulates such a right or option for the lessee (further conditions may apply). Other rental payments are subject to a 15% withholding tax. Some rental payments may be considered royalties for Czech tax purposes.

(j) The maximum amount of the carryback is CZK30 million.

B. Taxes on corporate income and gains

Corporate income tax. Resident enterprises are subject to tax on their worldwide income. An enterprise is considered to be a resident enterprise if it is incorporated in the Czech Republic or if its management is located there. Nonresident enterprises are subject to income tax on their Czech-source income only.

Rates of corporate tax. The standard corporate income tax rate for Czech enterprises and branches of foreign enterprises is 21%. Basic investment funds are subject to a preferential tax rate of 5%. Under the Czech Income Taxes Act, the following are considered basic investment funds:

- An investment fund whose shares are accepted for trading on a European regulated market if it satisfies both of the following conditions:
  - — No corporate income taxpayer (other than the state, the central bank or specified international institutions) owns shares representing 10% or more of the share capital of the investment fund. Shares owned by related parties are considered shares owned by a single taxpayer for purposes of this condition.
  - — The investment fund does not have a trade license based on the Czech Act on Trades.
- Mutual fund
- Investment funds and subfunds of a joint stock company with variable registered capital if it invests (in line with its prospectus) more than 90% of its assets in prescribed instruments (for example, selected securities, money market instruments, financial derivatives, receivables and loans)
- A foreign investment fund comparable to funds as described in the above three bullets if it satisfies all of the following conditions:
  - — Its home country is an EU/EEA Member State.
  - — It can prove that it is administered or managed based on an authorization comparable to the authorization issued by the Czech National Bank and its administrator or manager is subject to supervision comparable to the Czech National Bank's supervision.
  - — It has statutes or a document comparable to a prospectus based on which it can be determined whether the fund is comparable to a fund described in the above three bullets.
  - — It can prove that according to the laws of its home country none of its income is attributable to other persons (meaning it is not tax transparent).

A preferential corporate income tax rate of 0% applies to pension funds.

No differences exist between the taxation of 100% Czech-owned enterprises and those with foreign investment.

Investment incentives. Investment incentives are available to investors launching or expanding the following:

- Manufacturing
- Technology centers
- Business support services centers, including shared-services, software-development, high-technology repair and data centers

Several amendments were made to the Investment Incentives Act and related regulation. A recent amendment to the Investment Incentives Act eliminates the requirement to submit a majority of applications for an investment incentive to the government for consideration. As a result, the Ministry of Industry and Trade will decide on granting the incentives for most of the applications based on the opinions of the ministries concerned. The investment project must pass a cost-benefit test (the benefit of the investment

must exceed the value of the support provided by the state). The governmental approval is required in case of cash grants on capital expenditures for strategic investment. The European Commission must be notified of projects with qualifying expenses exceeding EUR110 million.

Manufacturing industry. The following are general qualification conditions for the incentives for the manufacturing industry:

- In less underdeveloped regions, only investments in new economic activity (that is, not expansion projects) will be eligible for new support for large enterprises. Investment in tangible and intangible assets to set up a new establishment or to extend the range of activities of an establishment will be considered a new economic activity, provided the new activity is not the same as or similar to that previously carried out in the establishment. The same or similar activity will be assessed according to the four-digit classification of economic activities code (CZ-NACE codes; "CZ-NACE" is an abbreviation used for classification of economic activities [for the French term "nomenclature statistique des activités économiques dans la Communauté européenne"]).
- An investment at least CZK80 million must be in long-term tangible and intangible assets. The CZK80 million requirement may be reduced to CZK40 million in selected regions.
- The investment must be in a manufacturing sector, and at least 50% of the total investment must be invested in qualifying production machinery. Machinery must be acquired at an arm's-length price. It must have been produced no more than two years before the acquisition and must not have been previously subject to tax depreciation.
- Qualifying intangible assets must be acquired from unrelated third parties for arm's-length prices.
- The investment must be realized in the Czech Republic outside Prague.
- The investment must meet higher value-added criteria. To satisfy this requirement for investment in manufacturing, the average wage of employees working in the site of the investment must reach at least the average wage in the given region, and one of the following conditions must also be met:
  - — At least 10% of employees must be university-educated, and a contract for research and development (R&D) cooperation must have been executed with a research organization or university with a value of at least 2% of the total eligible costs.
  - — At least 3% of employees must be working in R&D.
  - — The acquisition of machinery and equipment used in R&D on top of eligible costs should represent at least 10% of the total eligible costs (machinery and equipment used in R&D cannot be included in eligible costs).

The higher value-added criteria do not apply in regions with high unemployment and for manufacturing projects related to products with strategic importance for protection of the life and health of citizens or products designed to produce or store energy from renewable sources, to increase energy efficiency or to reduce the energy consumption of buildings.

Technology centers. The following are general qualification conditions for the incentives for technology centers:
- The investor must invest at least CZK10 million in long-term tangible and intangible assets.
- At least 50% of the total investment must be invested in qualifying machinery. Machinery must be acquired at an arm's-length price, must be produced no more than two years before the acquisition and must not have been previously subject to tax depreciation.
- At least 20 new jobs must be created.

Business support services centers. The following are general qualification conditions for the incentives for business support services centers:
- Services provided by centers should cover the territory of at least three countries (including the Czech Republic).
- For data centers and software-development centers, at least 20 new jobs must be created.
- For high-tech repair centers, at least 50 new jobs must be created.
- For shared services centers, at least 70 new jobs must be created.

Eligibility criteria for granting incentives to small and medium-sized enterprises are reduced.

The following are selected general conditions:
- The above qualification conditions must be met within three years of the issuance of the decision to grant the investment incentives.
- The project cannot be started prior to the submission of the investment incentives application with CzechInvest (a Czech governmental agency that processes the investment incentives applications).
- The investment must be environmentally friendly.
- The investment must be maintained for the duration of the incentive's utilization period (10 years) and for at least five years from completing the investment project or creation of the first job (if the eligible expenses are wages, see *Eligible expenses* below).
- The investor cannot relocate the same or similar activity in the EEA in the two years preceding the application, or cannot, at the time of the application, have concrete plans to relocate such an activity within a period of up to two years after the completion of the investment project.
- The recipient of the investment incentives (that is, a new Czech subsidiary) should not be established sooner than six months prior to submitting the application to CzechInvest. The company should be the sole shareholder of a new Czech subsidiary (applicable for some investments).

Investment incentives can be obtained in the following forms:
- Corporate income tax relief for 10 years
- Job-creation grants
- Grants for training and retraining employees
- Cash grants on capital expenditures for strategic investments
- Real estate tax exemption

The total value of the incentives can range from 20% (15% from 2025) to 40% of total eligible costs (see *Eligible expenses*) for large enterprises (depending on the region; no incentives are provided in Prague). The cap is increased by 10% for midsized enterprises and 20% for small enterprises. The cap applies to the total of tax relief, job-creation grants, cash grants on capital expenditures and real estate tax exemption. Training and retraining grants are provided on top of this cap.

Corporate income tax relief and cash grants on capital expenditures are offered throughout the entire Czech Republic (with the exception of Prague). Job-creation grants and training and retraining grants are offered to investors in R&D centers. For investment in the manufacturing industry, job-creation grants and training and retraining grants are available only in regions with high unemployment. Real estate tax exemption is offered in special industrial zones.

Eligible expenses. The eligible expenses include either of the following:

- Value of tangible assets (machinery, building and land) and value of intangible assets, provided that machinery represents at least 50% of the total tangible and intangible assets' value. The assets should be acquired within five years of the issuance of the decision to grant the investment incentives.
- Value of wages incurred over a 24-month period following the month when a job was created and filled. The new job qualifies if it is created in the period from the day of the filing of the investment incentives application to the end of the third year after the issuance of the decision to grant the investment incentives. The value of the monthly wage per one employee for the purposes of cap calculation is limited to three times the average wage in the Czech Republic. Additional conditions with respect to the employees hired for the job apply.

Cash grants for strategic investment. Investors in the manufacturing industry can be provided with a cash grant for acquisition of tangible and intangible assets of up to 20% of the qualifying costs. Except for projects in the high-tech manufacturing industry and for manufacturing projects related to products with strategic importance for protection of life and health of citizens or products designed to produce or store energy from renewable sources, to increase energy efficiency or reduce the energy consumption of buildings, the following conditions need to be met (in addition to the above general conditions):

- A minimum required investment of CZK2 billion, of which at least CZK1 billion represents new machinery, must be made.
- At least 250 new jobs must be created.

R&D centers and high-tech repair centers can be provided with a cash grant of up to 20% of the qualifying costs (no more than CZK500 million), provided that the following conditions are met (in addition to the above general conditions):

- For R&D centers, a minimum required investment of CZK200 million, of which at least CZK100 million represents new machinery, must be made. In addition, at least 70 new jobs must be created.
- For high-tech repair centers, a minimum required investment of CZK200 million, of which at least CZK100 million represents

new machinery, must be made. In addition, at least 100 new jobs must be created.

Special conditions. In addition to the general conditions listed above, investors claiming the income tax relief must satisfy certain special conditions, including, among others, the following:

- They must reduce their tax base by claiming maximum tax depreciation, deducting all available tax-effective bad debt provisions and using all available tax losses carried forward, in accordance with the tax law.
- They must be the first user of tangible assets (excluding real estate) that are acquired for the purposes of the investment in the Czech Republic.
- They may not cease to exist, terminate their activities or declare bankruptcy.
- They may not increase their tax base through related-party transactions that are not at arm's length.

Mergers are allowed to some extent; tax relief claimed before the merger is not lost, but investors are not able to claim tax relief in subsequent tax periods.

Specific conditions apply to job-creation, retraining and training grants and to grants on capital expenditures for strategic investments.

The incentives are provided based on the Investment Incentives Act and related EU directive.

Capital gains. In the Czech Republic, realized and unrealized capital gains are recognized.

Capital gains realized by a Czech or another EU/EEA parent company (also, see below) on the transfer of shares in a subsidiary established in the Czech Republic or another EU/EEA country are exempt from tax if the parent company maintains a holding of at least 10% of the subsidiary for an uninterrupted period of at least one year (further conditions apply).

Capital gains realized by a Czech or EU/EEA parent company on the transfer of shares in a subsidiary in a contracting country (that is, a third country that has entered into a tax treaty with the Czech Republic) are also exempt from tax if the following conditions are satisfied:

- The subsidiary has a legal form comparable to Czech legal forms listed in the Czech tax law.
- The parent company has held an ownership interest of at least 10% in the subsidiary for at least one year (this condition may be fulfilled subsequent to the date of the transfer).
- The subsidiary is liable to a tax similar to corporate income tax at a rate of at least 12% in the tax period in which the parent company accounts for the respective capital gain and in the preceding tax period.

The exemption for capital gains does not apply if any of the following circumstances exists:

- The subsidiary entered liquidation proceedings.
- The shares in the subsidiary were acquired through the acquisition of a going concern.
- The parent company or the subsidiary is exempt from corporate income tax or similar tax applicable in its jurisdiction.

- The parent company or the subsidiary may opt for an exemption (or a similar relief) from corporate income tax or similar tax applicable in its jurisdiction.
- The parent company or the subsidiary is subject to zero corporate income tax or similar tax applicable in its jurisdiction.

Other realized capital gains are included with other taxable income and taxed at the regular corporate income tax rate. Capital losses on certain assets may be deducted from ordinary income, while capital losses on other assets (including capital losses on assets that qualify for exemption) are not deductible, even from other capital gains.

Unrealized capital gains and losses, which result from revaluation to fair value, are taxable or deductible only with respect to certain assets. Unrealized gains on shares that qualify for exemption are not taxable and unrealized losses on such assets are nondeductible for tax purposes.

Capital gains realized by nonresidents on the following are considered Czech-source income and are consequently generally taxable:

- Sales of rights registered in the Czech Republic or investment instruments to Czech taxpayers or Czech permanent establishments
- Sales of shares (securities or share interests) in Czech companies, regardless of the tax residence of the purchaser

However, capital gains realized by EU/EEA parent companies on sales of shares may be exempt from tax (see above).

Administration. Companies may select a calendar year or a fiscal year as its tax year. If a company uses a tax year other than the calendar year, it must file a notification with the tax authorities.

Tax returns must be filed within three months after the end of the tax year. If a company does not file the tax return by the standard three-month deadline, the deadline is automatically extended to the following:

- To four months after the end of the tax year if the tax return is filed electronically
- To six months after the end of the tax year if the tax return is filed by an appointed advisor (tax advisor or attorney-at-law)

Companies that are subject to a statutory audit are automatically granted a three-month (to six months after the end of the tax year) extension. In addition, on application of the company, an extension of three months to file a tax return may be granted at the discretion of the tax authorities.

A company with tax liability of more than CZK150,000 for the preceding year must make quarterly advance payments of tax, each equal to 25% of the preceding year's tax liability. The payments must be made by the 15th day of the third, sixth, ninth and twelfth month of their tax year. Any balance of tax due must be paid by the due date for filing the tax return.

If a company's liability for the preceding year exceeded CZK30,000, but did not exceed CZK150,000, installments that are each equal to 40% of the tax liability for the preceding year must be paid by the 15th day of the sixth and twelfth months of their tax year. If the

preceding year's tax liability was CZK30,000 or less, only a single payment is required on filing the annual return.

Late payments and late filings incur penalty charges at a rate established by law. Overpayments are generally refunded within 30 days of the taxpayer's application.

Dividends. Dividends are subject to a final withholding tax at a rate of 15%. The tax rate is increased to 35%, effective from 2013, for dividends paid to Czech tax nonresidents from countries outside the EU/EEA that have not entered into a double tax treaty with the Czech Republic or a bilateral or multilateral tax information exchange agreement that is binding on both the Czech Republic and the respective foreign country.

Under the principles of the EU Parent-Subsidiary Directive (No. 90/435/EEC), dividends paid by Czech companies to parent companies (as defined in the Czech tax law) that are located in EU/EFTA countries (also, see below) are exempt from withholding tax if the parent company maintains a holding of at least 10% of the distributing company for an uninterrupted period of at least one year (further conditions apply). The condition described in the preceding sentence may be fulfilled after the date of distribution of the dividend. Dividend distributions between two Czech companies and between foreign subsidiaries and their Czech parents are exempt from tax under similar conditions.

In addition, dividends distributed by subsidiaries in a contracting country are also exempt from taxation under rules similar to those applicable to capital gains (see *Capital gains*).

The tax exemption for dividends does not apply if any of the following circumstances exists (further conditions may apply):
- The parent company or the subsidiary is exempt from corporate income tax or similar tax applicable in its jurisdiction.
- The parent or subsidiary may opt for an exemption (or a similar relief) from corporate income tax or similar tax applicable in its jurisdiction.
- The parent or subsidiary is subject to zero corporate income tax or similar tax applicable in its jurisdiction.
- The subsidiary has an option to treat the dividend payments as tax deductible in its jurisdiction.

In addition, the beneficial ownership, substance and principal purpose test should be observed.

Foreign tax relief. Foreign tax relief (through credit or exemption) is available only under tax treaties. If foreign tax relief is not available under a treaty, the income tax paid abroad may be deducted as an expense in the following year if it is imposed on income included in taxable income in the Czech Republic.

C. Determination of trading income

General. Taxable income is calculated according to Czech accounting regulations, with adjustments for tax purposes.

All expenses incurred to generate, assure and maintain taxable income that relate to the given period are generally deductible, subject to the limits specified in the corporate income tax and

related laws, if documented by the taxpayer. The following are some of the expenses that may be deducted:

- Depreciation of tangible and intangible assets (see *Depreciation*).
- Interest and other financing costs if numerous tests, including thin capitalization, and earnings before interest, tax, depreciation and amortization (EBITDA), are met (see *Financing expenses* in Section E).
- Cost of insurance if related to taxable income (except for insurance paid on behalf of an executive or member of the board of directors for damage caused by the performance of his or her functions).
- Membership contributions paid to selected chambers and associations under certain conditions.
- Damages resulting from natural disasters. The amount of the damage must be documented by evidence submitted by an expert from an insurance company. Damages caused by unknown perpetrators can be tax deductible if confirmed by the police.
- Real estate tax paid in accordance with the Czech law, road tax and selected other taxes and fees (subject to exceptions), if related to activities that generate taxable income.
- Specified expenses related to the provision of proper working, social and health care conditions of the employees.
- Payments on leases, including financial leases, under certain conditions.
- Travel expenses related to work in the Czech Republic and abroad.
- Donations valued at CZK2,000 or more for various social and charitable purposes. In general, the maximum amount of this deduction is 10% of the tax base (increased limit of 30% may apply to certain purposes and tax periods). Further, under certain additional conditions, donations and expenses for non-monetary donations made in connection with the armed conflict in Ukraine may be deducted.

The following are some of the expenses that are not deductible for tax purposes:

- Refreshment and entertainment expenses
- Damages (unless the specific conditions mentioned above are met)
- Expenses paid by the taxpayer on behalf of another payer (for example, instead of related parties)
- Penalties and late payment interest levied by tax authorities and other government institutions
- Non-monetary benefits provided to employees (for example, cultural events, sports, education and medical aids)
- Creation of provisions and reserves (unless specific conditions are met)

In general, taxpayers must increase their tax base by the amount of any overdue liability accounted for in their books that represented a tax-deductible expense and that remains unsettled for 30 months (for liabilities due in 2015 or later) or 36 months (for liabilities due prior to 2015).

Inventory. Inventory is valued at acquisition or production cost. Costs include all costs necessary to convert the inventory to its current condition and to transport it to its current location. No deduction is allowed for inventory provisions or for other

decreases in inventory value. Under certain circumstances, the liquidation of inventory may be deductible for tax purposes.

Provisions. Provisions are not deductible unless a special tax law permits their creation for tax purposes.

Tax relief is provided with respect to overdue trading debts (as defined in the law).

Taxpayers may generally create the following tax-deductible provisions for debts that are overdue and not lapsed (with certain limitations):

- 50% of the unpaid book value of the debt if more than 18 months have elapsed since the agreed due date
- 100% of the unpaid book value of the debt if more than 30 months have elapsed since the agreed due date

For overdue debts exceeding CZK200,000 that were acquired from the previous creditor, deduction of the above provisions is allowed only if a court or arbitration proceeding was initiated and the taxpayer (creditor) participates in the proceeding.

The above deductions must generally be recorded in the accounting books. The deductions may not be claimed for debts from related parties and other specified debts.

A 100% provision can be created for receivables up to CZK30,000, subject to certain conditions. A 100% provision for overdue receivables may also be created if insolvency proceedings have been initiated with respect to the debtor's property and if the creditor makes a timely claim for such receivables against the debtor in the respective court. This deduction may not be claimed for debts from related parties.

Reserves. Taxpayers may create tax-deductible reserves for the repair of tangible assets included in Categories 2 through 6 for tax depreciation purposes (see *Depreciation*). The reserves must be created for a minimum of two tax periods and for the maximum number of tax periods specified for each asset category.

Reserves for repairs of tangible assets may be created tax-effectively only if cash equal to the amount of the reserve created is deposited in a specific bank account.

Depreciation. The corporate income tax law includes specific provisions concerning the depreciation of tangible and intangible assets. Depreciable tangible assets are divided into six categories, each of which specifies a period (a specified number of years) over which all assets in the category are depreciated.

The following are the six categories of depreciation, the time periods for depreciation of assets in each category and representative assets included in each category.

Category	Asset	Years
1	Office machines and some light machinery	3
2	Passenger cars, buses, airplanes, tractors, lorries, furniture and specified production machinery	5
3	Heavy machinery	10

Category	Asset	Years
4	Wooden buildings, pipelines, buildings for the production of energy, and buildings and halls built near mines	20
5	Buildings	30
6	Specified buildings	50*

* This category includes hotels, stores and office buildings.

Assets other than buildings that cannot be classified in any of the above categories are considered to be in Category 2. Category 5 covers buildings that are not covered by Categories 4 or 6.

Taxpayers may elect to depreciate assets using the straight-line or the accelerated method. The method chosen, however, does not affect the period of depreciation. Under the accelerated method, depreciation for the first year is calculated by dividing the cost of the asset by the applicable coefficient (see table below). For subsequent years, accelerated depreciation is calculated by multiplying the residual tax value of the asset by two and then dividing by the applicable coefficient, which is reduced by the number of years for which the asset has already been depreciated.

The following are the depreciation rates and coefficients for the six categories under the straight-line and accelerated methods.

Category	Straight-line rate	Accelerated-depreciation coefficient
1	20% for first year and 40% for subsequent years	3 for first year and 4 for subsequent years
2	11% for first year and 22.25% for subsequent years	5 for first year and 6 for subsequent years
3	5.5% for first year and 10.5% for subsequent years	10 for first year and 11 for subsequent years
4	2.15% for first year and 5.15% for subsequent years	20 for first year and 21 for subsequent years
5	1.4% for first year and 3.4% for subsequent years	30 for first year and 31 for subsequent years
6	1.02% for first year and 2.02% for subsequent years	50 for first year and 51 for subsequent years

Taxpayers may elect to use lower than the maximum straight-line depreciation rates. Additional rules apply to assets that were technically improved.

An initial accelerated depreciation charge (additional 10% to 20% of input price; in general, the input price is the acquisition cost, including related costs) is granted in the year of acquisition for certain tangible assets if other conditions are met.

The component depreciation of assets method may be used for accounting purposes. For tax purposes, the accounting result is adjusted as if this method was not used.

Specified tangible assets used in solar energy production are depreciated proportionally for a period of 240 months.

The threshold for classification in the category of separate tangible assets and their technical improvement is CZK80,000.

Extraordinary depreciation of a fixed assets, such as emission-free vehicles, put into use between 1 January 2024 and 31 December 2028 may be used.

The proportional part of depreciation of a vehicle of category M1 (with certain exceptions), put into use from 1 January 2024 and corresponding to acquisition value of CZK2 million is deductible (similarly applicable to a finance lease). The non-deductible part of depreciation cannot be claimed on disposal.

The expenses related to the acquisition of intangible assets can generally be amortized in the same way for tax purposes as for accounting purposes.

Option to exclude unrealized exchange rate differences. As of 2024, a new option is given to exclude unrealized exchange rate differences from the tax base in the period of their creation (recognition) and to include them in the tax base (with certain exceptions) only in the period when the exchange rate difference is realized. Notification to the tax administrator of entry into the regime is required.

Functional currency. Accounting records may also (in addition to CZK) be kept in EURO, USD or GBP if this currency is also the so-called functional currency of the accounting entity. This should be the currency of the primary economic environment in which the entity operates. The accounting currency may be changed only on the first day of the accounting period. It may be changed back to CZK only if the other currency ceases to be the functional currency of the entity.

R&D costs. In principle, qualifying costs for certain eligible R&D projects are deductible twice (first as tax-deductible expenses, then as a specific tax base decreasing item). The R&D deduction generally amounts to 110% of incremental eligible costs incurred in the tax period. Purchased services do not qualify for the second deduction (except for the services provided by a public university or other research institutions specified by relevant legislation). Further detailed conditions are provided for the deduction.

Relief for losses. Losses may be carried forward for five taxable periods. The carryforward may be lost if a "substantial change" in the composition of persons directly participating in the capital or control of the taxpayer occurs. A change in the composition of persons is understood to be an acquisition or increase of a share in share capital or voting rights or acquisition of a decisive influence. "Substantial change" is an acquisition or an increase of a share which in aggregate concerns more than 25% in the share capital or in the voting rights or a change resulting in a shareholder receiving a decisive influence. If the "substantial change" test is met, the "same activities" test may be passed to preserve

the loss carryforward. Special rules apply to joint-stock companies that issue bearer shares. Tax losses are transferable on mergers if specific conditions are met.

A tax loss may be deducted from the tax base in the two tax periods immediately preceding the tax period (or the period for which a tax return is filed) for which the tax loss is assessed. In the tax periods preceding the period for which the tax loss is assessed, a tax loss may only be deducted from the tax base up to a total amount not exceeding CZK30 million.

Groups of companies. Czech income tax law does not provide for consolidated tax returns or other types of group relief.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT), levied on all taxable supplies (goods and services), acquisitions of goods from other EU Member States and imports of goods; certain supplies (books, financial and insurance services, medical care, supply or lease of immovable property if certain conditions are met) are exempt	
Standard rate; applicable to most goods and services	21%
Reduced rate applicable to specified goods and services (for example, tap water, food products except for drinks, pharmaceuticals, accommodation, catering, public transport, newspapers and certain medical devices)	12%
Social security and health insurance contributions; the social security contributions are paid only up to the maximum assessment base; subject to strict and specific conditions and for a narrow group of employees, employer contributions for social security may be lowered by 5%	
Health insurance	
Employer	9%
Employee	4.5%
(No maximum assessment base applies.)	
Old-age pension	
Employer	21.5%
Employee	6.5%
(The maximum assessment base is CZK2,110,416 as of 1 January 2024.)	
Sickness	
Employer	2.1%
Employee	0.6%
(The maximum assessment base is CZK2,110,416 as of 1 January 2024.)	
Unemployment	
Employer	1.2%
Employee	0%

Nature of tax	Rate
(The maximum assessment base is CZK2,110,416 as of 1 January 2024.)	
Excise tax, imposed on entities that produce or import certain goods, including hydrocarbon fuels and lubricants, alcohol and spirits, beer, wine and tobacco products; tax based on the quantity of goods expressed in specific units; tax may be levied only once on a particular good	Various
Road tax, imposed on certain categories of vehicles registered in the Czech Republic; special reductions of tax rates, allowances and exemptions may apply	Various
Environmental tax; imposed on electricity, natural gas and solid fuel when delivered to final consumers; tax is based on the quantity of goods expressed in specific units; tax is administered and paid by the distributor which charges it to the final customer as a price increase	Various
Electronic tax stamps for the use of highways	
Small vehicles (up to 3.5 tons; annual stamp)	CZK2,300
Large vehicles	Electronic road tolls

E. Miscellaneous matters

Foreign-exchange controls. The only legal tender valid in the Czech Republic is the Czech crown (CZK). Other currencies may be used for domestic transactions, but the use of the Czech crown is prevalent.

The Czech crown is fully convertible. Several financial transactions, such as direct investments or acceptance of credit from abroad, are subject to a reporting requirement.

Anti-avoidance legislation. In applying the tax law, the tax authorities may consider the substance of a transaction if the form of the transaction conceals the actual facts. In addition, the Czech courts have developed the abuse-of-law concept. The concept is similar to the one developed by the European Court of Justice (for example, *Halifax* [No. C-255/02]).

A minimalistic version of the general anti-avoidance rule (inspired by the Anti-Tax Avoidance Directive [ATAD]) is included in the Tax Administration Law. The provision applies to all taxes, and its wording (together with the explanatory report) indicates continuity of the current approach to the abuse of law concept.

Transfer pricing. If prices in a transaction involving related parties vary from the current market prices and if the difference cannot be justified, the market prices are used for tax purposes. Related parties include companies related through capital (that is, the same legal or natural persons directly or indirectly manage, control or own more than 25%) and companies related in a different manner. In addition, related parties are persons who establish a

business relationship for the principal purpose of decreasing taxable income or increasing a tax loss.

Binding rulings. Taxpayers may apply to the tax authorities for advance pricing agreements and for binding opinions on, for example, transfer prices, the determination of the tax base of a tax nonresident from activities carried on by a permanent establishment, technical improvements of long-term assets, the allocation of expenses to taxable and nontaxable income, expenses incurred on R&D projects, expenses incurred on buildings that are also used for private purposes, and the application of VAT rates.

Financing expenses. The tax deductibility of financing expenses (interest and associated expenses) with respect to related-party loans (including back-to-back loans) is limited by a debt-equity ratio of 4:1 (6:1 for banks and insurance companies). Financing expenses with respect to profit-participating loans are nondeductible for tax purposes. Also, limitations are imposed on the deductibility of financing expenses related to shareholdings.

Based on the transposition of the ATAD, the deductibility limit for exceeding borrowing costs is the higher of 30% tax earnings before interest, tax, depreciation and amortization (EBITDA) or CZK80 million. The rule does not apply to "standalone" taxpayers and to listed financial enterprises. Borrowing costs subject to this rule are defined broadly in line with ATAD. Disallowed exceeding borrowing costs may be carried forward and claimed in future tax periods (however, transfer to previous tax periods and transfer of unused capacity to future tax periods will not be allowed). The interest deductibility limitation rule will apply together with the thin-capitalization rule and other limitations on financing expenses.

Controlled foreign company rules. Controlled foreign company (CFC) rules were implemented through the ATAD transposition. The CFC rules provide for taxation of certain types of passive income of a CFC (or permanent establishment if exempt pursuant to a double tax treaty) in the hands of a Czech controlling company in proportion to the share capital held in the CFC if the following conditions are met:

- The CFC entity does not carry out substantive economic activity.
- The foreign tax of the CFC entity is lower than 50% of the tax that would be paid as a Czech resident under Czech rules.
- The Czech controlling company directly or indirectly (itself or with associated companies) has a greater than 50% share of the voting rights, capital or profits.

Stricter CFC rules apply to entities from jurisdictions on the EU list of noncooperative jurisdictions.

Exit taxation. Exit taxation rules (that is, taxation of the transfer of assets with no change in ownership from the Czech Republic to another jurisdiction if the Czech Republic loses the right to tax the transferred asset) were implemented through the ATAD transposition. The main parameters of the rules are broadly in line with those in the ATAD.

Anti-hybrid rules. Anti-hybrid rules were also implemented through the ATAD transposition. Situations of double deduction,

deduction without inclusion of income and imported hybrid mismatch are addressed by the anti-hybrid rules.

Foreign investment. Similar rules apply to both Czech investors and foreign investors.

Exchange of information. Various recent changes have occurred in the area of exchange of information, such as amendments made to the EU directive on administrative cooperation in the field of taxation, including Country-by-Country Reporting (CbCR), the Mandatory Disclosure Regime (legislation implementing the EU Directive on Administrative Cooperation 6 [DAC6] is generally in line with EU DAC6) and the automatic exchange of information framework concerning information to be reported by digital platform operators (DAC7), the conclusion of the Multilateral Competent Authority Agreement and the conclusion of similar agreements with "tax haven" countries (and soon also DAC8 primarily addressing crypto asset transactions).

Windfall tax. A new special temporary tax aimed at "windfall" profits, the so-called windfall tax, was enacted at the end of 2022. The main simplified parameters of the windfall tax are summarized below:

Period of application/prepayment. The new tax applies in the years 2023 through 2025, with advances payable as early as 2023 based on 2022 figures.

Companies in scope. The new tax applies to companies with significant activities in the areas of electricity and gas production and trade, banking, fossil fuel extraction and production and distribution of petroleum and coke products.

The following are the entry criteria for the tax:
- For banks: an individual criterion of (domestic) net interest income (for 2021) of at least CZK6 billion and an individual criterion of (domestic) net interest income in the current year of at least CZK50 million
- For others: a group criterion of (domestic) net turnover from the respective activities (for 2021 and excluding banks) of at least CZK2 billion and an individual criterion of (domestic) net turnover from the respective activities in the current year of at least CZK 50 million
- Additional criterion for mining/treatment of hard coal, extraction of oil and gas and production of coke and refined petroleum products: meeting the individual criterion of (domestic) net turnover from these activities in the current year of at least CZK 50 million is sufficient if these revenues represent at least 25% of the annual turnover of the taxpayer

Rate. The windfall tax rate is 60% and is applied to the companies concerned as a type of surcharge on top of the 19% corporate income tax on their "windfall profits."

Tax base. This windfall profit is calculated by comparing the current year's tax base with the arithmetic average of the 2018-2021 historical bases increased by 20%.

Base Erosion and Profit Shifting (BEPS) 2.0 – Pillar 2 and global minimum level of taxation. In December 2022, the EU adopted a directive on ensuring a global minimum level of taxation for

multinational enterprise groups and large-scale domestic groups in the EU. Broadly, its goal is to ensure a minimum effective tax rate (15%) for the global activities of large groups. Many EU Member States transposed this directive into their local law by 31 December 2023, including the Czech Republic.

Selected simplified parameters of these upcoming rules are summarized below.

Top-up tax. Under the Income Inclusion Rule (IIR), tax is typically calculated and paid by the ultimate parent entity (UPE), but not necessarily by that company.

Under the Qualified Domestic Minimum Top-up Tax (QDMTT) rules, individual jurisdictions have the option to levy their top-up tax on the low-taxed excess profits of constituent entities located in that jurisdiction.

Under the Undertaxed Profit Rule (UTPR), a top-up tax that has not been levied under the IIR/QDMTT is imposed.

Effective date. The effective date for the IIR is from periods starting from 31 December 2023; the UTPR will be generally effective with a one-year delay.

Who is affected by these new rules. The new rules generally apply to EU entities belonging to a multinational group (or large domestic group) with annual consolidated revenues of at least EUR750 million (in at least two of the last four periods).

Various complex rules, requirements, exceptions and elections apply. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

The Czech Republic honors bilateral tax treaties of Czechoslovakia. It has also entered into tax treaties with many other jurisdictions. The Czech Republic is a signatory of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (Multilateral Instrument, or MLI). The Czech Republic has so far implemented only "the minimum standard"; that is, the preamble, the rule to prevent treaty abuse (the principal purpose test) and modifications concerning the effective resolution of disputes by mutual agreement. The MLI entered into force for the Czech Republic on 1 September 2020, and the entry into effect in relation to a particular covered treaty is generally derived (with some delay) from its ratification by both MLI signatories.

The following table lists the withholding tax rates under the bilateral treaties currently honored by the Czech Republic.

	Dividends %	Interest %	Royalties %
Albania	5/15 (b)	0/5 (g)	10
Andorra	5/10 (c)	0	5/10 (a)
Armenia	10	0/5/10 (g)	5/10 (a)
Australia	5/15 (e)	10	10
Austria	0/10 (c)(s)	0 (t)	0/5 (a)(q)

	Dividends %	Interest %	Royalties %
Azerbaijan	8	0/5/10 (g)	10
Bahrain	5	0	10
Bangladesh	10/15 (b)	0/10 (g)	10
Barbados	5/15 (b)	0/5 (g)	5/10 (a)
Belarus	5/10 (b)	0/5 (g)	5
Belgium	5/15 (b)(s)	0/10 (g)(t)	0/5/10 (q)(aa)
Bosnia and Herzegovina	5	0	0/10 (a)
Botswana	5	0/7.5 (g)	7.5
Brazil	15	0/10/15 (g)(i)	15/25 (v)
Bulgaria	10 (s)	0/10 (g)(t)	10 (q)
Canada	5/15 (c)	0/10 (g)	10
Chile	15	4/10 (z)	5/10 (w)
China Mainland	5/10 (b)	0/7.5 (g)	10
Colombia	5/15/25 (b)	0/10 (g)	10
Croatia	5	0	10
Cyprus	0/5 (c)(s)	0 (t)	0/10 (a)(q)
Denmark	0/15 (c)(s)	0 (t)	0/10 (a)(q)
Egypt	5/15 (b)	0/15 (g)	15
Estonia	5/15 (b)(s)	0/10 (g)(t)	10 (q)
Ethiopia	10	0/10 (g)	10
Finland	5/15 (b)(s)	0 (t)	0/1/5/10 (m)(q)
France	0/10 (b)(s)	0 (t)	0/5/10 (q)(u)
Georgia	5/10 (b)	0/8 (g)	0/5/10 (u)
Germany	5/15 (b)(s)	0 (t)	5 (q)
Ghana	6	0/10 (g)	8
Greece	15 (s)	0/10 (g)(t)	0/10 (a)(q)
Hong Kong	5	0	10
Hungary	5/15 (b)(s)	0 (t)	10 (q)
Iceland	5/15 (b)(s)	0 (t)	10 (q)
India	10	0/10 (g)	10
Indonesia	10/15 (e)	0/12.5 (g)	12.5
Iran	5	0/5 (g)	8
Ireland	5/15 (b)(s)	0 (t)	10 (q)
Israel	5/15 (f)	0/10 (g)	5
Italy	15 (s)	0 (t)	0/5 (a)(q)
Japan	10/15 (b)	0/10 (g)	0/10 (a)
Jordan	10	0/10 (g)	10
Kazakhstan	10	0/10 (g)	10
Korea (North)	10	0/10 (g)	10
Korea (South)	5	0/5 (g)	0/10 (a)
Kosovo	5/15 (b)	0	0/10 (a)
Kuwait	0/5 (k)	0	10
Kyrgyzstan	5/10 (f)	5 (g)	10
Latvia	5/15 (b)(s)	0/10 (g)(t)	10 (q)
Lebanon	5	0	5/10 (w)
Liechtenstein	0/15 (c)(s)	0 (t)	0/10 (a)(q)
Lithuania	5/15 (b)(s)	0/10 (g)(t)	10 (q)
Luxembourg	0/10 (c)(s)	0 (t)	0/10 (a)(q)
Malaysia	0/10 (l)	0/12 (g)	12
Malta	5 (s)	0 (t)	5 (q)
Mexico	10	0/10 (g)	10
Moldova	5/15 (b)	5	10
Mongolia	10	0/10 (g)	10
Montenegro	10	0/10 (g)	5/10 (a)

	Dividends %	Interest %	Royalties %
Morocco	10	0/10 (g)	10
Netherlands	0/10 (b)(s)	0 (t)	5 (q)
New Zealand	15	0/10 (g)	10
Nigeria	12.5/15 (c)	0/15 (g)	15
North Macedonia	5/15 (b)	0	10
Norway	0/15 (c)(s)	0 (t)	0/5/10 (u)(q)
Pakistan	5/15 (b)	0/10 (g)	10
Panama	5/10 (y)	0/5/10 (g)(z)	10
Philippines	10/15 (c)	0/10 (g)	10/15 (r)
Poland	5 (s)	0/5 (g)(t)	10 (q)
Portugal	10/15 (j)(s)	0/10 (g)(t)	10 (q)
Qatar	0/5/10 (cc)	0	10
Romania	10 (s)	0/7 (g)(t)	10 (q)
Russian Federation (dd)	10	0	10
San Marino	10	0/10 (g)	10
Saudi Arabia	5	0	10
Senegal	5/10 (b)	0/10 (g)	10
Serbia	10	0/10 (g)	5/10 (a)
Singapore	5	0	10
Slovak Republic	5/15 (c)(s)	0 (t)	0/10 (a)(q)
Slovenia	5/15 (b)(s)	0/5 (g)(t)	10 (q)
South Africa	5/15 (b)	0	10
Spain	5/15 (b)(s)	0 (t)	0/5 (n)(q)
Sri Lanka	6/15 (o)	0/10 (g)	0/10 (a)
Sweden	0/10 (b)(s)	0 (t)	0/5 (a)(q)
Switzerland	0/15 (c)(s)	0 (t)	5/10 (p)(q)
Syria	10	0/10 (g)	12
Taiwan (bb)	10	0/10 (g)	5/10 (w)
Tajikistan	5	0/7 (g)	10
Thailand	10	0/10/15 (g)	5/10/15 (h)
Tunisia	10/15 (b)	12	5/15 (a)
Türkiye	10	0/10 (g)	10
Turkmenistan	10	0/10 (g)	10
Ukraine	5/15 (b)	0/5 (g)	10
United Arab Emirates	0/5 (k)	0	10
United Kingdom	5/15 (b)	0	0/10 (a)
United States	5/15 (c)	0	0/10 (a)
Uzbekistan	5/10 (b)	0/5 (g)	10
Venezuela	5/10 (f)	0/10 (g)	12
Vietnam	10	0/10 (g)	10
Non-treaty jurisdictions	15/35 (x)	0/15/35 (d)(x)	15/35 (x)

(a) The lower rate applies to royalties paid for copyrights. The higher rate applies to royalties paid for patents, trademarks, designs or models, plans, secret formulas or processes, or industrial, commercial or scientific equipment or information.

(b) The lower rate applies if the receiving company (other than a partnership) owns at least 25% of the capital of the payer. Under the Belgium treaty, dividends paid to partnerships may also qualify for the lower rate. Under the United Kingdom treaty, the lower rate applies if the receiving company controls at least 25% of shares with voting rights of the payer. Under the Japan treaty, the lower rate applies if the receiving company holds at least 25% of shares with voting rights of the payer for at least six months preceding the payment of dividend. Under the Colombia treaty, the 25% rate applies to dividends paid by a Colombian resident that are derived from profits that

were not under the law subject to Colombian tax, and the 15% rate applies to dividends not subject to the 5% or 25% rates.

(c) The lower rate applies if the receiving company (other than a partnership) owns at least 10% of the capital of the payer. Under the Canada and Nigeria treaties, the lower rate applies if the receiving company controls at least 10% of the voting rights of the payer (except for dividends paid by a Canadian investment corporation). Under the United States treaty, the lower rate applies if the receiving company owns at least 10% of the shares with voting rights of the payer (exceptions applies to dividends paid by investments companies and real estate investment trusts located in the United States). Under the Norway treaty, the 0% rate also applies to dividends paid to the government or specified institutions. Under the Cyprus, Liechtenstein, Luxembourg and Switzerland treaties, the 0% rate applies if at least 10% of share capital of the payer is held by an entity (other than a partnership) for at least one year. Under the Denmark treaty, the 0% rate applies if the recipient of the dividends is a pension fund. Under the Switzerland treaty, the 0% rate also applies if the recipient of the dividends is a central bank or a pension fund.

(d) Interest on mutual deposits with banks in the interbank market is exempt from tax for recipients from non-treaty countries (subject to reciprocal treatment). For all Czech tax nonresidents (that is, recipients from treaty and non-treaty countries), interest on bonds issued by Czech taxpayers or the Czech Republic outside the Czech Republic is exempt from tax. The 15% rate applies to other interest but see also footnote (x).

(e) The lower rate applies if the receiving company (other than a partnership) owns at least 20% of the capital of the payer. Under the Australia treaty, the lower rate applies to dividends paid from the Czech Republic to Australia if the receiving company owns at least 20% of the capital of the payer and to dividends paid from Australia to the Czech Republic if special requirements are met.

(f) The 5% rate applies if the receiving company (other than a partnership) owns more than 15% of the capital of the payer.

(g) The 0% rate applies to interest paid to (or by) the government (or specified institutions), subject to further conditions. Under the Albania treaty, the 0% rate also applies to interest paid to an agency, including banks and financial institutions, wholly owned by the contracting state. Under the Georgia treaty, the 0% rate also applies to interest on loans and credits guaranteed by governments or related to sales of industrial equipment that are financed by loans. Under the Armenia and Azerbaijan treaties, the 5% rate applies to interest on bank loans. Under the Ethiopia treaty, the 0% rate also applies to, among other items, interest paid to institutions owned or controlled by the government whose sole purpose is the promotion of export or foreign investment. Under the Thailand treaty, the 10% rate applies to interest paid to financial institutions or insurance companies; otherwise, the rate of the source country applies. Under the Pakistan and Syria treaties, the 0% rate also applies to interest paid to the central bank or any financial institution wholly owned by the government and to interest on loans and credits guaranteed by the government or specified institutions. Under the China Mainland treaty, the 0% rate also applies if the interest paid to selected government agencies or the central bank or if the receivable is financed, guaranteed or pledged by the government, the central bank or a selected government agency. Under the Barbados, Colombia, Iran, Tajikistan and Uzbekistan treaties, the 0% rate also applies to interest from the sale on credit of merchandise or equipment or from a loan or credit granted by a bank or guaranteed by the government (or specified institutions). Under the Belarus treaty, the 0% rate also applies to interest on bank loans. Under the Poland treaty, the 0% rate also applies to interest from a loan or credit granted by a bank or guaranteed by the government (or specified institutions). Under the Belgium treaty, the 0% rate applies to interest from suspended payments for goods and services, loans guaranteed by public institutions aimed to support the export and bank loans and deposits (except in the form of securities). Under the Brazil treaty, interest from securities, bonds and promissory notes issued by the government (or specified institutions) is subject to tax in the state of residence of the issuer. Under the Bulgaria and Panama treaties, the 0% rate also applies to interest from suspended payments for equipment or goods or from certain loans guaranteed by public institutions. Under the Canada treaty, the 0% rate also applies to, among other items, interest paid to institutions established to manage and pay out benefits from pension, retirement or employee schemes (other limitations apply). Under the Botswana, Ghana, Korea (South) and Kyrgyzstan treaties and the Taiwan bill, the 0% rate also applies to interest paid in connection with the sale on credit of any merchandise or equipment or in connection with a loan or credit provided, guaranteed or insured by the government (or specified institutions). Under the Bangladesh, Kazakhstan, San Marino, Senegal and

Turkmenistan treaties, the 0% rate also applies to interest from loans guaranteed by the government (or specified institutions). Under the Malaysia treaty, the 0% rate also applies to interest from approved loans if the beneficial owner of the interest is a Czech tax resident.

(h) The 5% rate applies to royalties for copyrights. The 10% rate applies to royalties for patents, trademarks, designs or models, plans, secret formulas and processes. The 15% rate applies to other royalties.

(i) The 10% rate applies to loans and credits granted by a bank for a period of at least 10 years in connection with the following:
- Sales of industrial equipment or studies
- Installation or furnishing of industrial or scientific units
- Public works

(j) The 10% rate applies if the receiving company owns at least 25% of the payer for at least two years preceding the payment of the dividend.

(k) The 0% rate applies to a dividend paid to the government of a contracting state (or a government institution) or to a company that is at least 25% owned by the government of the contracting state.

(l) The 0% rate applies to a dividend paid by a tax resident of Malaysia to a Czech tax resident who is the beneficial owner of the dividends.

(m) The 0% rate applies to royalties paid for copyrights. The 1% rate applies to royalties paid for finance leases of equipment. The 5% rate applies to royalties paid for operating leases of equipment and for the use of, or right to use, software. The 10% rate applies to other royalties.

(n) The lower rate applies to royalties for copyrights, with the exception of royalties for cinematographic films and films or tapes for television broadcasting. The higher rate applies to other royalties.

(o) The lower rate applies to dividends paid by a tax resident of Sri Lanka to a Czech tax resident (except with respect to investments made after the effective date of the treaty).

(p) The treaty provides for a rate of 10%, but a protocol to the treaty provides for a rate of 5% until Swiss domestic law imposes a withholding tax on royalties.

(q) In addition to treaty protection, royalties paid by Czech companies or permanent establishments of companies from EU Member States to related-party companies located in other EU/EEA Member States or Switzerland is exempt from tax if the conditions stated in provisions implementing EU Directive 2003/49/EC, as amended, are satisfied and if an advance ruling is issued by the Czech tax authority. If a Czech withholding tax applies to outbound royalties, EU/EEA tax residents may choose to include the income in their tax return and have it taxed at the standard corporate income tax rate after deduction of associated expenses (while claiming a credit for the withholding tax paid against tax liability stated in the tax return), or to treat the withholding tax as a final tax on the income.

(r) The 10% rate applies to royalties paid for patents, trademarks and industrial, commercial, or scientific equipment or information. The 15% rate applies to royalties paid for films.

(s) In addition to treaty protection, dividends paid by Czech companies to parent companies (as defined in the EU Parent-Subsidiary Directive 2011/96/EU) that are located in other EU Member States, or in Iceland, Liechtenstein, Norway or Switzerland, are exempt from withholding tax if the parent company maintains a holding of at least 10% of the distributing company for an uninterrupted period of at least one year (this condition may be met subsequently). Further conditions apply.

(t) In addition to treaty protection, interest from qualified instruments paid by Czech companies or permanent establishments of companies from EU Member States to related-party companies (as defined in EU Directive 2003/49/EC) located in other EU/EEA Member States or Switzerland is exempt from withholding tax if the conditions stated in the provisions implementing EU Directive 2003/49/EC, as amended, in the Czech tax law are satisfied and if an advance ruling is issued by the Czech tax authority. In addition, if Czech withholding tax applies to outbound interest, EU/EEA tax residents may choose to include the income in their tax return and have it taxed at the standard corporate income tax rate after deduction of associated expenses (while claiming a credit for the withholding tax paid against tax liability stated in the tax return), or to treat the withholding tax as a final tax on the income.

(u) The 0% rate applies to royalties paid for copyrights. The 5% rate applies to payments for industrial, commercial or scientific equipment. The 10% rate applies to royalties paid for patents, trademarks, designs or models, plans, secret patterns or production procedures and software, as well as for information relating to experience acquired in the areas of industry, commerce or science.

(v) The 25% rate applies to royalties paid for trademarks. The 15% rate applies to other royalties.
(w) The 5% rate applies to royalties paid for industrial, commercial or scientific equipment.
(x) A 35% tax rate applies to payments to tax residents in countries with which the Czech Republic has not entered into a double tax treaty or a treaty on exchange of information in tax matters. For further details, see footnote (e) in Section A.
(y) The 5% rate applies to business profits after taxation transferred by a permanent establishment in one contracting state to its head office in the other contracting state.
(z) The 4% rate applies to interest paid to banks, insurance companies and other specified lending and financial institutions. If Chile agrees to a lower rate or an exemption with an Organisation for Economic Co-operation and Development Member State, this lower rate or exemption would also apply to the treaty between Chile and the Czech Republic.
(aa) The 0% rate applies to copyright royalties paid from the Czech Republic to Belgium. The 5% rate applies to royalties paid for use of industrial, commercial or scientific equipment.
(bb) A special bill aimed at preventing double taxation with respect to Taiwan entered into effect on 1 January 2021.
(cc) The 0% rate applies to certain state or state-owned recipient entities. The 5% rate applies if a company holds directly at least 10% of the capital of the paying company.
(dd) On 11 August 2023, the Russian Federation announced that it was unilaterally suspending the implementation of the double tax treaty with the Czech Republic, specifically Articles 5 to 22 and 24 of the treaty. The Ministry of Finance of the Czech Republic subsequently published a communication confirming the suspension of the implementation of the provisions of the treaty, effective from 29 September 2023. It implies that in the absence of implementation of the aforementioned articles of the treaty, it is no longer possible to implement Articles 23 and 25 (that is, the application of the elimination of double taxation).

Denmark

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All telephone calls to the persons in Denmark listed below should be made to the persons' mobile telephone numbers. These persons no longer have office telephone numbers. Telephone calls to the office switchboard will be put through to the respective persons' mobile telephone numbers.

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A. At a glance

Corporate Income Tax Rate (%)	22
Capital Gains Tax Rate (%)	22
Branch Tax Rate (%)	22
Withholding Tax (%)	
Dividends	0/27 (a)
Interest	0/22 (b)
Royalties from Patents, Know-how, etc.	0/22 (c)
Branch Remittance Tax	0 (d)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited

(a) The general withholding tax rate is 27%, and the recipient can apply for a refund depending on the final tax rate. A withholding tax of 0% normally applies to dividends paid to group companies. See Section B.

(b) The 22% rate applies to payments between related parties. The rate may be eliminated if certain conditions are met under the European Union (EU) Interest-Royalty Directive or a double tax treaty entered into by Denmark. See Section B.

(c) The rate is 0% for royalties paid for copyrights of literary, artistic or scientific works, including cinematographic films, and for the use of, or the right to use, industrial, commercial or scientific equipment. In addition, the rate may be reduced or eliminated if certain conditions are met under the EU Interest-Royalty Directive or a double tax treaty entered into by Denmark.

(d) A Danish branch office or a tax-transparent entity may be re-characterized as a Danish tax-resident company if the entity is controlled by owners resident in one or more foreign countries, the Faroe Islands, or Greenland and if either of the following circumstances exists:
- The entity is treated as a separate legal entity for tax purposes in the country or countries of the controlling owner(s).
- The country or countries of the controlling owner(s) are located outside the EU and have not entered into a double tax treaty with Denmark under which withholding tax on dividends paid to companies is reduced or renounced.

B. Taxes on corporate income and gains

Corporate income tax. A resident company is a company incorporated in Denmark. In addition, a company incorporated in a foreign country is considered a resident of Denmark if its day-to-day management is in Denmark.

All tax-resident companies that are part of the same group must be included in a Danish mandatory joint taxation arrangement, regardless of whether these companies are subject to full or limited tax liability in Denmark. This mandatory joint taxation comprises all Danish affiliated companies as well as permanent

establishments and real estate located in Denmark (for details, see Section C).

The income of resident companies that is generated in a foreign permanent establishment or real estate located outside Denmark is not included in the statement of the taxable income in Denmark, unless Denmark is granted the right to tax such income under an applicable double tax treaty or other international agreement, or the income is subject to controlled foreign company (CFC) taxation (see Section E).

Branches of foreign companies located in Denmark are taxed only on trading income and on chargeable capital gains derived from the disposal of trading assets that are located in Denmark and related to a Danish permanent establishment.

Financial companies' taxable income is multiplied by a factor of 25.2/22 in 2023 and 26/22 in 2024 and forward. The financial companies covered are companies that are subject to supervision by the Danish Financial Supervisory Authority in accordance with the Financial Business Act or otherwise are covered by the special laws applied to specific types of financial companies.

Rate of corporate tax. For the 2024 income year, resident and nonresident companies are taxed at a rate of 22% (see *Corporate income tax* regarding financial companies). Special rules apply for cooperatives.

Capital gains. Capital gains are taxed as other income at a rate of 22%.

Capital gains derived from a disposal of shares in a group company (group shares), shares in a subsidiary (subsidiary shares) and own shares (shares issued by the company) are exempt from tax regardless of the ownership period, while losses incurred on such shares are not deductible.

The following are considered group shares:
- Shares in a company that is subject to mandatory joint taxation under Danish rules together with the shareholder of the company
- Shares in a company that is eligible for inclusion in an international joint taxation arrangement under Danish rules (see Section C)

Shares are considered subsidiary shares if all of the following conditions are met:
- The shares are in a company in which the shareholder directly owns at least 10% of the share capital.
- The company is in a legal form that is similar to a Danish limited liability company.
- The company is subject to corporate tax in its home country (without exemption).
- The company is located in a country that has an agreement with Denmark on exchange of information.

Certain anti-avoidance rules apply if shareholders that do not each meet the requirements of holding group shares or subsidiary shares set up an intermediate holding company that by itself is able to meet the requirements.

In certain cases, capital gains may be reclassified as dividends. The reclassification of capital gains to dividends applies under specific circumstances only.

In general, capital gains derived from a disposal of shares that are not own shares, group shares or subsidiary shares (known as portfolio shares) are taxable at the statutory corporate income tax rate of 22%, while losses are deductible, regardless of the ownership period. However, capital gains derived from the disposal of portfolio shares do not trigger taxation if all of the following conditions are satisfied:

- The shares relate to a Danish limited liability company or a similar foreign company.
- The shares are not publicly listed.
- A maximum of 85% of the book value of the portfolio company is placed in publicly listed shares.
- The company disposing of the portfolio shares does not buy new portfolio shares in the same company within six months after the disposal.

The current rules regarding taxation of portfolio shares are based on the mark-to-market method, under which gains and losses are computed on the basis of the market value of the shares at the beginning and end of the income year. It is possible to opt for taxation based on the realization method with respect to unlisted portfolio shares only. Listed portfolio shares must be taxed according to the mark-to-market method. Special rules apply to the carryforward of unused losses on portfolio shares.

Gains on the sale of goodwill and intellectual property rights are subject to tax.

Recaptured depreciation (see Section C) is taxed as ordinary income at a rate of 22%.

Administration. In general, the income year for companies is the calendar year. Companies may select a staggered income year, which is an income year other than the calendar year. They may change their income year if justified by special circumstances.

In general, tax returns for companies must be filed within six months after the end of the companies' income year. For companies with income years ending from 1 February to 31 March, tax returns must be filed by 1 August. Companies pay corporate tax on a current-year basis on 20 March and the remainder on 20 November. It is also possible to make a third current payment before 1 February of the following year. The final tax (calculated tax less paid current taxes) must be paid in November of the following year.

Dividends paid. In general, dividends paid are subject to withholding tax at a rate of 27%, of which 5% can be reclaimed resulting in a final tax rate of 22%. However, withholding tax is normally not imposed on dividends paid to group companies if the Danish shares qualify as either group shares or subsidiary shares (see *Capital gains*) and if the withholding tax must be reduced or eliminated under the EU Parent-Subsidiary Directive or a double tax treaty. For a company owning Danish shares that are group shares rather than subsidiary shares, it is required that the withholding tax would have been reduced or eliminated under the EU

Parent-Subsidiary Directive or a double tax treaty if the shares had been subsidiary shares. In both cases, the recipient of the dividends must be the beneficial owner of the dividends and, accordingly, is entitled to benefits under the EU Parent-Subsidiary Directive or a double tax treaty.

The final tax rate for nonresident companies is generally 22%, with a rate of 15% for certain portfolio shares. The applicability of the 15% tax rate is described under *Capital gains* (conditions for deriving tax-exempt capital gains on portfolio shares). The 15% rate applies for corporations resident in jurisdictions with which Denmark has entered into a treaty on double taxation or exchange of information (if the shareholding meets the requirements described under *Capital gains*). A claim for a refund for the difference between the withholding tax of 27% and the final tax rate may be filed with the Danish tax authorities.

Withholding tax on dividends from a Danish subsidiary to a foreign company applies in the case of a redistribution of dividends if the Danish company itself has received dividends from a more-than-10%-owned company in another foreign country and if the Danish company cannot be regarded as the beneficial owner of the dividends received. Correspondingly, it applies if the Danish company has received dividends from abroad through one or more other Danish companies. Such dividends are generally subject to withholding tax at a rate of 27%, of which 5% can be reclaimed unless all of the following conditions are met:

- The rate is reduced under a double tax treaty with Denmark or the recipient is covered by the EU Parent-Subsidiary Directive.
- The recipient is considered the beneficial owner of the dividends.
- The general anti-avoidance rule does not apply.

Interest paid. In general, interest paid to foreign group companies is subject to withholding tax at a rate of 22%. The withholding tax is eliminated if any of the following requirements are satisfied:

- The interest is not subject to tax or it is subject to tax at a reduced rate under the provisions of a double tax treaty. For example, if withholding tax on interest is reduced to 10% under a double tax treaty, the withholding tax is eliminated completely.
- The interest is not subject to tax in accordance with the EU Interest/Royalty Directive. Under the directive, interest is not subject to tax if all of the following conditions are satisfied:
  - The debtor company and the creditor company fall within the definition of a company under Article 3 in the EU Interest/Royalty Directive (2003/49/EC).
  - The companies have been associated (as stated in the directive) for at least a 12-month period.
  - The recipient is beneficial owner of the interest received.
- The interest accrues to a foreign company's permanent establishment in Denmark.
- The interest accrues to a foreign company, and a Danish parent company, indirectly or directly, is able to exercise control over such foreign company (for example, by holding more than 50% of the voting rights). Control must be fulfilled for a period of 12 months during which the interest is paid.

- The interest is paid to a recipient that is controlled by a foreign parent company resident in a country that has entered into a double tax treaty with Denmark and has CFC rules and if, under these foreign CFC rules, the recipient could be subject to CFC taxation.
- The recipient company can prove that the foreign taxation of the interest income amounts to at least ¾ of the Danish corporate income tax and that it will not in turn pay the interest to another foreign company that is subject to corporate income tax amounting to less than ¾ of the Danish corporate income tax.

The withholding tax and exceptions also apply to non-interest-bearing loans that must be repaid with a premium by the Danish debtor company.

C. Determination of trading income

General. Taxable income is based on profits reported in the annual accounts, which are prepared in accordance with generally accepted accounting principles. For tax purposes, several adjustments are made, primarily concerning depreciation and write-offs of inventory.

Expenses incurred to acquire, ensure and maintain income are deductible on an accrual basis. Certain expenses, such as certain gifts, income taxes and formation expenses, are not deductible. Only 25% of business entertainment expenses is deductible for tax purposes. Expenses incurred on advisor fees are not deductible if they are incurred with respect to investments in shares that have the purposes of a full or partial acquisition of one or more companies and of the exercise of control over or participation in the management of these companies. From 1 January 2023, salary and salary substitutes that exceed DKK7,994,500 per person (2024 amount) are not deductible in calculating taxable income.

Inventories. Inventory may be valued at historical cost or at the cost on the balance sheet at the end of the income year. Inventory may also be valued at the production price if the goods are produced in-house. Indirect costs, such as freight, duties and certain other items, may be included.

Dividends received. Dividends received with respect to shares that qualify as group shares or subsidiary shares (see *Capital gains*) are exempt from tax to the extent that no tax deduction is claimed for the distribution by the entity making the distribution.

Dividends received by a Danish permanent establishment may be exempt from tax if the permanent establishment is owned by a foreign company that is tax resident in the EU, European Economic Area (EEA) or in a country that has entered into a double tax treaty with Denmark.

Dividends received on a company's own shares are exempt from tax.

Seventy percent of the dividends that are not covered by the above tax exemption, such as dividends from unlisted portfolio shares, must be included in the taxable income of the dividend receiving company and taxed at the normal corporate income tax rate of 22%.

Dividends received from other portfolio shares, such as listed portfolio shares, must be included in the taxable income of the dividend receiving company and taxed at the normal corporate income tax rate of 22%.

A tax credit is normally available to the dividend receiving company for foreign withholding taxes withheld by the dividend distributing company.

Depreciation

Immediate deductions. For the 2024 income year, new acquisitions not exceeding DKK33,100 (2024 amount) or with a lifetime not exceeding three years are 100% deductible in the year of purchase. Computer software, operating equipment and ships for research and development (R&D), except operating equipment and ships used for exploration of raw materials, are also 100% deductible in the year of purchase.

Asset classes. Certain depreciable assets must be allocated among four asset classes:

- Operating equipment (including production facilities, machinery, office equipment, hardware and certain software that may not be written off immediately) may be depreciated at an annual rate of up to 25%, using the declining-balance method.
- Certain ships (weighing more than 20 tons and leased out without a crew) may be depreciated at an annual rate up to 12%, using the declining-balance method.
- Certain operating equipment with a long economic life (certain ships transporting goods or passengers, aircraft, rolling railway material, drilling rigs and facilities for producing heat and electricity) may be depreciated at an annual rate of up to 15%, using the declining-balance method. Facilities for producing heat and electricity with a capacity of less than 1 MW and wind-turbine generators (regardless of the capacity) may be depreciated at an annual rate of up to 15%, using the declining-balance method.
- Infrastructural facilities (facilities used for purposes, such as transporting, storing and distributing electricity, water, heat, oil, gas and wastewater and facilities with respect to radio, telecommunications and data transmissions) may be depreciated at an annual rate of up to 7%, using the declining-balance method.

It is important to distinguish between building installations and infrastructural facilities.

Buildings. Buildings used for commercial and industrial purposes may be depreciated at an annual rate of up to 3% using the straight-line method based on the purchase price, excluding the value of the land. For buildings with an expected lifetime of 33 years or below, depreciation can be claimed over the expected lifetime of the building according to the straight-line method. Investments in buildings before 1 January 2023 may be depreciated at an annual rate of up to 4%. Office buildings, financial institutions, hotels, hospitals and certain other buildings may not be depreciated. However, office blocks or office premises adjacent to buildings used for commercial purposes may be depreciated if the office blocks are used together with the depreciable buildings.

Others. Acquired goodwill, patent rights and trademarks may be amortized over seven years.

Costs incurred in connection with the improvement of rented premises and properties (not used for habitation or other commercial or non-industrial purposes) on leased land may be depreciated at an annual rate of up to 20%. If the tenancy is entered into for a fixed number of years, the annual depreciation rate cannot exceed a rate that results in equal amounts of depreciation over the fixed number of years.

Recapture. The amount of depreciation claimed on an asset may be recaptured on the disposal of the asset. Recaptured depreciation is subject to tax at a rate of 22%. For assets depreciated under the declining-balance method, however, the consideration received is deducted from the collective declining-balance account, and, consequently, the recapture is indirect.

Advance depreciation. Advance depreciation is available on ships. A total of 30% (with a maximum of 15% in any single year) of the expenditure exceeding DKK1,774,000 (2024 amount) may be written off in the years preceding the year of delivery or completion. The relief is given if a binding contract has been concluded for construction or purchase of a ship. If a partnership enters into the contract, each partner must meet the DKK1,774,000 (2024 amount) requirement. If a ship is intended for lease, advance depreciation is not allowed in the year of acquisition, unless permission is obtained from the local tax authorities. This rule does not apply to the ships included in the new asset classes (see *Depreciation*).

"Super deduction" for R&D costs. A "super deduction" is also available on costs concerning R&D. As a result of the COVID-19 pandemic, the deduction rate is increased in 2020, 2021 and 2022, meaning that costs connected to R&D can be deducted at a rate of 130% in 2020 through 2022, 108% in 2023 through 2025 and 110% from 2026 onward. The "super deduction" is conditioned on the costs being connected to the taxpayer's business. The deduction can be made either at once in the income year in which the costs are incurred, or over the course of five years, including the income year in which the costs are incurred.

Relief for trading losses. Trading losses and interest expenses may be set off against other income and chargeable gains. Losses incurred may be set off in full against the portion of the year's taxable income not exceeding an amount of DKK9,457,500 (2024 amount). Losses exceeding DKK9,457,500 (2024 amount) may be set off against 60% of the taxable income for the year. As a result, a company or a joint taxation may not reduce its taxable income to less than 40% of the taxable income exceeding DKK9,457,500 (2024 amount).

Losses, including prior-year losses, that cannot be set off against the taxable income for the year may be carried forward infinitely.

Losses may not be offset against interest and other capital income, net of interest paid, if more than 50% of the shares in the company changed ownership since the beginning of the year in which the loss was incurred. In addition, tax losses are forfeited by companies that are not engaged in an activity at the date of change of ownership.

Groups of companies. Joint taxation of Danish affiliated companies, Danish permanent establishments of foreign affiliated companies and real properties of foreign affiliated companies that are located in Denmark is compulsory. The jointly taxed income equals the sum of the net income of the jointly taxed companies, permanent establishments and real properties. An affiliation generally exists if a common shareholder (Danish or foreign) is able to control the company (for example, by holding more than 50% of the voting rights).

Joint taxation with foreign companies is voluntary. If a Danish company elects to be jointly taxed with a foreign company, all foreign affiliated companies must be included in the Danish joint taxation arrangement. These include all subsidiaries, permanent establishments and real estate owned by the Danish company. If the Danish company is owned by a foreign group, the ultimate foreign parent company and all foreign companies affiliated with the ultimate foreign parent company are also included.

A company is considered to be an affiliated company if a controlling interest exists.

A 10-year period of commitment applies if a Danish company elects to be jointly taxed with its foreign affiliated companies.

Deduction of final losses in foreign subsidiaries. Regardless of having chosen not to apply an international joint taxation scheme, a Danish parent company can deduct losses in foreign subsidiaries, permanent establishments or real estate if all of the following conditions are fulfilled:

- The parent company has not chosen international joint taxation.
- The subsidiary or the permanent establishment is resident in the EU/EEA, in the Faroe Islands or in Greenland (this condition does not apply to real estate).
- The subsidiary is directly owned by the parent company, or indirectly owned by intermediary companies, that are all resident in the same country as the subsidiary.
- The losses are final.
- A loss in a subsidiary would have been deductible if international joint taxation had been chosen.
- A loss in a permanent establishment or real estate is deductible according to the general rules of the tax code.
- The determination of the loss is conducted in accordance with Danish rules.

The possibility has been introduced with effect from the 2019 income year, and tax guidance has been issued by the tax authorities concerning the possibility of reopening of the tax returns for the 2009-2018 income years and correcting them in accordance with the new rules.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT)	25%
Labor market supplementary pension scheme (ATP); approximate annual employer contribution for each full-time employee	DKK2,272

Nature of tax	Rate
Payroll tax (Loensumsafgift)	
Banks, insurance companies and other financial businesses; levied on total payroll	15.3%
Other VAT-exempt businesses, including some public bodies; levied on total payroll plus taxable profits, adjusted to exclude financial income and expenses	4.12%
Lotteries and information activities performed by tourist offices, other organizations and some public bodies; levied on total payroll	6.37%
Publishers or importers of newspapers; levied on the value of newspapers sold	3.54%

E. Miscellaneous matters

Foreign-exchange controls. Denmark does not impose foreign-exchange controls.

Debt-to-equity rules. Under thin-capitalization rules, interest paid by a Danish company or branch to a foreign group company is not deductible to the extent that the Danish company's debt-to-equity ratio exceeds 4:1 at the end of the debtor's income year and that the amount of controlled debt exceeds DKK10 million. Limited deductibility applies only to interest expenses relating to the part of the controlled debt that needs to be converted to equity to satisfy the debt-to-equity ratio of 4:1 (that is, a minimum of 20% equity). The thin-capitalization rules also apply to third-party debt if the third party has received guarantees and similar assistance from a group company of the borrower.

The Danish thin-capitalization rules are supplemented through an "interest ceiling rule" and an Earnings Before Interest, Taxes, Depreciation and Amortization (EBITDA) rule. These rules apply to controlled and non-controlled debt. Only companies with net financial expenses exceeding DKK21,300,000 and DKK22,313,400, respectively (2024 amounts), are subject to these supplementary rules. For jointly taxed companies, the thresholds apply to all of these companies together.

Under the "interest ceiling rule," a company may only deduct net financial expenses corresponding to 6% (2024 rate) of the taxable value of certain qualified assets. Deductions for any excess net financial expenses are lost, except for capital losses, which may be carried forward for three years.

Under the EBITDA rule, a company may reduce its taxable income through the deduction of financial expenses by no more than 30%. Net financial expenses exceeding this limit are non-deductible but, in contrast to the interest ceiling rule, the excess expenses can be carried forward without any time limitation (if not restricted again by the EBITDA rule). The calculation must be made after taking into account a possible restriction under the interest ceiling rule.

Under the interest ceiling rule, a safe harbor of net financial expenses up to DKK21,300,000 (2024 amount) exists. Under the EBITDA rule, a safe harbor of net financial expenses up to DKK22,313,400 (2024 amount) exists. These expenses are always

deductible, subject to restriction under the thin-capitalization rules.

If a company establishes that it could obtain third-party financing on similar terms, it may be allowed to deduct the interest that would normally be disallowed under the ordinary thin-capitalization rules described above. No arm's-length principle can be applied to help the company escape the interest ceiling rule or the EBITDA rule.

Danish tax law does not recharacterize disallowed interest or impose withholding tax on it.

Anti-avoidance legislation. A general anti-avoidance rule has been implemented in the Danish domestic tax law. It is contained in Section 3 of the Danish Tax Assessment Act.

The anti-avoidance rule seeks to restrict the benefits of applicable tax law, including EU directives or a double tax treaty, claimed by a taxpayer who participates in an arrangement, or a series of arrangements, that has the primary purpose (or has as one of its primary purposes) to achieve a tax benefit that is contrary to the contents or purpose of the applicable tax law, EU directive or double tax treaty in question.

The global anti-avoidance rule is introduced in accordance with Article 6 of the EU Anti-Tax Avoidance Directive (ATAD) and applies to resident and nonresident companies.

In addition, certain recharacterization rules exist, such as a rule that recharacterizes debt as equity if the debt is treated as an equity instrument according to the tax rules in the country of the creditor.

Although a Danish company or taxable legal entity may change its domicile to another country, this would normally be considered a liquidation with the same tax effect as a taxable sale. The company can transfer its activities abroad, but, to prevent tax avoidance, such a transfer is considered a taxable disposal of the activities.

Controlled foreign companies. Danish CFC-taxation involves a Danish parent company being taxed on income generated in a foreign subsidiary or branch. If the CFC-rules apply, the Danish parent is taxed in Denmark on a proportional part (equal to the ownership interest) of the subsidiary's income.

The following are generally the two main criteria for Danish CFC-taxation to apply:

- More than one third of the income in the subsidiary is CFC-income.
- The parent company alone or jointly with other group companies directly or indirectly owns more than 50% of the share capital, controls more than 50% of the votes or is entitled to more than 50% of the subsidiary's profits.

The rules apply to financial companies only if more than one third of the CFC-income in the subsidiary derives from transactions with the parent or associated persons.

A parent company can elect to include only the CFC-income as opposed to the total income of the subsidiary. Such election is binding for five years and applies to all subsidiaries.

CFC-income is generally financial income, royalties, gains on intellectual property and "other income from intellectual property" (including embedded royalties). Goodwill is not considered intellectual property for CFC-purposes.

According to a substance test, CFC-taxation does not apply to "other income from intellectual property" if the subsidiary conducts "significant economic activity related the intellectual property, and this activity is supported by personnel, assets and premises." CFC-taxation also does not apply to other income from intellectual property that is a product of R&D-activities carried out by the subsidiary or group-related companies located in the same jurisdiction as the subsidiary.

Anti-hybrid mismatch rules. Denmark has several anti-hybrid mismatch rules.

The rules are found in Section 2C and Sections 8C-8E of the Danish Corporate Tax Act.

Under Section 2C of the Danish Corporate Tax Act, branches of entities that are required to register in Denmark may be treated as separate entities for Danish tax purposes if certain conditions are met. This treatment may apply if the parent of the branch is located in a non-EU/non-treaty country or if the Danish branch is considered a separate entity for tax purposes in the parent's country. Certain exceptions exist, and case-by-case evaluation is suggested.

Under Section 8C of the Danish Corporate Tax Act, the definitions used in Sections 8D and 8E are listed. A total of 17 new definitions are set forth following a rule change entering into force on 1 January 2020. For example, definitions are provided for "mismatch result," "double tax deduction" and "hybrid mismatch."

Under Section 8D of the Danish Corporate Tax Act, if a hybrid mismatch leads to a double tax deduction for the same expense, the expense is, as a main rule, not deductible in Denmark. Additionally, an expense is not deductible if a hybrid mismatch leads to the payment being deductible in Denmark while not being taxable in the receiving party's jurisdiction. A company is not allowed to deduct payments to the extent that such payments directly or indirectly finance deductible expenses and if the payments result in a hybrid mismatch through a transaction or a series of transactions between associated entities or if the payments are part of a structured arrangement. Section 8D also provides that a company must include income that would otherwise be attributed to a disregarded permanent establishment, to the extent that a hybrid mismatch concerns income from a disregarded permanent establishment.

Under Section 8E of the Danish Corporate Tax Act, a company that from a tax perspective is also residing in another jurisdiction is not allowed to deduct payments, expenses and losses, which are deductible in both jurisdictions, to the extent that the other jurisdiction allows for such items to be set off against income that is not double included income. However, such payments, expenses and losses can be deducted from income that is not double included income if the other jurisdiction is an EU country and if

the company is regarded as residing in Denmark under a double tax treaty, to the extent that the other jurisdiction denies the deduction of the payments, expenses and losses. Also, a jointly taxed company that is participating in a joint taxation or another form of tax-loss carryforward in another jurisdiction is not allowed to deduct payments, expenses or losses, to the extent that the other jurisdiction allows for such items to be set off against income that is not double included income. Payments, expenses and loses that are deductible in both jurisdictions and for which deduction is not denied under the provision described in the preceding sentence can only be deducted from double included income.

Transfer pricing. Transactions between affiliated entities must be determined on an arm's-length basis. In addition, Danish companies and Danish permanent establishments must report summary information about transactions with affiliated companies as part of the company's annual tax return.

Danish tax law requires entities to prepare and maintain written transfer-pricing documentation for transactions that are not considered insignificant. Enterprises can be fined if they have not prepared any transfer-pricing documentation or if the documentation prepared is considered to be insufficient as a result of gross negligence or deliberate omission. The documentation can be prepared in Danish, English, Norwegian or Swedish and must be prepared no later than the deadline to file the summary information about transactions with affiliated companies, which is an integrated part of the company's annual tax return. The transfer-pricing documentation must be submitted to the tax authorities within 60 days on request.

From 2021 and onward, it is mandatory for companies to which the documentation obligation applies to submit its transfer-pricing documentation within 60 days after the deadline for submitting its tax returns. If a company does not comply with this requirement, it is risking considerable fines and discretionary changes to its taxable income.

The fine for failure to prepare satisfactory transfer-pricing documentation consists of a basic amount of DKK250,000 per year per entity for up to five years plus 10% of the income increase required by the tax authorities. The basic amount may be reduced to DKK125,000 if adequate transfer-pricing documentation is filed subsequently.

Fines may be imposed for every single income year for which satisfactory transfer-pricing documentation is not filed.

In addition, companies may be fined if they disclose incorrect or misleading information for purposes of the tax authorities' assessment of whether the company is subject to the documentation duty.

The documentation requirements for small and medium-sized enterprises apply only to transactions with affiliated entities in non-treaty countries that are not members of the EU/EEA. To qualify as small and medium-sized enterprises, enterprises must satisfy the following conditions:

- They must have less than 250 employees.

- They must have an annual balance sheet total of less than DKK125 million or annual revenues of less than DKK250 million.

The above amounts are calculated on a consolidated basis (that is, all group companies must be taken into account).

Transactions between Danish affiliated entities are exempt from the documentation requirement unless one involved entity is subject to a special tax regime in Denmark.

Country-by-Country reporting. Entities belonging to a multinational group with a consolidated revenue above DKK5.6 billion (EUR750 million) are subject to Country-by-Country (CbC) Reporting and notification obligations. Denmark generally follows the Organisation for Economic Co-operation and Development (OECD) guidelines on CbC reporting.

The notification must be submitted by the Danish company or permanent establishment no later than 12 months after the last day of the reporting period (the entity's income year) to which the report relates. If there is more than one Danish entity in the group and these entities are subject to joint taxation in Denmark, the notification can be made by the appointed administrative entity of the Danish joint taxation group on behalf of all entities.

A surrogate or local filing of the CbC Report is required if there is no active agreement on automatic exchange of the report between Denmark and the country where the ultimate parent entity or another surrogate parent entity filing the report is tax resident.

Minimum taxation. Effective for income years starting on or after 1 January 2024, Denmark has introduced minimum taxation rules in line with the OECD Pillar Two guidelines and the EU-directive on minimum tax.

F. Treaty withholding tax rates

Under Danish domestic law, no withholding tax is imposed on dividends paid to companies if both of the following requirements are satisfied:

- The shares are group shares or subsidiary shares (see Section B).
- A tax treaty between Denmark and the jurisdiction of residence of the recipient of the dividend provides that Denmark must eliminate or reduce the withholding tax on dividends, or the recipient is resident in an EU Member State and falls within the definition of a company under Article 2 of the EU Parent-Subsidiary Directive (90/435/EEC) and the directive provides that Denmark must eliminate or reduce the withholding tax on dividends.

As a result, the reduced treaty rates on dividends in the table below might be eliminated under Danish domestic law.

	Dividends %	Interest (a) %	Royalties (b) %
Algeria	5/15	8	10
Argentina	10 (c)	0	3/5/10/15
Australia	15	0	10
Austria	0 (d)	0	0

	Dividends %	Interest (a) %	Royalties (b) %
Azerbaijan	5 (j)	0	5/10
Bangladesh	10 (d)	0	10
Belarus	15	0	0
Belgium	0 (c)	0	0
Brazil	25	0	15 (g)
Bulgaria	5 (c)	0	0
Canada	5 (c)	0	10
Chile	5 (c)	0	5/15
China Mainland (m)	5 (l)	0	10
Croatia	5 (l)	0	10
Cyprus	0 (d)	0	0
Czech Republic	0 (d)	0	10
Egypt	15 (o)	0	20
Estonia	5 (c)	0	5/10
Faroe Islands	0 (d)	0	0
Finland	0 (d)	0	0
France	0 (d)	0	0
Georgia	0/5/10 (f)	0	0
Germany	5 (d)	0	0
Ghana	5 (d)	0	8
Greece	18	0	5
Greenland	0 (e)	0	10
Hungary	0 (n)	0	0
Iceland	0 (d)	0	0
India	15 (p)	0	20
Indonesia	10 (o)	0	15
Ireland	0 (c)	0	0
Israel	0 (r)	0	0
Italy	0 (c)	0	0/5
Jamaica	10 (c)	0	10
Japan	0 (t)	0 (z)	0
Kenya	20 (q)	0	20
Korea (South)	15	0	10/15
Kuwait	0 (u)	0	10
Latvia	5 (c)	0	5/10
Lithuania	5 (c)	0	5/10
Luxembourg	5 (c)	0	0
Malaysia	0	0	10
Malta	0 (u)	0	0
Mexico	0 (c)	0	10
Montenegro	5 (w)	0	0
Morocco	10 (p)	0	10
Netherlands	0 (d)	0	0
New Zealand	15	0	10
North Macedonia	5 (u)	0	10
Norway	0 (d)	0	0
Pakistan	15	0	12
Philippines	10 (c)	0	15
Poland	0 (u)	0	5
Portugal	0 (l)	0	10
Romania	10 (c)	0	10
Serbia	5 (c)	0	10
Singapore	0 (v)	0	10
Slovak Republic (i)	15	0	5
Slovenia	5 (u)	0	5

	Dividends %	Interest (a) %	Royalties (b) %
South Africa	5 (c)	0	0
Sri Lanka	15	0	10
Sweden	0 (d)	0	0
Switzerland	0 (d)	0	0
Taiwan	10	0	10
Tanzania	15	0	20
Thailand	10	0	5/15
Trinidad and Tobago	10 (x)	0	15
Tunisia	15	0	15
Türkiye	15 (o)	0	10
Uganda	10 (c)	0	10
Ukraine	5 (c)	0	10
USSR (h)	15	0	0
United Kingdom	0 (c)	0	0
United States	0/5/15 (y)	0	0
Venezuela	5 (u)	0	5/10
Vietnam	5 (k)	0	5/15
Zambia	15	0	15
Non-treaty jurisdictions	22	22	22

(a) In general, all interest payments to foreign group companies are subject to a final withholding tax of 22%. Several exceptions exist (see Section B). As a result of these exceptions, in general, withholding tax is imposed only on interest payments made to group companies that would qualify as CFCs for Danish tax purposes or if the recipient is not considered to be the beneficial owner, according to the domestic interpretation. Effective from the 2006 income year, withholding tax on interest paid to individuals was abolished.

(b) Under Danish domestic law, the rate is 0% for royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, and for the use of, or the right to use, industrial, commercial or scientific equipment. Under a tax treaty, the general withholding tax rate for royalties of 22% can be reduced to 0%. Royalties paid to a company resident in another EU country are not subject to withholding tax if the provisions of the EU Interest/Royalty Directive are met and if the recipient is considered to be the beneficial owner according to the domestic interpretation.

(c) The rate is 15% if the recipient is not a company owning at least 25% of the capital.

(d) The rate is 15% if the recipient is not a company owning at least 10% of the capital.

(e) The withholding tax rate is 0% if all of the following conditions are satisfied:
- The recipient directly owns at least 25% of the share capital of the payer for a period of 12 consecutive months that includes the date of the distribution of the dividend.
- The dividend is not taxed in Greenland.
- The recipient does not deduct the portion of a dividend distributed by it that is attributable to the Danish subsidiary.

If the above conditions are not met, the withholding tax rate is generally 22%. However, the rate is 15% for dividends on unlisted portfolio shares (shares held by a person owning less than 10% of the company's shares).

(f) The withholding tax rate is 0% if the recipient owns at least 50% of the share capital in the dividend distributing company and has invested more than EUR2 million in the dividend paying company. The withholding tax rate is 5% if the recipient owns at least 10% of the share capital in the dividend paying company and has invested more than EUR100,000 in the dividend paying company. The withholding tax rate is 10% in all other cases.

(g) The rate is 22% for payments for the use of, or the right to use, trademarks.

(h) Denmark honors the USSR treaty with respect to the former USSR republics. Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan have declared that they do not consider themselves obligated by the USSR treaty. Denmark has entered into tax treaties with Estonia, Georgia, Latvia, Lithuania, the Russian Federation and Ukraine.

(i) Denmark honors the Czechoslovakia treaty with respect to the Slovak Republic.

(j) The rate is 15% if the recipient is not a company owning at least 20% of the capital of the payer and has invested at least EUR1 million in the capital of the payer.
(k) The rate is 5% if the recipient is a company that owns at least 70% of the capital of the payer or has invested at least USD12 million in the capital of the payer. The rate is 10% if the recipient is a company owning at least 25%, but less than 70%, of the capital of the payer. For other dividends, the rate is 15%.
(l) The rate is 10% if the recipient is not a company owning at least 25% of the capital of the payer.
(m) The treaty does not cover Hong Kong.
(n) The withholding tax rate for dividends is 0% if the recipient owns at least 10% of the share capital in the payer of the dividends for a continuous period of at least 12 months. If this condition is not met, the dividend withholding tax rate is 15%.
(o) The rate is 20% if the recipient is not a company owning at least 25% of the capital of the payer.
(p) The rate is 25% if the recipient is not a company owning at least 25% of the capital of the payer.
(q) The rate is 30% if the recipient is not a company owning at least 25% of the voting power during the period of six months immediately preceding the date of payment.
(r) The withholding tax rate for dividends is 0% if the recipient owns at least 10% of the share capital in the payer of the dividends for a continuous period of at least 12 months. If this condition is not met, the dividend withholding tax rate is 10%.
(s) The rate is 5% if the recipient of the dividends is a company owning at least 25% of the capital of the payer.
(t) The withholding tax rate for dividends is 0% if the recipient owns at least 10% of the share capital in the payer of the dividends for a continuous period of at least six months. If this condition is not met, the dividend withholding tax rate is 15%.
(u) The rate applies if the recipient owns at least 25% of the share capital in the payer of the dividends for a continuous period of at least 12 months. If this condition is not met, the rate is 15%.
(v) The rate applies if the recipient owns at least 25% of the share capital in the payer of the dividends for a continuous period of at least 12 months. If this condition is not met, the rate is 10%.
(w) The rate is 15% if the recipient is not a company owning at least 25% of the voting power of the payer.
(x) The rate is 20% if the recipient is not a company owning at least 25% of the voting power of the payer.
(y) The rate is 15% if the recipient is not a company owning at least 10% of the shares of the payer. The 0% and 5% rates depend on applicable limitation-of-benefit tests.
(z) The rate is 10% if the interest arising in a contracting state is determined by reference to receipts, sales, income, profits or other cash flow of the debtor or a related person; to any change in the value of any property of the debtor or a related person; to any dividend, partnership distribution or similar payment made by the debtor or a related person; or to any other interest similar to such interest arising in a contracting state, and if the beneficial owner of the interest is a resident of the other contracting state.

In addition to the double tax treaties listed in the table above, Denmark has entered into double tax treaties on savings, double tax treaties on international air and sea traffic, agreements on exchange of information in tax cases and agreements on promoting the economic relationship. The following are the jurisdictions with which Denmark has entered into such agreements:

- Double tax treaties on savings: Anguilla; Aruba; British Virgin Islands; Cayman Islands; Curaçao; Sint Maarten; Bonaire, Sint Eustatius and Saba (formerly part of the Netherlands Antilles); Guernsey; Isle of Man; Jersey; Montserrat; and Turks and Caicos Islands
- Double tax treaties on international air and sea traffic: Bermuda, British Virgin Islands, Cayman Islands, Guernsey, Hong Kong, Isle of Man, Jersey, Jordan, Kuwait and Lebanon
- Agreements on exchange of information: Andorra; Anguilla; Antigua and Barbuda; Aruba; Bahamas; Barbados; Belize;

Bermuda; Botswana; Brunei Darussalam; Cayman Islands; Cook Islands; Costa Rica; Curaçao; Sint Maarten; Bonaire, Sint Eustatius and Saba (formerly part of the Netherlands Antilles); Czech Republic; Dominica; Gibraltar; Grenada; Guernsey; Isle of Man; Jamaica; Jersey; Liberia; Liechtenstein; Macau; Marshall Islands; Mauritius; Monaco; Montserrat; Netherlands; Niue; Panama; Qatar; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Samoa; San Marino; Seychelles; Turks and Caicos Islands; United Arab Emirates; Uruguay and Vanuatu

- Agreements on promoting the economic relationship: Aruba; Curaçao; Sint Maarten; and Bonaire, Sint Eustatius and Saba (formerly part of the Netherlands Antilles)

Agreements on exchange of information with respect to taxes have been proposed with Belgium, Greenland, Guatemala and Kuwait.

Dominican Republic

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Please direct all inquiries regarding the Dominican Republic to the persons listed below in the San José, Costa Rica, office of EY. All engagements are coordinated by the San José, Costa Rica, office.

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A. At a glance

Corporate Income Tax Rate (%)	27
Capital Gains Tax Rate (%)	27
Branch Tax Rate (%)	27 (a)
Withholding Tax (%)	
Dividends	10 (b)
Interest	10 (c)
Royalties	27 (d)
Other Dominican-source Income	27 (e)
Branch Remittance Tax	10
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) The Dominican Tax Regulations do not contemplate an exclusive or additional income tax for branches. Therefore, the standard corporate income tax rate applies.

(b) This is a final withholding tax applicable to payments to both residents and nonresidents.

(c) This is a final withholding tax applicable to payments to resident individuals and to nonresident individuals, companies and unincorporated business entities.

(d) This withholding tax applies to royalty payments made to nonresident persons.

(e) This withholding tax applies to payments to nonresident or non-domiciled entities or individuals. According to the local legislation, the following types of income, among others, are considered Dominican source income:
- Income from capital, assets or rights situated, placed or used economically in the Dominican Republic
- Income derived from commercial, industrial, farming, mining and similar activities carried out in the Dominican Republic

- Income from personal labor, the exercise of a profession or a job
- Income from the exploitation of all types of industrial property or know-how
- Income from technical assistance services, provided from abroad or within the Dominican Republic
- Income from rental or leasing activities

B. Taxes on corporate income and gains

Corporate income tax. Resident corporations are subject to tax on their Dominican-source income and on their foreign-source income derived from investments and financial gains, such as dividends and interest from bonds acquired abroad.

A company is resident in the Dominican Republic if it is incorporated in the Dominican Republic.

A foreign company is considered domiciled in the Dominican Republic if it has its principal business or its effective management located in the Dominican Republic. Nonresidents operating through a permanent establishment are subject to income tax as companies incorporated in the Dominican Republic.

Corporate income tax rates. The corporate income tax rate is 27%.

Full exemptions or certain income tax credits usually apply to companies established in designated Free-Trade Zones (FTZs) or to companies to companies benefiting from other special incentive laws, including, among others, the Frontier Development Law (Law 12-21), the Tourism Development Law (Law 158-01, as amended by Law 195-13) and the Film Law (Law 108-10).

Asset tax. The annual asset tax is assessed at a rate of 1% on the assets registered in the taxpayer's accounting books.

The tax base is the net carrying value of the taxpayer's assets at the end of the fiscal year as indicated in the balance sheet, not adjusted by inflation and after applying depreciation, amortization and reserves for bad debt expenses. Investments in shares of another company, real estate used for agricultural exploitation and advance tax payments are excluded from the tax base. Corporate income tax is creditable against the asset tax. The asset tax is calculated in the annual income tax return.

For financial institutions, electricity companies, stockbrokers, pension fund administrators, investment fund administrators and securitization companies, the tax base for the asset tax is the total value of fixed assets (net of depreciation) according to the balance sheet at the end of the tax period.

Entities that benefit from corporate income tax exemptions based on special laws or public contracts approved by Congress are exempt from the asset tax.

Capital gains. Gains derived from direct and indirect transfers of assets or rights located or economically exploited in the Dominican Republic are subject to the income tax on capital gains at a rate of 27%. Under the Dominican Republic Tax Code, capital gains may arise from the transfer of shares, land or other capital assets possessed by taxpayers, regardless of whether the gains are connected to the taxpayers' businesses. The following assets are not considered capital assets:

- Commercial inventories or assets possessed principally for sale to clients in the ordinary course of business

- Depreciable assets
- Accounts or promissory notes acquired in the ordinary course of business for services rendered or derived from the sale of inventory assets or assets sold in the ordinary course of business

The capital gain tax base equals the difference between the transfer price of the assets and the cost of acquisition or production (adjusted for inflation).

Administration. In general, the tax year is the calendar year. However, companies may adopt a fiscal year ending on 31 March, 30 June or 30 September. The income tax return must be filed within 120 days after the end of the fiscal year.

All companies must make monthly income tax prepayments. For taxpayers that had an effective tax rate (ETR) in the preceding tax year that was lower or equal to 1.5%, each prepayment equals the amount resulting from applying the 1.5% rate to the gross income reported in the preceding fiscal year. Taxpayers with an ETR higher than 1.5% must make monthly prepayments corresponding to 1/12 of the income tax paid in the preceding fiscal year. The ETR is determined by dividing the income tax paid in the preceding fiscal year by the gross income of the same period.

Taxpayers can request up to a two-month income tax return filing extension.

Indemnity interest at a rate of 1.10% is charged monthly on outstanding balances of taxes due. In addition, a penalty of a 10% surcharge applies for the first month, and a 4% surcharge applies for each month or fraction of a month thereafter.

Noncompliance by the taxpayer with tax obligations may be subject to a penalty of 5 to 30 minimum wages.

In addition, a penalty equal to 0.25% of the income declared in the preceding fiscal year may be applied.

Dividends. Dividends (and all other types of distributions of earnings) are subject to a final withholding tax of 10%. Under the Dominican Tax Code and its regulations, a dividend is defined as any distributions of profits or reserves made by any type of corporation or entity to a shareholder, partner or participant. The following are also included in the concept of dividends:

- Accounts receivable or similar arrangements that a corporation or entity has with its shareholders, members or participants, if they were not generated by a commercial transaction and if no principal or interest payments have been made in a period of more than 90 calendar days.
- Share capital reductions, if capitalized reserves and/or retained earnings exist, until these reserves and earnings accounts are exhausted. This does not apply to capital returns derived from the liquidation of the entity, whereby the first amounts distributed are deemed to be capital returns rather than the distribution of retained earnings.

In the case of an in-kind dividend distribution paid in stock, tax is not incurred at the time of distribution. The value of the shares received is determined by taking the acquisition value of all the new and old titles that the taxpayer owns after the distribution

and allocating the amount actually paid among the number of titles that correspond.

Foreign tax relief. Foreign income tax paid on income derived from investments and financial gains abroad may be claimed as a credit against the income tax payable in the Dominican Republic. However, such credit is limited to the portion of Dominican Republic tax allocable to the foreign-source income subject to tax abroad.

C. Determination of trading income

General. Tax is imposed on taxable profits, which correspond to the accounting profits adjusted in accordance with the income tax law.

Expenses incurred to generate taxable income and preserve the source of such income are deductible on an accrual basis if properly documented. However, certain expenses are not deductible, including the following:
- Expenses not properly documented
- Unauthorized bad debt provisions
- Prior period tax adjustments
- Personal expenses
- Profits to be capitalized

In addition, the Dominican Tax Code contains interest deduction rules, which are described below.

Under Dominican Republic law, the deduction of interest depends on certain general and specific conditions.

The following are the general conditions for the deduction of interest:
- The interest should be related to the acquisition, maintenance and/or operation of taxable income-producing assets.
- Corporate entities should recognize interest expenses according to the accrual method of accounting.
- Expenses and costs, such as interest payments, must be supported by corresponding documentation (loan agreement and invoices).
- The loan and interest rates agreed between the parties must comply with the arm's-length principle.
- The 10% withholding tax applicable to the gross amount of such payments has been applied and paid to the Dominican Republic tax authorities.

In addition, if the payment exceeds DOP50,000 (approximately USD900), the payment must have been made through any of the means available in the financial industry (for example, wire transfers and checks).

Dominican Republic law provides the following specific limitations for the deduction of interest:
- A special anti-avoidance rule, which limits the interest deductible based on the effective tax rate of the interest recipient
- A thin-capitalization limitation, which limits the amount deductible to three times the ratio of the average of equity to the average of debt that generated such interest in a given year

Special industries. Rules applicable to special industries are outlined below.

Nonresident insurance companies. Nonresident insurance companies are taxed on a deemed income equal to 10% of their gross income (premiums) derived from insurance services rendered to resident or domiciled companies or individuals.

Transportation. Income derived from transportation services rendered by nonresident transportation companies from the Dominican Republic to other countries is deemed to equal 10% of the gross income derived from such services.

Others. Film distribution companies are taxed in the Dominican Republic based on a deemed income equal to 15% of their gross income derived from the distribution of foreign films. In addition, foreign communications companies are taxed on a deemed income equal to 15% of their gross income.

Inventories. In general, last-in, first-out (LIFO) is the approved method for valuing inventory. However, taxpayers may use other methods if previously approved by the tax authorities.

Provisions. In general, provisions are not deductible for income tax purposes. However, the Tax Code and income tax regulations provide for limited exceptions to this rule, including a provision for uncollectible accounts receivable. This provision is allowable as a deductible expense if it is calculated based on 4% of the accounts receivable balance at the close of the fiscal year and if the amount is authorized by the Tax Administration.

Provisions for gratifications, bonuses and other similar compensation items are deductible for income tax purposes if the amounts in the provisions are paid by the filing date of the income tax return.

Tax depreciation and amortization allowances. Depreciation is calculated using a variation of the declining-balance method. Intangibles, such as patents, models, drawings and copyrights, may be amortized using the straight-line method if they have a definite useful life.

Salvage value is not taken into account in calculating depreciation. The following are the generally applicable depreciation rates provided by law.

Asset	Rate (%)
Buildings	5
Light vehicles and office equipment, including computers	25
Other assets	15

Relief for losses. Losses generated by companies in the ordinary course of a trade or business may be carried forward for a five-year period. In each fiscal year, 20% of the total loss can be used to offset taxable income. However, in the fourth and fifth years, only 80% and 70%, respectively, of the total taxable income may be offset by the 20% loss carry forward. Losses derived from reorganizations are not deductible for income tax purposes. Net operating losses may not be carried back.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT); standard rate	18
Social security contributions	
Mandatory health contributions; imposed on salary up to a maximum amount of 10 legal minimum wages	
Employer	7.09
Employee	3.04
Mandatory pension contributions; imposed on salary up to a maximum amount of 20 legal minimum wages	
Employer	7.10
Employee	2.87
Government Training Institution (INFOTEP) contribution on the payroll amount; payable monthly by the employer	1
Labor risk contributions; payable by employer on salary up to a maximum amount of 4 legal minimum wages; rate varies according to the risk level of the company's activity	1.10 to 1.30
Workers' compensation insurance	Various
Telecom Tax; imposed on the consumption of telecom services by legal entities and individuals in the Dominican Republic; tax rate applied to gross payment	10
Tax on financial transactions; imposed on the value of checks and wire transfer transactions and on payments made to third parties (the tax applies even if the wire transfer is made to an account in the same bank)	0.0015

E. Miscellaneous matters

Foreign-exchange controls. The Central Bank of the Dominican Republic (Banco Central de la República Dominicana) has liberalized foreign-exchange controls. Only individuals and companies generating foreign currency from exports, services rendered and other specified activities are required to exchange foreign currency with the Central Bank through commercial banks. The Central Bank is not required to furnish foreign currency to satisfy demands for foreign payments. Individuals and companies may buy foreign currency from, or sell it to, commercial banks.

As of 1 March 2024, the exchange rate was USD1 = DOP58.6365.

Transfer pricing. Transfer-pricing regulations apply to entities that perform transactions with the following:

- Nonresident "related parties"
- Resident "related parties"
- Individuals or entities domiciled or located in states with preferential tax regimes or low or no taxation (tax havens)

Under the transfer-pricing regulations, "related parties" include, among others, the following situations:

- One of the parties participates in the direct or indirect management, control or equity of the other.
- The same individuals or entities participate directly or indirectly in the management, control or equity of the parties.
- One of the parties transfers more than 50% of its production to the other, and at least one of them is resident or domiciled in the Dominican Republic.

Under the transfer-pricing regulations, the prices established in controlled transactions must comply with the arm's-length principle, which means that the prices established among related parties should be agreed as if they were carried among independent parties, in comparable transactions and under the same or similar circumstances.

Taxpayers subject to the transfer-pricing regulations must comply with the following requirements:

- They must file a Transfer Pricing Tax Return (Declaración Jurada Informativa de Operaciones entre Relacionados, or DIOR). This return must be filed with the tax authorities within 120 days after the end of the fiscal year.
- They must conduct a transfer-pricing study in order to justify the prices used in intercompany transactions.

However, if taxpayers only carry on controlled transactions locally or if their controlled transactions do not exceed DOP14,774,559 (approximately USD250,416) and do not carry out operations with residents in states or territories with preferential tax regimes of low or no taxation, non-cooperating jurisdictions or tax havens, they are not required to conduct a transfer-pricing study.

The Dominican tax authorities have the power to challenge the prices agreed between the related parties and adjust them, if the prices agreed result in lower taxation in the Dominican Republic or in a deferral of the tax payment.

Local File. Taxpayers must file annually a Local File. The Local File and must be filed in electronic format within 180 days after the deadline for submission of the DIOR.

Master File. Those taxpayers who are part of a multinational group must file the Master File electronically within 180 days after the deadline for submission of the DIOR.

Country-by-Country Report. Taxpayers that are residents for tax purposes in the Dominican Republic, that are part of a multinational group and that have obtained in the immediately preceding year consolidated income for accounting purposes equal to or greater than EUR750,000,000 must file the Country-by-Country Report (CbCR).

A member entity of a multinational group that resides for tax purposes in the Dominican Republic must inform whether it is the Ultimate Parent Company or the Representative Company to the Dominican tax authorities no later than the last day of the fiscal year of the multinational group.

A member entity of a multinational group that resides for tax purposes in the Dominican Republic and is not the Ultimate Parent Company or the Representative Company must notify the Dominican tax authority no later than three months before the closing of the fiscal year of the multinational group.

Tax-free corporate reorganizations. There are "tax-free reorganization" rules in the Dominican Republic that can be used to transfer shares or assets of companies without triggering capital gains taxes, income tax, VAT or real estate transfer taxes.

A "tax-free corporate reorganization" is defined as a "corporate transaction involving significant changes in the legal and economic structure of one or more companies." The following transactions are considered tax-free reorganizations:

- The merger of existing companies, through a newly formed third-party or by absorption
- The spin-off or division of one entity to other entities that jointly continue the operations of the pre-existing entity
- Sales and transfers from one entity to another that, despite being legally independent, constitute an economic group

Depending on the type of reorganization, several conditions should be met in order for tax-free rules to apply to reorganization, in accordance with local regulations. However, the tax-free reorganization rules should not apply to reorganizations processes exclusively carried out by foreign companies that do not have a permanent establishment in Dominican Republic.

Reorganizations not carried out under current tax-free reorganization rules have to be reported to the Tax Administration and all applicable taxes should be levied (for example, capital gains, VAT, property and vehicle transfer taxes).

Electronic invoicing. At the time of publication, a taxpayer has the option to adopt electronic invoicing (EI) in order to carry out its commercial transactions. However, on 13 September 2022, the Legal Subconsultant of the Executive Power delivered a preliminary bill for EI to the President of the Senate of the Dominican Republic. This preliminary bill aims to regulate the mandatory use of the EI in the Dominican Republic, as well as to establish the following aspects of the EI tax system:

- Characteristics
- Optimization results (improvement of the efficiency, productivity and transparency of the Tax Administration and markets in general)
- Contingencies
- Entry deadlines
- Fiscal facilities that will be granted to taxpayers that take advantage of this system

On 10 January 2023, the Senate approved the EI project and sent it to the Chamber of Deputies for consideration.

The scope of this preliminary bill will cover natural and legal persons, public or private, and entities without legal personality, domiciled in the Dominican Republic, that carry out operations involving the transfer of goods and provision of services. Transactions that are not subject to the issuance of ordinary tax

receipts will not be subject to the provisions of this preliminary bill.

Under the preliminary bill, an EI will be a document that records the existence, magnitude and quantification of facts or legal acts of economic, financial or patrimonial content that is issued, validated and stored electronically and that complies in all situations and before all actors with the same purposes as a paper invoice; both for issuers and receivers as well as for interested third parties. The EI will be valid, effective and will have probative force in all the situations for which it applies and before all the actors in the process, whether in the areas of commercial, civil, financial, logistics and tax or any other, provided that it complies with the authenticity, integrity and legibility requirements.

The preliminary bill establishes the following timeline for mandatory EI implementation depending on the taxpayer's size.

Size	Mandatory date
Large	12 months after the law becomes effective
Medium	24 months after the law becomes effective
Small	36 months after the law becomes effective

F. Treaty withholding tax rates

The following are the maximum withholding tax rates under the Dominican Republic's double tax treaties.

	Dividends %	Interest %	Royalties %
Canada	18 (a)	18	18
Spain	10 (b)	10	10
Non-treaty jurisdictions	10	10	27

(a) Under the tax treaty with Canada, if the Dominican Republic enters into a treaty with another country in which the applicable income tax withholding rate for dividends is lower than the rate provided in the treaty with Canada that same tax treatment automatically applies to the treaty with Canada.
(b) Dividends paid to Spanish entities that hold 75% or more of the distributing entity's capital are subject to a 0% tax.

Treaty benefits. On 3 October 2022, the Tax Administration issued General Standard No. 11-2022, to establish the guidelines for the application of the provisions of the double tax treaties entered into by the Dominican Republic, including the granting of the benefits. Taxpayers that want to apply the provisions and benefits contained in current double tax treaties signed by the Dominican Republic will be required to file a formal request with the Tax Administration.

In general, taxpayers will be required to comply with the corresponding tax obligation (that is, withholdings on dividends, interests, services and other payments) and then request the application of the benefit established in the treaty. Once the tax obligation is complied with and the application is approved, the Tax Administration will grant in favor of the taxpayer a corporate income tax credit to be used on its annual corporate income tax filing.

Initially, the provisions of this General Standard were scheduled to become effective six months after its publication date (that is,

April 2023). However, on 26 January 2023, the Tax Administration published General Standard No. 02-2023, granting an additional period of six months for the implementation and application of the provisions of General Standard No. 11-2022 (that is, October 2023).

Mutual Agreement Procedure. On 30 August 2022, the Tax Administration issued General Standard No. 10-2022, establishing the guidelines for the application of the Mutual Agreement Procedures (MAPs) in double tax treaties. Any person who is a resident of the Dominican Republic, as defined by the double tax treaty, and believes the measures adopted by the competent authority one of the two jurisdictions that is a party to the double tax treaty may result in a taxation that is not in accordance with the provisions of the double tax treaty can submit its case to their country's corresponding competent authority or the other country's competent authority.

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Because of the frequent changes to the tax law in Ecuador in recent years, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	25
Capital Gains Tax Rate (%)	10
Branch Tax Rate (%)	25
Withholding Tax (%)	
Dividends	10/14.8
Interest	25
Royalties	25
Technical Assistance	25
Services	25
Remittance Tax	5
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

B. Taxes on corporate income and gains

Corporate income tax. Corporate income tax is levied on companies domiciled in Ecuador and on foreign companies. Companies domiciled in Ecuador include those incorporated in Ecuador and companies incorporated in foreign countries that have been approved as branches by the Superintendence of Companies after a legal proceeding. Companies incorporated in Ecuador are subject to tax on their worldwide income. Foreign companies are subject to tax on income derived from activities within Ecuador and from goods and assets located within Ecuador.

Rate of corporate tax. The standard rate of corporate income tax is 25%.

The corporate income tax rate is increased to 28% if either of the following conditions is met:
- The local entity has not reported the corporate structure (until the last individual ultimate beneficial owner) or partially reported it.
- An entity domiciled in a tax haven, low-tax jurisdiction or in a preferential-regime jurisdiction is in the corporate structure of the local taxpayer and its beneficial owner is an individual resident in Ecuador.

The 28% rate is applied to the tax base in proportion to the ownership affected by one of the events listed above. If this ownership is equal to or exceeds 50% of the local entity corporate capital, the 28% rate applies to the entire tax base.

Income tax rate reduction. Companies that reinvest their profits in disabilities, sports, scientific research or technological development projects benefit from an income tax reduction according to the following conditions:
- The corporate income tax rate is decreased to 15% if there is an investment in programs or projects qualified as a priority by government.
- The corporate income tax rate is decreased to 17% if there is an investment in other programs or projects that are not qualified as a priority by government.

Capital gains. Capital gains tax on sales of tangible assets is not imposed in Ecuador.

Gains derived from direct or indirect transfers of shares (and other capital representative rights) of Ecuadorian entities are subject to tax at a flat single income tax rate of 10%.

Indirect transfers are taxable if both of the following conditions are met:
- At any time during the tax year in which the transfer is performed, the real value of the shares of the Ecuadorian entity or permanent establishment represents directly or indirectly 20% or more of the real value of the nonresident company's shares.
- In the same fiscal year or 12 months before the transaction, the transfer of shares of the nonresident company by the same seller directly or indirectly corresponds to an aggregate amount exceeding 300 basic fractions of income tax for individuals (USD3,570,600 for the 2024 fiscal year). This amount is

increased to 1,000 basic fractions of income tax for individuals (USD11,902,000 for the 2024 fiscal year) if the transaction does not exceed the 10% of the total share capital.

Under the above rule, the Ecuadorian entity whose shares were negotiated or transferred is considered the substitute for the taxpayer and, consequently, is responsible for the income tax payment.

This tax does not apply in the case of corporate restructures, mergers or spin-offs, provided that the beneficial owners of the shares do not change before and after the procedure and they keep the same percentages of participation.

In the case of indirect alienations, the Ecuadorian entity whose shares have been transferred acts as a substitute for the taxpayer and must comply with the capital gains tax payment and updating the correspondent corporate composition. Losses on transfers of shares between related parties are not deductible.

Administration. The fiscal year runs from 1 January to 31 December. No other closing dates are permitted, regardless of the date a business begins operations. Returns must be filed between 10 April and 28 April.

Companies have the option to make an advance payment equal to 50% of income tax from the preceding year, subtracting the withholdings made with respect to the taxpayer in that preceding year.

As a result, if no tax is payable for a fiscal year or the tax payable is lower than the advance payment, it is possible to file a refund petition for the income tax overpaid.

The penalty for late filing is 3% of the income tax due for each month or fraction of a month of the delay, up to a maximum of 100% of the tax due. Interest at the maximum legal rate, which floats, is levied on all increases in tax assessments from the date the tax was originally due to the date of payment.

Withholding taxes. A 25% withholding tax is generally imposed on the following payments abroad:

- Interest, royalties and payments for technical assistance to non-domiciled companies and nonresident individuals
- Payments to nonresident individuals for services rendered
- Payments to non-domiciled companies for professional services rendered abroad or occasional services rendered in Ecuador

Income tax withholding at a rate of 25% applies to all reimbursements of expenses abroad.

Income tax withholding at a rate of 37% applies to cross-border payments made to recipients in tax havens, low-taxation jurisdictions or preferential tax regimes.

Penalties are imposed for failures to comply with the withholding requirements. Withholding agents who deliberately fail to provide taxpayers, totally or partially, with tax withholding receipts are subject to imprisonment and fines.

Income tax self-withholding. A self-withholding is imposed on major taxpayers. Every year, the Internal Revenue Service (IRS) publishes a list with the companies that are considered major

taxpayers; 710 companies are considered major taxpayers for the 2024 fiscal year. Together with this list, IRS issues a specific income tax self-withholding rate for every company. The specific rate can vary from 1.25% to 10% depending on the economic activity and the income of the company. Major taxpayers must file their income tax self-withholding every month.

Dividends. Dividends distributed to nonresidents after the payment of income tax are subject to an effective income tax or withholding tax of 10% (tax base of 40% taxed at a 25% rate). The effective rate is increased to 14.8% (tax base of 40% taxed at a 37% rate) if the local entity does not fulfill its obligation to report the corporate structure up to the final beneficiary. The rate may be reduced in accordance with an applicable treaty. If the effective beneficiary is an individual resident in Ecuador, a withholding tax is imposed at rates up to 25% according to a progressive table issued by the tax authorities.

For anticipated dividend distributions (before the annual income tax return), withholding tax at a rate equal to the corporate income tax rate is applied. This is a self-assessment methodology and the income tax paid is considered to be a tax credit for the local entity in its annual income tax return.

Foreign tax relief. Foreign income received by companies domiciled in Ecuador is taxable, and the amount of the withholding tax may be used as a tax credit up to the rate applicable in Ecuador depending on the type of income.

C. Determination of trading income

General. Taxable income is based on accounting profits after the corresponding tax reconciliation adjustments.

In computing taxable income, a company can deduct expenses incurred in producing income, including production and distribution costs, interest charges, royalty payments and depreciation. Also, employee profit-sharing distributions (15% of gross profit) can be deducted before computing taxes. Special provisions govern the computation of taxable income from the export of petroleum, air and maritime transportation, the banana sector and other agro-livestock activities that are subject to the single tax regime.

Expenses incurred abroad are generally deductible if corresponding taxes are withheld and if the payment constitutes taxable income for the recipient. The following cross-border payments are deductible subject to specified limitations:

- Payments for imports, including interest and financing fees, as provided in import licenses
- Export fees of up to 2% of the export value
- Interest paid to related parties that are subject to the thin-capitalization rules (see Section E)
- Payments under financial leases
- Indirect costs allocation (up to 5% of the total of the tax base and these costs)

Nondeductible expenses include the following:

- Interest paid on foreign loans, to the extent the interest rate exceeds the limit established by the Central Bank Board, and

interest on foreign loans not registered at the Ecuadorian Central Bank
- Interest payments to related parties that exceed 20% of the earnings before interest, taxes, depreciation and amortization (EBITDA) of the local entity
- Losses on sales of assets between related parties
- Accounting provisions for the payment of eviction and employer retirement pensions
- Leasing payments with respect to leasebacks or trade with related parties

Inventories. Inventory is generally stated at cost (calculated using the average, first-in, first-out [FIFO] or actual methods). Inventory write-offs must be documented through a sworn statement that the inventory was destroyed or donated.

Tax depreciation and amortization. Depreciation and amortization expenses are deductible for income tax purposes. The tax law provides the following maximum straight-line depreciation rates applicable for tax purposes.

Asset	Rate (%)
Commercial and industrial buildings, aircraft and ships	5
Office equipment	10
Motor vehicles and trucks	20
Plant and machinery	10
Computers	33

For tax purposes, in general, expenditures to acquire property and other assets that produce revenue must be amortized over at least five years, using a straight-line depreciation rate of 20%. Intangibles must be amortized over either the term of the relevant contract or a 20-year period.

The tax authorities may approve other methods and annual rates for depreciation and amortization.

Research and development expenses are generally written off over five years.

Relief for losses. Net operating losses may be carried forward and offset against profits in the following five years, provided that the amount offset does not exceed 25% of the year's profits. Loss carrybacks are not permitted.

Groups of companies. For tax purposes, no measures exist for filing consolidated returns and relieving losses within a group.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT); imposed on sales and commercial transactions, imports, rendering of services (including imported "digital services") and intellectual property rights; principal products that are exempt are food products in their natural state, drugs and veterinary products, as well as additional products as a result of	

Nature of tax	Rate (%)
the COVID-19 pandemic; for VAT purposes, digital services are those provided and/or contracted through the internet or any adaptation or application of protocols, platforms or technology used by the internet or other networks, through which similar services are provided that, by their nature, are automated and require minimal human intervention, regardless of the device used for downloading, viewing or use; for digital services relating to the delivery and shipping of tangible movable goods, the tax is calculated on the commission paid in addition to the value of the goods; the payment of VAT generated on digital services supply is assumed by the Ecuadorian resident importer of the services	
General rate	13
(The 13% rate can be increased to 15% by Presidential Decree.)	
Local transactions of construction materials	5
Remittance Tax (RT); imposed on all cross-border payments or money transactions abroad, with or without the intervention of financial institutions, and money deposited abroad through bank transfers, RT also applies to any form of termination of obligations and checks or wire transfers; tax is withheld at source; foreign banks operating in Ecuador must pay the tax monthly; the tax law provides that RT applies to payments made from foreign bank accounts of Ecuadorian entities if RT was not levied on the cash when it was initially transferred to the foreign bank account and to exports of goods and services if the cash does not enter Ecuador within six months after the goods arrive at their destination or the services begin to be rendered; RT paid on imports of raw materials, supplies and capital goods may be used as a tax credit for income tax purposes for the following five years if such goods are used in production processes and listed in a resolution issued by the IRS of Ecuador;	
for the 2023 fiscal year, there will be a progressive reduction of the RT rate	5
(For the 2024 fiscal year, the 5% rate could be decreased for certain sectors or by the disposition of the President.)	
Temporal Contribution for Security (TCS) or Contribución Temporal de Seguridad (CTS) in Spanish; imposed to address the non-international armed conflict in Ecuador; the collected revenue of TCS will be used to strengthen police and armed forces capabilities; TCS is levied on companies domiciled in Ecuador that were subject to corporate income	

Nature of tax	Rate (%)
tax in the 2022 fiscal year; the tax base is the taxed income of the 2022 fiscal year filing and payment for TCS must be paid in the 2024 fiscal year (March) and the 2025 fiscal year (March); TCS cannot be considered a tax credit or a deductible expense; small and medium companies, banks and saving and funding cooperatives are excluded from this contribution	3.25
Banks and Saving and Funding Cooperatives Temporal Contribution (BTC) is imposed to address the non-international armed conflict in Ecuador; the collected revenue of this BTC will be used to strengthen police and armed forces capabilities; BTC is levied on banks and saving and funding cooperatives domiciled in Ecuador or Ecuadorian branches of foreign banks and saving and funding cooperatives that were subject to corporate income tax in the 2023 fiscal year; filing and payment for the BTC must be fulfilled by 31 May 2024; BTC cannot be considered a tax credit or a deductible expense; the BTC tax rate depends on the banks' and cooperatives' 2023 taxed income	5 to 25
Temporary contribution	0.8

E. Miscellaneous matters

Foreign-exchange controls. All transactions in Ecuador must be conducted in US dollars.

Debt-to-equity rules. A thin-capitalization rule applies in Ecuador. Any interest paid on loans from related parties in excess of 20% of income before mandatory employee profit sharing, interest, depreciation and amortization is not deductible. For banks, insurance companies and other financial institutions of the popular- and solidarity-based economy (small financial entities that are not controlled by the Superintendence of Banks, but the Superintendence of the Popular and Solidarity Economy), the thin-capitalization rule applicable on loans from related parties is a 3:1 debt-to-equity ratio.

Free-trade zone. The signatories of the Andean Community or the former Andean Pact (Bolivia, Colombia, Ecuador and Peru) have entered into a free-trade agreement. However, Peru signed the agreement with some restrictions. Under the agreement, merchandise and goods manufactured in one of the signatory countries may enter the other signatory countries free of customs duties. All items imported from other countries are subject to a common external customs duty.

Transfer pricing. In general, transfer-pricing rules in Ecuador follow Organisation for Economic Co-operation and Development (OECD) rules, because they require fulfillment of the arm's-length standard. Nevertheless, the technical preferences of the IRS are

quite specific and may imply significant differences when measuring compliance with the rules. Special rules apply to oil, bananas and metallic commodities.

In addition to traditional ownership-control criteria to determine relationships between parties, since October 2022, only the 80 jurisdictions that are on the official list of the Internal Revenue Service are considered tax havens.

Transfer-pricing information must be documented by all companies having transactions with related parties, including domestic ones. Companies must file their documentation with the IRS if certain conditions are met, as described below.

Income taxpayers that have carried out transactions with related parties during a fiscal year in an amount that exceeds USD15 million must submit the Transfer Pricing Annex and the Transfer Pricing Comprehensive Report to the IRS.

Income taxpayers that do not meet the minimum amounts mentioned above must submit the Transfer Pricing Annex or the Transfer Pricing Comprehensive Report at the request of the IRS.

Transactions that are added up for purposes of the threshold include most balance-sheet movements.

Certain transactions (most of them are domestic if certain conditions are met) are not added up for purposes of the threshold and are not part of the compulsory Annex or Report, but their documentation may be requested at any time by the IRS.

The deadline to file the Transfer Pricing Annex and the Transfer Pricing Comprehensive Report is two months after the deadline for the filing of the corporate income tax return, which includes certain declarations on the total amounts of relevant related parties' transactions.

Taxpayers involved in transactions with related parties are exempt from the application of the transfer-pricing regime if they satisfy all of the following conditions:
- Their corporate income tax is higher than 3% of taxable income.
- They do not conduct business with residents in tax havens or lower-tax jurisdictions.
- They do not have contracts with government institutions for the exploration or exploitation of nonrenewable resources.

Transactions covered by an Advanced Pricing Ruling (APR) of the IRS do not need to be reported. APRs may be requested at any time and for any transaction, but they are commonly used to eliminate deductibility restrictions that the Ecuadorian tax law imposes on related-party transactions regarding administrative and technical services, royalties, consultancy, technical assistance and similar items.

F. Treaty withholding tax rates

In 2004, an agreement to eliminate double income taxation was signed by the member jurisdictions of the Andean Pact. Income earned in these jurisdictions is generally not taxed in Ecuador to avoid double taxation. Only legally established citizens, residents

or companies in any of the member jurisdictions can access those benefits.

	Dividends (a) %	Interest %	Royalties %
Belarus	5/10	10	10
Belgium	15	10	10
Brazil	15	15	15/25 (c)
Canada	5/15	15	10/15
Chile	5/15	15	10/15
China Mainland	5	10	10
France	15	10/15 (d)	15
Germany	15	10/15 (d)	15
Italy	15	10	5
Japan	5	10	10
Korea (South)	5/10	12	5/12
Mexico	5	10/15	10
Qatar	5/10	10	10
Romania	15	10	10
Russian Federation	5/10	10	10/15 (d)
Singapore	5	10	10
Spain	15	5/10 (e)	10
Switzerland	15	10	10
Uruguay	10/15	15	10/15 (d)
Non-treaty jurisdictions	10/14 (a)	25 (b)	25

(a) Only 40% of distributed dividends (if paid from profits taxed at the corporate level) is taxable under Ecuadorian domestic law.

(b) A 25% withholding tax is imposed on the payment of interest abroad unless the interest is paid on loans granted by financial institutions, specialized non-financial entities qualified by the control authorities in Ecuador or multilateral institutions.

(c) Trademark royalties are taxed at a rate of 25%. Other royalties are taxed at a rate of 15%.

(d) Tax on income derived from the sale of industrial, commercial or scientific equipment may not exceed 10%.

(e) The rate of tax on the total amount of the interest with respect to the sale of industrial equipment, the sale of goods from one company to another and the financing of construction works may not exceed 5%.

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A. At a glance

Corporate Income Tax Rate (%)	22.5 (a)
Capital Gains Tax Rate (%)	
Sales of Securities	10/22.5 (a)(b)
Sales of Other Assets	22.5 (a)
Branch Tax Rate (%)	22.5 (a)
Withholding Tax (%)	
Dividends	10 (c)
Interest	20 (c)
Royalties from Patents, Know-how, etc.	20 (c)
Services	20 (c)
Branch Remittance Tax	10 (d)
Net Operating Losses (Years)	
Carryback	0 (e)
Carryforward	5

(a) The standard corporate income tax rate is 22.5%. Exceptions to the 22.5% rate exist (see Section B).
(b) For details regarding the 10% rate, see Section B.
(c) This is the standard rate. The rate may be reduced to 5% under domestic law for dividends. It also may be reduced under a tax treaty. Exemptions may apply in certain circumstances. The tax is a final tax imposed on gross payments. Also, see Section B.
(d) A branch remittance tax of 10% is payable within 60 days after the financial year-end.
(e) Only losses incurred in long-term projects may be carried back to offset profits from the same project for an unlimited number of years.

B. Taxes on corporate income

Corporate income tax. Egyptian corporations are subject to corporate profits tax on their profits derived from Egypt, as well as on profits derived from abroad, unless the foreign activities are performed through a permanent establishment located abroad. Foreign companies performing activities through a permanent establishment in Egypt are subject to tax only on their profits derived from Egypt.

Rates of corporate income tax. The standard rate of corporate income tax is 22.5%.

Exceptions to the 22.5% rate exist. Oil prospecting and production companies are subject to tax on their profits at a rate of 40.55%. The Suez Canal Company, the Egyptian General Petroleum Company and the Central Bank of Egypt are subject to tax on their profits at a rate of 40%.

Capital gains

From the sale of securities by residents. The following rates apply to capital gains derived from the sale of securities by residents:

- A 10% rate applies to capital gains on securities listed on the Egyptian Stock Exchange that are sourced in Egypt and realized by individuals and corporations.
- The standard corporate tax of 22.5% applies to capital gains sourced in Egypt from unlisted securities and realized by corporations.
- Capital gains realized from the disposal of unlisted shares by resident individuals are subject to the tax brackets in Article 8

of Tax Law No. 91 of 2005, ranging from 0% to 27.5%. These gains should be declared in the individual's income tax return (for non-commercial professions and real estate wealth), which is filed within three months from the financial year-end.
- The capital gains realized by corporations will be part of their normal annual corporate income tax return, which is filed within four months from the financial year-end.

Capital losses resulting from the sale of securities can be offset against the amount of capital gains realized from the sale of securities during the same tax year. If the realized capital losses exceed the realized capital gains during the tax year, it is permissible to carry forward the excess losses from the sale of securities in subsequent years, up to the third year.

From the sale of securities by nonresidents. The following rates apply to capital gains derived from the sale of securities by nonresidents:
- Capital gains realized from the disposal of unlisted shares by nonresident corporations are subject to a 22.5% tax.
- Capital gains realized from the disposal of unlisted shares by nonresident individuals are subject to the tax brackets in Article 8 of Tax Law No. 91 of 2005, ranging from 0% to 27.5%.
- Capital gains realized from the disposal of listed shares or from the disposal of Treasury bills by nonresident individuals and corporations are exempt from tax.

The capital gains tax should be paid and filed using the designated form and submitted to the Egyptian Tax Authority (ETA) within 60 days from the transaction date.

From the sale of other assets by residents. Tax on capital gains on other assets is calculated at the ordinary corporate profits tax rates in the same manner as ordinary business profits and is not calculated separately.

Administration. Companies must file their annual tax returns, together with all supporting schedules by 30 April of each year, or four months after the end of the financial year. The tax return must be signed (electronically) by the taxpayer. Taxpayers can file a request for an extension of the due date for filing the tax return if the estimated amount of tax is paid at the time of the request. A request for an extension must be filed at least 15 days before the due date. An extension of up to 60 days may be granted. An amended tax return can be filed during the year following the due date set for submitting the annual return, unless the taxpayer has evaded tax or received an inspection notification. If the amended return reflects lower tax due than the original return, the ETA should review the amended return and approve the refund within six months from the date of application.

Any tax due must be paid when the tax return is filed.

A late penalty is imposed at a rate of 2% plus the credit and discount rate set by the Central Bank of Egypt in January of each year.

A penalty of EGP3,000 up to EGP50,000 is imposed for noncompliance with the deadline for submitting the annual corporate income tax return for a period not exceeding 60 days from the due date for the tax return.

A penalty from EGP50,000 up to EGP2 million is imposed if an annual corporate income tax return is filed more than 60 days after the filing due date. If the noncompliance occurs for three annual corporate income tax returns, the taxpayer may also be subject to imprisonment for a period between six months and three years.

Income Tax Law No. 91 of 2005 has set up appeals committees at two levels — the Internal Committee and the Appeal Committee. The Appeal Committee's decision is final and binding on the taxpayer and the tax department, unless a case is appealed to the court within 30 days of receiving the decision, which is usually in the form of an assessment. There is another level that enables taxpayers to settle their tax disputes by filing a settlement request to the ETA concerned for the disputed items, provided that the file is still under discussion and not yet held for the issuance of a decision by the Appeal Committee.

Withholding tax on services. In general, payments for all services performed by nonresident companies for Egyptian companies in or outside Egypt are subject to a withholding tax at a rate of 20%. However, this withholding tax does not apply to payments related to the following activities:

- Transportation
- Shipping
- Insurance
- Training
- Participation in conferences and exhibitions
- Registration in foreign stock markets
- Direct advertising campaigns
- Hotel accommodations
- Religious activities

Dividends. Dividends paid by corporations or partnerships, including companies established under the special economic zone system, to resident juridical persons, nonresident persons, or nonresident juridical persons that have a permanent establishment in Egypt are subject to tax on dividends.

Withholding tax on dividends is imposed at a standard rate of 10% without any deductions or exemptions. However, this rate can be reduced to 5% if the shares are listed.

Under the law, foreign branches' profits in Egypt are considered distributed profits within 60 days after the financial year-end. As a result, a branch must pay the dividend tax on its annual profits within 60 days after the financial year-end.

The tax law grants exemptions for investment funds.

Dividends in the form of free stocks are not subject to tax on dividends.

Interest and royalties. In general, interest and royalty payments made by Egyptian entities to nonresidents are subject to withholding tax at a rate of 20%.

Interest payments on long-term loans (over three years) taken by Egyptian public and private sector companies were exempt from withholding tax. However, with the introduction of Law No. 30 of 2023 on 15 June 2023, this exemption is no longer applicable unless an interest payment was made before the law came into effect.

Foreign tax relief. Foreign tax paid by resident entities outside Egypt can be deducted if supporting documents are available.

Treaties entered into between Egypt and other countries provide a credit for taxes paid abroad on income subject to corporate income tax in Egypt.

C. Determination of taxable income

General. Corporate income tax is based on taxable profits computed in accordance with generally accepted accounting principles, modified for tax purposes by certain statutory provisions primarily concerning depreciation, provisions, inventory valuation, intercompany transactions and expenses. Interest on bonds listed on the Egyptian stock exchange is exempt from tax if certain conditions are satisfied.

Taxable profits are based on actual revenues and costs. Consequently, unrealized revenues and costs are not included in the tax base.

Startup and formation expenses may be deducted in the first year.

The deductibility of a branch's share of head office overhead expenses is limited to 10% of the taxable net profit. The expenses charged within the limits of this percentage may not include any royalties, interest, commissions or direct remuneration, and a certificate from the head office's auditor, duly endorsed and authenticated, must be submitted. Head-office expenses are fully deductible if they are directly incurred by the branch and are necessary for the performance of the branch's activity in Egypt. Such expenses must be supported by original documents and approved by the head office auditors.

Interest paid on loans and overdrafts with respect to a company's activities is deductible after offsetting interest income. Interest paid to individuals who are not subject to tax or exempt from tax is not deductible. Deductible interest is limited to the interest computed at a rate equal to twice the discount rate determined by the Central Bank of Egypt.

Inventories. Inventory is normally valued for tax purposes at the lower of cost or market value. Cost is defined as purchase price plus direct and indirect production costs. Inventory reserves are not permissible deductions for tax purposes. For accounting purposes, companies may elect to use any acceptable method of inventory valuation, such as first-in, first-out (FIFO) or average cost. The method should be applied consistently, and if the method is changed, the reasons for such change should be stated.

Provisions. Provisions are not deductible except for the following:
- Provision for up to 80% of loans made by banks, which is required by the Central Bank of Egypt
- Insurance companies' provision determined under Law No. 10 of 1981

Bad debts are deductible if the company provides a report from an external auditor certifying the following:
- The company is maintaining regular accounting records.
- The debt is related to the company's activity.
- The debt appears in the company's records.
- The company has taken the necessary action to collect the debt.

Depreciation and amortization allowances. Depreciation is deductible for tax purposes and may be calculated using either the straight-line or declining-balance method. The following are the depreciation rates.

Type of asset	Method of depreciation	Rate (%)
Buildings, ships and aircraft	Straight-line	5
Intangible assets	Straight-line	10
Computers	Declining-balance	50
Heavy machinery and equipment	Declining-balance	25
Small machinery and equipment	Declining-balance	25
Vehicles	Declining-balance	25
Furniture	Declining-balance	25
Other tangible assets	Declining-balance	25

The law allows a taxpayer to claim a deduction of 30% of the costs of new or used equipment and machines as accelerated depreciation if the assets are used for production purposes. This deduction applies only in the first tax period in which the equipment and machines are used.

Relief for losses. Tax losses may be carried forward for five years. Losses incurred in long-term projects may be carried back for an unlimited number of years to offset profits from the same project.

Losses incurred outside Egypt cannot be offset against taxable profits in Egypt.

If capital losses exceed capital gains realized from disposals of securities and shares in a tax year, the excess can be carried forward for three years.

Groups of companies. Associated or related companies in a group are taxed separately for corporate income tax purposes. Egyptian law does not contain a concept of group assessment under which group losses may be offset against profits within a group of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	Various
Customs duties	
General, ad valorem	Various
On value of machinery needed for investments by companies	5
Stamp duties on bills, promissory notes and letters of guarantee as well as most types of documents, contracts, checks and receipts (Treasury bonds and bills are exempt)	Various
Social insurance	
On monthly gross salary with a maximum of EGP12,600 and a minimum of EGP2,000; paid by	
Employer	18.75

Nature of tax	Rate (%)
Employee	11
On contract labor force	18.25

E. Miscellaneous matters

Foreign-exchange controls. Egypt has a free-market exchange system. Exchange rates are determined by supply and demand, without interference from the central bank or the Ministry of the Economy.

Debt-to-equity rules. The maximum debt-to-equity ratio is 4:1. Under Law No. 30 of 2023, the maximum debt-to-equity ratio will decrease gradually to the following:
- 2024 to 2027 fiscal years: The debt-to-equity ratio will be 3:1.
- 2028 fiscal year and onward: The debt-to-equity ratio will be 2:1.

Transfer pricing. Egyptian tax law contains specific tax provisions relating to transfer pricing, which are based on the arm's-length principle. Under these measures, the tax authorities may adjust the income of an enterprise if its taxable income in Egypt is reduced as a result of contractual provisions that differ from those that would be agreed upon by unrelated parties.

However, according to Egyptian tax law, it is possible to enter into arrangements in advance with the Tax Department regarding a transfer-pricing policy through an advance pricing agreement (APA). An APA ensures that transfer prices will not be challenged after the tax return is submitted and, accordingly, eliminates exposure to penalties and interest on the late payment of taxes resulting from adjustments of transfer prices.

The ETA in association with the Organisation for Economic Co-operation and Development (OECD), issued transfer-pricing guidelines in 2010. These guidelines advise taxpayers on the application of the arm's-length principle in pricing their intragroup transactions and outline the documentation that taxpayers should maintain as evidence to demonstrate their compliance with the arm's-length principle.

On 22 May 2018, the Egyptian government issued Ministerial Decree No. 221 of 2018, which amended the Income Tax Law Executive Regulations to align Egypt's rules more closely with the international consensus on transfer pricing reflected in the OECD transfer-pricing guidelines.

On 23 October 2018, the ETA issued a revised version of the 2010 transfer-pricing guidelines on its website. The new guidelines consist of the following two parts:
- Principles and Implementation
- Advance Pricing Agreements

The guidelines introduce a three-tiered transfer-pricing documentation approach and introduce the following significant new compliance obligations in Egypt:
- Local File: A taxpayer engaged in transactions with related parties is expected to prepare local transfer-pricing documentation and submit it to the ETA within two months following the filing of the 2018 corporate tax return.

- Master File: The Master File must be prepared at the ultimate parent level of the group and must be made available to the ETA based on the parent entity's tax return filing date in its home jurisdiction.
- Country-by-Country Report (CbCR): An Egyptian parent company of a multinational group with consolidated group revenue of at least EGP3 billion (EUR90 million) must file a CbCR in Egypt. The submission deadline is 12 months from the end of the reporting fiscal year. A constituent entity of a multinational enterprise group that is a tax resident in Egypt and has annual consolidated group revenue of EUR750 million or more must notify the ETA. This notification should clarify whether it is the ultimate parent entity. All notifications must be submitted no later than the last day of the fiscal year to which the CbCR relates.

The APA program is designed to enable taxpayers and the ETA to agree on the proper treatment of the transfer pricing of potential controlled transaction(s) in which the taxpayer will engage for a specific period (typically more than one year) under certain terms and conditions. The APA program is intended to provide a cooperative process to resolve potential transfer-pricing disputes in advance.

The new guidelines provide the APA framework and other details regarding the APA program in Egypt.

On 19 October 2020, Law No. 206 of 2020 was published in the *Official Gazette*. The law stipulates specific transfer-pricing penalties for noncompliance, thereby completing the transfer-pricing legislative framework. The penalty imposed by the Unified Tax Procedures Law is 1% of the total value of the related-party transactions that are not declared in the taxpayer's corporate income tax return. In addition, the law introduced a filing threshold for master and local files. Under the law, a taxpayer must prepare and submit the Master File and the Local File if its aggregate related-party transactions exceed EGP8 million for the year. However, as per the Ministerial Decree No. 52 that was issued on 21 February 2024, the minimum threshold has been amended. The new requirement for filing the Master File and the Local File is now an aggregate of EGP15 million in related-party transactions, instead of the previous EGP8 million.

Law No. 211 of 2020, which was published on 3 December 2020, amended some provisions of Law No. 206, introducing stricter penalties for noncompliance relating to transfer-pricing documentation. The following are the penalties:

- Failure to declare the accurate value of related-party transactions (Table 508) for corporate income tax returns due to be filed on or after 20 October 2020: 1% of the total value of the taxpayer's undeclared related-party transactions (local and cross-border transactions) during the fiscal year
- Failure to submit a Master File or Local File on time: 3% of the total value of the taxpayer's related-party transactions (local and cross-border transactions) during the fiscal year
- Failure to submit a CbCR (if the taxpayer is the ultimate parent entity of a multinational group) or notification (if the taxpayer is the constituent entity) on time: 2% of the total value of the

taxpayer's related-party transactions (local and cross-border transactions) during the fiscal year

On 19 September 2023, the ETA issued Transfer Pricing Explanatory Instructions No. 78 of 2023 (Instructions). The Instructions clarify the transfer pricing provisions in the Unified Tax Procedures Law No. 206 of 2020 (UTPL) and aim to address common transfer pricing queries.

The Instructions stipulate that if the taxpayer files a revised/amended corporate income tax return within 30 days of filing the original corporate income tax return, the Local File submission timeline will be calculated from the submission date of the revised/amended corporate income tax return.

The Instructions clarify that if the ultimate parent entity of the group is registered in a free zone, the other group entities that are not registered in the free zone are obliged to prepare the Master File. The Master File must be submitted with the Local File.

The Instructions provide for the percentage of the related-party transaction value to be disclosed in Table 508 and the Local File if a party related to the owners of the joint venture engages in a transaction with the joint venture.

Transactions in the nature of "payments on behalf" and mark-up, if any, related to these payments will be considered related-party transactions and must be disclosed in Table 508 of the corporate income tax return and the Local File.

F. Treaty withholding tax rates

The table below sets forth maximum withholding rates provided in Egypt's double tax treaties for dividends, interest and royalties.

To benefit from the tax rates provided by double tax treaties with respect to interest and royalties, within six months after the date of receipt of the payment, a nonresident entity or its legal representative must submit to the tax authorities an application to apply the tax rate stated in the treaty and request a refund of the difference between the domestic rate and the treaty rate. The application must be submitted on the form designed for this purpose together with the required documents.

Egypt signed up to be a member of the Base Erosion and Profit Shifting (BEPS) Inclusive Framework from 2016.

In addition, in 2017, Egypt signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS (MLI). The MLI needs to be ratified by both treaty jurisdictions. The effective date of implementing the changes in relation to withholding tax rates under the updated conventions is 1 January 2021.

The following is the treaty withholding tax rate table.

	Dividends (a) (%)	Interest (%)	Royalties (%)
Albania	5/10	10	10
Algeria	5/10	5	10
Austria	5/10	15	0
Bahrain	5/10	10	10
Belarus	5/10	10	15

	Dividends (a) (%)	Interest (%)	Royalties (%)
Belgium			
From Egypt	5/10	15	Trademarks 25 Other 15
From Belgium	15/20 (c)	15	Trademarks 25 Other 15
Bulgaria	5/10	12.5	12.5
Canada	5/10	15	15
China Mainland	5/8	10	8
Cyprus	5/10 (d)	10	10
Czech Republic	5/10	15	15
Denmark	5/10	15	20
Ethiopia	5/10	10	10
Finland			
From Finland	10	0	20
From Egypt	5/10	20	20
France	0	15	15
Georgia	5/10	10	10
Germany	5/10	15	Trademarks 20 Other 15
Greece	5/10	15	15
Hungary	5/10	15	15
India	5/10	20	According to domestic law in each country
Indonesia	5/10	15	15
Iraq			
From Iraq	According to domestic law	10	One-half of tax rate in the country
From Egypt	5/10	20	10
Ireland	5/10 (e)	10	10
Italy	5/10	20	15
Japan	5/10	20	15
Jordan	5/10	15	20
Korea (South)	5/10	10/15	15
Kuwait	5/10	10	10
Lebanon	5/10	10	5
Libya	5/10	20	20
Malaysia	0	15	15
Malta	5/10	10	12
Mauritius	5/10	10	12
Morocco	5/10	20	10
Netherlands	0 (f)	12	12
Norway			
From Norway	15	0	15 (or the domestic rate applied by Norway, whichever is lower)
From Egypt	5/10	20	15
Pakistan	5/10	15	15
Palestinian Authority	5/10	15	15
Poland	5/10	12	12

	Dividends (a) (%)	Interest (%)	Royalties (%)
Romania	5/10	15	15
Russian Federation	5/10	15	15
Saudi Arabia	5/10	10	10
Serbia and Montenegro	5/15 (g)	15	15
Singapore	5/10	15	15
South Africa	5/10	12	15
Spain	5/9	10	12
Sudan	5/10	10	10
Sweden	5	15	14
Switzerland	0	15	12.5
Syria	5/10	15	20
Tunisia	5/10	10	15
Türkiye	5/10	10	10
Ukraine	5/10	12	12
United Arab Emirates	5/10 (h)	10	10
United Kingdom	5/10	15	15
United States	5/10	15	15
Yemen	According to agreed tax treatment between the two parties	10	10
Yugoslavia (b)	5/10	15	15
Non-treaty jurisdictions	5/10	20	20

(a) The rates depend on various conditions.
(b) The treaty with Yugoslavia applies to the republics that formerly comprised Yugoslavia.
(c) The 15% rate applies if the beneficial owner holds at least 25% of shares throughout a 365-day period that includes the day of the dividend payment. This is in accordance with the MLI because both Belgium and Egypt have approved the amendment. The 20% rate applies in in all other cases.
(d) The 5% rate applies if the beneficial owner holds at least 20% of shares throughout a 365-day period that includes the day of the dividend payment. The 10% rate applies in all other cases.
(e) The 5% rate applies if the beneficial owner holds at least 25% of shares throughout a 365-day period that includes the day of the dividend payment. The 10% rate applies in all other cases.
(f) The 0% rate applies if the beneficial owner holds at least 25% of shares throughout a 365-day period that includes the day of the dividend payment. For other dividends, the domestic withholding tax rates should apply.
(g) The 5% rate applies if the beneficial owner holds at least 25% of shares throughout a 365-day period that includes the day of the dividend payment. The 15% rate applies in all other cases.
(h) The 5% rate applies if the beneficial owner holds at least 10% of shares throughout a 365-day period that includes the day of the dividend payment. The 10% rate applies in all other cases.

Egypt has signed a double tax treaty with Qatar, but it is not yet effective.

El Salvador

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A. At a glance

Corporate Income Tax Rate (%)	25/30 (a)
Capital Gains Tax Rate (%)	10/30 (a)
Branch Tax Rate (%)	25/30 (a)
Withholding Tax (%)	
Dividends	0/5/25 (b)
Interest	
Paid to Domiciled Companies	0/10 (c)
Paid to Non-domiciled Companies and Individuals	10/20/25 (c)(d)
Royalties from Know-how and Technical Services	20/25 (e)
Video, Films and Similar Items	5 (f)
International Transportation Services	5 (g)
Insurance Services	5 (h)
Income from Salvadoran Security Market Investments	3 (i)
Lottery Prizes and Other Prize Winnings	
Paid to Domiciled Companies and Individuals	15
Paid to Non-domiciled Companies and Individuals	25
Loans	5 (b)
Equity or capital decreases	5 (j)
Other Payments Made to Nonresidents	20/25 (d)
Net Operating Losses (Years)	
Carryback	0
Carryforward	0 (k)

(a) For further details regarding the corporate income tax, see Section B.
(b) For details, see Section B and Section F.
(c) The withholding tax applies to interest received by domiciled individuals (if the principal amount is equal or higher than USD25,000 and paid by financial institutions duly supervised by the Financial System Superintendence, among other regulated financial institutions) and companies on bank deposits. Interest paid between domiciled companies is not subject to withholding tax.
(d) Withholding tax at a reduced 10% rate applies if the recipient of the interest is a financial institution supervised in its country of origin and registered with the Central Reserve Bank of El Salvador. If an interest payment is made to a non-domiciled entity that is not registered with the Central Reserve Bank of El Salvador and not domiciled in a tax-haven jurisdiction, a 20% withholding tax applies. If an interest payment is made to a non-domiciled entity that

is not registered with the Central Reserve Bank of El Salvador and domiciled in a tax-haven jurisdiction, a 25% withholding tax applies. Amounts paid or credited to non-domiciled legal entities or individuals who are resident, domiciled or incorporated in tax-haven jurisdictions (or paid through legal entities resident, domiciled or incorporated in such jurisdictions) are subject to a 25% withholding tax. Exceptions apply to the following types of payments:

- Payments for acquisitions or transfers of tangible assets
- Payments to taxpayers in tax-haven jurisdictions located in Central America that have signed cooperation agreements with Salvadoran tax and customs authorities
- Payments to taxpayers in tax-haven jurisdictions that have signed with El Salvador information exchange agreements or double tax treaties
- Payments under circumstances in which reduced withholding tax rates apply

If the recipient does not file an annual income tax return, the withholding tax is presumed to be a payment in full of the income tax on the interest income.

(e) The withholding tax is imposed on payments to foreign companies and individuals for services rendered or used in El Salvador, as well as on payments for the transfer of intangible assets. If the recipient does not file an annual income tax return, the withholding tax is presumed to be a final tax. Amounts paid or credited to non-domiciled legal entities or individuals who are resident, domiciled or incorporated in tax-haven jurisdictions (or paid through legal entities resident, domiciled or incorporated in such jurisdictions) are subject to a 25% withholding tax. Exceptions apply to the following types of payments:

- Payments for acquisitions or transfers of tangible assets
- Payments to taxpayers in tax-haven jurisdictions located in Central America that have signed cooperation agreements with Salvadoran tax and customs authorities
- Payments to taxpayers in tax-haven jurisdictions that have signed with El Salvador information exchange agreements or double tax treaties
- Payments under circumstances in which reduced withholding tax rates apply

The 20% rate applies to royalties from know-how and technical services paid to non-domiciled entities that are not domiciled in tax-haven jurisdictions.

(f) The withholding tax is imposed on payments to non-domiciled persons or entities for transfers of intangible assets or for the use, or grant of use, of rights over tangible and intangible assets related to cinematographic movies, video tapes, phonographic discs, radio serials, television serials, serials and strips reproduced by any means, video and track records, and television programs transmitted by cable, satellite or other similar media. If the recipient does not file an annual income tax return, the withholding tax is presumed to be a final tax.

(g) The withholding tax is imposed on payments to foreign companies and individuals for international transportation services. If the recipient does not file an annual income tax return, the withholding tax is presumed to be a final tax.

(h) The withholding tax is imposed on payments to non-domiciled insurance and reinsurance companies and reinsurance brokers, authorized by the Superintendent of the Financial System. If the recipient does not file an annual income tax return, the withholding tax is presumed to be a final tax.

(i) A withholding tax rate of 3% applies to income derived from capital invested in securities, or transactions in securities, shares and other investments in the Salvadoran securities market (primary or secondary).

(j) A withholding tax rate of 5% applies to amounts paid or credited in capital or equity reductions, in the portion corresponding to capitalization or reinvestment of profits. For this purpose, the amounts paid or credited by the decrease of equity or capital corresponds to previously capitalized amounts.

(k) Capital losses can be carried forward to offset capital gains for a period of five years, provided that the losses have been reported in previously filed tax returns.

B. Taxes on corporate income and gains

Corporate income tax. Resident corporations are subject to tax on Salvadoran-source income. Nonresident corporations are also subject to tax on Salvadoran-source income only. This is based on amendments introduced to the Income Tax Law by Legislative Decree No. 969, which was effectively published in the *Official Gazette* on 22 March 2024. As a result, resident and nonresident

taxpayers are subject to income tax on income derived from the following:
- Movable and immovable property in El Salvador
- Activities carried out in El Salvador
- Services rendered by domiciled and non-domiciled entities that are rendered or used in El Salvador

Taxable investment income of Salvadoran source includes income, capital gains, profits or interest derived from securities, financial instruments and derivative contracts if any of the following conditions are met:
- The issuing entity is a national entity or domiciled in El Salvador.
- The capital is invested or employed in El Salvador.

Under amendments introduced by the abovementioned Legislative Decree No. 969, values that are received in any form, obtained abroad, or any capital movement, remuneration or emolument, in cash or kind, generated or not by the investment of national or foreign capital, and nominally obtained or received by individuals, legal entities or entities without legal personality, domiciled or not in the country, coming from any kind of source abroad, are excluded from the concept of income.

Corporate income tax rate. The standard rate of income tax is 30% for Salvadoran companies, foreign companies with a permanent establishment in El Salvador and non-domiciled companies. However, companies that have sales equal to or less than USD150,000 are subject to a 25% income tax rate.

Capital gains. Capital gains derived from the sale of movable and immovable property are subject to income tax at a rate of 10%. However, if the asset is sold within 12 months after acquisition, the capital gain is subject to tax at a rate of 25% or 30% of net income.

Companies may carry forward capital losses for a five-year period to offset future capital gains only.

The capital gain or loss on a transaction is computed by deducting from the sales price the following:
- Cost of the asset, which equals the purchase price less allowable depreciation claimed under the income tax law
- Improvements made to the asset
- All selling expenses necessary to complete the transaction

Digital assets. Par value, proceeds or income derived from digital assets issued or traded in El Salvador are exempt from all kinds of taxes, duties, charges, tariffs and contributions, of any kind and nature, present or future, ordinary or extraordinary, or even special. In addition, capital gains and ordinary income derived from the local trading of digital assets, including debt forgiveness, are also exempt from all types of taxes.

Administration. The statutory tax year runs from 1 January through 31 December. Companies must file annual income tax returns and pay any tax due within four months after the end of the tax year.

Companies with total assets of SVC10 million (approximately USD1,142,857) or more, or with gross income of more than 4,817 minimum wages (USD1,734,120), must file an annual tax

certification of their tax obligations. This certificate is issued by an external certified public accountant (CPA) who is authorized by the CPA Surveillance Council.

Dividends. Domiciled entities in El Salvador that pay to, or register profits for, domiciled or non-domiciled entities or individuals must withhold income tax at a 5% rate. This serves as a definite income tax payment. Payment or registration of profits can be made in various forms, including, among others, payments in cash or securities and in-kind payments, regardless of whether they are considered dividends, quotas, excess payments, legal reserves, profits or earnings.

The above obligation also applies to representatives of parent companies, affiliates, branches, agencies and other permanent establishments that pay or credit profits to domiciled entities or individuals abroad.

Notwithstanding the above, if payments are made to an entity or individual domiciled or resident in a tax-haven jurisdiction, a 25% withholding tax rate applies.

No withholding should apply on dividends paid out of income or profits that were previously subject to withholding income tax on dividends.

Withholding tax on loans. Legal entities or entities without legal capacity domiciled in El Salvador that remit cash or in-kind assets as loans or advance remittances or engage in other types of loan operations must withhold tax at a rate of 5% of such amounts if the amounts are remitted to any of the following:

- Partners, shareholders, associates, beneficiaries, and other related parties according to Section 25 of the Income Tax Law (for example, spouses and relatives in the fourth degree of consanguinity or second degree of kinship)
- Entities or individuals domiciled or resident in a tax-haven jurisdiction
- Parent companies or branches domiciled abroad

Certain exceptions apply, such as to loans with a market value interest rate or a one-year term and to supervised financial institutions.

Foreign tax relief. No general tax relief rules apply in El Salvador. Also, see Section F.

C. Determination of trading income

General. Taxable income is computed in accordance with adopted Financial Information Standards in El Salvador (International Financial Reporting Standards), subject to adjustments required by the Salvadoran income tax law. The Salvadoran income tax law requires the use of the accrual method of accounting.

Taxable income includes all income derived from the following:

- Assets located in El Salvador
- Activities or transactions carried out in El Salvador
- Capital invested in El Salvador
- Services rendered in El Salvador and services rendered outside El Salvador that are used in El Salvador
- Certain types of investment income (see Section B)

In general, all costs and expenses necessary to produce and preserve taxable income are deductible for income tax purposes, provided all legal deductibility requirements are met.

Imputed income. The Salvadoran income tax law does not contain rates and formulas for calculating imputed income. However, the tax authorities may determine taxable income based on certain information, including the following:

- Investments made during the tax year
- Equity fluctuations
- Transactions and profits recorded in previous tax years
- Purchases and sales
- Value of imported goods
- Value of inventories
- Purchases not recorded
- Performance of similar businesses
- General expenses

Inventories. Salvadoran income tax regulations provide that inventories may be valued at acquisition cost. The cost may be calculated using certain methods, such as first-in, first-out (FIFO), last purchase cost and average cost, as well as special methods established for agricultural products and cattle. The income tax law provides that inventories can be valued by other methods if authorization from the tax authorities is obtained before the method is implemented.

Provisions. Provisions for contingent liabilities, such as severance payments and labor costs, are not deductible expenses. However, payments of such liabilities are deductible expenses. Amounts for doubtful accounts may be deducted if certain legal requirements are satisfied.

Tax depreciation and amortization

Depreciation. The acquisition cost of products with a useful life of 12 months or less may be fully deducted from taxable income in the year of acquisition. Property with a useful life of more than 12 months may be depreciated using the following straight-line rates.

Asset	Rate (%)
Buildings	5
Machinery	20
Vehicles	25
Other movable property	50

Only a portion of the acquisition cost of used machinery and movable property may be deducted for tax purposes. The deductible percentages, which are based on the asset's life, are shown in the following table.

Asset's useful life Years	Deductible percentage (%)
1 but less than 2	80
2 but less than 3	60
3 but less than 4	40
4 or more	20

The useful life of a used asset is determined when the asset is purchased. The depreciable portion of the acquisition cost is calculated according to the normal depreciation rules.

Tax amortization. The acquisition cost or development cost of software programs used to produce and preserve taxable income may be amortized at an annual rate of up to 25% of the cost of development or acquisition. The deductible percentages applicable to used machinery (see above) also apply to used software programs.

Relief for losses. Net operating losses may not be carried forward or back to offset taxable income.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; transfers of incorporeal assets or of fixed assets that have been used for four years or more are not subject to transfer taxes	13
Real property transfer tax; tax imposed on value of real property with respect to the amount that exceeds SVC250,000 (approximately USD28,571)	3
Customs duties	Various
Social contributions;	
Prevention system (this system provides pensions and certain other benefits); there is no salary threshold	
Employer	8.75
Employee	7.25
Social security; on salaries up to SVC8,750 (USD1,000)	
Employer	
Maternity, sickness and professional risks	7.5
Professional training	1
Employee	
Maternity, sickness and professional risks	3

E. Foreign-exchange controls

The currencies in El Salvador are the colon (SVC) and the US dollar. Since 2001, all transactions and operations in El Salvador can be carried out and denominated in colons or US dollars. The permanent exchange rate in El Salvador is SVC8.75 = USD1. Since 2021, bitcoin is also considered a legal tender in El Salvador.

No restrictions are imposed on foreign-trade operations or foreign-currency transactions.

F. Tax treaties

El Salvador's only tax treaty in force is with Spain. The treaty is based on the Organisation for Economic Co-operation and Development model, with some minor differences.

In Spain, the treaty applies to income tax on individuals, income tax on corporations, income tax for nonresidents, net worth tax, and local income tax and net worth tax. In El Salvador, the treaty applies to income tax.

For dividends, interest and royalties paid by companies domiciled in one signatory country to residents of the other signatory country, the treaty provides for maximum tax rates in the source country of 12% for dividends and 10% for interest and royalties. If certain conditions are met, the tax rate for dividends may be reduced to 0%. The treaty also provides for a maximum rate of 10% in the source country for services, unless the individual or company that accounts for the income has a permanent establishment in the country in which the services are rendered.

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A. At a glance

Corporate Income Tax Rate (%)	35 (a)
Capital Gains Tax Rate (%)	35 (b)
Branch Tax Rate (%)	35
Withholding Tax (%)	
Dividends	25 (c)
Interest	25 (c)
Royalties from Patents, Know-how, etc.	20
Payments for Oil and Gas Services	5/6.25/15 (d)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	3/5 (e)

(a) The minimum corporate tax is 1.5% of turnover. See Section B for details.
(b) In certain circumstances, the tax is deferred or reduced (see Section B).
(c) This tax is imposed on payments to nonresidents. For the withholding tax rates applicable to residents, see Section B.
(d) This tax applies to payments for services performed by subcontractors of oil and gas companies. The 6.25% rate applies to residents. The 15% rate applies to nonresident companies and nonresident individuals. The 5% rate applies to transportation, mobilization services (bringing a rig or vessel into Equatorial Guinea [EG]) and demobilization services (sending a rig or vessel out of EG) performed by nonresidents in EG.
(e) In general, companies may carry forward net operating losses for three years. However, companies operating in the hydrocarbon sector may carry forward net operating losses for five years.

B. Taxes on corporate income and gains

Corporate income tax. Equatorial Guinea (EG) companies are taxed on the territorial principle. As a result, EG companies carrying on business outside EG are not subject to corporate income tax in EG on the related profits. EG companies are those registered in EG, regardless of the nationality of the shareholders or where the companies are managed and controlled. Foreign

companies engaged in business in EG are subject to corporate income tax on EG-source profits.

Tax rate. The corporate income tax rate is 35%.

The minimum corporate tax is 1.5% of annual turnover for the preceding year. The amount of this tax cannot be less than XAF800,000 (for further details regarding this tax, see *Administration*).

The 2019 Finance Law deleted Article 461.3 of the Income Tax Law. This article was related to the crediting of withholding tax against the final corporate income tax liability. Withholding taxes should be considered current expenses for the year and deducted as such.

Capital gains. Capital gains are taxed at the regular corporate income tax rate. However, the tax can be deferred if all of the proceeds are used to acquire new fixed assets in EG within three years or in the event of a merger. If the business is totally or partially transferred or discontinued, only one-half of the net capital gains is taxed if the event occurs less than five years after the startup or purchase of the business, and only one-third of the gains is taxed if the event occurs five years or more after the business is begun or purchased.

Administration. The tax year is the calendar year. Tax returns must be filed by 30 April. The minimum corporate tax must be declared and paid by 31 March of each year. The minimum corporate tax may be set off against the regular income tax payable for the same tax year.

Late payments and late filings of tax returns are subject to penalties. For the minimum corporate tax, the penalty equals 50% of the amount of the tax. For corporate income tax, the following are the penalties:

- XAF200,000 per month of delay for the filing of the return. However, the total amount of the penalty cannot exceed 75% of the tax owed.
- 50% of the amount not declared if the return has a shortfall that exceeds 1/10 of the declared profit. The penalty is increased to 100% in case of bad faith.

Dividends. Dividends paid to nonresidents are subject to a 25% withholding tax.

The following withholding tax rates apply to dividends received by residents:

- Physical persons: application of the progressive scale in accordance with the provision of Article 252 that may be reduced by issuing a global income return provided under Articles 240 and 241 of the General Tax Code
- Resident legal entities: 10%

However, a parent company may exclude up to 90% of the dividends received from a 25%-owned subsidiary.

Foreign tax relief. EG does not provide relief for foreign taxes paid.

C. Determination of trading income

General. Taxable income is based on financial statements prepared according to generally accepted accounting principles and the rules contained in the general accounting chart of the Organization for Harmonization of Business Law in Africa (Organisation pour l'Harmonisation en Afrique du Droit des Affaires, or OHADA).

Business expenses are generally deductible unless specifically excluded by law. The following expenses are deductible only if they are normal and substantiated:

- Head office overhead and remuneration for certain services (studies and technical, financial or administrative assistance) paid to nonresidents
- Royalties from patents, brands, models or designs paid to a non-Economic and Monetary Community of Central Africa (Communauté Économique et Monétaire de l'Afrique Centrale, or CEMAC) corporation participating in the management of, or owning shares in, the EG corporation

The following expenses are not deductible:

- Rent expense for movable equipment paid to a shareholder holding, directly or indirectly, more than 10% of the capital
- A portion of interest paid to a shareholder in excess of the central bank annual rate and, if the shareholder is in charge of management, on the portion of the loan exceeding one-half of the capital stock
- Commissions and brokerage fees exceeding 5% of purchased imports
- Certain specific charges, penalties, corporate income tax and individual income tax
- Most liberalities (payments that do not produce a compensatory benefit, such as excessive remuneration paid to a director), gifts and subsidies

Inventories. Inventories are normally valued at cost. Cost must be determined under a weighted average cost price method.

Provisions. In determining accounting profit, companies must establish certain provisions, such as a provision for a risk of loss for certain expenses. These provisions are normally deductible for tax purposes if they provide for clearly specified losses or expenses that are probably going to occur and if they appear in the financial statements and in a specific statement in the tax return.

Capital allowances. Land and intangible assets, such as goodwill, are not depreciable for tax purposes. Other fixed assets may be depreciated using the straight-line method at rates specified by the tax law. The following are the straight-line depreciation rates for major categories of assets.

Asset	Rate (%)
Buildings	5 to 20
Plant and machinery, and transportation equipment	5 to 100
Office equipment	10 to 15

Relief for losses. In general, companies may carry forward net operating losses for three years. However, companies operating in the hydrocarbon sector may carry forward net operating losses for five years. Losses attributable to depreciation may be carried forward indefinitely. Losses may not be carried back.

Groups of companies. EG law does not allow the filing of consolidated tax returns or provide any other form of tax relief for groups of companies. However, the OHADA Uniform Act on Accounting Law contains the principle of consolidated financial statements.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; imposed on transactions performed in EG that are not subject to the oil and gas sector withholding tax (see Section A)	
General rate	15
Reduced rate	6
Specified products	0
Social security contributions; imposed on salaries; paid by	
Employer	21.5
Employee	4.5
Worker Protection Fund and Professional Training Fund; imposed on salaries; paid by	
Employer (on gross salary)	1
Employee (on net salary)	0.5

E. Foreign-exchange controls

The EG currency is the CFA franc BEAC (XAF).

Exchange-control regulations exist in EG for financial transfers in the franc zone which is the monetary zone including France and its former overseas colonies. The Council of Ministers of the Economic Union of Central Africa (Union Économique de l'Afrique Centrale, or UEAC) continued its process of revising Community texts with the adoption on 21 December 2018 of Regulation No. 02/18/ECMAC/UMAC/CM on the regulation of exchange controls in the CEMAC. This regulation, which entered into force on 1 March 2019, repeals the regulations adopted in 2000.

On 23 December 2021, there was also the adoption of Regulation No. 01/CEMAC/UMAC/CM on the terms and conditions for the implementation of certain provisions of the exchange regulations by resident extractive companies.

In the franc zone, transactions above XAF1 million per month and per entity remain free subject to the providing of evidence of the origin of the funds and the issuance of documentation required by authorized intermediaries (that is, credit institutions such as banks). In addition, the opening of a bank account in foreign currencies inside and outside the CEMAC zone is now subject to an

authorization from the Bank of Central African States (Banque des Etats d'Afrique Centrale, or BEAC).

Any transaction related to exports of goods and services must be declared to the competent authorities and transactions exceeding XAF5 million must be done in a CEMAC credit institution.

F. Tax treaties

EG has entered into the tax treaty of the former Central African Economic and Customs Union (Union Douanière et Économique de l'Afrique Centrale, or UDEAC).

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The tax law in Estonia has been frequently amended, and further changes are likely to be introduced. Because of these frequent changes, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Tax Rate (%)	0/14/20 (a)
Capital Gains Tax Rate (%)	0/14/20 (b)
Branch Tax Rate (%)	14/20 (a)
Withholding Tax (%) (d)	
Dividends	0/7 (c)
Interest	0/20 (d)

Royalties	0/10/20 (e)
Rental Payments	20 (f)
Services	0/10/20 (g)
Salaries and Wages	20

(a) Resident companies and permanent establishments of nonresident companies are not subject to tax on their income. They are subject only to tax at a rate of 20% on the gross amount of distributed profits and certain payments made. The tax rate is applied to the net taxable amount divided by a specified percentage. A lower income tax rate of 14% is applied to regular dividends until the end of 2024. For further details, see Section B.

(b) Resident companies and permanent establishments of nonresident companies are not subject to tax on their capital gains received. They are subject only to tax at a rate of 14% (until the end of 2024) or 20% on the gross amount of distributed profits. Nonresident companies without a permanent establishment in Estonia are subject to tax at a rate of 20% on their capital gains derived from Estonian sources. For further details, see Section B.

(c) Withholding tax is not imposed on dividends paid to companies. Dividends are subject to 20% (or 14% in certain cases until the end of 2024) corporate income tax at the level of the resident distributing companies only. Withholding tax at a rate of 7% is imposed on certain profit distributions to individuals. For further details, see Section B.

(d) Interest payments are generally exempt from withholding tax. Withholding tax at a rate of 20% is imposed on interest paid to resident individuals (including payments made by contractual investment funds on the account of the funds). Interest paid to nonresidents as a result of ownership of contractual investment funds is subject to a 20% withholding tax if more than 50% of the assets owned (directly or indirectly) by the fund during a two-year period preceding the date of the interest payment is real estate located in Estonia and if the interest recipient has at least 10% ownership in the contractual investment fund at the moment of receiving the interest. Withholding tax is not imposed on interest paid from the profits of contractual investment funds if the profits have already been taxed.

(e) Withholding tax at a rate of 10% is imposed on payments to nonresident individuals and companies. Royalties paid to companies resident in other EU countries or Switzerland are not subject to withholding tax if the provisions of the EU Interest-Royalty Directive are satisfied. A 20% withholding tax is imposed on payments to resident individuals.

(f) Withholding tax at a rate of 20% is imposed on payments to resident individuals and nonresidents.

(g) The 20% rate applies to payments to nonresidents from low-tax jurisdictions (a low-tax jurisdiction is a jurisdiction that does not impose a tax on profits or distributions or a jurisdiction in which such tax would be less than ⅕ of the Estonian tax payable by resident individuals on a similar amount of business income). The 10% rate applies to payments to other nonresidents for services rendered in Estonia. A 0% rate may apply under double tax treaties.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies (except for limited partnership funds) and permanent establishments of nonresidents are not generally subject to tax on their income (see below an exception in the case of exceeding borrowing costs and controlled foreign company [CFC] income). They are subject to tax on the following payments made to resident legal entities, nonresident companies, resident individuals and nonresident individuals:

- Dividends
- Fringe benefits
- Gifts
- Donations
- Business entertainment expenses
- Distributions of profits
- Payments not related to the business of the payer

Credit institutions pay advance corporate income tax at rate of 14% on accrued profits on a quarterly basis.

Income tax is charged annually on exceeding cash-based borrowing costs of resident companies and permanent establishments of nonresidents (except for financial institutions) to the extent they exceed losses if such costs amount to at least EUR3 million and if they exceed 30% of the company's earnings before interest, tax, depreciation and amortization (EBITDA). Alternatively, a group level equity/total assets ratio or a group EBITDA test may be applied.

Income tax is charged annually on resident companies and permanent establishments of nonresidents' income from controlled foreign companies (CFCs) if the income was derived from ostensible transactions of which the main purpose was to obtain a tax advantage using assets and taking risks related to controlling company key employees. The rule does not apply to resident companies if the CFC financial year profit does not exceed EUR750,000 and other business income does not exceed EUR75,000.

The exceeding borrowing cost and taxable CFC income must be reported by the 10th day of the 9th month following the financial year. The tax is payable by the same deadline.

Resident companies are companies registered (effectively the same as incorporated) in Estonia. European public limited liability companies and European Cooperative Societies that have their registered office in Estonia are deemed to be Estonian tax residents. Nonresident companies without a permanent establishment in Estonia are subject to tax on their business income derived from Estonia.

Tax rates. Resident companies are subject to tax on the payments described in *Corporate income tax* at a rate of 20% of the gross amount of the payments. To calculate the corporate income tax for 2019, the tax rate is applied to the net taxable amount divided by 0.8.

Until the end of 2024, a lower income tax rate of 14% is applied to regular profit distributions. A regular profit distribution is the amount of the company's last three years' average dividend that is subject to tax in Estonia. The 20% tax rate is applied to the dividend amount exceeding the regular profit distribution.

To calculate the corporate income tax on a regular dividend, the tax rate of 14% is applied to the net taxable amount divided by 0.86.

A 20% rate applies to income derived by nonresident companies without a permanent establishment in Estonia.

Tax incentive for shipping. The Tonnage Tax scheme is effective from 1 July 2020 and is available for resident shipping companies engaged in the international carriage of goods or passengers, and listed ancillary activities carried out with the eligible vessels.

Activities by tugboats and dredgers outside ports and Estonian territorial waters are eligible for the Tonnage Tax regime under certain conditions. Ship managers may also benefit from the Tonnage Tax scheme with respect to income derived from ship management activities.

Capital gains. Capital gains derived by resident companies and permanent establishments of nonresident companies are exempt from tax until they are distributed.

Nonresident companies without a permanent establishment in Estonia are taxed at a rate of 20% on their capital gains derived from Estonian sources.

Capital gains derived from sales of shares and securities by nonresidents are exempt from tax. However, if the shares of a company, contractual investment fund or other pool of assets are sold by a nonresident with at least a 10% holding and if at the time of the sale or at any other time during the two preceding years, real estate and buildings directly or indirectly accounted for 50% or more of the assets of the company, capital gains derived from the sale of the shares are taxable.

If a resident company is deleted from the Estonian commercial register without liquidation and its economic activities are ended, the holding of a nonresident in the company is taxed as a capital gain, which is equal to the market value of the holding less the acquisition cost. The taxation is postponed if economic activities are continued through another resident company or a permanent establishment remains in Estonia.

Administration. The tax period is a calendar month. Tax returns must be filed and income tax must be paid by the 10th day of the following month.

Advance rulings. Taxable persons may apply for advance rulings from the tax authorities. Advance rulings may relate only to actual planned transactions, as opposed to theoretical questions. The advance ruling is binding on the tax authorities and recommended for the taxable person. The taxable person must inform the tax authorities of the execution of the transaction described in the advance ruling. A time limit for the binding nature of the ruling is set based on the taxpayer's evaluation of the time needed for the execution of the transaction.

The processing of the advance ruling may be suspended if a similar transaction is simultaneously being reviewed in challenge proceedings (administrative proceedings involving a dispute between the taxpayer and the tax authorities) or court proceedings and if the expected decision in such proceedings is crucial for the determination of the tax consequences. Advance rulings may not be issued with respect to the determination of transfer prices (determination of value of transactions between related parties).

For the advance ruling to be binding, the taxpayer must present detailed and accurate information before the beginning of the relevant transactions. If the tax laws are amended after the advance ruling has been issued but before the transaction is carried out, the advance ruling is no longer binding. The deadline for issuing an advance ruling is 60 calendar days beginning with the date of acceptance of the application. By a motivated decision (a decision that includes arguments supporting the decision) in writing, the deadline may be extended for an additional 30 calendar days. A state fee is payable for the processing of the advance-ruling application.

A summary of the ruling, except for information protected by the tax secrecy clause (the tax authorities are bound to maintain the confidentiality of information concerning a taxpayer that was acquired in the course of their activities; certain exceptions apply), is published on the tax authorities' web page. The taxable person may prohibit the disclosure of specific information.

Reporting of intragroup loans. Resident companies and the permanent establishments of nonresidents (except public limited funds and credit institutions) are required to report the following information on loans granted to other group companies:
- Amount of the loan
- Increase in principal balance
- Extension of term or change of other material terms

The reporting must be done on a quarterly basis.

Dividends. Withholding tax is not generally imposed on dividends paid. A 7% withholding tax is imposed on dividends paid to individuals if the corporate income tax of 14% has been paid by an Estonian company on the share of profits out of which the dividends are paid. Payers of dividends must pay corporate income tax at a rate of 20% or 14% on the gross amount of dividends paid. This income tax is treated as a payment of income tax by the distributing company and not as tax withheld from the recipient of the dividends.

Dividends received are not included in taxable income (see *Foreign tax relief*).

The following payments are also taxable as dividends at the level of the company:
- Decrease of share capital (if the decrease exceeds paid-in equity capital)
- Redemption of shares and the payment of liquidation proceeds in an amount that exceeds the monetary and non-monetary payments made into the equity capital

Interest. Interest payments are generally exempt from withholding tax. Withholding tax at a rate of 20% is imposed on interest paid to resident individuals (including payments made by contractual investment funds on the account of the funds). Interest paid to nonresidents as a result of ownership of contractual investment funds is subject to a 20% withholding tax if more than 50% of the assets owned (directly or indirectly) by the fund during a two-year period preceding the date of the interest payment is real estate located in Estonia and if the interest recipient has at least 10% ownership in the contractual investment fund at the moment of receiving the interest. Withholding tax is not imposed on interest paid from the profits of contractual investment funds if the profits have already been taxed.

Foreign tax relief. Dividends distributed by an Estonian company and a permanent establishment of a foreign company that had received dividends from a foreign company (except from a company located in a low-tax jurisdiction) are exempt from income tax if the following conditions are satisfied:
- The dividends are received from a taxable company resident in the European Economic Area (EEA) or Switzerland, or foreign

tax has been paid on or withheld from the profits out of which the dividends were paid.
- The Estonian company receiving the dividends owns at least 10% of the shares or votes of the foreign company when the dividends were received.
- The transaction or a chain of transactions is actual (a transaction or a chain of transactions is not actual if its primary purpose or one of its primary purposes is to obtain a tax advantage), and the distributing subsidiary cannot deduct the distributed profits. The tax exemption applies to the extent that a transaction or a chain of transactions is carried out for business purposes, the economic content of which is necessary and appropriate for the business activities in question.

The following profits are also exempt from tax:
- Profits allocated to a permanent establishment of an Estonian company in an EEA country or Switzerland
- Profits allocated to a permanent establishment of an Estonian company in another foreign country if foreign tax has been paid on the profits

Profits received from a permanent establishment by an Estonian resident company remain exempt if a transaction or a chain of transactions is actual (a transaction or a chain of transactions is not actual if its primary purpose or one of its primary purposes is to obtain a tax advantage).

Any foreign tax paid or withheld can be credited by an Estonian company against income tax payable on dividend distribution.

C. Determination of trading income

Because resident companies and permanent establishments of nonresident companies registered with the Estonian authorities are not subject to tax on their income, they do not need to determine their trading income for tax purposes.

Profits of Estonian contractual investment funds from immovable property are taxed immediately when profits are earned.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on goods and services, excluding exports	0/5/9/22
Social security tax	33
Mandatory funded pension contributions	2
Land tax	0.1 to 1
Unemployment insurance contributions (2022 rates); paid by	
Employer	0.8
Employee	1.6

Other significant taxes include excise duty, stamp duties, heavy vehicles tax, charges on the use of Estonian natural resources and pollution charges.

E. Miscellaneous matters

Foreign-exchange controls. The official currency in Estonia is the euro (EUR).

Enterprises registered in Estonia may maintain bank accounts abroad without any restrictions.

Debt-to-equity rules. In certain cases, exceeding borrowing costs of resident companies and permanent establishments of nonresidents are subject to corporate income tax. See *Corporate income tax* in Section B.

Anti-avoidance legislation. Under the Taxation Act, if it is evident from the content of a transaction or act that the transaction or act is performed for the purposes of tax evasion, the actual economic substance of the transaction applies for tax purposes. If a fictitious transaction is entered into in order to conceal another transaction, the provisions of the concealed transaction apply for tax purposes. Also, see *Foreign tax relief* in Section B.

Under the general anti-avoidance rule contained in the Income Tax Act, a transaction (or chain of transactions) is not considered for income tax purposes if the main purpose or one of the main purposes of the transaction is obtaining a tax advantage that is contrary to the purpose of the tax law or an international agreement and that is fictitious. A transaction (or chain of transactions) is considered to be fictitious if it is not done for actual vital or business purposes that reflect the economic substance of the transaction.

Exit tax. An exit charge at the rate of 20% is imposed on the unrealized capital gains created in Estonia arising from transferring assets to a foreign permanent establishment or moving the tax residency of the company out of Estonia. The exit tax base is calculated as the difference between the fair-market value and the book value of the respective assets. The following assets are excluded from exit tax:

- Assets in regard to the financing of securities
- Collateral assets
- Assets moved to meet prudential requirements or manage liquidity
- Assets that are reverted to Estonia within 12 months

Hybrid mismatches. The rules against hybrid mismatches cover double non-taxation caused by differences in the characterization of financial instruments, payments and entities for tax purposes in different jurisdictions, or the allocation of payments between the head office and permanent establishments. To eliminate double non-taxation or deduction without inclusion into taxable income, income tax is imposed on the relevant payment or cost, or exemption is denied for income that has been deducted or exempted in another jurisdiction. From 1 January 2024, amendments to the tax law have been implemented allowing certain hybrid mismatch situations in the case of dual inclusion income.

An Estonian tax transparent trust fund (or its manager) pays income tax on the income that would have been attributed to a

shareholder of the trust in proportion to its share in the trust if at least one of the following conditions is met:

- At least one shareholder is a nonresident affiliated undertaking that directly or indirectly owns at least 50% of the shares in a trust.
- The shareholder is located in a jurisdiction that treats the trust as a taxable person and the income of the shareholder is not taxable according to tax legislation of Estonia or other jurisdictions.

Retroactively from 1 January 2023, the exemption from the reverse hybrid mismatch rule was introduced for a collective-investment vehicle.

Transfer pricing. Under a transfer-pricing measure in the income tax law, pricing between resident and nonresident associated companies should be at arm's length. The tax authorities may adjust to an arm's-length amount the profit of a company engaging in transactions with nonresident associated persons. Persons are considered associated if they have a common economic interest or if one person has a prevalent influence over another person. The transfer-pricing measure also covers transactions between nonresident legal entities and their permanent establishments in Estonia. Transfer-pricing documentation is required for the following entities:

- Entities with more than 250 employees (together with related parties)
- Entities operating in certain industries
- Entities that had turnover, including the turnover of related parties, of at least EUR50 million in the preceding financial year
- Entities that had consolidated net assets of at least EUR43 million in the preceding financial year
- Parties to a transaction if one of the parties is a resident of a low-tax jurisdiction

Country-by-Country Reporting. Estonia has implemented legislation requiring the parent undertakings of multinational enterprises (MNEs) with a consolidated turnover of at least EUR750 million to submit to the tax authorities' annual groupwide reports for each entity and jurisdiction in which the MNE group operates (Country-by-Country Reporting). The report is due on 31 December of the year following the end of the financial year. Notification about the MNE group and the reporting entity is required to be submitted within six months after the end of a financial year.

Interest on tax arrears. The tax authorities suspended the calculation of default interest on tax arrears for the COVID-19-related emergency period with retroactive effect from 1 March 2020 until the end of the emergency period on 17 May 2020. After the emergency period, the default interest rate was lowered from the usual 0.06% per day to 0.03% per day until 31 December 2021. From 1 January 2022, the interest is calculated again at a rate of 0.06% per day.

Mandatory Disclosure Regime. Automatic exchange of information on cross-border schemes imposes an obligation on tax advisors and taxpayers to inform the tax authorities of cross-border

tax planning schemes. The Mandatory Disclosure Regime (MDR) applies to all types of direct taxes.

The disclosure must include details of relevant taxpayers, their associated parties (as defined) and the cross-border arrangement in question.

Reportable schemes with the main benefit, or one of the main benefits, of obtaining a tax advantage are the same as provided by the European Union (EU) Directive on Administrative Cooperation 6 (DAC6) and include the following:

- Confidentiality clause
- Success fee
- Standardized documentation or structure
- Acquired loss-making company and losses used outside the business of the acquired company
- Income converted into capital and categories of revenue with a more beneficial tax treatment
- Round tripping of funds using conduits and entities without substance
- Deductible cross-border payments to associated enterprises subject (when received) to a zero or almost zero tax rate, a full tax exemption or a preferential tax regime

Reportable schemes with the main benefit, or one of the main benefits, of not obtaining a tax advantage include the following:

- Payment to an associated stateless enterprise or associated enterprise in a prohibited list jurisdiction
- Same asset subject to depreciation in more than one jurisdiction
- Multiple claims of relief for double taxation
- Transfer of assets with a material difference in the price used for tax purposes
- EU legislation or any equivalent agreements on the automatic exchange of financial account information circumvented
- Nontransparent legal or beneficial ownership chains used
- Unilateral transfer pricing safe harbor rules used
- Transfer of rights to hard-to-value intangibles
- Restructuring resulting in significant profit shifts (50%) following the transfer of functions, risks or assets between associated enterprises

F. Treaty withholding tax rates

The rates reflect the lower of the treaty rate and the rate under Estonian domestic law.

	Dividends (a)(g) %	Interest (b) %	Royalties (c) %
Albania	0	0	5
Armenia	0	0	10
Austria	0	0	5/10 (d)
Azerbaijan	0	0	10
Bahrain	0	0	0
Belarus	0	0	10
Belgium	0	0	0/10
Bulgaria	0	0	5
Canada	0	0	0/10
China Mainland	0	0	10
Croatia	0	0	10
Cyprus	0	0	0

	Dividends (a)(g) %	Interest (b) %	Royalties (c) %
Czech Republic	0	0	10
Denmark	0	0	0/10
Finland	0	0	0/10
France	0	0	0/10
Georgia	0	0	0
Germany	0	0	5/10 (d)
Greece	0	0	5/10 (d)
Guernsey	0	0	5
Hong Kong SAR	0	0	5
Hungary	0	0	0/10
Iceland	0	0	0/10
India	0	0	10
Ireland	0	0	0/10
Isle of Man	0	0	0
Israel	0	0	0
Italy	0	0	0/10
Japan	0	0	5
Jersey	0	0	0
Kazakhstan	0	0	15
Korea (South)	0	0	5/10 (d)
Kyrgyzstan	0	0	5
Latvia	0	0	5/10 (d)
Lithuania	0	0	0
Luxembourg	0	0	5/10 (d)
Malta	0	0	10
Mauritius	0	0	0/5
Mexico	0	0	10
Moldova	0	0	10
Netherlands	0	0	0/10
North Macedonia	0	0	0
Norway	0	0	0/10
Poland	0	0	10
Portugal	0	0	10
Romania	0	0	10
Serbia	0	0	5/10 (e)
Singapore	0	0	7.5
Slovak Republic	0	0	10
Slovenia	0	0	10
Spain	0	0	0/10
Sweden	0	0	0/10
Switzerland	0	0	0/10
Thailand	0	0	8/10 (d)
Türkiye	0	0	5/10 (d)
Turkmenistan	0	0	0
Ukraine	0	0	10
United Arab Emirates	0	0	0
United Kingdom	0	0	0/10
United States	0	0	5/10 (d)
Uzbekistan	0	0	0
Vietnam	0	0	7.5/10 (h)
Non-treaty jurisdictions	0	0	10/20 (f)

(a) Dividends paid to corporations are not subject to withholding tax under Estonian domestic law.

(b) Interest is not subject to withholding tax under Estonian domestic law except for interest paid in certain circumstances to nonresidents as a result of ownership in foreign contractual investment funds (see Section B).
(c) Royalties paid to a company resident in another EU country or Switzerland are not subject to withholding tax if the provisions of the EU Interest-Royalty Directive are satisfied.
(d) The lower rate applies to royalties paid for the use of industrial, commercial or scientific equipment.
(e) The lower rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, but excluding software payments.
(f) The 20% rate applies to rental payments to nonresidents. The 10% rate applies to royalties, including royalties paid for the use of industrial, commercial or scientific equipment.
(g) Withholding tax at a rate of 7% is imposed on certain profit distribution to individuals (for further details, see Section B). This withholding tax rate is reduced to 5% (Bulgaria, Israel and North Macedonia) and to 0% (Bahrain, Isle of Man, Jersey, Mexico and the United Arab Emirates).
(h) The lower rate applies to royalties paid for technical services; that is, for managerial, technical or consultancy services, including the provision of services by technical or other personnel.

Fiji

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A. At a glance

Corporate Income Tax Rate (%)	25
Capital Gains Tax Rate (%)	10
Branch Tax Rate (%)	25
Withholding Tax (%)	
Dividends	0 (a)
Interest	10
Royalties from Patents, Know-how, etc.	15
Net Operating Losses (Years)	
Carryback	0
Carryforward	8 (b)

(a) Effective from 1 August 2017, all dividends distributed are exempt from income tax.
(b) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to income tax on worldwide assessable income. Nonresident companies carrying on business through a branch pay tax only on Fiji-source income. A resident company is a company incorporated in Fiji. A company not incorporated in Fiji is considered a resident company if it carries on business in Fiji and has either its central management or control in Fiji or its voting power controlled by shareholders who are residents of Fiji.

Tax rates. In general, resident companies and branches of nonresident companies are subject to tax at a rate of 25%. Companies that are listed on the South Pacific Stock Exchange and have a resident shareholding of at least 40% are subject to tax at a rate of 15%. Effective 1 August 2022, companies that have been listed for seven years and more pay a 25% corporate tax on income earned from the 2023 tax year. Foreign companies that establish their headquarters in Fiji or relocate their headquarters to Fiji are subject to tax at a rate of 17%.

Tax holidays are available to various enterprises and for various activities, including qualifying hotel projects, companies granted a tax-free regions license, qualifying information communications technology operators, approved activities in commercial agricultural farming and agro-processing, approved activities with respect to processing agricultural commodities into biofuels, approved activities in renewable energy projects and power cogeneration, medical services, residential housing development and audiovisual activities.

Capital gains. The rate of the capital gains tax (CGT) is 10%. Effective from 1 January 2016, the CGT is administered through the Income Tax Act 2015. Before that date, CGT was administered through the Capital Gains Tax Decree 2011. Before 1 August 2020, CGT applied only to non-depreciable capital assets, while gains on depreciable capital assets were subject to income tax at a rate of 20%.

Administration. The Fiji tax year is the calendar year. However, for most companies, an alternative fiscal year is normally allowed. Tax for any fiscal year is payable in three installments according to the following schedule:

- 33.3% of the preceding year's tax liability by the end of the sixth month
- Another 33.3% of the preceding year's liability by the end of the ninth month
- Another 33.4% of the preceding year's liability on or before the balance date

Companies are required to file tax returns within three months after the fiscal year-end, but extensions of an additional two, four or six months are granted to tax agents, depending on the level of taxable income.

Dividends. Effective from 1 August 2017, all dividends distributed are exempt from income tax.

Foreign tax relief. Income derived by Fiji residents from treaty countries is subject to Fiji income tax, but credit is given for taxes paid, up to the amount of Fiji tax applicable on the same income.

Income derived from non-treaty countries is exempt to the extent that it was subject to income tax in such countries.

C. Determination of trading income

General. Income is defined as the aggregate of all sources of income, including annual net profit from a trade, commercial, financial or other business.

Expenses are deductible to the extent incurred in producing taxable income. Expenditures of a personal or capital nature are generally not deductible. Deductions are allowable for certain expenditures incurred in the agricultural and mining industries. Experimentation and research and development expenses incurred in projects connected with the taxpayer's business are deductible.

Inventories. Fiji does not have any specific measures for stock valuation for the purposes of year-end income determination. Valuations are generally made at cost or market value on a

first-in, first-out (FIFO) or actual basis. The tax authorities have discretion to make adjustments if inventories are sold or otherwise disposed of at below market value.

Provisions. Provisions are not deductible until payments are made or, in the case of doubtful trading debts, until the debts are considered totally irrecoverable and have been written off.

Tax depreciation. The following are some of the annual depreciation rates prescribed by law for 2016 and future years.

	Rate	
Asset	Straight line (%)	Diminishing value (%)
Commercial and industrial buildings	1.25 to 7	–
Office equipment	12.5	20
Heavy commercial motor vehicles	25	40
Passenger motor vehicles	20	30
Plant and machinery	12.5	20

Tax depreciation is subject to recapture on the sale of an asset, to the extent the sales proceeds exceed the tax value after depreciation. The amount recaptured may be set off against the cost of a replacement asset; otherwise, it is taxed as ordinary income in the year of sale. In addition, a capital gain on the sale of a capital asset is subject to CGT.

Relief for losses. Tax losses incurred in 2019 and future years may be carried forward for eight years.

Prior to 2019, tax losses may be carried forward for four years. Losses incurred as a result of claiming the standard allowance are available for carryforward for a period of eight years. The standard allowance is one of the hotel incentives. It allows a hotel owner a 25% deduction with respect to capital expenditure on construction, renovation or refurbishment of a hotel.

Losses are not available for carryforward if the taxpayer's business in the year in which relief is claimed is substantially different from its business in the year in which the loss was incurred.

Groups of companies. No group relief measures exist.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; imposed on virtually all goods and services and residential rent, if annual gross turnover exceeds FJD100,000; financial services (except insurance services) and gambling are exempt	15
Environmental levy; imposed on prescribed services subject to the service turnover tax (the 0% rate is effective from 1 April 2022; the prior rate was 6%)	0
Fringe benefit tax	20

Nature of tax	Rate (%)
Social security contributions to the national provident fund, paid by	
Employer	10
Employee (maximum rate)	8

E. Miscellaneous matters

Foreign-exchange controls. Most remittances abroad require approval from the Reserve Bank of Fiji. Depending on the level of the country's foreign-exchange reserve, further restrictions may be imposed on the nature, timing and amount of remittances that can be made.

Debt-to-equity ratios. An entity may have offshore borrowings up to FJD5 million per year without the prior approval of the Reserve Bank of Fiji. Foreign-owned companies may borrow locally any amount if a total debt-to-equity ratio of 3:1 is maintained. The total debt consists of local and offshore borrowings. Equity includes paid-up capital, shareholders' non-interest-bearing loans, retained earnings and subordinated interest-bearing loans.

Anti-avoidance legislation. Contracts, agreements or arrangements entered into that have the effect of altering the incidence of any tax may be rendered void by the tax authorities. Effective from 1 August 2020, the Income Tax Act allows for a restructuring provided that the parties are associates directly or through an interposed person.

F. Treaty withholding tax rates

	Dividends* %	Interest %	Royalties %
Australia	0	10	15
India	0	10	10
Japan	0	10	15
Korea (South)	0	10	10
Malaysia	0	15	15
New Zealand	0	10	15
Papua New Guinea	0	10	15
Singapore	0	10	10
United Arab Emirates	0	0	10
United Kingdom	0	10	15
Non-treaty jurisdictions	0	10	15

* Effective from 1 August 2017, all dividends distributed are exempt from income tax.

Finland

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A. At a glance

Corporate Income Tax Rate (%)	20
Capital Gains Tax Rate (%)	20 (a)
Branch Tax Rate (%)	20
Withholding Tax (%) (b)	
Dividends	0/15/20/30/35 (c)(d)
Interest	0/20/30 (c)(e)
Royalties	0/20/30 (c)(f)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	10 (g)

(a) See Section B.

(b) The withholding taxes generally apply only to payments to nonresidents. The rates may be reduced by tax treaties.

(c) The 20% withholding tax rate applies if the nonresident recipient qualifies as a corporation for Finnish tax purposes. The 30% withholding tax rate applies if the nonresident recipient does not qualify as a corporation for Finnish tax purposes. The 35% withholding tax rate applies to a dividend distributed on nominee-registered shares of a Finnish publicly listed company if the recipient is not identified prior to the payment or if the dividend beneficiary has not agreed to disclose its information to the Finnish tax authorities.

(d) No withholding tax is imposed on dividends paid to a parent company resident in another European Union (EU) country if the recipient of the dividends satisfies the following conditions:
- It holds directly at least 10% of the capital of the payer.
- The recipient of the dividend is a company qualifying under Article 2 of the EU Parent-Subsidiary Directive.
- The recipient qualifies as the beneficial owner of the income item.

Companies resident in EU or European Economic Area (EEA) Member States are generally eligible for the tax exemption for dividends under the same conditions as comparable Finnish companies if the Finnish withholding taxes cannot be credited in the company's state of residence and if sufficient exchange of information may take place between Finland and the state of residence of the recipient. Dividends paid to a company resident in an EU/EEA Member State are subject to withholding tax at a rate of 15% if the shares constitute investment assets of the recipient company and the recipient owns less than 10% of the Finnish company.

(e) Interest paid to nonresidents is generally exempt from tax unless the loan may be deemed comparable to an equity investment. In general, interest paid to resident individuals is subject to a final withholding tax of 30% if it is paid on bonds, debentures and bank deposits.

(f) No withholding tax is imposed on royalties paid to nonresidents if all of the following conditions are satisfied:
- The beneficial owner of the royalties is a company resident in another EU country or a permanent establishment located in another EU country of a company resident in an EU country.
- The recipient is subject to income tax in its home country.
- The company paying the royalties, or the company whose permanent establishment is deemed to be the payer, is an associated company of the company receiving the royalties, or of the company whose permanent establishment is deemed to be the recipient.

A company is an associated company of another company if any of the following apply:
- The first company has a direct minimum holding of 25% in the capital of the second company.
- The second company has a direct minimum holding of 25% in the capital of the first company.
- A third company has a direct minimum holding of 25% in both the capital of the first company and the capital of the second company.

Royalties paid to resident individuals are normally subject to salary withholding.

(g) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Companies resident in Finland are taxed on their worldwide income. Nonresident companies are taxed only on their Finnish-source income or income attributable to a Finnish permanent establishment. Resident companies are generally those incorporated in Finland or those having an effective place of management in Finland.

Tax residency based on effective place of management. Effective for tax assessments for the 2021 fiscal year and onward, a corporation established or registered abroad is subject to unlimited tax liability in Finland if the company's place of effective management is in Finland. The place of effective management is the place where the corporation's board of directors or other decision-making body makes the highest-level decisions concerning daily management of the corporation. Also, other circumstances related to the organization and business of the corporation are taken into account when determining the location of the place of effective management.

Rate of corporate income tax. The corporate income tax rate is 20%.

Capital gains. Gains derived by companies from the disposal of business assets are treated as ordinary business income. Gains derived from the disposal of machinery and equipment are deducted from the remaining book value of similar assets, which are pooled for tax purposes, reducing the depreciable basis of the remaining asset pool. Gains derived from the disposal of buildings are calculated separately for each building by deducting the remaining acquisition cost from the sales price.

Gains derived by corporate entities, other than companies engaged in private equity investment activities, from the sale of shares are exempt from tax if all of the following conditions are satisfied:

- The shares are part of the seller's fixed assets.
- The seller has owned at least 10% of the shares in the company, including the shares sold, for an uninterrupted period of at least one year.
- The shares sold are shares in either a Finnish company, a company as defined in Article 2 of the EU Parent-Subsidiary Directive or a company resident in a country with which Finland has entered into a tax treaty that applies to dividends distributed by the company whose shares are sold.
- The shares are not shares in a real estate company or a company de facto engaged in the holding or administering of real estate.

Even if the above conditions are satisfied, a sale of shares under certain circumstances may result in the generation of taxable income. If the acquisition cost of the shares has at any time been depreciated on the grounds that the fair market value of the shares has declined or if a reserve has been deducted, this part of the consideration received (that is, the deducted depreciation or reserve) is taxable income. The same principle applies if the shares have at any time been the subject of a transaction between related companies and if this transaction resulted in a tax-deductible loss. Under these circumstances, the consideration received for the

shares is taxable up to the amount of the earlier tax-deductible loss.

A loss incurred on the sale of shares is not tax-deductible if a gain on the sale of such shares would have been exempt from tax. If the abovementioned requirements of tax exemption are not fulfilled, a loss from sale of shares that are part of seller's fixed assets is deductible from profit resulting from the sale of such shares during the five years following the loss-making year.

The participation exemption rules concerning capital gains, which are described above, do not apply to shares owned by private equity investors. For private equity investors, capital gains derived from the sale of shares are taxable income and capital losses incurred on shares are tax-deductible.

The rules concerning determination of Finnish-source income with respect to indirect disposals of Finnish immovable property were changed from 1 March 2023 onward. Under the amended rules, capital gains derived on the disposal of shares, partnership interests or rights in a corporation, partnership or a pool of assets administered on behalf of another person are considered to be Finnish-source income if, as of the disposal date or at any time during the 365 days preceding the disposal, more than 50% of the total assets of the corporation, partnership or pool of assets consist either directly or indirectly of immovable property (as defined) situated in Finland and if the disposal does not cover disposal of shares in a publicly traded company or similar entity. Under the prior rules, only gains on disposals of immovable property located in Finland or shares in Finnish companies that directly held real estate assets in Finland were considered to be Finnish-source income.

Administration. Companies must file the corporate income tax return within four months after the end of their accounting period. Tax return filing must be completed electronically. Nonresident companies carrying out business activities in Finland without triggering a permanent establishment should also file a tax return with a report on its activities carried out in Finland.

Corporate income tax is prepaid in installments during the accounting period, and additional advance taxes may be applied for and paid without accruing interest during the first month following the end of the financial year. After the tax return is filed and processed by the tax authorities, a final settlement or refund is made. The tax assessment is completed within 10 months after the end of the accounting period.

The tax authorities may generally adjust the tax assessment within three years from the beginning of the calendar year following the end of the fiscal year. Under extraordinary circumstances, these time limits may be extended. The statute is six years in certain specific situations (for example, transfer-pricing matters or intragroup financing or restructuring). The 2021 fiscal year is open for adjustment until the end of December 2024 unless a specific statute of limitations applies.

A tax penalty of up to 10% of the adjusted amount of taxable income may be imposed on a corporation and, in certain special cases, the penalty may be up to 50% of the amount of adjusted

tax. A penalty charge can be added even though the adjustment does not result in additional income taxes (a change in the taxable income amount is sufficient). Also, interest is charged on the additional tax (but not on the penalties) at a specified rate (7% for 2023 and 11% for 2024). Neither the penalty nor the interest is deductible when calculating taxable income.

Dividends. A dividend received by a Finnish corporate entity from a company resident in Finland or from a "company," as defined in Article 2 of the EU Parent-Subsidiary Directive, is usually exempt from tax. The exemption also applies to dividends received from any other company resident in another EU/EEA country if the company paying the dividends is liable to pay income tax of at least 10%. If a Finnish corporate entity receives a dividend from a company resident in a non-EU/EEA country, the dividend is usually fully (100%) taxable.

The dividend is also fully taxable if the company paying the dividend can deduct the dividend in its tax calculation.

By exception, a dividend received by an unlisted Finnish corporate entity from a listed company is fully (100%) taxable, unless the listed company is resident in Finland or in an EU/EEA country and the recipient owns at least 10% of the shares in the distributing company.

Distribution of funds from invested unrestricted equity capital. The return of invested unrestricted equity to shareholders in listed companies is taxed as dividend income. The return of the invested unrestricted equity from an unlisted company may be treated as a repayment of capital if the recipient can show that the recipient has made an investment to the company and that the invested capital is returned within 10 years from the time the investment was made.

Foreign tax relief. If no tax treaty is in force, domestic law provides relief for foreign tax paid. The credit is granted if the recipient Finnish corporation pays corporate income tax on qualifying foreign-source income in the same year. If the Finnish company does not have any corporate income tax liability that year, no credit is granted. Foreign tax credits may be carried forward five years under certain conditions. Foreign tax credits may not be carried back.

Under tax treaties, foreign tax is most frequently relieved by a tax credit.

C. Determination of trading income

General. Taxable income is closely tied to the income in the statutory accounts. Most of the deductions must be booked in the statutory accounts to be deductible for tax purposes. As stated in the tax law, the definitions of both income and expenses are general and broad.

In general, expenses are deductible if they are incurred for the purpose of generating or maintaining taxable income. Fifty percent of entertainment expenses is deductible for tax purposes. Expenses incurred to obtain tax-exempt income, as well as income taxes and penalties, are not deductible.

Inventories. Inventories are valued at the lowest of cost, replacement cost or market value on a first-in, first-out (FIFO) basis. Companies may allocate fixed manufacturing overhead to the cost of inventory for accounting and tax purposes if certain conditions are met. Obsolete inventories should be provided for or discarded.

Provisions. In general, the possibility of establishing provisions or reserves for tax purposes is relatively limited. Deductions of warranty reserves and provisions for doubtful debts are limited to the amount of actual expected costs. These provisions are only available for certain types of taxpayers under certain conditions.

Tax depreciation. The Business Tax Act provides detailed rules for the depreciation of different types of assets. The depreciable base is the acquisition cost, which includes related levies, taxes and installation costs. The depreciation expense for tax purposes is not permitted to exceed the cumulative depreciation expense reported in the annual financial statements in the current year or in previous years. Plant machinery, equipment and buildings are generally depreciated by using the declining-balance method.

Machinery and equipment are combined into a pool for depreciation purposes. Companies may vary the annual depreciation in this pool from 0% to 25%. All machinery and equipment with a life of more than three years are classified as depreciable assets. The depreciable basis is decreased by proceeds from sales of assets in the pool. If the sales price exceeds the depreciable basis, the excess is added to taxable income. If it can be proven that the remaining balance of all machinery and equipment is higher than the fair market value as a result of injury, damage or a similar circumstance, additional depreciation may be claimed for the balance of the machinery under specific conditions.

Equipment with a short life (up to three years), such as tools, is usually expensed. Equipment with an acquisition price of less than EUR1,200 may also be expensed, with a maximum deduction of EUR3,600.

The maximum depreciation rates for buildings vary from 4% to 20%. The depreciation percentage depends on the use of the building. The depreciation rate for factories, warehouses, shops and similar buildings is 7%.

Intangible assets, such as patents and goodwill, are depreciated using the straight-line method over 10 years, unless the taxpayer demonstrates that the asset's useful life is less than 10 years.

The rules concerning the depreciation of machinery and equipment and similar movable fixed assets for the 2020 to 2023 tax years were temporarily amended. Under the new rules, during the 2020 to 2023 tax years, a taxpayer carrying out business activities may annually book for tax purposes depreciation up to 50% on machinery and equipment instead of the general 25%. The assets should be used in the taxpayer's business and should be included in the taxpayer's pool of movable fixed assets for tax purposes. In addition, it is required that the machinery or equipment be taken into use on 1 January 2020 at the earliest and that the acquired machinery or equipment must be new; that is, it cannot be used. At the end of 2022, the rules were extended to

apply also to the 2024 and 2025 fiscal years (that is, new assets taken into use during these fiscal years).

Additional research and development deduction. New rules concerning an additional tax deduction for expenses related to research and development (R&D) entered into force on 1 January 2021 and apply for the 2021 through 2025 fiscal years. The applicability of the rules was extended at the end of 2021 so that the rules now apply for the 2021 through 2027 fiscal years. A taxpayer may apply the additional deduction for R&D activities related to its business. The deduction is based on subcontracting invoices from a research organization operating in the EEA that meets certain requirements. The amount of the additional deduction is 50% of approved R&D expenses invoiced by the research organization. Effective for the tax assessment for the 2022 fiscal year and onward, the amount of the additional deduction is 150% of approved R&D expenses invoiced by the research organization. The maximum amount of the additional deduction is EUR500,000 per fiscal year, and the deduction is not granted if the deductible amount is less than EUR5,000 per fiscal year. The deduction is available also for a Finnish permanent establishment of a nonresident taxpayer.

Parallel to the above, rules concerning an additional R&D expenses related deduction entered into force on 1 January 2023. This deduction is a combination incentive with the following two elements:

- The basic element is an additional deduction (general additional deduction) based on the expenses related to the R&D activities of the taxpayer (salaries of the taxpayer's R&D personnel and expenses related to purchased R&D services).
- An additional element (supplementary additional deduction) is an additional deduction based on an increase in the amount of the R&D expenses in comparison with the previous fiscal year.

The general additional deduction is 50% of the expenditure calculated as a basis for the additional deduction. However, the amount to be deducted in a tax year should be at least EUR5,000, and the upper limit for the general additional deduction is EUR500,000 per fiscal year. The supplementary additional deduction amounts to 45%, and it is based on the increased total expenditure on salaries and purchased services in R&D activities. The basis is the difference between the items of expenditure on which the general additional deduction is based and the corresponding items of expenditure in the previous fiscal year. As with the general additional deduction, the maximum amount of the supplementary additional deduction is EUR500,000 per fiscal year. There is no lower limit for the supplementary additional deduction. The rules on the general additional deduction apply from the tax assessment for the 2023 fiscal year while the rules on the supplementary additional deduction apply from the 2024 fiscal year. The additional deductions cannot be obtained for exactly the same expenditure for which an additional deduction or other public aid has already been granted under other provisions.

Relief for losses. Losses may be carried forward for 10 years. However, a direct or indirect change in the ownership of the company involving more than 50% of the shares results in the

forfeiture of the right to set off losses against profits in future years. An indirect change occurs if more than 50% of the shares in the parent company owning at least 20% of the shares of the loss-making company are transferred and accordingly all of the shares owned by the parent company in the loss-making company are deemed to have changed ownership. An application may be made to the tax office for a special permit for reinstating the right to use the tax losses. The tax office has extensive discretion as to whether to grant the permit.

Losses may not be carried back.

Groups of companies. No consolidated treatment whereby all companies in a group may be treated as a single taxable entity exists. However, rules permit taxable income earned by companies in a qualifying corporate group to be distributed within the group through the use of group contributions, which are deductible for the paying company and taxable income for the receiving company. To qualify, both companies must be resident in Finland, and at least 90% ownership, direct or indirect, must exist for the entire tax year. Both companies must carry out business activities and be taxed under the Business Tax Act. Also, they must have the same accounting period. The taxpayer cannot create a tax loss by making group contributions.

If the local tax authorities allow tax losses to be deducted regardless of a change in ownership, these losses may generally not be covered by group contributions. However, on application, the local tax authorities may allow such tax losses to be covered by group contributions only in special circumstances.

If a corporate entity or a group of corporate entities owns at least 10% of the share capital of another company, the losses on any receivables (reduction in value) from the other company (other than sales receivables) are not tax-deductible.

With the exception of the group contributions described above, the same rule applies to all other financial assistance granted to the other company without compensation that is intended to improve the other company's financial situation.

EEA group deduction. New rules concerning group deductions in certain cross-border situations entered into force on 1 January 2021 and are applicable from the 2021 fiscal year. Under the rules, a limited liability company or a cooperative that is subject to unlimited tax liability in Finland can deduct as a group deduction a final loss of a subsidiary located in the EEA if certain preconditions are met. These preconditions include, among others, at least 90% ownership between the parent and the subsidiary. Deducting the losses of the subsidiary requires that the losses of the subsidiary be final, as defined more specifically in the relevant provisions, with the term deriving from the case law of the European Court of Justice.

The group deduction can be deducted by the parent from its taxable business income in the fiscal year in which the subsidiary's liquidation or other similar procedure has been completed. The deductible group deduction may not exceed the parent company's taxable business income; that is, deducting the group deduction

may not lead to a loss for the parent. The amount of the deduction may be subject to adjustment in certain situations.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on the sale, rental, importation or repair of goods, and on services unless specifically exempt; exempt services include financial services and insurance services	24
Transfer tax on the purchase of real estate located in Finland; calculated as a percentage of the purchase price	3
Transfer tax on the purchase of shares relating to real estate; calculated as a percentage of the purchase price or other consideration	1.5
Transfer tax on the purchase of shares in Finnish companies; calculated as percentage of the purchase price or other consideration	1.5
Social security taxes, paid by the employer as a percentage of salaries	
Health insurance premium (2024 rate)	1.16
Employment pension premium; average rate (2024)	17.34
Unemployment insurance premium, on total salaries paid by the employer (for 2024)	
Up to EUR2,337,000	0.27
Amount in excess of EUR2,337,000	1.09
Accident insurance (average rate for 2024)	0.7
Group life insurance (average rate for 2024)	0.06

E. Miscellaneous matters

Transfer pricing. The Finnish transfer-pricing regulation is based on the arm's-length principle. As a result, in general, the transfer pricing guidelines of the Organisation for Economic Co-operation and Development (OECD) apply. The tax authorities may adjust the income of a company if its taxable income is reduced as a result of related-party contractual provisions that differ from those that would be agreed to by unrelated parties.

Under Finnish transfer-pricing rules, group companies must prepare transfer-pricing documentation if specific thresholds are exceeded. The aim of the documentation is to prove the arm's-length nature of the prices used in cross-border intercompany transactions. On request of the tax authorities, the transfer-pricing documentation for a specified fiscal year must be submitted within 60 days, but not earlier than 6 months after the end of the financial year. Additional clarifications concerning the documentation must be submitted within 90 days of a request by the tax authorities.

A tax penalty of up to EUR25,000 can be imposed for a failure to comply with the transfer-pricing documentation requirements, even if the pricing of the transactions was at arm's length. The adjustment of taxable income may also result in a separate

tax penalty of up to 30% of the adjusted amount of income for tax assessment of the 2017 fiscal year and earlier years. From the tax assessment of the 2018 fiscal year and future years, a tax penalty of up to 10% of the adjusted amount of taxable income may be imposed on a corporation and, in certain special cases, the penalty may be up to 50% of the amount of adjusted tax. The adjusted amount of tax also incurs penalty interest.

Country-by-Country Reporting obligations are also implemented under Finnish domestic law, with an annual obligation to file a notification regarding the reporting group entity with the Finnish tax authorities.

The Finnish transfer-pricing adjustment provision has been amended, and the new formulation of the provision applies to tax assessments for the 2022 fiscal year and onward. The amended provision contains new separate rules that allow the delineating and disregarding of related-party transactions, which expands the scope of the earlier transfer-pricing adjustment provision.

Debt-to-equity rules. Finland does not have any specific thin-capitalization legislation. The law does not provide a specific debt-to-equity ratio, and a very limited amount of case law exists. Interest determined on an arm's-length basis on a loan obtained for business purposes is normally fully deductible. In the case of insufficient business reasons for the loan, the deductibility of the interest might be challenged through application of the general anti-avoidance provision.

Interest deduction limitation rules. The restrictions on the tax deductibility of interest do not apply if the taxpayer establishes that the ratio of its book equity to total assets in the financial statements is equal to or higher than the corresponding ratio in the consolidated financial statements of its ultimate parent company. Starting from the tax assessment for the 2022 fiscal year, when making the above equity to total assets comparison, debt on the consolidated group financial statements that has been granted by related parties, as defined under the Finnish provisions, is considered to be equity in the consolidated group financial statements for the purposes of the comparison of the ratios. Furthermore, for the tax assessment for the 2023 fiscal year and onward, the balance-sheet exemption does not apply if the amount of interest paid to certain associated parties in the consolidated group financial statements is at least 20% of all interest paid outside the group.

Under the above provisions, interest expenses are fully deductible against interest income. Any interest expenses exceeding interest income (that is, net interest expenses) may be fully deducted if the total amount of net interest expenses does not exceed EUR500,000 during the fiscal year.

If the EUR500,000 threshold is exceeded, net interest expenses may be deducted only to the extent that they do not exceed 25% of the taxable business profit (calculated under Section 3 of the Finnish Business Income Tax Act) after adding back the following:

- Interest expenses
- Tax depreciation
- Group contributions received (group contributions paid are subtracted)

Non-related-party net interest expenses are deductible up to EUR3 million, and they are deducted primarily as a part of the 25% tax earnings before interest, tax, depreciation and amortization (EBITDA) quota.

The rules described in the preceding paragraph do not apply to non-related-party interest expenses from loans (for example, bank loans) obtained before 17 June 2016. The exception does not apply to later changes of the loans that would affect the amount of the loan or the loan period.

In general, the rules do not apply to financial institutions and to insurance and pension companies. Based on the so-called infrastructure exception, the new rules also do not apply to social housing projects that have received interest subsidies.

The nondeductible amount of interest expenses may be deducted during subsequent years within the respective limitations for each tax year.

Controlled foreign companies. A foreign permanent establishment (PE) of a foreign corporation is categorized as a controlled foreign company (CFC) under the same conditions as subsidiaries if the foreign PE is located in a different state than the foreign corporation and if the income of the foreign PE is not taxed in the residence state of the foreign corporation. To determine whether a company is a CFC, the steps described below must be followed:

It first must be determined whether the company is controlled by a Finnish resident either alone or with related parties (resident or nonresident). If not, the CFC rules do not apply. Under the rules applicable from the 2019 tax assessment, a company is controlled by Finnish residents if residents of Finland for tax purposes own directly or indirectly more than 25% of the share capital or the voting shares of the company or if one or more Finnish tax residents are entitled to at least 25% of the profits or the return on capital of the company.

In addition, the foreign company's effective tax rate in its country of residence should be less than three-fifths of the Finnish corporate income tax rate (that is, less than 12%).

If both of the above conditions are fulfilled, the foreign company is considered as a CFC for Finnish tax purposes unless an exemption, as described below, applies.

Under the rules applicable from the 2019 tax assessment, a foreign company is not considered a CFC if it is genuinely established in the jurisdiction of its tax residence and if it carries out genuine economic activities in that jurisdiction. The description of genuine economic activities remains largely in line with the description earlier applicable to EEA resident entities. However, in addition to the conditions related to the genuine establishment in terms of personnel, premises and assets, companies tax resident in a jurisdiction outside the EEA fall within the scope of the exemption only if the following conditions are fulfilled:

- The company's income mostly arises from industrial production activities, other comparable production or service activities, shipping activities, or sales or marketing activities directly serving these activities, and the activities are carried out in the jurisdiction of the company's tax residence, or the company's

income mostly arises from payments made by an entity that is part of the same group, that is tax resident in the same jurisdiction and that carries out the abovementioned activities in that jurisdiction.
- There is sufficient basis for exchange of information between Finland and the jurisdiction of residence and the exchange of information with the jurisdiction is fulfilled.
- At the end of the tax year in question and at the end of the previous tax year, the jurisdiction of residence is not included in the list of noncooperative jurisdictions issued by the Council of the European Union.

Anti-avoidance legislation. Under a general anti-avoidance provision in the law, the tax authorities may look through certain transactions and apply substance over form in assessing taxes. The general anti-avoidance provision may also be applied if insufficient business reasons for a transaction are presented.

Anti-hybrid mismatch rules. Finland enacted anti-hybrid mismatch rules in connection with the implementation of the EU ATAD. The new rules restrict deductibility of payments or require inclusion of income in taxable income in certain situations in which payments have been made between associated enterprises if the payments lead to a hybrid mismatch outcome (deduction/non-inclusion or double deduction). The Finnish anti-hybrid mismatch rules are largely aligned with the rules proposed in the ATAD. The rules came into force on 1 January 2020 and are applicable for the first time in the tax assessment for the 2020 tax year.

New ATAD-based rules concerning reverse hybrid situations apply from the tax assessment for the 2022 tax year.

Mandatory disclosure regime. Finland has enacted mandatory disclosure rules in connection with the implementation of the EU Mandatory Disclosure Regime (MDR). The rules entered into force on 1 January 2020. The Finnish MDR rules are closely aligned with the EU MDR rules. Noncompliance with the reporting obligations may lead to the imposition of a tax penalty.

OECD Pillar Two. Finland has implemented the Council Directive (EU) 2022/2523 into domestic legislation in 2023 to implement the OECD Pillar Two rules. The rules entered into force on 1 January 2024 and will be applied for the first time to fiscal years commencing on or after 31 December 2023. The Finnish provisions implementing the Directive are substantially aligned with the provisions of the Directive.

F. Treaty withholding tax rates

The rates in the table below reflect the current double tax treaty rates. As a result of domestic legislation, lower rates may apply. Certain other exceptions may also apply. Please consult your local tax specialist for more information.

Interest paid to nonresidents is generally exempt from withholding tax under Finnish domestic law unless the loan may be deemed comparable to an equity investment; therefore, the table below table covers the treaty withholding tax rates for dividends and royalties only.

	Dividends (w)	Royalties (y)
	%	%
Albania	5/15 (b)	5
Argentina	10/15 (b)	3/5/10/15 (bb)
Armenia	5/15 (b)	5/10
Australia	0/5/15 (ff)	5
Austria	0/10 (aa)	5
Azerbaijan	5/10 (h)	5/10 (v)
Barbados	5/15 (f)	0/5 (c)
Belarus	5/15 (b)	5
Belgium	5/15 (b)	0/5 (c)
Bosnia and Herzegovina (s)	5/15 (b)	10
Brazil (ii)	20/30	20/30
Bulgaria	10	0/5 (c)
Canada	5/15 (f)	0/10 (e)
China Mainland	5/10 (b)	10
Croatia (s)	5/15 (b)	10
Cyprus	5/15 (f)	0
Czech Republic	5/15 (b)	0/1/5/10 (cc)
Denmark	0/15 (aa)	0
Egypt	10	25
Estonia	5/15 (b)	0
France	0	0
Georgia	0/5/10 (u)	0
Germany	5/15 (oo)	0
Greece	13	0/10 (c)
Hong Kong SAR (pp)	5/10 (f)	3
Hungary	5/15 (b)	0/5 (c)
Iceland	0/15 (aa)	0
India	10	10
Indonesia	10/15 (b)	10/15 (g)
Ireland	0	0
Israel	5/15 (f)	10
Italy	10/15 (jj)	0/5 (i)
Japan	10/15 (j)	10
Kazakhstan	5/15 (f)	0/10 (kk)
Korea (South)	10/15 (b)	10
Kosovo (s)	5/15 (b)	10
Kyrgyzstan	5/15 (b)	5
Latvia	5/15 (b)	0 (t)
Lithuania	5/15 (b)	0 (d)
Luxembourg	5/15 (b)	0/5
Malaysia	5/15 (aa)	5
Malta	5/15 (f)	0
Mexico	0	10
Moldova	5/15 (b)	3/7
Montenegro (s)	5/15 (b)	10
Morocco	7/10 (b)	10
Netherlands	0/15 (m)	0
New Zealand	15	10
North Macedonia	0/15 (r)	0
Norway	0/15 (aa)	0
Pakistan	12/15/20 (dd)	10
Philippines	15/20/30 (ll)	15/25 (l)
Poland	5/15 (b)	5
Romania	5	2.5/5 (k)

	Dividends (w) %	Royalties (y) %
Russian Federation	5/12 (p)	0
Serbia (s)	5/15 (b)	10
Singapore	5/10 (f)	5
Slovak Republic	5/15 (b)	0/1/5/10 (hh)
Slovenia	5/15 (b)	5
South Africa	5/15 (aa)	0
Spain (nn)	5/15 (f)	0
Sri Lanka (mm)	7.5/10 (b)	10
Sweden	0/15 (aa)	0
Switzerland	0/10 (aa)	0
Tajikistan	5/15 (b)	5
Tanzania	20	20
Thailand	15/20/30 (n)	15
Türkiye	5/15 (b)	10
Turkmenistan	5/15 (b)	10
Ukraine	5/15 (a)	0/5/10 (z)
United Arab Emirates	0	0
United Kingdom	0	0
United States	0/5/15 (f)(o)	0
Uruguay	5/15 (b)	5/10 (gg)
Uzbekistan	5/15 (f)	0/5/10 (ee)
Vietnam	5/10/15 (x)	10
Zambia	5/15 (b)	0/5/15 (q)
Non-treaty jurisdictions	20	20

(a) The lower rate applies if the recipient is a corporation owning at least 20% of the payer.
(b) The lower rate applies if the recipient is a corporation owning at least 25% of the payer.
(c) The rate is 0% for royalties received for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films or tapes for television or radio broadcasting.
(d) The most-favored-nation clause has led to the application of 0% withholding tax on royalties under the tax treaty.
(e) Copyright royalties for the production or reproduction of any literary, dramatic, musical or artistic work (other than motion picture films) are exempt from tax.
(f) The lower rate applies if the recipient is a company owning at least 10% of the voting power of the payer.
(g) The rate is 10% for royalties for copyrights of literary, artistic or scientific works, including films and tapes; otherwise, the rate is 15%.
(h) The 5% rate applies if the recipient is a corporation owning at least 25% and more than EUR200,000 of the capital of the payer.
(i) The rate is 0% for royalties received for the use of or the right to use any copyright of literary, artistic or scientific work, excluding cinematographic films or films and tapes for television or radio broadcasting.
(j) The 10% rate applies if the recipient has owned at least 25% of the voting rights of the payer for at least six months before the end of the payer's fiscal year. The 15% rate applies to other dividends.
(k) The lower rate applies to royalties paid for the use of computer software and for equipment leasing.
(l) The rate is 15% for royalties paid by an enterprise registered with and engaged in preferred areas of activities, for royalties for cinematographic films or tapes for television or broadcasting, and for royalties for the use of, or the right to use, any copyright of literary, artistic or scientific work.
(m) The 0% rate applies if the recipient is a corporation owning at least 5% of the payer.
(n) The 20% rate applies if the recipient of the dividends is a corporation that owns at least 25% of the payer. The 15% rate applies to dividends paid by industrial enterprises to recipients described in the preceding sentence. Otherwise, the domestic rates of 20% or 30% apply.

(o) The 0% rate applies if the receiving company owns at least 80% of the voting power of the paying company for at least 12 months and qualifies under certain provisions of the limitation-on-benefits article of the treaty.

(p) The 5% rate applies if, at the time the dividend is payable, the recipient of the dividends owns at least 30% of the share capital of the payer and has invested in the payer foreign capital in excess of USD100,000. The 12% rate applies to other dividends.

(q) The 0% rate applies to royalties paid for copyrights of literary, artistic or scientific works. The 5% rate applies to royalties paid for the use of cinematographic films and tapes and films for television or radio broadcasting. The 15% rate applies to royalties paid for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, or industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience.

(r) The 0% rate applies if the recipient of the dividends owns at least 10% of the voting rights of the payer. The 15% rate applies to other dividends.

(s) Finland is honoring the Yugoslavia treaty with respect to Bosnia and Herzegovina, Croatia, Kosovo, Montenegro and Serbia.

(t) The most-favored-nation clause has led to the application of 0% withholding tax on royalties under the tax treaty.

(u) The 0% rate applies if, at the time the dividend is payable, the recipient of the dividends owns at least 50% of the share capital of the payer and has invested in the payer foreign capital of EUR2 million or more. The 5% rate applies if the recipient of the dividends owns at least 10% of the share capital of the payer and has invested in the payer foreign capital in excess of EUR100,000. The 10% rate applies to other dividends.

(v) The rate is 10% for royalties received for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films or tapes for television or radio broadcasting. For other royalties, the rate is 5%.

(w) No withholding tax is imposed on dividends paid to a parent company resident in another EU country if the recipient of the dividends satisfies the following conditions:
- It holds directly at least 10% of the capital of the payer.
- The recipient of the dividend is a company in a form mentioned in the EU Parent-Subsidiary Directive.

Companies resident in EU or EEA states are generally eligible for the tax exemption for dividends under the same conditions as comparable Finnish companies if the Finnish withholding taxes cannot be credited in the company's state of residence.

(x) The 5% rate applies if the recipient is a corporation owning at least 70% of the share capital of the payer. The 10% rate applies if the recipient is a corporation owning at least 25%, but less than 70%, of the share capital of the payer. The 15% rate applies to other dividends.

(y) No withholding tax is imposed on royalties paid to nonresidents if all of the following conditions are satisfied:
- The beneficial owner of the royalties is a company resident in another EU country or a permanent establishment located in another EU country of a company resident in an EU country.
- The recipient is subject to income tax in its home country.
- The company paying the royalties, or the company whose permanent establishment is deemed to be the payer, is an associated company of the company receiving the royalties, or of the company whose permanent establishment is deemed to be the recipient.

A company is an associated company of another company if any of the following apply:
- The first company has a direct minimum holding of 25% in the capital of the second company.
- The second company has a direct minimum holding of 25% in the capital of the first company.
- A third company has a direct minimum holding of 25% in both the capital of the first company and the capital of the second company.

(z) The 0% rate applies to royalties for software programs, patents, models or drawings. The 5% rate applies to other industrial royalties. The 10% rate applies to royalties for literary, artistic or scientific works, including cinematographic films or tapes for television or radio broadcasting.

(aa) The lower rate applies if the recipient is a corporation owning at least 10% of the payer.

(bb) The 3% rate applies to royalties paid to a news agency. The 5% rate applies to artistic royalties. The 10% rate applies to industrial royalties. The 15% rate applies to other royalties.

(cc) The 0% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films or tapes for television or radio broadcasting. The 1% rate applies to amounts paid under financial leases of equipment. The 5% rate applies to amounts paid under operating leases of equipment and computer software. The 10% rate applies to other royalties.

(dd) The 12% rate applies if the recipient of the dividends is a corporation owning at least 25% of the payer. The 15% rate applies if the recipient of the dividends is a corporation owning less than 25% of the payer. The 20% rate applies to other dividends.

(ee) The 0% rate applies to royalties paid for the use of, or right to use, computer software, patents, designs, models or plans. The 5% rate applies to royalties paid for the use of, or the right to use, secret formulas or processes, or for information concerning industrial, commercial or scientific experience (know-how). The 10% rate applies to royalties for the use of, or right to use, trademarks and copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for television or radio broadcasting.

(ff) The 5% rate applies if the recipient is a corporation owning at least 10% of the payer's voting rights. The 0% rate applies if the Australian company has held at least 80% of the Finnish company's voting power for at least 12 months and meets certain other conditions.

(gg) The 5% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment, or software. The 10% rate applies to royalties paid for the following:

- The use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for television or radio broadcasting
- The use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes
- Information concerning industrial, commercial or scientific experience

(hh) Copyright royalties are exempt from withholding tax. The 1% rate applies to royalties paid for finance leases of equipment. The 5% rate applies to royalties paid for operating leases of equipment, or for the use of, or the right to use, cinematographic films, films and tapes for television or radio broadcasting, or computer software. The 10% rate applies to royalties paid for the use of, or the right to use, patents, trademarks, designs, plans, formulas or processes, or for information concerning industrial, commercial or scientific experience.

(ii) A tax treaty is in force between Finland and Brazil. However, the tax-sparing articles of the treaty applied only for the first 10 years since the signing of the treaty. This period ended on 25 December 2007.

(jj) The lower rate applies if the Italian company holds directly more than 50% of the capital in the Finnish company.

(kk) The beneficial owner of royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment may elect to be taxed, in the contracting state in which such royalties arise, as if the equipment were effectively connected with a permanent establishment in that state. In such case, the provisions of Article 7 (Business income) of the treaty apply to the income and deductions attributable to such equipment.

(ll) The 15% rate applies if the recipient is a company owning at least 10% of the voting power of the payer. Otherwise, the domestic rates of 20% or 30% apply.

(mm) The tax treaty between Finland and Sri Lanka has been revised, and the revised tax treaty is applicable from 1 January 2019.

(nn) The new tax treaty with Finland and Spain entered into force on 30 July 2018 and is applicable from 1 January 2019.

(oo) The lower rate applies if a company (other than a partnership or a German real estate investment trust company) holds directly at least 10% of the capital of the company paying the dividends.

(pp) The new tax treaty between Finland and the Hong Kong Special Administrative Region (SAR) is applicable from 1 January 2019.

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A. At a glance

Corporate Income Tax Rate (%)	25 (a)
Capital Gains Tax Rate (%)	0/10/15/19/25 (a)(b)
Branch Tax Rate (%)	25
Withholding Tax (%)	
Dividends	25/75 (c)(d)(e)
Interest	0/75 (c)(f)(g)
Royalties from Patents, Know-how, etc.	25/75 (c)(f)(g)
Branch Remittance Tax	25 (h)
Net Operating Losses (Years)	
Carryback	1 (i)
Carryforward	Unlimited (j)

(a) For resident companies, surtaxes are imposed on the corporate income tax and capital gains tax. For details, see Section B.
(b) For details concerning these rates, see Section B.
(c) These are the withholding tax rates under French domestic law. Tax treaties may reduce or eliminate the withholding taxes.
(d) Under the European Union (EU) Parent-Subsidiary Directive and Article 119 ter of the French Tax Code, dividends distributed by a French subsidiary to an EU parent company are exempt from withholding tax, if, among other conditions, the recipient holds or commits to hold at least 5% of the subsidiary's shares for at least two years. For details, see Section B.
(e) The withholding tax rate is 75% for distributed profits paid into uncooperative states.
(f) No withholding tax is imposed on interest and royalties paid between associated companies of different EU Member States if certain conditions are met. For details, see Section B.
(g) The withholding tax rate is 75% for interest on qualifying borrowings and royalties paid into uncooperative states.
(h) Branch remittance tax may be reduced or eliminated by double tax treaties. It is not imposed on French branches of companies that are resident in EU Member States and are subject to tax in their home countries.
(i) Losses carried back may not exceed EUR1 million.
(j) The amount of losses used in a given year may not exceed EUR1 million plus 50% of the taxable profit exceeding this limit for such year.

B. Taxes on corporate income and gains

Corporate tax. The taxation of French companies is based on a territorial principle. As a result, French companies carrying on a trade or business outside France are generally not taxed in France on the related profits and cannot take into account the related losses. However, under the French controlled foreign company (CFC) rules contained in Article 209 B of the French Tax Code, income earned by a French enterprise through a foreign enterprise may be taxed in France if such income is subject to an effective tax rate that is 40% lower than the French effective tax rate on similar income (for further details, see Section E). French companies are companies registered in France, regardless of the nationality of the shareholders and companies that have their place of effective management in France. Foreign companies carrying on an activity in France are subject to French corporate tax on their French-source profits.

Profits derived in France by branches of nonresident companies are deemed to be distributed, normally resulting in the imposition of a branch withholding tax of 25% on after-tax income. This tax is not imposed on the profits of French branches of companies that are resident in EU Member States and that are subject to corporate income tax in their home countries. It may be reduced or eliminated by tax treaties. Although branch withholding tax normally applies to undistributed profits, such profits may be exempted from the tax if an application is filed with the tax authorities and if certain requirements are met.

Rates of corporate tax. Companies are subject to a 25% corporate tax rate.

A social security surtax of 3.3% is assessed on the corporate income tax amount. This surtax is imposed on the portion of corporate tax due exceeding EUR763,000 before offsetting tax credits, including the tax credits granted under tax treaties (see *Foreign tax relief*). The 3.3% surtax does not apply to companies whose annual turnover is lower than EUR7,630,000 if at least 75% of the company is owned by individuals or by companies that themselves satisfy these conditions.

Members of consolidated groups must take into account the global turnover of the group to determine whether they reach the EUR7,630,000 threshold mentioned above.

A reduced corporate tax rate of 15% applies to the first EUR42,500 of the profits of small and medium-sized enterprises if certain conditions are met, including the following:
- The turnover of the company is less than EUR10 million.
- At least 75% of the company is owned by individuals or by companies that themselves satisfy this condition and the above condition.

Capital gains. Capital gains derived from the sale of fixed assets by French companies are subject to corporate income tax at the standard rate.

Capital gains derived from the sale of qualifying participations that have been held for at least two years before their sale are exempt from tax. The following are qualifying participations:
- *Titres de participation* (specific class of shares for accounting purposes that enables the shareholder to have a controlling interest)
- Participations eligible for the dividend participation exemption regime if the shareholder holds at least 5% voting rights, provided that the participations are recorded in a special subdivision of the balance sheet

However, the corporate income tax applies to 12% of the gross capital gains realized on qualifying participations. As a result, the effective tax rate on such gains is 3% (based on a 25% standard corporate tax rate). Capital losses incurred with respect to such qualifying participations may no longer be offset against capital gains.

This participation exemption regime does not apply to capital gains derived from the sale of qualifying participations in a company established in an uncooperative country (as defined in

Article 238-0 A of the French Tax Code; see Section E), unless it is demonstrated that the foreign company's activities are real and do not aim to localize revenues in an uncooperative country.

Under certain conditions, the sale of units in venture mutual funds (FCPRs, FPCIs and SLPs) and venture capital investment companies (SCRs) may benefit from the long-term regime if the units have been held for at least a five-year period. Under this regime, the capital gains are fully exempt up to the part of the funds or investment companies' assets represented by participation shares and subject to a 15% tax rate for the exceeding portion.

Long-term capital losses can be offset against any kind of long-term capital gains.

The exemption or reduced rate also applies to various distributions made by the FCPRs and SCRs after a two-year-holding period.

Capital gains derived from sales of participating interests in companies that are predominantly real estate companies are subject to tax at the standard rate. For sales of participating interests in listed real estate companies that have been held for at least two years before their sale, the rate is reduced to 19%.

Long-term capital gains derived from the first sale of participating interests in companies whose assets' value is mainly composed of television broadcasting rights are subject to tax at a rate of 25%.

Capital gains and income derived from patents and patentable rights. A reduced tax rate of 10% applies on an election performed on an asset-by-asset basis (or, under certain conditions, on a group-of-assets basis), to the net income derived from the licensing of qualifying patents or software, and after deduction of the research and development (R&D) expenses incurred during the financial year (a recapture of R&D expenses incurred since the financial year for which the election was made applies the first time the net income is calculated). If negative, the result is carried forward and deducted from income derived in subsequent years from the licensing of the qualifying patent or software. If positive, a ratio, which cannot be greater than 100%, is applied to determine the net income subject to the 10% rate. This ratio compares the following:

- 130% of the R&D expenses incurred for the creation, or the development of the qualifying patent, either by the claiming taxpayer or by unrelated parties
- The total R&D expenses incurred for the creation, the development, or the acquisition of the qualifying patent

For the calculation of the ratio, the R&D expenses include expenses incurred prior to the election, eventually limited to those incurred during financial years beginning on or after 1 January 2019. A safe harbor provision allows election of a replacement ratio, subject to an agreement with the tax authorities.

The same tax treatment could apply, also on the basis of an election, to the net income derived from the sublicensing of qualifying patents, and to the net gains derived from the transfer to

unrelated parties of qualifying patents, provided that the latter was not acquired less than two years before. Qualifying patents include copyright-protected software but do not include patentable rights (except for small and medium-sized companies under certain circumstances).

For French tax consolidated groups, this election is available at the group level. The net income and ratio are determined at the group level.

Administration. In general, companies must file a tax return before the second business day after 1 May for financial years closing on 31 December or within three months following the end of their financial year in other cases.

Corporate income tax is prepaid in four installments. Companies that have their financial year ending on 31 December must pay the installments on 15 March, 15 June, 15 September and 15 December. The balance of corporate tax is due by 15 May for financial years closing on 31 December or by the 15th day of the fourth month following the end of the financial year in other cases. The rules governing the payment of corporate income tax also apply to the payment of the 3.3% surtax.

Companies must file their corporate income tax and VAT returns electronically. If a company does not comply with this requirement, a 0.2% penalty is imposed.

In general, late payment is subject to a 5% penalty, and late filing is subject to a 10% penalty. If additional tax is payable as a result of a reassessment of tax, interest is charged at 0.2% per month (2.4% per year). Many exceptions and specific rules apply to interest and penalties.

Dividends. Dividends paid by French companies no longer carry a tax credit (*avoir fiscal*). However, under the parent-subsidiary regime, dividends received by French companies or French branches of nonresident companies are exempt from corporate income tax, except for a 5% service charge computed on the gross dividend income (net dividend income and foreign tax credits) and added back to the recipient's taxable income. The rate of this service charge is reduced to 1% in the following cases:

- The distribution is performed within a French tax consolidated group by a company that has been consolidated for more than one fiscal year.
- The dividend is distributed to a French company by a company that is a resident for tax purposes in the EU or European Economic Area (EEA) (provided that the EEA country has entered into a treaty with France that includes a mutual assistance provision) and both companies could be part of the same French tax consolidated group for more than one fiscal year if they were subject to corporate income tax in France.

The parent-subsidiary regime does not apply to the following:

- Profit distributions that are deductible from the distributing company's taxable income
- Dividends distributed within an arrangement or a series of arrangements, which have been put into place for the main purpose, or one of the main purposes, of obtaining a tax advantage contrary to the object or purpose of the participation exemption

regime, are not genuine having regard to all relevant facts and circumstances (that is, not put into place for valid commercial reasons that reflect economic reality)
- Dividends received from a subsidiary established in an uncooperative country (as defined in Article 238-0 A of the French Tax Code; see Section E), unless the parent company demonstrates that the subsidiary's activities are real and do not aim to localize revenues in an uncooperative country

The parent-subsidiary regime applies if the recipient holds at least 5% of the share capital of the distributing company for at least two years.

Dividends that cannot benefit from the parent-subsidiary regime are exempt from corporation income tax up to 99% of the amount of the dividend in the following cases:
- The distribution is performed within a French tax consolidated group by a company that has been consolidated for more than one fiscal year.
- The dividend is distributed to a French company by a company that is a resident for tax purposes in the EU or EEA (provided that the EEA country has entered into a treaty with France that includes a mutual assistance provision) and both companies could be part of the same French tax consolidated group for more than one fiscal year if they were subject to corporate income tax in France.

In general, a 25% withholding tax is imposed on dividends paid to nonresident entities (12.8% for nonresident individuals). The withholding tax rate is increased to 75% for distributed profits paid into uncooperative states (see Section E), unless it is demonstrated that these distributions do not aim to localize revenues in an uncooperative state.

This tax may be reduced or eliminated by tax treaties. In addition, under the EU Parent-Subsidiary Directive, dividends distributed by French subsidiaries to EU parent companies are exempt from withholding tax, if, among other conditions, the recipient holds 10% or more of the shares of the subsidiary for at least two years (the 10% threshold is lowered to 5% if the effective beneficiary cannot credit the French withholding tax in its country of residence).

Furthermore, a nonresident entity receiving dividends subject to withholding tax may benefit from a deferral of this withholding tax if, among other conditions, the entity is in a tax-loss position or its taxable income is nil.

In addition, under specific conditions, beneficiaries that are not able to offset the French withholding tax against their local corporate income tax liability may claim a refund of the portion exceeding the taxation that would have been due in France on the income, taking into account the corresponding expenses directly incurred to generate or retain the revenue that would have been tax deductible if the beneficiary had been located in France.

The withholding tax no longer applies to profits derived from stock, interests or assimilated shares distributed to collective investment vehicles (CIVs) created under foreign law and located in an EU Member State or in a state that has signed a treaty with France that includes an administrative assistance provision aimed

at combating tax fraud. However, to benefit from the withholding tax exemption, foreign CIVs must meet the same definition as French CIVs, and the content and actual implementation of the administrative assistance provisions must effectively allow the French tax authorities to obtain from the foreign tax authorities the information needed to verify this condition. A 15% withholding tax applies to distributions of income exempt from corporate income tax that are made by French real estate investment trusts (so-called SIICs and SPPICAVs) to French or foreign CIVs.

Withholding taxes on interest and royalties. Under French domestic law, withholding tax is no longer imposed on interest paid to nonresidents. However, a 75% domestic withholding tax is imposed on interest on qualifying borrowings paid into uncooperative states (see Section E), unless it is demonstrated that the corresponding operations do not aim to localize revenues in the uncooperative states.

A 25% withholding tax is imposed on royalties and certain fees paid to nonresidents.

However, as a result of the implementation of EU Directive 2003/49/EC, withholding tax on interest and qualifying royalties paid between "associated companies" subject to corporate income tax of different EU Member States was abolished. A company is an "associated company" of a second company if any of the following conditions is satisfied:

- The first company has maintained a direct minimum holding of 25% in the capital of the second company for at least two years at the time of the payment or commits itself to maintain such holding for a two-year period.
- The second company has maintained a direct minimum holding of 25% in the capital of the first company for at least two years or commits itself to maintain the holding for the two-year period.
- A third company has maintained a direct minimum holding of 25% in the capital of both the first and second companies for at least two years or commits itself to maintain such holding for a two-year period.

In these three situations, if the company chooses to undertake to keep the shares for at least two years, it must appoint a tax representative in France who would retrospectively pay the withholding tax if the shares are sold before the end of the two-year period.

Domestic withholding tax on royalties may be reduced or eliminated by tax treaties.

Furthermore, a nonresident entity receiving royalties and certain fees subject to withholding tax may benefit from a deferral of this withholding tax if the entity is in a tax-loss position and the entity is located in an EU Member State, or in another state that is part of the EEA agreement and is not uncooperative (see Section E) and that has concluded with France an agreement with an administrative assistance clause for the prevention of fraud and tax evasion, as well as an agreement with a mutual assistance clause for tax collection that has a similar scope as the EU directive.

The withholding tax on royalties and fees for the provision of certain services is computed based on the gross amount of the sums paid, minus, under specific conditions, a 10% allowance. Moreover, under some conditions, beneficiaries that are not able to offset the French withholding tax against their local corporate income tax liability may claim a refund of the portion exceeding the taxation that would have been due in France on the income, taking into account the corresponding expenses directly incurred to generate or retain the revenue that would have been tax deductible if the beneficiary had been located in France.

Foreign tax relief. In general, income subject to foreign tax and not exempt from French tax under the territoriality principle is taxable. However, most tax treaties provide for a tax credit that generally corresponds to withholding taxes on passive income. Loss-making companies cannot use the tax credit, and they are not allowed to deduct the underlying foreign tax (the withholding tax levied on foreign-source income, which gives right to a tax credit under the double tax treaty).

C. Determination of trading income

General. The assessment is based on financial statements prepared according to French generally accepted accounting principles, subject to certain adjustments.

Deductibility of interest. In general, interest payments are fully deductible. However, certain restrictions are imposed.

Interest accrued by a French entity with respect to loans from its direct shareholders may be deducted from the borrower's taxable income only if the following two conditions are satisfied:
- The share capital of the borrower is fully paid-up.
- The interest rate does not exceed the average interest rate on loans with an initial duration of more than two years granted by banks to French companies.

The deduction of interest and financial expenses may be limited by two main rules.

First, related-party interest is tax-deductible only if it meets an arm's-length test. Under this test, the interest rate is capped at the higher of the following two rates:
- The average annual interest rate on loans granted by financial institutions that carry a floating rate and have a minimum term of two years
- The interest rate at which the company could have borrowed from any unrelated financial institution, such as a bank, in similar circumstances (that is, the market rate)

The portion of interest that exceeds the higher of the above two thresholds is not tax-deductible and must be added back to the company's taxable income for the relevant financial year (this portion is also considered to be distributed income).

Second, the net financial expenses incurred during a financial year (that is, the financial expenses reduced by financial income) are deductible from the taxable income of a company only to the extent that they do not exceed the higher of the two following thresholds:
- EUR3 million

- 30% of the adjusted taxable income of the company

For purposes of the above rule, financial expenses (or income), as defined, include, but are not limited to, any amounts that are accrued in remuneration for monies put at the disposal of the company (or by the company to another party). They include, but are not limited to, the following:

- Payments under profit participating loans
- Imputed interest on instruments such as convertible bonds
- Amounts under alternative financing arrangements
- Notional interest amounts under derivative instruments or hedging arrangements related to an entity's borrowings
- Certain foreign-exchange gains and losses on borrowings and instruments connected with the raising of finance
- Guarantee fees for financing arrangements, arrangement fees and similar costs related to the borrowing of funds

The adjusted taxable income corresponds to the taxable income before the offset of tax losses and without taking into consideration net financial expenses and, to some extent, depreciation, provisions, and capital gains and losses. Seventy-five percent of the net financial expenses exceeding the threshold is tax deductible, provided that either of the following circumstances exist:

- The equity-to-asset ratio of the company at least equals, or is not lower by more than two percentage points, the equity-to-asset ratio of the consolidated group to which it belongs.
- The company is a stand-alone company (it does not belong to a consolidated group, has no permanent establishment outside of France and is not related to any other company such as set out by Articles 2-4 of the EU Anti-Tax Avoidance Directive).

Financial expenses that are excluded from the deductible expenses of a given fiscal year can be carried forward indefinitely (subject to the abovementioned limitations). If, for a given financial year, a company does not fully utilize its deduction capacity (that is, the amount of net financial expenses is lower than the thresholds mentioned above), the unused portion of deduction capacity, which equals the positive difference between the applicable thresholds and the net financial expenses, can be carried forward to the five following financial years. However, this deduction capacity carryforward cannot be used to deduct nondeductible interest expenses that have been carried forward. The carryforward of nondeductible expenses and the carryforward of unused deduction capacity are ruled out if the company benefited from the additional 75% deduction for stand-alone companies.

If the company exceeds a specific 1.5:1 debt-to-equity ratio (for this ratio, the debt is the amount of debt with related entities) and cannot demonstrate that its debt-to-equity ratio is not higher by more than two percentage points than the debt-to-equity ratio of the consolidated group to which it belongs, restrictive rules apply. A portion of the net financial expenses, determined by application of the following ratio to the net financial expenses, is subject to the regular threshold (EUR3 million or 30% of the adjusted taxable income of the company):

$$\frac{\text{Average amount of indebtedness to unrelated parties} + (1.5 \times \text{equity})}{\text{Average amount of indebtedness}}$$

The remaining portion of the net financial expenses is tax deductible only within the limit of the higher of the two following strengthened thresholds:
• EUR1 million
• 10% of the abovementioned adjusted taxable income

In case of thin-capitalization, the safe-harbor rule that allows for the additional deduction of 75% of the net financial expenses exceeding the threshold does not apply. The portion of net financial expenses that could not be deducted by application of the strengthened threshold can only benefit from the carryforward up to one-third of its amount, and the exceeding portion of the deduction capacity cannot be carried forward.

For a tax-consolidated group, the limitation rule based on a portion of the adjusted taxable income applies at the level of the group.

Inventories. Inventory is normally valued at the lower of cost or market value. Cost must be determined under a weighted average cost price method. A first-in, first-out (FIFO) basis is also generally acceptable, but a last-in, first-out (LIFO) basis is not permitted.

Reserves. In determining accounting profit, companies must book certain reserves, such as reserves for a decrease in the value of assets, risk of loss or expenses. These reserves are normally deductible for tax purposes. In addition, the law provides for the deduction of special reserves.

Capital allowances. In general, assets are depreciated using the straight-line method. However, new qualifying industrial assets are generally depreciated using the declining-balance method.

Depreciable assets composed of various parts with different characteristics must be depreciated on a separate basis (these assets must be split into a principal component or structure on the one hand and into additional components on the other hand). The depreciable amount of each asset must be spread out over its likely useful life for the company, which corresponds to the time period during which the company may expect to derive a profit from it. The depreciation method applied to each asset (straight-line method or accelerated method) must also be consistent with the pace at which the company expects to derive a profit from the asset.

Periodic assessment of the residual value of each component must be conducted to establish a (non-tax deductible) provision for impairment if needed.

For tax purposes, the depreciation of assets that have not been split into components and the depreciation of the asset's principal structure that has been split into components can be spread out over the useful life commonly accepted in business practices. This rule does not apply to buildings acquired by real estate investment companies. The following are some of the acceptable straight-line rates.

Asset	Rate (%)
Commercial buildings	2 to 5
Industrial buildings	5

Asset	Rate (%)
Office equipment	10 to 20
Motor vehicles	20 to 25
Plant and machinery	5 to 10*

* These are the general rates. Alternatively, new plant and machinery may be depreciated using the declining-balance method at rates generally ranging from 12.5% to 50%.

Certain specified assets may be depreciated using accelerated depreciation methods. Land and works of art are not depreciable. Intangible assets are depreciable if the company can anticipate that the profits derived from the assets will end at a fixed date. In general, goodwill is not depreciable.

The amortization of goodwill is nondeductible for tax purposes. However, as a temporary measure, companies may deduct for tax purposes the amortization made in accordance with French generally accepted accounting principles (GAAP) for goodwill acquired between 1 January 2022 and 31 December 2025. For acquisitions realized between 18 July 2022 and 31 December 2025, the deduction for tax purposes only applies to goodwill acquired from an unrelated entity.

Relief for tax losses. Losses may be carried forward indefinitely. However, the amount of losses used in a given year may not exceed EUR1 million plus 50% of the taxable profit above that amount for such financial year.

In addition, enterprises subject to corporate tax may carry back losses against undistributed profits from the prior financial year. The carryback results in a credit equal to the loss multiplied by the current corporate tax rate, but losses carried back may not exceed EUR1 million. The credit may be used to reduce corporate income tax payable during the following five years with the balance being refunded at the end of the fifth year.

A significant change in the company's activity, particularly an addition or a termination of a business that infers an increase or decrease of 50% or more of either the revenue or the average headcount and fixed assets, may jeopardize the loss carryover and carryback.

Groups of companies. Related companies subject to corporate tax may elect to form a tax-consolidated group. Under the tax-consolidation regime, the parent company files a consolidated return, thereby allowing the offset of losses of one group entity against the profits of related companies. The parent company then pays tax based on the net taxable income of companies included in the consolidated group, after certain adjustments for intragroup provisions are made; in particular, intragroup provisions for bad and doubtful debts are neutralized.

If a company is acquired from a shareholder controlling the group and becomes a member of the tax-consolidated group, the amendment Charasse provides that an amount of the financing expenses of the group must be added back to the consolidated income within a nine-year period starting with the purchasing year. This amount is calculated as follows:

$$\text{Group financing expenses} \times \frac{\text{Acquisition price of the shares}}{\text{Average amount of the group's debt}}$$

The group may include the French subsidiaries in which the parent has a direct or indirect shareholding of at least 95% and for which the parent company has elected tax consolidation.

A French company or permanent establishment is allowed to form a French tax consolidated group with other French companies or permanent establishments if all are owned at 95% or more by a foreign parent company or permanent establishment is allowed that is subject to a tax equivalent to French corporate income tax in another EU country or EEA country ("horizontal tax consolidation"). The 95% ownership test can be met directly, or indirectly, through intermediate companies or permanent establishments that are all subject to tax in an EU/EEA country or through other French consolidated companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	2.1/5.5/10/20
Territorial Economic Contribution; capped to a certain amount of the value added by the company; maximum rate	1.531
Social security contributions, on gross salary (approximate percentages); paid by	
Employer	40 to 45
Employee	20 to 23
General social security tax (*contribution sociale généralisée*, or CSG) on active income	9.2
General social security tax on patrimonial and financial income (for example, income from real estate and securities)	9.2
Social debt repayment tax (*contribution remboursement de la dette sociale*, or CRDS), on all income	0.5
Special social security tax *(prélèvement de solidarité)*	7.5
Registration duty	
On sales of shares in stock companies (including *sociétés anonymes, sociétés par actions simplifiées* and *sociétés en commandites par actions*); intragroup transfers are exempt	0.1
On sales of shares of private limited liability companies (*sociétés à responsabilité limitée,* or SARLs) and interests in general partnerships (*sociétés en nom collectif*, or SNCs); intragroup transfers are exempt	3
On sales of goodwill	3 to 5
On sales of professional premises, housing, businesses and shares of companies whose assets primarily consist of real estate	5 to 6.5

E. Miscellaneous matters

Foreign-exchange controls. As a general rule, standard foreign investments are free for the most part. However, some foreign

investments must be declared for statistics purposes. In addition, foreign investments are subject to a prior authorization procedure of the French Minister of the Economy when they concern strategic sectors or sectors deemed sensitive for the defense of national interests. French rules in this area have been strengthened several times in recent years; the scope of application of the control mechanism was extended and sanctions applicable in the event of a breach were reinforced.

Payments to residents of tax havens or to uncooperative states or territories. Under Article 238 A of the French Tax Code, interest, royalties and other remuneration paid to a recipient established in a tax haven or on a bank account located in a tax haven are deemed to be fictitious and not at arm's length. As a result, to deduct the amount paid, the French entity must prove that the operation is effective (that it effectively compensates executed services) and is at arm's length. For purposes of the above rules, a privileged tax regime is a regime under which the effective tax paid is 40% lower than the tax that would be paid in France in similar situations.

If these payments are made to a recipient established in an uncooperative country or on a bank account located in an uncooperative country, the French entity must also prove that the operation's principal aim is not to locate the payment in that country. The list of the uncooperative countries is regularly published by the French tax authorities.

Anti-hybrid rules. The anti-hybrid rules transposed from the EU Anti-Tax Avoidance Directive apply. The rules target deduction/non-inclusion or double deduction mismatches resulting from hybrid entities or instruments, dual-resident companies or companies with permanent establishments. The rules also cover imported mismatches (the French corporate taxpayer is not directly a party to a targeted mismatch, but a deductible payment is compensated within a wider arrangement with a payment that is part of a mismatch) and structured arrangements (the benefit of a mismatch is embedded within an arrangement concluded by the French corporate taxpayer, even with a non-associated party).

In deduction/non-inclusion cases, the deduction is disallowed to the payer that is tax resident in France or, for a payee resident in France, the income is taxed if the deduction is not neutralized in the payer jurisdiction. In double deduction cases, the deduction is disallowed if the investor (anyone other than the payer who benefits from the deduction) is tax resident in France or, for a payer tax resident in France, the deduction is disallowed if the deduction is not disallowed in the investor jurisdiction. Specific rules apply for other types of mismatches.

Transfer pricing. French entities controlled by, or controlling, entities established outside France are taxable in France on any profits transferred directly or indirectly to the entity located abroad through an increase or decrease in purchase or sale prices or by any other means.

In the context of a tax audit, certain companies (companies with total net sales before taxes or total gross assets equal to or greater than EUR150 million, subsidiaries owned at more than 50% by such a company, parent companies that hold more than 50% of such a company and members of a French tax consolidated group that includes at least one company that meets these criteria) must provide their transfer-pricing documentation on the tax inspector's request or within 30 days (Article L 13AA of the French Tax Procedure Code). The transfer-pricing documentation includes the list of information recommended by the Organisation for Economic Co-operation and Development (OECD) for the Master File (Annex I to the new Chapter V of the OECD's Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations) and the Local File (Annex II to the aforementioned Chapter V). If the company fails to provide the documentation in due time, a penalty of up to either 5% of the transfer-pricing reassessment or 0.5% of the volume of the transactions carried out with related enterprises is applied, with a minimum of EUR50,000 per financial year under audit.

In addition, certain companies (a company with total net sales before taxes or total gross assets equal to or greater than EUR50 million, a subsidiary owned at more than 50% by such a company, a parent company that holds more than 50% of such a company and members of a French tax consolidated group that includes at least one company that meets these criteria) are required to file a "light" transfer-pricing statement within six months after the filing deadline of the tax return (Article 223 quinquies B of the French Tax Code). The transfer-pricing statement includes the following:

- General information about the group (main activities, companies related to the reporting entity, intangible assets held by the group and used by the reporting entity, and general description of the transfer-pricing policy applied by the group)
- Specific information for intragroup transactions
- Disclosure of change in the activity of the entity or in the transfer-pricing method being applied

Although the penalty for a not filing this transfer-pricing statement is minimal (that is, EUR150), taxpayers failing to file the report are likely to be scrutinized by the French tax authorities.

Country-by-Country Reporting. In accordance with the OECD final report on Transfer Pricing Documentation and Country-by-Country Reporting (CbCR) Action 13 and EU Directive 2011/16/EU regarding mandatory automatic exchange of information in the field of taxation, certain companies that are members of a multinational group with a consolidated turnover of at least EUR750 million are subject to a CbCR obligation (Article 223 quinquies C of the French Tax Code). The report must be filed within 12 months after the closing date of the financial year. Noncompliant companies may be subject to a penalty of up to EUR100,000.

Controlled foreign companies. Under Section 209 B of the French Tax Code, if French companies subject to corporate income tax in France have a foreign branch or if they hold, directly or indirectly, an interest (shareholding, voting rights or share in the

profits) of at least 50% in any type of structure benefiting from a privileged tax regime in its home country (the shareholding threshold is reduced to 5% in certain situations), the profits of this foreign entity or enterprise are subject to corporate income tax in France. If the foreign profits have been realized by a legal entity, they are taxed as a deemed distribution in the hands of the French company. If the profits have been realized by an enterprise (an establishment or a branch), these profits are taxed as profits of the French company if the tax treaty between France and the relevant foreign state allows the application of Section 209 B of the French Tax Code.

For the purpose of the above rules, a privileged tax regime is a regime under which the effective tax paid is 40% lower than the tax that would be paid in France in similar situations (such a foreign company is known as a controlled foreign company [CFC]). Tax paid by a CFC in its home country may be credited against French corporate income tax.

CFC rules do not apply to profits derived from entities established in an EU Member State unless the French tax authorities establish that the use of the foreign entity is an artificial scheme that is driven solely by French tax avoidance purposes.

Similarly, the CFC rules do not apply if the profits of the foreign entity are derived from an activity effectively performed in the country of establishment. The concerned company must demonstrate that the establishment of the subsidiary in a tax-favorable jurisdiction has mainly a non-tax purpose and effect by proving that the subsidiary mainly carries out an actual industrial or commercial activity.

Debt-to-equity rules. For a discussion on the restrictions imposed on the deductibility of interest payments, see Section C.

Headquarters and logistics centers. The French tax authorities issue rulings that grant special tax treatment to headquarters companies and logistics centers companies. These companies are subject to corporate income tax at the normal rate on a tax base corresponding generally to 6% to 10% of annual operating expenses, depending on the company's size, functions assumed and risks borne. In addition, certain employee allowances are exempt from income tax.

Reorganizations. On election by the companies involved, mergers, spin-offs, split-offs and dissolutions without liquidation may qualify for a special rollover regime.

Tax credits for research and development. To encourage investments in R&D, the tax credit for R&D expenditure equals 30% of qualifying expenses related to R&D operations up to EUR100 million, and 5% for such expenses above EUR100 million.

A tax credit has been designed to promote cooperation between private corporations and public research bodies and is based on R&D expenses incurred as part of research cooperation agreements concluded between 1 January 2022 and 31 December 2025. The tax credit for cooperative research amounts to 40% (or

50% for small and medium-sized enterprises) of the eligible expenses up to EUR6 million per year (the expenses cannot simultaneously be used for the computation of the classic R&D tax credit).

Tax credit for investments in green industry. The tax credit for investments in green industry equals 20% of the expenses incurred for the acquisition of qualifying tangible assets (lands buildings, plant, equipment and machinery) or qualifying intangible assets (patent rights, licenses, know-how and other intellectual property rights) enabling the production of batteries, photovoltaic panels, wind turbines and heat pumps in France, provided that all of the following conditions are satisfied:

- The investment project carried out in France does not result from a relocation from another EU Member State or from an EEA State.
- The company commits to operate the investments in France for at least five years.
- A ruling agreeing to the company's investment plan must have been granted by the French tax authorities.

As a general rule, the total amount of the tax credit is capped at EUR150 million for all companies within the same group and is deductible from the corporate income tax for the year during which the expenses are incurred. The unused portion of the tax credit is directly refundable.

This tax credit applies to investment plans approved until 31 December 2025.

Tax audits. All companies must maintain their accounting records in an electronic form when French tax authorities carry out a tax audit.

Pillar Two. EU Directive 2022/2523, which aimed at implementing the OECD Pillar Two Global Anti-Base Erosion (GloBE) rules within the EU, has been transposed in French domestic law, introducing a minimum tax of 15% on the profits of multinational (MNE) groups that operate in France and have a consolidated revenue of at least EUR750 million generated during at least two of the last four fiscal years.

The new measures apply to fiscal years starting on or after 31 December 2023, except that the Undertaxed Profit Rule (UTPR) applies, in principle, to fiscal years starting on or after 31 December 2024.

In brief, France has elected for the application of the Qualified Domestic Minimum Top-up Tax (QDMTT), the rules of which align with those provided by the GloBE rules. The QDMTT must be paid by the various French constituent entities in proportion to the share allocated to them in accordance with the rules provided for the IIR.

The top-up tax, whether levied according to the rules of the IIR, the UTPR, or QDMTT, will not be deductible from the French corporate income tax.

For more details and the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

The following table is for illustrative purposes only.

	Dividends %	Interest (e)(g) %	Royalties (e) %
Albania	5/15	10	5
Algeria	5/15	0/10	5/10
Andorra	5/15	0/5	0/5
Argentina	15	20	18
Armenia	5/15	0/10	5/10
Australia	0/5/15	0/10	5
Austria	0/15 (a)	0	0
Azerbaijan	10	10	5/10
Bahrain	0	0	0
Bangladesh	10/15	10	10
Belarus (c)	15	0/10	0
Belgium	0/10/15 (a)	15	0
Benin	— (j)	— (j)	0
Bolivia (h)	10/15	0/15	0/15
Bosnia and Herzegovina (f)	5/15	0	0
Botswana	5/12	0/10	10
Brazil	15	10/15	10/15/25
Bulgaria	5/15 (a)	0	5
Burkina Faso (n)	— (j)	— (j)	0
Cameroon	15	0/15	0/7.5/15
Canada (b)	5/15	0/10	0/10
Central African Republic	— (j)	— (j)	0
Chile (h)	15	4/5/10	2/5/10
China Mainland (d)	5/10	10	10
Colombia	5/15	0/10	10
Congo (Republic of)	15/20	0	15
Côte d'Ivoire	15	0/15	10
Croatia	0/15 (a)	0	0
Cyprus	10/15 (a)	0/10	0/5
Czech Republic	0/10 (a)	0	0/5/10
Denmark (l)	0/15	0	0
Ecuador	15	10/15	15
Egypt (h)	0	15	0/15
Estonia (h)	5/15 (a)	0/10	0/5/10
Ethiopia (h)	5/10	0/5	5/7.5
Finland	0 (a)	0/10	0
Gabon	15	0/10	0/10
Georgia	0/5/10	0	0
Germany	0/15 (a)	0	0
Ghana	5/15	10	10
Greece (m)	0/15 (a)(j)	0/5	5
Guinea	15	0/10	0/10
Hong Kong	10	10	10
Hungary	5/15 (a)	0	0
Iceland	5/15	0	0
India (h)	5/10	0/10	0/10/20
Indonesia	10/15	10/15	10
Iran	15/20	15	0/10
Ireland	10/15 (a)	0	0
Israel	5/15	5/10	0/10

	Dividends %	Interest (e)(g) %	Royalties (e) %
Italy	5/15 (a)	0/10	0/5
Jamaica	10/15	10	10
Japan	0/5/10	0/10	0
Jordan	5/15	0/15	5/15/25
Kazakhstan (h)	5/10/15	0/10	10
Kenya	10	12	10
Korea (South)	10/15	0/10	10
Kuwait	0	0	0
Kyrgyzstan (c)	15	0/10	0
Latvia (h)	5/15 (a)	5/10	0/5/10
Lebanon	0	0	– (j)
Libya (h)	5/10	0	0
Lithuania (h)	5/15 (a)	0/10	0
Luxembourg	0/15 (a)	0	5
Madagascar	15/25	0/15	10/15
Malawi	10/– (k)	– (j)	0/– (k)
Malaysia	5/15	0/15	10
Mali (n)	– (j)	– (j)	0/– (k)
Malta	0/15 (a)	0/5	0/10
Mauritania	– (j)	– (j)	0/– (k)
Mauritius	5/15	0/– (k)	0/15
Mexico (h)	0/5/15	0/5/10	0/10
Moldova (c)	15	0/10	0
Monaco	– (j)	– (j)	– (j)
Mongolia	5/15	10	0/5
Montenegro (f)	5/15	0	0
Morocco	0/15	10/15	5/10/– (k)
Namibia	5/15	10	0/10
Netherlands	5/15 (a)	10	0
New Caledonia	5/15	0	0/10
New Zealand	15	0/10	10
Niger (n)	– (j)	– (j)	0
Nigeria	12.5/15	12.5	12.5
North Macedonia	0/15	0	0
Norway	0/15	0	0
Oman	0	0	0/7
Pakistan	10/15	10	10
Panama	5/15	5	5
Philippines	10/15	0/15	15
Poland	5/15 (a)	0	0/10
Portugal	15 (a)	10/12	5
Qatar	0	0	0
Romania	10 (a)	10	10
Russian Federation	5/10/15	0	0
St. Martin	0/15	0/10	0
St. Pierre and Miquelon	5/15	0	0/10
Saudi Arabia	0	0	0
Senegal	15	0/15	0/15/– (k)
Singapore	5/15	0/10	0/– (k)
Slovak Republic	10 (a)	0	0/5
Slovenia	0/15 (a)	0/5	0/5
South Africa	5/15	0	0
Spain	0/15 (a)	0/10	0/5
Sri Lanka	– (j)	0/10	0/10

	Dividends %	Interest (e)(g) %	Royalties (e) %
Sweden	0/15 (a)	0	0
Switzerland	0/15	0	5
Syria	0/15	0/10	15
Taiwan	10	0/10	10
Thailand	15/20/– (k)	3/10/– (k)	0/5/15
Togo	– (j)	– (j)	0
Trinidad and Tobago	10/15	10	0/10
Tunisia	– (j)	12	0/5/15/20
Türkiye	15/20	15	10
Turkmenistan (c)	15	0/10	0
Ukraine	0/5/15	0/2/10	0/10
United Arab Emirates	0	0	0
United Kingdom	0/15 (a)	0	0
United States	0/5/15	0	0
USSR (c)	15	0/10	0
Uzbekistan (h)	5/8	0/5	0
Venezuela	0/5/15	0/5	5
Vietnam (h)	5/10	0	5/10
Yugoslavia (f)	5/15	0	0
Zambia	10/– (k)	– (j)	0
Zimbabwe	10/15	10	10
Non-treaty jurisdictions	0/15/25/75 (i)	0/75 (i)	0/25/75 (i)

(a) Dividends paid by French companies to parent companies located in other EU Member States are exempt from withholding tax if the parent company makes a commitment to hold at least 10% of the distributing company for an uninterrupted period of at least two years (the 10% threshold is lowered to 5% if the effective beneficiary cannot credit the French withholding tax in its country of residence).

(b) Withholding tax rates of 5%/15% (dividends), 0%/10% (interest) and 0%/10% (royalties) apply with respect to Quebec.

(c) France has agreed with Turkmenistan to apply the France-USSR tax treaty. France applies the France-USSR tax treaty to Belarus, Kyrgyzstan and Moldova. A tax treaty between France and Moldova was signed on 15 June 2022 but had not entered into force as of 1 January 2023.

(d) The tax treaty between France and China Mainland does not apply to Hong Kong.

(e) As a result of the implementation of EU Directive 2003/49/EC, withholding tax on interest and royalties paid between associated companies of different EU states is abolished if certain conditions are met (see Section B).

(f) France is honoring the France-Yugoslavia treaty with respect to Bosnia and Herzegovina, Montenegro and Serbia.

(g) The French domestic law applies. As a result, the rate is 0% under normal circumstances. The rates listed for interest in the table are the treaty rates.

(h) The general rates under the treaty are reduced in practice according to a "most-favored-nation" clause. The rates indicated are those resulting from the application of the "most-favored-nation" clause.

(i) The 75% rate applies only to payments made into uncooperative countries (see Section E).

(j) The domestic rate applies.

(k) The dash signifies the domestic rate.

(l) A tax treaty signed on 4 February 2022 between France and Denmark entered into force on 1 January 2024. The tax treaty applies to withholding taxes on revenues paid on or after 1 January 2024.

(m) A tax treaty signed on 11 May 2022 between France and Greece entered into force on 1 January 2024. The tax treaty applies to withholding taxes on revenues paid on or after 1 January 2024.

(n) The government of Burkina Faso denounced on 7 August 2023 the tax treaty signed in 1965, and the governments of Mali and Niger denounced on 5 December 2023 the tax treaties respectively concluded in 1972 and in 1965. The effectiveness of those denunciations remains uncertain considering the treaties' provisions.

Gabon

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A. At a glance

Corporate Income Tax Rate (%)	30/35 (a)
Capital Gains Tax Rate (%)	20/30/35 (b)
Withholding Tax (%)	
Dividends	10/20 (c)
Interest	20 (d)
Royalties from Patents, Know-how, etc.	25 (e)
Payments for Services	25 (f)
Branch Remittance Tax	10/20 (g)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) The minimum tax is 1% of turnover (unless exempt). See Section B for details.
(b) In certain circumstances, the tax is deferred (see Section B).
(c) The rate is 10% if the parent-subsidiary regime applies. The 20% rate applies to payments made to resident and nonresident individuals and legal entities.
(d) This 20% rate applies to interest paid to resident and nonresident individuals and nonresident legal entities, excluding interest on bonds.
(e) This withholding tax applies to payments to nonresidents.
(f) This withholding tax applies to payments made by resident companies to nonresidents for services, including professional services, rendered or used in Gabon.
(g) This tax applies if the profits are remitted to the head office. The 10% rate applies to payments to head offices located in tax treaty countries. The rate of 20% applies to payments to head offices located in non-treaty countries.

B. Taxes on corporate income and gains

Corporate income tax. Gabonese companies are taxed on the territoriality principle. As a result, Gabonese companies carrying on a trade or business outside Gabon are not taxed in Gabon on the related profits. Gabonese companies are those registered in Gabon, regardless of the nationality of the shareholders or where the companies are managed and controlled. Foreign companies with activities in Gabon are subject to Gabonese corporate tax on Gabonese-source profits.

Tax rates. The standard corporate income tax rate is 30%. However, oil and mining companies are subject to tax at a rate of 35%. The minimum corporate tax payable is 1% of annual turnover,

but not less than XAF1 million. The base for the calculation of the minimum corporate tax is the global turnover realized during the tax year. An exemption from the minimum corporate tax applies to the following companies:

- Companies exempt from corporate income tax, as provided in the general tax code
- Companies approved for the tax regime for new businesses
- Newly incorporated companies or legal entities that incur losses in their first two years, regardless of their activities

Capital gains. Capital gains are taxed at the regular corporate rate. The tax, however, can be deferred if all of the proceeds are used to acquire new fixed assets in Gabon within three years.

Administration. The tax year is the calendar year. Annual tax returns for companies must be filed by 30 April.

Companies must pay the corporate tax (or the minimum tax) in two installments, which are due on 30 November and 30 January. The first installment equals 25% of the preceding year's corporate tax. The second installment equals 33.33% of such tax. Companies must pay any balance of tax due by the due date for the tax return, which is 30 April.

Late payments are subject to a penalty of 10% for the first month and 3% for subsequent months.

Late filing of the corporate tax return is subject to a penalty of XAF50,000 per month (before summons to pay), increased to XAF200,000 per month (after summons to pay), with a maximum penalty of XAF5 million.

Dividends. Dividends paid to resident and nonresident individuals and legal entities are subject to a 20% withholding tax.

If the parent-subsidiary regime applies, dividends received by parent companies are subject to a 10% tax. The parent-subsidiary regime applies if the following conditions are satisfied:

- The shares owned by the parent company represent at least 25% of the capital of the subsidiary.
- Both the parent and subsidiary have their seat in a Central African Economic and Monetary Community (CEMAC) member country (Cameroon, Central African Republic, Chad, Congo [Republic of], Equatorial Guinea and Gabon).
- The holding company retains the shares registered in its own name for at least two years from the date of issuance of the shares.

Foreign tax relief. In general, foreign tax credits are not allowed; income subject to foreign tax that is not exempt from Gabonese tax under the territoriality principle is taxable net of the foreign tax. However, Gabon's tax treaties with CEMAC countries, Belgium, Canada, France. Italy, Morocco, Saudi Arabia and the United Arab Emirates provide a tax credit that corresponds to the amount of the withholding tax.

C. Determination of trading income

General. Taxable income is based on financial statements prepared according to generally accepted accounting principles and the rules contained in the general accounting chart of the Organization for the Harmonization of Business Law in Africa.

Business expenses are generally deductible unless specifically excluded by law. To be deductible, an expense must satisfy the following general conditions:

- It must be made in the direct interest of the company or linked to the normal management of the company.
- It must be real and justified.
- It must result in the diminution of the net assets of the company.
- It must be registered in the company books as an expense of the related fiscal year.
- It must not be expressly excluded from deductible expenses by law.
- It must not be considered as an abnormal transaction.

The following expenses are deductible, subject to the conditions mentioned above:

- Head office overhead and remuneration for certain services (studies and technical, financial or administrative assistance) paid to nonresidents. The deduction is limited to 5% of overhead.
- Royalties from patents, brands, models or designs paid to a non-CEMAC corporation participating in the management of, or owning shares in, the Gabonese corporation. The deduction is limited to 5% of chargeable income before taking into account such expenses.

The following expenses are not deductible:

- Rent expense for movable equipment paid to a shareholder holding, directly or indirectly, more than 10% of the capital
- A portion of interest paid to a shareholder in excess of the central bank annual rate plus two points and, if the shareholder is in charge of management, on the portion of the loan exceeding one and one-half of the capital stock
- Commissions and brokerage fees exceeding 5% of purchased imports
- Certain specific charges, penalties and corporate tax
- Most liberalities (payments that do not produce a compensatory benefit, such as excessive remuneration paid to a director), gifts and subsidies

Inventories. Inventories are normally valued at cost or market value. Cost must be determined on a weighted-average cost price method. A first-in, first-out (FIFO) basis is also generally acceptable.

Provisions. In determining accounting profit, companies must establish certain provisions, such as a provision for a risk of loss or for certain expenses. These provisions are normally deductible for tax purposes if they provide for clearly specified losses or expenses that are probably going to occur and if they appear in the financial statements and in a specific statement in the tax return.

Capital allowances. Land and intangible assets, such as goodwill, are not depreciable for tax purposes. Other fixed assets may be depreciated using the straight-line method at rates specified by the tax law. The following are some of the applicable straight-line rates.

Asset	Rate (%)
Constructions	5 to 20
Plant and machinery and transport equipment	5 to 33.3
Office equipment	To 33.3

An accelerated depreciation method may be used for certain fixed assets, subject to the approval of the tax authorities.

Relief for tax losses. Losses may be carried forward five years; losses attributable to depreciation may be also carried forward for five years. Losses may not be carried back.

Groups of companies. Gabonese law does not allow the filing of consolidated tax returns. Tax rules applicable to groups of companies are discussed below.

Corporate income tax. Costs incurred within a group are deductible for tax purposes. These costs include assistance fees, interest on partner current accounts and rentals of goods within the group.

Capital gains derived from intragroup operations are taxable at a reduced rate of 20% instead of a rate of 30%, unless they are subject to other favorable exemption regimes.

Tax on investment income. Tax on Gabonese-source investment income (for example, dividends) paid to companies of the same group are subject to the Tax on Income from Movable Capital (Impôt sur le Revenu des Capitaux Mobiliers, or IRCM) at a rate of 5%. This income is normally taxable at a rate of 20% (or 10% if the company is located in the CEMAC area).

A 10% rate applies if the income is paid by the head company to a partner who is an individual or legal entity.

Subject to conditions, a tax credit in Gabon may be granted even for tax paid to countries that have not entered into a tax treaty with Gabon.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Business activity tax (*license*); calculated based on the nature of the business, the value of equipment and the number of employees	Various
Registration duties, on transfers of real property or businesses	6 to 8
Social security contributions, on an employee's gross salary limited to XAF1,500,000 per month	
Employer	16
Employee	2.5
Medical health contributions, on an employee's gross salary limited to XAF2,500,000 a month	
Employer	4.1
Employee	2
Value-added tax (VAT); imposed on corporations realizing annual turnover in excess of XAF60 million from general business activities and on corporations realizing annual turnover in excess of XAF500 million from forestry development activities	

Nature of tax	Rate (%)
Standard rate	18
Reduced rate on certain items, such as sugar and cement	10
Reduced rate on certain items, such as water and electricity supply and mineral water produced in Gabon	5
Exports and international transport	0
Withholding tax on local service providers that are not subject to VAT; tax based on the total amount of the invoice	9.5

E. Miscellaneous matters

Foreign exchange controls. The CEMAC Act, dated 21 December 2018, provides exchange-control regulations, which apply to financial transfers outside the franc zone, which is a monetary zone including France and its former overseas colonies.

Specific tax incentive regime on mergers and similar operations. A specific tax incentive regime for mergers and similar operations is available. To benefit from this regime, all of the following conditions must be satisfied:

- The transferee (beneficiary company in the transfer) must have its registered office in Gabon.
- An agreement must be obtained from the Minister of Finance, after approval of the Director General of Taxes if foreign companies are involved in the operation.
- The operation must be justified by economic reasons instead of fiscal reasons.
- The new shares must be held for a period of five years after the transfer.

F. Treaty withholding tax rates

Gabon has signed a multilateral tax treaty with the CEMAC members, which were formerly members of the Central African Economic and Customs Union (UDEAC). Gabon has also entered into tax treaties with Belgium, Canada, France, Italy, Morocco, Saudi Arabia and the United Arab Emirates. The withholding rates under the CEMAC multilateral treaty and the treaties with Belgium, Canada, France, Italy, Morocco, Saudi Arabia and the United Arab Emirates are listed in the following table.

	Dividends %	Interest %	Royalties %
Belgium	15	15	10
Benin	15	15	– (a)
Cameroon	15	15	– (a)
Canada	15	10	10 (a)
Central African Republic	15	15	– (a)
Chad	15	15	– (a)
Congo (Republic of)	15	15	– (a)
Equatorial Guinea	15	15	– (a)
France	15	10	10
Italy	15	10	10
Morocco	15	10	10
Saudi Arabia	5	7.5	10 (b)
United Arab Emirates	10	7	10 (c)
Non-treaty jurisdictions	20	25	25

(a) Withholding tax is not imposed, but the income is subject to tax in the state of the recipient.

(b) The rate is also 10% for remuneration for technical services.
(c) The rate is 7.5% for remuneration for technical services.

Georgia

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Because of the rapidly changing economic and political situation in Georgia, frequent changes are introduced to the Tax Code of Georgia. As a result, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	15/20 (a)
Capital Gains Tax Rate (%)	15 (b)
Withholding Tax (%)	
Dividends	5
Interest	5
Royalties	5 (c)
Management Fees	10 (c)
Income from International Transport or International Communications	10 (c)
Income from Oil and Gas Operations	4 (c)
Interest, Royalties and Payments of Other Georgian-Source Income to Companies Registered in Low-Tax Jurisdictions	15
Payments of Other Georgian-Source Income	10 (c)
Branch Remittance Tax	0

(a) Resident companies and permanent establishments of nonresident companies are not subject to tax on their income. They are subject to tax at a rate of 15% only on distributed profits and certain payments made. The tax rate is applied to the taxable object divided by a specified percentage. The tax rate for banking institutions, credit unions, microfinance organizations and loan provider entities is set at 20%. Such entities pay corporate income tax on the difference between the gross taxable income and the amount of deductions stipulated under the Tax Code of Georgia (TCG). For further details, see Section B.

(b) Resident companies and permanent establishments of nonresident companies are not subject to tax on their capital gains received. They are subject only to tax at a rate of 15% on distributed profits. Nonresident companies without a permanent establishment in Georgia are subject to tax at a rate of 15% on their capital gains derived from Georgian sources. For further details, see Section B.

(c) These withholding taxes apply to payments to foreign companies.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies and permanent establishments of nonresident companies are not subject to tax on their generated but not yet distributed profits. They are subject only to tax on the following taxable objects:
- Distributed profits
- Expenses incurred and other payments not related to economic activity
- Free-of-charge supplies of goods or services and transfers of funds
- Representative expenses exceeding statutory limits prescribed by the TCG

Distributed profits. Distributed profit consists of cash or non-cash dividends distributed by a legal entity to its partners or shareholders.

Activities that are not considered distributions of profits include, among others, the following:
- Distributions of dividends among Georgian legal entities
- Distributions of dividends received from foreign enterprises (other than companies registered in low-tax jurisdictions)
- Further distribution of dividends received by corporations, companies, firms and similar entities established under the legislation of a foreign country, regardless of whether they have legal entity status (other than permanent establishments of foreign enterprises), that have transferred their place of management to Georgia

Repatriations of profits attributable to permanent establishments of nonresident entities are treated as distributions of profits. Profit attributable to a permanent establishment is a profit that the permanent establishment would have made if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions.

Distributions of profits include the following:
- Transactions conducted with related resident entities that are not subject to tax on distributions of profit if the contractual price of such transactions differs from the market price
- International controlled transactions that are not at arm's length
- Transactions conducted with persons that are exempt from corporate income tax or personal income tax under the TCG if the contractual price of such transactions differs from the market price

Incurred expenses and other payments not related to economic activity. The TCG contains a list of expenses or payments that are subject to corporate income tax. Such expenses include, among others, expenses that are not documentarily proven or that were not incurred for the purpose of deriving profit, income or compensation. In addition, certain payments to persons registered in low-tax jurisdictions are taxable.

Free-of-charge supplies of goods and services and transfers of funds. Supplies that are not aimed at gaining profit, income or compensation are considered to be free of charge. In addition, a shortage of inventory or fixed assets is considered a free-of-charge supply and is subject to corporate income tax.

Free-of-charge supplies of goods or services are exempt from tax under the following circumstances:
- The supply was taxed at the source of payment.
- The supply represents a donation to a charitable organization and does not exceed 10% of the net profit for the preceding calendar year.
- The recipient of the goods, services or funds is a state authority, municipal body or legal entity of public law.
- The recipient of the goods, services or funds is a resident enterprise or a nonresident enterprise conducting business in Georgia through a permanent establishment that is subject to tax on distributed profits as mentioned above.

Representative expenses. Representative expenses exceeding 1% of revenues or expenses (whichever is greater) for the preceding calendar year are taxable.

Other. The tax base of banking institutions, credit unions, microfinance organizations and loan provider entities is determined as the difference between the gross taxable income and the amount of deductions stipulated under the TCG.

Foreign legal entities without a permanent establishment in Georgia are subject to withholding tax on their Georgian-source income at a rate of 4%, 5%, 10% or 15% (see Section A).

The object of corporate income taxation of a nonresident enterprise earning income from the sale of property in Georgia that is not related to the activity of its permanent establishment in Georgia is the difference between the gross income earned from a Georgian source during a calendar year and the amount of the deductions with respect to the earning of the income.

The object of corporate income taxation of a nonresident enterprise earning remuneration for the lease or rental of property from a person who is not a tax withholding agent is the difference between the gross income earned from a Georgian source during the calendar year and the amount of the deductions with respect to the earning of the income.

Tax rates. The regular corporate income tax rate is 15%. To calculate corporate income tax, the tax rate is applied to the taxable objects described above divided by 0.85.

The tax rate for banking institutions, credit unions, microfinance organizations and loan provider entities is set at 20%.

Special types of enterprises. The Georgian tax law provides for beneficial tax treatment for enterprises operating in Georgia with the following statuses:
- International Company
- Special Trade Company
- Free Industrial Zone Company
- Virtual Zone Person
- Tourist Enterprise
- Agricultural Cooperative
- Investment Fund

The Georgian Tax Authorities (GTA) grant the above statuses according to the rules defined by the Minister of Finance of

Georgia or the Government of Georgia. The statuses are described below.

International Company. An International Company is a Georgian enterprise engaged in information technologies or maritime operations that performs certain activities defined by the decree of the Government of Georgia and earns income only from those activities. An International Company pays corporate income tax at a 5% rate.

Special Trade Company. An entity conducting its activities in an authorized warehouse may be granted Special Trade Company status for corporate income tax exemption purposes. A Special Trade Company may supply and re-export foreign goods from a customs warehouse, as well as purchase foreign goods from an entity without such status for further supply or re-export. A Special Trade Company may also derive income (including Georgian-source income) from other allowable activities if such income does not exceed the sum of GEL1 million and 5% of the customs value of foreign goods brought into Georgia. In addition, a Special Trade Company may derive income exempted from corporate income tax and from the sale of fixed assets used in economic activities for more than two years. A Special Trade Company is prohibited from importing or purchasing Georgian goods for further supply, rendering of services in Georgia to a Georgian entity, individual entrepreneur and/or to a permanent establishment of a foreign enterprise and operating a customs warehouse. The status of Special Trade Company is canceled for a calendar year if an authorized representative of such company submits an application to the GTA at least five business days before the beginning of the relevant calendar year. A Special Trade Company is exempt from corporate income tax on distributed profits received from allowable activities except for income received from the sale of fixed assets.

Free Industrial Zone Company. Free Industrial Zone Company status for tax purposes may be granted to a company operating in a Free Industrial Zone. Free Industrial Zone Companies primarily engage in the manufacturing and export of goods outside Georgia from a Free Industrial Zone. The status of Free Industrial Zone Company is subject to cancellation if the company engages in activities prohibited by the law. Free Industrial Zone Companies are exempt from corporate income tax on distributed proceeds from activities allowed within a Free Industrial Zone.

Virtual Zone Person. Virtual Zone Person status for tax purposes may be granted to a company engaged in information technology activities. Virtual Zone Persons are exempt from corporate income tax on distributions of profits derived from the supply of self-produced information technology outside Georgia.

Tourist Enterprise. Tourist Enterprise status for tax purposes may be granted to a company that builds a hotel for the purpose of the sale and leaseback of the assets, or part of the assets, of the hotel and uses the building in hotel operations. Distribution of profit derived from the rendering of hotel services and the incurrence of expenses in the course of such activity by tourist enterprises are exempt from corporate income tax until 1 January 2026.

Agricultural Cooperative. Agricultural Cooperative status for tax purposes may be granted to a company in accordance with the Law of Georgia on "Agricultural Cooperative." Agricultural Cooperatives are exempt from corporate income tax on distributed profits derived from the initial supply of agricultural products produced in Georgia before industrial processing of the products (that is, a change of commodity code occurs) until 1 January 2026.

Investment Fund. An Investment Fund is an enterprise established in the form of a joint investment fund or investment company in accordance with the Law of Georgia on Investment Funds.

Profits distributed, expenses incurred and other payments not related to economic activity, free-of-charge supplies of goods or services or transfers of funds and representative expenses exceeding set statutory limits by the joint investment fund within the framework of the activities defined by the Law of Georgia on Investment Funds are not subject to corporate income tax.

Expenses incurred and other payments not related to economic activity, free-of-charge supplies of goods or services or transfers of funds and representative expenses exceeding set statutory limits by an investment company within the framework of the activities defined by the Law of Georgia on Investment Funds are not subject to corporate income tax.

If the recipient of a dividend is a nonresident or a natural person and if the investment company invests only in bank deposits and/or financial instruments, except in the case of distributions of profits received from resident enterprises, distributions of profits by an investment company are taxed at 5%; otherwise, the rate is 15%; that is, the 15% rate applies when the investment company distributes the profit to a nonresident or a natural person, unless the investment company invests only in bank deposits and/or financial instruments.

Distributions of profits by an investment company to a nonresident or a natural person are exempt from corporate income tax if the profits meet any of the following conditions:

- They are not paid out of Georgian-source income.
- They are paid out of income of a resident legal person from the supply of equity securities issued through a public offering in Georgia and admitted for trading on an organized market recognized by the National Bank of Georgia (NBG).
- They are paid out of income derived by a resident legal person from the sale of loan securities issued through a public offering in Georgia and admitted for trading on an organized market recognized by the NBG.
- They are paid out of surplus derived from the sale of loan securities issued by the government of Georgia or international financial institutions or are paid out of income received as interest from these securities or deposits placed in commercial banks.

Capital gains. No separate capital gains tax is imposed in Georgia. Capital gains derived by resident companies and permanent establishments of nonresident companies are not subject to corporate income tax until they are distributed.

Capital gains from the supply of treasury bonds are exempt from taxation.

In addition, the following types of capital gains derived by nonresidents without a permanent establishment in Georgia are exempt from taxation:
- Gains from the supply of bonds issued through a public offering by a resident entity in Georgia and admitted for trading on the organized market recognized by the NBG
- Gains from the supply of equity securities issued through a public offering by a resident entity in Georgia and admitted for trading on the organized market recognized by the NBG

Administration. The reporting period for the entities subject to corporate income tax on distribution of profit is a calendar month. Such entities must submit a corporate income tax return and pay the respective tax by the 15th of the month following the reporting month.

The reporting period for banking institutions, credit unions, microfinance organizations and loan provider entities is a calendar year. Such entities must file an annual corporate income tax return and make a balancing payment of corporate income tax by 1 April of the year following the reporting year.

Interest is charged on late tax payments at a rate of 0.05% of the tax due for each day of delay. If the submission of a tax return is delayed for up to two months, the penalty is 5% of the tax payable based on this tax return. If submission of a tax return is delayed for more than two months, the penalty is 10% of the tax payable based on this tax return. A penalty is also imposed for the understatement of tax liability. If understated tax does not exceed 5% of the reported tax, a penalty equaling 10% of the understated amount is imposed. The same penalty applies if the understatement results from a change of a tax point by the tax authorities. If the understated tax amounts to 5% to 20% of the reported tax, a penalty equaling 25% of the understated amount applies. In any other case, a penalty equaling 50% of the understated amount is imposed. No penalty is imposed if a taxpayer voluntarily files an adjusted tax return before an order on the tax offense or on the conducting of a tax inspection is issued.

Dividends. A dividend withholding tax is imposed on dividends paid by Georgian enterprises to individuals, not-for-profit companies and foreign legal entities. However, dividends paid to Georgian legal entities are not subject to withholding tax. The current dividend withholding tax rate is 5%.

The following types of dividends are not subject to withholding tax:
- Dividends paid by International Companies
- Dividends paid by Free Industrial Zone Companies
- Dividends paid by Agricultural Cooperatives to their members until 1 January 2026
- Dividends paid by an Investment Fund to a natural person or nonresident enterprise
- Dividends paid out of profits attributable to 2023 and subsequent periods by banking institutions, credit unions, microfinance organizations and loan provider entities

Interest. An interest withholding tax is imposed on interest payments made by permanent establishments of nonresidents or residents or on their behalf to individuals, organizations or nonresidents without a permanent establishment in Georgia.

The current interest withholding tax rate is 5%.

The following types of interest payments are not subject to withholding tax:
- Interest paid by financial institutions licensed according to the Georgian law
- Interest paid by Free Industrial Zone Companies
- Interest paid on bonds issued by Georgian entities and listed on recognized foreign stock exchanges

Foreign tax relief. Foreign income tax paid on income generated from foreign sources may be credited against Georgian tax imposed on the same income, limited to the amount of such Georgian tax (that is, up to the amount of corporate income tax that would have been payable on such income in Georgia). To credit foreign tax paid abroad, payment evidence should be provided to the GTA.

C. Determination of taxable income

General. The tax base of banking institutions, credit unions, microfinance organizations and loan provider entities equals the difference between the gross taxable income and the amount of deductions stipulated under the TCG. Consequently, the rules provided below in this section apply only to these entities.

Taxable income of entities mentioned above is computed on the basis of International Financial Reporting Standards, modified by certain tax adjustments. It includes the following:
- Trading income
- Capital gains
- Income from financial activities
- Assets received free of charge
- Works and services
- Other items of income

Income received in foreign currency is converted into Georgian lari (GEL) at the daily exchange rate determined by the NBG for the date of receipt of the income.

Banking institutions, credit unions, microfinance organizations and loan provider entities may deduct from gross income all documented expenses contributing to the generation of such income. However, certain expenses are nondeductible or partially deductible for tax purposes.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT); imposed on goods and services supplied in Georgia and on imported goods; reverse-charge VAT is imposed on works and services carried out in Georgia by nonresident entities	18

Nature of tax	Rate (%)
Property tax; on the average annual net book value of fixed assets	1
Property tax for leasing companies on leased assets	0.6

Georgia also imposes import and excise taxes.

E. Miscellaneous matters

Foreign-exchange controls. The Georgian currency is the lari (GEL). The lari is a non-convertible currency outside Georgia. Enterprises may buy or sell foreign currencies through authorized banks or foreign-exchange offices in Georgia.

Georgia does not impose restrictive currency-control regulations. Enterprises may open bank accounts abroad without any restriction if they declare such accounts (other than deposit accounts) with the GTA within five working days after opening such accounts. In general, all transactions performed in Georgia must be conducted in lari. Transactions with nonresident entities can be conducted in other currencies.

Transfer pricing. Under the transfer-pricing (TP) rules set by the TCG, the arm's-length principle applies to transactions carried out by taxpayers with related parties. The TP rules generally apply to cross-border transactions between related parties. These rules may also apply to transactions between a Georgian resident entity and an unrelated foreign entity that is a resident of a low-tax jurisdiction and transactions between a Georgian company and its permanent establishment.

The generally accepted transfer-pricing methods include the following:
- Comparable uncontrolled price method
- Resale price method
- Cost-plus method
- Net profit margin method
- Profit split method

The Minister of Finance of Georgia is authorized to provide detailed descriptions of TP methods, their application rules and other procedural rules.

In 2013, the Minister of Finance of Georgia enforced the Instruction "On Pricing International Controlled Transactions," which is in accordance with the TCG provisions. The Instruction covers the following items:
- Scope of transactions subject to Georgian transfer-pricing rules
- Acceptable transfer-pricing methods
- Comparability criteria
- Information sources
- Arm's-length range
- Procedure for advance pricing agreements
- Transfer-pricing documentation requirements
- Other procedural issues

It also outlines required actions for companies doing business in Georgia.

Thin capitalization. The thin-capitalization rules were abolished, effective from 1 January 2017.

F. Treaty withholding tax rates

Georgia has entered into tax treaties with 58 jurisdictions. The table below lists the withholding tax rates under these treaties. In general, if the withholding tax rate provided in a treaty exceeds the rate provided by the TCG, the latter rate applies.

	Dividends %	Interest %	Royalties %
Armenia	5/10 (a)	10	5
Austria	0/10 (b)	0	0
Azerbaijan	10	10	10
Bahrain	0	0	0
Belarus	5/10 (c)	5	5
Belgium	5/15 (c)	0/10 (d)	5/10 (e)
Bulgaria	10	10	10
China Mainland	0/5/10 (b)	10	5
Croatia	5	5	5
Cyprus	0	0	0
Czech Republic	5/10 (f)	0/8 (g)	0/5/10 (h)
Denmark	0/5/10 (i)	0	0
Egypt	10	10	10
Estonia	5/15 (c)	10	10
Finland	0/5/10 (j)	0	0
France	0/5/10 (k)	0	0
Germany	0/5/10 (l)	0	0
Greece	8	8	5
Hong Kong SAR	5	5	5
Hungary	0/5 (u)	0	0
Iceland	5/10 (n)	5	5
India	10	10	10
Iran	5/10 (a)	10	5
Ireland	0/5/10 (j)	0	0
Israel	0/5 (w)	0/5 (y)	0
Italy	5/10 (f)	0	0
Japan	5/10 (z)	5	0
Kazakhstan	15	10	10
Korea (South)	5/10 (v)	10	10
Kuwait	0/5 (x)	0	10
Kyrgyzstan	5/10 (a)	5	10
Latvia	5/10 (v)	5	5
Liechtenstein	0	0	0
Lithuania	5/15 (o)	10	10
Luxembourg	0/5/10 (p)	0	0
Malta	0	0	0
Moldova	5	5	5
Netherlands	0/5/15 (q)	0	0
Norway	5/10 (v)	0	0
Poland	5	5	5
Portugal	5/10 (f)	10	5
Qatar	0	0	0
Romania	8	10	5
San Marino	0	0	0
Saudi Arabia	5	5	5/8 (m)
Serbia	5/10 (f)	10	10

	Dividends %	Interest %	Royalties %
Singapore	0	0	0
Slovak Republic	0	5	5
Slovenia	5	5	5
Spain	0/10 (r)	0	0
Sweden	0/10 (aa)	0	0
Switzerland	0/10 (b)	0	0
Türkiye	10	10	10
Turkmenistan	10	10	10
Ukraine	5/10 (a)	10	10
United Arab Emirates	0	0	0
United Kingdom	0/15 (s)	0	0
Uzbekistan	5/15 (t)	10	10
Non-treaty jurisdictions	5	5	5

(a) The 5% rate applies if the actual recipient of the dividends is a company (other than a partnership) that holds directly at least a 25% share in the capital of the payer of the dividends. The 10% rate applies in all other cases.

(b) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 10% of the capital of the payer of the dividends. The 10% rate applies in all other cases.

(c) The 5% rate applies if the beneficial owner of the dividends is a company that holds at least 25% of the capital of the payer of the dividends. The 15% rate applies in all other cases.

(d) The 0% rate applies if the recipient is the beneficial owner of interest on a commercial debt-claim, including a debt-claim represented by commercial paper, resulting from deferred payments for goods, merchandise or services supplied by an enterprise or if the recipient is the beneficial owner of interest on a loan of any nature that is not represented by a bearer instrument and that is granted by a banking enterprise. The 10% rate applies in all other cases.

(e) The 5% rate applies if the beneficial owner of the royalties is a company. The 10% rate applies in all other cases.

(f) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the payer of the dividends. The 10% rate applies in all other cases.

(g) The 0% rate applies if the recipient is the beneficial owner of interest on credit sales of industrial, commercial or scientific equipment. The 8% rate applies in all other cases.

(h) The 0% rate applies if the recipient is the beneficial owner of royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, except for computer software and including cinematographic films, and films or tapes for television or radio broadcasting. The 5% rate applies if the recipient is the beneficial owner of royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment. The 10% rate applies if the recipient is the beneficial owner of royalties paid for the use of, or the right to use, patents, trademarks, designs or models, planes, secret formulas or processes, computer software or information concerning industrial, commercial or scientific experience.

(i) The 0% rate applies if either of the following circumstances exists:
- The actual recipient of the dividends is a company that holds directly or indirectly at least 50% of the capital of the payer of the dividends and that has invested in the payer more than EUR2 million (or the equivalent amount in Danish krone or Georgian lari).
- The beneficial owner of the dividends is the other contracting state or the central bank of that other state, any national agency or any other agency (including a financial institution) owned or controlled by the government of the other contracting state.

The 5% rate applies if the actual recipient is a company that holds directly or indirectly at least 10% of the capital of the payer of the dividends and that has invested in the payer more than EUR100,000 (or the equivalent amount in Danish krone or Georgian lari). The 10% rate applies in all other cases.

(j) The 0% rate applies if the actual recipient of the dividends is a company (other than a partnership) that holds directly at least 50% of the capital of the payer of the dividends and that has invested in the payer more than EUR2 million (or the equivalent amount in Georgian lari). The 5% rate applies if the

actual recipient is a company (other than a partnership) that holds directly at least 10% of the capital of the payer of the dividends and that has invested in the payer more than EUR100,000 (or the equivalent amount in Georgian lari). The 10% rate applies in all other cases.

(k) The 0% rate applies if the actual recipient of the dividends is a company that holds directly or indirectly at least 50% of the capital of the payer of the dividends and that has invested in the payer more than EUR3 million (or the equivalent amount in Georgian lari). The 5% rate applies if the actual recipient is a company that holds directly or indirectly at least 10% of the capital of the payer of the dividends and that has invested in the payer more than EUR100,000 (or the equivalent amount in Georgian lari). The 10% rate applies in all other cases.

(l) The 0% rate applies if the actual recipient of the dividends is a company (other than a partnership) that holds directly at least 50% of the capital of the payer of the dividends and that has invested in the payer more than EUR3 million (or the equivalent amount in any currency). The 5% rate applies if the actual recipient is a company (other than a partnership) that holds directly at least 10% of the capital of the payer of the dividends and that has invested in the payer more than EUR100,000 (or the equivalent amount in any currency). The 10% rate applies in all other cases.

(m) The 5% rate applies if the beneficial owner of the royalties is a resident of the other contracting state and receives royalties for the use of, or the right to use, industrial, commercial or scientific equipment. The 8% rate applies in all other cases.

(n) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(o) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the payer of the dividends and that has invested in the payer at least EUR75,000. The 15% rate applies in all other cases.

(p) The 0% rate applies if the actual recipient of the dividends is a company that holds directly or indirectly at least 50% of the capital of the payer of the dividends and that has invested in the payer more than EUR2 million (or the equivalent amount in Georgian lari). The 5% rate applies if the actual recipient is a company that holds directly or indirectly at least 10% of the capital of the payer of the dividends and that has invested in the payer more than EUR100,000 (or the equivalent amount in Georgian lari). The 10% rate applies in all other cases.

(q) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 50% of the capital of the payer of the dividends and that has invested in the payer more than USD2 million (or the equivalent amount in euros or Georgian lari). The 5% rate applies if the recipient is a company that holds at least 10% of the capital of the payer of the dividends. The 15% rate applies in all other cases.

(r) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(s) In general, the 0% rate applies if the beneficial owner of the dividends is a resident of the other contracting state. However, if the beneficial owner of the dividends is a pension scheme and if dividends are paid out of income derived directly or indirectly from immovable property within the meaning of Article 6 of the treaty by an investment vehicle that distributes most of this income annually and whose income from such immovable property is exempt from tax, the 15% rate applies.

(t) The 5% rate applies if the actual recipient of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the payer of the dividends. The 15% rate applies in all other cases.

(u) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership that is not liable to tax) that has held directly at least 25% of the capital of the company paying the dividends for an uninterrupted period of at least 12 months before the decision to distribute the dividends. The 5% rate applies in all other cases.

(v) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(w) The 0% rate applies if the beneficial owner of the dividends is any of the following:
- A company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends
- The other contracting state or the central bank of the other contracting state

- A pension fund or other similar institution providing pension schemes in which individuals may participate to secure retirement benefits if such pension fund or other similar institution is established and recognized for tax purposes in accordance with the laws of the other state

The 5% rate applies in all other cases.

(x) The 0% rate applies if the beneficial owner of the dividends is a company that has invested in the payer more than USD3 million (or the equivalent amount in Georgian lari). The 5% rate applies in all other cases.

(y) The 0% rate applies to pension funds and recipients of interest on corporate bonds traded on a stock exchange in the other state and issued by a company that is a resident of that state. The 5% rate applies in all other cases.

(z) The 5% rate applies if the beneficial owner of the dividends is a resident of the other contracting state. The 10% rate applies if dividends are deductible in computing the taxable income of the company paying the dividends.

(aa) The 0% rate applies if the beneficial owner of the dividends is a company (or partnership) that holds at least 10% of the capital or the voting power of the company paying the dividends. The 10% rate applies in all other cases.

Germany

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A. At a glance

Corporate Income Tax Rate (%)	15 (a)
Trade Tax Rate (Average Rate) (%)	14
Capital Gains Tax Rate (%)	15 (a)(b)
Branch Tax Rate (%)	15 (a)
Withholding Tax (%)	
Dividends	25 (a)(c)(d)(e)

Interest	0/25 (f)(g)
Royalties from Patents, Know-how, etc.	15 (a)(b)(g)(h)(i)
Remuneration to Members of a Supervisory Board	30 (i)
Payments for Construction Work	15 (a)(c)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	2 (j)
Carryforward	Unlimited (k)

(a) A 5.5% solidarity surcharge is imposed (see Section B).
(b) See *Capital gains and losses* in Section B for the taxation of capital gains derived from sales of shares.
(c) On application, these rates may be reduced by tax treaties.
(d) This withholding tax applies to dividends paid to residents and nonresidents. For dividends paid to nonresident corporate entities, this rate may be reduced to 15% if the nonresident dividend recipient qualifies as an eligible recipient under the German anti-treaty shopping rules.
(e) These rates may be reduced under the European Union (EU) Parent-Subsidiary Directive. Under the EU Parent-Subsidiary Directive, on application, a withholding tax rate of 0% applies to dividends distributed by a German subsidiary to an EU parent company if the recipient has owned 10% or more of the share capital of the subsidiary for a continuous period of 12 months at the time the dividend distribution takes place and if the German anti-treaty shopping rules do not apply.
(f) A 25% interest withholding tax is imposed on, among others, the following types of interest:
- Interest paid by financial institutions
- Interest from over-the-counter business
- Interest from certain types of profit-participating and convertible debt instruments

Interest secured by domestic real estate is subject to tax for nonresidents, but not subject to withholding tax (self-declaration). The interest withholding tax is not imposed on classic ("plain vanilla") loans. Nonresidents may apply for a refund of the withholding tax if a treaty exemption applies. If a nonresident is required to file an income tax return in Germany, the withholding tax is credited against the assessed corporate income tax or refunded.
(g) These rates may be reduced by tax treaties or under the EU Interest-Royalty Directive. Under the EU Interest-Royalty Directive, on application, German withholding tax is not imposed on interest and royalties paid by a German resident company to an associated company located in another EU Member State. To qualify as associated companies, a minimum 25% shareholding or a common parent is required, among other requirements.
(h) The withholding tax rate on royalties from patents, know-how and similar items is 15% for payments to nonresident corporations if such items are registered in Germany or used in a German business. Certain royalty income and capital gains related to registered rights are only taxed in intragroup cases without treaty protection and in certain cases that involve jurisdictions from the EU prohibited list of non-cooperative jurisdictions.
(i) This withholding tax applies to payments to nonresidents only.
(j) The loss carryback, which is optional, is available for corporate income tax purposes, but not for trade income tax purposes. The maximum carryback had been increased temporarily from EUR1 million to EUR10 million for the 2020 to 2023 tax years. From 2024 onward, the maximum carryback of EUR1 million will apply. A two-year loss carryback is available as from 2022.
(k) The carryforward applies for both corporate income tax and trade tax purposes. The maximum loss carryforward that may be used for corporate and trade tax purposes is restricted to EUR1 million for each tax year plus 60% (from 2024 to 2027: 70%, applicable for corporate income tax purposes, but not for German trade tax purposes) of annual taxable income exceeding EUR1 million (so-called minimum taxation). The carryforward is subject to the change-of-ownership rule (see Section C).

B. Taxes on corporate income and gains

Corporate income tax. Corporations, such as stock corporations (Aktiengesellschaft, or AG) and limited liability companies (Gesellschaft mit beschraenkter Haftung, or GmbH), that have

their corporate seat or place of management in Germany (resident corporations) are subject to corporate income tax (Koerperschaftsteuer) on worldwide income, unless otherwise provided in tax treaties.

A nonresident corporation, whose corporate seat and place of management are located outside Germany, is subject to corporate income tax only on income derived from German sources. Income from German sources includes, among other items, business income from operations in the country through a branch, office or other permanent establishment, including a permanent representative, and income derived from the leasing and disposal of real estate located in Germany (including capital gains from the sale of real estate holding companies) as well as rights registered in a German public register. Certain royalty income and capital gains related to registered rights are only taxed in intragroup cases without treaty protection and in certain cases that involve jurisdictions from the EU prohibited list of non-cooperative jurisdictions.

Rates of corporate income tax. Corporate income tax is imposed at a rate of 15% on taxable income, regardless of whether the income is distributed or retained.

A 5.5% solidarity surcharge is imposed on corporate income tax, resulting in an effective tax rate of 15.825%. Prepayments of corporate income tax and withholding tax payments are also subject to this surcharge.

Trade tax. Municipalities impose a trade tax on income. However, for purposes of this tax, taxable income is subject to certain adjustments. The major adjustments include a 25% add-back of interest expenses with respect to debt, a 6.25% add-back of license payments, a 5% add-back of lease payments for movable assets and a 12.5% add-back of lease payments for immovable assets. The trade tax add-backs apply to the extent that the total amount of add-backs exceeds EUR200,000 for the 2020 and future tax years (EUR100,000 for tax years prior to 2020). The effective average trade tax rate amounts to approximately 14%. Taking into account the various municipality multipliers, the combined average tax rate for corporations (including corporate income tax, solidarity surcharge and trade tax) ranges from approximately 23% to 33%.

If a company operates in several municipalities, the tax base is allocated according to the payroll paid at each site. Certain enterprises, such as specified banks and real estate companies, receive privileged treatment under the trade tax law.

Withholding tax on construction work. Enterprises and entities that are corporate bodies under public law (for example, cities and municipalities) must withhold a tax of 15% from payments made for construction work provided in Germany. The tax must be withheld even if the work provider does not have a tax presence in the form of a permanent establishment or permanent representative in Germany unless the work provider obtains a "certificate of non-taxation" from the competent tax office. Construction work providers may obtain a refund of the withholding tax if they can prove that no German tax liability against which the withholding tax could be applied exists.

Temporary solidarity contribution of fossil fuel sector. For 2022 and 2023, Germany introduced the temporary solidarity contribution to implement the EU regulation on emergency measures to mitigate high energy prices and the risk of supply shortages. The solidarity contribution rate is 33%. It is levied on the surplus profits of companies that generate at least 75% of their proceeds through extraction, mining or refining of petroleum or manufacturing of coke oven products. Surplus profits are profits in excess of a 20% increase on the average taxable profits of the previous four fiscal years starting on or after 1 January 2018. The solidarity contribution is levied in addition to the corporate income tax and is not tax deductible. It is collected by the Federal Tax Office.

Capital gains and losses. Capital gains of corporations, except those derived from sales of shares, are treated as ordinary income. However, rollover relief is granted if gains derived from disposals of real estate are reinvested in real estate within the following four years and if certain other conditions are met. The period for possible reinvestments has been extended temporarily for reinvestment periods that regularly expired after 29 February 2020 and prior to 1 January 2023. In these cases, the reinvestment period ends at the end of the business year ending after 31 December 2022 and before 1 January 2024.

Capital gains derived by corporations from sales of shares in corporations are generally exempt from corporate income tax and trade tax. Five percent of the capital gain is deemed to be a nondeductible expense. As a result, the exemption is effectively limited to 95% of the capital gain. Based on case law, the 5% deemed expense add-back should not apply to nonresident corporate sellers, even if the nonresident seller cannot claim treaty protection. The 95% tax exemption for capital gains received by a corporate shareholder is not granted to banks, financial services institutions and financial enterprises that purchase shares with the intention of realizing short-term profits for their own account or to certain insurance companies.

However, to the extent that write-downs of the shares have previously been deducted for tax purposes, capital gains from sales of shares are not exempt.

Capital gains derived from the disposal of tainted shares are, in principle, effectively 95% exempt from tax. Tainted shares may result from corporate reorganizations (for example, contributions of qualifying businesses or partnership interests into corporations in return for shares or share swaps) that are carried out at tax book values or below fair market values. The subsequent disposal of the tainted shares results in a (full or partial) retroactive taxation of the original reorganization that gave rise to the share taint. In general, after a seven-year holding period, the shares lose their taint.

In general, capital losses are deductible. However, capital losses are not deductible if a gain resulting from the underlying transaction would have been exempt from tax. Consequently, capital losses from sales of shares or write-downs on shares are generally not deductible. In addition, capital losses and write-downs on loans to related parties may not be deductible. However, losses from exchange-rate fluctuations in connection with shareholder loans are deductible in 2022 and future tax years.

Administration. The tax year is the calendar year. If a company adopts an accounting period that deviates from the calendar year, tax is assessed for the taxable income in the accounting period ending within the calendar year. The adoption of a tax year other than the calendar year requires the consent of the tax office.

Annual tax returns must, in general, be filed by 31 July of the year following the tax year. However, an extended deadline until the last day of February of the second year following the tax year applies if a tax professional prepares the return. The deadline for filing the tax returns for the 2019 to 2024 tax years has been extended due to the COVID-19 pandemic crisis.

Payments made with respect to the estimated corporate income tax liability, usually determined at one-quarter of the liability for the previous year, are due on 10 March, 10 June, 10 September and 10 December. Prepayments of trade tax are due on 15 February, 15 May, 15 August and 15 November. Final payments are due one month after the tax assessment notice issued by the tax authorities is received by the taxpayer.

Additional tax payments and tax refunds are generally subject to interest of 0.15% per month (for interest periods before 2019: 0.5% per month). Interest begins to accrue 15 months after the end of the calendar year for which the tax was incurred. The interest is not deductible for corporate income and trade tax purposes if the tax itself is not deductible. Late payment penalties are charged at 1% a month if the unpaid balance is not settled within one month from the date of the assessment notice issued by the tax office. A penalty of 0.25% and up to EUR25,000 can be assessed if the tax return is not filed by the due date, including extensions granted.

Dividends. Dividends received by German corporations and branches of nonresident corporations from their German and foreign corporate subsidiaries are exempt from tax. However, a minimum shareholding requirement of 10% applies for this participation exemption for corporate income tax purposes. In addition to this domestic rule, an applicable tax treaty may provide for an exemption for foreign dividends. The tax exemption for dividends is granted only if the dividend payment is not tax-deductible as a business expense at the level of the distributing entity (linking rule).

Five percent of the tax-exempt dividend income is treated as a nondeductible expense, while the expenses actually incurred are deductible. Consequently, only 95% of the dividends received by a corporation is effectively exempt from tax. The 95% tax exemption for dividends received by a corporate shareholder is not granted for portfolio dividends (less than 10% shareholding) or to banks, financial services institutions and financial enterprises that purchase shares with the intention of realizing short-term profits for their own account or to certain insurance companies.

The participation exemption applies for trade tax purposes if the dividends are received from corporations in which the parent holds at least 15% as of 1 January of the calendar year in which the taxpayer's fiscal year ends.

Foreign tax relief. Under German domestic tax law, income from foreign sources is usually taxable, with a credit for the foreign income taxes paid, up to the amount of German tax payable on the foreign-source income, subject to per-country limitations. The foreign tax relief does not apply for foreign tax-exempt income. Excess foreign tax credit cannot be carried back or carried forward. Instead of a foreign tax credit, a deduction may be claimed for foreign income tax. This may be beneficial in loss years and in certain other instances. In general, German tax treaties provide for an exemption from German taxation of income from foreign real estate and foreign permanent establishments (activity requirements generally apply).

C. Determination of trading income

General. Taxable income of corporations is based on the annual financial statements prepared under German generally accepted accounting principles (GAAP), subject to numerous adjustments for tax purposes. After the annual financial statements have been filed with the tax authorities, they may be changed only to the extent necessary to comply with GAAP and the tax laws.

Acquired goodwill must be capitalized for tax purposes and may be amortized over 15 years. Intangibles acquired individually must also be capitalized for tax purposes and may be amortized over their useful lives. A company's own research and development and startup and formation expenses may not be capitalized for tax purposes. They must be currently expensed.

Inventories. Inventory is generally valued at acquisition cost or production cost, unless a lower value (that is, the lower of reproduction or repurchase cost and market value) is indicated. Under certain conditions, the last-in, first-out (LIFO) method can be used to value inventory assets if the assets are of a similar type.

Provisions. In general, provisions established under German GAAP are accepted for tax purposes. However, in past years, the scope of tax-deductible provisions has been limited by certain rules, including, among others, the following:

- Liabilities or accruals of obligations whose fulfillment is contingent on future revenue or profit may be recorded only when the condition occurs.
- Provisions for foreseeable losses from open contracts may not be recorded.
- Future benefits arising in connection with the fulfillment of an obligation must be offset against costs resulting from the obligation.
- Non-monetary obligations may be accrued using the direct cost and the necessary indirect cost.
- Provisions for obligations resulting from the operation of a business must be built up in equal increments over the period of operation.
- Provisions for pension obligations must be calculated on an actuarial basis using an interest rate of 6% and built up over the period of employment.
- Provisions for non-interest-bearing debt must be discounted at an annual rate of 5.5% if the remaining term exceeds 12 months.

If built-in losses contained in the above provisions or liabilities materialize on their transfer at fair market value, the resulting losses may generally only be deducted for tax purposes over a period of 15 years.

Depreciation. For movable fixed assets, tax depreciation must generally be calculated using the straight-line method. However, for movable assets purchased or manufactured after 31 December 2019 and before 1 January 2023, the declining-balance method can be applied by depreciating a fixed percentage of the residual tax book value (not exceeding 25%) per year and capped at 2.5 times of the depreciation percentage that would apply using the straight-line method. For movable assets purchased or manufactured from April 2024 to December 2024, the declining-balance method can be applied by depreciating a fixed percentage of the residual tax book value (not exceeding 20%) per year and capped at two times of the depreciation percentage that would apply using the straight-line method. For newly constructed residential buildings purchased or produced after 30 September 2023 and before 1 October 2029, the declining-balance method can be applied at a rate of 5%. Furthermore, according to a circular of the Federal Ministry of Finance, the useful life of certain digital assets (hardware, software and peripherals) is set at one year, leading to immediate write-offs. The measure is applicable for tax years ending after 31 December 2020. It may be applied to digital assets acquired before that date if not fully depreciated. Movable assets with acquisition costs that do not exceed EUR800 can be fully depreciated in the year of acquisition, regardless of their useful lives. Useful lives of fixed assets are published by the Federal Ministry of Finance, based primarily on tax audit experience; deviation from published useful life is possible, but requires justification by the taxpayer. Tax depreciation rates for buildings are provided by law. Schedules for assets specific to certain industries are also available. The following are some of the straight-line rates under the general list.

Asset	Rate (%)
Office equipment	7.7 to 20
Motor vehicles	8 to 16.6
Plant and machinery	4 to 20
Airplanes	5 to 8
Personal computers or notebooks and related equipment	33.3 to 100
Nonresidential buildings (offices, retail and factories) and building applications after 31 March 1985	3
All other cases, depending on completion of building	
After 31 December 2022	3
Prior to 1 January 2023 and after 31 December 1924	2
Prior to 1 January 1925	2.5

Preferential and enhanced depreciation availability. Under certain conditions, small companies (companies with business assets of less than EUR200,000 in the year of the deduction) can claim "investment deductions" (Investitionsabzugsbetrag) of up to 50% of the estimated future investment of movable tangible assets,

provided they are made within a three-year period. These types of businesses are also allowed to write off up to 20% of the total effective investment costs in the year of the investment up to the following four years. For movable tangible assets purchased or produced after 30 December 2023, the depreciation rate of 20% is increased to 40%.

Special depreciation rule for new rental apartments and buildings. In addition to the regular straight-line depreciation for buildings, a special depreciation of 5% of acquisition or production costs in the year of acquisition or production and the following three years can be claimed by a taxpayer under certain conditions provided by law (for example, the new apartment or building will be rented out for residential purposes against payment for the following 10 years).

Extraordinary depreciation. A tax deduction for the extraordinary write-down of an asset because of an extraordinary impairment in value is allowed only if the value is permanently impaired. This rule is particularly relevant for assets that are not subject to ordinary depreciation, such as land or shares (however, write-downs of shares are not tax effective; see Section B). For assets that have extraordinarily been written down, the write-down must be reversed as soon as and to the extent that the asset has increased in value.

Disallowed items. After income for tax purposes has been determined, certain adjustments need to be made to calculate taxable income. Major adjustments include the following nondeductible expenses:

- Income taxes (corporate income tax, solidarity surcharge and trade tax) and any interest expense paid with respect to these taxes
- Interest expenses (see *General interest expense limitation*)
- Penalties
- Fifty percent of supervisory board fees
- Thirty percent of business meal expenses
- Gifts to non-employees exceeding EUR50 per person per year and input value-added tax (VAT) regarding such expenses
- Expenses incurred in direct connection with tax-exempt income items (see the discussion of dividends in Section B)

In addition, as a result of the exemption for capital gains derived from sales of shares (see Section B), losses from sales of shares, write-downs of shares or, under certain circumstances, write-downs on loans to related parties are not deductible for tax purposes and must be added back to the tax base.

Anti-hybrid rules. The German anti-hybrid rules primarily focus on the counteraction of hybrid mismatches that lead to either of the following:

- Deductible expenses in Germany with no-tax or low-taxed income at the level of the recipient
- Income from a participation in a reverse hybrid entity resident in Germany that is neither taxable in Germany nor in the country of the partner

The rules that target expenses in Germany are applicable to expenses incurred after 31 December 2019. The rules that target

income that is not taxable in Germany are applicable to income received after 31 December 2021.

Under the anti-hybrid rules, the deductibility of expenses recognized in the Germany income tax base that are either subject to a harmful deduction/non-inclusion mismatch or a double deduction can be partially or fully denied.

Deduction/non-inclusion mismatches are scenarios in which any of the following occurs:

- Income corresponding to German expenses incurred for the use of or in connection with the transfer of capital assets (mostly interest payments) is not taxed or low taxed at the level of the recipient due to a tax qualification or attribution of the capital assets.
- Income corresponding to German expenses is not taxed at the level of the recipient due to the tax treatment of the taxpayer that deviates from German law (hybrid entity) or a deviating assessment of assumed dealings, and no sufficient dual-included income can be documented.
- Income corresponding to German expenses is not taxed at the level of the recipient due to a deviating tax allocation or attribution of income.

Double-deduction scenarios are scenarios in which German expenses are also recognized in any other state for income tax purposes and no sufficient dual-included income can be documented.

The anti-hybrid rules also apply to German expenses for which there is no direct hybrid mismatch but where the income corresponding to the German expenses is offset with expenses subject to a hybrid mismatch abroad (imported mismatches at the level of the direct or indirect recipient). For imported mismatches, it is not required that there be an economic link between the income corresponding to the German expenses and the imported hybrid expenses.

General interest expense limitation. The interest expense limitation rule applies to all loans (that is, group and third-party loans) and to businesses resident in Germany, companies residing abroad but maintaining a permanent establishment in Germany, and partnerships with a German branch.

Under the interest expense limitation rule, the deduction of interest expense exceeding interest income (net interest expense) is limited to 30% of taxable earnings before (net) interest, tax, depreciation and amortization (EBITDA). Tax-exempt income should not be considered in the calculation of the taxable EBITDA. Five percent of the tax-exempt dividend income is considered in the calculation of the taxable EBITDA.

The limitation rule does not apply if one of the following exemption rules applies:

- Exemption threshold: The annual net interest expense is less than EUR3 million.
- Stand-alone escape: There is no related party within the meaning of Section1, Paragraph 2 of the Foreign Tax Act (FTA) and the business does not maintain a permanent establishment in a foreign country.

- Equity-ratio escape: Under the equity-ratio escape, the interest barrier rules do not apply if in a given year the respective entity is part of a consolidated group but its equity ratio is not more than two percentage points below the equity ratio of the consolidated group based on balance sheets of the preceding financial year. The term "group" is defined as the combined group of entities that are consolidated under the applicable accounting standard (International Financial Reporting Standards [IFRS] or local GAAP of an EU Member State). The term "equity ratio" is defined as the ratio of equity to total assets, as reflected in the consolidated accounts of the group on the one hand, and the (stand-alone) accounts of the German business on the other hand. The consolidated accounts of the group generally need to be prepared according to IFRS. Alternatively, the national GAAP of an EU Member State or US GAAP can be used under certain conditions. The accounts of the German business must be prepared in accordance with the same standards used for the group or need to be transformed to the accounting principles of the group. The relevant equity and the relevant total of assets and liabilities of the German business are subject to several adjustments for tax purposes (for example, deduction of the book value of shares in subsidiaries). Those adjustments of the equity and the total assets and liabilities are made in a side calculation. To apply the escape clause, corporations need to prove that no more than 10% of their net interest expenses are owed to shareholders with a direct or indirect participation at a minimum of 25%, or to related parties of such shareholder, or to third parties with recourse to such "harmful" creditors ("harmful shareholder financing"). In other words, the remuneration for debt capital of the individual qualified shareholder must be cumulated when examining the 10% threshold for harmful shareholder financing. For purposes of harmful shareholder financing in the context of the escape clause, related party debt interest is defined as interest paid or accrued on all debt that is granted by a shareholder directly or indirectly holding 25% or more in the debtor, or any party related to such a shareholder, or granted by a third party that has recourse to such "harmful" creditors, if the related party liability is reflected in the consolidated accounts (mainly debt that is granted to a joint venture subsidiary; that is, group internal debt is not harmful for the escape clause since it should not be accounted for in the consolidated accounts).

If the interest barrier rule applies and if 30% of the taxable EBITDA exceeds the net interest expenses (that is, 30% of the taxable EBITDA has not been fully utilized), the unused portion of 30% of the taxable EBITDA can be carried forward over a period of five years. The EBITDA carryforward can be utilized to increase the respective 30% of the taxable EBITDA of the following years for calculating the deductible net interest expenses. The EBITDA carryforward of the earliest year is utilized first. After five years an unused EBITDA carryforward is forfeited.

Nondeductible interest expense can be carried forward indefinitely but is subject to the loss-trafficking rules (see *Tax losses*). A deduction is possible in the following years in accordance with the interest expense limitation rules. The nondeductibility is final in the case of a transfer, merger, termination or liquidation of the

business or in the case of a permanent excess of limitation amounts (that is, net interest expense is permanently higher than 30% of the taxable EBITDA and the exemption clauses are not fulfilled; as a result, the deduction of all of the interest expense is permanently not achievable).

The interest expense limitation rules may be incompatible with German constitutional law according to the German Federal Tax Court, which has referred the case to the German Constitutional Court. At the time of writing, this case was still pending.

Constructive distributions of income. Adjustments to taxable income as a result of a violation of arm's-length principles can be deemed to be constructive distributions of income (see the discussion of transfer pricing in Section E).

Royalty deduction limitation rule. Royalty payments are generally deductible. However, royalties paid to a related person or its affiliates are not fully deductible if the income of the recipient is either not taxed or is subject to a low tax rate due to the application of a preferential regime. The royalty income is considered to be taxed at a low rate if the elective tax rate is below 15% (for royalties paid before 1 January 2024: 25%). Furthermore, the low taxation must be caused by a preferential regime that does not comply with the nexus approach of the Organisation for Economic Co-operation and Development (OECD), according to the Action 5 Final Report of the OECD's Base Erosion and Profit Shifting Project. If the limitation on the deductibility of royalty payments applies, the nondeductible part of the royalty payment is determined by the following ratio:

$$\frac{(15\% - \text{income tax burden as a \%})}{15\%}$$

Tax losses. Tax losses may be carried forward without time limitation. Under the restrictions of the so-called minimum taxation, only 60% (from 2024 to 2027: 70%) of annual taxable profits in excess of EUR1 million can be offset by loss carryforwards. As a result, 40% (from 2024 to 2027: 30%) of the portion of profit exceeding EUR1 million is subject to tax.

This tax loss carryforward rule applies for both corporate income tax purposes and trade tax purposes (the increase within the minimum taxation to 70% applies for corporate income tax purposes but not for trade tax purposes).

For corporate income tax (not trade tax) purposes, an optional loss carryback is permitted for two years (as of 2022) up to a maximum amount of EUR10 million for the 2020 to 2023 tax years. From 2024 onward, the maximum amount of loss carryback of EUR1 million will apply.

Under the German loss-trafficking rule, tax loss carryforwards are forfeited if, within a five-year period, more than 50% of the shares (votes or value) of a loss-making entity is directly or indirectly transferred to a single new shareholder or a group of shareholders. To prevent abuse of the rule, the rule includes a measure under which investors with common interests and acting together are deemed to be one acquirer for the purposes of the rule.

The following exceptions apply to the loss-trafficking rule:
- Group restructuring exception. A transfer of shares is not considered to be harmful if it occurs within a "100% controlled group." A group is considered to be a "100% controlled group" if, after a direct or indirect transfer, the same person owns directly or indirectly 100% of the transferor and transferee, or if the acquirer is holding all of the shares in the seller of the shares or the seller is holding all of the shares in the acquirer of the shares.
- Built-in gain exception. For harmful share transfers, a loss carryforward is not forfeited up to the amount of the loss company's built-in gains to the extent that these built-in gains are taxable in Germany. Consequently, built-in gains allocable to subsidiaries are not taken into account; see the discussion of capital gains and losses in Section B.
- Certain cases of business revitalization.

The carryforward of losses is also allowed in certain limited shareholder change situations if strict business continuation requirements are met.

Loss carryforwards are also forfeited in the course of a merger, change of legal form or liquidation of the loss-making company.

The Federal Constitutional Court has not yet decided if the loss-trafficking tax rule would be incompatible with German constitutional law in case of a change of shareholding of more than 50%; at the time of writing, this question was still pending.

Groups of companies. German tax law provides for a tax consolidation of a German group of companies (Organschaft), which allows losses of group companies to be offset against profits of other group companies. Only German resident companies in which the parent company has held directly or indirectly the majority of the voting rights since the beginning of the fiscal year of the subsidiary may be included (this requirement is known as financial integration). A tax consolidation may cover corporate income tax, trade tax and (with different requirements) VAT. To make the tax group effective for corporate income tax and trade tax purposes, the parent company and the German subsidiaries must enter into a profit-and-loss absorption agreement (Gewinnabfuehrungsvertrag) for a minimum period of five years. A tax group between sister companies is not possible (only vertical; a horizontal tax group is not allowed). Partnerships do not qualify as subsidiaries in a corporate income tax or trade tax group, but they may under certain circumstances be a VAT group subsidiary.

A tax group subsidiary must have its place of management in Germany and its legal seat in Germany or an EU/European Economic Area Member State.

A domestic or foreign corporation, individual or partnership may become the head of a tax group if, in addition to the above requirements, the following requirements are met:
- The company or the individual has an active trade or business (generally assumed for corporations).
- The investments in the subsidiaries are assets of a German branch.

- The branch profits (including the income of the subsidiaries) are subject to German taxation for both domestic direct tax and tax treaty purposes.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
(Annual) Real Estate/Property tax; on assessed standard value of real property; rate varies by municipality	0.00 to 3.68
Real estate transfer tax (RETT), on sales and transfers of real property, including buildings, and on certain transactions that are deemed to be equivalent to transfers of real property, such as the assignment of at least 90% of the shares of a German or foreign company that holds the title to domestic real property (however, a group exception may apply); levied on the purchase price of the real property or, in certain situations (such as when at least 90% of the shares of a real estate-owning company are transferred), on the assessed property value	
Rate for real estate located in Bavaria	3.5
Rate for real estate located in Baden-Württemberg, Bremen, Lower Saxony, Rhineland-Palatinate, Saxony-Anhalt and Thuringia	5
Rate for real estate located in Hamburg and Saxony	5.5
Rate for real estate located in Berlin, Hesse and Mecklenburg-West Pomerania	6
Rate for real estate located in Brandenburg, North Rhine-Westphalia, Saarland and Schleswig-Holstein	6.5
Value-added tax (VAT or Umsatzsteuer); on application, foreign enterprises may receive refunds of German VAT paid if they are neither established nor registered for VAT purposes in Germany; this application must be filed by non-EU enterprises by 30 June and by EU enterprises by 30 September, in the year following the year in which the invoice was received by the claimant	
Standard rate	19
Reduced rate	7
Gas deliveries via the natural gas grid and district heating deliveries in the period from 1 October 2022 to 31 March 2024 are subject to the reduced VAT rate of 7%)	
Delivery of certain solar modules and other essential components; 0% rate applies from 2023 onward	0

E. Miscellaneous matters

Foreign losses. In principle, losses incurred by foreign permanent establishments are not deductible if a German tax treaty provides that a permanent establishment's income is taxable only in the country where it is located. However, these losses may be taken

into account if they are incurred in non-treaty countries or if a tax treaty provides for the credit method, subject to the condition that the foreign branch is engaged in a specified active trade.

Foreign-exchange controls. No controls are imposed on the transfer of money in and out of Germany. However, specific reporting requirements for certain transactions must be met.

Debt-to-equity rules. The interest expense limitation rule (see Section C) replaced the former thin-capitalization rules. Consequently, no statutory debt-to-equity ratio currently applies.

Anti-avoidance legislation. Several tax laws contain anti-avoidance legislation. The Corporate Income Tax Act deals with constructive dividends by corporations, both in Germany and abroad. The Foreign Investment Tax Act deals mainly with transactions between all kinds of related or affiliated taxpayers, such as individuals, partnerships and corporations, and is restricted to cross-border transactions. It contains extensive provisions on controlled foreign company (CFC) and passive foreign investment company income and was extensively adjusted as of 1 January 2022 in the course of the implementation of the EU Anti-Tax Avoidance Directive rules into German law. The General Tax Code contains a general anti-abuse rule stating that a tax liability cannot be effectively avoided by an abuse of legal forms and methods if obtaining a tax advantage is the only reason for such an arrangement.

The Income Tax Act provides anti-abuse rules that are aimed at preventing the unjustified reduction of German withholding taxes under a tax treaty, under the EU Parent-Subsidiary Directive or under the EU Interest-Royalty Directive (treaty or directive shopping).

Germany's newer tax treaties include "switch-over" clauses as well as "subject-to-tax" clauses. Domestic treaty-overriding rules, which are aimed at preventing double non-taxation or double deductions, also exist. Furthermore, Germany applies a comprehensive set of defensive measures against businesses with relationships to entities in non-cooperative jurisdictions, which are listed on the so-called prohibited list, published by the Economic and Financial Affairs Council of the EU (German Anti-Tax Haven Act). The measures are generally applicable from 1 January 2022 onward, apply in stages and include aggravated CFC rules, an extension of nonresident tax liability, denial of treaty benefits as well as increased obligations to cooperate. Moreover, an increased taxation of dividends and capital gains and a denial of the deduction for operating costs may apply.

Transfer pricing. German tax law contains a set of rules that allow the adjustment of transfer prices. These rules include general measures on constructive dividend payments and constructive contributions and a specific adjustment provision in the Foreign Tax Act. All of the measures mentioned in the preceding sentence are based on the arm's-length principle. The Foreign Tax Act also contains the OECD Approach. As a result, permanent establishments and partnerships are treated as separate entities, similar to corporations.

The selection of the transfer-pricing method now follows the OECD Transfer Pricing Guidelines 2022 and determines that the most appropriate method for the underlying case should be applied if comparable transactions can be determined (there is no hierarchy as to which method has to be used with priority). In addition, the code contains express language with respect to the determination of the arm's-length character of a transfer price if no comparable can be found (hypothetical arm's-length method). The code also has a set of rules directed at securing the German tax revenue. These rules deal with the determination of transfer prices in the event of a transfer of business functions abroad. Furthermore, the Foreign Tax Act now provides the so-called Development, Enhancement, Maintenance, Protection and Exploitation (DEMPE) concept in line with the OECD Transfer Pricing Guidelines 2022 and includes a definition of what constitutes an intangible. With the DEMPE concept, the entity performing the DEMPE functions, assuming risks and providing these assets has to be entitled to the intangible-related return.

Specific documentation rules apply for transfer-pricing purposes. From 2023 onward, the transfer-pricing documentation must invariably be submitted in the event of a tax audit, without a separate request by the tax authorities being required. In addition, the deadline for submitting the documentation will generally be shortened to only 30 days from the date of the request or disclosure of the audit order. Noncompliance with these rules may result in a penalty (if imposed) of at least EUR100 per day of delay up to a maximum of EUR1 million. If no documentation is provided or if the documentation is unusable or insufficient, a surcharge of 5% to 10% of the income adjustment is applied with a minimum surcharge of EUR5,000.

A Country-by-Country Reporting (CbCR) requirement applies to German taxpayers if they belong to a group with consolidated revenues of at least EUR750 million in the preceding fiscal year. The providing of a master file in addition to a local file on request is required if the German taxpayer's revenue was at least EUR100 million in the preceding fiscal year.

German-based multinational enterprises (MNEs) or standalone corporations operating abroad are required to publish a report on income tax information, if their revenues exceed for each of the last two consecutive financial years a total of EUR750 million (public Country-by-Country Reporting). The reporting obligation is also triggered for non-EU based MNE groups that have a medium- or large-sized subsidiary in Germany. Furthermore, non-EU-based MNE groups or standalone corporations with a branch in Germany with revenues exceeding EUR12 million for each of the last two consecutive financial years are also covered by the reporting obligation.

German taxpayers can apply for an advance pricing agreement (APA) not only in the context of transfer pricing, but also for all cross-border transactions, if the other state agrees to such a procedure and if the fee assessment has become final and the fee has been paid. The fee for transfer-pricing cases amounts to EUR30,000 for processing a new APA request and EUR15,000 for an APA renewal. The fee for non-transfer-pricing cases is

reduced to 25% of the fee for transfer-pricing cases, and special fees apply under certain conditions.

Real estate investment trusts. Effective from 1 January 2007, Germany introduced the real estate investment trust (REIT), which is a tax-exempt entity. In general, a REIT is a listed German stock corporation (AG) that satisfies certain conditions, including, but not limited to, the following:

- It has a free float (volume of shares traded on the stock exchange) at the time of listing of at least 25%.
- Its real estate assets account for at least 75% of its gross assets.
- Rental income from real estate accounts for at least 75% of its total income.
- Ninety percent of its income is distributed to its shareholders.

German investment tax law. The German investment tax law provides for the following tax regimes:

- Regular "investment funds" are partially subject to taxation at the fund level.
- "Special-investment funds" must meet additional criteria and are taxed semi-transparent with certain options and exemptions.
- Fund vehicles in the legal form of a partnership and other investment vehicles that do not meet the criteria of "investment funds" within the meaning of the German Investment Tax Act are subject to the general rules of (corporate or individual) income taxation depending on the legal form and status.

According to the German investment tax system, for German and foreign investment funds, as well as for special-investment funds, a partial taxation of the following types of domestic income applies at the fund level:

- Dividend payments from German-based corporations are subject to a flat tax regime of 15% on the gross dividends received by the fund. The tax exemption under Section 8b of the Corporate Income Tax Act does not apply.
- Net income from letting and the sale of German real estate is subject to tax at a rate of 15% plus the solidarity surcharge (15.825% in total).
- Other German-source income, which would be subject to German taxation if received by a foreign investor (for example, income from renewable energy investments or commercial partnership investments in Germany), is subject to tax at a rate of 15% plus the solidarity surcharge (15.825% in total).

All other income is not subject to German corporate income tax (for example, interest income, profits deriving from forward contracts or foreign dividends, as well as foreign real estate proceeds). In general, investment funds are subject to German trade tax. However, an exemption from German trade tax applies if the business purpose is limited to the investment and management of funds for the joint account of the unitholders and no active entrepreneurial management of the assets is performed. Special-investment funds are generally exempt from trade tax.

Special-investment funds can opt for a transparent taxation for certain German domestic income. If the option is exercised, the income is subject to tax at the investor level and not subject to tax at the level of the special-investment fund. Certain rules and limitations apply.

In general, a German investor is subject to tax on its investment fund income (that is, distributions, profits from the sale of units in the investment fund, as well as to the so-called flat tax on a deemed profit, if no distributions are made). The applicable tax rate depends on the individual situation of the investor (for example, corporate vehicle or individual vehicle). Special tax regimes (partial tax exemptions) might apply depending on the respective asset allocation of the fund as well as on the individual situation of the investor (that is, a tax exemption of 15% to 80% is applicable). Half of the respective partial exemption for corporate income tax and individual income tax purposes is granted for trade tax purposes. In general, foreign investors are not subject to tax in Germany on any of their investment fund income.

Income derived from special-investment funds (distributed income, deemed distributed income and profits from the sale or redemption of shares) is subject to regular corporate income tax, individual income tax (if fund units are allocated to business assets) and trade tax at the investor level, depending on the individual tax situation. In general, the participation exemption for German individual income tax and German corporate income tax purposes applies if the respective conditions are met.

Mutual assistance. Germany exchanges tax-relevant information with various countries based on tax treaties, other bilateral agreements (for example, the Intergovernmental Agreement between Germany and the United States with respect to the US Foreign Account Tax Compliance Act [FATCA]), EU directives (such as the EU Directive on Administrative Cooperation) and multilateral agreements (such as the OECD's Multilateral Competent Authority Agreement for the Common Reporting Standard [CRS]).

Automatic exchange of financial account information. Under the FATCA Intergovernmental Agreement of 31 May 2013, German financial institutions must report certain financial account information regarding US reportable accounts on an annual basis to the German Federal Tax Office (Bundeszentralamt für Steuern), which automatically exchanges this information with the US Internal Revenue Service. In addition, Germany implemented the CRS. German financial institutions are required to identify reportable accounts, which are the accounts held by the following:

- An individual or certain entities resident in a CRS zone country
- "Passive nonfinancial entities" (as defined) with one or more controlling persons resident in a CRS zone country

These accounts must then be reported annually by 31 July for the preceding reporting period to the German Federal Central Tax Office, which passes this information on to the competent tax authorities where the reportable person is tax resident.

Under both exchange-of-information regimes, the term "financial institution" is defined rather broadly and does not only include banks, financial services companies, investment funds and insurance companies, but also certain holding companies, treasury centers, captive finance companies, other investment entities, pension entities and certain other entities.

Automatic exchange of advance cross-border rulings and advance pricing agreements. Germany takes part in the automatic exchange of advance cross-border rulings and advance pricing arrangements between EU Member States as provided under the EU Directive on Administrative Cooperation. The information exchange occurs within three months after the end of the calendar half-year in which the advance cross-border rulings were granted.

Mandatory disclosure rule. Following EU Directive 2018/822, Germany has implemented Mandatory Disclosure Rules (DAC6). The legislation largely follows the EU directive. In particular, the 15 hallmarks provided by the directive have been implemented in German law. However, Germany uses a unique and complex two-level system if an intermediary is (partly) exempted by legal professional privilege. A circular provides detailed guidance regarding the interpretation of the legislation. Reports can be made via an online portal, by uploading XML files or through an electronic interface, and need to be in the German language. An advance registration at the Federal Tax Office is required.

New obligations for platform operators. Following EU Directive 2021/514, Germany has implemented the EU Directive on Administrative Cooperation (DAC7). From 2023 onward, platform operators must collect data on certain types of sales (so-called relevant activities). Generally, platform operators are in scope if the operator is not deemed to be an excluded platform operator and the operator meets one of the following conditions:
- It is resident for tax purposes in Germany.
- It is incorporated according to German Law.
- It has a permanent establishment in Germany.

In the event of noncompliance, the law includes provisions on fines, which classify various violations as administrative offenses.

BEPS 2.0 – Pillar 2/Global Minimum Tax. In 2023, Germany implemented the Global Minimum Tax in accordance with the respective EU Minimum Tax Directive and the OECD Model Rules. With regard to Pillar Two, the Income Inclusion Rule (IIR) and Domestic Minimum Top-up Tax apply to financial years beginning after 30 December 2023, while the Undertaxed Profits Rule (UTPR) generally applies to financial years beginning after 30 December 2024.

For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://www.ey.com/content/dam/ey-unified-site/ey-com/en-gl/services/tax/documents/beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

The table below is for illustrative purposes only. In general, full German withholding tax must be withheld by the payer unless a certificate of (partial) treaty exemption has been obtained by the foreign income recipient, which requires a specific application procedure. In the absence of such certificate, the income recipient can claim a (partial) tax refund from the German Federal Tax Office based on the applicable tax treaty.

	Dividends (1) (2) %	Interest (3)(4) %	Royalties (4) (5) %
Albania	5/15	5 (d)	5
Algeria	5/15	10 (d)	10
Argentina	15	10/15 (d)	15
Armenia	7/10/15 (g)	5 (d)	6
Australia	0/5/15	10 (d)	5
Austria	5/15 (2)	0	0
Azerbaijan	5/15	10 (d)	5/10
Bangladesh	15	10 (d)	10
Belarus	5/15	5 (d)	3/5
Belgium	15 (2)	0/15	0
Bolivia	10/15	15 (d)	15
Bosnia and Herzegovina (j)	15	0	10
Bulgaria	5/15 (2)	5 (d)	5
Canada	5/15	10 (d)	0/10
China Mainland (a)	5/10/15 (g)	10 (d)	6/10
Costa Rica	5/15	5 (d)	10
Côte d'Ivoire	15/18	15 (d)	10
Croatia	5/15 (2)	0	0
Cyprus	5/15 (2)	0	0
Denmark	5/15 (2)	0	0
Ecuador	15	10/15 (d)	15
Egypt	15/20	15 (d)	15/25
Estonia	5/15 (2)	10 (d)	5/10
Finland	5/15 (2)	0	0
France	5/15 (2)	0	0
Georgia	0/5/10	0	0
Ghana	5/15	10 (d)	8
Greece	25 (2)	10 (d)	0
Hungary	5/15 (2)	0	0
Iceland	5/15	0	0
India	10	10 (d)	10
Indonesia	10/15	10 (d)	7.5/10/15
Iran	15/20	15 (d)	10
Ireland	5/15 (2)	0	0
Israel	5/10/15 (g)	5 (d)	0
Italy	10/15 (2)	0/10 (d)	0/5
Jamaica	10/15	10/12.5 (d)(f)	10
Japan	0/5/15	0	0
Kazakhstan	5/15	10 (d)	10
Kenya	15	15 (d)	15
Korea (South)	5/15/25	10 (d)	0/2/10
Kosovo (j)	15	0	10
Kuwait	5/15	0	10
Kyrgyzstan	5/15	5 (d)	10
Latvia	5/15 (2)	10 (d)	5/10
Liberia	10/15	10/20 (d)(f)	10/20
Liechtenstein	0/5/15	0 (d)	0
Lithuania	5/15 (2)	10 (d)	5/10
Luxembourg	5/15 (2)	0	5
Malaysia	5/15	10 (d)	7
Malta	5/15 (2)	0	0
Mauritius	5/15	0	10
Mexico	5/15	5/10 (d)(f)	10

	Dividends (1) (2) %	Interest (3)(4) %	Royalties (4) (5) %
Moldova	15	5 (d)	0
Mongolia	5/10	10 (d)	10
Montenegro (j)	15	0	10
Morocco	5/15	10 (d)	10
Namibia	10/15	0 (d)	10
Netherlands	5/10/15 (2)	0	0
New Zealand	15	10 (d)	10
North Macedonia	5/15	5 (d)	5
Norway	0/15	0	0
Pakistan	10/15	10/20 (d)(f)	10
Philippines	5/10/15	10 (d)	10
Poland	5/15 (2)	5 (d)	5
Portugal	15 (2)	10/15 (d)(f)	10
Romania	5/15 (2)	0/3 (d)	3
Russian Federation (k)	5/15	0	0
Serbia (j)	15	0	10
Singapore	5/10/15 (g)	0	5
Slovak Republic (c)	5/15	0	5
Slovenia	5/15 (2)	5 (d)	5
South Africa	7.5/15	10 (b)	0
Spain	5/15 (2)	0/15	0
Sri Lanka	15	10 (d)	10
Sweden	0/5/15 (2)	0	0
Switzerland	0/5/15/30	0	0
Syria	5/10	10 (d)	12 (i)
Taiwan (h)	10/15 (g)	10/15 (d)(g)	10
Tajikistan	5/15	0	5
Thailand	15/20	10/25 (d)(f)	5/15
Trinidad and Tobago	10/20	10/15 (d)(f)	10
Tunisia	5/15	0/2.5/10 (d)(f)	10
Türkiye	5/15	10 (d)	10
Turkmenistan	5/15	10 (d)	10
Ukraine	5/10	2/5 (d)	0/5
United Kingdom	5/10/15	0	0
United States	0/5/15 (e)	0	0
Uruguay	5/15	10 (d)	10
Uzbekistan	5/15	5 (d)	3/5
Venezuela	5/15	5 (d)	5
Vietnam	5/10/15	5/10 (d)	7.5/10
Zambia	5/15	10 (d)	10
Zimbabwe	10/20	10 (d)	7.5
Non-treaty jurisdictions	25	0/15/25	15

(1) For treaty purposes, income from interest on participating loans, profit-sharing bonds and income from (typical) silent partnerships is considered in a majority of tax treaties to be dividends. Otherwise, this income falls within the interest article. Furthermore, most tax treaties provide an unrestricted taxation right for the source state if the payment is treated as tax-deductible. According to domestic law, interest on participating loans, profit-sharing bonds and income from (typical) silent partnerships is taxed at 25% plus solidarity surcharge (reduced on application to 15% if the recipient is a corporation and if the German anti-treaty shopping rules do not apply). Under German tax law, income from a silent partnership is regarded as a dividend if the silent partnership is characterized as a typical silent partnership. Profits from an atypical silent partnership are considered as business profits. Income from participation rights (Genussrechte) is treated as a dividend if the holder

participates in profits and liquidation results. Otherwise, the income from participation rights is considered to be interest.

(2) According to the EU Parent-Subsidiary Directive, dividends distributed by a German subsidiary to a qualifying EU parent company are exempt from withholding tax if the recipient owns 10% or more of the subsidiary.

(3) German interest withholding tax is imposed only on interest paid by financial institutions, on interest from over-the-counter transactions and on interest payments on convertible and profit-sharing bonds and participating loans. In addition, interest on loans secured by fixed property located in Germany is subject to a limited German tax liability; tax on such interest is not imposed by withholding tax (self-declaration). If not otherwise noted, the treaty withholding tax rate also reduces the German statutory tax rate for interest on loans secured by fixed property located in Germany.

(4) As a result of the implementation of EU Directive 2003/49/EC, withholding tax on interest and royalties paid between associated companies of different EU states is abolished if certain conditions are met.

(5) These rates should only apply to royalties paid by German licensees. Foreign-to-foreign royalties should generally be fully exempt from German tax under the "other income" article in the respective tax treaty. However, the withholding tax rate on foreign-to-foreign royalties from patents, know-how and similar items is 15% if such items are registered in Germany. Certain royalty income and capital gains related to registered rights are only taxed in intragroup cases without treaty protection and in certain cases that involve jurisdictions from the EU prohibited list of non-cooperative jurisdictions.

(a) The treaty with China Mainland does not apply to the Hong Kong and Macau Special Administrative Regions (SARs).

(b) The rate applies if the income is subject to tax in the other state.

(c) The agreement between Germany and former Czechoslovakia applies.

(d) Under certain treaties, interest is exempt from withholding tax if it is paid to a contracting state's government, the central bank or certain public banks or finance institutions or if it relates to a loan that is guaranteed by public credit insurance.

(e) The United States treaty provides for a 0% rate if the participation is at least 80% for a period of 12 months and if the conditions of the Limitation-of-Benefit test under Article 28 are fulfilled.

(f) Interest payments to banks or on loans granted by banks may be subject to a 10% withholding tax rate (5% in the Mexico treaty; 2.5% in the Tunisia treaty).

(g) A 15% rate applies to dividends that are paid out of income or gains derived from immovable property by an investment vehicle.

(h) This is an agreement between the German Institute in Taipei and the Taipei Representative Office in Germany.

(i) If Syria enters into an agreement with any other EU country that provides for a lower rate than 12%, Syria will apply this lower rate on royalties paid to residents of Germany.

(j) The agreement between Germany and former Yugoslavia applies.

(k) On 8 August 2023, the Russian Federation issued a presidential decree temporarily suspending parts of the double tax treaties with 38 "unfriendly" states. This also affects Germany. As a result, the Russian Federation generally levies a withholding tax of 15% on dividend payments to Germany and of 20% on interest and royalties from 8 August 2023.

Germany has initialed and/or signed new tax treaties with Argentina, Belgium, Croatia, Ecuador, Egypt, Iran, Israel, Korea (South), Latvia, Norway, Oman, Poland, Portugal, the Russian Federation (implementation not expected for the foreseeable future), South Africa, Sri Lanka, Switzerland, and Trinidad and Tobago. At the time of writing, the domestic legal procedures for the entry into force of those treaties had not yet been concluded.

Germany is negotiating or renegotiating tax treaties with Albania, Angola, Bangladesh, Benin, Botswana, Brazil, Burkina Faso, Canada, Chile, China Mainland, Colombia, Costa Rica, the Czech Republic, Ethiopia, Greece, the Hong Kong SAR, Iceland, India, Jersey, Jordan, Kosovo, Kuwait, Kyrgyzstan, Lebanon, Liberia, Malaysia, Moldova, Montenegro, Namibia, the Netherlands, New Zealand, Nigeria, Pakistan, Qatar, Romania, Rwanda, San Marino, Senegal, Serbia, the Slovak Republic, Slovenia, Tunisia, Ukraine and Vietnam.

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A. At a glance

Corporate Income Tax Rate (%)	25
Capital Gains Tax Rate (%)	– (a)
Branch Tax Rate (%)	25
Withholding Tax (%) (b)	
Dividends	8 (c)
Interest	8 (c)
Royalties	15 (d)
Management and Technology Transfer Fees	20 (d)
Directors' Fees	20
Technical Service Fees	20 (d)
Lottery Winnings	10 (e)
Consideration from Realization of an Asset or Liability	3/10 (f)
Branch Remittance Tax	8
Net Operating Losses (Years)	
Carryback	Unlimited (g)
Carryforward	5 (h)

(a) Capital gains are added to business or investment income and taxed at the rate applicable to the person.
(b) Applicable to payments to residents and nonresidents.
(c) This is a final tax for both residents and nonresidents without a permanent establishment in Ghana.
(d) This is a final tax for nonresidents without a permanent establishment in Ghana only.
(e) This tax is applicable on gross winnings at the end of each game.
(f) The 3% rate applies to the consideration received in the case of the realization of an asset or liability by a resident person and the 10% rate applies in the case of a nonresident person.
(g) Losses incurred on completion of long-term contracts may be carried back to prior tax years.
(h) Prior to May 2023, enterprises that operated in priority sectors (petroleum operations, minerals and mining operations, energy and power, manufacturing, farming, agro-processing, tourism, and information and communication technology businesses) were allowed to carry forward their losses for a period of five years while all other enterprises were allowed to carry forward their losses for a period of three years. Currently, all companies are allowed to carry forward their losses for a period of five years. In addition, losses incurred by venture capital financing companies on the disposal of shares invested in venture capital subsidiary companies under the Venture Capital Trust Fund Act, 2004 (Act 680) and losses incurred by qualifying venture capital financing companies on shares in any venture may be carried forward for five years after the disposal of the shares.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to tax on their business or investment income for the year, regardless of whether the source of the income still exists. A company is resident in Ghana if it is incorporated under the laws of Ghana or if its management and control are exercised in Ghana at any time during the year. Permanent establishments of nonresident companies in Ghana are also subject to tax on their worldwide income.

Rates of corporate income tax. The standard corporate income tax rate is 25%. However, various other tax rates apply to income derived from specified business activities.

Income derived from non-traditional exports is taxed at a rate of 8%. Income derived by banks from loans granted to farming enterprises is subject to tax at a rate of 20%. The rate of tax applicable to income derived by financial institutions from loans to leasing companies is 20%.

Income derived from lottery operations is taxed at a rate of 20% on the gross gaming revenue.

Rural or community banks are subject to tax at a rate of 5% for a period of 10 years beginning with their first year of operations.

The corporate income tax rate applicable to companies principally engaged in the hotel industry is 22%.

For petroleum extracting companies, the tax rate is 35%. The rate is consistent with the rate provided in the publicly disclosed petroleum agreements that have been signed with the government of Ghana. After a company has recovered all outlays from an oil field plus a specified rate of return after deduction of tax, royalties and an inflation adjustment, the government is entitled to an additional share of the crude oil profits based on a predetermined formula.

Mining companies are subject to corporate income tax at a rate of 35%. A holder of a mining lease, restricted mining lease or small-scale mining license must pay a royalty with respect to minerals obtained from its mining operations in Ghana. The royalty must be paid at the prescribed rate and in the prescribed manner.

Tax incentives. Ghana offers tax exemptions and tax reductions to companies engaged in specified industrial activities. It also offers tax rebates to entities located in certain places.

Income derived by companies from the business of constructing affordable low-cost residential premises for lease or sale is subject to tax at a rate of 5% for a period of five tax years (years of assessment). The tax-incentive period begins with the tax year in which the company begins its operations. If the company's accounting year differs from the calendar year, the beginning of the tax-incentive period is the tax year in which the accounting period of the first year of operations begins.

Rural banks are subject to tax at a rate of 5% for their first 10 years of operation.

The income of a venture capital financing company is subject to tax at a rate of 5% for five years if the company satisfies the eligibility requirements for funding under the Venture Capital Trust Fund Act. The tax-incentive period begins with the tax year in which the company satisfies the eligibility requirements.

Cocoa farmers are exempt from tax on income derived from cocoa. Cattle ranchers are subject to tax at a rate of 5% for the first 10 tax years. Income derived from tree crops, such as coffee, oil palm, shea nut, rubber and coconut, is subject to tax at a rate of 5% for 10 years following the first harvest. For a company's first five years of operations, income derived from livestock (other than cattle), fishing and cash crops, such as maize, rice, pineapple, cassava and yam, is subject to tax at a rate of 5%.

Income of a company from an agro-processing business conducted wholly in Ghana is subject to tax at a rate of 5% for a period of five tax years. The period begins with the tax year in which the company begins commercial production. If the company's accounting year differs from the calendar year, the beginning of the period is the tax year in which the accounting period of the first year of production begins.

Income of a company that commercially produces cocoa byproducts wholly in Ghana from substandard cocoa beans, cocoa husks and other cocoa waste as the principal raw materials is subject to tax at a rate of 5% for a period of five tax years. The tax-incentive period begins with the tax year in which the company begins commercial production. If the company's accounting year differs from the calendar year, the beginning of the period is the tax year in which the accounting period of the first year of production begins.

The income of a company whose principal activity is the processing of waste, including recycling of plastic and polythene material for agricultural or commercial purposes, is subject to tax at a rate of 5% for a period of seven tax years. This period begins with the tax year in which the company begins its operations. If the company's accounting year differs from the calendar year, the beginning of the tax-exemption period is the tax year in which the accounting period of the first year of operations begins.

Nonresident companies engaged in air and sea transportation are exempt from tax if the Commissioner-General of the Ghana Revenue Authority (GRA) is satisfied that the same types of companies resident in Ghana are granted an equivalent exemption by the nonresident company's country of residence.

Manufacturing enterprises, other than those operating in free zones or engaged in the export of non-traditional goods, located in regional capitals other than Accra are entitled to a 25% income tax rebate, while manufacturing enterprises located outside regional capitals other than Tema are entitled to a 50% income tax rebate.

The Exemptions Act, 2022, Act 1083, which took effect on 12 September 2022 aims to provide for an exemptions regime, including the scope, criteria and the administration as well as monitoring, evaluation, reporting and enforcement.

Capital gains. A company that derives a gain from the realization of a capital asset is required to include the gain in its business income unless the asset is held or used for investment purposes. In such case, the gain is included in determining the company's investment income.

To calculate a gain from the realization of a capital asset, the cost basis of the asset is deducted from the proceeds received on the disposal of the asset. The cost basis of a chargeable asset is the sum of the following:
- Cost of the asset including incidental costs
- Expenditure incurred to alter or improve the asset
- Expenditure relating or incidental to the disposal of the asset

Administration. The GRA is responsible for the administration and collection of all taxes.

The tax year is the calendar year. If a company's accounting year differs from the calendar year, its basis period for a tax year is the accounting year ending within the tax year.

Companies must file their tax returns within four months after the end of their accounting year.

Assessed tax must be paid on the date specified in the notice of assessment from the Commissioner-General of the GRA. In general, companies are required to make quarterly payments at the end of the third, sixth, ninth and twelfth months of their accounting year.

Companies that fail to pay income tax by the due date are liable to pay interest at 125% of the statutory rate on the amount of tax that remains unpaid, in addition to the tax payable. The interest is compounded monthly.

To make tax collection more efficient, taxpayers are segmented into various Tax Service Centers, which are deployed across the country to deliver seamless tax services, with a focus on small and medium taxpayers.

There are also two Large Taxpayer Offices (LTOs). The LTOs operate as specialized offices that focus exclusively on the tax administration of large taxpayers identified by the GRA. Large taxpayers are classified as companies and/or individuals involved in economic activities which yield or, per their sizes, are estimated to yield annual turnovers of GHS5 million and above. The category also comprises specialist industries regardless of their turnover. These include upstream and midstream petroleum companies, banking institutions, insurance companies, mining companies except quarries, and members of groups of companies of which at least one member qualifies as a large taxpayer.

Dividends. An 8% withholding tax is imposed on dividends paid to resident shareholders and nonresident shareholders unless exempt. This is a final tax.

Foreign tax relief. Foreign tax paid on foreign income is allowed as a credit against tax payable with respect to the foreign income received in Ghana. The amount of tax chargeable with respect to the income is reduced by the amount of the credit.

C. Determination of trading income

General. Chargeable income is based on the income reported in entities' financial statements, subject to certain adjustments.

To be deductible, expenses must be wholly, exclusively and necessarily incurred in the production of income by the company during the financial year. Expenses that may be deducted include the following:

- Interest (subject to thin-capitalization rules; see Section E)
- Rent
- Repair of plant, premises, machinery and fixtures (see *Repairs*)
- Bad debts (see *Provisions*)
- Research and development expenditure
- Financial costs (see *Financial costs*)

Repairs. Expenditure on repairs and improvements to a depreciable asset are deductible expenses, regardless of whether they are of a capital nature. However, the amount deductible is limited to 5% of the written-down value of the pool to which the depreciable asset belongs. The excess expenditure is added to the written-down value of such pool.

Financial costs. Financial costs other than interest incurred by an entity are deducted in calculating the income of the entity from an investment or business. However, the deduction is limited to the sum of the following:
- Financial gains to be included in calculating the income of the entity from the business or investment
- Fifty percent of the chargeable income of the entity for the year from the business or investment, calculated without including financial gains (derived by the entity) and deducting financial costs (incurred by the entity)

Any outstanding financial costs can be carried forward for up to five tax years.

The timing of the inclusions and exclusions of financial gains and costs is determined in accordance with generally accepted accounting principles (GAAP).

Inventories. In determining the chargeable income of a person from a business, the cost of inventory used in generating the income is deducted. The deductible amount is determined by adding to the value of the opening stock the expenses incurred by the person that is included in the cost of trading stock and deducting the value of the closing stock from the amount.

Provisions. Bad debts incurred in businesses other than banks are deductible if the company proves to the satisfaction of the Commissioner-General of the GRA that the debts have become bad, and that it has taken all reasonable steps to ensure payment, but to no avail.

Bad debts incurred in banking business are deductible if both of the following conditions are satisfied:
- The bank proves to the satisfaction of the Commissioner-General of the GRA that the debt is bad and the debt claim constitutes the advance of a principal sum in a case in which the cost of the debt claim is reduced by an equal amount.
- The bad debt write-off has been sanctioned by the Board of Directors of the bank and the prior written approval of the Bank of Ghana has been obtained.

The effective date of deduction of an approved bad debt write-off is the date of approval by the Bank of Ghana on or before the due date for submission of the annual return for the relevant tax year.

Under the Tax Act, provisions for bad and doubtful debts are not allowed for tax purposes.

All amounts recovered with respect to bad debts that were deducted must be included in income for the accounting year of the recovery.

Research and development expenditure. Expenses with respect to research and development are deductible if the expenses are wholly, exclusively and necessarily incurred in generating the income of the business, regardless of whether the expense is of a capital nature.

Capital allowances (tax depreciation). Capital allowances are granted on depreciable assets. Depreciable assets are classified into five main classes. Assets in Classes 1, 2, and 3 are placed in

separate pools, and capital allowances granted with respect to the pool. Capital allowances for Classes 4 and 5 assets are granted on individual assets of the same class. To claim capital allowances, a company must satisfy the following conditions:
• It used the asset in the production of the income.
• It incurred cost in purchasing the asset.

Capital allowances granted for a particular tax year are deemed to be deductions in arriving at the chargeable income or loss of the company.

The following table presents the various classes of assets and details for calculating their capital allowances (capital allowances granted with respect to assets used in mining and petroleum operations are not included in the table).

Class	Assets	Rate %	Formula for calculating capital allowances
1	Computers and data handling equipment, together with peripheral devices	40	(A x B x C) ÷ 365 (a)
2	Automobiles; buses and minibuses; goods vehicles; construction and earth-moving equipment, heavy general purpose or specialized trucks; trailers and trailer-mounted containers; plant and machinery used in manufacturing; and costs of a capital nature with respect to long-term crop planting costs	30	(A x B x C) ÷ 365 (a)
3	Railroad cars, locomotives and equipment; vessels, barges, tugs, and similar water transportation equipment; aircraft; specialized public utility plant, equipment, and machinery; office furniture, fixtures and equipment; and any depreciable asset not included in another class	20	(A x B x C) ÷ 365 (a)
4	Buildings, structures and similar works of a permanent nature	10	(A x B x C) ÷ 365 (b)(c)
5	Intangible assets	– (d)	[(A÷D) x C] ÷ 365 (c)(e)

(a) A is the written-down value of the pool at the end of a basis period, B is the depreciation rate applicable to the pool, and C is the number of days in the period.
(b) A is the cost base of the asset, B is the depreciation rate, and C is the number of days in the basis period.
(c) The total amount of capital allowances granted for a Class 4 or 5 asset may not exceed the cost basis of the asset.
(d) The rate is determined by formula.
(e) A is the cost base of the asset, C is the number of days in the basis period, and D is the useful life of the asset in whole years calculated at the time the asset is acquired.

Mining and petroleum. A different method applies for granting capital allowances for mining and petroleum companies or contractors. For mining and petroleum operations, assets are pooled on a year-by-year basis, and assets acquired each year represent a separate pool. Capital allowances are calculated on straight-line basis at a rate of 20% on each separate pool.

Relief for losses. Prior to May 2023, enterprises that operated in government priority sectors (petroleum operations, minerals and mining operations, energy and power, manufacturing, farming, agro-processing, tourism, and information and communication technology businesses) were allowed to carry forward their losses for a period of five years while all other enterprises were allowed to carry forward their losses for a period of three years. Currently, all companies are allowed to carry forward their losses for a period of five years.

Losses incurred on completion of long-term contracts may be carried back to prior tax years.

Groups of companies. Each company within a group must file a separate tax return. Offsetting of losses against profits among members of the group is not allowed.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT); imposed on all supplies of goods and services made in, or goods imported into, Ghana, except for exempt items; services imported for the person's own consumption are subject to a reverse VAT charge	15
National Health Insurance Levy (NHIL); imposed on all supplies of goods and services made in or imported into Ghana, except for supplies that are specifically exempt; services imported for the person's own consumption are subject to a reverse NHIL charge	2.5
VAT Flat Rate Scheme; retailers of goods who make taxable supplies of not less than GHS200,000 and not more than GHS500,000 at the end of any period of 12 months must charge VAT on their supplies at a flat rate; input VAT incurred by persons under the scheme cannot be claimed	3

Nature of tax	Rate (%)
Ghana Education Trust Fund levy (GETFund levy); imposed on all supplies of goods and services made in or imported into Ghana, except for supplies that are specifically exempt; services imported for the person's own consumption are subject to a reverse GETFund levy charge	2.5
COVID-19 Health Recovery Levy; imposed on all supplies of goods and services made in or imported into Ghana, except for supplies that are specifically exempt; services imported for the person's own consumption are subject to a reverse COVID-19 levy charge	1
Growth and Sustainability Levy; imposed on all entities in Ghana in three categories	
Category 1, which includes financial and telecommunication entities, breweries, inspection and valuation companies, mining support entitles, bulk oil distributors, oil marketing companies, communication tower operators, upstream petroleum service providers and shipping lines, pays 5% on their profit before tax	5
Category 2, which includes entities in the extractive sector, pays 1% of their gross production	1
Category 3, which includes all other entities not included in Categories 1 or 2, pays 2.5% on their profit before tax	2.5

E. Miscellaneous matters

Foreign-exchange controls. The currency in Ghana is the Ghana cedi (GHS).

The Foreign Exchange Act, 2006 (Act 723) governs foreign-exchange controls in Ghana. However, the Bank of Ghana exercises much discretion in administering the act.

Anti-avoidance legislation. A company must obtain a tax-clearance certificate to engage in certain transactions, including the purchase of goods in commercial quantities from producers, distributors, manufacturers or importers. The Commissioner-General of the GRA has the power to disregard or re-characterize fictitious arrangements and schemes entered into or carried out for the purposes of avoiding tax. The income tax law contains the following three specific anti-avoidance measures:

- Income splitting (see Section C)
- Transfer pricing (see *Transfer pricing*)
- Thin capitalization (exempt-debt to exempt-equity ratio; see *Debt-to-equity ratio*)

Transfer pricing. Ghana passed new Transfer Pricing Regulations, 2020 (L.I. 2412), which replaced the old regulations (L.I. 2188) in November 2020. The regulations follow the Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines. The regulations allow the use of the transfer-pricing methods outlined in the OECD guidelines and the use of

an alternative method if the methods stated are not appropriate for determining the arm's-length price for the transaction. On the filing of a return, the Commissioner-General can use an alternative transfer-pricing method if the Commissioner-General takes the view that the method used does not result in the arm's-length price for a transaction.

The regulations also require entities that enter into related-party transactions to prepare contemporaneous documentation to support their returns. Entities must also submit transfer-pricing returns as part of their annual income tax returns within four months after the end of the accounting year. A copy of the documentation (Local File and Master File) must be filed with the tax authorities within four months after the end of the accounting year.

The regulations further require the filing of a Country-by-Country (CbC) report not later than 12 months after the last day of the reporting tax year of the group. This requirement applies to multinational enterprises with annual consolidated group revenues of GHS2.9 billion (approximately USD234 million as of 27 February 2024) or above in the tax year immediately preceding the reporting tax year. Safe harbor rules have also been introduced for some routine transactions not exceeding USD200,000.

Debt-to-equity ratio. If an "exempt-controlled resident entity," other than a financial institution, has an "exempt debt" to "exempt equity" ratio in excess of 3:1, no deduction is allowed for interest paid or a foreign-exchange loss incurred on the portion of the debt that exceeds the 3:1 ratio. Broadly, an "exempt-controlled resident entity" is a resident entity of which at least 50% of its underlying ownership or control is held by an "exempt person," which is a nonresident person or a resident person meeting certain criteria. The law also provides detailed definitions of "exempt debt" and "exempt equity."

F. Treaty withholding tax rates

The following are the maximum withholding rates under Ghana's double tax treaties for dividends, interest, royalties, and management and technology transfer fees.

	Dividends %	Interest %	Royalties and management and technology transfer fees %
Belgium	5/15 (a)	10	10
Czech Republic	6	10	8
Denmark	5/15 (b)	8	8
France	5/7.5/15 (c)	10/12.5 (d)	10/12.5 (e)
Germany	5/15 (f)	10	8
Italy	5/15 (g)	10	10
Mauritius	7	7	8/10 (h)
Morocco	5/10 (i)	10	10
Netherlands	5/10 (i)	8	8
Qatar	5/7 (j)	7	10
Singapore	7	7	7/10 (k)
South Africa	8	5/10 (l)	10

	Dividends %	Interest %	Royalties and management and technology transfer fees %
Switzerland	5/10 (i)	10	8
United Kingdom	7.5	12.5	10/12/5 (m)
Non-treaty jurisdictions	8	8	15/20 (n)

(a) The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the company paying the dividends. The 15% rate applies in all other cases.
(b) The 5% rate applies if the beneficial owner is a company, the other contracting state, the central bank of the other state, or a pension fund or similar institution. The 15% rate applies in all other cases.
(c) The 5% rate applies if the company paying the dividends is resident in France, and the 7.5% rate applies if the company paying the dividends is resident in Ghana. In both cases the beneficial owner should be a company that holds directly or indirectly at least 10% of the capital of the company paying the dividends. The 15% rate applies in all other cases.
(d) The 12.5% rate applies if the beneficial owner is resident in France, and the 10% rate applies if the beneficial owner is resident in Ghana.
(e) For royalties, the 12.5% rate applies if the beneficial owner is resident in France, and the 10% rate applies if the beneficial owner is resident in Ghana. For management fees, the 10% rate applies.
(f) The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the company paying the dividends. The 15% rate applies if the beneficial owner is a partnership and in all other cases.
(g) The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the company paying the dividends. The 15% rate applies in all other cases.
(h) The 8% rate applies to royalties. The 10% rate applies to technical services.
(i) The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the company paying the dividends. The 10% rate applies if the beneficial owner is a partnership and in all other cases.
(j) The 5% rate applies if the beneficial owner is a company that holds directly at least 25% of the capital of the company paying the dividends. The 7% rate applies if the beneficial owner is a partnership and in all other cases.
(k) The 7% rate applies to royalties. The 10% rate applies to technical services.
(l) The 5% rate applies if the interest is derived by a bank that is a resident in the other contracting state. The 10% rate applies in all other cases.
(m) The 12.5% rate applies to royalties. The 10% rate applies to management fees and technical fees.
(n) The 15% rate applies to royalties. The 20% rate applies to management and technical service fees.

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A. At a glance

Corporate Income Tax Rate (%)	12.5 (a)(b)
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	12.5 (a)(b)
Withholding Tax (%)	
Dividends	0
Interest	0
Royalties	0
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (c)

(a) A 12.5% tax rate applies to taxable profits from 1 August 2021 onward. A rate of 10% applies to profits prior to that date.
(b) A tax rate of 20% applies to utility, energy and fuel supply companies and companies abusing a dominant market position.
(c) In general, the carryforward is unlimited. However, if both a change in ownership and a major change in the nature or conduct of a trade carried on by the company occurs within a three-year period, losses incurred in any financial period beginning before the change in ownership cannot be offset against losses incurred subsequent to the change in ownership.

B. Taxes on corporate income and gains

Corporate income tax. Companies are taxed on profits "accrued in or derived from" Gibraltar. "Accrued in or derived from" is defined by reference to the location of the activities that generate the profits. If a company's income results from an underlying activity that requires a license and regulation under any law of Gibraltar, the income is deemed to accrue in and derive from Gibraltar, except for income from activities carried on outside Gibraltar by a branch or permanent establishment.

The above rule applies regardless of whether a company is registered in Gibraltar or whether it is ordinarily resident in Gibraltar. A company is ordinarily resident in Gibraltar if central management and control is exercised in Gibraltar or is exercised outside Gibraltar by persons who are ordinarily resident in Gibraltar.

Rates of corporate tax. All companies are chargeable on taxable profits at a rate of 12.5% (this rate applies to profits from 1 August 2021 onward; profits prior to that date were taxed at a rate of 10%). An exception applies to utility, energy and fuel supply companies and companies deemed to be abusing a

dominant market position, which are subject to tax at a rate of 20%.

Tax incentives for companies. The following tax incentives apply, in addition to any deduction that may otherwise be given for such expenditure:

- An additional allowance is given for 50% of the fixed salary cost of any employee registered with the Department of Employment for the first time after 1 July 2021. This applies to accounting periods ending between 1 July 2021 and 30 June 2023.
- An additional allowance is given for 50% of marketing costs. Current legislation states that this applies to accounting periods ending between 1 July 2021 and 30 June 2023. A bill has been published that would restrict this to accounting periods ending by 30 June 2022, and to only certain types of marketing. This bill has not yet been passed by parliament and was not in force at the time of writing.
- An additional 60% deduction is given for qualifying training costs. For accounting periods ending prior to 1 July 2021, the additional deduction is 50%.
- A deduction of up to GIP6,000 over two years is given for the cost of any solar or wind energy installations. From 1 July 2021 onward, a deduction is given for 10% to 100% (previously 5% to 55%) of the cost of improvements to the energy performance certificate (EPC) rating of a property. The percentage applied depends on the EPC rating achieved.
- Businesses may claim a deduction for expenditure on works carried out to improve access for people with disabilities to their premises, up to a maximum of GIP15,000, subject to conditions. This applies to such expenditures between 1 July 2019 and 30 June 2024.

Capital gains. Capital gains are not taxed in Gibraltar. Capital losses are not deductible. An exception to this is exit tax, which only applies in limited circumstances (see *Exit taxes* in Section E).

Administration. All companies that are registered in Gibraltar or that have income assessable to tax in Gibraltar are required to file a return. Returns, accounts and computations must be filed within nine months after the end of the month in which the financial period ends.

All companies incorporated in Gibraltar that declare a dividend in a financial period are required to file a dividend return within nine months after the end of the month in which that financial period ends. Companies that are listed on a recognized stock exchange are exempt from this requirement.

Companies must make payments on account of their corporation tax by 28 February and 30 September each year. Each payment is made toward the tax liability for the financial period in which the payment on account is due. The amount of payment on account due is based on the tax payable for the last relevant financial period. An application can be made for a reduced or zero payment if basing the payment on a prior year would result in an excessive payment. The final payment with respect to a financial period is due within nine months after the end of the month in which that financial period ends.

Companies not complying with filing and payment deadlines are subject to penalties and surcharges.

A self-assessment system requires companies to assess correctly their tax liabilities, with any underpayment of tax being subject to surcharges.

Companies may request advance tax rulings.

Dividends. Dividends paid by Gibraltar companies are not subject to withholding tax. Tax credits are attached to dividends paid by companies incorporated in Gibraltar. This tax credit equals the tax paid by the company on the profits out of which the dividend is paid. Restrictions may apply to how such tax credits may be utilized.

Dividend income is not taxable in the following circumstances:
- The dividend is received by a company from another company.
- The dividend is received by a person who is not ordinarily resident in Gibraltar.
- The dividend is received from a company that has its shares listed on a recognized stock exchange.
- The dividend represents the distribution of profits or gains on which no tax has been charged in accordance with the provisions of the Income Tax Act 2010 (the act contains rules governing the allocation of dividends to specific profits or gains).

The above exceptions may be subject to the anti-avoidance provisions that are part of the European Union (EU) Parent-Subsidiary Directive. Although Gibraltar has now left the EU, together with the United Kingdom, this Directive as it applied on 31 December 2020 remains reflected in Gibraltar's legislation.

Interest. Withholding tax is not imposed on the payment of interest. Interest income is not taxable, except for the following:
- Interest on loans or advances by one company to another company if the interest from an individual company is GIP100,000 or more per year. Under an anti-avoidance measure, interest received or receivable from different companies is considered to be from the same company for the purposes of the GIP100,000 threshold if those companies are "connected persons." For this purpose, interest is deemed to be accrued and derived in Gibraltar if the company in receipt of the interest is a Gibraltar-registered company.
- Interest income of a company that lends to, or takes deposits from, the general public or engages in similar activities.
- Interest income of an insurance company. This applies with effect for accounting periods beginning on or after 1 February 2024.

Royalties. Royalty income received or receivable by a company is taxable. Such income is deemed to be accrued and derived in Gibraltar if the company receiving the royalties is a Gibraltar-registered company.

Non-trading rental income from movable property. Non-trading rental income from movable property is taxable, effective from 22 November 2018. Such income is deemed to accrue in and derive from Gibraltar if the recipient is a Gibraltar-registered company.

Foreign tax relief. Unilateral tax relief is granted with respect to tax paid or payable in another jurisdiction on income from that jurisdiction, subject to conditions. This is restricted to the tax that would otherwise have been payable in Gibraltar on that income.

C. Determination of trading income

General. Taxable profits are determined based on financial statements prepared in accordance with Gibraltar generally accepted accounting practice (GAAP), or UK GAAP or International Financial Reporting Standards, subject to certain adjustments and provisions.

In general, expenses must be incurred wholly and exclusively for the purposes of the trade, business, profession or vocation. However, specific reliefs and prohibitions exist for certain expenses.

Certain expenses are either not deductible or are subject to restrictions, including the following:

- Interest paid or payable to a person not resident in Gibraltar is not deductible to the extent that the interest is charged at a rate greater than a reasonable commercial rate.
- Depreciation and amortization of assets are not deductible (instead capital allowances are given; see *Tax depreciation [capital allowances]*).
- Contributions to a provident, pension or other fund for the benefit of employees are not deductible if the fund has not been approved by the Commissioner of Income Tax.
- The cost of entertaining existing and potential clients and persons introducing business, are deductible, but detailed rules restrict deductibility.
- For a branch or a company with a branch, the deduction for certain head office expenses or certain expenses incurred by a branch for the common purpose of the company is restricted to 5% of gross income of the branch.
- "General" expenses are apportioned between chargeable and non-chargeable income on a pro rata basis. The part of such expenses attributable to non-chargeable income is not deductible.

Tax depreciation (capital allowances). For periods ending between 1 July 2021 and 30 June 2023, the following applies:

- Up to GIP60,000 of purchases, or if higher, 50% of expenditure, in the period on plant and machinery is fully deductible in that period. Plant and machinery include, among other items, fixtures, fittings, equipment and commercial motor vehicles. In addition, up to GIP100,000 of purchases, or if higher, 50% of expenditure, in the period on information technology is fully deductible in that period.
- All such assets are pooled for tax purposes. The pool is increased with respect to any additions in excess of initial allowances given and reduced by the proceeds of any disposals in the period. The allowance for the year is then calculated at 25% of the value of the pool. The pool value is then reduced by that allowance, and the remaining balance is carried forward to the next period. For companies taxed at 20% (see *Rates of corporate tax* in Section B), the annual allowance is given at 30% instead of 20%.

- A deduction is given with respect to wear and tear on property of 1% of the acquisition cost (excluding the underlying cost of the land). There is also a deduction available amounting to 4% of the cost of industrial buildings.

For periods ending prior to 1 July 2021 and periods ending after 30 June 2023, the following applies:

- The first GIP30,000 of plant and machinery acquired in a financial period is fully deductible in that period. In addition, the first GIP50,000 of qualifying capital expenditure on information technology investment in a financial period is also fully deductible.
- All such assets are pooled for tax purposes. The pool is increased with respect to any additions in excess of initial allowances given and reduced by the proceeds of any disposals in the period. The allowance for the year is then calculated at 15% of the value of the pool. The pool value is then reduced by that allowance, and the remaining balance is carried forward to the next period. For companies taxed at 20% (see *Rates of corporate tax* in Section B), the annual allowance is given at 20% instead of 15%.
- A deduction is available amounting to 4% of the cost of industrial buildings.

Groups of companies. Gibraltar law does not provide for tax consolidation. It does not have any provision for group relief (that is, the use of tax losses of one group company by another group company).

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Stamp duty	
On the issuance or increase of authorized share capital, or on the issuance of loan capital; fixed amount per transaction	GIP10
On the purchase of real estate in Gibraltar by a company	
Purchase price not exceeding GIP200,000	0%
Purchase price between GIP200,001 and GIP350,000	2% on first GIP250,000, and 5.5% on balance
Purchase price of over GIP350,000	3% on first GIP350,000, and 3.5% on balance
(The government of Gibraltar announced in July 2023 that for all purchases with a price of over GBP800,000, a rate of 4.5% is to apply to the amount that exceeds GBP800,000. As of 1 March 2024, this has not yet been implemented and is pending enactment of the legislation.)	
Social insurance contributions, on employees' wages and salaries;	

Nature of tax	Rate
payable on weekly wages by	
Employer	18% (subject to minimum of GIP29 per employee per week and maximum of GIP51 per employee per week)
Employee (under 60)	10% (subject to minimum of GIP13 per week and maximum of GIP37)

E. Miscellaneous matters

Foreign-exchange controls. Restrictions are not imposed on foreign exchange or on inward or outward investments. The transfer of profits and dividends, loan principal and interest, royalties and fees is unlimited, subject to company law.

Anti-avoidance legislation. Gibraltar tax law contains several anti-avoidance provisions.

General. The Commissioner of Income Tax may disregard part or all of arrangements that are deemed to be artificial and/or fictitious and whose purpose is to reduce or eliminate tax payable. "Artificial or fictitious" includes not being consistent with the international standard of the arm's-length principle as defined by the Organisation for Economic Co-operation and Development (OECD) in its Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations.

Any "notifiable arrangement" or "notifiable proposal" must be disclosed to the Commissioner of Income Tax. Detailed procedures exist for seeking clearance in advance of proposals. A timetable is provided for the Commissioner to request further information, to notify the applicant that anti-avoidance provisions will or will not apply, or to notify the applicant that the Commissioner requires a further 21 days to make a decision.

Expenses in favor of connected parties. In certain circumstances, the deduction for expenses incurred in favor of a connected party or parties may be restricted to the lower of 5% of turnover or 75% of profit before taking into account the expenses in question.

Debt-to-equity ratios. Thin-capitalization rules apply to interest paid by a company in the following circumstances:

- The interest is paid to a connected party that is not a company.
- The loan is secured by assets belonging to a connected party that is not a company.

In the above circumstances, if the loan is not considered to be on arm's-length terms and if the loan capital to equity ratio is greater than 5:1, interest paid by the company may be treated as a dividend instead of a deductible expense.

Interest paid to a connected party in excess of the amount that would have been charged on an arm's-length basis may be deemed to be a dividend instead of a deductible expense.

Interest may be disallowed as a deductible expense if both of the following circumstances exist:

- The loan is secured by a cash deposit made with the lender (or party connected to the lender) or secured by certain investments.
- The income from the cash deposit or investment is not assessable to tax.

EU Anti-Tax Avoidance Directive. Gibraltar has implemented the EU Anti-Tax Avoidance Directive (ATAD). Although Gibraltar has now left the EU, this Directive as it applied on 31 December 2020 remains in Gibraltar's legislation. Measures include those described below.

Interest deduction limitation. The deduction for interest expense available to companies within a group is limited to the greater of the following:
- 30% of the taxpayer's earnings before interest, tax, depreciation or amortization (EBITDA)
- EUR3 million for the entire group

Interest costs not deductible in a tax year may be carried forward indefinitely to future tax years. Unused interest capacity may be carried forward for up to five years.

The above does not apply to single entities and financial undertakings.

Controlled foreign company rule. For the purposes of the ATAD rules, a controlled foreign company (CFC) is an entity or permanent establishment not resident in Gibraltar that meets the following requirements:
- It is controlled by the taxpayer.
- Its profits are not taxable in Gibraltar.
- It pays tax of less than 50% of the tax that would be payable in Gibraltar were the entity taxable in Gibraltar.

The undistributed profits of the CFC arising from non-genuine arrangements put in place for a tax advantage are included as income of the taxpayer. The above does not apply to a CFC if it has accounting profits of no more than EUR750,000 and non-trading income of no more than EUR75,000 or if its accounting profits amount to no more than 10% of its operating costs for the financial period.

Hybrid mismatch rule. This rule applies if, as a result of differences in the legal characterization of a financial instrument or entity between two jurisdictions, either of the following circumstances exists:
- A deduction in both jurisdictions for the same expense, payment or loss
- A deduction in one jurisdiction without the inclusion of the corresponding income in the other jurisdiction

In the former case, the deduction is allowed only if Gibraltar is the source of the payment. In the latter case, a deduction is not available.

Gibraltar also applies the rules based on the Council Directive (EU) 2017/952 (ATAD 2) provisions with respect to hybrid permanent establishment mismatches, hybrid transfers, imported mismatches and dual-resident mismatches. The legislation does not include the ATAD 2 provisions on reverse hybrid entities,

because ATAD 2 did not require these provisions to be implemented until 1 January 2021, by which time the Brexit transition had ended. The legislation does not go beyond the ATAD 2's mandatory "minimum standards" to neutralize hybrid mismatches. Gibraltar opted in for all possible exceptions provided for by the ATAD 2.

Exit taxes. The provisions in ATAD relating to exit taxes were implemented in Gibraltar in January 2020. The exit tax applies to any of the following circumstances:

- An entity transfers assets from its head office to its permanent establishment outside Gibraltar, and Gibraltar, as the EU Member State of the head office, no longer has the right to tax the transferred assets as a result of the transfer.
- An entity transfers assets from its permanent establishment in Gibraltar to its head office or another permanent establishment outside Gibraltar, and Gibraltar, as the EU Member State of the permanent establishment, no longer has the right to tax the transferred assets as a result of the transfer.
- A taxpayer transfers its tax residence from Gibraltar to another jurisdiction, except for those assets which remain effectively connected with a permanent establishment in Gibraltar.
- A taxpayer transfers the business carried on by its permanent establishment from Gibraltar to outside Gibraltar, and Gibraltar, as the EU Member State of the permanent establishment, no longer has the right to tax the transferred assets as a result of the transfer. A transfer of business is defined as being where the entity ceases to have a taxable presence in Gibraltar and acquires a taxable presence in another jurisdiction, without becoming tax resident in that other jurisdiction.

A transfer of assets is defined as a situation in which Gibraltar loses the right to tax the transferred assets, while the assets remain under the ownership of the same taxpayer.

Tax is imposed at the applicable corporate rate on the difference between the market value of the transferred assets less their value for tax purposes.

The legislation applies to accounting periods commencing on or after 1 January 2020.

Mandatory Disclosure Regime. Gibraltar implemented EU Directive 2018/822 (DAC6), which requires the reporting by intermediaries and, in some cases, taxpayers of cross-border arrangements that meet certain defined hallmarks. However, subsequent to the ending of the Brexit transition period, Gibraltar followed the lead of the United Kingdom and, effective from 1 January 2021, applies the legislation reflecting DAC6 to only the two hallmarks in DAC6 that correspond to the OECD Mandatory Disclosure Model. Those hallmarks, D1 and D2, refer to arrangements that have the effect of undermining the automatic exchange of financial information or that involve a non-transparent legal or beneficial ownership chain.

However, Gibraltar has applied DAC6 with respect to any cross-border arrangements involving Spain (this arises from the international agreement signed between the United Kingdom and Spain described in Section F).

BEPS 2.0 Pillar Two provisions. The government of Gibraltar has announced the following:

- A BEPS 2.0 Pillar Two-compliant Qualified Domestic Minimum Top-up Tax applies for accounting periods commencing on or after 31 December 2023, but only to members of groups whose parent jurisdiction has adopted the Pillar Two rules.
- Pillar Two is to be implemented for financial periods beginning after 31 December 2024.

For the latest information on Pillar Two, see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Tax treaties

In October 2019, a tax treaty was signed between Gibraltar and the United Kingdom. It entered into force on 24 March 2020. The treaty took effect in the United Kingdom from 1 May 2020 for taxes withheld at source and from 1 April 2020 for corporation tax. It took effect in Gibraltar from 1 May 2020 for taxes withheld at source and from 1 July 2020 for corporation tax.

The United Kingdom and Spain signed an international agreement with respect to Gibraltar tax matters in 2019. The agreement was ratified by both countries in March 2021. The provisions relating to companies generally apply to the first tax year commencing after the date of ratification. The agreement contains rules that determine residency of companies, including provisions that would make a Gibraltar legal entity Spanish resident if any of the following applies:

- The majority of the assets, whether directly or indirectly owned, is located in Spain.
- The majority of income derives from sources in Spain.
- The majority of natural persons in charge of effective management is tax resident in Spain.
- The majority of ownership or control is held directly or indirectly by persons resident in Spain.

Despite Brexit, Gibraltar's legislation still contains provisions that implement the EU Parent Subsidiary Directive and the EU Directive on Interest and Royalties. Notwithstanding those provisions, Gibraltar does not impose withholding tax on dividends, interest or royalties.

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At the time of writing, changes to the tax law were expected. Because of these expected changes, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	22 (a)
Capital Gains Tax Rate (%)	22 (b)

Branch Tax Rate (%)	22
Withholding Tax (%)	
Dividends	5 (c)
Interest	
Bank Interest	15 (d)(e)
Interest on Treasury Bills and Corporate Bonds	15 (d)(e)
Repos and Reverse Repos	15 (d)(e)
Other Interest	
Paid to Greek Legal Entities	15
Paid to Foreign Legal Entities	15 (e)(f)
Royalties from Patents, Know-how and similar payments	20 (e)(f)
Technical Service Fees, Management Service Fees, Consulting Service Fees and Fees for Similar Services	0/20 (g)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) Law 4799/18.5.2021 provides the following:
- The income tax rate for legal persons and legal entities is reduced to 22% (from 24%) for the 2021 tax year and onward.
- The corporate income tax rate remains at 29% for credit institutions (banks) for the tax years that the provisions of deferred taxation apply (Article 27A of the Greek Income Tax Code [GITC]).

(b) For details regarding the taxation of capital gains derived by legal persons or legal entities, see Section B.

(c) The 5% withholding tax rate applies to dividends and interim dividends distributed by a Greek corporation (*anonymos eteria*, or AE; in certain countries, a corporation is referred to as a *société anonyme*, or SA) and profits distributed by a Greek limited liability company (*eteria periorismenis efthinis*, or EPE). This 5% withholding tax is subject to rates applicable under double tax treaties or under the European Union (EU) Parent-Subsidiary Directive (amended by Directive 2011/96/EC).

(d) This 15% withholding tax is subject to rates applicable under double tax treaties or under the EU Interest-Royalties Directive.

(e) This is a final tax if the beneficiary is a legal person (for example, a company) or legal entity that satisfies both of the following conditions:
- It does not have its tax residency in Greece.
- It does not maintain a permanent establishment for corporate income tax purposes in Greece.

In addition, non-Greek tax resident companies with no permanent establishment in Greece are exempt from tax on interest arising from listed corporate bonds (applicable for interest payments made on or after 1 January 2020).

(f) This 20% withholding tax is subject to rates applicable under double tax treaties or under the EU Interest-Royalties Directive. No tax is withheld on payments of royalties made to legal persons or legal entities that have their tax residence in Greece or that have a Greek permanent establishment in Greece.

(g) No tax is withheld if the recipient has its tax residency in Greece or another EU/European Economic Area (EEA) country; otherwise, a 20% withholding tax applies.

B. Taxes on corporate income and gains

Corporate income tax. Greek companies are taxed on their worldwide income. Foreign business enterprises are taxed only on income derived from a permanent establishment in Greece or on profits generated in Greece. An AE, SA or EPE is Greek if its corporate seat or place of effective management is located in Greece.

A legal person or entity is considered to be a Greek tax resident in the following cases:
- It is incorporated or established under Greek law.

- It has its registered office in Greece.
- Its place of effective management is in Greece at any time during the tax year.

The "place of effective management" concept should be reviewed on an ad hoc basis in the context of the factual background of each case. For this purpose, indicative criteria are listed, such as the following:

- The place where the day-to-day management of the company takes place
- The place where strategic business decisions are made
- The place where the annual general meeting of shareholders or partners or the board of directors takes place
- The place where the accounting books of the company are held
- The residence of the members of the board of directors

In addition, the Greek tax administration may examine additional factors, such as the residence of the majority of the shareholders or partners.

Rate of corporate income tax. The standard corporate income tax rate is currently 22% (see footnote [a] in Section A for further details).

Law 4799/18.5.2021 provides the following:

- The income tax rate for legal persons and legal entities is reduced to 22% (from 24%) for the 2021 tax year and onward.
- The corporate income tax rate remains at 29% for credit institutions (banks) for the tax years that the provisions of deferred taxation apply (Article 27A of the GITC).

Capital gains. Capital gains earned by legal entities are treated as business income and are subject to corporate income tax at the standard rate if they derive from the following:

- Disposals of fixed assets
- Transfers of businesses as going concerns
- Disposals of real estate property that do not constitute a business activity per se
- Transfers of securities (such as listed shares, unlisted shares, interests in partnerships, treasury bills, Greek state bonds and derivatives)

As of 1 July 2020, companies are exempt from capital gains tax arising from the disposal of a participation held in a legal entity, provided that they hold at least a 10% participation for a period of 24 months and that the conditions of Directive 2011/96/EU (Parent-Subsidiary Directive) are met. This income is not subject to tax on distribution or capitalization, while any related expenses are not deductible; by way of exception, corresponding losses may be tax deductible as of 1 January 2020, on the condition that they have been booked up to 31 December 2019 (tax deductibility of such losses is permitted only to the extent that such losses are realized up to 31 December 2024, as per Law 4941/16.06.2022).

Administration. The fiscal year coincides with the calendar year. Legal persons or entities keeping double-entry books may set their tax year to end on 30 June. Greek legal entities that are directly or indirectly owned at a more than a 50% percentage by foreign legal entities may set this date or any other date coinciding with the tax year-end of their foreign shareholder. An option for a tax year exceeding 12 months is not available. Greek SAs

or AEs, Greek EPEs and branches of foreign companies must file an annual corporate income tax return by the end of the sixth month following the end of their fiscal year.

In general, on filing their annual corporate income tax return, legal entities must make an advance payment against the next year's income tax liability. Law 4799/18.5.2021 provides the following:

- The rate of income tax prepayment for legal persons and legal entities is reduced to 80% (from 100%), and this reduced rate applies on the prepayment assessed with the income tax return for the 2021 tax year and onward.
- Exceptionally, income tax prepayment for Greek banking institutions and branches of foreign banks operating in Greece remains at 100% for the 2020 tax year and onward.

The final payment of tax is calculated by subtracting the advance payment made in the preceding year and other prepayments of tax (including taxes withheld at source) and foreign taxes paid on foreign-source income from the amount of tax due. The foreign tax credit cannot exceed the amount of Greek tax otherwise payable on the foreign-source income.

A description of the penalties is provided below; if more than one penalty applies to the same tax offense, only the provision providing for the largest penalty applies.

Further administrative guidelines on the application of the below are to be expected, especially after the introduction of the most recent Tax Procedure Code (Law 5104/19.04.2024). In principle, a failure to file a corporate income tax return or a failure to file on time a corporate income tax return results in the imposition of an administrative penalty up to EUR500 on certain conditions.

A failure to pay corporate income tax as a result of filing an inaccurate corporate income tax return results in the imposition of the following penalties:

- If the filing of an inaccurate corporate income tax return results in a difference of corporate income tax of 5% to 20%, the penalty equals 10% of the amount of the difference between the tax assessed on the basis of the tax return and the corrective tax assessment.
- If the filing of inaccurate corporate income tax return results in a difference of corporate income tax exceeding 20% but not exceeding 50%, the penalty equals 25% of the amount of the difference.
- If the filing of inaccurate corporate income tax return results in a difference of corporate income tax exceeding 50%, the penalty equals 50% of the amount of the difference.

In addition to the above, interest in arrears for the late payment of corporate tax is assessed; the current rate is 0.73% per month.

The filing of an inaccurate withholding tax return or the failure to pay withholding taxes on time results in the imposition of a penalty equal to 50% of the amount of the unpaid tax.

Dividends. A 5% withholding tax is imposed on dividends and interim dividends distributed to Greek or foreign beneficiaries by Greek SAs and profits distributed by Greek EPEs, unless an applicable double tax treaty provides otherwise (see Section F) or

unless tax relief is available under the EU Parent-Subsidiary Directive (90/435/EEC), as amended by Directive 2011/96/EC). For details regarding the rules in this directive, please see below. This tax represents the final tax liability of the recipient with respect to the dividends received if the recipient is a legal entity that does not have tax residency in Greece and does not maintain a permanent establishment in Greece.

A Greek subsidiary is not required to withhold the 5% withholding tax from dividends and interim dividends distributed to their EU parent companies if all of the following conditions are satisfied:

- The EU parent company holds a minimum 10% participation in the Greek subsidiary.
- The EU parent company holds the above participation in the Greek subsidiary for at least two consecutive years.
- The recipient EU parent company satisfies all of the following additional conditions:
  - It has one of the legal types listed in Annex I of EU Directive 2011/96/EC.
  - It is tax resident in one of the EU Member States (and is not considered tax resident in any non-EU country).
  - It is subject to one of the taxes listed in Annex I of Section B of EU Directive 2011/96/EC, with no option for a tax exemption.

If a Greek tax resident legal person distributes dividends to its parent company and if the parent company has not completed the two-year holding period for a 10% participation but meets the rest of the exemption requirements (see above), the distribution can be exempt from withholding tax, provided that the local Greek tax resident legal person deposits a bank guarantee in an amount based on a specific calculation. This amount is almost equal to the amount of the dividend withholding tax due.

Foreign tax credit. Foreign-source income is usually taxable with a credit for foreign income taxes paid, up to the amount of Greek tax corresponding to the foreign-source income. The credit cannot exceed the amount of Greek tax payable on the same amount.

C. Determination of trading income

General. Taxable income for all legal entities consists of annual gross income, less allowable deductions. In principle, expenses may be deducted only from gross income for the fiscal year in which they are incurred.

In general, all ordinary business expenses and specific items mentioned in the tax law may be deducted for tax purposes (with the exception of certain expenses that the law explicitly indicates are not deductible for tax purposes) only if the following conditions are satisfied:

- They are made in the interest of the business or in the ordinary course of its business transactions.
- They reflect an actual transaction that has a value not considered lower or higher than the actual value, based on indirect audit methods (cross-checks).
- They are recorded in the accounting books for the period in which they are incurred and are supported by proper documentation.

The Income Tax Code also includes a list of nondeductible expenses.

Special rules were introduced in 2020 with respect to a super deduction of research and development (R&D) expenses and advertising expenses, as well as of expenses related to the introduction and use of zero-emission or low-emission vehicles.

R&D expenses. Under Law 4714/29.7.2020, R&D expenses increased by 100% are deducted at the time of their realization from legal entities' gross income. The new provisions introduce an alternative procedure for the review and certification of such expenses by the General Secretariat for Research and Technology through an audit report by a certified auditor or audit firm. The increased deduction of R&D expenses applies as of 1 September 2020, while the alternative review and certification process of such expenses may apply also to R&D expenses that have already been submitted to the General Secretariat for Research and Technology by 29 July 2020. Effective from September 2022 for the 2022 fiscal year onward for R&D projects higher than EUR60,000, certification of scientific and technological research expenses by a certified auditor or audit firm is mandatory (Law 4965/02.09.2022). In addition, the profits of a company derived from the use of an internationally recognized patent in its name and developed by the company itself are exempt from income tax for up to three consecutive years, starting from the year during which these profits were realized for the first time. The exemption is granted provided that there is a connection with the R&D expenses incurred by the company for the development of the patent.

Advertising expenses of 2020, 2021, 2022 and 2023. Under Laws 4728/29.9.2020, 4876/23.12.2021 and 5005/21.12.2022, advertisement expenses realized in the 2020, 2021, 2022 and 2023 fiscal years enjoy a super deduction equal to the following, provided that certain conditions are met:
- 100% for the 2020 fiscal year
- 60% for the 2021 fiscal year
- 30% for the 2022 and 2023 fiscal years

Expenses related to zero-emission or low-emission vehicles. Amendments introduced by Laws 4646/12.12.2019 and 4710/23.7.2020 provide for the possibility of increased deduction of several expenses related to zero-emission or low-emission vehicles. These increased deductions include, among others, the following:
- For the leasing of a zero-emission company car, with a maximum retail price before taxes up to EUR40,000, the company is entitled to deduct the relevant cost from its gross revenue at the time of its realization, increased by 50% and by 25% for any additional amount. For low-emission cars (that is, up to 50 g CO_2/km). the increased discount percentages amount to 30%, and to 15% for any additional amount.
- For the cost of purchase, installation and operation of publicly accessible charging points for vehicles of zero or low emissions (that is, up to 50 g CO_2/km), undertakings may deduct the respective costs from their gross revenue at the time of realization, increased by 50% etc.

Inventories. Inventory and semi-finished products must be evaluated according to current accounting principles. The tax law does not determine any official method for stock valuation. However, beginning with the tax year in which a valuation method is first used by a company for valuation of its inventory and semifinished products, the company must use the method for a minimum of four years.

Provisions. Bad debt provisions and write-offs are deductible for corporate income tax purposes at a rate defined on a case-by-case basis, based the amount of the uncollected debt and the time period during which the debt remains uncollected.

For uncollected debts that do not exceed EUR1,000 and that are overdue for a period of more than 12 months, the taxpayer may establish a provision equal to 100% of the debt.

For uncollected debts that exceed EUR1,000 and that are overdue, the taxpayer may establish a provision equal to the following:
- 50% of the debt if it is overdue from 12 to 18 months
- 75% of the debt if it is overdue from 18 to 24 months
- 100% of the debt if this is overdue for more than 24 months

Effective from 1 January 2020, regardless of the time that the debt was created, the following rules apply:
- Bad debts up to EUR300 per debtor (VAT included) can be written off, without the creditor being obliged to conduct all the proper legal actions to safeguard their collection, under the conditions set out by law. Bad debts written off cannot exceed 5% of the total amount of the receivables of the business per tax year.
- Bad debts written off in the context of a mutual agreement or judicial settlement can also be written off under conditions for tax purposes, without the creditor being obliged to conduct all the proper legal actions to safeguard their collection.

Restrictions are imposed on the formation of bad debt provisions for a shareholder or partner holding at least a 10% participation in a business and for business' subsidiaries with a minimum 10% participation. Special rules are also provided for the deduction of bad debt provisions by banks, leasing and factoring companies.

Depreciation. Depreciation is performed by applying a specific depreciation rate to the acquisition or construction cost for a business asset. The depreciation of each fixed asset begins the month following the month in which the asset is first used or put into service by the taxpayer. The following table provides the annual depreciation rates.

Categories of assets	Depreciation rate (%)
Buildings, installations, facilities industrial installations, non-building facilities, warehouses and special loading and unloading vehicles	4
Construction and installation of charging points for zero-emission or low-emission vehicles	100
Plots of land used for mining purposes and quarries, except those used for ancillary mining activities	5

Categories of assets	Depreciation rate (%)
Public means of transportation, including airplanes, trains and ships, (other than those with zero or low emissions)	5
Machinery and equipment (except for personal computers [PCs] and software)	10
Means of private transportation of individuals (other than those with zero emissions or low emissions)	16
Means of private transportation of individuals with zero emissions	50
Means of private transportation of individuals with low emissions	25
Means of transportation of goods (other than those with zero or low emissions)	12
Means of transportation of goods with zero emissions	50
Means of transportation of goods with low emissions	25
Means of public transportation of individuals with zero emissions	50
Means of public transportation of individuals with low emissions	25
Intangible assets and royalties and expenses of multiannual depreciation	10
PCs and software	20
Equipment used for scientific and technological research	40
Other fixed assets	10

An option exists for one-off depreciation of fixed assets valued up to EUR1,500 in the year in which the assets are acquired and placed in service. Newly established companies are eligible to claim depreciation for all of their fixed assets at a 0% rate for their first three years.

Under Law 4710/23.7.2020 enterprises may deduct from their gross revenue the depreciation cost of a zero-emission company car with a maximum retail price before taxes up to EUR40,000 increased by 50% (and by 25% for any excess amount). The corresponding percentages for low-emission cars (that is, up to 50g CO2/km) are 30% and 15%, respectively.

Relief for losses. Tax losses may be carried forward to offset business profits in the following five consecutive tax years from the tax year in which they are incurred. The right to carry forward tax losses ceases to apply if both of the following events occur:

- More than 33% of the direct or indirect shareholding participation or voting rights in a legal person or entity changes in a tax year.
- In the same and/or in the subsequent tax year. the business activity of the legal person or entity changes in excess of 50% in terms of its turnover, in relation to the tax year immediately preceding the tax year of the change described in the bullet above.

Offsetting of losses incurred abroad against business profits derived domestically is not allowed, with the exception of income arising in other EU or EEA Member States that is not exempted based on an applicable double tax treaty. Losses may not be carried back.

Groups of companies. Each company forming part of a group must file a separate return. The law does not provide for consolidated tax returns or other group relief.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT)	
Standard rate	24
Reduced rate	13 (special reduced rate of 6%)
Stamp duty on private loan agreements (Stamp duty will be replaced by the digital transaction fee [in principle as of 1 December 2024; clarifications on the effective date were expected at the time of writing].)	2.4/3.6
Capital duty	0/0.3
Annual real estate tax; imposed on the value of real estate owned by legal entities; the rate depends on the zone of the real estate, its surface, year built, whether the property faces a national road and other factors	Various
Special property tax; imposed on the "objective" value of real estate property; the tax does not apply if the company has listed shares or if it discloses its corporate structure and the ultimate individual shareholders or partners are revealed	15
Real estate transfer tax; imposed on taxable value	3

E. Miscellaneous matters

Transfer pricing. Greek tax law includes a transfer-pricing clause (Articles 25 and 26 of the Code of Fiscal Procedure) that is aligned with international standards. In addition, the transfer-pricing legislation requires that an enterprise maintain documentation files.

Effective from of 1 January 2014, a new definition of "associated/affiliate enterprises" is introduced. The new law defines the term "associated person," which extends to legal entities, individuals and any other body of persons. The term encompasses two persons if any of the following circumstances exists:

- One of them holds directly or indirectly shares, parts or quotas in the other of at least 33%, estimated on the basis of total value or number, or equivalent profit participation rights or voting rights.
- Another third person participates directly or indirectly in the other two in any of the aforementioned ways.

- Between them, direct or indirect management dependence or control exists or the possibility exists for one person to exercise decisive influence over the other or for a third person to do so in both of them.

Effective from 1 January 2014, the concept of advance pricing arrangements (APAs) is introduced in Greek transfer-pricing legislation. Law 4714/29.7.2020 introduced for the first time in Greece the possibility of retroactive effect of bilateral or multilateral APAs on certain conditions.

Debt-to-equity rules. No deduction is allowed for interest expenses (with the exception of interest on banking loans and corporate bond loans) incurred on loans granted by third parties to the extent that the interest rate exceeds the interest that would be payable if the applicable interest rate were equal to the interest rate for loans connected with revolving accounts to noncredit or nonfinancial enterprises, as published by the Bank of Greece.

Interest expenses are not recognized as tax-deductible expenses, to the extent that the excess interest expenses (interest expense less any interest income) exceed 30% of the taxable profits before interest, taxes, depreciation and amortization (tax EBITDA). The tax EBITDA is determined based on the financial statements prepared in accordance with Greek accounting rules following the addition of the tax adjustments provided by the GITC.

By exception, Law 4916/2022 (FEK A' 65/28.03.2022) has introduced a possibility for full tax deduction or tax deduction exceeding the percentage introduced by the law (30%) with regard to the excessive borrowing cost for taxable persons that belong to a consolidated group. According to this law, such taxable persons are allowed to deduct the excessive borrowing cost in either of the following amounts:

- In full, provided that the taxable persons can prove that the percentage of the share capital in relation to their total assets is equal or higher (or lower by no more than 2%) when compared to the respective percentage of the consolidated group and provided that all assets and liabilities are valued based on the same method as in the consolidated financial statements
- In an amount higher than the amount they would be eligible to deduct based on the general interest limitation rule. This higher amount of tax is calculated in the following two stages:
  - — At the first stage, the group percentage should be determined by dividing the excessive borrowing cost of the consolidated group toward third parties with the EBITDA of the group.
  - — At the second stage, the group percentage is multiplied with the EBITDA of the taxpayer.

  Further clarifications from the side of the tax administration are expected.

For the purposes of applying the above, "exceeding borrowing costs" is defined as the difference between the taxpayer's taxable interest revenues and other economically equivalent taxable revenues and the deductible borrowing costs of such taxpayer, while the term "borrowing costs" includes interest expenses on all forms of debt as well as expenses incurred in connection with the raising of finance. EBITDA is the sum of taxable income,

tax-adjusted amounts for exceeding borrowing costs, as well as tax-adjusted amounts for depreciation and amortization. Tax-exempt income is not taken into account for such calculation.

However, such interest expenses, are recognized as fully tax deductible, provided that the amount of excess interest expenses recorded in the accounting books does not exceed EUR3 million per year. Further, the law recognizes the ability to carry forward without any time limitation exceeding borrowing costs that cannot be deducted in the current tax year.

Nonetheless, the above thin-capitalization rules [maximum threshold up to which exceeding borrowing costs are deducted] do not apply to the following:

- Exceeding borrowing costs incurred on loans used to fund a long-term public infrastructure project, in cases in which the project operator, borrowing costs, assets and income are all in the EU
- Special Purpose Vehicles to the extent that the interest expenditure is connected to the carrying out of public project(s) or public service(s) by means of a concession agreement ratified by the Greek parliament with a law, or by means of a Public-Private Partnership signed on or before 31 December 2014
- Credit or financial institutions

Controlled foreign corporations. Controlled foreign corporation (CFC) rules have been effective in Greece from 1 January 2014 and have been updated after the local implementation of the EU Anti-Tax Avoidance Directive (ATAD) through the enactment of Law 4607/2019. These rules are designed to deal with tax avoidance of Greek companies through the shifting of revenues to subsidiaries in low-tax jurisdictions. Basically, these rules provide for the inclusion in the taxable income of the Greek companies' undistributed passive income (for example, interest, dividends and royalties) of foreign subsidiaries under the conditions stipulated in the law. The CFC provisions do not apply to CFCs established in the EEA, as long as such entities perform substantial economic activity, supported by employees, equipment, assets and premises, as evidenced by relevant facts and circumstances.

Mergers and acquisitions. Company law regulates mergers and acquisitions in Greece. However, significant tax exemptions and relief for company restructurings may be available.

Transfers of operations. The tax law regulates the tax treatment of a group business restructuring that results in a transfer of operations (exit taxation). In the case of a local or cross-border intra-group restructuring qualifying as a transfer of functions, assets, risks and business opportunities (profit potential), the transfer of these items is considered a "transfer package" for the purposes of the law. If, within the context of such restructuring, a transfer of an intangible asset takes place (among other transfers), such transfer must be made for consideration according to the arm's-length principle, taking into account the total value of the underlying assets and the transfer package (relevant functions and risks transferred). If the taxpayer can prove that no significant intangible assets have been transferred and that arm's-length consideration has been paid with respect to the specific

transfer that took place, the transfer-package provisions do not apply.

General anti-avoidance rule. The Tax Procedure Code introduces a general anti-avoidance rule that was updated after the local implementation of the EU ATAD through the enactment of Law 4607/2019. The new provisions introduced the term "principal purpose" of an arrangement (principal purpose test) as a determining factor for whether such an arrangement is considered genuine and, consequently, considered by the tax authorities. If an arrangement is considered to be non-genuine, the relevant tax liability is calculated based on the provisions that would have been applicable if such arrangement were not in place. For the purposes of tax determination, the tax administration ignores an arrangement or a series of arrangements put into place if the main purpose, or one of the main purposes, is the obtaining of a tax advantage that defeats the objective or purpose of the applicable tax law. For the purposes of determining whether such arrangements are genuine, not all relevant data and circumstances of each case are considered, while the extent as to which the arrangement in question is being implemented for valid commercial reasons that reflect the economic reality is used as a criterion for this determination. In this context, the tax administration examines whether each arrangement falls within certain circumstances (for example, the arrangement is applied in a manner that is not consistent with usual business conduct or it leads to a significant tax advantage that does not reflect the business risk assumed by the taxpayer). The abovementioned provisions of Law 4607/2019 are applicable to income received and expenses incurred during tax years commencing beginning on or after 1 January 2019.

Exit taxation and hybrid mismatches. Law 4714/29.7.2020 implemented into Greek tax legislation the provisions of Directive 2016/1164/EU, as amended by Directive 2017/952/EU, regarding exit taxation and hybrid mismatches.

Exit taxation. Under the newly introduced rules, once a taxpayer (Greek tax resident legal person/entity or a Greek permanent establishment) transfers assets, the business carried on by its permanent establishment or its tax residence out of Greece, Greece taxes the capital gain created in Greece (even if that gain has not yet been realized at the time of the exit). At the time of the exit, the taxpayer is subject to Greek corporate income tax.

Hybrid mismatches Under the newly introduced rules, hybrid mismatches arise from differences in the legal characterization of payments or entities among two different jurisdictions. A hybrid mismatch arises between associated persons (for example, associated entities, taxpayer and associated entity, and head office and permanent establishment) or under a structured arrangement. Mismatches are dealt with by primary and secondary correction rules, as the case may be (for example, correction rules for double deduction, for deduction without inclusion, for imported mismatches, for mismatches involving permanent establishments, for hybrid transfers and for tax residence mismatches). The new provisions apply as of 1 January 2020.

Law 89/1967 regime. Enterprises licensed to operate under the Law 89/1967 regime may enter into a favorable APA with the tax authorities. A license may be granted to enterprises under this regime if certain conditions are met. The principal condition is that the company must be exclusively engaged in the provision of specific services to foreign associated companies, the foreign head office or foreign branches. The Ministry of Economy and Finance grants the license after reviewing and approving the applicant's transfer-pricing study (based on the cost-plus method).

F. Treaty withholding tax rates

Under most double tax treaties, the rates in the table below apply to the extent that the amount of interest or royalties is at arm's length. The domestic withholding tax rates apply to any excess amounts. In addition, certain recent double tax treaties include an anti-abuse clause.

Greece has implemented EU Directive 2003/49/EC. Under this directive, withholding tax on interest and royalties paid between associated companies of different EU Member States was abolished, effective from 1 July 2013.

The following table provides treaty withholding tax rates for dividends, interest and royalties.

	Dividends %	Interest %	Royalties %
Albania	5	5	5
Armenia	5	10	5
Austria	0/5 (m)(n)	0/8 (o)	0/7 (o)
Azerbaijan	5	8	8
Belgium	0/5 (m)(n)	0/10 (l)(o)	0/5 (o)
Bosnia and Herzegovina	5 (m)	10	10
Bulgaria	0 (n)	0/10 (o)	0/10 (o)
Canada	5 (m)	10	10
China Mainland	5 (m)	0/10 (l)	10
Croatia	0/5 (m)(n)	10	0/10 (o)
Cyprus	0 (n)	0/10 (o)	0 (e)
Czechoslovakia (i)	0 (n)	0/10 (o)	0/10 (o)
Denmark	0 (n)	0/8 (o)	0/5 (o)
Egypt	5	15	15
Estonia	0/5 (m)(n)	0/10 (o)	0/10 (a)(o)
Finland	0 (n)	0/10 (o)	0/10 (k)(o)
France (s)	0/5 (n)(w)	0/5 (x)	0/5
Georgia	5	8	5
Germany	0 (n)	0/10 (o)	0
Hungary	0 (n)	0/10 (o)	0/10 (o)
Iceland	5 (m)	8	10
India	5	15	20
Ireland	0/5 (m)(n)	5	0/5 (o)
Israel	5	10	10
Italy	0/5 (n)	0/10 (j)(o)	5 (a)(g)(o)
Korea (South)	5 (m)	8	10
Kuwait	0/5 (p)	0/5 (p)	15
Latvia	0/5 (m)(n)	0/10 (o)	0/10 (a)(o)
Lithuania	0/5 (m)(n)	0/10 (o)	0/10 (a)(o)
Luxembourg	0/5 (n)	0/8 (o)	0/7 (h)(o)

	Dividends %	Interest %	Royalties %
Malta	0/5 (m)(n)	0/8 (o)	0/8 (o)
Mexico	5	0/10 (l)	10
Moldova	5 (m)	10	8
Morocco	5 (m)	10	10
Netherlands	0/5 (n)	0/8/10 (f)(o)	0/7 (h)(o)
Norway	5	10	10
Poland	0/5 (n)	0/10 (o)	0/10 (o)
Portugal	0/5 (n)	0/15 (o)	0/10 (o)
Qatar	5	0/5 (q)	5
Romania	0/5 (n)	0/10 (o)	0/5/7 (a)(h)(o)
Russian Federation	5 (m)	7	7
San Marino	5 (m)	10	5
Saudi Arabia	5	5	10
Serbia	5 (m)	10	10
Singapore (t)	5 (m)	0/7.5 (u)	7.5
Slovenia	0/5 (n)	0/10 (o)	0/10 (o)
South Africa	5 (m)	8 (j)	5/7 (a)(h)
Spain	0/5 (m)(n)	0/8 (o)	0/6 (o)
Sweden (v)	0/5	0/10 (o)	0/5 (o)
Switzerland	0/5 (n)	0/10 (o)	0/5 (o)
Tunisia	5	15	12
Türkiye	5	0/12 (l)	10
Ukraine	5 (m)	10	10
United Arab Emirates	0/5 (r)	0/5 (r)	5
United Kingdom	0/5 (n)	0	0
United States	5	0 (b)	0 (d)
Uzbekistan	5	10	8
Non-treaty jurisdictions (c)	5	15	20

(a) The rate is 5% for royalties paid for the use of industrial, commercial or scientific equipment (7% under the Romania and South Africa treaties).
(b) The 0% rate applies if the recipient does not control directly or indirectly more than 50% of the voting power in the payer. However, the 0% rate does not apply to interest paid to US recipients to the extent that the interest is paid at an annual rate exceeding 9%.
(c) For details, see Section A.
(d) The 0% rate does not apply to cinematographic film royalties paid to US residents.
(e) The rate is 5% for film royalties.
(f) The rate is 8% if the recipient is a bank or similar entity.
(g) The rate is 0% for copyright royalties for literary, artistic or scientific works, including films.
(h) The rate is 5% for royalties for literary, artistic or scientific works, including films.
(i) Greece honors the Czechoslovakia treaty with respect to the Czech and Slovak Republics.
(j) Under the South Africa treaty, the rate is 0% for interest paid to the South Africa Reserve Bank. Under the Italy treaty, the rate is 0% for interest payments made by the Greek government, interest payments made to the Italian government and interest payments relating to government loans.
(k) The 10% rate applies to copyright royalties for literary, artistic or scientific works.
(l) The rate is 5% if the recipient is a bank. Under the China Mainland, Mexico and Türkiye treaties, the rate is 0% if the recipient is a government bank.
(m) According to the provisions of the relevant tax treaty, the 5% rate applies if the recipient of the dividends is a company that owns more than 25% of the payer corporation. In any case, effective from 1 January 2020, dividend distributions made by Greek companies are subject to a 5% dividend withholding tax rate even for non-treaty jurisdictions.

(n) The 0% rate applies if the conditions of the EU Parent-Subsidiary Directive are met (for Switzerland, the 0% rate applies if the conditions of the European Community (EC)-Switzerland agreement providing for measures equivalent to those in Directive 2003/48/EC are met).
(o) The 0% rate applies if the terms of the EU Interest-Royalties Directive are met; for Switzerland, the 0% rate applies if the conditions of the EU-Switzerland agreement providing for measures equivalent to those in Directive 2003/48/EC are met.
(p) The 0% rate for dividends and interest payments applies if the recipient is the government of Kuwait or a state division or subdivision, the Central Bank of Kuwait or other government organizations or government funds.
(q) The 0% rate on interest payments applies if the recipient is the government of Qatar.
(r) The 0% withholding tax rate for dividends and interest payments applies if the recipient is the government of the United Arab Emirates (UAE) or its political subdivisions, the Central Bank of the UAE or certain UAE investment authorities.
(s) On 11 May 2022, a new tax treaty was signed between Greece and France (which replaced the treaty concluded in 1963). Greece transposed this treaty into domestic law in October 2022. The table reflects the rates under the new treaty.
(t) On 14 March 2022, the Singapore-Greece income tax treaty and the protocol entered into force. The provisions of the treaty and protocol became effective mostly on 1 January 2023.
(u) The withholding tax rate for interest is 0% if the beneficial owner is a bank or if it is paid to the government of Greece or Singapore.
(v) Sweden has unilaterally terminated its tax treaty with Greece; for income tax purposes, such termination is effective for income derived as of 1 January 2022.
(w) The 0% dividend withholding tax rate applies if the recipient (beneficial owner) maintains directly at least 5% participation in the share capital of the company for a 24-month continuous period.
(x) The 0% withholding tax rate for interest payments applies, among other cases, if the recipient is the government of France or its political subdivisions, the central bank or certain public authorities, if interest payments are made in connection with the purchase of commercial or industrial equipment against credit or the sale of goods or merchandise by one enterprise to another against credit or if interest payments are made in connection with a bank loan.

At the time of writing, the Greek parliament was about to implement into domestic legislation the Greece-Japan tax treaty (signed on 1 November 2023).

Guam

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A. At a glance

Corporate Income Tax Rate (%)	21
Capital Gains Tax Rate (%)	21
Branch Tax Rate (%)	21
Withholding Tax (%) (a)	
Dividends	30 (b)
Interest	30 (b)(c)
Royalties from Patents, Know-how, etc.	30 (b)
Branch Profits Tax	30 (d)
Net Operating Losses (Years) (e)	
Carryback	0
Carryforward	Unlimited

(a) The withholding tax rates may be reduced under tax treaties (see Section E).
(b) Imposed on payments to nonresidents.
(c) Interest on certain portfolio debt obligations issued after 18 July 1984 and bank deposit interest not effectively connected to a trade or business in Guam are exempt from withholding.
(d) The branch profits tax is imposed on the earnings of a foreign corporation attributable to its branch, reduced by earnings reinvested in the branch and increased by withdrawals of previously reinvested earnings.
(e) This is applicable to losses generated after 2017. A net operating loss is generally limited to 80% of taxable income. Special rules apply to certain types of losses and entities.

B. Taxes on corporate income and gains

The system of corporate income taxation in force in Guam, a territory of the United States, is a mirror image of the US income tax system. The applicable law is the US Internal Revenue Code, with "Guam" substituted for all references to the "United States." Therefore, for a description of the income taxation of corporations resident or doing business in Guam, refer to the sections on the United States and substitute "Guam" for each reference to the "United States."

Income taxes are paid to the government of Guam, which administers its tax system.

Under an agreement between the United States and Guam, Guam had the authority to separate its system of taxation from the US Internal Revenue Code, effective 1 January 1991. Because a comprehensive Guam Tax Code has not yet been developed, this date has been extended, and the mirror system of taxation continues to apply to Guam until a new code goes into effect.

The government of Guam, through the Guam Economic Development Authority, is authorized by law to allow tax rebates to qualified investors. Qualifying Certificates (QCs) for tax incentives are granted based on the investment commitment as well as on the potential for creating new employment and expanding the base of the island's industry. These incentives are aimed primarily at manufacturers, insurance companies, trusts, commercial fishing companies, corporate headquarters, specialized medical facilities, high-technology companies, agricultural enterprises and tourism-development companies.

C. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Gross receipts tax, on sales of tangible personal property and services, excluding wholesale activities	5%
Use tax, on goods imported into and consumed in Guam (businesses are subject to either gross receipts tax or use tax, not both)	4%
Hotel occupancy tax	11%
Real property tax; imposed on appraised value	
Land	0.0972%
Improvements	0.3888%
Additional levy on improvements with a value of USD1,000,000 or more	0.3888%
Liquid fuel taxes, imposed per gallon	
Aviation	8 cents
Diesel	14 cents
Other	15 cents
Alcoholic beverage excise tax	
Malted fermented beverages	7 cents per 12 fluid ounces
Distilled beverages	USD18 per gallon
Vinous beverages	USD4.95 per gallon
Tobacco excise tax	
Cigarettes	USD20 per 100 cigarettes
Cigars	53 to 66 cents per cigar
Other tobacco products	USD53 per pound
Documents tax, on conveyances and on mortgages of real property	0.25%
Social security contributions (including 1.45% Medicare tax); imposed on Wages up to USD168,600 (for 2024); paid by	
Employer	6.2%
Employee	6.2%

Nature of tax	Rate
All covered wages (for 2024; Medicare tax); paid by	
Employer	1.45%
Employee	1.45%
(Effective from 1 January 2013, an additional Medicare tax of 0.9% applies to wages, tips, other compensation and self-employment income in excess of USD200,000 for taxpayers who file as single or head of household. For married taxpayers filing jointly and surviving spouses, the additional 0.9% Medicare tax applies to the couple's combined wages in excess of USD250,000. The additional tax applies only to the amount owed by the employee; the employer does not pay the additional tax. Employers withhold tax only on wages in excess of USD200,000.)	
Miscellaneous license fees	Various

D. Miscellaneous matters

Foreign-exchange controls. Guam does not impose foreign-exchange controls.

Debt-to-equity rules. The US debt-to-equity rules apply in Guam.

Transfer pricing. The US transfer-pricing rules apply in Guam.

E. Tax treaties

The Guam Foreign Investment Equity Act was signed into law on 24 August 2002 and amends the Organic Act of Guam with respect to the application of the Guam territorial income tax laws. The Guam Foreign Investment Equity Act provides that the tax rate under Sections 871, 881, 884, 1441, 1442, 1443, 1445 and 1446 of the US Internal Revenue Code of 1986, on any item of income from sources in Guam is the same as the rate that would apply with respect to such item were Guam treated as part of the United States for purposes of the treaty obligations of the United States. However, this provision does not apply to determine the tax rate on any item of income received from a Guam payer, if for any tax year, the tax on the Guam payer was rebated under Guam law (see Section B for a discussion of the QC rebates).

Guatemala

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A. At a glance

Corporate Income Tax Rate (%) (a)(b)	
Regime on Profits from Business Activities	25
Optional Simplified Regime on Revenue from Business Activities	7 (c)
Capital Gains Tax Rate (%) (a)	10
Branch Tax Rate (%) (a)(b)	
Regime on Profits from Business Activities	25
Optional Simplified Regime on Revenue from Business Activities	7 (c)
Withholding Tax (%) (d)	
Dividends	5
Interest	10 (e)
Royalties	15
Payments for Scientific, Technical and Financial Advice	15
Commissions	15
Fees	15
Payments to Athletes and to Artists for Theater, Television and Other Public Shows or Performances	15
Transportation	5
Salaries	15
Insurance and Reinsurance	5
Telephony, Data Transmission and International Communications from Communications Services of Any Kind between Guatemala and Other Countries	5
News Services, Videos and Films	3
Other Unspecified Taxable Income	25
Net Operating Losses (Years)	
Carryback	0
Carryforward	0

(a) For details regarding the Regime on Profits from Business Activities and the Optional Simplified Regime on Revenue from Business Activities, see Section B.
(b) Subsidiaries and branches are subject to the same tax treatment (that is, as independent taxpayers separate from their parents and headquarters).
(c) See Section B for further information.
(d) The withholding taxes, other than the dividend withholding tax, apply to nonresidents without a permanent establishment in Guatemala. For information regarding dividends, see *Dividends* in Section B.
(e) For details regarding the withholding tax on interest, see Section B.

B. Taxes on corporate income and gains

Corporate income tax. The Income Tax Law (ITL) provides that income derived from activities rendered or services used in Guatemala is considered Guatemalan-source income and must be classified and taxed under one of the following categories:
- Income from business activities
- Income from employment
- Income from capital

Corporate income tax rates. Income from business activities is income derived from ordinary or occasional trade or business. Companies that generate income from business activities may choose to be taxed under one of the following tax regimes:
- Regime on Profits from Business Activities, which applies on a net income basis (authorized expenses are deductible)
- Optional Simplified Regime on Revenue from Business Activities, which applies on a gross receipts basis (no deductions are allowed)

Under the Regime on Profits from Business Activities, companies may deduct expenses incurred to generate taxable income or to preserve the source of such income, except in specific circumstances in which the law imposes limits on deductibility. The taxable income is subject to tax at a rate of 25%. In addition, a 1% Solidarity Tax applies (see Section D).

Alternatively, companies may elect to be taxed under the Optional Simplified Regime on Revenue from Business Activities. Under this regime, companies are subject to income tax on their "taxable income," which is understood to be the difference between gross income and exempt income. The first GTQ30,000 (approximately USD3,897) of taxable income is subject to tax at a rate of 5%, and the exceeding amount is subject to tax at a rate of 7%. No deductions are allowed. Taxpayers that choose to operate through this scheme are subject to final withholding tax.

Companies operating under the Drawback Regime, the Free Trade Zone Regime or the Santo Tomas de Castilla Free-Trade and Industrial Zone (La Zona Libre de Industria y Comercio de Santo Tomás de Castilla, or ZOLIC) Regime benefit from a 100% income tax exemption for income earned from export activities for 10 years. However, on 31 March 2016, the Emerging Law for the Preservation of Employment (Decree No. 19-2016) entered into force. The purpose of the law is to limit access to benefits for taxpayers under the Drawback Regime and the Free Trade Zone Regime.

The Law of Incentives for Electric Mobility aims to facilitate and promote the import, purchase, sale and use of electric vehicles, hybrid vehicles, hydrogen vehicles and electric transportation systems in Guatemala by means of tax exemptions that must be

previously authorized by the Ministry of Energy and Mines. The following commercial activities should be exempt from income tax:

- Income generated by the assembly and/or production of electric vehicles, hybrid vehicles, electric motorcycles, hydrogen-powered vehicles and electric transportation system
- Rendering public and collective transportation services through electric vehicles, hybrid vehicles, hydrogen powered vehicles and electric transportation systems
- Income from electric, hybrid or hydrogen vehicle charging services

Income from capital and capital gains. Income from capital (other from dividends; see *Dividends*) and capital gains generated in Guatemala are taxed at a rate of 10%, regardless of the regime elected by the taxpayer. The following types of income are classified as income from capital and are subject to tax in Guatemala:

- Royalties (if not part of the taxpayer's ordinary trade and business)
- Income from leasing and subleasing (if not part of the taxpayer's ordinary trade or business)
- Interest and other types of returns derived from investments that are received by residents or nonresidents with permanent establishment in Guatemala (if not part of the taxpayer's ordinary trade or business)

Under the ITL, the following gains are subject to capital gains tax in Guatemala:

- Gains derived from the transfer of shares issued by resident entities
- Gains derived from the transfer of shares issued by foreign entities that own immovable or movable property located in Guatemala
- Gains derived from the transfer of movable or immovable assets, lottery tickets, raffle tickets or similar items or from the incorporation of assets located in Guatemala into the taxpayer's property

Administration. The statutory tax year runs from 1 January through 31 December.

Companies operating under the Regime on Profits from Business Activities must file an annual income tax return and make any payment due within three months after the end of the tax year. Companies operating under the Optional Simplified Regime on Revenue from Business Activities must file an annual information tax return within three months after the end of the tax year. Interest and penalty charges are imposed for late payments of taxes.

Under the Regime on Profits from Business Activities, companies must make quarterly advance income tax payments, which are credited against the final income tax liability. In addition, taxpayers that are qualified as Special Taxpayers must file the annual income tax return together with financial statements audited by a certified public accountant or an independent audit firm.

Companies operating under the Optional Simplified Regime on Revenue from Business Activities settle their tax through final withholding payments made by the payer. They must file a monthly tax return in which they separately determine the total

amounts of gross income, exempt income, income subject to withholding tax and income subject to direct payment (companies may be required to make direct payments of tax if they are transacting with persons not required by law to make withholdings or if they have been previously authorized by the tax authorities). The tax return must be filed within the first 10 business days of the month following the month in which the tax was generated.

Dividends. Dividends are taxed under the category of "Income from Capital." A 5% withholding tax is imposed on all dividend distributions made, regardless of the beneficiary's country of residence.

Interest. In general, a 10% final withholding tax is imposed on interest paid to nonresidents. However, withholding tax is not imposed on the following types of interest payments:
- Interest payments made by local banks to banks and financial institutions domiciled abroad (that is, entities licensed and regulated in their country of origin)
- Interest payments made by local taxpayers to multilateral institutions abroad
- Interest payments made by local taxpayers to banks and financial institutions domiciled abroad that are authorized to operate in the country by the Guatemalan Law on Banks and Financial Groups

Foreign tax relief. Guatemala does not grant relief for foreign taxes paid.

C. Determination of trading income

General. Under the Regime on Profits from Business Activities, expenses incurred to generate taxable income, including local taxes, other than income tax and value-added tax (VAT) when such taxes are not considered to be a cost, are deductible. The tax authorities are empowered to deny deductions if they determine that any of the following circumstances exist:
- The expenses are not considered necessary to produce taxable income.
- The expenses correspond to a different fiscal year.
- The expenses are not supported by the appropriate documentation.
- The taxpayer did not withhold the corresponding tax, when applicable.

The expenses must be registered in the taxpayer's accounting records.

Documents issued abroad that support the deduction of expenses may be subject to a 3% stamp tax.

The deductibility of expenses is also conditioned on the reporting and payment of withholding taxes and on the satisfaction of specific documentation requirements, which apply in certain circumstances. This documentation includes, among others, the following items:
- Valid invoices authorized for local operations
- Invoices or receipts issued abroad
- Notary Public deeds
- Payrolls reported to the social security authorities

- Customs returns for the importation of goods including the tax receipts

In general, payments on transactions valued over GTQ30,000 (approximately USD3,897) must be made through a banking or financial institution, and the corresponding balance statement is required as part of the supporting documentation needed to consider the payment deductible. Operations not made through the banking system must be documented through a Notary Public deed.

For these purposes, the law provides that a single transaction may be considered to include the following:

- All payments made to a single source or provider during a calendar month
- An operation of GTQ30,000 (approximately USD3,897) or above that involves partial or split payments to the same provider or person

In both of the above cases, taxpayers should use the payment or documentation methods listed above. Otherwise, the expense may not be deductible for income tax purposes and may not be considered a tax credit for VAT purposes. This requirement is known in Spanish as "Bancarización."

The deduction for royalties, payments for financial or technical advice and professional service fees for services rendered from abroad to local taxpayers is limited to 5% of the taxpayer's gross income.

Interest is deductible for income tax purposes if all of the following conditions are satisfied:

- The loan proceeds that give rise to such interest must be used to generate taxable income.
- Payments must be documented and correspond to the same fiscal year.
- The taxpayer must comply with the obligation to withhold the corresponding tax, if applicable.
- The deductible amount may not exceed the value calculated by multiplying the interest rate set by the Guatemalan Monetary Board by a total of three times the "average net asset" amount reported by the taxpayer in the annual tax return. "Average net asset" is defined as the sum of the total net worth of the previous year and the total net worth of the current year (values declared in the annual income tax returns), divided by two.
- Loans issued abroad must be obtained from banks or financial institutions that are registered and monitored by the state entity in charge of bank supervision in the country of origin. They must also be authorized for financial intermediation in the country in which the loan is granted.
- The interest rate on foreign-currency loans may not exceed the maximum simple annual rate set by the Monetary Board, minus the value of the quetzal exchange rate variation in relation to the currency in which the loan is expressed, during the period corresponding to the annual income tax return.

Deductibility of expenses on airline operations. In January 2020, Decree 2-2020 of the Guatemalan Congress took effect. It allows airlines engaged in international transport services to deduct the

costs and expenses generated outside of Guatemala that are necessary to provide these services in the country.

Taxpayers established abroad that carry out international air transportation activities both ways between Guatemala and other countries, and whose operations are performed by branches, agencies or other permanent establishments in the country must apply the general deductibility rules of the income tax law and also deduct a proportion of the overall costs and expenses reported by the parent company in accordance with a specific formula that should be automatically calculated by the electronic system provided by the tax authorities when preparing the electronic tax return for corporate income tax purposes.

The Decree mentioned above indicates that the airline should support the information for the calculation of the proportional deductible expense with the audited financial statements of the parent entity, which must be prepared in accordance with international accounting rules, duly *apostilled* and translated into Spanish. The Decree also provides that taxpayers (branches, agencies or permanent establishments) that are unable to provide this documentation may apply the presumption that the taxable base is 15% of their gross income and, accordingly, such taxable base should be subject to the 25% income tax rate.

Inventories. Inventories are valued at cost. The acquisition cost may be computed using various valuation methods provided in the income tax law. No deviation from these methods is allowed unless previously authorized by the tax authorities.

Cattle may be priced at cost or sales price.

No provisions for deterioration or obsolescence are allowed. The destruction of inventory is considered a deductible expense if it is certified by an inspector from the tax authorities or by a Notary Public.

Provisions. Provisions for bad debts of up to 3% of credit-sales balances are deductible (excluding bad debts guaranteed by pledge or mortgage). Reserves for severance compensation of up to 8.33% of payroll costs are also deductible.

Tax depreciation. Straight-line depreciation is allowed, subject to the following annual maximum rates.

Asset	Rate (%)
Buildings and leasehold improvements	5
Plantations	15
Furniture, fixtures, ships and railroads	20
Machinery and equipment, vehicles and containers	20
Computer equipment	33.33
Tools, porcelain, glassware and certain animals	25
Other items that are not specified	10

Goodwill can be amortized over a minimum period of 10 years. Other intangible assets related to intellectual property rights may be amortized over a minimum period of five years.

Oil and other natural resources are subject to depletion in accordance with the level of production and the remaining reserves.

Relief for losses. Under the Regime on Profits from Business Activities and the Optional Simplified Regime on Revenue from Business Activities, net operating losses cannot offset taxable income in prior or future years.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax	12%
Levies on petroleum distribution; rate varies by type of fuel	USD0.17 to USD0.60 per gallon
Land tax; imposed annually on value of land; maximum rate, applicable to value in excess of GTQ70,000 (approximately USD9,093)	0.9%
Revaluation tax; imposed on the increase in value resulting from a revaluation of immovable property and other fixed assets by an authorized third-party adjuster	10%
Import duties	0% to 20%
Social security tax; imposed on wages; paid by	
Employer	12.67%
Employee	4.83%
Solidarity Tax (ISO); imposed on legal entities subject to the Regime on Profits from Business Activities; tax rate applied to the higher of 1/4 of net assets or 1/4 of gross income; newly organized entities are not subject to ISO during their first four quarters of operations; entities that have a gross margin of lower than 4% of its gross income or incur losses for two consecutive years are not subject to the tax	1%

E. Miscellaneous matters

Foreign-exchange controls. The currency in Guatemala is the quetzal (GTQ). As of 1 March 2024, the average exchange rate was approximately GTQ7.81835 = USD1.

Guatemala does not impose foreign-exchange controls. The exchange system is regulated through the banks.

Debt-to-equity rules. Guatemala does not impose any debt-to-equity requirements.

Anti-avoidance legislation. The tax law contains general measures to prevent tax fraud and similar conduct.

Transfer pricing. Effective from 1 January 2013, official transfer-pricing rules apply to transactions with related parties resident abroad. However, Decree 19-2013 of the Guatemalan Congress suspended the application of the transfer-pricing rules as of 23 December 2013. These rules re-entered into force as of 1 January 2015. The Income Tax Law provides the following two formal obligations:

- Annex to the Annual Income Tax Return on related parties must be filed no later than 31 March of each fiscal year.

- Annual preparation of the Transfer Pricing Study is needed when formally required by the tax authorities.

Online Electronic Invoice regime. On 20 March 2018, the Board of Directors of the tax authorities issued Agreement 13-2018, which entered into force on 23 May 2018. This agreement contains the new Online Electronic Invoice regime, which provides rules regarding the issuance, transmission, certification and storage by electronic means of invoices, credit and debit notes, receipts, and other documents authorized by the tax authorities.

On 3 April 2019, the Guatemalan Congress approved Decree 4-2019, which entered into force on 30 October 2018. The Decree introduced amendments to the Value Added Tax Law related to the Online Electronic Invoice regime. Under the amendments, taxpayers operating under such regime are required to keep an electronic accounting system for recording operations and supporting documentation with respect to the taxpayer's ordinary trade or business.

Monthly bank reconciliation. In the last quarter of 2021, the tax authorities gave notice to taxpayers of a new tax requirement model. Under this model, as of 2022, the information requests for tax audits will include the submission of monthly bank reconciliation as determined in such model. Such reconciliation will allow the tax authorities to obtain the following information at the income and expense level:

- Accounts receivable and payable with domestic and foreign clients and suppliers
- Accounts receivable and payable with shareholders
- Accounts receivable with employees
- Advance payments made by and to customers and suppliers
- Interest earned and paid
- Transfer of funds (incoming and outgoing) between bank accounts

F. Tax treaties

Guatemala signed a double tax treaty with Mexico in March 2015, which is not yet in effect. The treaty will enter into effect after both countries complete their respective legislative approval processes.

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A. At a glance

Corporate Income Tax Rate (%)	0 (a)
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	0 (a)
Withholding Tax (%)	
Dividends	0 (b)
Interest	0
Royalties	0
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0 (c)
Carryforward	Unlimited

(a) This is the standard corporate income tax rate. For details regarding other rates, see Section B.
(b) Dividend withholding tax is not imposed on dividends paid to foreign shareholders. See Section B. Dividends paid to Guernsey resident individual shareholders may be subject to withholding tax.
(c) A carryback for up to two years is available for terminal losses if trade is permanently discontinued.

B. Taxes on corporate income and gains

Corporate income tax. A Guernsey resident company is subject to income tax on its worldwide income. A company not resident in Guernsey is subject to Guernsey income tax on its Guernsey-source income (other than disregarded company income, such as bank interest), unless a double tax treaty applies. A company is resident in Guernsey if it is centrally managed and controlled in Guernsey, its ultimate shareholder control is in Guernsey (tracing through any intermediary structures) or if it is incorporated in Guernsey. A company can apply to be treated as not resident in Guernsey if it is tax resident in another jurisdiction, if it is managed and controlled in that other jurisdiction, and if that other jurisdiction has a higher rate of company tax of at least 10%

or has a tiebreaker clause in a double tax agreement or other international agreement. Anti-avoidance provisions apply.

Rates of corporate income tax. The standard rate of corporate income tax is 0%.

A 10% rate applies to profits derived from the following:
- Banking business
- Insurance management
- Insurance intermediaries
- Domestic insurance business
- Regulated fiduciary business
- Fund administration business
- Custody services provided by banks
- Regulated investment management services provided to individual clients
- Operation of an investment exchange
- Regulatory compliance business
- Operation of an aircraft registry

A 20% rate applies to profits from the following:
- Guernsey property
- Regulated utility business
- Retail business carried on in Guernsey that has a taxable profit of more than GBP500,000 in a year
- Importation or supply of hydrocarbon oil or gas
- Cultivation or use of the cannabis plant
- Business of the prescribed production or prescribed use of controlled drugs

Exempt companies. An exempt company regime is available for certain collective-investment schemes. An exempt company is treated as nonresident in Guernsey for tax purposes. It is taxable in Guernsey only on Guernsey-source income, excluding bank interest. Collective-investment schemes (typically unit trusts, investment trusts or bodies involving other forms of public participation) form a substantial sector of the finance industry in Guernsey. Other companies associated with such schemes may also qualify for exemption. Companies pay a fixed annual fee of GBP1,600 to register for exempt status, regardless of their income.

Capital gains. Capital gains are not taxable in Guernsey.

Economic substance. Economic substance requirements have been introduced and are effective for accounting periods beginning on or after 1 January 2019. The requirements apply to Guernsey tax resident companies, regardless of their country of incorporation. Companies with gross income from carrying on any of the following types of business are required to meet the economic substance test:
- Banking
- Insurance
- Fund management
- Finance and leasing
- Headquarters
- Shipping
- Holding company
- Intellectual property holding
- Distribution and service center

The economic substance test looks at whether a company is directed and managed in Guernsey (note that this is a specific test that is different from management and control) and whether the company is undertaking its core income-generating activities in Guernsey, supported by adequate expenditure, employees and premises in Guernsey.

Penalties for failing to meet the economic substance test range from financial penalties of up to GBP150,000 to strike off (dissolution of company) and exchange of information.

The economic substance rules have been extended to partnerships; the rules are effective for new partnerships established from 1 July 2021, and for accounting periods beginning on or after 1 January 2022 for partnerships already in existence as at 30 June 2021. The rules apply to "resident partnerships" with gross income from the types of business noted above. The substance test for partnerships is essentially the same as the test for companies, but some exemptions apply.

Administration. The Guernsey tax year corresponds to the calendar year. Tax payments on account are normally due in four equal installments on 15 April, 15 July, 15 October of the current tax year and the following 15 January, with a balancing payment or repayment due after filing and assessment.

An annual tax return is generally required for all Guernsey resident companies and some foreign companies with Guernsey-source income. The annual tax return must be filed electronically by 31 January after the following year; however, for 2024 returns onward, the filing deadline for will be 30 November of the following year. Automatic late filing penalties may be imposed.

If taxable distributions or loans to Guernsey resident individuals are made during the year, a final Distribution Reporter tax return is required to be filed by 15 January following the tax year. Taxes on such events must be withheld at source and paid quarterly by the 15th of the month following the relevant quarter.

Companies must file annual validation forms with the Guernsey Registry, and pay the relevant filing fee. Fees are based on the type and activity of the company and range from GBP100 to GBP1,000.

Resident partnerships are required to register with the Guernsey Revenue Service and file an annual tax return, even where the substance rules are not applicable. Despite the tax return filing requirement, a partnership remains transparent for Guernsey tax purposes.

Dividends. No tax is withheld from dividends paid to foreign shareholders of Guernsey companies.

If dividends are paid to Guernsey resident individual shareholders, the company may be required to withhold tax of up to 20% of the distribution. The amount of tax withheld may be reduced if the company has already suffered tax on the profits distributed. Companies maintain tax pools to track undistributed income (income that has not suffered tax at 20% or more) and tax already suffered. Distributions are required to be matched against undistributed income first. If the company has an ultimate beneficial member who is Guernsey resident, withholding may also apply

in some situations, even if the dividend is not received by the Guernsey resident.

Companies may also be required to withhold tax at a rate of 20% if a loan is advanced to a Guernsey resident beneficial member, but some exemptions apply.

Foreign tax relief. Guernsey grants specific double taxation relief for income from its treaty countries and grants unilateral relief for income from non-treaty countries up to an effective maximum rate of 15%.

C. Determination of trading income

General. The assessment is based on accounting profits, subject to certain adjustments. To be deductible against revenue, expenses must be incurred wholly and exclusively for the purposes of the trade and must not be capital in nature.

Nonresident companies are exempt from tax on disregarded company income, including Guernsey-source bank interest.

Tax depreciation. Depreciation is not an allowable deduction, but annual allowances are available on the cost of certain plant and machinery. Annual allowances are generally calculated at a rate of 20% on a reducing-balance or straight-line basis (subject to specific variations).

Groups of companies. Under Guernsey law, a trading loss incurred by a member of a 90%-owned group of companies may be offset against profits earned in the same tax year by another member of the group. All members of the group must be incorporated and resident in Guernsey or have a fixed place of business in Guernsey. Restrictions apply if members of the group are taxed at different rates.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Social security contributions; payable on the salaries and wages of employees resident in Guernsey; paid by (2024 rates)	
Employer (maximum contribution of GBP1,034.24 per month)	6.9
Employee (maximum contribution of GBP1,079.21 per month)	7.2
Tax on real property; based on the unit value of the property located in Guernsey; rates vary according to the type of property	Various
Document duty on sales of Guernsey property; based on the value of the transaction	2.25 to 5.50
(Legislation extending the duty to include the sale of shares in corporate vehicles holding Guernsey real property has been introduced.)	

E. Miscellaneous matters

Anti-avoidance legislation. Guernsey's tax law includes a general anti-avoidance rule. The Director of the Revenue Service has broad powers to adjust a taxpayer's tax liability and assess

income tax that, in the Director's opinion, has been deliberately avoided by a transaction entered into by the taxpayer.

Exchange controls. Guernsey does not impose any foreign-exchange controls.

Debt-to-equity ratios. Guernsey does not prescribe any debt-to-equity ratios, but the general anti-avoidance rule can be applied in some situations.

Types of companies. The Guernsey company law allows the incorporation of companies limited by shares, guarantee or shares and guarantee. A company limited by shares and guarantee may have both shareholders and guarantee members.

Protected cell companies. Protected cell companies (PCCs) consist of several cells and core capital. Each cell is liable only to its own creditors. A creditor of a particular cell has recourse to the assets of that cell and the core capital only. PCCs may be used for captive insurance companies, collective-investment schemes or other approved enterprises.

Incorporated cell companies. Incorporated cell companies are similar to PCCs in terms of their cellular nature. However, each cell is regarded as an incorporated entity in its own right and, consequently, is subject to tax as a separate entity.

Migration of companies. Guernsey law allows an overseas company to migrate into Guernsey and be registered as a Guernsey company. In addition, a Guernsey company may be removed from the Companies Register with the intention of becoming incorporated in another jurisdiction. In both cases, the law of the other jurisdiction must provide for the migration, the company must be solvent and certain other conditions must be met.

Country-by-Country Reporting. Guernsey has committed to adopt the minimum standards required under the Base Erosion and Profit Shifting (BEPS) program of the Organisation for Economic Co-operation and Development (OECD). Under Action 13, certain reporting obligations are required with respect to Country-by-Country Reporting (CbCR). Ultimate Parent Entities and Surrogate Parent Entities have notification and filing requirements in Guernsey. Constituent Entities also have notification requirements, which form part of a company's annual income tax return filing.

Pillar Two. On 19 May 2023, in conjunction with Jersey and the Isle of Man, Guernsey announced its intentions with respect to the global Pillar Two initiative to set a minimum effective tax rate for the world's largest multinational enterprises. Guernsey intends to implement an "Income Inclusion Rule" and a domestic minimum tax to provide for a 15% effective tax rate for large in-scope multinational enterprises, from 2025. On 21 May 2024, Guernsey reconfirmed its intention to implement an "Income Inclusion Rule" and confirmed its intention for the domestic tax to be a Qualified Domestic Minimum Top-up Tax. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (ey-beps-2-0-pillar-two-developments-tracker.pdf).

Mandatory Disclosure Rules. Guernsey has committed to introduce Mandatory Disclosure Rules for Common Reporting

Standard Avoidance Arrangements and Opaque Offshore Structures (MDR). The MDR legislation is in place (it is based on the OECD version of the MDR) but is not yet in force. The regime is not expected to enter into force until 2025 at the earliest.

F. Tax treaties

Guernsey has entered into comprehensive tax treaties with the following jurisdictions.

Cyprus	Liechtenstein	Qatar
Estonia	Luxembourg	Seychelles
Hong Kong SAR	Malta	Singapore
Isle of Man	Mauritius	United Kingdom
Jersey	Monaco	

Guernsey has completed negotiations for comprehensive double tax treaties with Bahrain, Gibraltar and the United Arab Emirates, and arrangements to sign the agreements are being discussed. The tax treaty negotiations with Lebanon were deferred due to the COVID-19 pandemic and discussions are ongoing. Discussions on a possible double tax treaty with Argentina have been deferred indefinitely.

Guernsey also has partial (limited) treaties with the following jurisdictions.

Australia	Greenland	New Zealand
Denmark	Iceland	Norway
Faroe Islands	Ireland	Poland
Finland	Japan	Sweden

In addition, Guernsey has signed tax information exchange agreements with 61 jurisdictions.

Guyana

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A. At a glance

Corporate Income Tax Rate (%)	25/40/45 (a)
Short-Term Capital Gains Tax Rate (%)	25 (b)
Capital Gains Tax Rate (%)	20 (b)
Branch Tax Rate (%)	25 (a)
Withholding Tax (%)	
Dividends	20 (c)
Interest	20 (c)
Royalties from Patents, Know-how, etc.	20 (c)
Technical Fees	20 (c)
Branch Remittance Tax	20 (d)
Net Operating Losses (Years)	
Carryback	0
Carryforwards	
Corporation Tax	Unlimited (e)
Capital Gains Tax	24

(a) The 25% rate applies to noncommercial companies. Commercial companies are taxed at a rate of 40% of income, or 2% of turnover, whichever is lower, subject to the approval of the Commissioner-General of the Guyana Revenue Authority (GRA). Telephone companies are taxed at a rate of 45%. See Section B.
(b) See Section B.
(c) These withholding taxes apply to payments to companies and individuals not engaged in trade or business in Guyana.
(d) This tax applies to deemed remittances of profits to the overseas head office.
(e) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Companies resident in Guyana are subject to tax on their worldwide income from all sources. Relief with respect to taxation suffered on foreign-source income in an

overseas jurisdiction may be available under a double tax treaty. Nonresident companies engaged in business in Guyana are subject to tax on income directly or indirectly accruing in or derived from Guyana.

Rates of tax. Noncommercial companies or companies engaged in noncommercial activities are taxed at a rate of 25%. Any company that does not fall within the definition of a commercial company is regarded as a noncommercial company, including manufacturers and service companies.

Commercial companies or companies engaged in commercial activities are taxed at a rate of 40% of chargeable income. A commercial company is a company with at least 75% of its gross income derived from trading in goods not manufactured by it. Commercial companies include commission agencies, banks and insurance companies carrying on insurance business other than long-term insurance business.

If 40% of chargeable income is less than 2% of turnover, the commercial company is required to pay up-front corporation tax at a rate of 2% of turnover (minimum tax). If the GRA is satisfied with the company's calculation of chargeable income, the GRA allows the company's tax liability to be limited to 40% of chargeable income, and any excess minimum tax paid may be carried forward and offset against future corporation tax liabilities with certain restrictions.

Telephone companies are subject to corporation tax in Guyana at a rate of 45%.

An advance corporation tax at a rate of 10% must be deducted by the payer from gross payments made to a nonresident company with respect to goods and services if the nonresident company is engaged in a trade or business in Guyana. The advance corporation tax is creditable against the nonresident company's ultimate corporation tax liability.

Capital gains. Capital gains tax is payable at a rate of 20% on the net chargeable gain of a person accruing or arising in Guyana or elsewhere, regardless of whether it is received in Guyana, on the change of ownership of property, subject to certain exceptions. In general, if capital allowances were taken with respect to an asset being disposed, the capital gain is the amount by which the value of the consideration received exceeds the cost of or acquisition value of the asset, less any capital allowances taken with respect to the property. In certain sectors, a disposal may give rise to a balancing adjustment, which may be subject to corporation tax and may affect the amount of applicable capital gains tax.

Capital losses may be carried forward for 24 years.

If an exemption from property tax is granted, a concomitant exemption is granted for capital gains tax with limited exceptions.

Short-term capital gains from the disposal of assets within 12 months of their acquisition and from the disposal of assets 25 or more years after their acquisition are exempt from capital gains tax. However, short-term capital gains are subject to corporation tax.

Administration. The tax year is the calendar year. Tax is calculated on the profits for the accounting period that ends during the tax year. For each quarter, a company is required to pay a corporation tax or minimum tax installment, whichever is lesser. The quarterly payments must be made by 15 March, 15 June, 15 September and 15 December in each tax year. Quarterly payments of corporation tax are determined based on the taxable income for the preceding accounting period. Minimum tax installments are based on the actual gross sales or receipts of the company for the relevant quarter. The minimum tax calculation excludes income or receipts that are exempt for corporation tax purposes, such as dividends received from Guyana resident companies.

Annual tax returns must be filed by 30 April in the year following the tax year, and any balance of tax due is payable at that time. In general, audited financial statements must be filed with the annual tax returns. The Commissioner-General may allow a company to file its tax returns with draft financial statements. However, the audited accounts must be filed on or before 31 December of the year in which the returns are due to be recognized as being filed on a timely basis.

Failure to file a tax return attracts a penalty of 10% of the amount of tax assessed, while failure to file a nil tax return or a tax return that discloses a loss attracts a penalty of GYD50,000. If the balance of tax due is not paid by the 30 April deadline, a penalty is payable equal to 2% of the unpaid tax for each month, or part thereof, that tax remains outstanding. Interest is also payable at a rate of 18% per year.

Dividends. Dividends received from nonresident companies are subject to tax. Dividends received by resident companies from other resident companies are exempt from tax.

Dividends paid to nonresident companies and nonresident individuals are generally subject to a withholding tax of 20%.

Double tax relief. Bilateral agreements have been entered into between the Government of Guyana and the governments of certain other countries to provide relief from double taxation (see Section F). Relief from double taxation is achieved by one of the following two methods:

- Exemption or a reduced rate on certain classes of income in one of the two countries concerned.
- Credit if the income is fully or partially taxed in the two countries. The tax in the country in which the income arises is allowed as a credit against the tax on the same income in the country where the recipient is resident. The credit is the lower of the Guyana tax or the foreign tax on the same income.

C. Determination of taxable income

General. The assessment is based on financial statements prepared according to international accounting standards, subject to certain adjustments.

To be deductible, expenses must be incurred wholly and exclusively in the production of income. Deductions for head-office expenses paid by a Guyana branch to a nonresident head office or to a nonresident associate or subsidiary company, or by a Guyana

resident company to a nonresident parent or associate company, may not exceed 1% of the sales or gross income of the payer.

Inventories. Inventory may be valued at cost or market value, whichever is lower. A method of stock valuation, once properly adopted, is binding until permission to change is obtained from the GRA.

Bad debts. Trading debts that have become bad and that are proven to be so to the satisfaction of the GRA may be deducted in determining taxable income. In addition, doubtful debts are deductible to the extent that they have become bad during the year. If these debts are subsequently collected, they are considered to be income subject to tax in the year of recovery.

Tax depreciation (capital allowances). Depreciation is calculated on the depreciated value of fixed assets at the beginning of each accounting year.

Capital expenditure incurred on plant, machinery or equipment or any building housing machinery owned by the taxpayer or incurred with respect to machinery and equipment that the taxpayer has the full burden of wear and tear qualify for capital allowances under the declining-balance method or straight-line method. However, if the latter method is used, a maximum of 90% of the cost of the asset may be depreciated.

The following are the applicable rates for assets acquired on or after 1 January 1992.

Asset	Rate (%)
Aircraft	33.3
Boats	10
Buildings (housing machinery)	5 (on cost)
Buildings used for providing services and warehousing	2 (on cost)
Furniture and fittings	10
Electric motor vehicles	50
Motor vehicles	20
Office equipment	
Electronic	50
Other	15
Plant and machinery	20

For new equipment for industries harnessing alternate energy through wind, solar, water and biomass technologies, capital expenses are written off within two years.

Separate capital allowances are available with respect to the petroleum and mining sectors. Capital allowances may be claimed on petroleum capital expenditure in the petroleum sector at a rate of 20% per year on a straight-line basis. In addition, in the diamond and gold mining sector, capital allowances may be claimed on exploration and development expenditure at a rate of 20% per year on a straight-line basis. Other sectors are also granted specific initial and annual allowances.

Relief for tax losses. Losses carried forward can be written off to the extent of half the taxable income for the tax year. The

unrelieved balance can be carried forward indefinitely. No loss carryback is allowed.

In the petroleum sector, corporation tax losses may be written off to the full extent of the taxable income for the tax year. Similarly, the restriction on the ability to set off the full extent of losses against taxable income does not apply to commercial companies liable to pay minimum tax.

Groups of companies. No provisions for group relief exist.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT); applies to most products supplied and services rendered in Guyana; imports of goods are also subject to VAT; certain imports of services are also subject to VAT under the VAT reverse-charge mechanism; companies and other businesses are required to register for VAT if their turnover exceeds a stipulated threshold as specified in the Value-Added Tax Act (currently GYD15,000,000 [approximately USD75,000] a year)	
Standard rate	14
Certain items, including specified exports	0
Property tax; payable on the net property of a company in excess of GYD40 million; the tax is payable on the amount by which the aggregate value of all movable and immovable property of a person exceeds the aggregate value of all debts owed	
On the first GYD40 million of net property	Nil
For every dollar of the next GYD20 million of net property	0.50
For every dollar of the remainder of net property	0.75
Premium tax; payable on insurance premiums (other than for long-term insurance) paid to a foreign company	
A foreign company that has not established a place of business in Guyana	10
A foreign company that has established a place of business in Guyana	6

E. Miscellaneous matters

Foreign-exchange controls. The Guyana currency is the Guyana dollar (GYD).

Guyana has a floating exchange-rate regime. Profits may be repatriated without the approval of the Central Bank of Guyana. However, certain restrictions are imposed with respect to the settlement of local transactions in foreign currency and the borrowing of funds in a foreign currency. Permission is also required to establish a foreign-currency account.

Debt-to-equity rules. In general, no thin-capitalization rules are imposed in Guyana. However, if a local company pays or accrues

interest on securities issued to a nonresident company and if the local company is a subsidiary of the nonresident company or a fellow subsidiary with respect to the nonresident company, the interest is treated as a distribution and may not be claimed as a deduction against the income of the local company.

F. Treaty withholding tax rates

The following table lists the withholding tax rates under Guyana's tax treaties. If the treaty rates are higher than the rates prescribed in the domestic law, the lower domestic rates apply.

	Dividends %	Interest %	Royalties %
Canada	15	25	10
Caribbean Community and Common Market (a)			
Antigua and Barbuda	0	15	15
Barbados	0	15	15
Belize	0	15	15
Dominica	0	15	15
Grenada	0	15	15
Jamaica	0	15	15
St. Kitts and Nevis	0	15	15
St. Lucia	0	15	15
St. Vincent and the Grenadines	0	15	15
Trinidad and Tobago	0	15	15
United Kingdom	10/15 (b)	15	10
Non-treaty jurisdictions	20	20	20

(a) The listed countries have ratified the Caribbean Community and Common Market (CARICOM) double tax treaty.

(b) The lower rate applies if the recipient and beneficial owner of the dividends is a company that owns 10% or more of the voting power of the distributing company.

Guyana has signed or initialed double tax treaties with Kuwait, Mauritius and the United Arab Emirates, but these treaties are not yet in force.

Honduras

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A. At a glance

Corporate Income Tax Rate (%)	25 (a)
Capital Gains Tax Rate (%)	10
Branch Tax Rate (%)	25 (a)
Withholding Tax (%) (b)	
Dividends	10
Interest	10
Royalties	25
Leasing of Movable and Immovable Property	25
Communications	10
Public Entertainment Shows	25
Air, Sea and Land Transport	10
Mining Royalties	25
Salaries and Other Payments for Services	25
Fees and Commissions	25
Reinsurance	10
Videos and Films	25 (c)
Other	10
Branch Remittance Tax	10
Net Operating Losses (Years)	
Carryback	0
Carryforward	3 (d)

(a) An alternate minimum income tax and asset tax are also imposed (see Section B). A Social Contribution Tax is imposed at a rate of 5% on companies with net income exceeding HNL1 million. Domiciled entities that have reported operating losses in two consecutive or alternate tax periods that are

still open for examination are also subject to advance income tax (AIT) payments that are computed at a rate of 1% of gross income equal to or greater than HNL100 million. The AIT may be credited against the annual corporate income tax, asset tax or the Social Contribution Tax. Branches of foreign companies dedicated to air, land and maritime transport pay the corporate income tax rate of 25% on an amount of net taxable income equal to 10% of their Honduran-source gross income.

(b) Withholding taxes are imposed on payments to nonresident companies and individuals.

(c) This withholding tax applies to payments for films and video tapes for movies, television, video clubs and cable television.

(d) Only companies engaged in agriculture, manufacturing, mining and tourism may carry forward net operating losses.

B. Taxes on corporate income and gains

Corporate income tax. Honduran-resident companies (that is, those incorporated in Honduras) are no longer taxed on their worldwide income. Effective from 1 January 2017, only their Honduran-source income is subject to Honduran tax. Nonresident companies are subject to income tax only on income derived from Honduran sources.

Corporate income tax rates. Companies are subject to corporate income tax at a rate of 25% on their net income.

A Social Contribution Tax of 5% applies to companies with net income exceeding HNL1 million.

A 1% income tax installment applies to taxpayers that meet the following conditions:

- During open tax periods, they have reported operating losses in two consecutive or alternate tax periods.
- In the prior tax period, they derived gross income equal to or greater than HNL100 million.

The installment equals 1% of the gross income reported.

The income tax installment is a tax credit that may be applied against income tax, asset tax or the Social Contribution Tax on the filing of the year-end tax return.

The following taxpayers are not subject to the income tax installment:

- Individuals or entities in the preoperative phase, up to a maximum of five years.
- Companies and individuals that incur losses resulting from an act of God or force majeure. This loss needs to be certified by an audit firm registered with the respective accounting association, notwithstanding a subsequent examination by the tax authorities.
- Companies engaged in agriculture, manufacturing, mining and tourism and individuals authorized by the tax authorities to carry forward losses in accordance with Section 20 of the Honduran Income Tax Law (HN ITL).
- Companies and individuals that calculated and paid tax in the prior tax period and are subject to income tax installments in accordance with Section 34 of the HN ITL.
- Companies and individuals that prove through a tax audit report, carried out by an audit firm registered with the respective accounting association, that the tax loss is real, subject to verification from the tax authorities.

- Companies and individuals established under Section 7 of the HN ITL and tax-exempt by law or Special Legislative Decrees.

Companies operating under the following special regimes are exempt from income tax, sales tax, customs duties and certain municipal taxes:
- Free Trade Zone (Zonas Libres, or ZOLI)
- Temporary Import Regime (Régimen de Importación Temporal, or RIT)
- Free Tourist Zone (Zona Libre Turística, or ZOLITUR)
- Call Centers and Business Services Outsourcing Centers

Alternative minimum income tax. An alternative minimum income tax (AMT) applies to resident individuals and corporations.

For 2020 and future years, the AMT applies to annual gross income greater than HNL1 billion at a rate of 1% (0.5% for taxpayers in special sectors).

The minimum income tax rate is reduced to 0.75% of gross income for individuals or legal entities producing or selling the following products or services:
- Cement production and distribution
- Public utility services provided by state-owned companies
- Products and medicines for human use (at the importation and production levels)
- Bakery-related products
- Production, distribution or marketing of steel products for construction purposes, excluding the sale of scrap metal or the activity of the mining industry
- Production, marketing or export of coffee

Asset tax. An asset tax is assessed based on net assets (as defined in the law) reported in the company's balance sheet.

The following entities are not required to pay the tax:
- Legal entities whose total net assets do not exceed HNL3 million. If the amount of the total net assets exceeds this value, the tax is applied to the excess value.
- Legal entities exempt from the payment of income tax.
- Entities operating in a ZOLI, Industrial Processing Zone (Zona Industrial de Procesamiento, or ZIP) or ZOLITUR, Temporary Importation Regime (Régimen de Importación Temporal, or RIT) entities and others under special tax exemption regimes.
- Legal persons in the preoperative stage of their activities.
- Taxpayers who suffer operating losses in the fiscal year, originated by fortuitous events or force majeure. The loss must be certified by an auditing firm, duly registered with the respective College (Bar), without prejudice to subsequent control.

Specific rules apply to compute the tax for financial institutions, insurance companies and holding companies. The amounts paid as income tax during the previous fiscal year constitutes a credit with respect to the net asset tax payable. If the amount paid for income tax is equal to or greater than the net asset tax payable, the obligation is deemed to have been fulfilled. If the amount paid as income tax is less than the amount payable as net asset

tax, the resulting difference is the net asset tax payable. The asset tax rate is 1%.

Financial transaction tax. A financial transaction tax applies to local and foreign currency operations carried on in either national or foreign currency within the institutions of the national banking system, including the following:

- National Bank for Agricultural Development (Banco Nacional de Desarrollo Agrícola, or BANADESA)
- Financial companies, representative offices and private financial development organizations, supervised by the National Banking and Insurance Commission (Comisión Nacional de Bancos y Seguros, or CNBS)

The financial transaction tax applies to the following transactions:

- Debits (withdrawals) on demand deposits and savings deposits made at financial institutions
- Payments or transfers of funds through financial institutions not made through the channels indicated above
- Acquisition of cashier's checks, certified checks, traveler's checks, wire transfers or other similar financial instruments at financial institutions without using the accounts indicated in the first bullet above
- Payments or transfers in favor of third parties on behalf of principals with charge to the money collected on their behalf, made by financial entities without using the accounts indicated in the first bullet above
- Transfers or money remittances, to or from abroad or within the country, made through financial institutions without using the accounts indicated in the first bullet above
- Redemptions of fixed-term certificates of deposit
- Annual fees for each active cardholder credit card

The following are the amounts of the contributions required under the financial transaction tax for the transactions listed above:

- For the first, second, fourth, fifth and sixth bullets listed above: HNL2 per thousand or fraction of a thousand
- For the third bullet listed above: HNL1.50 per thousand or fraction of a thousand

The contributions for the transactions in the seventh (last) category above are provided in the following table.

Credit line		
Exceeding HNL	Not exceeding HNL	Contribution HNL
40,000	50,000	500
50,000	100,000	600
100,000	200,000	700
200,000	500,000	800
500,000	1,000,000	900
1,000,000	–	1,000

Capital gains. Capital gains are subject to tax at a rate of 10%.

A gain generated from any type of transfer of assets or rights by a person whose ordinary trade does not involve commercializing such assets or rights is considered a capital gain.

However, if the asset being transferred is part of the ordinary course of business of the transferor (for example, the transferor ordinarily or habitually engages in the trade or business of selling shares), the gains are categorized as ordinary income subject to corporate income tax at a rate of 25%.

Capital losses are deductible only if derived from the sale of depreciable assets or from the sale of non-depreciable assets sold in the ordinary course of a trade or business.

The capital gain must be reported and the corresponding tax paid for each transaction within 10 working days following the date on which the payment is received by the seller. An annual return must also be filed by 30 April of each year.

For the transfer of immovable property or rights and securities carried out with a nonresident, the buyer must withhold 4% of the transfer value. The capital gains tax is deemed to constitute a credit to such tax for the seller. The tax withheld must be reported in a filing and paid by the buyer within 10 calendar days following the date of the transaction.

Administration. The regular statutory tax year runs from 1 January through 31 December. However, taxpayers may elect a different tax year by requesting an authorization from the tax authorities. Companies with a regular statutory tax year must file an annual income tax return and pay any corresponding tax by 30 April of the of the next calendar year. For companies with a different tax year, the filing and payment deadline is 90 days after the end of their tax year. Mandatory advance tax payments are payable each quarter based on the income tax liability for the preceding tax year.

Dividends. A 10% withholding tax is imposed on dividends.

Foreign tax relief. Honduras does not grant any relief for foreign taxes paid.

C. Determination of taxable income

General. Net taxable income is computed in accordance with generally accepted accounting and commercial principles, subject to certain adjustments required by the Honduran income tax law.

Inventories. Inventories are valued using the first-in, first-out (FIFO), last-in, first-out (LIFO) or weighted average cost methods.

Provisions. Provisions for contingent liabilities, such as severance pay, are not deductible for tax purposes. However, payments of such liabilities are deductible expenses. In contrast, provisions for bad debts are deductible, as long as the amount of the provision does not exceed 10% of the amount of accounts receivable from customers at the end of the fiscal year.

Tax depreciation. Depreciation may be computed using the straight-line method. Companies may obtain authorization from the tax authorities to use other depreciation methods. However, after a company selects a depreciation method, the method must be

applied consistently thereafter. The following are the applicable straight-line method rates for some common assets.

Asset	Rate (%)
Buildings	2.5 to 10
Plant and machinery	10
Vehicles	10 to 33.33
Furniture and office equipment	10
Tools	10 to 100

Relief for losses. Companies engaged in agriculture, manufacturing, mining and tourism may carry forward net operating losses for three years. However, certain restrictions apply. Net operating losses may not be carried back.

Groups of companies. Honduran law does not allow the filing of consolidated income tax returns or provide any other tax relief to consolidated groups of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Sales tax	
General rate	15
Special Tax Rate for alcoholic beverages, cigarettes and business class tickets for air travel	18
Customs duties	1 to 20
Payroll taxes; paid by employers; average rate	8.5
Municipal taxes	
Property tax; imposed on companies owning real estate	Various
Industry trade and service municipal tax; imposed monthly on income derived from the operations of companies; rates vary according to the annual production volume, income or sales	
From HNL 0.01 to HNL500,000	0.30
From HNL500,000 to HNL10,000,000	0.40
From HNL10,000,000 to HNL20,000,000	0.30
From HNL20,000,000 to HNL30,000,000	0.20
Over HNL30,000,000	0.15

E. Foreign-exchange controls

The Honduran currency is the lempira (HNL).

No restrictions are imposed on foreign-trade operations or foreign-currency transactions. As of 1 March 2024, the exchange rate for the lempira is HNL24.79 = USD1.

F. Tax treaties

Honduras has not entered into any income tax treaties with other countries.

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This chapter relates to the tax jurisdiction of the Hong Kong Special Administrative Region (SAR) of China.

A. At a glance

Corporate Income Tax Rate (%)	16.5 (a)
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	16.5 (a)
Withholding Tax (%)	
Dividends	0
Interest	0
Royalties from Patents, Know-how, etc.	
Paid to Corporations	4.95/16.5 (b)
Paid to Individuals	4.5/15 (b)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforwards	Unlimited

(a) See Section B for the two-tier profits tax rates regime.

(b) If the nonresident corporation is eligible for the two-tier profits tax rates regime referred to in Section B, the withholding tax rate is 2.475% (for the first HKD2 million of its royalty income) and 4.95% (for the remainder of its royalty income). However, if a recipient of payments is an associate of the payer and if the intellectual property rights were previously owned by a Hong Kong taxpayer, a withholding tax rate of 16.5% applies (subject to the application of the two-tier profits tax rates regime referred to in Section B). If the nonresident is an individual eligible for the two-tier profits tax rates regime referred to in Section B, the withholding tax rate is 2.25% (for the first HKD2 million of his or her royalty income) and 4.5% (for the remainder of his or her royalty income). However, if a recipient of payments is an associate of the payer and if the intellectual property rights were previously owned by a Hong Kong taxpayer, a withholding tax rate of 15% applies (subject to the application of the two-tier profits tax rates regime referred to in Section B).

B. Taxes on corporate income and gains

Profits tax. Companies carrying on a trade, profession or business in Hong Kong are subject to profits tax on profits arising in or derived from Hong Kong. However, certain royalties received from a Hong Kong payer by a foreign entity that does not otherwise carry on a trade, profession or business in Hong Kong are liable to a withholding tax in Hong Kong (see Section A).

The basis of taxation in Hong Kong is territorial. Under the newly enacted foreign-sourced income exemption (FSIE) regime that became effective on 1 January 2023, specified foreign-sourced income that accrues to and is received in Hong Kong on or after 1 January 2023 by a multinational entity (MNE) that carries on a business in Hong Kong will be taxable in Hong Kong, unless the exception conditions referred below are satisfied. Specified income refers to interest income, dividends, gains from sale of equity interest in an entity and intellectual property (IP) income.

Effective from 1 January 2024, the scope of disposal gain of equity interest under the FSIE regime is extended to cover all other types of assets, other than gains made by a trader in the normal course of its business. Intragroup relief for disposal gains is available if the specified conditions are met.

The exception conditions for non-IP income and non-IP disposal gains consider whether economic substance requirement (ESR) in Hong Kong is met. For IP-related income and IP disposal gains, the nexus requirements must be met.

Foreign-sourced income is regarded as "received in Hong Kong" under the FSIE regime if any of the following conditions are met:
- The income is remitted to, or is transmitted or brought into, Hong Kong.
- The income is used to satisfy any debt incurred in respect of a trade, profession or business carried on in Hong Kong.
- The income is used to buy movable property, and the property is brought into Hong Kong. The income is regarded as being received in Hong Kong at the time when the movable property is brought into Hong Kong.

The term "MNE" is defined under the FSIE regime to be essentially the same as a constituent entity of an MNE group as defined under the Country-by-Country (CbC) reporting requirement, except that the consolidated income of the group to which an MNE belongs, or the income of the MNE itself, does not need to exceed any threshold.

The economic substance requirement depends on whether the recipient of the specified foreign-sourced income is a pure or non-pure holding entity. For a pure holding entity, the ESR refers to an entity satisfying every applicable registration and filing requirements under the relevant laws of Hong Kong and having adequate human resources and premises for carrying out the specified economic activities in Hong Kong in relation to holding and managing its equity participations in other entities.

For a non-pure holding entity, the ESR refers to an entity employing an adequate number of employees with necessary qualifications to carry out the specified economic activities in Hong Kong in relation to the FSIE income concerned and incurring an adequate amount of operating expenditure for carrying out the specified economic activities in Hong Kong. "Adequate" in this context is determined on a case-by-case basis.

As an alternative to satisfying ESR in Hong Kong for foreign-sourced dividend income and disposal gains on equity interests, such income or gains are exempt from tax under the FSIE regime

if both conditions for participation exemption are satisfied. The following are the conditions:

- The MNE is a Hong Kong resident person, or if it is a non-Hong Kong resident person, it has a permanent establishment in Hong Kong to which the foreign-sourced dividend or disposal gain on equity interests is attributable.
- The MNE has continuously held not less than 5% of equity interests in the investee entity concerned for a period of not less than 12 months immediately before the foreign-sourced dividend or disposal gain on equity interests accrues.

Certain anti-abuse rules are in place to disallow the participation exemption, namely the switchover rule (subject to tax condition), anti-hybrid mismatch rule and the main purpose rule.

Under the switchover rule, if the specified foreign-sourced income is a disposal gain on equity interests, the participation exemption only applies if the disposal gain on equity interests is subject to a qualifying similar tax in a jurisdiction outside Hong Kong of substantially the same nature as profits tax in Hong Kong at an applicable rate of at least 15%. If the specified foreign-sourced income is dividends, the participation exemption only applies if the dividends, or the underlying profits out of which the dividend is paid, is subject to a qualifying similar tax in a foreign jurisdiction of substantially the same nature as profits tax in Hong Kong at an applicable rate of at least 15%. In this context, the applicable rate refers to the headline corporate tax rate of the jurisdiction concerned, even if the income is taxed in the jurisdiction at a lower rate under certain conditions.

Under the anti-hybrid mismatch rule, if the specified foreign-sourced income is a dividend and if tax is charged on the underlying profits of the dividend in a jurisdiction outside Hong Kong, the participation exemption does not apply to the extent that the dividend is allowable for deduction when computing the amount of tax of the investee entity.

Under the main purpose rule, if the Commissioner of Inland Revenue is of the opinion that the main purpose, or one of the main purposes, of entering into an arrangement is to obtain a tax benefit in relation to a liability to pay profits tax, the participation exemption does not apply.

While onshore-sourced disposal gains that are capital in nature are not chargeable to tax in Hong Kong, foreign-sourced disposal gains, regardless of whether they are capital or revenue in nature, are subject to tax under the FSIE regime if the taxpayer cannot satisfy either the ESR in Hong Kong or the conditions for the participation exemption.

The exemption of foreign-sourced IP income and disposal gain on IP assets under the FSIE regime applies if the nexus requirements are met. The nexus requirements are defined to be essentially the same as that defined under the Action 5 – 2015 Final Report of the OECD/G20 Base Erosion and Profit Shifting (BEPS) Project.

If the specified foreign-sourced income is subject to tax in Hong Kong under the FSIE regime, overseas taxes paid are creditable against the tax payable in Hong Kong with respect to the same

income either under a bilateral tax treaty or a unilateral tax credit. For foreign-sourced dividends, the overseas taxes paid include the withholding taxes on the dividends and the underlying corporate income taxes paid with respect to the underlying profits, traceable up to five tiers of investee companies in a vertical chain of ownership, out of which the dividends are paid.

The determination of the source of profits or income can be extremely complicated and often involves uncertainty. It requires case-by-case consideration. To obtain certainty concerning this and other tax issues, taxpayers may apply to the Inland Revenue for advance rulings on the tax implications of a transaction, subject to payment of certain fees and compliance with other procedures.

Rates of profits tax. The normal profits tax rates applicable to corporations and non-corporate entities are 16.5% and 15%, respectively. If a taxpayer is eligible for the two-tier profits tax rates regime, profits tax rates for the first HKD2 million of profits are reduced by 50% to 8.25% or 7.5%. The remainder of the profits continue to be taxed at the normal profits tax rates of 16.5% or 15%.

However, each group of "connected entities" can only elect one entity in the group to benefit from the two-tier regime for a given fiscal year. In general, two entities are regarded as "connected entities" if one entity has control over the other or both are under the control of a third entity. "Control" generally refers to one entity holding directly or indirectly more than 50% of the issued share capital, voting rights, capital or profits of another entity.

Hong Kong intends to implement the Global Anti-base Erosion rules (GloBE rules) and the Hong Kong minimum top-up tax (HKMTT), effective from 1 January 2025. The HKMTT to be charged at an effective tax rate of 15% is intended to qualify as a Qualified Domestic Minimum Top-up Tax Safe Harbor such that the top-up tax under the GloBE rules would then be deemed to be zero.

Tax incentives. The following tax incentives and enhanced deductions are available in Hong Kong:

- Interest income and trading profits derived by corporations from qualifying debt instruments (QDIs) issued prior to 1 April 2018 with a maturity period of less than seven years are taxed at a rate of 8.25% (50% of the normal profits tax rate), while interest income and trading profits derived from those QDIs with a maturity period of seven years or longer are exempt from tax. Interest income and trading profits derived from QDIs issued on or after 1 April 2018 of any duration are exempt from tax.
- Income derived from the business of reinsurance by professional reinsurers that have made an irrevocable election is taxed at a rate of 8.25%.
- Income derived from the business of insurance by authorized captive insurers that have made an irrevocable election is taxed at a rate of 8.25%.
- Profits derived by authorized and certain bona fide widely held mutual funds, collective-investment schemes and unit trusts are exempt from tax.

- Profits derived from qualifying corporate treasury activities by qualifying corporate treasury centers that have made an irrevocable election are taxed at a rate of 8.25%.
- Profits of qualifying aircraft lessors and qualifying aircraft leasing managers that have made an irrevocable election are taxed at the concessionary tax rate of 8.25%. For previously acquired aircraft, effective from the 2023-24 year of assessment, taxpayers are able to choose to either being taxed on a notional tax base (in lieu of depreciation allowances on the aircraft) or being granted a one-off tax deduction based on the residual value of the aircraft at the time. For aircraft acquired thereafter, taxpayers will be able to claim a one-off tax deduction of the expenditure incurred for the acquisition of the aircraft.
- Profits derived from a qualifying ship leasing activity, regarding both an operating lease and a finance lease, including a sale and leaseback arrangement, derived by a qualifying ship lessor that has made an irrevocable election, are taxed at 0%. The tax base of such a ship owner-cum-lessor (a taxpayer that is both an owner and lessor of the ship) is 20% of its gross rentals, less deductible expenses, excluding book depreciation charges or tax depreciation allowances pertaining to a ship.
- Profits derived from a qualifying ship leasing management activity by a qualifying ship leasing manager that has made an irrevocable election and received from a non-associated qualifying ship lessor are taxed at the concessionary tax rate of 8.25%. The tax rate is reduced to 0% if the qualifying ship lessor is an associated corporation.
- Profits derived by a qualifying shipping commercial principal (that is, a qualifying ship agent, qualifying ship manager or qualifying ship broker) from carrying out a qualifying activity (that is, a qualifying ship agency activity, qualifying ship management activity or qualifying ship broking activity) in Hong Kong is generally taxed at a concessionary tax rate at 8.25%. If qualifying profits are derived by a qualifying shipping commercial principal from carrying out a qualifying activity for an associated ship lessor, ship leasing manager, ship operator or ship owner (that is, a shipping enterprise) who is entitled to tax concession or exemption under the tax code of Hong Kong, the qualifying profits so derived are subject to the same tax concession or exemption as that applicable to the associated shipping enterprise concerned.
- Profits derived from general insurance, other than profits from certain local demand-driven insurance business, and general reinsurance business, by a specified insurer that has made an irrevocable election are taxed at a rate of 8.25%. In addition, profits of a licensed insurance broker that has made an irrevocable election and relate to a contract of insurance effected by a professional reinsurer or a specified insurer in the course of the insurer carrying on a business that is eligible for the concessionary tax rate are taxed at a rate of 8.25%.
- Eligible carried interest received by, or accrued to, a qualifying person from the provision of investment management services in Hong Kong to a qualifying payer is, subject to certain conditions, taxed at 0%. Such conditions include the eligible carried interest arising from profits earned from in-scope transactions of the qualifying payer and the qualifying payer meeting the substantial activities requirements in Hong Kong.

Qualifying research and development (R&D) expenditure incurred on or after 1 April 2018 is eligible for enhanced tax deductions; the first HKD2 million is eligible for a 300% deduction and the remainder, not subject to any cap, is deductible at 200%. R&D expenditure that does not qualify for the enhanced deductions is eligible for the normal 100% tax deduction subject to fulfillment of the specified conditions.

Spectrum utilization fees incurred by mobile network operators for radio spectrum used to transmit their telecommunication signals in their operations in Hong Kong are generally capital in nature and nondeductible. However, such fees incurred for acquiring radio spectrum by way of auctions conducted on or after 19 January 2024 will qualify for tax deduction over a period of time.

Expenses incurred on reinstating the condition of leased premises to their original condition are generally considered part of the cost for acquiring a capital asset in the form of the lease and therefore nondeductible. However, as announced in the 2024-25 budget, with effect the 2024-25 year of assessment, the law will be amended such that a tax deduction will be granted for such expenses.

Tax exemptions for all funds operating in Hong Kong. Subject to certain specified conditions, an entity that meets the definition of a "fund" as being a collective-investment scheme, regardless of its size, type and place of residence, is eligible for a tax exemption for its profits generated from transactions in qualifying assets and transactions incidental to such transactions.

Effective from the 2022-23 year of assessment, securities-type income derived by family-owned investment holding vehicles that are generally at least 95% owned by a family and managed by a single-family office in Hong Kong will, subject to the satisfaction of certain specified conditions, be taxed at a 0% concessionary tax rate in Hong Kong.

Related anti-avoidance measures provide that, under certain circumstances, a resident investor in an exempt fund is deemed to derive a portion of the exempt income of the fund and is subject to tax in Hong Kong on such income, regardless of whether the fund makes an actual distribution.

Tax exemption for nonresident funds. Nonresident persons, not qualifying as a "fund," as defined, and not eligible for the above tax exemption, are nonetheless exempt from tax in Hong Kong if their activities in Hong Kong are restricted to certain specified transactions and to transactions incidental to such transactions.

An entity is regarded as a nonresident if its place of central management and control is located outside Hong Kong. Specified transactions are broadly defined to cover most types of transactions typically carried out by investment funds, such as transactions involving securities (for unlisted securities, the exemption is subject to certain specified conditions), future and currency contracts, commodities and the making of deposits other than by money-lending businesses.

Anti-avoidance measures provide that under certain circumstances, a resident investor in an exempt nonresident fund is deemed to derive a portion of the exempt income of the fund and is subject to tax in Hong Kong on such income, regardless of whether the fund makes an actual distribution.

Capital gains. Onshore-sourced disposal gains that are capital in nature are not chargeable to tax in Hong Kong. On 1 January 2024, the tax certainty enhancement scheme for onshore gains on disposal of equity interests was introduced. Subject to certain exclusions, onshore-sourced disposal gains on equity interests are regarded as capital in nature if the investor entity holds at least 15% of the equity interests in the investee entity for a period of not less than 24 months.

Subject to the FSIE regime described in *Profits tax*, capital gains are not taxed, and capital losses are not deductible for profits tax purposes. A foreign-sourced loss sustained by an MNE from a sale of assets, regardless of whether the loss is capital or revenue in nature, can be set off against its taxable FSIE income for the year of assessment in which the proceeds of the sale are received in Hong Kong. However, this rule is subject to the condition that had a gain been derived from the sale and received in Hong Kong, the gain would have been chargeable to profits tax in Hong Kong under the FSIE regime. Any amount of the loss not set off can be carried forward to set off against the MNE's taxable FSIE income in subsequent years of assessment.

Administration. A fiscal year runs from 1 April to 31 March. If an accounting period does not coincide with a fiscal year, the profit for the accounting period is deemed to be the profit for the fiscal year in which the period ends. Special rules govern commencements and cessations of businesses and deal with accounting periods of shorter or longer duration than 12 months.

Companies generally make two payments of profits tax during a fiscal year. The first payment consists of 75% of the provisional tax for the current year plus 100% of the final payment for the preceding year. The second payment equals 25% of the provisional tax for the current year. The timing of payments is determined by assessment notices rather than by set dates, generally during November to April of the fiscal year.

Dividends. Hong Kong does not impose withholding tax on dividends paid to domestic or foreign shareholders. Although foreign-sourced dividend income that accrued to a Hong Kong taxpayer before 1 January 2023 is not chargeable to tax in Hong Kong, such income that accrues to and is received in Hong Kong by an MNE on or after that date is subject to the FSIE regime described above.

Foreign tax relief. In certain circumstances, a deduction is allowed for foreign taxes paid. A foreign tax credit is available under the full comprehensive double tax treaties entered into between Hong Kong and other jurisdictions. However, the amount of the credit may not exceed the amount of tax payable under the Hong Kong tax laws with respect to the relevant item of income. For details concerning Hong Kong's double tax treaties, see Section E.

For FSIE income chargeable to tax in Hong Kong, in addition to a bilateral tax credit under a tax treaty, a unilateral tax credit is also available for the set-off of foreign taxes paid against the tax payable in Hong Kong with respect to the same income.

C. Determination of assessable profits

General. The assessment is based on accounts prepared on generally accepted accounting principles, subject to certain statutory tax adjustments.

In general, interest income earned on deposits with financial institutions is exempt from profits tax. However, this exemption does not apply if the recipient of the interest is a financial institution or if the deposits are used as security for borrowings and the interest expense with respect to the borrowings is claimed as a tax deduction.

Expenses must be incurred in the production of chargeable profits. Certain specified expenses are not allowed, including domestic and private expenses, capital expenditures, the cost of improvements, sums recoverable under insurance and tax payments. The deductibility of interest is subject to restrictions (see Section D).

Inventories. Stock is normally valued at the lower of cost and net realizable value. Cost must be determined using the first-in, first-out (FIFO) method or an average cost, standard cost or adjusted selling price basis. The last-in, first-out (LIFO) method is not acceptable. However, this may not apply to shares and securities held for trading purposes.

Capital allowances

Industrial buildings or structures. An initial allowance of 20% is granted on new industrial buildings in the year in which the expenditure is incurred, and annual depreciation allowances are 4% of qualifying capital expenditure for 25 years beginning in the year the building is first put into use. No initial allowance is granted on the purchase of used buildings, but annual depreciation allowances may be available. Subject to certain exceptions, buildings used for the purposes of a qualifying trade are industrial buildings.

Commercial buildings or structures. An annual allowance (4% of qualifying capital expenditure each year for 25 years beginning in the year the building is first put into use) is available on commercial buildings. Buildings that do not qualify as industrial buildings are commercial buildings. Refurbishment costs for premises, other than those used as domestic dwellings, may be deducted in equal amounts over a five-year period.

As announced in the 2024-25 budget, with effect from the 2024-25 year of assessment, the current time limit for secondhand owners to claim capital allowances with respect to industrial or commercial buildings or structures (25 years beginning in the year the building is first put into use) will be removed, subject to factors such as the construction costs of the buildings or structures and the balancing charge of the previous owner.

Prescribed plant and machinery. Subject to satisfying certain conditions, companies may immediately write off 100% of expenditure on manufacturing plant and machinery and on computer software and hardware.

Environmental protection facilities. Subject to satisfying certain conditions, capital expenditure incurred on eligible environmental protection installation forming part of a building or structure, environmental protection machinery and environmentally friendly vehicles qualifies for a 100% write-off in the year in which the expenditure is incurred.

Other plant and machinery, and office equipment. An initial allowance of 60% is granted for non-manufacturing plant and machinery, and office equipment in the year of purchase. An annual allowance of 10%, 20% or 30% under the declining-balance method is available on the balance of the expenditure beginning in the year the asset is first used in the business. Consequently, the total allowances (initial and annual) in the first year can be 64%, 68% or 72%.

Motor vehicles. An initial allowance of 60% is granted for motor vehicles in the year of purchase. An annual allowance of 30% under the pooling system (declining-balance method) is allowed on the balance of the expenditure beginning in the year the asset is first used in the business.

Intellectual property rights. Subject to certain anti-avoidance provisions, capital expenditure incurred on the purchase of patents, industrial know-how, registered trademarks, copyrights, registered designs, rights in layout design (topography) of integrated circuits, plant varieties and performances qualifies for tax amortization over a time period ranging from one to five years.

Recapture. Depreciation allowances are generally subject to recapture if the proceeds from the sale of a depreciable asset exceed its tax-depreciated value. The recapture rule also applies to prescribed plant and machinery (manufacturing plant and machinery and computer hardware and software) and environmental protection installation and machinery, and environmentally friendly vehicles that were previously written off in full. Consequently, in the year of disposal, the sales proceeds from the abovementioned assets generally are included in chargeable profits, up to the original costs of the assets. Allowances for commercial and industrial buildings may be recaptured, up to their original costs. Assets depreciable under the pooling system (declining-balance method) are allocated to one of three pools according to their depreciation rates, which are 10%, 20% or 30%. Proceeds from the sale of an asset in a pool (up to the cost of the asset) are deducted from the pool balance. If a negative balance results within the pool, a balancing charge is added to taxable profits.

Relief for business losses. Losses incurred in a year can be carried forward indefinitely and set off against the profits of the company in subsequent years. No carryback is possible. Certain rules prevent trafficking in loss companies. In addition, specific rules

govern the offset of normal business losses against concessionary trading receipts (that is, those taxed at concessionary rates instead of the full normal rates) and vice versa. See *Capital gains* in Section B for the possible set-off of a foreign-sourced loss sustained from the sale of an equity interest against other taxable FSIE income under the FSIE regime.

Groups of companies. Consolidated filing is not permitted. Hong Kong does not provide group relief for tax losses.

D. Miscellaneous matters

Mergers and reorganizations. When considering an acquisition in Hong Kong, a company must first decide whether to acquire the shares or the assets of the target company. Unlike some other jurisdictions, the Hong Kong tax code does not allow a step-up in tax basis of the underlying assets if shares are acquired. The target company retains the same tax basis for its assets, regardless of the price paid for the shares.

Effective from 3 March 2014, the new Companies Ordinance (Cap 622) introduced measures to facilitate an amalgamation of two or more wholly owned companies within a group without the need to seek approval from the court. A new law was enacted in June 2021 to set out the specific tax treatment applicable to a qualifying amalgamation (that is, an amalgamation undertaken pursuant to the Companies Ordinance). Under the new law, on election by the taxpayer, the transfer of assets from an amalgamating company to the amalgamated company (that is, the surviving entity) is generally treated as being made at book value and, therefore, tax neutral. The amalgamated company is entitled to continue to claim tax deductions or allowances with respect to the unrelieved tax costs of the assets transferred or succeeded from the amalgamating company. In addition, the new law also specifies the restrictive conditions under which pre-amalgamation tax losses sustained by the amalgamating and amalgamated companies can be utilized post-amalgamation.

Anti-avoidance legislation. Transactions that are artificial, fictitious or predominantly tax-driven may be disregarded under general anti-avoidance tax measures. In addition, specific measures deny the carryforward of tax losses if the dominant reason for a change in shareholding of a corporation is the intention to use the tax losses. Other specific anti-avoidance measures include those designed to counteract certain leverage and cross-border leasing, non-arm's-length transactions between a Hong Kong resident company and its foreign affiliates and the use of personal service companies to disguise employer-employee relationships.

Transfer pricing. Under the specific transfer-pricing legislation (TP law), transactions between connected persons (including those between different parts of the same enterprise located in different jurisdictions) are required to be priced and conducted on an arm's-length basis. Certain specified domestic transactions that do not result in any actual tax difference or meet the non-business loan condition are specifically exempt from the TP law, provided that certain prescribed conditions are met.

The transfer-pricing guidelines of the Organisation for Economic Co-operation and Development (OECD) provide guidance on how the TP law should be interpreted.

TP documentation requirements. The TP law also adopts the three-tier documentation approach as recommended by the OECD for related-party transactions, which is comprised of the following:
- Local File
- Master File
- CbC Reporting

A Hong Kong entity of a group is required to prepare and retain the entity's Local File and a Master File of its group with respect to an accounting period unless either of the following circumstances exists:
- Any two of the following conditions are satisfied:
  - The total amount of the entity's revenue for the accounting period does not exceed HKD400 million.
  - The total value of the entity's assets at the end of the accounting period does not exceed HKD300 million.
  - The average number of the entity's employees during the accounting period does not exceed 100.
- All the following conditions are satisfied with respect to the following categories of transactions between connected persons (excluding specified domestic transactions) undertaken by the entity in an accounting period:
  - The total amount of transfers of properties (excluding financial assets and intangibles) does not exceed HKD220 million.
  - The total amount of transactions with respect to financial assets does not exceed HKD110 million.
  - The total amount of transfers of intangibles does not exceed HKD110 million.
  - The total amount of other transactions does not exceed HKD44 million.

If all of the conditions stated in the second bullet above are not satisfied, the entity is required to prepare a Local File with respect to the particular category or categories of transactions that exceeded the threshold(s) specified above. In addition, the entity is not exempt from preparing the Master File.

Unless exempted, effective from the accounting period beginning on or after 1 April 2018, the Master File and Local File must be prepared within nine months after the end of the relevant accounting period. Although the Master File and Local File are not required to be submitted together with the annual tax return, they must be produced for examination on request and retained for a period of not less than seven years after the end of the accounting period.

Country-by-Country Reporting. The CbC Report filing threshold is set in accordance with the OECD recommendation; that is, consolidated turnover exceeding EUR750 million (HKD6.8 billion) in the preceding year.

The primary obligation for CbC Report filing falls on the Ultimate Parent Entities (UPEs) of multinational groups that are resident in

Hong Kong. A CbC Report must be prepared for each accounting period beginning on or after 1 January 2018. The information to be included in the CbC Report is in line with the OECD's requirements. A Hong Kong enterprise that is a constituent entity of a CbC Reporting group must file a notification with the IRD within three months after the end of the accounting period to which its UPE's CbC Report relates. This notification must contain sufficient information for Hong Kong to obtain the CbC Report directly from the jurisdiction in which the Hong Kong taxpayer's UPE or Surrogate Parent Entity has filed the CbC Report under the automatic exchange of information mechanisms for the exchange of CbC Reports. The deadline for filing a CbC Report is 12 months after the end of the relevant accounting period or the date specified in the assessor's notice, whichever is earlier.

Foreign-exchange controls. Hong Kong does not impose foreign-exchange controls.

Islamic bonds. A special legislative framework provides comparable tax treatment in terms of stamp duty, profits tax and property tax for some common types of Islamic bonds (sukuk), vis-à-vis conventional bonds. However, no special tax incentives are conferred on Islamic bonds.

Interest expense. In an attempt to combat avoidance, restrictions are placed on the deductibility of interest expense. In general, subject to certain specific anti-avoidance rules, interest on monies borrowed is deductible for tax purposes if it is incurred in the production of chargeable profits in Hong Kong and if one of the following additional conditions is satisfied:

- The recipient is taxable in Hong Kong on the interest.
- The interest is paid to a recognized financial institution in Hong Kong or overseas.
- The interest is paid with respect to debt instruments that are listed or marketed in Hong Kong or in a recognized overseas market.
- The interest is paid with respect to money that is borrowed from an unrelated person and that is wholly used to finance capital expenditures on plant and machinery qualifying for capital allowances or the purchase of trading stock.
- The interest is paid by a corporation in the ordinary course of its intragroup financing business to its overseas associated corporations, and such overseas corporations are subject to tax overseas with respect to the interest received at a rate of not less than the applicable reference rate (that is, 16.5% or 8.25% as the case may be).

Subject to certain provisions, distributions made with respect to the following are treated as interest expenses and are tax-deductible:

- Regulatory capital securities (covering Additional Tier 1 instruments and Tier 2 instruments) issued by financial institutions in compliance with the relevant banking capital adequacy requirements
- Loss-absorbing capacity (LAC) instruments, other than common equity, issued by financial institutions and their relevant group companies to meet the relevant minimum LAC requirements

E. Tax treaties

Hong Kong, using the name "Hong Kong, China," may maintain and develop relations, conclude and implement agreements with foreign states and regions and relevant international organizations in such fields as economics, trade, finance, shipping, communications, tourism, culture and sports.

Both the Hong Kong and Mainland China tax authorities take the view that Mainland China's tax treaties with other jurisdictions do not cover Hong Kong.

For the avoidance of double taxation on shipping income, Hong Kong has entered into agreements with Denmark, Germany, Norway, Singapore, Sri Lanka and the United States. These agreements generally provide for tax exemption in one territory for profits and capital gains derived by an enterprise of the other territory in the first-mentioned territory with respect to the operation of ships in international traffic. However, under the agreement between Hong Kong and Sri Lanka, 50% of the profits derived from the operation of ships in international traffic may be taxed in the source jurisdiction. Furthermore, in October 2020, the United States announced the termination of the shipping income agreement with Hong Kong with effect from 1 January 2021. Apart from the above agreements, reciprocal exemption provisions with the tax authorities of Chile, Korea (South) and New Zealand have also been confirmed.

Hong Kong has signed double tax agreements relating to airline profits with several jurisdictions, including Bangladesh, Croatia, Denmark, Ethiopia, Fiji, Germany, Iceland, Israel, Jordan, Kenya, Laos, Madagascar, Maldives, Norway, Seychelles, Singapore, Sri Lanka and Sweden. Under these agreements, international transport income of Hong Kong airlines is exempt from tax in these signatory jurisdictions. However, international transport income of Hong Kong airlines that is exempt from tax overseas under these agreements or under relevant full comprehensive double tax treaties is taxed in Hong Kong.

Hong Kong has also entered into full comprehensive double tax treaties modeled on the conventional tax treaty adopted by the OECD, with the jurisdictions listed in the table below. The table shows the withholding tax rates for dividends, interest and royalties paid from Hong Kong to residents of the treaty jurisdictions. The rates shown in the table are the lower of the treaty rates and the applicable rates under Hong Kong domestic law.

	Dividends %	Interest %	Royalties %
Austria	0	0	3
Bangladesh (d)	0	0	4.5/4.95 (a)
Belarus	0	0	3/4.95 (c)
Belgium	0	0	4.5/4.95 (a)
Brunei Darussalam	0	0	4.5/4.95 (a)
Cambodia	0	0	4.5/4.95 (a)
Canada	0	0	4.5/4.95 (a)
China Mainland	0	0	4.5/4.95 (a)
Croatia (d)	0	0	4.5/4.95 (a)
Czech Republic	0	0	4.5/4.95 (a)
Estonia	0	0	4.5/4.95 (a)

	Dividends %	Interest %	Royalties %
Finland	0	0	3
France	0	0	4.5/4.95 (a)
Georgia	0	0	4.5/4.95 (a)
Guernsey	0	0	4
Hungary	0	0	4.5/4.95 (a)
India	0	0	4.5/4.95 (a)
Indonesia	0	0	4.5/4.95 (a)
Ireland	0	0	3
Italy	0	0	4.5/4.95 (a)
Japan	0	0	4.5/4.95 (a)
Jersey	0	0	4
Korea (South)	0	0	4.5/4.95 (a)
Kuwait	0	0	4.5/4.95 (a)
Latvia	0	0	0/3 (b)
Liechtenstein	0	0	3
Luxembourg	0	0	3
Macau SAR	0	0	3
Malaysia	0	0	4.5/4.95 (a)
Malta	0	0	3
Mauritius	0	0	4.5/4.95 (a)
Mexico	0	0	4.5/4.95 (a)
Netherlands	0	0	3
New Zealand	0	0	4.5/4.95 (a)
Pakistan	0	0	4.5/4.95 (a)
Portugal	0	0	4.5/4.95 (a)
Qatar	0	0	4.5/4.95 (a)
Romania	0	0	3
Russian Federation	0	0	3
Saudi Arabia	0	0	4.5/4.95 (a)
Serbia	0	0	4.5/4.95 (a)
South Africa	0	0	4.5/4.95 (a)
Spain	0	0	4.5/4.95 (a)
Switzerland	0	0	3
Thailand	0	0	4.5/4.95 (a)
United Arab Emirates	0	0	4.5/4.95 (a)
United Kingdom	0	0	3
Vietnam	0	0	4.5/4.95 (a)
Non-treaty jurisdictions	0	0	4.5/4.95 (a)

(a) The withholding rates in Hong Kong applicable to individuals and corporations are 4.5% and 4.95%, respectively (subject to the application of the two-tier profits tax rates regime referred to in Section B above). These rates are lower than those specified in the relevant tax treaties, and consequently, the Hong Kong domestic rates apply.

(b) The 0% rate applies if the beneficial owner of the royalties is a company (other than a partnership). In all other cases, the 3% rate applies.

(c) The 3% rate applies to payments for the use of, or the right to use, aircraft. The 4.95% rate applies in all other cases.

(d) This treaty is pending ratification.

Hungary

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The Hungarian National Bank exchange rate as of 29 December 2023 was HUF346.44 = USD1.

A. At a glance

Corporate Income Tax Rate (%)	9 (a)
Capital Gains Tax Rate (%)	9 (a)
Branch Tax Rate (%)	9 (a)(b)
Withholding Tax (%)	
Dividends	
Paid to Companies	0
Paid to Individuals	15
Interest	
Paid to Companies	0
Paid to Individuals	15 (c)
Royalties	0
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (d)

(a) The 9% rate applies to tax years beginning on or after 1 January 2017. All taxpayers must pay tax on the alternative minimum tax base if this base exceeds taxable income calculated under the general rules (for further details, see Section B).
(b) Permanent establishments of foreign companies are subject to special rules for the computation of the tax base (see Section B).
(c) See Section B.
(d) Losses incurred before the 2015 tax year can be carried forward indefinitely. Losses incurred in the 2015 tax year or subsequent years can be carried forward for five years.

B. Taxes on corporate income and gains

Corporate income tax. Companies incorporated in Hungary are subject to corporate tax on their worldwide profits. A company not incorporated in Hungary that has its place of effective management in Hungary is regarded as a Hungarian resident for corporate tax purposes and, accordingly, is subject to corporate tax on its worldwide profits. If a double tax treaty applies, the provisions of the treaty may affect residence. Foreign companies carrying out taxable activities in Hungary through a permanent establishment are subject to corporate tax on their net profits derived from Hungarian sources.

Rates of corporate income tax. The tax rate for tax years beginning on or after 1 January 2017 is 9%.

The same rate applies to the taxable income of permanent establishments of nonresident companies. In general, the various permanent establishments of a nonresident company are taxed as a single entity. However, the taxable income of permanent establishments that are registered as distinct branches with the Court of Registration must be calculated separately, and losses incurred by one branch may not offset the profits of another. Such registrations are an option for foreign taxpayers in some cases and mandatory in other cases, depending on the country of incorporation of the foreign entity, its planned activities and other circumstances.

Alternative minimum tax. The alternative minimum tax (AMT) is calculated by applying the general rate of 9% to the AMT tax base. In general, the AMT tax base is 2% of total revenues, excluding any revenue attributable to foreign permanent establishments. The AMT tax base must be increased by an amount equal to 50% of additional loans contracted by the company from its shareholders or members during the tax year.

If a company's AMT is higher than the corporate income tax otherwise calculated or the pretax profit, the taxpayer may choose to pay either of the following:

- AMT.
- Corporate income tax otherwise payable. In this case, the company must fill out a one-page form that provides information regarding certain types of expenses and, in principle, is more likely to be selected for a tax audit.

Global minimum tax. Hungary has promulgated the law on the introduction of a Global Minimum Tax, which transposes EU Directive 2022/2523 into Hungarian law. The Hungarian legislation reflects to the Organisation for Economic Co-operation and Development (OECD) Model Rules, its Commentary, the Safe Harbor and Penalty Relief, the Administrative Guidance on Pillar Two and additional guidance accepted by the OECD.

The Global Minimum Tax legislation applies to all multinational enterprise groups and large-scale domestic groups with consolidated revenues of EUR750 million in at least two of the last four fiscal years. The legislation incorporates a Qualifying Domestic Minimum Top-up Tax (QDMTT) in Hungary at a rate of 15% in line with the OECD Model Rules and Administrative Guidance. However, local business tax, innovation contribution (also known as research and development [R&D] tax) and energy suppliers' income tax also qualify as covered taxes for Pillar Two purposes when calculating the jurisdictional effective tax rate.

Hungary also applies a Substance-Based Income Exclusion, which is effectively a carve-out for expenditures on tangible fixed assets and payroll costs. The amount of the exclusion feeds directly into the top-up tax calculation as it reduces excess profits, which are then used to calculate the initial top-up tax. The amount of the exclusion in 2024 is 8% of the carrying value of tangible assets of Hungarian constituent entities and 10% of eligible payroll expenses. Both will be reduced to 5% during a 10-year transition period.

Deferred tax. The Hungarian legislation has not defined deferred tax asset and liability until 2023. Together with the legislation on Pillar Two, the concept of deferred tax is included in the local accounting rules from 2023. Regarding the inclusion of deferred tax accounting during the top-up tax calculation, the Hungarian legislation refers to the Administrative Guidance and follows the rules set out by the OECD.

Tax incentives

Reduced rate on certain types of income. Companies may reduce their corporate tax base by 50% of royalty income, which includes, in certain cases, income from the disposal of intangible property. In effect, only half of the royalty income is taxable. In light of the recent developments regarding the Base Erosion and Profit Shifting (BEPS) Project of the OECD, the definition of royalties eligible for these incentives was narrowed, and the conditions for applying these allowances were tightened as of 1 July 2016.

The total reduction mentioned above may not exceed 50% of the pretax profit of the company. The deduction may be claimed on the tax return. Unlike the development tax allowance (see *Development tax allowance*), no special reporting or preapproval obligations are imposed.

Research and development double deduction. In addition to being recognized expenses for corporate income tax purposes, the direct costs of basic research, applied research and R&D incurred within the scope of a company's activities reduces the corporate income tax base. As a result, a double deduction is allowed for these expenses for corporate income tax purposes. It is not required that the research itself take place in Hungary, and the double deduction may include R&D purchased from related or unrelated foreign enterprises and, in some cases, from Hungarian enterprises.

R&D triple deduction. Certain R&D activities conducted in cooperation with the Hungarian Academy of Arts and Sciences and its research institutions, public research centers or private research centers directly or indirectly owned by the state can result in a deduction of three times the R&D cost. However, this deduction is capped at HUF50 million.

R&D tax credit. In addition to the currently available R&D tax incentives (for example, double deduction of eligible R&D costs), the legislation on Pillar Two introduces a new R&D tax credit (available from 2024), which is structured as a qualifying refundable tax credit for Pillar Two purposes. The new tax credit is calculated as 10% of the direct R&D costs of projects capped at EUR55 million, EUR35 million or EUR25 million per project, depending on the nature of the R&D activities. The new regime can be elected for a minimum of five years, and the newly introduced tax allowance cannot be combined with the current tax benefits with respect to R&D activities.

Development tax allowance. Companies may benefit from a development tax allowance (tax credit), conforming with European

Community (EC) law, for up to 13 tax years if they satisfy all of the following conditions:

- They make an investment of at least HUF3 billion or an investment of HUF1 billion in an underdeveloped region.
- During the four tax years following the tax year in which the tax credit is first applied, the average statistical headcount of the taxpayer does not fall below the average headcount equivalent to the arithmetical mean of the three tax years preceding the start of the investment.
- The investment comprises one of the following:
  - — The acquisition of a new asset
  - — The enlargement of existing assets
  - — The fundamental modification of the final product or the previous production method as a result of the investment

The application of the tax allowance is subject to a government resolution based on the authorization of the European Commission.

Taxpayers may claim a development tax allowance with respect to investments of at least HUF100 million in free entrepreneurial zones.

Small and medium-sized enterprises may become eligible for development tax allowances with respect to investments implemented in any region in the amount of at least HUF50 million (small-sized enterprises) and HUF100 million (medium-sized enterprises).

A development tax allowance can also be claimed for investments of at least HUF100 million in the fields of food product hygiene, environmental protection, basic or applied research or film production, if certain other requirements are met. Investments of any amount in any field that result in a certain level of job creation may also qualify for a tax allowance.

In general, companies must submit a notification regarding the allowance to the Ministry of Finance before the start date of the investment and self-assess the tax allowance. However, companies must obtain permission from the Ministry of Finance if their investment-related costs and expenses exceed EUR110 million.

The tax allowance may reduce the company's corporate income tax liability by up to 80%, resulting in an effective tax rate of 1.8% (instead of 9%). Depending on the location of the project, the allowance may cover between 30% and 60% of the eligible investment costs. In general, the allowance may be used within a 13-year period after the investment is put into operation, but it must be used by the 16th year after the declaration for the allowance was filed. In general, the 13-year period begins in the year following the year in which the investment is put into operation. However, the investor may request that the 13-year period begin in the year in which the investment is put into operation.

Profit-based cash grant. The aid is available to members of a multinational group or a large domestic group of companies whose annual turnover, as reported in the consolidated accounts of the ultimate parent company, is equal to or exceeds HUF750 million in at least two of the four financial years immediately preceding the financial year under review. This cash

grant is the quasi-replacement of the development tax credit for companies that are subject to the Global Minimum Tax.

Tax allowance for investments and renovations made for energy efficiency purposes. If taxpayers make investments or renovations to reduce their final energy consumption, they can utilize a tax allowance up to 45% of the eligible extra costs, depending on the region in which the investment is made (up to a maximum of the present HUF value of EUR30 million), directly relating to or attributable to the assets serving exclusively the purposes of the investment contributing to the achievement of a higher level of energy efficiency. The tax allowance may be increased by 20% if the investment is made by a small enterprise and by 10% if the investment is made by a medium-sized enterprise. The tax allowance can be applied in the tax year following the year in which the investment was put into operation, and in the following five tax years. To be able to apply the tax allowance, the taxpayer must hold a certificate issued by the relevant authority proving that the investment qualifies as an investment for energy-efficiency purposes. Qualifying assets must be operated for at least five years. The tax allowance for investments serving energy-efficiency purposes and the development tax credit cannot both be applied to the same investment. In the case of energy efficiency investments, there is a distinction between investments related to buildings and those related to other equipment. In the case of building energy developments, it is compulsory to achieve a minimum energy efficiency level. The investments related to other equipment are eligible on a capital expenditure difference basis (30% to 45%), or the maximum aid intensity is decreased (from 30% to 45% to 15% to 22.5%). In the case of building-related investments, the maximum aid intensity is 15% for large companies.

Tax allowance for investment in electricity storage. A new tax allowance has been introduced on investments made in electricity storage from 2024 onward. Taxpayers have the opportunity to apply the tax allowance as an incentive for the construction of an electricity storage unit. Taxpayers can utilize the tax allowance in either the tax year following the installation of the facility, or within the same year the investment is put into operation, extending up to the next five tax years. The tax allowance may be claimed on condition that the taxpayer receives at least 75% of the energy stored in the electricity storage facility in the year from a power plant generating electricity from renewable energy sources that is connected to the public utility system at the same point as the electricity storage facility. The amount of the tax allowance cannot exceed 30% of the eligible investment cost in present value, with a maximum of EUR30 million.

Tax allowance for investments in registered startup companies. Taxpayers that invest in startup companies may decrease their pretax profit by three times the acquisition value of the participation (including the increase in the acquisition value as a result of a capital increase after acquisition) in the tax year the participation is obtained and in the following three years, in equal amounts. The pretax profit can be decreased by a maximum of HUF20 million in each tax year, per startup company. If, as a result of a capital increase in the startup, the acquisition value increases in the period in which the allowance can be applied, the tax base can be decreased with respect to the increase, provided that the

participation acquired in the startup company previously entitled the taxpayer to apply a tax-base allowance. However, this does not extend the length of the initial application period.

Tax-base allowances to promote labor mobility. Under the tax-base allowances to promote labor mobility, the pretax profit can be decreased by the following:

- The amount recorded as the acquisition value or the increment of the acquisition value of workers' hostels in the tax year in which the investment or renovation is finished
- The amount recorded as the rental fees for properties used as workers' hostels, or incurred with respect to the maintenance and operation of workers' hostels in the current tax year
- The amount of the net asset value or the increase in the net asset value of the property with a long-lasting structure built to provide housing for the taxpayer's employees in the tax year in which the investment or the development is completed

Film tax credit. Tax relief is provided to Hungarian companies sponsoring film production carried out in Hungary. The contributions are effectively refunded by the state because the sponsors can deduct the contributions from the corporate income tax payable, but the amount deducted may not exceed 30% of eligible expenses of the film production. In addition, these contributions, up to the above limit, are also deductible for corporate income tax purposes. The tax relief may be carried forward for a period of eight years. It is available only if the sponsor does not receive any rights with respect to the sponsored film.

To qualify for tax incentives, films are subject to a comprehensive cultural test, which grants points for various aspects of the production, including the members of the crew, the actors and the theme of the film being European. In general, only films receiving more than a certain number of points qualify.

To use the film tax credit, the taxpayer must pay 6.75% supplementary support to the beneficiary in the tax year in which the basic support is provided. The supplementary support is not deductible for corporate income tax purposes.

Sports tax credit. Tax relief is provided to Hungarian companies supporting sports organizations in the following popular team sports:

- Football (that is, soccer)
- Handball
- Basketball
- Water polo
- Ice hockey
- Volleyball

Under the sports tax credit incentive national sports associations, professional sports organizations, amateur sports organizations, nonprofit foundations and civil sports organizations may be supported. Donations granted to these sports organizations are fully creditable against the corporate tax liability of the donor, capped at 70% of the donor's total corporate tax liability, if the taxpayer does not have government liabilities in arrears. Unused tax credits may be carried forward for a period of eight years. In addition, amounts donated are also deductible for corporate income tax

purposes. Supplementary sport development aid must be paid by the donors within the framework of sponsorship or aid contracts equal to at least 6.75% of the amount indicated in the support certificate. This expense is not deductible for corporate income tax purposes. The supplementary development aid must be transferred to the respective national sport associations or the respective sports organizations or foundations.

New film and sports tax credit. Film productions and sports organizations may be supported by Hungarian corporate taxpayers in a new manner, as an alternative to the "old" model that will also remain in existence. Under the new rules, the taxpayer may designate a portion of its tax liability as support for a selected, qualifying organization. On receiving the tax payment from the taxpayer, the tax authority remits the designated amount to the beneficiary. Taxpayers can designate up to 80% of their monthly or quarterly tax advance payments and year-end tax payments. The total amount of the support is capped at the same amounts as under the "old" rules. As a benefit, the tax authority credits 7.5% of the amounts designated from advance tax payments and 2.5% of the amounts designated from the year-end tax payment to the taxpayer's tax account.

Capital gains. With the exception of capital gains on "reported shares," "reported intangibles" and certain other intellectual property (see below), capital gains derived by Hungarian companies are included in taxable income and taxed at the standard corporate income tax rate.

Capital gains derived by nonresident companies from disposals of Hungarian shares (except for shares in Hungarian real estate companies, see below) are not subject to tax, unless the shares are held through a permanent establishment of the seller in Hungary.

Reported shares. If a taxpayer has held registered shares of an entity for at least one year and reported the acquisition of the shares or an increase in the shareholding within 75 days after the date of the acquisition to the Hungarian tax authorities, the shares are "reported shares." If a shareholding has already been reported to the tax authorities, further reporting is necessary only if the proportion of the shareholding increases.

In line with the introduction of the Global Minimum Tax, there is a one-time opportunity for taxpayers holding shares that currently do not qualify for the participation exemption to make the election in their corporate income tax return for 2023. As a result, the shares they hold would become eligible for the regime. The deemed election date is 31 December 2023. The election can be made until the filing deadline of the corporate income tax return of 2023 (that is, 31 May 2024 for calendar-year taxpayers).

Capital gains (including foreign-exchange gains) derived from the sale of the reported shares or from the contribution of the reported shares in kind to the capital of another company are exempt from corporate income tax. Capital losses (including foreign-exchange losses) incurred on such investments are not deductible for tax purposes.

Reported intangibles. Similar to the rules of reported shares, the acquisition and creation of royalty-generating intangible assets

(intellectual property and pecuniary rights) by Hungarian taxpayers can be reported to the Hungarian tax authorities within 60 days after the date of acquisition or creation. If the reported intangible asset is sold or disposed of after a holding period of at least one year, the gain on the sale is non-taxable. However, any losses related to such reported intangible asset (that is, impairment) are not deductible for corporate income tax purposes.

If an unreported intangible asset is sold, the gain on the sale is exempt from tax if this gain is used to purchase further royalty-generating intangibles within five years. A taxpayer may not enjoy the benefits arising from the reporting of a repurchased intangible if this asset was previously sold as an unreported intangible that benefited from this capital gains tax exemption.

Hungarian real estate holding companies. Gains derived by a nonresident from the alienation of shares in a Hungarian real estate holding company are taxed at a rate of 9%, unless a tax treaty exempts such gains from taxation. A Hungarian company is deemed to be a Hungarian real estate holding company if either of the following circumstances exists:

- More than 75% of its book value is derived from real property located in Hungary.
- More than 75% of the total book value of the group, comprised of the company and its related companies that are engaged in business in Hungary (whether as resident entities or through permanent establishments), is derived from real property located in Hungary.

The capital gains are not taxable if the Hungarian company is listed on a recognized stock exchange.

Administration. In general, the calendar year is the tax year. However, companies may choose a different tax year if such year best fits their business cycle or is required to meet the management information needs of the parent company. Companies selecting a tax year other than the calendar year must notify the tax authorities within 15 days after making the decision on the selection.

Companies must file their corporate income tax returns by the last day of the fifth month following the end of the tax year. If their annual tax liability is greater than the total advance tax payments paid during the year, they are required to pay the balance on filing the return.

Deadline extensions to file tax returns may not be obtained in advance of the due date. However, a company may obtain an extension after the due date if it files, with the completed late return, a letter requesting an extension to the date the return is filed. At their discretion, the tax authorities may accept the late return as being filed on time if the letter explains the reasons for the delay and establishes that the tax return is being filed within 15 days after the reason for the delay expires, and if the company pays any balance of tax due shown on the return.

If an extension for filing is granted, no late filing or payment penalties are imposed, and no interest is charged on the late payment. If an extension for filing is not granted, a penalty of up to HUF500,000 can be imposed. In addition, interest is charged on

the late payment of tax at a rate equal to the National Bank of Hungary prime interest rate plus 5 percentage points (on 31 December 2022, the prime interest rate was 13%; accordingly, the daily interest on the late payment would be 18/365%). Interest is charged beginning on the date the payment is due, and it may be charged for up to three years.

In their corporate income tax returns, taxpayers also declare the tax advances that they will pay for the 12-month period beginning in the second month after the filing deadline. The total of these advances equals the amount of tax payable for the year covered in the corporate income tax return. For calendar-year taxpayers, which have a filing deadline of 31 May, advances are payable over a 12-month period beginning in July of the year following the year covered in the corporate income tax return and ending in June of the subsequent year. For companies with a corporate income tax liability exceeding HUF5 million in the preceding year, advance payments are divided into 12 equal monthly installments. Other companies make quarterly advance payments.

Administration for Global Minimum Tax. The constituent entity is obliged to register if it qualifies as the subject of the Global Minimum Tax. This should be done within 12 months from the start of the relevant tax year. In addition, the constituent entity must submit a global information return and provide data on the QDMTT and the top-up taxes paid under the income inclusion rule or the undertaxed payments rule regime.

The global information return must be submitted to the tax authorities, and the tax must be paid no later than 15 months after the last day of the relevant tax year. The tax should be paid in HUF, USD or EUR.

As a temporary benefit, the data provision and declaration obligation must be fulfilled within 18 months after the last day of the first transitional tax year. No fine may be imposed for tax years beginning before 31 December 2026 if the group member(s) acted in good faith, as expected in the given situation (that is, acted reasonably).

Dividends

Dividends paid by Hungarian companies. Withholding tax is not imposed on dividends paid to foreign companies.

Withholding tax at a rate of 15% is imposed on dividends paid directly to resident and nonresident individuals. Tax treaties may override Hungarian domestic law with respect to the withholding tax on dividends.

Dividends received by Hungarian companies. In general, dividends received by Hungarian companies are exempt from corporate income tax. The only exception applies to dividends paid by controlled foreign corporations (CFCs; see Section E).

Interest, royalties and service fees

Interest, royalties and service fees paid by Hungarian companies. Withholding tax is not imposed on interest, royalties and service fees or any other payments made to local or foreign companies.

Hungary imposes a withholding tax at a rate of 15% on interest paid directly to individuals.

Interest and royalties received by Hungarian companies. A tax incentive may apply to royalties received by Hungarian companies (see *Tax incentives*). Interest received by a Hungarian company is taxable according to the general rules.

Exit taxation. Effective from 1 January 2020, capital withdrawals can be taxed based on market value if a taxpayer takes any of the following actions:
- Relocates its tax residency by moving its place of management from Hungary to another country
- Relocates assets from its registered office in Hungary to a permanent establishment outside Hungary
- Relocates assets from its permanent establishment in Hungary to its registered office or permanent establishment outside Hungary
- Transfers the business activity performed in Hungary to a foreign country

If capital is withdrawn, the tax base increases by the market value of the relocated assets or activities prevailing at the time of the withdrawal less their tax book value at the time of withdrawal.

Taxpayers subject to the exit tax can choose to pay the tax in five equal installments, as indicated in their tax return for the last tax year, provided that their place of management has moved to another European Union (EU) Member State or certain European Economic Area (EEA) countries.

Foreign tax credit. Foreign taxes paid on foreign-source income may be credited against Hungarian tax. Foreign dividend withholding tax may be credited for Hungarian tax purposes if the dividend or the undistributed profit is subject to tax in Hungary.

C. Determination of trading income

General. Taxable income is based on financial statements prepared in accordance with Hungarian accounting standards. These standards are set forth in the law on accounting, which is largely modeled on EU directives.

Effective from 1 January 2017, the following companies can elect to use International Financial Reporting Standards (IFRS) for purposes of preparing their stand-alone Hungarian financial statements:
- Entities subject to compulsory statutory audit
- Companies whose direct or indirect parent prepares a consolidated report under IFRS
- Insurance companies
- Banks and other entities subject to similar prudential rules
- Entities providing financial services under the supervision of the Hungarian National Bank
- Hungarian branches of non-Hungarian entities

Effective from 1 January 2017, the use of IFRS is mandatory in the following circumstances:

- The entity's stock is listed on any of the stock exchanges in the EEA, excluding banks and other entities subject to similar prudential rules and insurance companies).
- It is mandatory under Regulation 1606/2002 of the European Parliament and of the EU Council.

The application of IFRS is mandatory for banks and other entities subject to similar prudential rules (regardless of whether their stock is listed on any of the stock exchanges in the EEA) and insurance companies with securities listed on any of the stock exchanges in the EEA from the tax year beginning in 2018.

Taxable income is determined by adjusting the pretax profit shown in the annual financial statements by items described in the Act on Corporate Income Tax. If IFRS are applied, the starting point for the determination of the corporate income tax base is the IFRS result, but different adjustments apply. The purpose of making adjustments to the IFRS result is to arrive at a tax base that is largely similar to the tax base of companies reporting under Hungarian accounting standards.

Some items are not subject to tax as income, such as dividends received (but see the controlled foreign corporation rules in Section E).

Some items, such as transfers without consideration, are not deductible for tax purposes.

Tax depreciation. In general, depreciation is deductible in accordance with the Annexes to the Act on Corporate Income Tax. Lower rates may be used if they are at least equal to the amount of the depreciation used for accounting purposes. The annexes specify, among others, the following straight-line tax depreciation rates.

Asset	Rate (%)
Buildings used in hotel or catering businesses	3
Commercial and industrial buildings	2 to 6
Leased buildings	5
Motor vehicles	20
Plant and machinery	
General rate	14.5
Automation equipment, equipment for environmental protection, medical equipment and other specified items	33
Computers	50
Intellectual property and film production equipment	50

Relief for losses. Losses incurred in 2015 and subsequent years may be carried forward for five years only. Losses from previous tax years may be carried forward indefinitely. Tax losses may be deducted from the pre-tax profit up to 50% of the tax base for the tax year.

Change-of-control restrictions have been introduced with respect to the availability of previously incurred tax losses after corporate transformations, mergers and acquisitions.

Groups of companies. Effective from 1 January 2019, taxpayers can opt for group taxation for corporate income tax purposes. Corporate income tax groups can be formed by at least two

taxpayers that are resident in Hungary (a Hungarian branch of a non-Hungarian resident entity can also participate in a corporate income tax group). As a precondition, groups must consist of related companies based on voting rights equivalent to at least 75%. In addition, the companies in the group must satisfy the following conditions:

- They must have the same tax year.
- They must prepare their financial statements under the same accounting standards.

A taxpayer can be a member of only one group at the same time.

The formation of a corporate income tax group is subject to the filing of an application. The start date for the group or for becoming a member of an existing group is the first day of the tax year following the year of the application. In the case of taxpayers that start their activity during a given tax year, membership may be considered to exist from the day on which their corporate income tax liability would otherwise begin.

Corporate income tax groups must settle their tax liabilities and exercise their rights as taxpayers through their appointed representatives under the group's tax identification number. The group representative must keep appropriate records that allow the group to support its tax audits and keep all of the data needed by the group for the payment of its corporate income tax liability and the exercise of its rights.

In general, transfer-pricing rules and adjustments should not be applied to transactions between corporate income tax group members after the formation of the group.

Unless another regulation specifically states otherwise, the potential exemption or relief from the rules on related-party transactions does not apply to taxes other than corporate income tax. For example, the local business tax or value-added tax (VAT) treatment of related-party transactions remains unchanged even if a corporate income tax group is formed.

Group members' negative tax bases can offset up to 50% of the positive tax bases of other corporate income tax group members in calculating the corporate income tax base of the group. Pre-grouping tax losses of a group member can only offset the same group member's corporate income tax base (up to 50%). Tax losses generated after the creation of the group can offset up to 50% of the corporate income tax base of the group.

The general corporate income tax rate of 9% also applies to corporate income tax groups.

D. Other significant taxes

The following table summarizes other significant taxes and provides the 2022 rates for these taxes.

Nature of tax	Rate (%)
Value-added (sales) tax, on goods, services and imports	
Standard rate	27
Preferential rates	0/5/18
Sector-specific taxes; the sector tax base varies by tax type.	

Nature of tax	Rate (%)
Bank tax; imposed on various entities in the financial market; the tax rate varies by financial activity	Various
Levy on energy suppliers ("Robin Hood tax") (The 31% Robin Hood tax rises to 41%, for the 2023 and 2024 tax years only.)	41
Surtax payable by pharmaceutical distributors (The tax rate increase of 20% for pharmaceutical tax to 28% is extended to 2024, and the tax rate is increased to 40% effective from April 2023.)	20/28/40
Windfall tax payable by pharmaceutical manufacturers	0.5/1.5/4
Surtax on credit institutions and financial enterprises	10
Financial transaction tax (The tax is capped at HUF10,000 per transaction.)	0.3
Telecommunication surtax (The government imposed surtaxes on extra profit on 1 July 2022; the extra profit surtax affects seven sectors, which are the banking, insurance, energy, retail, telecommunication, airlines, and pharmaceutical distributors; the list above does not cover all tax types; extra profit surtaxes apply to 2022 and 2023, and the total annual amount must be paid for 2022 as well based on the respective company's 2021 tax year figures.)	0/1/3/7
Advertisement tax; this tax is not being imposed currently	0
Employment-related taxes	
Social security contributions, on gross salaries; in general, expatriates do not participate; paid by	
Employer	13
Employee	18.5
Other taxes	
Excise duty, on various goods, including gasoline, alcohol, tobacco, beer, wine and champagne	Various
Local business tax; imposed on turnover or gross margin (A decision of the European Court of Justice held that this tax was compatible with EU law.)	2

E. Miscellaneous matters

Foreign-exchange controls. The Hungarian currency is the forint (HUF). Hungary does not impose any foreign-exchange controls; the forint is freely convertible.

Companies doing business in Hungary must open a bank account at a Hungarian bank to make payments to and from the Hungarian authorities. They may also open accounts elsewhere to engage in other transactions.

Payments in Hungarian or foreign currency may be freely made to parties outside Hungary.

Transfer pricing. For contracts between related companies, the tax base of the companies must be adjusted by the difference between the market price and the contract price if the application of the market price would have resulted in higher income for the companies. From the 2022 tax year, the adjustment must be to the median of the market price range.

Taxpayers may also reduce the tax base in certain circumstances if, as a result of not applying market prices, their income is higher than it would have been if market prices had been applied. Effective from 2018, the tax base reduction can be only applied on the declaration of the related party stating that it will take (or has taken) into account the same amount when calculating its corporate income tax (or other equivalent tax) base. The tax base reduction does not apply if the transaction involves companies deemed to be CFCs (see *Controlled foreign corporations*).

The market price must be determined by one of the following methods:
- Comparable uncontrolled price method
- Resale price method
- Cost-plus method
- Transactional net margin method
- Profit split method
- Any other appropriate method

These methods reflect the July 2010 update of the OECD guidelines. A decree issued by the Ministry of Finance describes the requirements for the documentation of related-party transactions. Transfer-pricing documentation must be prepared for all related-party agreements that are in effect, if the fair market consideration exceeds HUF100 million, regardless of the date on which the agreement was concluded.

Companies subject to transfer pricing documentation requirements have a new reporting obligation that must be first fulfilled in the corporate income tax return submitted after 31 December 2022. In the annual corporate income tax returns, transaction-level details on the intercompany dealings should be provided.

The transfer-pricing rules also apply to in-kind capital contributions (including on foundation) and the withdrawal of assets in kind (in the case of capital reduction and possibly in the case of winding-up) by the majority shareholder. The transfer-pricing rules also apply to in-kind dividend payments. Advance pricing agreements (APAs) are available.

Hungary has ratified and is applying the Arbitration Convention.

Controlled foreign corporations. As of 1 January 2019, the definition of CFCs in the Act on Corporate Income Tax and Dividend Tax is changed in accordance with the EU Council Directive that sets out the rules against tax-avoidance practices closely relating to the operation of the internal market. A CFC is defined as a nonresident company (branch) that meets one of the following conditions:
- At least 50% of the registered capital or the voting rights in the nonresident company is directly or indirectly owned by a Hungarian resident private individual or company, provided

that the foreign company has to pay less than half of the amount of corporate income tax that would be payable if the tax and the tax base were calculated on the basis of the Hungarian tax rules. The 50% threshold must be evaluated on a consolidated basis. Consequently, the ratio of participation and voting rights held by all Hungarian and non-Hungarian related parties must be considered on an aggregate basis.

- A Hungarian resident individual or company has the right to receive at least 50% of the after-tax profit of the foreign company, provided that the foreign company has to pay less than half of the amount of corporate income tax that would be payable if the tax and the tax base were calculated on the basis of the Hungarian tax rules. The 50% threshold must be evaluated on a consolidated basis. Consequently, the rights to receive part of the after-tax profit held by all Hungarian and non-Hungarian related parties should be considered on an aggregate basis.
- A foreign branch of a Hungarian resident company is a CFC if the foreign branch has to pay less than half of the amount of corporate income tax that would be payable if the tax and tax base of the branch were calculated on the basis of the Hungarian tax rules.

On establishing a nonresident company's CFC status, it must be considered, among other criteria, whether the nonresident company (branch) carried out any legal transactions that were not genuine. A legal transaction, or a series of such transactions, qualifies as non-genuine if it is performed with the primary purpose of gaining a tax advantage and if the significant personnel functions relating to the assets of and the risks assumed by the nonresident company (branch) are carried out by a Hungarian resident company.

The following are exceptions to the above definition:

- If the pretax profit of a nonresident company (branch) does not exceed HUF243,952,500, if its profit from non-commercial activities does not exceed HUF24,395,250 or if its pretax profit does not exceed 10% of the operating costs accounted for the relevant tax year, the nonresident company (branch) does not qualify as a CFC.
- A foreign permanent establishment that operates in a country outside the EU or the EEA with which Hungary has a treaty with a provision to exempt the income of foreign permanent establishments from corporate income tax liability in Hungary does not qualify as a CFC if it qualifies as a permanent establishment under the treaty.

As of 1 January 2021, these exceptions may not be applied, and the foreign entity should qualify as a CFC if it is established in a fiscally non-cooperative state defined in the relevant decree of the Ministry of Finance.

Taxpayers must increase their corporate income tax base in relation to CFCs in accordance with the following rules:

- In the tax year in which the CFC's tax year has its last day, the taxpayer's corporate income tax base is increased by the amount of the positive after-tax profit, less the approved (distributed) dividend realized from non-genuine legal transactions as stated on the last day of the CFC's tax year, to the extent that

the taxpayer performs significant personnel functions relating to the income generated from the non-genuine legal transaction.
- The amount recognized as an increase to the pretax profit, relating to the undistributed income of the CFC, must be calculated in line with the arm's-length principle.

Dividends received from CFCs do not qualify for the participation exemption regime and, accordingly, are treated as taxable income to the Hungarian shareholders (except for dividends that were already taxed as undistributed after-tax profits in previous years). Nevertheless, the corporate income tax paid abroad can be credited against the Hungarian corporate income tax liability. As a result, the overall non-Hungarian and Hungarian tax burden is capped at the 9% Hungarian corporate income tax rate. Capital losses on investments in CFCs are not deductible for tax purposes.

Hybrid instruments and special provisions related to tax avoidance. In a hybrid mismatch arrangement, the provisions based on which costs and expenditures can be taken into account and the pre-tax profit can be decreased cannot be applied if a different legal characterization of the same facts give rise to tax avoidance and if such facts occur with respect to a related party or it can be proved that the difference affects or affected the consideration in the underlying agreement.

Reverse hybrid rules. As of 1 January 2022, a hybrid entity is considered a resident taxpayer in Hungary if a nonresident organization (an individual or an individual together with affiliated companies) meets one of the following conditions:
- It controls more than 50% of the voting rights in it directly or indirectly.
- It controls more than 50% of the subscribed capital directly or indirectly.
- It is entitled to more than 50% of after-tax profit.

An additional condition is that a person referred to in the above bullets fall under the regulations of a fiscal jurisdiction that considers the hybrid entity as taxable in that jurisdiction. These entities assess their Hungarian corporate tax liability, excluding the amount that is subject to liability under the tax laws of the other fiscal jurisdiction for corporate tax or any other form of tax that is considered equivalent to corporate tax to the extent it can be proven by a tax return filed in that other country.

Debt-to-equity rules. To comply with the Council Directive (EU) 2016/1164, named the EU Anti-Tax Avoidance Directive (ATAD), as of 1 January 2019, a new rule to restrict interest deductions replaces the thin-capitalization rules.

Under this new rule, the amount of the net financing costs exceeding either 30% of the earnings before interest, tax, depreciation and amortization (EBITDA) or the nominal threshold of HUF939,810,000 (EUR2,400,000), whichever is higher, increases the pretax profit.

The unused part of previous tax years' interest deduction capacity reduces the amount of the increase described in the preceding paragraph, but this reduction cannot exceed the amount of the increase.

If in previous tax years, the tax base was increased based on this provision, in the year in question, the tax base can be decreased by up to the same amount, to the extent of the current year's interest deduction capacity. The law does not specifically restrict the length of time that the previous years' tax base increasing item can be applied to reduce the tax base.

The deduction restriction is broader than in the previous thin-capitalization rule, to the extent that any costs and expenditures equivalent to interest in economic terms, as well as costs and expenditures accounted for in connection with raising funds, are also subject to restrictions, in addition to interest expenditures. The deduction of foreign-exchange losses, borrowing fees and related legal costs as well as the deduction of the costs of any potential hedging transactions can also be restricted. The law provides that the above financing costs can be reduced by interest income and other taxable income that is equivalent to interest income when determining the net financing costs. This amount should be compared to the limit provided by law when calculating the increasing item.

Like the previous rules, the measure for the increase in the tax base does not have to be applied by financial institutions, investment enterprises, alternative investment funds, the management companies of undertakings for collective investment in transferable securities or by taxpayers qualifying as insurance and reinsurance companies. However, there is no similar exception from applying the increasing item with respect to borrowings from the above list.

For financing agreements concluded before 17 June 2016, the new rule will be applied for the first time with respect to amended contract amounts or amended terms, from the day following the date on which the amendment for the increased contract amount or the extension of maturity enters into force. Otherwise, the previous thin-capitalization rule continues to apply to these contracts. However, taxpayers may also opt to apply the new interest deduction restriction rule.

In the case of corporate income tax groups, the members first must aggregate the net financing costs and EBITDA for the tax year. Taking this amount and the HUF939,810,000 limit into account, which collectively applies to the members with the net financing costs, they determine the amount of the nondeductible interest at the group level. This determined amount must be taken into account in the individual tax base of each member in proportion to the EBITDA in the tax year, and each member must take into account the amount assigned and thereby increase its individual tax base.

Foreign investment. No restrictions are imposed on the percentage of ownership that foreigners may acquire in Hungarian companies. Some restrictions exist with respect to the ownership of farmland.

Mandatory reporting of tax planning arrangements. The purpose of Council Directive 2011/16/EU (DAC6) is to identify and prescribe the reporting of cross-border tax planning arrangements that meet certain hallmarks. Data must be reported to the tax

authority on the developers of these arrangements as well as on the persons that take part in these arrangements. There is a separate definition for potentially relevant cross-border arrangements, which are composed of two major groups; one includes marketable arrangements in general, and the other comprises tailored arrangements.

Data reporting may be required in connection with taxes falling within the scope of the Act on Tax Procedures, except for VAT, excise duty and contributions.

The provisions for data reporting entered into force on 1 July 2020 in Hungary. However, the reporting obligation will apply to the cross-border arrangements that fall within the scope of the data reporting obligation, and the first steps of their implementation took place between 25 June 2018 and 1 July 2020. The data in relation to these arrangements can be reported by 28 February 2021. For arrangements implemented after 1 July 2020, there will be a 30-day time frame to complete the data reporting obligation; however, the first reporting deadline is 31 January 2021, regardless of such time frame.

For a failure to meet the deadline, the tax authority may impose a default penalty, up to HUF500,000 for the first time, which then may go up to as much as HUF5 million.

From 2023 onward, companies whose consolidated income exceeds HUF275 million in two consecutive years must prepare a report containing corporate tax information of the related entities. The parent company is required to prepare the report, and in addition to general information, it must present revenues, pretax profit and payable corporate tax, as well as any withholding tax, per jurisdiction.

F. Treaty withholding tax rates

Hungary does not impose withholding taxes on payments to foreign entities. However, it does impose withholding tax on the payment of dividends and interest to foreign individuals (for details, see Section B).

Hungary has tax treaties in effect with the following jurisdictions.

Albania
Andorra
Armenia
Australia
Austria
Azerbaijan
Bahrain
Belarus
Belgium
Bosnia and Herzegovina (a)
Brazil
Bulgaria
Canada
China Mainland
Croatia
Cyprus
Indonesia
Iran
Iraq
Ireland
Israel
Italy
Japan
Kazakhstan
Korea (South)
Kosovo
Kuwait
Kyrgyzstan
Latvia
Liechtenstein
Lithuania
Luxembourg
Malaysia
Poland
Portugal
Qatar
Romania
Russian Federation
San Marino
Saudi Arabia
Serbia (b)
Singapore
Slovak Republic
Slovenia
South Africa
Spain
Sweden
Switzerland
Taiwan

Czech Republic
Denmark
Egypt
Estonia
Finland
France
Georgia
Germany
Greece
Hong Kong
Iceland
India
Malta
Mexico
Moldova
Mongolia
Montenegro (b)
Morocco
Netherlands
North Macedonia
Norway
Oman
Pakistan
Philippines
Thailand
Tunisia
Türkiye
Turkmenistan
Ukraine
United Arab Emirates
United Kingdom
Uruguay
Uzbekistan
Vietnam

(a) The 1985 treaty between Hungary and the former Socialist Federal Republic of Yugoslavia is applied with respect to Bosnia and Herzegovina.
(b) The 2001 treaty between Hungary and the former Federal Republic of Yugoslavia is applied with respect to Serbia. In practice, Hungary and Montenegro also apply this treaty, but no formal announcement has been made to confirm this practice.

Hungary is negotiating double tax treaties with Algeria, Argentina, Chile, Colombia, Ethiopia, Panama and Sri Lanka.

The Hungary-United States tax treaty terminated on 1 January 2024.

On 7 June 2017, Hungary signed with more than 65 other countries the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS (MLI). The MLI ensures that rules designed to prevent cross-border tax evasion will be incorporated into bilateral tax treaties. It will also enable hundreds of tax treaties to be updated with OECD BEPS measures without the need for drawn-out bilateral negotiations. The Hungarian government has opted out from all provisions of the MLI that allow an opt-out.

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A. At a glance

Domestic Company Income Tax Rate (%)	15/22/25/30 (a)(b)(c)
Capital Gains Tax Rate (%)	20/30 (a)(c)(d)
Branch Tax Rate (%)	40 (a)(c)(e)
Withholding Tax (%)	
Dividends	

Paid to Domestic Companies	10 (c)(f)
Paid to Foreign Companies	20 (a)(c)(f)(g)(h)
Interest	
Paid to Domestic Companies	10 (c)(f)
Paid to Foreign Companies	4/5/9/20 (a)(c)(f)(g)(i)
Royalties from Patents, Know-how, etc.	20 (a)(c)(f)(g)(h)
Technical Services Fees	20 (a)(c)(f)(g)(h)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	8(j)

(a) The rates are subject to an additional levy consisting of a surcharge and a cess. They are increased by the following surcharges on such taxes:
- Domestic companies with net income exceeding INR100 million: 12%
- Foreign companies with net income exceeding INR100 million: 5%
- Domestic companies with net income exceeding INR10 million: 7%
- Foreign companies with net income exceeding INR10 million: 2%
- Domestic companies opting for a reduced income tax rate of 15% or 22% (see footnote [b] below): 10%

No surcharge is payable if the net income does not exceed INR10 million except in the case of domestic companies opting for a reduced tax rate of 15% or 22%. The tax payable (inclusive of the surcharge, as applicable) is further increased by a cess levied at 4% of the tax payable. The withholding tax rates are increased by a surcharge for payments exceeding INR10 million made to foreign companies and a cess (see above).

(b) In the following scenarios, reduced income tax rates are applicable for the 2024-25 fiscal year:
- A 25% rate applies to companies that had total turnover or gross receipts not exceeding INR4 billion in the 2022-23 fiscal year.
- Domestic companies set up and registered after 1 March 2016 and engaged in the manufacturing or production of articles or things and research with respect to such articles or things can opt for a concessional tax rate of 25%, subject to the fulfillment of specified conditions.
- A domestic company can opt for a concessional tax rate of 22% subject to the fulfillment of specified conditions.
- A domestic company set up and registered on or after 1 October 2019 that commences the manufacturing or production of an article or thing or the generation of electricity on or before 31 March 2024 can opt for a concessional tax rate of 15% subject to the fulfillment of specified conditions. Also, see *Relief for losses* in Section C.

(c) The 2024 Finance Act received presidential assent and was enacted in March 2024. However, because it is an election year, a Finance (No. 2) Act, 2024, is expected to be enacted in June or July 2024 and the above rates may be changed.

(d) There are exceptions to this basic rate, see *Capital gains* in Section B for a detailed discussion on the different type of rates applicable on capital gains. Capital gains arising from the sale of virtual digital assets are taxable at 30% (plus applicable surcharge and cess). See *Income from digital assets* in Section B for more information.

(e) For exceptions to this basic rate, see Section B.

(f) A Permanent Account Number (PAN) is a unique identity number assigned to a taxpayer in India on registration with the India tax authorities. If an income recipient fails to furnish its PAN, tax must be withheld at the higher of the rate specified in the relevant provision of the Income Tax Act and 20%.

(g) If a recipient of income is located in a Notified Jurisdictional Area (NJA), tax must be withheld at the higher of the rate specified in the relevant provision of the Income Tax Act and 30% (for further details, see Section E).

(h) The 20% rate (plus the 2% or 5% surcharge, as applicable, and the 4% cess) applies to royalties and technical services fees paid to foreign companies by Indian enterprises. If the royalties or technical services fees paid under the agreement are effectively connected to a permanent establishment or fixed place of the nonresident recipient in India, the payments are taxed on a net income basis at a rate of 40% (plus the 2% or 5% surcharge, as applicable, and the 4% cess).

(i) This rate applies to interest on monies borrowed, or debts incurred, in foreign currency. Withholding tax rate of 4% (plus a surcharge of 2% or 5%, as applicable, and a 4% cess) applies in cases in which interest is payable to nonresidents with respect to long-term bonds or rupee-denominated bonds

(RDBs) listed on recognized stock exchange located in any International Financial Services Centre (IFSC). Withholding tax at a rate of 5% (plus a surcharge of 2% or 5%, as applicable, and a 4% cess) is imposed on interest payments to nonresidents (including foreign companies) with respect to the following:

- Infrastructure debt funds.
- Borrowings made by Indian companies in foreign currency by way of loans between 1 July 2012 and 1 July 2023, infrastructure bonds issued between 1 July 2012 and 1 October 2014 or long-term bonds issued between 1 October 2014 and 1 July 2023, subject to prescribed conditions (for long-term bonds, the lower withholding rate would not be affected if the recipient does not furnish a PAN; see footnote [f] above).
- RDBs of Indian companies or government securities issued to foreign institutional investors or qualified foreign investors, with respect to interest payable between 1 June 2013 and 1 July 2023.
- Monies borrowed by Indian companies from a source outside India through the issuance of RDBs other than those listed on a stock exchange located in any IFSC, under a loan agreement at any time on or after 1 July 2012 but before 1 July 2023. However, interest payable by Indian companies or business trusts with respect to monies borrowed from a source outside India by way of RDBs from 17 September 2018 to 31 March 2019 is exempt from tax in the hands of the nonresident recipients of such interest. Monies borrowed by Indian companies from a source outside India through the issuance of RDBs or long-term bonds listed on a stock exchange located in any IFSC at any time after 1 July 2023 is subject to a withholding tax rate at 9%.

Further, a rate of 20% (plus the surcharge of 2% or 5%, as applicable, and the 4% cess) applies with respect to interest payable by Indian concerns or the government to foreign companies on monies borrowed or debts incurred in foreign currency. Interest that is effectively connected to a permanent establishment or fixed place of a nonresident recipient in India is taxed at a rate of 40% (plus the surcharge of 2% or 5%, as applicable, and the 4% cess).

(j) Unabsorbed depreciation may be carried forward indefinitely to offset taxable profits in subsequent years.

B. Taxes on corporate income and gains

Corporate income tax. A domestic company is defined for tax purposes as a company incorporated in India. The definition also includes a company incorporated outside India (foreign company) if the company has made certain arrangements for declaration and payment of a dividend in India. The tax rates in India are specified with reference to a domestic company. As a result, it is possible for a foreign company to be taxed at rates applicable to a domestic company if it has made the necessary arrangements for the declaration and payment of a dividend in India.

A company resident in India is subject to tax on its worldwide income, unless the income is specifically exempt. A company not resident in India is subject to Indian tax on Indian-source income and on income received in India. Depending on the circumstances, certain income may be deemed to be Indian-source income. Companies incorporated in India are resident in India for tax purposes, as are companies incorporated outside India, if their place of effective management in that year is in India. As a result, if the place of effective management of a foreign company is in India, it is subject to tax in India on its worldwide income. If such a foreign company also qualifies as a domestic company (see above), the tax rates applicable to a domestic company apply. The government has issued guidelines for the determination of the place of effective management of a foreign company.

Rates of corporate tax. Domestic companies are subject to tax at a basic rate of 30% (25% for domestic companies that had gross turnover not exceeding INR4 billion in the 2022-23 fiscal year).

New companies set up and registered on or after 1 March 2016 that are engaged in the manufacturing or production of articles or things and research with respect to such articles or things can opt for a concessional tax rate of 25%, subject to the fulfillment of specified conditions. From the 2019-20 fiscal year, all domestic companies can opt for a concessional tax rate of 22% subject to the fulfillment of specified conditions. A domestic company set up and registered on or after 1 October 2019 that commences the manufacturing or production of an article or thing or the generation of electricity on or before 31 March 2024 can opt for a concessional tax rate of 15%, subject to the fulfillment of specified conditions. In addition, a 7%, 10% or 12% surcharge (for details regarding the surcharge, see footnote [a] in Section A) and a 4% cess are imposed on the income tax of such companies. Long-term capital gains are taxed at special rates (see *Capital gains*).

For foreign companies, the net income is taxed at 40% plus the 2% or 5% surcharge, as applicable, and the 4% cess. A rate of 20% plus the 2% or 5% surcharge and the 4% cess or the treaty rate, whichever is more beneficial (see Section F for treaty withholding tax rates), applies to royalties and technical services fees paid to foreign companies if the royalty or technical services fees agreement is approved by the central government or if it is in accordance with the Industrial Policy. A rate of 20% or the treaty rate, whichever is more beneficial (see Section F for treaty withholding tax rates), plus the 2% or 5% surcharge and the 4% cess applies to dividends paid to foreign companies. A rate of 20% (plus the 2% or 5% surcharge and the 4% cess) applies to gross interest from foreign-currency loans or from units of a mutual fund. A lower rate of 5% (plus the 2% or 5% surcharge and the 4% cess) applies to gross interest from foreign-currency borrowings raised by Indian companies or business trusts by way of loans between 1 July 2012 and 30 June 2023, long-term infrastructure bonds issued between 1 July 2012 and 1 October 2014 or long-term bonds issued between 1 October 2014 and 30 June 2023, subject to prescribed conditions. A lower rate of 5% (plus the 2% or 5% surcharge and the 4% cess) also applies to interest payable between 1 June 2013 and 1 July 2023 on RDBs issued by Indian companies and government securities, subject to prescribed conditions. Effective from the 2020-21 fiscal year, a lower rate of 4% (plus the 2% or 5% surcharge and the 4% cess) applies to gross interest from foreign-currency borrowings raised by Indian companies or business trusts by way of long-term bonds or RDBs that are listed on a recognized stock exchange located in any IFSC and that are issued between 1 April 2020 and 1 July 2023. A lower rate of 5% (plus the 2% or 5% surcharge and the 4% cess) applies to interest received from units of business trusts in India (see Section E).

Interest on monies borrowed by Indian companies from a source outside India through the issuance of RDBs or long-term bonds listed on a stock exchange located in any IFSC at any time after 1 July 2023 is subject to a withholding tax rate of 9%.

If a nonresident with a permanent establishment or fixed place of business in India enters into a royalty or technical services fees agreement or earns dividend income and if the royalties or fees paid under the agreement or dividend income are effectively connected to such permanent establishment or fixed place, depending

on the applicable tax treaty, the payments are taxed on a net income basis at a rate of 40% plus the 2% or 5% surcharge and the 4% cess.

Income from carbon credits. Effective from the 1 April 2018, income from transfer of carbon credits is taxed at a rate of 10% (plus applicable surcharge and cess) on a gross basis without allowing any expenditure or allowance against such income.

Income from crude oil. The income tax law provides for a tax exemption to foreign companies earning income from the storage of oil in a facility in India and from the sale of crude oil to any person resident in India, under an agreement entered into or approved by the central government. This exemption extends to income accruing or arising to a foreign company from the sale of leftover stock of crude oil from a facility in India after the expiration of agreement or the arrangement with the central government.

Income from digital assets. Effective from the 2022-23 fiscal year, income from the transfer of a virtual digital asset is taxed at a rate of 30% (plus applicable surcharge and cess). A virtual digital asset is defined broadly in the tax laws of India, to include, among others, any information, code, number or token generated through cryptographic means, or otherwise, a non-fungible token. Such income is computed in a specified manner and any losses incurred on the transfer would not be eligible for carry forward to future years. Payments made for the transfer of virtual digital asset, which is above specific de minimum limits, attract a tax withholding of 1% (plus applicable surcharge and cess) for payments to residents and at rates in force for nonresidents. Further, any receipt of a virtual digital asset for no or inadequate consideration is taxable in the hands of recipient (resident or nonresident) in India.

Tax incentives. Subject to prescribed conditions, the following tax exemptions and deductions are available to companies with respect to business carried on in India:

- A 10-year tax holiday equal to 100% of the taxable profits is available to undertakings or enterprises engaged in the following:
  - — Developing or operating and maintaining or developing, operating and maintaining infrastructure facilities (roads, toll roads, bridges, rail systems, highway projects, including housing or other activities that are integral parts of the highway projects, water supply projects, water treatment systems, irrigation projects, sanitation and sewerage systems, solid waste management systems, ports, airports, inland waterways, inland ports or navigational channels in the sea), if development or operation and maintenance of the infrastructure facility begins before 1 April 2017
  - — Generation or generation and distribution of power if the company begins to generate power at any time during the period of 1 April 1993 through 31 March 2017
  - — Starting transmission or distribution by laying a network of new transmission or distribution lines at any time during the period of 1 April 1999 through 31 March 2017
  - — Undertaking substantial renovation and modernization (at least 50% increase in book value of plant and machinery)

of an existing network of transmission or distribution lines during the period of 1 April 2004 through 31 March 2017
— Development, operation and maintenance of an industrial park or of a Special Economic Zone (SEZ) notified (through an official publication by the government of India) for the period beginning on 1 April 1997 and ending on 31 March 2006

The company may choose any 10 consecutive years within the first 15 years (10 out of 20 years in certain circumstances) for the period of the tax holiday. Such tax holiday is not available to an undertaking or enterprise that is transferred in an amalgamation or demerger.

- A 10-year tax holiday equal to 100% of taxable profits for the first five years and 30% of taxable profits for the next five years from the business of processing, preserving and packaging of fruits or vegetables or from the integrated business of handling, storing and transporting food grains. A similar tax holiday is available with respect to profits from the business of processing, preserving and packaging of meat and meat products, poultry or marine or dairy products.
- Deduction allowed equal to 100% of the profits derived from the business of developing and building a housing project if approval from the competent authority is obtained during the period of 1 June 2016 through 31 March 2022, subject to fulfillment of other conditions. The size of the plot and residential unit must be within specified limits to qualify for the tax holiday. Similar benefit to be notified by the government will be extended to a rental housing project.
- A three-year tax holiday out of 10 years with respect to profits derived from an eligible startup business that involves innovation, development or improvement of products or processes or services or a scalable business model with a high potential of employment generation or wealth creation, for domestic companies or limited liability partnerships incorporated between 1 April 2016 and 1 April 2025 with a turnover limit of INR1 billion in the fiscal year of claiming the deduction, subject to other conditions.
- A 15-year tax holiday with respect to profits derived from export activities by units that begin to manufacture or produce articles or things or provide services in SEZs. For the first five years of the tax holiday, a tax deduction equal to 100% of the profits derived from the export of articles, things or services provided is available. For the following five years, a tax deduction equal to 50% of the profits is available. For the next five years, the availability of the deduction is contingent on the allocation of the profits to a specified reserve and the use of such amounts in the prescribed manner. The deduction is capped at 50% of the profits allocated to the reserve.
- A 10-year tax deduction equal to 100% of profits derived from an undertaking that begins the manufacturing or production of specified goods or carries on specified business in northeastern states before 1 April 2017. This deduction is also available if an undertaking manufacturing the specified goods undertakes a substantial expansion that involves an increase in investment in plant and machinery by at least 25% of the book value of plant and machinery (computed before depreciation).

- A five-year tax holiday equal to 100% of the profits from the business of collecting and processing or treating of biodegradable waste for either of the following purposes:
  - — Generating power or producing biofertilizers, biopesticides or other biological agents
  - — Producing biogas or making pellets or briquettes for fuel or organic manure
- A tax holiday equal to 100% of the profits has been introduced, effective from the 2018-19 fiscal year for agricultural produce companies with turnover up to INR1 billion. If they are engaged in the purchase, supply, marketing and processing of agricultural produce from their members, the benefit can be obtained for a period of six years beginning with the 2018-19 fiscal year.
- To encourage employment generation, a 30% deduction is provided for three years for the emoluments paid to new employees (employed for 240 days). This period is reduced to 150 days for apparel manufacturers. Effective from the 2018-19 fiscal year, the benefit extends to companies engaged in the manufacturing of leather and footwear. In addition, if the minimum period of employment is not met in the first year, the deduction is still allowed if the criteria is met in the succeeding year.
- Accelerated deduction of capital expenditure (other than expenditure on the acquisition of land, goodwill or financial instruments) incurred, wholly and exclusively for certain specified businesses in the year of the incurrence of such expense. Expense incurred before the commencement of business is allowed as a deduction on the commencement of the specified business. The following are the specified businesses:
  - — Setting up and operating a cold chain facility
  - — Setting up and operating a warehousing facility for storage of agricultural produce
  - — Laying and operating a cross-country natural gas or crude or petroleum oil pipeline network for distribution, including storage facilities that are an integral part of such network
  - — Building and operating in India a new hotel with a two-star or above category, as classified by the central government
  - — Building and operating in India a new hospital with at least 100 beds for patients
  - — Developing and building a housing project under a scheme for slum redevelopment or rehabilitation framed by the government
  - — Developing and building a housing project under a scheme for affordable housing framed by the central or state government in accordance with the prescribed guidelines
  - — Producing fertilizers in a new plant or newly installed capacity in an existing plant
  - — Setting up and operating an inland container depot or a container freight station notified or approved under the Customs Act
  - — Setting up and operating a warehousing facility for storage of sugar
  - — Beekeeping and production of honey and beeswax
  - — Laying and operating a slurry pipeline for the transportation of iron ore

  - — Setting up and operating a semiconductor wafer fabrication manufacturing unit notified by the Central Board of Direct Taxes (CBDT; the administrative authority for direct taxes) in accordance with prescribed guidelines
  - — Developing or maintaining and operating or developing, maintaining and operating a new infrastructure facility
- Tax holiday for 10 consecutive years out of 15 years for a unit of an IFSC in India for the following income:
  - — Income from an offshore banking unit in an SEZ or from specified business with an undertaking located in an SEZ
  - — Income from banking business as specified
  - — Income from any unit of an IFSC
  - — Income from transfer of an aircraft or a ship that was leased by a unit of an IFSC
- 100% exemption for the following income of nonresident arising from an IFSC in India, subject to certain conditions
  - — Income from transfer of non-deliverable forward contracts or offshore derivative instruments or over-the-counter derivatives with an offshore banking unit in an IFSC in India
  - — Income from portfolio of securities or financial products or funds, managed by a portfolio manager on behalf of the nonresident, in an account maintained with an offshore banking unit in any IFSC in India
  - — Royalty or interest from lease of an aircraft or ship paid by a unit of IFSC if such unit commences operations on or before 31 March 2025

Minimum alternative tax. The minimum alternative tax (MAT) applies to a company if the tax payable by the company on its total income, as computed under the Income Tax Act, is less than 15% of its book profit, effective from the 2019-20 fiscal year. It is levied at a rate of 15% of book profit, plus applicable surcharge and cess (the surcharge, as applicable, is imposed at a rate of 7% or 12% for domestic companies and 2% or 5% for foreign companies, and the cess is imposed at a rate of 4%), effective from the 2019-20 fiscal year. The concessional rate of 9% (plus surcharge and cess) applies in the case of a unit located in an IFSC that derives its income solely in convertible foreign exchange. MAT is levied on companies only and does not apply to firms or other persons, which are separately subject to an alternative minimum tax of 18.5% (plus applicable surcharge and cess). MAT does not apply to a foreign company in the following cases:

- In the case of a foreign company that is resident of a jurisdiction with which India has entered into a treaty, if such foreign company does not have a permanent establishment in India under the terms of the relevant treaty
- In the case of a foreign company that is resident of a country with which India has not entered into a treaty, if such foreign company does not have a place of business in India under the corporate tax laws of India

For domestic companies opting for the concessional tax rate of 15% or 22% (see footnote [b] in Section A), the MAT provisions do not apply.

In computing book profit for MAT purposes, certain positive and negative adjustments must be made to the net profit shown in the books of account per the applicable accounting standards.

The net profit as per the profit-and-loss account is increased by the following key items:

- Amount of income tax (including dividend distribution tax, any interest charged under the Income Tax Act, surcharge and cess) paid or payable and the provision for such tax
- Amount carried to any reserves
- Amount allocated to provisions for liabilities other than ascertained liabilities
- Amount allocated to provision for losses of subsidiary companies
- Amount of dividend paid or proposed
- Amount of expenditure related to exempt income
- Amount of depreciation
- Amount of deferred tax and the provision for such tax, if debited to the profit-and-loss account
- Amounts set aside as a provision for diminution in the value of any asset
- Amount in revaluation reserve relating to a revalued asset on retirement of the asset
- Expenditure related to a share of the income of an association of persons that is not taxable
- Expenditure of a foreign company related to capital gains on specified securities, interest, dividends, royalties or fees for technical services, in certain specified circumstances
- Notional loss on the transfer of shares of a special-purpose vehicle to a business trust in exchange for units allotted by the trust, notional loss resulting from any change in the carrying amounts of such units or loss on the transfer of such units
- Expenditure related to royalty income with respect to patents covered by the Patent Box Regime (see Section E)
- Gain on the transfer of shares of a special-purpose vehicle to a business trust in exchange for units

The net profit is decreased by the following key items:

- Amount withdrawn from any reserves or provisions if such amount is credited in the profit-and-loss account
- Amount of losses carried forward (excluding depreciation) or unabsorbed depreciation, whichever is less, according to the books of account in the case of all companies (except as referred to below)
- The aggregate amount of unabsorbed depreciation and losses brought forward in the case of a company against which an application is admitted under the Insolvency and Bankruptcy Code, 2016
- The aggregate amount of unabsorbed depreciation and losses brought forward in case of a specified distressed company, and its direct or indirect subsidiary
- Profits of "sick" industrial companies, which are companies that have accumulated losses equal to or exceeding their net worth at the end of a financial year and are declared to be sick by the Board for Industrial and Financial Reconstruction
- Income that is exempt from tax
- Amount of depreciation debited to the profit-and-loss account excluding depreciation on account of revaluation of assets
- Amount of deferred tax, if any such amount is credited to the profit-and-loss account

- Amount withdrawn from revaluation reserve and credited to the profit-and-loss account, to the extent that it does not exceed depreciation of the revalued assets
- Share in the income of an association of persons that is not taxable
- Capital gains on certain specified securities, interest, royalties, fees for technical services or dividend income of a foreign company in specified circumstances
- Notional gain on the transfer of shares of a special-purpose vehicle to a business trust in exchange for units allotted by the trust, notional gain resulting from any change in the carrying amount of such units or gain on the transfer of such units
- Royalty income with respect to patents covered by Patent Box Regime (see Section E)
- Loss on the transfer of shares of a special-purpose vehicle to a business trust in exchange for units

MAT paid by companies can be carried forward and set off against income tax payable in subsequent years under the normal provisions of the Income Tax Act for a period of 15 years. The maximum amount that can be set off against regular income tax is equal to the difference between the tax payable on the total income as computed under the Income Tax Act and the tax that would have been payable under the MAT provisions for that year.

MAT does not apply to income from life insurance businesses.

In addition, it has been clarified with retrospective effect from the 2000-2001 fiscal year that MAT also does not apply to foreign companies whose total income is comprised solely of profits and gains from the operation of ships and aircrafts, exploration and extraction of mineral oils, and civil construction in certain turnkey power projects, which are subject to presumptive basis of taxation under the Income Tax Act.

A report in a prescribed form that certifies the amount of book profits must be obtained from a chartered accountant.

Capital gains

General. The Income Tax Act prescribes special tax rates for the taxation of capital gains. Gains derived from "transfers" of "capital assets" are subject to tax as capital gains and are deemed to be income in the year of the transfer.

"Transfer" and "capital asset" are broadly defined in the Income Tax Act. In addition, shares or interests in foreign entities are deemed to be capital assets located in India if they derive, directly or indirectly, their value substantially from assets located in India. Gains derived from the transfer of such deemed capital assets are deemed to be income in the year of transfer. This provision does not apply to investments held by nonresidents in Foreign Institutional Investors (FIIs) in certain circumstances.

The tax rate at which capital gains are taxable in India depends on whether the capital asset transferred is a short-term capital asset or a long-term capital asset. A short-term capital asset is defined as a capital asset that is held for less than 36 months immediately before the date of its transfer. However, if the capital asset is an equity

or preference share in a company or a security (for example, a debenture, bond, government security or derivative) listed on a recognized stock exchange in India, a unit of an equity-oriented mutual fund or a specified zero-coupon bond, a 12-month period replaces the 36-month period. In addition, in the case of shares of a company (other than shares listed on recognized stock exchange in India) and immovable property (land or building or both), a 24-month period replaces the 36-month period. A capital asset that is not a short-term capital asset is a long-term capital asset.

Capital gains on specified transactions on which Securities Transaction Tax has been paid on acquisition as well as on sale. Effective from the 2018-19 fiscal year, long-term capital gains in excess of INR100,000 derived from the transfer of equity shares on which Securities Transaction Tax (STT) has been paid on acquisition as well as on sale of equity shares are chargeable to tax at a rate of 10%. These gains were previously exempt from tax.

Effective from the 2018-19 fiscal year, long-term capital gains in excess of INR100,000 derived from the transfer of units of an equity-oriented fund or units of a business trust on a recognized stock exchange in India on which STT has been paid at the time of such transfer is chargeable to tax at a rate of 10%. The exemption from tax on long-term capital gains on such transfer of listed securities is withdrawn, effective from the 2018-19 fiscal year.

Short-term capital gains derived from the transfer of equity shares in a company, units of an equity-oriented fund or units of a business trust on a recognized stock exchange in India are taxable at a reduced rate of 15% plus the surcharge, as applicable, and the cess, if STT has been paid on the transaction.

The tax regime described above applies to all types of taxpayers, including FIIs.

Sales of unlisted equity shares that are included in an initial public offer are also subject to STT and are eligible for the aforementioned reduced rates with respect to long-term or short-term capital gains.

Capital gains on transactions on which STT has not been paid. For sales of shares and units of mutual funds that have not been subject to STT and for capital gains derived from the transfer of a capital asset that is not a specified security, the following are the capital gains tax rates (excluding the applicable surcharge and cess).

Type of taxpayer	Short-term capital gains rate (%) (a)	Long-term capital gains rate (%) (a)
Domestic companies	25/30 (b)	20 (c)
FIIs	30	10
Nonresidents other than FIIs	40	20 (c)(d)

(a) The above rates are subject to a surcharge and cess. The surcharge is levied at a rate of 7% for domestic companies and at a rate of 2% for foreign companies if the net income of the company exceeds INR10 million. The surcharge rate is increased to 12% for domestic companies and 5% for foreign companies if net income exceeds INR100 million. The rate of the cess is 4%.

(b) See footnote (b) of Section A.

(c) A concessional rate of 10% (plus surcharge and cess) applies in certain cases, such as the transfer of listed securities, listed units of mutual funds or zero-coupon bonds, subject to certain conditions.
(d) Gains derived from the transfer of unlisted securities are taxable at a rate of 10%, without the benefit of protection from foreign currency fluctuation and indexation for inflation on the computation of such gains (see discussion below).

Computational provisions. For assets that were acquired on or before 1 April 2001, the market value on that date may be substituted for actual cost in calculating gains. However, for land and buildings, such market value shall not exceed the stamp duty value as of such date. The acquisition cost is indexed for inflation. However, no inflation adjustment is allowed for bonds and debentures. For the purpose of calculating capital gains, the acquisition cost of bonus shares is deemed to be zero. Nonresident companies compute capital gains on shares and debentures in the currency used to purchase such assets, and consequently they are protected from taxation on fluctuations in the value of the Indian rupee. As a result, the benefit of indexation is not available to nonresident companies with respect to the computation of capital gains on shares. If the consideration is not ascertainable or determinable for a transfer, the fair market value of the asset transferred is deemed to be the full value of consideration.

Specific rules apply for the computation of long-term capital gains on the transfer of specified listed securities (equity shares of a company, units of an equity-oriented fund or units of a business trust) on which STT has been paid, as discussed above in *Capital gains on specified transactions on which Securities Transaction Tax has been paid on acquisition as well as on sale.*

If unlisted shares are transferred at a value that is less than fair market value, as prescribed, such fair market value is treated as notional consideration for the transfer of unlisted shares.

Slump sales, demergers and amalgamations. Special rules apply to "slump sales," "demergers" and "amalgamations" (for a description of amalgamations, see Section C).

A "slump sale" is the transfer of an undertaking for a lump-sum consideration without assigning values to the individual assets and liabilities. Effective from the 2020-21 fiscal year, the definition of the term "slump sale" has been widened to include slump "exchange," which is the transfer of an undertaking in exchange for non-monetary consideration. The profits derived from such sale or exchange are taxed as long-term capital gains if the transferred undertaking has been held for more than 36 months.

Capital gains on a slump sale equal the difference between fair market value of the undertaking and the net worth of the undertaking. For purposes of computing capital gains, the net worth of the undertaking equals the difference between the value of the total assets (the sum of the tax-depreciated value of assets that are depreciable for income tax purposes and the book value of other assets other than self-generated goodwill) of the undertaking or division and the book value of liabilities of such undertaking or division. The fair market value of the undertaking is calculated as per the prescribed method.

With respect to companies, a "demerger" is the transfer of an undertaking by one company (demerged company) to another company (resulting company) pursuant to a scheme of arrangement under Sections 230 to 232 of the Companies Act, 2013, provided that certain conditions are satisfied. Subject to certain conditions, the transfer of capital assets in a demerger is not considered to be a transfer subject to capital gains tax if the resulting company is an Indian company.

In a demerger, the shareholders of the demerged company are issued shares in the resulting company in proportion to their existing shareholdings in the demerged company based on a predetermined share-issue ratio. This issuance of shares by the resulting company to the shareholders of the demerged company is exempt from capital gains tax.

In the case of a demerger of a foreign company, the provisions of Sections 230 to 232 of the Companies Act, 2013, do not apply. In such case, a transfer of shares in an Indian company, or shares in a foreign company that derives its value substantially from assets located in India, by the demerged foreign company to the resulting foreign company is exempt from capital gains tax if the following conditions are satisfied:

- Shareholders holding at least 75% in value of the shares in the demerged foreign company continue to remain shareholders of the resulting foreign company.
- Such transfer does not attract capital gains tax in the country of incorporation of the demerged foreign company.

Like demergers, if certain conditions are satisfied, transfers of capital assets in amalgamations are not considered to be transfers subject to capital gains tax, provided the amalgamated company is an Indian company.

In an amalgamation, shareholders of the amalgamating company are usually issued shares in the amalgamated company in exchange for their existing shareholding in the amalgamating company based on a predetermined share-exchange ratio. Such exchange of shares is exempt from capital gains tax if the following conditions are satisfied:

- The transfer is made in consideration of the allotment of shares in the amalgamated company (unless the shareholder itself is the amalgamated company).
- The amalgamated company is an Indian company.

A transfer of shares in an Indian company or shares in a foreign company that derives its value substantially from assets located in India, in an amalgamation of two foreign companies, is exempt from capital gains tax if the following conditions are satisfied:

- At least 25% of the shareholders of the amalgamating foreign company continue to remain shareholders of the amalgamated foreign company.
- Such transfer does not attract capital gains tax in the country of incorporation of the amalgamating foreign companies.

No capital gains tax applies for the conversion of preference shares to equity. Furthermore, the transfer of rupee-denominated bonds of an Indian company issued outside India from one nonresident to another nonresident does not result in capital gains tax in India.

Gains from conversion of stock-in-trade into a capital asset is taxable as business income in the year of conversion. Business income is computed with reference to the fair market value of the stock-in-trade as of the date of conversion. Consequently, the fair market value is regarded as the cost of acquisition of the converted capital asset. The holding period of such capital asset is calculated from the date of conversion. Effective from the 2022-23 fiscal year, income from the transfer of a virtual digital asset is taxed at a rate of 30%, after set-off of acquisition cost. See *Income from digital assets* in Section B for further details.

*Depreciable assets.*To compute capital gains on sales of assets on which depreciation has been allowed, the declining-balance value of the classes of assets as of the beginning of the previous year (including additions during the year) of which the assets form a part is reduced by the sales proceeds of the assets. If the sales proceeds exceed the declining-balance value, the excess is treated as short-term capital gain. Otherwise, no capital gain results from sales of such assets even if the sales proceeds for a particular asset are greater than the cost of the asset.

Non-depreciable assets. For non-depreciable assets, such as land, gains are computed in accordance with the rules described below.

If the asset is held for 36 months or more, the capital gain is considered to be a long-term capital gain, which equals the sale consideration less the aggregate of indexed cost of acquisition, indexed cost of improvement and cost of transfer. The gain on an asset held for less than 36 months is considered a short-term capital gain, which equals the sale consideration less the aggregate of acquisition cost, cost of improvement and cost of transfer. For listed shares, listed securities, equity-oriented units of mutual funds and zero-coupon bonds, a 12-month period replaces the 36-month period. Further, in the cases of shares of a company (other than shares listed on recognized stock exchange in India) and land and buildings or both, a 24-month period replaces the 36-month period.

The transfer of a capital asset by a parent company to its wholly owned Indian subsidiary or the transfer of a capital asset by a wholly owned subsidiary to its Indian parent company is exempt from capital gains tax, subject to the fulfillment of certain conditions.

Administration. The Indian fiscal year runs from 1 April to 31 March. Generally, all companies must file tax returns by 31 October or 30 November (for companies undertaking international transactions, see *Transfer pricing* in Section E). Effective from the 2019-20 fiscal year, all the companies are required to file an audit report one month prior to the due date for the filing of the tax return.

Further, foreign companies had been exempted from filing the tax return in India if its total income taxable under the domestic law consisted only of income that was in the nature of interest, royalties or fees for technical services (see Section A) and if on such income appropriate taxes are withheld without claiming treaty benefit. Effective from 2020-21 fiscal year, this benefit is also extended to foreign companies whose total income

consists of only dividends, interest, royalties and fees for technical services.

Tax is payable in advance on 15 June, 15 September, 15 December and 15 March. Any balance of tax due must be paid on or before the date of filing the return. The carryforward of losses for a fiscal year is not allowed if a return is filed late.

A nonresident with a liaison office in India is required to submit a statement in the prescribed form within 60 days after the end of the fiscal year.

Income computation and disclosure standards. The government of India has notified 10 income computation and disclosure standards (ICDS), which are effective for the 2016-17 fiscal year and future years. The ICDS provides a set of rules for computing taxable income under the headings, "profits and gains of business or profession" and "income from other sources" of the Income Tax Act. This applies to all taxpayers following the mercantile system of accounting.

The Income Tax Act provides the following in relation to the application of ICDS with retrospective effect from the 2016-17 fiscal year:

- Mark-to-market losses or expected losses are allowed as deductions from business income to the extent permissible under the ICDS.
- Foreign-exchange fluctuation gains or losses with respect to specified foreign-currency transactions are computed in accordance with the ICDS.
- Profits arising from construction contracts and service contracts are computed using the percentage-of-completion method in accordance with ICDS.
- Inventory valuation rules are in accordance with the ICDS.
- Interest on compensation or enhanced compensation is deemed to be income in the year in which it is received.
- Export incentives or claims for price escalation are taxable in the year in which reasonable certainty of its realization is achieved.
- Subsidies or grants received from the government are taxed on receipt if they were not taxed in an earlier tax year.

ICDS do not affect the maintenance of books of accounts.

Withholding taxes. Payments to resident companies are subject to the following withholding taxes:

Type of payment	Rate (%)	(a)	(b)
Dividends	10		
Interest	10	(c)	
Commissions from sales of lottery tickets	5		
Other specified commissions	5		
Payments to contractors	2		
Rent	2/10	(d)	
Income from lotteries and horse races	30		
Professional and technical service fees	2/10	(e)	
Royalties	10		
Payments of compensation to residents for the compulsory acquisition of certain immovable property	10		

Type of payment	Rate (%) (a) (b)
Payment of consideration for transfer of immovable property	1 (f)
Withdrawal of cash from banks, cooperative societies and post offices	2/5 (g)
Specified personal payments made by individuals and Hindu Undivided Families (HUFs)	5 (h)
Payments by e-commerce operator to e-commerce Participant	1
Any income in respect of mutual funds units	10 (i)
Payment for purchase of goods	0.1 (j)
Provision of any benefit or perquisite	10 (k)
Transfer of a virtual digital asset	1 (l)

(a) If an income recipient fails to furnish its PAN, tax must be withheld at the higher of the rate specified in the relevant provision of the Income Tax Act and 20% (5% for purchase of goods).
(b) Effective from 1 July 2021, higher withholding is to be made for persons who have not filed tax returns for two preceding years immediately preceding the fiscal year in which withholding is required to be made, subject to other conditions.
(c) See footnote (g) in Section A.
(d) The withholding tax rate for rental payments is 10%. For equipment rental, the rate is 2%.
(e) The withholding tax rate is 2% for fees for technical services and for 10% for fees for professional services.
(f) Effective from 1 September 2019, the definition of "immovable property" includes payments made for all rights and facilities that are incidental to the transfer of the immovable property, made either under the same agreement or under a different agreement.
(g) A 2% withholding tax is levied if the cash withdrawn is in excess of INR2 million and a 5% withholding tax is levied if the cash withdrawn is in excess of INR10 million.
(h) Effective from 1 September 2019, a 5% withholding tax is levied on personal payments made by individuals and HUFs to any residents carrying out any work under a contract (including supply of labor), payments made toward professional services or commission or brokerage, in excess of INR5 million.
(i) The withholding tax does not apply if the aggregate payment during the year does not exceed INR5,000 or if the income is in the nature of capital gains.
(j) Effective from 1 July 2021, a 0.1% withholding tax is levied on the purchase of goods for a value exceeding INR5 million in the fiscal year, subject to specified conditions.
(k) Effective from 1 July 2022, if any benefit or perquisite is provided in the course of business, a 10% withholding tax is levied on such benefit. The withholding is applicable if the value of the benefit exceeds the threshold of INR20,000.
(l) No tax deducted at source is required if the consideration is less than INR50,000 payable by "specified persons" and INR10,000 for others. In the absence of sufficient cash consideration, the deducting person should confirm that tax has been paid before releasing the payment for the transfer.

Payments to nonresident companies are subject to the following withholding taxes.

Type of payment	Rate (%) (a)(b)(c)
Dividends	20
Interest on foreign-currency loans	4/5/9/20 (d)
Royalties and technical services fees	20 (e)
Rent	40
Income from lotteries and horse races	30
Long-term capital gains other than exempt gains	10/20 (f)
Other income	40

(a) The 2% or 5% surcharge (applicable to payments made to foreign companies exceeding INR10 million or INR100 million, respectively) and the 4% cess are imposed on the above withholding taxes.

(b) If the income recipient fails to furnish a PAN to the payer, tax must be withheld at the higher of the following rates:
- Rate specified in the relevant provision of the Income Tax Act
- Tax treaty rate
- 20%

(c) If the recipient of income is located in an NJA, tax must be withheld at the higher of the rate specified in the relevant provision of the Income Tax Act and 30% (see Section E).
(d) See footnote (g) in Section A.
(e) See footnote (i) in Section A.
(f) A reduced rate of 10% applies in the case of long-term capital gains without the benefit of protection from foreign currency fluctuation and indexation for inflation on the computation of such gains or in case of transfer of listed securities on a recognized stock exchange if STT is paid on the acquisition as well as transfer of securities (see *Capital gains*).

Tax Collection at Source. Tax Collection at Source (TCS) is a mechanism under which the payee collects an extra amount (in the nature of income tax) from the payer in addition to the amount payable toward the sale of goods or services. The payee deposits such tax with the government and issues a TCS certificate to the payer pursuant to which the payer gets credit for such TCS.

TCS applies only to certain specific transactions such as the sale of alcoholic liquor, tendu leaves, scrap or a motor vehicle with a value exceeding INR1 million as well as to the grant of license and interest with respect to a parking lot, toll plaza, mine or quarry for the purpose of business. Sellers who receive consideration for the sale of any goods with a value or aggregate of such value of INR5 million in a tax year (other than the export of goods or sale of any of the goods mentioned above) are also required to collect TCS. The payee needs to collect tax from the payer at certain specific rates provided under the law.

TCS is also applicable on remittances of money outside India and on purchases of overseas tour program packages. Effective from 1 October 2023, the following specified rates apply:
- Authorized dealers that receive an amount of more than INR700,000 in a tax year for remittance of money outside India for education financed by loan from a qualifying financial institution: 0.5%
- Authorized dealers that receive an amount of more than INR700,000 in a tax year for remittance of money outside India for medical treatment or education (other than financed by loan from qualifying financial institution): 5%
- Authorized dealers that receive an amount of more than INR700,000 in a tax year for remittance of money outside India for all other purposes other than listed above: 20%
- Sellers of an overseas tour program package (as defined): 5% if they receive an amount up to INR700,000 and 20% thereafter

Dividends. Dividends paid by domestic companies are taxed in the hands of the recipients. Therefore, the prior requirement for domestic companies to pay a dividend distribution tax (DDT) at an effective rate of 20.56% (basic rate of 15% on the gross amount of dividend payable plus the 12% surcharge and the 4% cess) on dividends declared, distributed or paid by them has been eliminated. Effective from the 2020-2021 fiscal year, mutual funds are not required to pay any additional tax on the distribution of dividend income to their unit holders. Consequently, dividend income received by unit holders from mutual fund is taxed in the hands of the unit holder at applicable rates.

Dividends received by a domestic company from another domestic company, foreign company or a business trust can be set off against subsequent dividends paid by the domestic company to its shareholders but not exceeding the amount of such dividends paid, subject to conditions.

Effective from the 2017-18 fiscal year, for the purpose of the computation of the deemed dividend in the hands of an amalgamated (or resulting) company, the accumulated profits or loss is increased by the accumulated profits of the amalgamating company as of the date of amalgamation (regardless of whether it is capitalized).

Buyback tax. The buyback of unlisted shares by an Indian company is subject to buyback tax at a rate of 20% plus surcharge of 12% and cess of 4%, resulting in effective tax rate of 23.29%. The tax is computed on the difference between the price at which shares are bought back and the consideration received by the company for issuance of shares. The amounts received are exempt in the hands of the shareholders. Effective from 5 July 2019, the buyback of listed shares by an Indian company is subject to buyback tax. However, the buyback of listed shares that is publicly announced on or before 5 July 2019 is exempt from buyback tax.

Foreign tax relief. Foreign tax relief for the avoidance of double taxation is governed by tax treaties with several countries. If no such agreements exist, resident companies may claim a foreign tax credit for the foreign tax paid under domestic law provisions. The amount of the credit is the lower of the Indian tax payable on the income that is taxed twice and the foreign tax paid as per the applicable tax treaty. Treaty benefits and relief are available only if a nonresident taxpayer obtains a tax-residency certificate indicating that it is resident in a jurisdiction outside India. This certificate must be issued by the government of that jurisdiction. In addition to obtaining the certificate, taxpayers must maintain certain prescribed documents and information. The Indian government has issued rules for the administration and computation of the tax credit in India. The rules also include provisions for compliance and reporting that must be undertaken to claim the tax credit in India.

C. Determination of trading income

General. Business-related expenses are deductible; capital expenditures (other than on scientific research in certain cases) and personal expenses may not be deducted.

Certain expenses on which taxes are required to be withheld are not allowable as deductions until the required taxes have been withheld and paid to the government. In the case of amounts paid to residents, such disallowance is limited to 30% of the expenses; in the case of amounts paid to nonresidents, the entire amount is disallowed. Such disallowance is relaxed if the payee (resident or nonresident) of the income (on which taxes are not withheld) offers such income to tax in India by filing an income tax return and files a certificate from an accountant. The deductibility of head-office expenses for nonresident companies is limited.

Expenses that are paid to a person in cash (that is, otherwise than through a banking channel or a prescribed electronic mode) are disallowed if they exceed the value of INR10,000 in a day.

Income derived from operations with respect to mineral oil, and certain other income derived by nonresidents (for example, from shipping business, operation of aircraft and turnkey power projects) are taxed on a deemed-profit basis. Under an optional tonnage tax scheme, shipping profits derived by Indian shipping companies are taxed on a deemed basis.

Inventories. In determining trading income, inventories may, at the taxpayer's option, be valued either at cost or the lower of cost or replacement value. The last-in, first-out (LIFO) method is not accepted. Refer also to ICDS for the valuation of inventories for the computation of income of certain taxpayers.

Provisions. Provisions for taxes (other than income tax, dividend distribution tax and wealth tax, which are not deductible expenses), duties, bonuses, leave salary, payments to Indian railways for use of railway assets and interest on loans from financial institutions, nonbanking financial companies (NBFCs) and scheduled banks are not deductible on an accrual basis unless payments are made before the due date of filing of the income tax return. If such payments are not made before the due date of filing of the income tax return, a deduction is allowed only in the year of actual payment. General provisions for doubtful trading debts are not deductible until the bad debt is written off in the accounts, but some relief is available for banks and financial institutions with respect to nonperforming assets. Interest payable on loans, borrowings or advances that is converted into loans, borrowings or advances may not be claimed as a deduction for tax purposes.

Depreciation allowances. Depreciation is calculated using the declining-balance method and is allowed on classes of assets. Depreciation rates vary according to the class of assets. The following are the general rates.

Asset	Rate (%)
Plant and machinery	15 (a)
Motor buses, motor lorries and motor taxis used in a rental business	30/45 (b)
Motor cars other than those used in the business of running them on hire	15/30 (b)
Buildings	10/40 (c)
Furniture and fittings	10

(a) Subject to the fulfillment of prescribed conditions, accelerated depreciation equal to 20% of the actual cost is allowed in the first year with respect to plant and machinery (other than ships or aircraft) acquired or installed after 31 March 2005. Accelerated depreciation is allowed at the rate of 35% to an undertaking or manufacturing enterprise set up in notified areas (in the states of Andhra Pradesh, Bihar, Telangana or West Bengal) on or after 1 April 2015 but before 1 April 2020. Additions to plant and machinery that are used for less than 180 days in the year in which they are acquired and placed in service qualify for accelerated depreciation in that year at one-half of the above rates. The balance of accelerated depreciation is allowed in the subsequent year.

(b) Effective for the 2019-20 fiscal year, an enhanced rate of depreciation of 30% and 45% is available on motor vehicles acquired and put to use on or after 23 August 2019 but before 1 April 2020.

(c) A higher rate of 40% is available for buildings acquired for installing machinery and a plant forming part of a water supply project or water treatment system or for purely temporary erections such as wooden structures.

Depreciation is also allowed on intangibles, such as know-how, patents, copyrights, trademarks, licenses, franchises or other similar commercial rights. These items are depreciated using the declining-balance method at a rate of 25%. Acquisition of a participating interest in an oil and gas block is considered an intangible asset (being a commercial right akin to a license), eligible for depreciation as stated above. Effective from the 2020-21 fiscal year, depreciation is not allowed on goodwill.

Special rates apply to certain assets, such as 40% for computers and computer software, energy-saving devices, and air or water pollution-control equipment (effective from the 2017-18 fiscal year). Previously, the depreciation rates were 60%, 80% and 100%. Additions to assets that are used for less than 180 days in the year in which they are acquired and placed in service qualify for depreciation in that year at one-half of the normal rates. On the sale or scrapping of an asset within a class of assets, the declining-balance value of the class of assets is reduced by the sales proceeds (for details concerning the capital gains taxation of such a sale, see Section B).

Companies engaged in power generation or power generation and distribution may elect to use the straight-line method of depreciation at specified rates.

If payment for the acquisition of asset is made in cash and it exceeds INR10,000 in aggregate in a day, such payment is not considered in determining the actual cost of asset and depreciation on the asset is not available, effective from the 2017-18 fiscal year.

Relief for losses. Business losses, excluding losses resulting from unabsorbed depreciation of business assets (see below), may be carried forward to be set off against taxable income derived from business in the following eight years, provided the income tax return for the year of loss is filed by the due date.

For closely held corporations, a 51% continuity of ownership test must also be satisfied. Effective from 1 April 2019, startup companies may also need to satisfy a 51% ownership test to carry forward losses. Startup companies are defined in the income tax law as those in which the public does not hold a substantial interest. If startup companies fail to satisfy the ownership test of 51%, they may still be eligible to carry forward and set off losses of the first seven years beginning from the year of incorporation as long as the shareholders who held shares carrying voting power in the year of the loss continue to hold those shares in the setoff year. Effective from the 2022-23 fiscal year, startups may carry forward and set off losses incurred during the first 10 years (instead of 7 years) from the date of incorporation as long as the shareholders who held shares in the year of loss "continue to hold those shares" in the year of set-off. Effective from the 2017-18 fiscal year, the restriction does not apply to companies in which change in the shareholding takes place pursuant to an approved resolution process under the Insolvency and Bankruptcy Code, 2016. Effective from 1 April 2019, the restriction does not apply to a specified distressed company, subsidiary of such company and the subsidiary of such subsidiary in which a change in the shareholding takes place pursuant to a resolution plan approved

by the government or if new directors are appointed or nominated by the National Company Law Tribunal in place of the suspended board of directors of company or an application has been moved by the government for the prevention of oppression and mismanagement. Effective from the 2021-22 fiscal year, the set-off of losses or unabsorbed depreciation from undisclosed income detected during the course of search or survey proceedings is not allowed.

Unabsorbed depreciation may be carried forward indefinitely to be set off against taxable income of subsequent years.

Domestic companies opting for a reduced tax rate of 15% or 22% (see footnote [b] in Section A) are not eligible to set off certain specified brought forward losses that are attributable to a claim in previous years of certain specified deductions.

Losses under the heading "Capital Gains" (that is, resulting from transfers of capital assets) may not be set off against other income, but may be carried forward for eight years to be set off against capital gains. Long-term capital losses may be set off against long-term capital gains only.

Losses from house property are eligible for setoff from other types of income to the extent of INR200,000 only in the first year of loss, for losses incurred on all types of properties including self-occupied, let out or deemed to be let-out properties. The balance of the unabsorbed loss can be carried forward for eight years and set off only from income from house property.

Amalgamations and demergers. Special rules apply to "amalgamations" and "demergers" (for a description of a "demerger," see Section B). With respect to companies, an "amalgamation" is the merger of one or more companies with another company or the merger of two or more companies to form one company (the company or companies that merge are referred to as the "amalgamating company or companies" and the company with which they merge, or which is formed as a result of the merger, is known as the "amalgamated company") that meet certain specified conditions.

An amalgamated company may claim the benefit of the carryforward of business losses and unabsorbed depreciation of the amalgamating companies if the following conditions are satisfied:

- Shareholders holding at least 75% of the shares of the amalgamating company become shareholders of the amalgamated company.
- The amalgamating company owns an industrial undertaking, a ship or a hotel.
- The amalgamating company has been engaged in business for at least three years and incurred the accumulated business loss or unabsorbed depreciation during such period.
- As of the date of amalgamation, the amalgamating company has continuously held at least 75% of the book value of the fixed assets that it held two years before the date of the amalgamation.
- At least 75% of the book value of fixed assets acquired from the amalgamating company is held continuously by the amalgamated company for a period of five years.
- The amalgamated company continues the business of the amalgamating company for at least five years from the date of amalgamation.

- Additional specified conditions apply to ensure that the amalgamation is for genuine business purposes.

In the event of non-compliance with any of the above conditions, any business losses carried forward and unabsorbed depreciation that has been set off by the amalgamated company against its taxable income is treated as income for the year in which the failure to fulfill any of the above conditions occurs.

Effective from the 2021-22 fiscal year, for the strategic disinvestment of a public sector company resulting in change in shareholding exceeding 51%, the carryforward of losses and unabsorbed depreciation (this is subject to other conditions) is allowed. From the 2022-23 fiscal year, transition of losses and unabsorbed depreciation on amalgamation of one banking company to another banking institution or any company post strategic disinvestment is allowed subject to certain conditions.

Groups of companies. The income tax law does not provide for the consolidation of income or common assessment of groups of companies. Each company, including a wholly owned subsidiary, is assessed separately.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Equalisation Levy on specified services; deducted from payments made to nonresidents that do not have a permanent establishment in India for the rendering of specified services to residents of India or nonresidents having a permanent establishment in India; specified services include online advertisements and provision of digital advertising space or any other facilities or services for the purpose of online advertisements	6
Equalisation Levy on e-commerce transactions; effective from 2020-21 fiscal year, nonresident e-commerce operators are taxable on consideration received for providing or facilitating "e-commerce supply or services" to certain specified persons	2
Securities Transaction Tax (STT); payable on transactions in equity shares, derivatives, units of an equity-oriented mutual funds and units of business trusts on a recognized stock exchange; the tax is imposed on the value of the transaction and varies according to the type of transaction	
Delivery-based transactions in equity shares or in units of equity-oriented funds	
Buyer	
Shares	0.1
Units	Nil
Seller	
Shares	0.1
Units	0.001

Nature of tax	Rate (%)
Sale of units of equity-oriented funds to mutual funds; tax paid by seller	0.001
Non-delivery-based transactions in equity shares or in units of an equity-oriented fund; tax paid by seller	0.025
Sale of derivatives	
Sale of option (seller); rate applied to option premium	0.017
Sale of option when option is exercised (buyer); rate applied to settlement price	0.125
Sale of futures (seller)	0.01
Sale of unlisted equity shares under offer for sale to public (seller)	0.2
Sale of units of a business trust (delivery-based)	
Tax paid by buyer	0.1
Tax paid by seller	0.1
Sale of units of a business trust (non-delivery-based); tax paid by seller	0.025
Commodities transaction tax	
Sale of commodities derivatives; tax paid by seller	0.01
Sale of an option on commodity derivative	
Tax paid by buyer	0.0001
Tax paid by seller	0.05
Goods and Services Tax (GST); on the supply of goods and services; levied by the central government or state government	Various
Customs duty and GST; on goods imported into India; levied by the central government	Various
Stamp duties; levied by each state on specified documents and transactions, including property transfers	Various
Social security contributions; paid by the employer for medical insurance plans for certain categories of employees and for minimum retirement benefit plans	Various

E. Miscellaneous matters

Foreign-exchange controls. All cross-border transactions with nonresidents are subject to Indian foreign-exchange controls regulations contained in the Foreign Exchange Management Act, 1999, read with applicable regulations. The Indian rupee is partial convertible for trade and current account purposes. Subject to certain specified restrictions, foreign currency may be freely purchased or sold for trade and current account purposes. In general, such purchases and sales must be made at the spot market rate. Capital account transactions are not permitted unless they are specifically allowed and the prescribed conditions are satisfied.

Cross-border current account transactions that are specifically allowed include the following:

- Remittances made abroad that are of current nature under the joint venture and technical collaboration agreements
- Remittances for purchases of goods, interest, dividends, service fees and royalties

- Repatriation of capital for investments that are made on a repatriable basis and not subject to any lock-in requirements and any other conditions applicable to specific industries

On 29 October 2020, the Reserve Bank of India released updated Consolidated Foreign Direct Investment (FDI) guidelines capturing the policy measures with respect to foreign investment into India.

Transfer pricing. The Income Tax Act includes detailed transfer-pricing regulations. Although the regulations are broadly in line with the principles set out by the Organisation for Economic Co-operation and Development (OECD), key differences exist.

Under these regulations, income and expenses, including interest payments, with respect to international transactions between two or more associated enterprises (including permanent establishments), must be determined to be at arm's-length price. Intercompany receivables and payables are also considered as international transaction, requiring adherence to arm's length principles. The transfer-pricing regulations also apply to, among other transactions, cost-sharing arrangements, certain capital-financing transactions, business restructurings or reorganizations and dealings in intangibles. In addition, certain transactions with third parties could also be "deemed" to be international transactions if there exists prior arrangement between such third parties and associated enterprises.

The transfer pricing regulations contain definitions of various terms, including "associated enterprise," "arm's-length price," "enterprise," "transaction," "international transaction" and "permanent establishment." As per the definition, transactions could include arrangements, understandings or actions in concert, whether or not in writing or legally enforceable. The regulations also specify methods for determining the arm's-length price. The following are the specified methods:

- Comparable uncontrolled price method
- Resale price method
- Cost-plus method
- Profit split method
- Transactional net margin method
- Any other method that takes into account the price that has been charged or paid or would have been charged or paid, in the same or a similar uncontrolled transaction, with or between non-associated enterprises, under similar circumstances, considering all the relevant facts

The regulations also provide the detailed methodology/manner of computing the arm's-length price and arm's-length range, which is not fully aligned with the globally followed interquartile range concept.

In addition, the CBDT has issued safe-harbor rules for certain routine, lower-threshold international transactions indicating the circumstances in which tax officers accept transfer prices or income declared by taxpayers. The safe-harbor rules for determining transfer prices are currently notified by the CBDT on a year-on-year basis. They are applicable to the respective fiscal year. The safe-harbor rates vary according to the international

transaction and certain monetary thresholds. Also, effective from the 2019-20 fiscal year, the CBDT can notify a safe harbor or enter into advance pricing agreements for profit attribution to a permanent establishment or business connection (see *Attribution of income to business connection*).

Each person entering into an international transaction must arrange for an accountant to prepare a report certifying the international transactions and furnish it to the tax officer (to be uploaded on the income-tax portal) before filing the corporate tax return. For the 2024-25 fiscal year, the due date for furnishing the transfer pricing report is 31 October 2025 and the due date for filing the corporate tax return is 30 November 2025. In addition, taxpayers are required to maintain annual contemporaneous transfer-pricing documentation as per the prescribed requirements (akin to the Local File), if the aggregated value of the international transaction exceeds INR10 million. Such documentation is to be furnished to the transfer-pricing officer (TPO) if called for within 10 days of such notice from the TPO.

The case of a taxpayer may be selected for scrutiny and be referred to the TPO (specialized wing within the income tax department) to determine the arm's-length price of international transaction. The TPO may call for information, seek clarifications/explanations, request documents and evidence, and complete the transfer-pricing proceedings accordingly. The TPO may make an adjustment with respect to an international transaction if the officer determines that certain conditions exist, including the following:

- The price is not at arm's length.
- The prescribed documents and information have not been maintained.
- The information or data on the basis of which the price was determined is not reliable.
- Information or documents requested by the tax officer have not been furnished.

Stringent penalties (up to 2% of the transaction value) may be imposed for noncompliance with the procedural requirements. An additional penalty of 50% of the tax demand for understatement of profits or 200% of the tax demand for misreporting (including failure to maintain transfer-pricing documentation) can be levied.

Measures allowing Advance Pricing Agreements (APAs) are effective from July 2012. Under these measures, the tax administration may enter into an APA with any person undertaking an international transaction. APAs are binding on the taxpayer and the tax authorities (provided no change in law and facts) and are valid for a maximum period of five consecutive years. The APA scheme provides for a "rollback" mechanism, which is subject to prescribed conditions and procedures. Under the "rollback" mechanism, an APA covering a future period may also be applied to international transactions entered into by a taxpayer during the periods (for four years) preceding the first year for which the APA is applicable. Taxpayers can enter into Unilateral APAs, Bilateral APAs or Multilateral APAs. Taxpayers could also explore the

Mutual Agreement Procedure (MAP) route to obtain certainty on existing transfer-pricing litigations.

Domestic transfer-pricing regulations apply to certain domestic intercompany transactions, particularly transactions with profit-linked tax-holiday units or entities.

Secondary adjustments. The Income Tax Act provides for a secondary-adjustment regime to ensure that profit allocation between associated enterprises is consistent with the primary transfer-pricing adjustment. Under the secondary-adjustment regime if, as a result of the primary adjustment to the transfer price, the total income or reduction of loss of taxpayer is increased and the excess money or part thereof that is available to any associated enterprise is not repatriated to India within a prescribed time, such excess money is deemed to be an advance made by the taxpayer to such associated enterprise, resulting in notional taxation of interest on such advance, effective from the 2017-18 fiscal year. Effective from 1 September 2019, a taxpayer has an option to pay an additional income tax of 18% (plus a surcharge of 12%) if the excess money computed under the secondary adjustment regime cannot be repatriated within the prescribed time limit. The additional tax paid is considered to be a final tax and is not available for further credit or deduction to the taxpayer.

The provision does not apply if the primary adjustment is less than INR10 million or if it is made for the 2015-16 fiscal year or earlier years. Any primary adjustment determined by an APA signed on or before 31 March 2017 is grandfathered, and it does not trigger secondary adjustments.

Country-by-Country Reporting, Master File and Local File. The Income Tax Act provides a specific regime with respect to Country-by-Country Reporting (CbCR), the Master File and the Local File in line with the OECD Transfer Pricing Guidelines, 2022. The CbCR provisions apply from the 2016-17 fiscal year if consolidated revenue of an international group in the prior year exceeds the prescribed limit of INR64 billion. The parent entity of the international group must file the CbCR if such parent entity is a resident of India. In other cases, every constituent entity of such group that is a resident of India must file the CbCR notification, notifying the jurisdiction and parent entity filing the CbCR. It has also been clarified that an Indian constituent entity (with a nonresident parent) is now required to file the CbCR in India even if the parent entity has no obligation to file such a report in its home jurisdiction and/or no other alternate reporting entity has filed the CbCR or if there is no agreement for exchange of CbCR between India and such country. The income tax rules also mandate the filing of the Master File in the prescribed form, subject to meeting monetary threshold criteria, based on cumulative conditions of consolidated revenue and the value of international transactions. The Master File compliance may be required (in part) even if the entity is not required to maintain transfer-pricing documentation in relation to its international transactions.

The Master File needs to be filed on or before the due date for filing of the income tax return in India (that is, the due date for the filing of the Master File for the 2024-25 fiscal year is

30 November 2025). The CbCR must be filed within 12 months after the end of the reporting accounting year for the parent entity. The CbCR notification must be filed within 10 months after the end of the reporting accounting year of the parent entity.

Debt-to-equity rules. India does not currently impose mandatory capitalization rules. However, intercompany debts are subject to transfer-pricing provisions and, accordingly, are required to meet arm's length conditions. However, banks and financial corporations must comply with capital adequacy norms. In addition, foreign-exchange regulations prescribe that the debt-to-equity ratio should not exceed 4:1 in the case of borrowings beyond a certain limit from certain nonresident lenders.

Limitation on interest deduction. In line with the recommendations of OECD's BEPS Action 4, the Income Tax Act provides a specific provision to limit interest deduction exceeding INR10 million. A deduction claimed by an Indian company or a permanent establishment of a foreign company in India with respect to interest expenditure regarding any debt issued by a nonresident that is an associated enterprise of the taxpayer is subject to disallowance. Disallowance is restricted to the lower of total interest paid or payable in excess of 30% of earnings before interest, taxes, depreciation and amortization (EBIDTA) or interest paid or payable to the associated enterprise. Interest disallowed can be carried forward to the following eight fiscal years to be set off against taxable income of any business or profession in a subsequent year. A deduction in a subsequent year is also subject to the limitation of 30% of EBITDA. Such limitation does not apply to the banking and insurance sector. Further, effective from 2020-21 fiscal year, such interest limitation rules do not apply if interest is paid with respect to debt issued by a nonresident lender engaged in the business of banking through a permanent establishment in India.

General Anti-avoidance Rules. The Income Tax Act includes General Anti-avoidance Rules (GAAR), which took effect on 1 April 2017. The GAAR are broad rules that are designed to deal with aggressive tax planning. Wide discretion is provided to the tax authorities to invalidate an arrangement, including the disregarding of the application of tax treaties, if an arrangement is treated as an "impermissible avoidance arrangement." The central government has issued clarifications for the implementation of the GAAR.

Notified Jurisdictional Area. The Income Tax Act contains a "tool box" to deal with transactions with entities located in noncooperative countries or jurisdictions that do not exchange information with India. The government of India is empowered to notify such jurisdiction as a Notified Jurisdiction Area (NJA). The government discourages transactions by taxpayers in India with persons located in an NJA by providing onerous tax consequences with respect to such transactions. The consequences include applicability of transfer-pricing regulations, additional disclosure and compliance requirements, disallowance of deductions in some circumstances and higher withholding tax rates on transactions with a person located in an NJA. Previously Cyprus was notified as an NJA, effective from 1 November 2013. Such notification was withdrawn with retrospective effect, under an

amendment to the India-Cyprus double tax treaty. No other jurisdiction is notified as an NJA.

Business trusts. The Income Tax Act contains a specific taxation regime for the taxability of income from business trusts (real estate investment trusts and infrastructure investment trusts). This is a new category of investment vehicles for acquiring control or interests in Indian special-purpose vehicles for investments in the real estate or infrastructure sector. Units of business trusts can be listed on recognized stock exchange and can be subscribed by residents and nonresident investors (including foreign companies). Effective from 2020-21 fiscal year, Securities and Exchange Board of India (SEBI)-registered business trusts are not required to be listed on a recognized stock exchange. Business trusts can also avail themselves of external commercial borrowings from nonresident investors (including foreign companies). Business trusts are granted pass-through status for purposes of taxation. Distributions of dividend income from business trusts are exempt in the hands of investors. Effective from 2020-21 fiscal year, distributions of dividends by business trusts received from special-purpose vehicles are taxable in the hands of investors. For further details, see footnote (g) in Section A and *Rates of corporate tax* and *Capital gains* in Section B.

Patent Box Regime. The Income Tax Act contains the Patent Box regime, which is a specific taxation regime for the taxability of royalty income earned by a patentee resident in India with respect to a patent developed and registered in India. Such royalty income is taxable at the rate of 10% on the gross amount without any allowance or deduction for any expenditure. For these purposes, royalty income includes consideration for any of the following:

- Transfer of all or any rights with respect to a patent
- Imparting of any information concerning the working of, or the use of, a patent
- The use of any patent
- Rendering of any services in connection with any of these activities

Foreign portfolio investors. The Income Tax Act provides a safe-harbor regime for onshore management of offshore funds, thereby neutralizing the impact of the constitution of business connection, permanent establishment or tax residence for offshore funds in India. Under this regime, on the fulfillment of certain conditions, these funds can qualify as an eligible investment funds (EIFs) or eligible fund managers. Effective from 2019-20 fiscal year, some of these conditions are relaxed. The following are examples of the relaxation of the conditions:

- For the purpose of computing aggregate participation or investment in the fund, directly or indirectly, by an Indian resident, the contribution of the eligible fund manager during the first three years up to INR250 million is to be excluded.
- The monthly average of the corpus of the fund of INR1 billion needs to be fulfilled within 12 months (as opposed to the former time period of six months) from the last day of the month of its establishment or incorporation.

Investment funds set up by a Category I or Category II foreign portfolio investor (FPI) registered with the SEBI are not required

to satisfy the investor diversification conditions to qualify as an EIF. Benefits under the safe-harbor regime are available only if the investment fund is established in a jurisdiction on a specified list.

Further, the provisions of indirect transfers are not applicable to nonresident investors holding an asset in the following categories:
- Category I and Category II FPIs up to the date of repeal of the SEBI FPI Regulations, 2014.
- Category I FPIs under the SEBI (FPI) Regulations, 2019.

Also, effective from 2020-21 fiscal year, Sovereign Wealth Funds are eligible for 100% tax exemption on dividends, interest and capital gains income arising from specified investments that are made in India between 1 April 2020 and 31 March 2025 and are held for at least three years, subject to other conditions.

Discouraging cash transactions. The income tax law prohibits receipt in cash of an amount exceeding INR200,000 on or after 1 April 2017, in a day, with respect to a single transaction spread over many days or with respect to an event.

Effective 1 February 2020, a person carrying on business is required to provide a facility for accepting payments through certain specified electronic modes of payment in addition to the existing electronic modes provided by such person. Failure to comply with such requirement will result in a penalty.

Effective from 2020-21 fiscal year, the threshold turnover limit for tax audit for business is increased from INR10 million to INR100 million if the aggregate of all amounts received, including the amount for sales, turnover or gross receipts and the aggregate of all payments made, including the amount incurred for business expenses, in cash during the previous year is less than or equal to 5% of such amount received or paid.

Significant economic presence. From the 2018-19 fiscal year, the Income Tax Act introduced the concept of significant economic presence (SEP). This concept expands the scope of a "business connection" in India that results in the taxation of business income of nonresidents in India. SEP is a new nexus test primarily targeted to tax business models in the digital economy and is based on the options elucidated in the OECD's BEPS Report on Action 1. The application of SEP was deferred, and it was finally effective from the 2021-22 fiscal year. The SEP concept is in addition to the Equalisation Levy in India (see Section D).

According to the Income Tax Act, SEP is defined to mean the following:
- Any transaction with respect to any goods, services or property carried out by a nonresident with a person in India, including the providing of a download of data or software in India, if the aggregate of payments arising from such transaction or transactions during the tax year exceed INR20 million
- Systematic and continuous soliciting of its business activities or engaging in interaction with 300,000 users in India

Any income attributable to SEP is taxable in India.

Attribution of income to business connection. Foreign companies having business connection in India are taxable under domestic law only on such part of the income that is reasonably attributable to "operations carried out in India. Effective from 2020-21 fiscal year, income attributable to operations in India includes income from the following:

- An advertisement that targets a customer who resides in India or a customer who accesses the advertisement through an internet protocol (IP) address located in India
- The sale of data collected from a person who resides in India or from a person who uses an IP address located in India
- The sale of goods or services using data collected from a person who resides in India or from a person who uses an IP address located in India

Gift taxation. The Income Tax Act levies tax on any taxpayer who is in receipt of money in excess of INR50,000 or immovable property or any property other than immovable property that has a value in excess of INR50,000, without consideration or for an inadequate consideration. Effective from 2020-21 fiscal year, immovable property is considered to be acquired for an inadequate consideration if the difference between the specified value of the property and the consideration paid exceeds 10% of the consideration. Specific valuation rules apply to determine the taxable income in the hands of the recipient. Also, effective from the 2018-19 fiscal year, the gift taxation does not apply to the transfer of a capital asset by a holding company to its wholly owned Indian subsidiary (or vice versa) if the transferee company (recipient) is an Indian company.

Multilateral Instrument. India is a signatory to the Multilateral Instrument (MLI) and submitted its ratified copy to the OECD on 25 June 2019. Beginning with the 2020-21 fiscal year, MLI has become effective for certain Indian tax treaties (such as the Australia, Japan, Singapore and United Kingdom treaties) and many other Indian treaties will include the MLI provisions when the other contracting party (that has also included its treaty with India in its list of covered tax agreement) concludes the procedure of ratification of MLI and submission to the OECD.

Consequently, the impact of MLI provisions, such as the preamble, principal purpose test and extended permanent establishment rules, will need to be considered while availing of a treaty benefit.

F. Treaty withholding tax rates

Under the Income Tax Act, Indian companies were required to pay DDT (see *Dividends* in Section B) at an effective tax rate of nearly 20.36% (base rate of 15% on gross amount plus a surcharge of 12% and an education cess of 4%) on dividends declared, distributed or paid by them and such dividends were then exempt from tax in the hands of the recipients. However, effective from 2020-21 fiscal year, DDT is abolished and the dividend income is now taxable in hands of shareholders

Tax rates specified under the Income Tax Act are increased by a surcharge and cess. See footnote (a), (c) and (m) below for tax rates under the Income Tax Act on outbound payments of interest,

royalties and dividends, respectively. In general, if the relevant treaty specifies the same or lower rate for withholding, these treaty rates, which are more beneficial for the nonresident recipient, may be applied. In addition, these tax rates need not be increased by the surcharge and cess. To claim treaty benefits, the nonresident recipient must obtain a Tax Residency Certificate indicating that it is a resident of that jurisdiction or specified territory. This certificate is issued by the government of such jurisdiction or territory. The nonresident recipient is also required to provide certain information and documents to substantiate its eligibility to claim treaty benefits.

The following table presents the treaty rates on outbound payments of dividends, interest and royalties to jurisdictions that have entered into tax treaties with India.

	Dividends (j)(k) %	Interest (a)(b) %	Approved royalties (c)(d) %
Albania	10	10	10
Armenia	10	10	10
Australia	15	15	10/15 (i)
Austria	10	10	10
Bangladesh	10/15	10	10
Belarus	10/15	10	15
Belgium	15	10/15	10 (e)(f)
Bhutan	10	10	10
Botswana	7.5/10	10	10
Brazil	15	15	15/25 (h)
Bulgaria	15	15	15/20
Canada	15/25	15	15 (i)
China Mainland	10	10	10
Colombia	5	10	10
Croatia	5/15	10	10
Cyprus	10	10	10
Czech Republic	10	10	10
Czechoslovakia (g)	15/25	15	30
Denmark	15/25	10/15	20
Egypt	20	20	20
Estonia	10	10	10
Ethiopia	7.5	10	10
Fiji	5	10	10
Finland	10 (f)	10 (f)	10 (f)
France	10 (e)(f)	10 (e)(f)	10 (e)(f)
Georgia	10	10	10
Germany	10	10	10
Greece	20	20	10
Hong Kong	5	10	10
Hungary	10 (e)	10 (e)	10 (e)
Iceland	10	10	10
Indonesia	10	10	10
Iran	10	10	10
Ireland	10	10	10
Israel	10	10	10
Italy	15/25	15	20
Japan	10	10	10
Jordan	10	10	20
Kazakhstan	10 (e)	10 (e)	10 (e)

	Dividends (j)(k) %	Interest (a)(b) %	Approved royalties (c)(d) %
Kenya	10	10	10
Korea (South)	15	10	10
Kuwait	10 (a)	10	10
Kyrgyzstan	10	10	15
Latvia	10	10	10
Libya	20	20	20
Lithuania	5/15	10	10
Luxembourg	10	10	10
Malaysia	5	10	10
Malta	10	10	10
Mauritius	5/15	7.5	15
Mexico	10	10	10
Mongolia	15	15	15
Montenegro	5/15	10	10
Morocco	10	10	10
Mozambique	7.5	10	10
Myanmar	5	10	10
Namibia	10	10	10
Nepal	5/10	10	15 (e)
Netherlands	10 (e)(f)	10 (e)(f)	10 (e)(f)
New Zealand	15	10	10
North Macedonia	10	10	10
Norway	10	10	10
Oman	10/12.5	10	15
Philippines	15/20	10/15	15
Poland	10	10	15
Portugal	10/15	10	10
Qatar	5/10	10	10
Romania	10	10	10
Russian Federation	10	10	10
Saudi Arabia	5	10	10
Serbia	5/15	10	10
Singapore	10/15	10/15	10
Slovenia	5/15	10	10
South Africa	10	10	10
Spain	15	15	10/20 (e)
Sri Lanka	7.5	10	10
Sudan	10	10	10
Sweden	10 (e)	10 (e)	10 (e)
Switzerland	10 (e)	10 (e)	10 (e)
Syria	5/10	10	10
Taiwan	12.5	10	10
Tajikistan	5/10	10	10
Tanzania	5/10	10	10
Thailand	10	10	10
Trinidad and Tobago	10	10	10
Türkiye	15	10/15	15
Turkmenistan	10	10	10
Uganda	10	10	10
Ukraine	10/15	10	10
United Arab Emirates	10	5/12.5	10

	Dividends (j)(k) %	Interest (a)(b) %	Approved royalties (c)(d) %
United Kingdom	10/15	10/15	10/15 (i)
United States	15/25	10/15	10/15 (i)
Uruguay	5	10	10
Uzbekistan	10	10	10
Vietnam	10	10	10
Zambia	5/15	10	10
Non-treaty jurisdictions	20	20 (a)	20 (c)

(a) A 20% rate applies if the relevant tax treaty provides for unlimited taxation rights for the source jurisdiction on interest income. Under the Income Tax Act, the 20% rate applies with respect to interest on monies borrowed or debts incurred in foreign currency by an Indian concern or the government. If the recipient is a foreign company, this rate is increased by a surcharge of 2% (when the aggregate income exceeds INR10 million) or 5% (when the aggregate income exceeds INR100 million) and is further increased by an education cess of 4% (on income tax and surcharge). A special reduced rate of 5% applies under certain specified circumstances. In other cases, depending on whether the recipient is a corporate entity, a tax rate of 30% or 40% applies. These tax rates are increased the applicable surcharge and cess. Also, see footnote (g) in Section A.

(b) A reduced rate of 0% to 10% generally applies under a tax treaty if interest payments are made to local authorities, political subdivisions, the government, banks, financial institutions or similar organizations. A reduced rate may also apply if the lender holds a certain threshold of capital in the borrower. The text of the relevant tax treaty needs to be examined.

(c) Under the Income Tax Act, a 20% rate applies if the relevant tax treaty provides for unlimited rights for the source jurisdiction to tax royalties (the rate is increased by the surcharge and cess) and if the payment is made by the government of India or an Indian concern. In other cases, as mentioned in footnote (a) above, a tax rate of 30% or 40% applies. These rates are increased by the applicable surcharge and cess.

(d) The rate provided under the relevant tax treaty applies to royalties not effectively connected with a permanent establishment in India. Also, in some of India's tax treaties, such as with Australia, Canada, Spain, the United Kingdom and the United States, a separate rate of 10% is specified for equipment royalties. Similarly, under India's tax treaty with Bulgaria, a 15% rate applies to copyright royalties other than cinematographic films or films and tapes used for radio or television broadcasting. In addition, many of India's tax treaties also provide for withholding tax rates for technical services fees. In most cases, the rates applicable to royalties also apply to the technical services fees. The text of the relevant tax treaty needs to be examined to determine the relevant scope and rate. Effective from the 2017-18 fiscal year, no withholding tax is imposed on payments made by National Technical Research Organization in India.

(e) A more restrictive scope of the definition of dividends, interest or royalties and/or a reduced rate may be available under the most-favored-nation clause in the relevant tax treaty. A recent Apex Court judgment indicated that for the most-favored nation clause to be effective, a notification is necessary.

(f) A reduced rate of 10% applies in the event of notifications issued by the government of India that give effect to the most-favored-nation clauses in these tax treaties.

(g) This treaty applies to the Slovak Republic.

(h) An increased rate of 25% applies to trademark royalties.

(i) In the first five years in which this treaty is in effect, a 15% rate applies to royalties if the payer is the government of the contracting state, a political subdivision or a public sector company and a 20% rate applies for other payers. For subsequent years, a 15% rate applies in all cases.

(j) The rate provided under the relevant tax treaty applies to dividends not effectively connected with a permanent establishment or fixed base in India. A reduced rate of 5% to 15% may also apply if the beneficial owner of dividends holds a certain threshold of share capital or voting stock in the company paying the dividends. The text of the relevant tax treaty needs to be examined.

(k) A 20% rate applies if the relevant tax treaty provides for unlimited taxation rights for the source jurisdiction on dividend income. Under the Income Tax Act, a 20% rate applies with respect to dividends paid to foreign companies. If the recipient is a foreign company, this rate is increased by a surcharge of 2% (if the aggregate income exceeds INR10 million) or 5% (if the aggregate income exceeds INR100 million) and is further increased by an education cess of 4% (on income tax and the surcharge).

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A. At a glance

Corporate Income Tax Rate (%)	22 (a)
Capital Gains Tax Rate (%)	– (b)
Withholding Tax (%)	
Dividends	10/15/20 (c)
Interest	10/15/20 (c)
Royalties from Patents, Know-how, etc.	15/20 (c)
Rent	
Land or Buildings	10 (d)
Other Payments for the Use of Assets	2 (e)
Fees for Services	
Payments to Residents	
Technical, Management and Consultant Services	2 (e)
Construction Work Services	1.75/2.65/4 (f)
Construction Consulting Services	3.5/6 (f)
Other Services	2 (e)
Payments to Nonresidents	10/20 (g)
Branch Profits Tax	20 (h)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 to 10 (i)

(a) This rate also applies to Indonesian permanent establishments of foreign companies. See Section B.

(b) See Section B for details concerning the taxation of capital gains.

(c) In general, a final withholding tax at a rate of 20% is imposed on payments to nonresidents. Tax treaties may reduce the tax rate. Dividends paid to resident companies are exempt from tax. Dividends paid to resident individuals (done through a general shareholder meeting) are exempt from tax if such dividends are invested in Indonesia for a certain time period. If the exemption does not apply, a 10% final withholding tax applies to dividends paid to tax-resident individuals. A 15% withholding tax is imposed on interest paid by nonfinancial institutions to residents. Interest paid by banks on bank deposits to residents is subject to a final withholding tax of 20%. Coupon interest on bonds paid to residents and nonresidents is subject to a 10% final withholding tax.

(d) This is a final withholding tax imposed on gross rent from land or buildings.

(e) This tax is considered a prepayment of income tax. It is imposed on the gross amount paid to residents. An increase of 100% of the normal withholding tax rate is imposed on taxpayers subject to this withholding tax that do not possess a Tax Identification Number.

(f) This tax is final in nature (final tax means that tax is imposed on a certain tax base [such as contract value] using a certain tax rate, regardless whether the company makes profit or suffers a loss). The applicable tax rate depends on the type of service provided and the "qualification" of the construction companies. The "qualification" is issued by the authorities with respect to the competency of the construction company (that is whether or not the company has a work competency certificate).

(g) This is a final tax imposed on the gross amount paid to nonresidents. The withholding tax rate on certain types of income may be reduced under double tax treaties, provided certain domestic requirements are met.

(h) This is a final tax imposed on the net after-tax profits of a permanent establishment. The rate may be reduced under double tax treaties. The tax applies regardless of whether the income is remitted. An exemption may apply if the profits are reinvested in Indonesia.

(i) Losses incurred by taxpayers engaged in certain businesses or incurred in certain areas may be carried forward for up to 10 years (see Section B).

B. Taxes on corporate income and gains

Corporate income tax. Companies incorporated or domiciled in Indonesia are subject to income tax on worldwide income. Foreign tax may be claimed as a tax credit subject to a limitation rule (see *Foreign tax relief*). Branches of foreign companies are

taxed only on those profits derived from activities carried on in Indonesia. However, income accruing from Indonesia to a foreign company having a permanent establishment in Indonesia is taxed as income of the permanent establishment if the business generating the income is of a similar nature to the business of the permanent establishment. This is known as the "force of attraction" principle.

Deemed permanent establishment or Electronic Transaction Tax. Laws have been passed but not yet implemented to the effect that an offshore seller, offshore service provider or offshore e-commerce organizer meeting the significant economic presence criteria can be treated as a permanent establishment and subject to income tax.

Significant economic presence will be defined in further regulations with reference to the following:
- Consolidated business group turnover of a certain amount
- Sales in Indonesia of a certain amount
- Active users of digital media in Indonesia of a certain number

If income tax cannot be imposed as a result of the application of a tax treaty, the offshore seller, offshore service provider or offshore e-commerce organizer meeting the significant economic presence criteria will be subject to the Electronic Transaction Tax. This tax will be imposed on the sale of goods or services from outside Indonesia through e-commerce to the buyer or the user in Indonesia if the sale is conducted by an offshore taxpayer, whether directly or via an offshore e-commerce organizer. These laws await implementing regulations before they can enter into effect. Indonesia may pursue an approach consistent with Base Erosion and Profit Shifting (BEPS) 2.0 rather than implementing these laws.

Rates of corporate tax. Corporate tax is imposed at a flat rate of 22%. This rate applies to Indonesian companies and foreign companies operating in Indonesia through a permanent establishment. The tax rate is reduced by three percentage points for listed companies meeting certain requirements, such as having at least 40% of their paid-up capital traded on the stock exchange. Small- and medium-scale domestic companies (that is, companies having gross turnover of up to IDR50 billion) are entitled to a 50% reduction of the tax rate. The reduced rate applies to taxable income corresponding to gross turnover of up to IDR4.8 billion.

A previously announced reduction of the corporate tax rate to 20% has been canceled.

Branch profit tax. The net after-tax profits of a permanent establishment are subject to branch profit tax at a rate of 20%. This rate may be reduced under a double tax treaty. Branch profit tax applies regardless of whether the income is remitted to the head office. An exemption may apply if the profits are reinvested in Indonesia.

Tax incentives

Tax Allowance Incentive. Tax incentives under the Tax Allowance Incentive are granted to certain qualifying resident companies investing in certain types of businesses or regions. The Tax Allowance Incentive consists of the following:

- Accelerated depreciation and amortization.
- Extended period of 10 years for the carryforward of a tax loss (normally five years), subject to certain conditions.
- Reduced tax rate of 10% (or lower rate under a double tax treaty) for dividends paid to nonresidents.
- Investment allowance in the form of reduction of net income by 30% of the amount invested in land and buildings, and plant and equipment. This allowance is claimed at a rate of 5% each year over a six-year period.

To qualify for the above tax incentives, the investment must be a new investment or an investment for the purpose of expanding a current business. Under a government regulation, 166 categories of business sectors and 17 other categories of industries in certain areas may qualify for the tax incentives. The designated areas and provinces are generally outside Jakarta. They are primarily the provinces located in Kalimantan and Sumatera.

Certain restrictions apply to the use and transfer of fixed assets that benefit from the incentives. These restrictions apply for the first six years of commercial production or for the prescribed useful life of the assets for tax purposes. The incentives are revoked with a penalty if these rules are violated. Implementation of the government regulation is evaluated within two years from the date on which the approval is granted. A monitoring team is established for this purpose.

Tax Holiday Incentive. Certain taxpayers engaged in a "pioneer industry" may seek a tax incentive commonly known as the Tax Holiday Incentive, which was introduced in 2011 and lastly renewed in September 2020. The Tax Holiday Incentive offers corporate tax exemptions of 50% if the new capital investment is at least IDR100 billion but less than IDR500 billion and 100% if the new capital investment is at least IDR500 billion, for five to 20 years depending on the amount of new capital investment. An additional period of corporate income tax reduction for two fiscal years is also offered after the expiration of the tax holiday in the following cases:

- 25% reduction of the corporate income tax payable if the new capital investment is at least IDR100 billion but less than IDR500 billion
- 50% reduction of the corporate income tax payable if the new capital investment is at least IDR500 billion

To qualify for the Tax Holiday Incentive, taxpayers must fulfill the following criteria:

- They must be Indonesian legal entities.
- They must be engaged in a "pioneer industry."
- The capital investment must be new and not yet issued with an approval or rejection on an application to reduce the corporate income tax of the company.
- They must have a new capital investment plan with a minimum value of IDR100 billion.
- They must satisfy the thin-capitalization ratio required by the Minister of Finance for income tax purposes.
- They must commit to start realizing their capital investment plan within a year after the approval to obtain the Tax Holiday Incentive is issued.

Currently, the following sectors qualify as pioneer industries:
- Integrated upstream base metal industry (steel and non-steel), with or without its derivatives
- Integrated purification and/or refinery of oil and gas industry, with or without its derivatives
- Integrated petrochemical industry that is oil-, natural gas- or coal-based, with or without its derivatives
- Integrated basic organic chemical industry sourced from agriculture, plantation or forestry, with or without its derivatives
- Integrated basic inorganic chemical industry, with or without its derivatives
- Integrated pharmaceutical raw material industry, with or without its derivatives
- Manufacturing industry of irradiation equipment, electromedical or electrotherapy
- Manufacturing industry of electronical or telematic equipment's main components such as semiconductors' wafers, backlights for liquid crystal displays, electrical drivers or displays
- Manufacturing industry of engines and main components for engines
- Manufacturing industry of robotic components that support the engine manufacturing industry
- Manufacturing industry of main components for power plant machineries
- Manufacturing industry of automotive and automotive main components
- Manufacturing industry of main components for ships
- Manufacturing industry of main components for trains
- Manufacturing industry of main components for aircraft and supporting activities for the aerospace industry
- Manufacturing industry with products based from agriculture, plantation or forestry that produce pulp, with or without its derivatives
- Economic infrastructure
- Digital economy that covers activities such as data processing, hosting and other related activities

The tax holiday regulations now stipulate a "scoring guideline" on what can be categorized as a "pioneer industry" despite not being one of the specifically listed categories. Therefore, companies interested in making new investments have better guidance as to whether a proposed investment can be categorized as a pioneer industry. A taxpayer engaged in an industry that is not listed as a pioneer industry as stated above may now apply for the Tax Holiday Incentive if the taxpayer meets the other criteria to obtain the Tax Holiday Incentive and reaches a score of at least 80 on the pioneer industry criteria.

Taxpayers that have received tax incentives for investments in certain types of businesses or regions are not eligible for the Tax Holiday Incentive.

The Tax Holiday Incentive application is processed through the Online Single Submission (OSS) system. The completed application to obtain the Tax Holiday Incentive is submitted by OSS to the Minister of Finance as a recommendation to obtain the Tax Holiday Incentive, and OSS will notify the taxpayer that the

taxpayer's application is in process. The decision to grant the Tax Holiday Incentive to the company is issued by the Chairman of the Investment Coordinating Board on behalf of the Minister of Finance within five business days after it receives the complete proposal. The Tax Holiday Incentive can be given by the Minister of Finance with respect to a proposal that is submitted within four years after 8 October 2020.

Super deduction incentives. Super deduction incentives are discussed below.

A super deduction for labor-intensive industry is available. This income tax incentive is available for a domestic corporate taxpayer that conducts new capital investment or business expansion in a business sector that is a labor-intensive industry sector and is not eligible for a tax allowance or the Tax Holiday Incentive. The income tax facility provided to the qualified taxpayer is an investment allowance of 60% (on top of normal tax depreciation) of the amount invested in tangible fixed assets, including land, which are used in the main business activity. This allowance may be claimed at the rate of 10% each year over a six-year period beginning with the fiscal year of the starting of commercial production.

A super deduction for apprentice, internship and teaching activities is available. For a domestic corporate taxpayer that carries out work practice, internship or teaching to coach and develop human resources with "certain competencies" may be eligible for a reduction of gross revenue of a maximum of 200% of the total expenses incurred for work practice, internship or teaching activities. "Certain competencies" is defined as competency to increase human resources quality through work practice, internship or strategic teaching to achieve human resources effectiveness and efficiency as part of a human resources investment, and to meet the structure of labor requirements that are needed by the business or industry sectors.

A super deduction for research and development (R&D) activities is available. A domestic corporate taxpayer that carries out certain R&D activities in Indonesia may be eligible for a reduction in gross revenue of a maximum of 300% of the total expenses incurred for "certain R&D activities" in Indonesia. Certain R&D activities are defined as R&D activities conducted in Indonesia to produce invention, innovation, mastery of new technology or transfer of technology for industrial development to increase the competitiveness of national industry.

Tax incentives for investment in Nusantara Capital City. Investment in Nusantara Capital City (IKN) can be provided with the following tax incentives:

- Tax holiday: Under this tax incentive, a 100% corporate income tax payable reduction can be given to a resident corporate taxpayer that makes a capital investment in IKN and Partner Area with a minimum value of IDR10 billion between 2023 and 2045. The tax holiday periods range between 10 and 30 fiscal years.
- Income tax reduction for financial sectors in the Financial Center: A tax holiday can be given to financial institutions which invest in or finance the construction, development and

economic activities in IKN and Partner Area. Under this tax incentive, an 85% or 100% corporate income tax payable reduction can be given to financial institutions that invest in or finance the construction, development and economic activities in IKN and Partner Area, if the investment is made between 2023 and 2045. The tax holiday period ranges from 20 to 25 fiscal years.

- Reduction of corporate income tax on the establishment and/ or relocation of head office and/ or regional office: A tax holiday can be given to nonresident and resident businesses that establish and/or relocate their head office and/or regional offices to IKN area. Under this tax incentive, a 100% corporate income tax payable reduction can be given for 10 fiscal years and a 50% corporate income tax payable reduction can be given for the following 10 fiscal years up to 2045.
- Apprenticeship, internship and teaching activities tax concession: A taxpayer can be given a maximum of 250% reduction on the gross revenue for the costs incurred to conduct apprenticeship, internship and/or teaching activities for certain competencies carried out in IKN. This tax incentive can be given up to 2035.
- R&D super deduction: A super deduction via reduction of gross revenue up to a maximum of 350% of expenses disbursed for certain R&D activities can be given to resident corporate taxpayers that are domiciled and/or has business activities in IKN and that conduct certain R&D activities in IKN. Certain R&D activities that are eligible for this tax incentive are R&D activities that are carried out in IKN to produce inventions, develop innovation, new technology mastery, and/or transfer of technology for industrial development to increase national industrial competitiveness. This tax incentive can be given to up to 2035.
- Super deduction for donation and/or funding to construct public, social and other non-profit facilities: A reduction of gross revenue in the form of super deduction up to a maximum of 200% of total donation or expenses disbursed to construct public, social or other non-profit facilities can be given to resident taxpayers that provide donations and/or pay expenses to construct public, social and/or other non-profit facilities in IKN. This tax incentive can be given up to 2035.
- Final Article 21 income tax borne by the government: Article 21 income tax on income received by employees who receive income from certain employers, who are domiciled in IKN, and who obtain a Tax ID Number that is registered in the tax office for which the working area covers the IKN area, can be borne by the government and be final in nature. This tax incentive can be given up to 2035.
- Final income tax at 0% on income received by micro-, small- and medium-scale businesses with low gross turnover: Final income tax at 0% on income from gross revenue up to a maximum of IDR50 billion per fiscal year can be given to a resident taxpayer, not including a permanent establishment, that makes a capital investment of less than IDR 10 billion in IKN and meets certain conditions. This tax incentive can be given up to 2035.
- Income tax reduction on the transfer of land and/or buildings: Under this tax incentive, a 100% income tax payable reduction on the transfer of land and/or buildings can be given to a

taxpayer that transfers land and/or buildings in the IKN. This tax incentive can be given up to 2035.
- Value-added tax (VAT) incentives: VAT is not collected on the import and/or delivery of certain strategic taxable goods and services in IKN and Partner Area and an exception for luxury sales tax for luxury residentials is given to individuals and corporations that reside, work or carry out businesses in IKN. This tax incentive can be given up to 2035.
- Customs incentives: An exemption on import duty and import taxes can be given for the importation of goods and material for construction and development of industries in IKN and Partner Area. This customs incentive can be given up to 2045.

Special tax rates. Special tax rates granted to certain companies are described below.

Oil and gas. Tax rates applicable to oil and gas companies are those applicable when their contracts were signed and approved by the government of Indonesia. In addition, foreign oil and gas companies are subject to a branch profit tax of 20% on their net profits after tax.

Mining. Income tax applicable to general mining companies may depend on generation of the contract of work and concession granted (that is, when the concession is granted). Holders of earlier concessions are taxed at the rates ranging from 30% to 45% (the tax rates are the rates prevailing at the time the concession was granted). Holders of the more recent concessions are taxed in accordance with the prevailing tax laws (current rate is 22%). Although withholding tax on dividends paid overseas is generally imposed at a rate of 20%, some earlier concessions provide a reduced rate of 10%. These rates may be subject to reduction under certain tax treaties.

Construction companies. Construction companies are subject to corporate income tax with tax rates ranging from 1.75% to 6% of the contract value. The income tax applies to complete or partial construction activities. The applicable tax rate depends on the business qualification of the respective company and/or the type of services performed. The tax is final in nature. Consequently, no corporate income tax is due on the income at the end of a fiscal year. Foreign construction companies operating in Indonesia through a branch or a permanent establishment are subject to further branch profit tax of 20% on their net profits after tax (accounting profit adjusted for tax) after deduction of the final tax. The rate is subject to applicable tax treaties. Exemption from branch profit tax may apply in the circumstances described above (see *Branch profit tax*).

Foreign drilling companies. Foreign drilling companies are subject to corporate income tax at an effective rate of 3.75% of their gross drilling income, as well as to branch profit tax of 20% on their net profits after tax. The branch profit tax may be reduced under certain tax treaties. Branch profit tax may be avoided in the circumstances described above (see *Branch profit tax*).

Nonresident international shipping companies and airlines. Nonresident international shipping companies and airlines are subject to tax at a rate of 2.64% of gross turnover (inclusive of branch profit tax). As a result of the reduction of the corporate tax

rate in 2010, the effective tax rate may change. However, this has not yet been confirmed through the issuance of a tax regulation.

Small and medium-sized entities. Individual and corporate taxpayers (except permanent establishments) with annual gross turnover of less than IDR4.8 billion are subject to income tax at a rate of 0.5% of monthly gross turnover for the following maximum periods:
- Seven fiscal years for individual taxpayers
- Four fiscal years for corporate taxpayers in the form of cooperatives, limited partnerships or firms
- Three fiscal years for corporate taxpayers in the form of companies

This income tax is final.

The following taxpayers are excluded from this final tax:
- Taxpayers who choose to be subject to normal income tax rates
- Corporate taxpayers that have already received tax allowance or tax holiday facilities
- Corporate taxpayers in the form of limited partnerships or firms that are established by a few individual taxpayers who have special expertise and provide the same services as independent professional services
- Permanent establishments
- Corporate taxpayers that have gross revenue of IDR4.8 billion or more from commercial operations in a year

For purposes of the above measure, business income does not include income from independent professional services, such as, among others, services provided by lawyers, accountants, medical doctors and notaries, and income received from overseas when tax is payable or has been paid overseas.

Taxpayers qualifying for a different final tax regime, such as construction services companies, are not eligible for this 0.5% final tax.

Under the Tax Regulations Harmonization Law (HPP Law), starting from the 2022 fiscal year, part of a certain annual gross revenue up to IDR500 million of an individual taxpayer that is subject to final income tax as above is not subject to income tax.

Capital gains. A 0.1% final withholding tax is imposed on proceeds of sales of publicly listed shares traded on the Indonesian stock exchange. An additional tax at a rate of 0.5% of the initial public offering share value is levied on sales of founder shares associated with a public offering. Founder shareholders must pay the 0.5% tax within one month after the shares are listed. Founder shareholders that do not pay the 0.5% tax by the due date are subject to income tax at the ordinary income tax rate on the gains derived from the subsequent sales.

Capital gains derived by residents are included in taxable income and are subject to tax at the normal income tax rate. Income earned or received by nonresidents (other than permanent establishments) from the sale of shares of Indonesian non-listed companies is subject to tax at a rate of 20%. The law provides that the 20% tax is imposed on an amount of deemed income. The Minister of Finance established the deemed income equals 25%

of the gross sale proceeds, resulting in an effective tax rate of 5% of the gross sale proceeds. This rule applies to residents of non-treaty countries and to residents of treaty countries if the applicable treaty allows Indonesia to tax the income.

In addition to sales or transfers of shares, Indonesian tax applies a 20% tax rate to an estimated net income of 25% on sales or transfers of certain assets owned by non-Indonesian tax residents that do not have a permanent establishment in Indonesia. The assets are luxury jewelry, diamonds, gold, gemstones, luxury watches, antiques, paintings, cars, motorcycles, yachts and/or light aircraft. This results in an effective tax rate of 5%. The purchaser must withhold the tax. A tax exemption applies to transactions with a value of less than IDR10 million. The provisions of tax treaties override the above regulation.

The sale or transfer by nonresidents of shares in conduit companies or special purpose companies established or resident in tax-haven jurisdictions that have a special relationship with an Indonesian entity or an Indonesian permanent establishment of a foreign entity is deemed to be a sale or transfer of shares of the Indonesian entity or the permanent establishment. The relevant regulation provides that the Indonesian income tax applicable to the transaction above is a 5% tax imposed on the gross sale proceeds earned or received by the nonresidents. A provision in an applicable tax treaty overrides the above rule if the seller of the shares is a tax resident in a country that has entered into a tax treaty with Indonesia.

Sellers or transferors of the right to use land or buildings are subject to tax at a rate of 2.5% of the gross transfer value. The gross transfer value must represent the market value if the seller and buyer have a special relationship. Purchasers or transferees must pay a land and/or building acquisition duty of 5%, which may be reduced to 2.5% for transfers in business mergers approved by the Director General of Taxation.

Administration. The annual corporate income tax return must be filed by the end of the fourth month following the end of the fiscal year. The deadline can be extended for two months. The balance of annual tax due must be settled before filing the annual tax return (the end of the fourth month).

Corporate income tax must be paid in advance through monthly installments, which are due on the 15th day of the month following the relevant month. The tax installment equals 1/12 of tax payable for the preceding year (after exclusion of non-regular income) or tax payable based on the latest tax assessment received. Banks and securities companies calculate their monthly tax installments based on quarterly and semiannual financial reports, respectively.

Dividends. In general, dividends are taxable.

Starting November 2020, Indonesian-source dividends paid to tax-resident companies are exempt from tax. Dividends paid to tax-resident individuals (done through the general shareholder meeting) are exempt from tax if such dividends are invested in Indonesia for a certain time period. If the exemption does not apply, dividends received by Indonesian resident individuals are

subject to a final tax of 10%. To qualify for tax exemption, the dividend paid to resident companies and resident individuals must be declared at the annual general meeting of shareholders or as an interim dividend based on the prevailing regulations. Under the Company Law, dividends can only be paid out of profits.

Dividends remitted to overseas shareholders are subject to a final 20% withholding tax, unless an applicable tax treaty provides a lower rate (tax treaty will apply if certain domestic requirements are met).

Foreign dividends paid by offshore companies and after-tax profit from offshore permanent establishments, which are received by corporate or individual tax residents, are exempt from tax if such income is invested in Indonesia or used to support other businesses in Indonesia for a certain time period and satisfy certain conditions.

Foreign tax relief. A credit is allowed for tax paid or due overseas on income accruing to an Indonesian company, provided it does not exceed the allowable foreign tax credit. The allowable foreign tax credit is computed on a type (basket)-of-income and country-by-country basis.

C. Determination of trading income

General. Income is broadly defined. It includes, but is not limited to, the following:

- Business profits
- Gains from sales or transfers of assets
- Interest, dividends, royalties and rental and other income with respect to the use of property
- Income resulting from reorganizations, regardless of the name or form
- Gains from sales or transfers of all or part of a mining concession, funding participation or capital contribution of a mining company
- Receipt of refund of tax that has been claimed as a tax deduction
- Income earned by *syariah*-based businesses (*syariah* refers to businesses conducted in accordance with Islamic law)
- Interest compensation
- Surplus of Bank Indonesia

Certain income is not taxable or is subject to a final tax regime. Interest earned by resident taxpayers on time deposits, certificates of deposit and savings accounts is subject to a 20% withholding tax, representing a final tax on such income. A final 20% (or lower rate provided in a tax treaty) withholding tax is imposed on interest earned by nonresidents.

Taxpayers are generally able to deduct from gross income all expenses to the extent that they are directly or indirectly incurred in earning taxable income. Nondeductible expenses include the following:

- Income tax and penalties
- Expenses incurred for the private needs of shareholders, associates or members
- Gifts

- Donations (except for donations for national disasters, grants in the framework of R&D activities in Indonesia, grants for the development of social infrastructure, grants in the form of education facilities [for example, books, computers, chairs, tables and other educational resources] and grants for the development of sport)
- Reserves and provisions for certain industries

Business losses incurred overseas are not deductible.

Foreign-exchange gains and losses are treated as taxable income and deductible expenses in accordance with the generally accepted accounting procedures in Indonesia that are consistently adopted.

Under the HPP Law, starting from the 2022 fiscal year, certain benefits in kind will now be tax-deductible for the employer and become taxable income for the employee/recipient. "Benefit in kind" means consideration in kind in the form of goods other than money and/or consideration in the form of enjoyment for the right to use certain facilities and/or services. The HPP Law provides certain exemptions from this treatment.

Inventories. For tax purposes, inventories must be valued at cost using either the first-in, first-out (FIFO) or average-cost method. The last-in, first-out (LIFO) method is not allowed.

Provisions. Provisions are generally not deductible for tax purposes.

Certain taxpayers that may claim bad debt provisions as deductible expenses include banks and certain nonbank financial institutions, such as other corporate entities providing loan facilities, insurance companies, leasing companies that lease assets under finance leases, consumer financing companies, and factoring companies. The following companies may also claim tax deductions for reserves or provisions:

- Social insurance providers: reserves of social funds
- Forestry companies: reserves for reforestation
- Mining companies: reserves for reclamation of mining sites
- Industrial waste treatment companies: reserves for closure and maintenance of waste treatment plants

Taxpayers may claim tax deductions for bad debts if all of the following conditions are satisfied:

- The costs have been claimed as corporate losses in commercial financial reports.
- A list of the names of the debtors and totals of the bad debts is submitted to the Director General of Taxation.
- A legal suit for collection of the debt is filed with the public court or government institutions handling state receivables, or there is a written agreement on receivable write-off/debt forgiveness between the creditor and the debtor, or the bad debt has been published in a general or specialized publication, or there is an acknowledgment of the write-off of the bad debt from the relevant debtor.

The write-off of receivables from a related party is not deductible for tax purposes.

Depreciation and amortization allowances. Depreciation is calculated on the useful life of an asset by applying the straight-line method or declining-balance method. In general, depreciation is

deducted beginning with the month the expenditure is incurred. However, for assets under construction, depreciation begins with the month in which the construction of the assets is completed. Buildings are depreciated using the straight-line method. The following table provides the useful lives and depreciation rates for depreciable assets.

Class of asset	Useful life (years)	Depreciation method	
		Straight-line (%)	Declining-balance (%)
Buildings			
Permanent	20	5	–
Non-permanent	10	10	–
Other assets			
Class 1	4	25	50
Class 2	8	12.5	25
Class 3	16	6.25	12.5
Class 4	20	5	10

Intangible assets with more than one year of benefit, including leases of tangible property, are amortized according to their useful lives using the same percentages applicable to fixed assets. Special depreciation and amortization rules apply to assets used in certain businesses or in certain areas (see Section B).

Under the HPP Law, starting from the 2022 fiscal year, depreciation of a permanent building that has a useful life of more than 20 years will be carried out using the straight-line method using a 20-year life or in accordance with the actual useful life based on the taxpayer's accounting records. Amortization of intangible assets that have a useful life of more than 20 years will be amortized over 20 years or in accordance with the actual useful life based on the taxpayer's accounting records.

Revaluation of assets for tax purposes. Subject to approval of the Directorate General of Taxation, increments resulting from revaluation of tangible fixed assets is subject to a 10% final income tax.

The final tax is applied to any excess in value of the tangible fixed assets' revaluation or revaluation forecast over the tangible fixed assets' tax written-down value. This tax must be settled before the application is submitted. The value of tangible fixed assets being revalued should be the fair market value of the tangible fixed assets as determined by a licensed appraisal company. The Directorate General of Taxation may redetermine the fair market value of the relevant tangible fixed assets.

Revaluation of fixed assets can be conducted on all of the tangible fixed assets owned by the company or certain selected tangible fixed assets if the assets are physically located in Indonesia and are used to earn, collect and secure taxable income. The tangible fixed assets revaluation can only be performed every five years, and any breach of this period results in the imposition of additional tax. A tangible fixed asset that has been revalued is depreciated based on a new revalued cost base and is treated as having the same useful life as a new asset.

Revalued tangible fixed assets in Classes 1 and 2 (see *Depreciation and amortization allowances*) that are transferred before the end

of their useful lives, as well as revalued tangible fixed assets in Classes 3 and 4, and land and buildings that are transferred within 10 years of their revaluation approval, are subject to additional tax.

Relief for losses. Tax losses cannot be carried back. They may generally be carried forward for five years. Tax losses incurred by certain businesses or incurred in certain areas may be carried forward for up to 10 years (see Section B).

Groups of companies. The losses of one company may not be used to reduce the profits of an affiliate.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on delivery of taxable goods, on imports of goods and on services (including services furnished by foreign taxpayers outside Indonesia if the services have a benefit in Indonesia), unless specifically exempt; an offshore seller, offshore service provider or offshore e-commerce organizer can be appointed by the Indonesian tax authorities as an e-commerce VAT collector to collect, pay and report the VAT payable on e-commerce transactions with Indonesian customers because these transactions are considered to be a utilization of intangible taxable goods or taxable services from offshore within Indonesia	
Standard rate	11
(Under the HPP Law, the rate will increase to 12% starting no later than 1 January 2025.)	
Export of goods or certain services	0
Sales tax on luxury goods, imposed in addition to the VAT on the delivery of luxury goods manufactured in or imported into Indonesia; rate depends on the nature of the goods	10 to 200
Transfer duty on land and buildings	5
Carbon tax; introduced by the HPP Law, an individual or corporation that acquired goods containing carbon and/or carry out activities causing carbon emission is subject to carbon tax; carbon tax is payable on the acquisition of goods containing carbon or activities that resulted in the carbon emission in a certain amount and for a certain period; carbon tax is to be payable at the time the goods containing carbon are acquired, at the end of the calendar year when the activities that resulted in a certain amount of carbon emissions occurred or at another time that will be further regulated by a government regulation; the carbon tax rate will be higher than or equivalent to the carbon price rate	

Nature of tax	Rate (%)
at the carbon market per kilogram of carbon dioxide equivalent (CO2e) or its equivalent unit; if the carbon price rate at the carbon market is lower than IDR30 per kilogram CO2e, the law appears to set a carbon tax floor of IDR30 per kilogram of CO2e or its equivalent unit; to date, the carbon tax is not yet in effect, with the planned 1 April 2022 implementation postponed; many key aspects of the carbon tax will not be known until implementing regulations are released	See description of tax

E. Miscellaneous matters

Foreign-exchange controls. No exchange controls affect the repayment of loans and the remittance of dividends, interest and royalties. Underlying documents must be submitted to the remitting bank for the remittance of funds in foreign currency of more than the equivalent of USD100,000. Foreign loans must be reported to Bank Indonesia to enhance the monitoring of the country's foreign exchange reserves.

Debt-to-equity rules. Under the tax law, the Minister of Finance may determine an acceptable debt-to-equity ratio. In September 2015, the Minister prescribed a maximum debt-to-equity ratio of 4:1, effective from the 2016 tax year. This rule applies only to Indonesian resident companies, which are companies that are established or incorporated in Indonesia or domiciled in Indonesia and that have their equity made up of shares. It does not apply to permanent establishments. Certain taxpayers are exempted from the rule. It is expected Indonesia will move away from a pure debt-to-equity ratio approach in the future in favor of other thin-capitalization tests.

Under the Minister of Finance Regulation regarding the debt-to-equity ratio, if a taxpayer breaches the ratio limit, the Directorate General of Taxation is entitled to adjust the taxpayer's borrowing costs based on the debt-to-equity ratio limit. For a taxpayer that has a nil or negative equity, all costs related to the borrowing are treated as nondeductible for corporate tax purposes. Foreign loans must be reported to the Directorate General of Taxation. Non-reporting of foreign loans results in the forfeiting of the deductibility of the interest.

Interest rates on related-party loans must be at arm's length.

Transfer pricing. The law provides that the following methods may be used to determine arm's-length pricing:

- Comparable uncontrolled price method
- Resale-price method
- Cost-plus method
- Other methods, such as the profit-split method, the transactional net margin method, the comparable uncontrolled transaction method, the tangible and intangible asset valuation method and the business valuation method

The Indonesian tax authority requires that related-party transactions or dealings with affiliated companies be carried out on an

arm's-length basis. Taxpayers must maintain transfer-pricing documentation establishing that related-party transactions are conducted at arm's length. The form of transfer-pricing documentation requirements has again been updated for the 2024 tax year. This documentation must be maintained for 10 years from the relevant tax year.

Taxpayers are also required to comply with the "Preliminary Stages" to justify the arm's-length nature of certain related-party transactions such as royalties, services or financing arrangements. The steps a taxpayer undertakes to comply with these "Preliminary Stages" need to be documented in a taxpayer's transfer-pricing documentation for a particular tax year.

Both the Advanced Pricing Agreement (APA) and Mutual Agreement Procedure (MAP) processes are available in Indonesia and are being increasingly used by taxpayers. APA rules have recently been extended to allow multilateral APAs to be filed.

F. Treaty withholding tax rates

Indonesia has introduced tough anti-treaty abuse rules. The Indonesian tax authority may ignore the provisions of a tax treaty if these rules are not satisfied.

The Indonesian tax authority may seek agreement with a tax treaty jurisdiction for exchange of information, mutual agreement procedure and assistance with tax collection.

The following table shows withholding tax rates under Indonesia's double tax treaties.

	Dividends (%)		Interest (b)	Royalties
	A	B	%	%
Algeria	15	15	0/15	15
Armenia	15	10	0/10	10
Australia	15	15	0/10	10/15 (c)
Austria	15	10	0/10	10
Bangladesh	15	10	10	10
Belarus	10	10	10	10
Belgium	15	10	0/10	10
Brunei Darussalam	15	15	15	15
Bulgaria	15	15	0/10	10
Cambodia	10	10	0/10	10
Canada	15	10	0/10	10
China Mainland	10	10	0/10	10
Croatia	10	10	0/10	10
Czech Republic	15	10	0/12.5	12.5
Denmark	20	10	0/10	15
Egypt	15	15	0/15	15
Finland	15	10	0/10	10/15 (c)
France	15	10	0/10/15	10
Germany	15	10	0/10	10/15 (a)(c)
Hong Kong (d)	10	5	0/10	5
Hungary	15	15	0/15	15
India	10	10	0/10	10
Iran	7	7	0/10	12

	Dividends (%)		Interest (b)	Royalties
	A	B	%	%
Italy	15	10	0/10	10/15 (c)
Japan	15	10	0/10	10
Jordan	10	10	0/10	10
Korea (North)	10	10	0/10	10
Korea (South)	15	10	0/10	15
Kuwait	10	10	0/5	20
Laos	15	10	0/10	10
Luxembourg	15	10	0/10	12.5 (a)
Malaysia	10	10	0/10	10
Mexico	10	10	0/10	10
Mongolia	10	10	0/10	10
Morocco	10	10	0/10	10
Netherlands	15	5	0/5/10	10
New Zealand	15	15	0/10	15
Norway	15	15	0/10	10/15 (c)
Pakistan	15	10	0/15	15 (a)
Papua New Guinea	15	15	0/10	15 (a)
Philippines	20	15	0/10/15	15
Poland	15	10	0/10	15
Portugal	10	10	0/10	10
Qatar	10	10	0/10	5
Romania	15	12.5	12.5	12.5/15 (c)
Russian Federation	15	15	0/15	15
Serbia	15	15	0/10	15
Seychelles	10	10	0/10	10
Singapore	15	10	0/10	8/10 (c)
Slovak Republic	10	10	0/10	15
South Africa	15	10	0/10	10
Spain	15	10	0/10	10
Sri Lanka	15	15	0/15	15
Sudan	10	10	0/15	10
Suriname	15	15	0/15	15
Sweden	15	10	0/10	10/15 (c)
Switzerland	15	10	10	10 (a)
Syria	10	10	10	15/20 (c)
Taiwan	10	10	0/10	10
Tajikistan	10	10	0/10	10
Thailand	15	15	0/15	10/15 (c)
Tunisia	12	12	0/12	15
Türkiye	15	10	0/10	10
Ukraine	15	10	0/10	10
United Arab Emirates	10	10	0/7	5 (a)
United Kingdom	15	10	0/10	10/15 (c)
United States	15	10	0/10	10
Uzbekistan	10	10	0/10	10
Venezuela	15	10	0/10	20 (a)
Vietnam	15	15	0/15	15
Zimbabwe	20	10	10	15 (a)
Non-treaty jurisdictions	20	20	20	20

A Rate applicable to portfolio investments.
B Rate applicable to substantial holdings.

(a) Technical services are subject to the following reduced rates of withholding tax:
- Cambodia: 10%
- Germany: 7.5%
- Luxembourg: 10%
- Pakistan: 15%
- Papua New Guinea: 10%
- Switzerland: 5%
- United Arab Emirates: 5%
- Venezuela: 10%
- Zimbabwe: 10%

(b) If two rates are other than 0%, the higher rate applies to interest paid to companies in certain specified industries or to interest on certain bonds. The 0% rate applies if the beneficial owner of the interest is the government.

(c) The rates vary according to the rights or information licensed.

(d) The tax treaty allows each of the signatory jurisdictions to apply the domestic tax anti-avoidance rules.

In addition to the above treaties, Indonesia has entered into agreements for the reciprocal exemption of taxes and duties on air transport with Bangladesh, Croatia, Laos, Morocco, Saudi Arabia and South Africa.

Iraq

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A. At a glance

Corporate Income Tax Rate (%)	15/35 (a)
Capital Gains Tax Rate (%)	15/35 (a)
Branch Tax Rate (%)	15/35 (a)
Withholding Tax (%)	
Dividends	0
Interest	15 (b)
Royalties	15 (b)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (c)

(a) The 15% rate is the general corporate income tax rate. The 35% rate applies to oil and gas production and extraction activities and related industries, including service contracts. The Kurdistan Region of Iraq has not yet adopted the 35% rate.
(b) This withholding tax is imposed on payments to nonresidents.
(c) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. In general, corporate income tax is imposed on profits arising in Iraq from commercial activities (or activities of a commercial nature), vocations and professions, including profits arising from contracts and undertakings. In assessing the taxability of nonresidents in Iraq, the tax authority generally relies on certain factors that distinguish between "doing business in Iraq" and "doing business with Iraq." If any one of the following factors is satisfied, a company is deemed to be "doing business in Iraq" and accordingly taxable in Iraq:

- The place of signing the contract by the party performing work under the contract (vendor or service provider) is in Iraq.
- The place of performance of work is in Iraq.
- The place of delivery of goods or services is in Iraq.
- The place of payment for the work is in Iraq.

The Iraqi Ministry of Finance's Instructions No. (1) of 2014 amended the above four factors. Under the amended instructions, the taxability of the following items is addressed separately:

- Supply contracts
- Supplementary or complementary services performed in relation to a supply contract
- Professional services

Income arising from a supply contract is taxable in Iraq if any one of the following factors applies:

- The vendor or service provider has a branch or an office in Iraq, and the contract is signed by the branch or office representative, any of the branch or office's employees or any other person who is resident in Iraq and authorized to sign the contract.
- The vendor or service provider has a branch or an office in Iraq, and the contract is performed or executed by the branch or office representative, any of the branch or office's employees or any other person who is resident in Iraq and is authorized to perform or execute the contract.
- The contract's legal formalities and requirements are completed in Iraq in the name of the vendor or service provider (for example, customs clearance, payment of customs duties, opening of letter of credit or any related procedures, regardless of whether the vendor or service provider has a branch, office or agent in Iraq).
- Payments under the contract to the vendor or service provider are received fully or partially in Iraq, regardless of the currency used to make the payments.
- The vendor or service provider receives payment in barter.

Tax is imposed on income arising from supplementary or complementary services performed in Iraq with respect to a supply contract (such as erection, supervision, maintenance or engineering services), regardless of whether the services are included in the supply contract or in an independent contract. In addition, the taxability of the service component is determined separately from the taxability of the supply contract.

Tax is imposed on professional services performed in Iraq by a legal or natural person, regardless of whether the services are included in the supply contract or in an independent contract and regardless of the place of payment. The taxability of the service

component is determined separately from the taxability of the supply contract.

Tax rates. The general corporate income tax rate applicable to all companies (except oil and gas production and extraction activities and related industries, including service contracts) is a unified flat rate of 15% of taxable income. Activities relating to oil and gas production and extraction and related industries, including service contracts, are subject to income tax at a rate of 35% of taxable income. The Kurdistan Region of Iraq has not yet adopted the 35% rate.

Withholding tax. Companies doing business in Iraq are required to withhold taxes from payments made to their local subcontractors and service providers and remit the withheld taxes to the Iraqi tax authority on a monthly basis. The withholding rates vary, depending on the nature of activities carried out under each contract. The Kurdistan Region of Iraq does not currently observe this tax withholding, retention and remittance process with respect to local payments made to subcontractors and service providers; however, the Kurdistan Region of Iraq's General Directorate of Taxation requires a nonresident service provider or supplier under a taxable contract to approach the tax authority of the region to settle the taxes due on the contract and obtain a tax clearance. If the nonresident service provider or supplier is unable to present to the resident entity a tax clearance, the resident entity may withhold 10% of the amount under the contract, remit the retentions to the tax authority within 30 days from the date of completion of the work, and release the remaining balance to the nonresident service provider or supplier.

Capital gains. Capital gains derived from the sale of fixed assets are taxable at the normal corporate income tax rate of 15% (35% for oil and gas production and extraction activities and related industries, including service contracts, except in the Kurdistan Region of Iraq where the 35% tax rate has not yet been adopted). Capital gains derived from the sale of shares and bonds not in the course of a trading activity are exempt from tax; otherwise, they are taxed at the normal corporate income tax rates.

Administration

Tax filing due dates and penalties. In Iraq, the tax filing package (whether for Iraqi companies or foreign branches operating in Iraq) consists of audited financial statements prepared under the Iraqi Unified Accounting System, together with an income tax return. The tax filing package must be filed in Arabic within five months after the end of the fiscal year. In the Kurdistan Region of Iraq, the filings must be made within six months after the end of the fiscal year, consisting of the audited financial statements prepared under the Iraqi Unified Accounting System (along with an income tax return only for those taxpayers classified as large taxpayers by the tax authority of the Kurdistan Region of Iraq).

For all taxpayers in Iraq and the Kurdistan Region of Iraq, except companies classified as large taxpayers in the Kurdistan Region of Iraq, a delay fine equal to 10% of the tax due is imposed (up to a maximum of IQD500,000 and IQD75,000 in Iraq and the Kurdistan Region of Iraq, respectively) on a taxpayer that does not submit an income tax filing within the tax filing deadline.

Foreign branches that fail to submit the tax filing package by the due date in Iraq are subject to a penalty of IQD10,000. A similar penalty is not currently being imposed in the Kurdistan Region of Iraq.

For taxpayers not classified as large taxpayers in the Kurdistan Region of Iraq, the tax authority in the region has been sending the files of taxpayers that fail to submit their tax filing in a timely manner to a tax tribunal. The tax tribunal assesses late filing penalties, ranging from 10% to 25% of taxable income.

For taxpayers classified as large taxpayers in the Kurdistan Region of Iraq, failing to submit the tax filing package by the due date results in a penalty equal to 5% of the tax due for each late month, up to a maximum of 100% of the tax due and no less than IQD100,000 for branches and IQD500,000 for Iraqi limited liability companies.

Tax assessment and payment. For all taxpayers in Iraq and the Kurdistan Region of Iraq (except large taxpayers in the Kurdistan Region of Iraq), on the submission of an income tax filing, the tax authority will initially accept the filing and provide the taxpayer with a preliminary estimation memorandum based on the results reported in the financial statements. Subsequently, the tax authority may carry out a more detailed tax audit of the filing and potentially request additional information. If a secondary tax audit is carried out, the tax authority should issue a secondary tax assessment in an estimation memorandum. In general, payment of the tax is due after the tax authority and the taxpayer sign the estimation memorandum (preliminary or secondary) indicating their agreement with the tax assessment.

In Iraq, if the tax due is not paid within three days from the date of assessment notification, late payment interest equal to the current overdraft banking interest applied by Al-Rafidain Bank (currently 11%) applies. Except for taxpayers classified as large taxpayers in the Kurdistan Region of Iraq, if the tax due is not paid within 21 days after the date of assessment notification, a late payment penalty equal to 5% of the amount of tax due is imposed. This amount is doubled if the tax is not paid within 21 days after the lapse of the first period.

For companies classified as large taxpayers in the Kurdistan Region of Iraq, the payment is due together with the tax filing package based on the self-assessed tax liability declared in the tax return. The tax authority should accept the tax filing as self-declared by the taxpayer, and the tax authority may reopen the tax filing and perform a tax audit within a period of five years from the filing date. The penalties associated with late payment are equal to 10% of the tax due. Delay interest of 1% per month is also imposed, with partial months counting as a full month.

Dividends. Dividends paid to residents or nonresidents from previously taxed income are not taxable in Iraq.

Royalties and interest. Royalties and interest paid to nonresidents are subject to a withholding tax rate of 15%.

Foreign tax relief. A foreign tax credit is available to Iraqi companies on income taxes paid abroad. In general, the foreign tax

credit is limited to the amount of an Iraqi company's income tax on the foreign income. Excess foreign tax credits may be carried forward for five years.

C. Determination of trading income

General. In general, all income generated in Iraq is taxable in Iraq (see *Corporate income tax* in Section B), except for income exempt under a valid tax law or resolution, the industrial investment law, or the investment promotion law in the Kurdistan Region of Iraq.

Business expenses incurred to generate income are allowable, with limitations on certain items, such as entertainment and donations. However, provisions and reserves are not deductible for tax purposes.

Tax depreciation. The Iraqi Depreciation Committee sets the maximum depreciation rates for various types of fixed assets. These rates are set out in several tables for various industries. In general, the following are the acceptable depreciation methods:
- Straight line
- Declining balance
- Other methods (with the approval of the tax authority)

If the rates used for accounting purposes are greater than the prescribed tax depreciation rates, the excess is disallowed for tax purposes.

Relief for losses. A tax loss from one source of income may offset profits from other sources of income in the same tax year. Unused tax losses may be carried forward and deducted from the taxable income of the taxpayer during the following five consecutive years, subject to the following conditions:
- Losses may not offset more than half of the taxable income of each of the five years.
- Losses may only offset income from the same source from which the losses arose.

To claim losses, a taxpayer must obtain appropriate documentation, including financial statements that support the loss and sufficient documentation to support the expenses that created such loss.

Groups of companies. Iraqi law does not contain any provisions for filing consolidated returns or for relieving losses within a group of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Stamp duties; imposed on the total contract value	
Iraq	0.3
Kurdistan Region of Iraq	0.1
(The stamp duty rates provided are the most commonly applied rates in Iraq and the Kurdistan Region of Iraq. In practice, the application of the stamp duty may vary.)	

Nature of tax	Rate (%)
Property tax; imposed on the annual rent	
From buildings	10.8
From land	2
Social security contributions; imposed on salaries and benefits of local and expatriate employees	
Employer (general for local employees in Iraq and all employees in the Kurdistan Region of Iraq)	12
Employer (general for expatriate employees in Iraq)	20
Employer (oil and gas sector, except in the Kurdistan Region of Iraq; the general rate applies to employers in the oil and gas sector in the Kurdistan Region of Iraq)	33
Employee	5
Government (applicable to local employees outside the oil and gas sector in Iraq)	8

E. Miscellaneous matters

Foreign-exchange controls. The currency in Iraq is the Iraqi dinar (IQD). Iraq does not impose any foreign-exchange controls. However, according to the Central Bank of Iraq's instructions and regulations, transfers of funds must be in accordance with the Anti-Terrorism Law and the Anti-Money Laundering Law.

Debt-to-equity rules. Iraq does not have any debt-to-equity rules. The only restrictions on debt-to-equity ratios are those stated in the articles and memoranda of association. However, the tax authority may disallow claims of interest expense if it deems the expense to be excessive or unreasonable.

F. Tax treaties

Iraq has entered into a bilateral double tax treaty with Egypt and a multilateral double tax treaty with the states of the Arab Economic Union Council.

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A. At a glance

Corporate Income Tax Rate (%)	12.5 (a)
Qualified Domestic Top-up Tax Rate (%)	15 (b)
Exit Tax Rate (%)	12.5 (c)
Capital Gains Tax Rate (%)	33 (d)
Branch Tax Rate (%)	12.5 (a)
Withholding Tax (%)	
Dividends	25 (e)(f)
Interest	20 (f)(g)(h)
Royalties	20 (f)(g)(i)
Payments from Irish Real Estate Funds	20 (j)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	1
Carryforward	Unlimited

(a) This rate applies to trading income and to certain dividends received from nonresident companies. A 25% rate applies to certain income and to certain activities. For details concerning the tax rates, see Section B.

(b) This tax is topped up to this rate as per Global Anti-Base Erosion (GloBE) rules. It applies to companies within the scope of Base Erosion and Profit Shifting (BEPS) Pillar Two rules only. It is generally effective for fiscal years (as defined in GloBE rules) commencing on or after 31 December 2023.

(c) This tax applies to unrealized capital gains when companies migrate or transfer assets offshore such that they leave the scope of Irish tax.

(d) A 40% rate applies to disposals of certain life insurance policies.

(e) This withholding tax is imposed on dividends distributed subject to exceptions (see Section B).

(f) This tax is applicable to both residents and nonresidents.

(g) Interest paid by a company in the course of a trade or business to a company resident in another European Union (EU) Member State or in a jurisdiction with which Ireland has entered into a double tax treaty is exempt from withholding tax, subject to conditions. See footnote (p) in Section F for details regarding an extension of this exemption. Bank deposit interest is subject to a 33% deposit interest retention tax (DIRT). DIRT exemptions apply to bank interest paid to nonresidents and, subject to certain conditions, bank interest paid to Irish resident companies and pension funds.

(h) Ireland implemented the EU Interest and Royalties Directive, effective from 1 January 2004.

(i) Under Irish domestic law, withholding tax on royalties generally applies only to certain patent royalties and to other payments regarded as "annual payments" under Irish law. However, see *Anti-avoidance – outbound payments* in Section B for application of anti-avoidance rules that can apply withholding tax to more widely defined types of royalty payments. The Irish Revenue has confirmed that withholding tax need not be deducted from royalties paid to nonresidents with respect to foreign patents (subject to conditions).

(j) A 20% withholding tax applies to payments from Irish Real Estate Funds (IREFs) to certain investors. A general exemption is provided for distributions of profits on disposals of property held for five years or longer. For further details, see Section B.

B. Taxes on corporate income and gains

Corporation tax. A company resident in Ireland is subject to corporation tax on its worldwide profits (income plus capital gains). All Irish-incorporated companies are regarded as Irish resident, subject to an override in a double tax treaty.

For companies that are incorporated in other jurisdictions, the general rule for determining residence is based on common law principles, which provides that a company resides where its real business is carried on; that is, where the central management and control of the company is exercised.

A company not resident in Ireland is subject to corporation tax if it carries on a trade in Ireland through a branch or agency. The liability applies to trading profits attributable to the branch or agency, other income from property or rights used by the branch or agency, and chargeable gains on the disposal of Irish assets used or held for the purposes of the branch or agency. Certain nonresident landlords are also within the scope of corporation tax (previously income tax) with effect for profits and gains accruing on or after 1 January 2022.

A company resident in a country with which Ireland has entered into a tax treaty is subject to tax only on profits generated by a permanent establishment as described in the relevant treaty. This normally requires a fixed place of business or dependent agent in Ireland. Companies that are resident in non-treaty countries and that do not trade in Ireland through a branch or agency are subject to income tax on any Irish-source income (other than rental income) and to capital gains tax (CGT) on the disposal of certain specified Irish assets (see *Chargeable capital gains*).

Rates of corporation tax. The standard rate of corporation tax on trading income is 12.5%.

On election, the 12.5% rate also applies to foreign dividends received from the following companies:

- A company resident in an EU Member State, a treaty country or a country that has ratified the Organisation for Economic Co-operation and Development (OECD) Convention on Mutual Assistance in Tax Matters
- A company that is 75%-owned by a publicly quoted company

The election applies only to foreign dividends sourced from trading income unless the dividends are portfolio dividends (less than 5% interest). In this instance, the dividends are deemed to be

from a "trading" source. Foreign dividends from portfolio investments that form part of the trading income of a company are exempt from corporation tax.

The 2023 Finance (No.2) Act transposed the EU Minimum Tax Directive (Council Directive (EU) 2022/2523) into Irish law. It provides for an Income Inclusion Rule (IIR) and a Qualified Domestic Top-up Tax (QDTT) effective for fiscal years commencing on or after 31 December 2023, as well as the Undertaxed Profits Rule (UTPR) effective for fiscal years commencing on or after 31 December 2024. These top-up taxes are computed by reference to GloBE rules and Ireland has implemented all available safe harbor and transitional reliefs. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://www.ey.com/content/dam/ey-unified-site/ey-com/en-gl/services/tax/documents/beps-2-0-pillar-two-developments-tracker.pdf).

A 25% rate applies to the following:
- Certain non-trading income, such as Irish rental and investment income
- Foreign income unless the income is part of an Irish trade
- Income from "working minerals" (broadly defined), petroleum activities and dealing or developing land other than construction operations (for the taxation of construction operations, see *Land transactions*)

Startup companies. A five-year exemption from tax on certain trading profits and capital gains (subject to conditions) applies to companies with a total corporation tax liability (as defined) of less than EUR40,000 per year. This exemption applies to new companies that begin trading on or after 1 January 2018. A cap referring to employer social insurance costs applies. A three-year exemption applied if trading commenced prior to 1 January 2018.

Land transactions. Different tax rates apply to land transactions. Profits or gains derived from dealing in residential or nonresidential development land are subject to the higher rate of corporation tax (25%). Most construction operations are subject to corporation tax at the standard rate of 12.5%.

Shipping companies. Shipping companies that undertake qualifying shipping activities, including carriage of cargo and passengers, marine-related activities, leasing of qualifying ships and related activities, may elect to be subject to a special tonnage tax regime instead of the normal corporation tax regime.

Under the tonnage tax regime, profits are calculated on the basis of a specified profit per day according to the tonnage of the relevant ship. The following are the amounts of the daily profit attributed to each qualifying ship:
- For each 100 tons up to 1,000 tons: EUR1.00
- For each 100 tons between 1,000 and 10,000 tons: EUR0.75
- For each 100 tons between 10,000 and 25,000 tons: EUR0.50
- For each 100 tons above 25,000 tons: EUR0.25

The profits attributed to each qualifying ship for the accounting period will be determined by multiplying the daily profit as determined above by the number of days in the accounting period, or,

if the ship was operated by the company as a qualifying ship for only part of the period, by the number of days in that part of the accounting period.

The standard corporation tax rate for trading income (12.5%) applies to the amount of profits determined under the rules described above.

Oil and gas exploration. Petroleum production tax (PPT) applies to oil and gas exploration authorizations granted on or after 18 June 2014. PPT replaces profit resources rent tax (PRRT). This regime applies a tax-deductible PPT to the net profits of each field, using a sliding scale of rates from 10% to 40%, based on the profitability of the field. This is in addition to the existing 25% corporation tax rate. A minimum PPT equal to 5% of field gross revenue less transportation expenditure applies.

PRRT continues to apply to authorizations granted in the period 1 January 2007 through 17 June 2014. The PRRT is imposed in addition to the 25% corporation tax rate, and it operates on a graduated basis that is linked to the profitability of the oil or gas field. The tax rate varies according to the profit ratio (rate of cumulative profits less 25% corporation tax divided by accumulated capital investment). The following are the tax rates.

Profit ratio	Tax rate (%)
Less than 1.5	0
Between 1.5 and 3	5
Between 3 and 4.5	10
Exceeding 4.5	15

Close companies. Investment and rental income of a "close company" is subject to an additional 20% surcharge if it is not distributed within 18 months after the end of the relevant accounting period. A closely held professional services company is also subject to a 15% surcharge on 50% of its undistributed trading income. Broadly, a "close company" is a company that is under the control of five or fewer persons or under the control of its directors.

Life insurance companies. For life insurance business written before 1 January 2001, policyholders are subject to income tax at the standard rate (20%) on the investment income and gains less management expenses attributable to the policyholders. Life insurance companies deduct the income tax within the life insurance fund. Resident individuals do not pay any further tax. Companies are subject to Irish CGT arising on the disposal of a life insurance policy and receive a credit for income tax at the standard rate deemed to have been deducted by the life insurance company. For life insurance business written after 1 January 2001 and all other business of life companies, a tax-free buildup of investment return over the term of the policy (gross roll-up) is allowed. However, for Irish residents, an exit tax is imposed on gains resulting from certain "chargeable events" (as defined) with respect to life policies. Pension business and general annuity business are exempt from the exit tax. The exit tax is withheld at a rate of 41% for individuals and 25% for companies on the investment return arising on the policy. This return is the difference between proceeds on redemption, maturity or assignment, and the premiums or subscription amounts paid. A 60% exit tax

applies to personal portfolio life insurance policies (PPLPs). This rate applies to domestic and foreign PPLPs that were not cashed in before 26 September 2001.

Deemed disposal rules apply to gross roll up life polices held by Irish residents. A deemed chargeable event occurs at the end of every eight-year period (relevant period) beginning with the inception of the life policy. Exit tax is imposed on the gain arising on this deemed chargeable event. These rules do not apply to policies held by nonresidents subject to the relevant declarations of nonresidence being provided.

Shareholder profits of domestic life insurance companies are taxed at the standard rate of corporation tax (now 12.5%) regardless of whether they relate to business written before or after 1 January 2001.

Companies investing in Irish policies are generally subject to an exit tax, as described above. However, corporate holders of certain foreign policies are subject to self-assessment tax at a rate of 25% on profits from the investment in the policies. These foreign policies are policies issued by an insurance company or a branch of such a company carrying on business in a Member State of the EU (other than Ireland), in a state in the European Economic Area (EEA) or in a country in the OECD with which Ireland has entered into a tax treaty. Payments with respect to such policies accruing to Irish residents that are not companies are subject to income tax at a rate of 41%. The 41% rate depends on the filing of a self-assessment return with the Irish authorities. The deemed disposal measures (see above) also apply to foreign life policies. If a company investing in a life insurance policy is a close company, additional surcharges may apply.

Investment undertakings (gross roll-up funds and net funds). Under current Irish law and practice, an investment undertaking is not chargeable to Irish tax on its income and gains, other than gains arising on the happening of a "chargeable event." A chargeable event includes any distribution, redemption, cancellation or deemed disposal of shares or the appropriation or cancellation of shares by the shareholder. For investment undertakings (gross roll-up funds), distributions and other payments made are generally subject to an exit tax at a rate of 41%. This exit tax applies to the chargeable event and is imposed on the difference between the amount payable to the shareholder and the amount invested by the shareholder. A pro rata calculation applies for partial disposal, redemption, cancellation, repurchase or assignment of shares unless the company has elected to apply a first-in, first-out basis of identification for such disposals. Investments in IFSC funds are now covered by the investment undertakings rules described above. Nonresidents are generally exempt from the exit tax in investment undertakings described above if they provide the relevant declarations (however, see *Irish Real Estate Funds*). Certain Irish residents are also exempt from the exit tax if the relevant declarations are provided. A reduced rate of 25% may apply to distributions to Irish companies.

A 60% exit tax applies to personal portfolio investment undertakings (PPIUs). A 60% rate also applies to foreign PPIUs that are equivalent to Irish investment undertakings, provided timely returns are provided to the Irish tax authorities. Failure to account

for the income correctly and timely, on an individual's tax filing increases the rate to 80%.

Unit holders are deemed to dispose of units acquired by them every eight years from the date of acquisition. To the extent that a gain arises on this deemed disposal, exit tax must normally be deducted and paid by the investment undertaking to the Irish tax authorities. On the disposal of the relevant unit, a credit is available for the tax paid on the deemed disposal. Similarly, a refund is payable to the unit holder if the actual exit tax liability is less than the exit tax paid on the deemed disposals. This refund is generally paid by the investment undertaking which can set off the refund against future exit tax. The deemed disposal rules apply to units acquired on or after 1 January 2001.

Offshore funds that are domiciled in another EU Member State, EEA state or a Member State of the OECD with which Ireland has entered into a double tax agreement and that are deemed equivalent to Irish investment undertakings are subject to tax on a self-assessment basis similar to the rules applicable to foreign life policies (see *Life insurance companies*). Deemed disposal rules also apply to Irish residents after every eight years. Irish resident corporate investors are taxable on income or gains from such offshore funds at a rate of 25%.

Other offshore funds are taxed in accordance with general principles of taxation. Individuals are subject to marginal rate income tax (plus pay-related social insurance [PRSI] and the Universal Social Charge [USC]) on income distributions, and CGT at 33% on the disposal of an interest in an offshore fund, depending on certain circumstances. Corporate investors are subject to corporation tax at 0%, 12.5% or 25% on income, and 33% on gains.

Investments in undertakings for collective investment (net funds) that are companies are subject to corporation tax at a rate of 30%.

Ireland has incorporated the revised EU Council Directive on Administrative Cooperation (DAC2) into Irish law. Ireland has already implemented the OECD Common Reporting Standard (CRS).

Irish Real Estate Funds. A 20% withholding tax applies to payments from Irish Real Estate Funds (IREFs) to certain investors that are entitled to an exemption from the normal exit charge described above, typically nonresident investors. It applies to many forms of returns to investors of profits from certain real estate business activities, including dealing in or developing Irish land or an Irish property rental business. The withholding tax applies from 1 January 2017, regardless of when the profits arose. Although a general exemption is provided for distributions of profits on disposals of property held for five years, this may not apply to many investor structures.

An IREF is an investment undertaking (or a subfund of such undertaking) in which at least 25% of the value of the assets at the end of the previous accounting period is derived from the following:

- Land or minerals in Ireland
- Certain offshore exploration rights
- Shares in a real estate investment trust

- Unquoted shares deriving their value directly or indirectly from the above
- Certain mortgages
- Another IREF

In addition, from 1 January 2017, acquirers of units in IREFs must apply a 20% withholding tax (regardless of the seller's status), unless the consideration does not exceed EUR500,000. A statutory advance clearance regime applies for certain indirect and direct investors with respect to this withholding tax.

Anti-avoidance measures in relation to IREFs include the imposition of a 20% tax charge on deemed interest income.

Knowledge Development Box. The Knowledge Development Box (KDB) regime complies with the OECD's modified nexus approach. For accounting periods commencing on or after 1 October 2023, the KDB provides that an effective tax rate of 10% (previously 6.25%) applies to profits generated from qualifying assets (qualifying profits). The relief is granted through a tax deduction and applies for accounting periods beginning on or after 1 January 2016 and ending before 1 January 2027. For KDB purposes, qualifying assets are innovations protected by qualifying patents (including patents pending) and certain copyrighted software. Expenditure on marketing-related intellectual property, such as trademarks and brands, does not qualify. A claim for KDB must be made within 24 months after the end of the accounting period.

Chargeable capital gains. Chargeable gains are subject to corporation tax at an effective rate of 33% (except for development land gains which are subject to CGT at that rate). In computing a gain, relief is given for the effects of inflation by applying an index factor. However, indexation relief applies only for the period of ownership of an asset up to 31 December 2002.

In calculating the liability for CGT on the disposal of development land or unquoted shares deriving their value from such land, certain restrictions apply. The adjustment for inflation is applied only to that portion of the purchase price reflecting the current use value of the land at the date of purchase. The balance of the purchase price, without an adjustment for inflation, is still allowed as a deduction. Gains on development land may be reduced only by losses on development land. However, losses on development land may be set off against gains on disposals of other assets.

A nonresident company is subject to CGT or corporation tax on its chargeable capital gains from the following assets located in Ireland:

- Land and buildings
- Minerals and mineral rights
- Exploration or exploitation rights in the continental shelf
- Unquoted shares deriving the majority of their value from such assets
- Assets used in a business carried on in Ireland through a branch or agency

If there is a transfer of certain assets for consideration exceeding EUR500,000 (or EUR1 million in the case of residential property), the purchaser is required to withhold 15% of the gross sales

proceeds and pay it over to the Revenue Commissioners unless the purchaser obtains a clearance certificate from the Revenue Commissioners. Clearance must be obtained in advance of the consideration being paid.

Exit charge. An exit charge, which is compliant with EU Anti-Avoidance Directive (Directive 2016/1164, or ATAD), is effective from 10 October 2018.

A company is deemed to have disposed of assets (and immediately reacquired them at market value) if any of the following events occur:

- A company resident in an EU Member State (other than Ireland) transfers assets from an Irish permanent establishment to its head office or permanent establishment in another Member State or third country.
- A company resident in an EU Member State (other than Ireland) transfers a business carried on by an Irish permanent establishment to another EU Member State or third country.
- A company ceases to be tax resident in Ireland and becomes resident in another EU Member State or third country.

The tax charge does not apply if assets remain in Ireland and continue to be used for the purposes of an Irish trade through a permanent establishment.

The charge does not apply to certain financial transactions if the asset will revert to the permanent establishment or company within 12 months of the transfer, or to certain assets, such as Irish land or buildings that remain within the charge to Irish CGT.

The 12.5% rate of tax applies to the deemed gains accruing. An option is available to elect to defer the payment of the exit tax if the assets are transferred to an EU/EEA country. If this election is made, the tax is payable in six equal installments, with statutory interest applying. The first installment is due nine months after the event triggering the exit charge if the company is subject to corporation tax, or on 31 October in the tax year following the year in which the tax event occurs. The remaining installments are due on each of the next five anniversaries of the initial due date. Statutory interest on exit tax that is unpaid on or after 14 October 2020 is calculated on the full amount of exit tax that remains unpaid.

Anti-avoidance provisions deny the application of the 12.5% rate if the event forms part of a transaction to dispose of the asset and if the purpose of the transaction is to ensure that the gain accruing on the disposal of the asset is charged at the 12.5% rate. In this circumstance, a standard 33% rate of CGT applies.

Substantial shareholding relief. An exemption from corporation tax applies to the disposal by an Irish company of a shareholding in another company (the investee company) if the following conditions are satisfied:

- At the time of disposal, the investee company is resident for tax purposes in Ireland, in another EU Member State or in a country with which Ireland has entered into a tax treaty.
- The Irish company has held (directly or indirectly), for a period of at least 12 months, a minimum holding of 5% of the shares in the investee company.

- The investee company is wholly or principally a trading company or, taken together, the holding company, its 5% group and the investee company are wholly or principally a trading group.

If the above conditions are satisfied, the relief applies automatically (no claim or election mechanism exists).

Substantial shareholding relief. An exemption from corporation tax applies for gains arising on the disposal by an Irish company of a shareholding in another company (the investee company) if the following conditions are satisfied:

- At the time of disposal, the investee company is tax resident in Ireland, in another EU Member State or in a jurisdiction with which Ireland has entered into a tax treaty.
- The Irish company has held (directly or indirectly), for a period of at least 12 months, a minimum holding of 5% of the shares in the investee company.
- The investee company is wholly or mainly a trading company or, taken together, the holding company, its 5% group and the investee company are wholly or mainly a trading group.

If the above conditions are satisfied, the relief applies automatically (no claim or election mechanism exists). However, the disposal and quantum of gain relieved must be disclosed in the company's annual tax return.

Administration. A company's annual corporation tax liability is determined by self-assessment. As a result, a company must estimate its own liability and pay the liability due. The corporation tax liability is determined by self-assessment. As a result, a company must estimate its own liability. Preliminary tax is payable in two installments if the company is not a "small company" (see below). The initial installment is due on the 21st day of the 6th month of the accounting period (assuming the accounting period ends after the 21st day of a month). This installment must equal the lower of 50% of the tax liability for the preceding year or 45% of the tax liability for the current year. The final installment of preliminary tax is due 31 days before the end of the accounting period and must bring the aggregate preliminary tax payments up to 90% of the tax liability for the year. If this date falls on or after the 21st day of a month, the 21st of that month becomes the due date.

"Small companies" alternatively may pay preliminary tax equal to 100% of their tax liability for the preceding year. A company qualifies as a "small company" if its corporation tax liability for the preceding year did not exceed EUR200,000.

A company that pays more than 45% of its corporation tax liability for a period as an initial installment of preliminary tax or more than 90% of its corporation tax liability for a period by the due date for its final installment of preliminary tax can elect jointly with another group company that has not met the 45% or 90% tests to treat the excess as having been paid by that latter company for interest calculation purposes only. Certain conditions apply.

Any balance of corporation tax due is payable by the due date for the filing of the corporation tax return (Form CT1). This is normally nine months after a company's accounting year-end.

When the nine-month period ends on or after the 21st day of a month, the 21st of that month becomes the due date for filing the Form CT1 and the payment of any balance of corporation tax.

A startup company with a corporation tax liability of less than EUR200,000 is relieved from having to make any corporation tax payment until its tax return filing date.

Corporation tax returns and payments must normally be filed electronically via Revenue Online Service. Electronic filers may avail of a two-day extension of return filing and payment deadlines. Accounts are required to be filed in iXBRL format, subject to limited iXBRL exemption criteria. A concessional three-month filing deadline may apply for iXBRL financial statements (not Form CT1).

If a company does not comply with the above filing obligation (including the requirement to submit accounts in iXBRL format), it is subject to one of the following surcharges:
- 5% of the tax, up to a maximum penalty of EUR12,695, if the filing is not more than two months late
- 10% of the tax, up to a maximum penalty of EUR63,485, in all other cases

In addition, the company suffers the reduction of certain tax reliefs, which consist of the set off of certain losses against current year profits and the surrender of losses among a group of companies. The following are the applicable reductions:
- A 25% reduction, up to a maximum of EUR31,740, if the filing is not more than two months late
- A 50% reduction, up to a maximum of EUR158,715, in all other cases

The above surcharges and restrictions also apply if a company fails to comply with its local property tax (see Section D) obligations with respect to residential properties that it owns.

A limited number of cases are selected for later in-depth Revenue examination, and the assessment can be increased if the return is inaccurate.

A company must file a CGT return reporting disposals of development land and related unquoted shares and pay CGT on such disposals. CGT may be due twice a year, depending on the date of realization of the chargeable gains. CGT on such chargeable gains arising in the period of 1 January to 30 November must be paid by 15 December of that same year. CGT on such gains arising in December of each year is due on or before 31 January of the following year.

Dividends

Dividend withholding tax. Dividend withholding tax (DWT) is imposed on distributions made by Irish resident companies at a rate of 25%.

The law provides for a broad range of exemptions from DWT. Dividends paid to the following recipients are not subject to DWT:
- Companies resident in Ireland
- Approved pension schemes
- Qualifying employee share ownership trusts

- Collective-investment undertakings
- Charities
- Certain sports bodies promoting athletic or amateur games
- Trustees of Approved Minimum Retirement Funds (funds held by qualifying fund managers on behalf of the individuals entitled to the assets)

Additional exemptions are provided for nonresidents. Distributions are exempt from DWT if they are made to the following:

- Nonresident companies, which are under the direct or indirect control of persons (companies or individuals) who are resident in an EU Member State, an EEA State or in a jurisdiction with which Ireland has entered into a tax treaty (treaty jurisdiction), provided that these persons are not under the control of persons not resident in such jurisdictions
- Nonresident companies, or 75% parent companies of nonresident companies, the principal class of shares of which is substantially and regularly traded on a recognized stock exchange in an EU Member State, an EEA State, or a treaty jurisdiction
- Companies not controlled by Irish residents that are resident in an EU Member State or a treaty jurisdiction
- Non-corporate persons who are resident in an EU Member State, an EEA State or a treaty jurisdiction and are neither resident nor ordinarily resident in Ireland
- Certain qualifying intermediaries and authorized withholding agents

The above "treaty jurisdiction" references are extended to any country with which Ireland has signed a double tax treaty (see footnote [p] in Section F).

Detailed certification procedures apply to some of the exemptions from DWT described above.

DWT does not apply to dividends covered by the EU Parent-Subsidiary Directive. Anti-avoidance provisions prevent the use of EU holding companies to avoid DWT. If a majority of an EU parent company's voting rights are controlled directly or indirectly by persons not resident in an EU or tax treaty jurisdiction DWT applies unless it can be established that the parent company exists for bona fide commercial reasons and does not form part of a tax avoidance scheme. DWT may also be recovered under a double tax treaty. The benefit of the directive is denied if "arrangements" exist that "are not put in place for valid commercial reasons which reflect economic reality."

Distributions paid out of certain types of exempt income, such as exempt woodland income, are not subject to DWT.

Companies must file a DWT return within 14 days after the end of the calendar month in which the distribution is paid. The return is required regardless of whether DWT applies to the distributions. Any DWT due must be paid over to the Collector General when the return is filed.

Other. A company resident in Ireland can exclude from its taxable income distributions received from Irish resident companies (franked investment income).

Irish resident shareholders, other than companies, are subject to income tax on distributions received. DWT may be claimed as a

credit against the recipient's income tax liability. Recipients not subject to income tax may obtain a refund of DWT.

Anti-avoidance – outbound payments. The 2023 Finance (No.2) Act provides for the application of withholding taxes on certain interest, royalties and distributions (through the mechanism of denial of exemptions outlined above) made by a company to an associated entity that is not resident in the EU Member State or EEA tax treaty jurisdiction, if the recipient's jurisdiction is listed on the EU list of non-cooperative jurisdictions or is a zero tax (including no-tax) jurisdiction. Certain exceptions apply. These rules generally apply to the payment of interest or royalties (wider meaning than patent royalties) or the making of distributions on or after 1 April 2024. However, for arrangements in place on or before 19 October 2023, the provisions will only apply to payments or distributions made on or after 1 January 2025.

Foreign tax relief. Under tax treaty provisions, direct foreign tax on income and gains of an Irish resident company may be credited against the Irish tax levied on the same profits. However, foreign tax relief cannot exceed the Irish corporation tax attributable to the same profits.

For purposes of calculating the credit under tax treaties, income derived from each source is generally treated as a separate stream. Consequently, foreign tax may generally be credited only against the Irish corporation tax on the income that suffered the foreign tax. However, a unilateral credit for otherwise unrelieved foreign tax on interest income may be offset against the corporation tax payable on the "relevant interest." "Relevant interest" is defined as interest income from group companies, which are greater than 25% related and are resident in treaty countries. The unilateral credit relief effectively introduces a pooling mechanism for the calculation of the relief available.

If no treaty exists, a deduction for foreign tax paid may be allowed against such income and gains. A unilateral credit relief is available for foreign tax deducted from royalties received by trading companies. A limited corporate tax deduction is available for foreign tax suffered that would not otherwise qualify for double tax relief or unilateral credit relief.

An Irish tax credit is available for taxes equivalent to corporation tax and CGT paid by a branch if Ireland has not entered into a tax treaty with the country where the branch is located or if Ireland's tax treaty with such country does not provide for relief (that is, unilateral relief for branch profits tax).

An Irish company that has branches in more than one country can pool its excess foreign tax credits between the different branches. This is beneficial if one branch suffers the foreign equivalent of corporation tax at a tax rate higher than 12.5% and another branch pays tax at a rate lower than 12.5%. Unused credits can be carried forward to offset corporation tax in future accounting periods.

Unilateral credit relief for foreign tax paid by a company on interest income that is included in the trading income of a company for Irish corporation tax purposes may also be available. The relief is available only if the company cannot claim relief under a

double tax treaty for the foreign tax and if the tax has not been repaid to the company. The unilateral relief is equal to the lesser of the Irish corporation tax attributable to the relevant interest or the foreign tax attributable to the relevant interest.

Unilateral credit relief may be available for Irish resident companies, or Irish branches of companies resident in EEA countries (excluding Liechtenstein), that receive dividends from foreign subsidiaries. Companies are permitted to "mix" the credits for foreign tax on different dividends from 5% subsidiaries for purposes of calculating the overall tax credit in Ireland. Any unused excess can be carried forward indefinitely and offset in subsequent periods. The subsidiaries can be located in any country. However, credits arising on dividends taxed at 12.5% are ring-fenced to prevent these tax credits from reducing the tax on the dividends taxed at the 25% rate.

An additional foreign tax credit (AFC) is available with respect to certain dividends received from companies resident in EEA countries (excluding Liechtenstein) if the existing credit for actual foreign tax suffered on the relevant dividend is less than the amount that would be computed by reference to the nominal rate of tax in the country from which the dividend is paid. The total foreign tax credit, including the AFC, cannot exceed the Irish corporation tax attributable to the income. Certain dividends are excluded.

Ireland has implemented the EU Parent-Subsidiary Directive (as amended). These provisions, which overlap to a significant extent with the unilateral credit relief measures described above, extend to Switzerland.

A company that incurs a tax liability on a capital gain in certain treaty jurisdictions may claim a credit for foreign tax against Irish CGT on the same gain. This unilateral credit is targeted at those countries with which Ireland has entered into double tax agreements before the introduction of CGT.

C. Determination of trading income

General. For corporation tax purposes, the calculation of trading income is based on the company's accounts prepared in accordance with generally accepted accounting practice (GAAP), subject to adjustments required or authorized by law. For tax purposes, accounts can be prepared under Irish GAAP (applies to accounting periods commencing before 1 January 2015), International Financial Reporting Standards (IFRS) or Financial Reporting Standards (FRS) 101 or 102 (FRS applies for any accounting periods commencing on or after 1 January 2015). Detailed rules address any transition from Irish GAAP to IFRS and FRS 101 or 102 and, from 1 January 2018, changes in accounting policies more generally.

If derived from Irish sources, income derived from commercial woodlands is exempt from tax.

Expenses must be incurred wholly and exclusively for the purposes of the trade and be of a revenue (as distinct from capital) nature. However, entertainment expenses are totally disallowed, unless they are incurred for employees only.

Revenue expenditure incurred in the three years before the beginning of trading is generally deductible.

Depreciation of assets is not deductible on the basis it represents capital expenditures. Instead, the tax code provides for a system of capital allowances (see *Tax depreciation [capital allowances]*).

Share-based payments. Consideration consisting directly or indirectly of shares in the company or a connected company that is given for goods or services or that is given to an employee or director of a company is generally not deductible except for the following:

- Expenditure incurred by the company on acquiring the shares (or rights to receive the shares)
- Payments made to a connected company for the issuance or the transfer of shares (or rights to receive the shares)

In effect, a tax deduction is denied for IFRS 2 or Financial Reporting Standard (FRS) 20 accounting costs unless these costs reflect actual payments and expenditure incurred. In addition, the timing of the tax deduction for such payments is dependent on the employees' income tax positions.

Interest payments. Interest on loans used for trading purposes is normally deductible on an accrual basis in accordance with its accounting treatment unless specifically prohibited.

Certain types of interest paid in an accounting period may be classified as a distribution and, consequently, are not treated as an allowable deduction. However, interest may not need to be reclassified if it is paid by an Irish resident company to an EU resident company or to a resident of a treaty country (on election). Such interest is allowed as a trading deduction and is not treated as a distribution, subject to certain conditions and exceptions. To facilitate cash pooling and group treasury operations, in the context of a lending trade, a tax deduction may be allowed for interest payments to a connected company in a non-treaty jurisdiction, to the extent that the recipient jurisdiction levies tax on such interest.

A tax deduction for interest accrued on a liability between connected persons (including companies and individuals) may be deferred until such time as the interest is actually paid if all of the following circumstances exist:

- The interest is payable directly or indirectly to a connected person.
- Apart from the new measure, the interest would be allowable in computing the trading income of a trade carried on by the payer.
- The interest is not trading income in the hands of the recipient, as determined under Irish principles.

Detailed rules provide for the apportionment of interest between allowable and non-allowable elements.

The above restriction does not apply to interest payable by an Irish company to a connected nonresident corporate lender if the lender is not under the control, directly or indirectly, of Irish residents.

Banks may deduct interest payments made to nonresident group companies in calculating trading income (that is, the payments are not reclassified as distributions).

Charges on income, such as certain interest expenses and patent royalties, are not deductible in the computation of taxable trading income, but may be deducted when paid as a charge. A tax deduction may be claimed for interest as a charge (as a deduction from total profits, which consists of income and capital gains) if the funds borrowed are used for the following non-trading purposes:

- Acquisition of shares in a rental or trading company, or a company whose business principally consists of holding shares in trading or rental companies
- Lending to the companies mentioned in the first bullet, provided the funds are used wholly and exclusively for the purpose of the trade or business of the borrower or of a connected company

Deductions of interest as a charge have always been subject to certain conditions and anti-avoidance measures. These conditions and measures have added complexities to the implementation and maintenance of structures designed to qualify for this interest relief. In particular, interest relief is restricted if the borrower receives or is deemed to have received, a "recovery of capital" (as defined).

Interest on loans made on or after 2 February 2006 is not allowed as a tax deduction if the loan to the Irish company is from a connected party and if the loan is used, directly or indirectly, to acquire shares from a connected company. Further measures restrict the deductibility of interest as a trading expense and interest as a charge to the extent that an acquisition of assets from a connected company is funded by monies borrowed from another connected company.

Certain additional anti-avoidance rules may apply in connected party situations.

The 2023 Finance (No.2) Act provides for an interest deduction for a qualifying financing company if certain criteria are met. A qualifying financing company is a company that obtains third-party finance and advances this finance to a subsidiary for a qualifying business purpose. This section is subject to anti-avoidance provisions.

Ireland has implemented the interest limitation rules of ATAD, with effect for accounting periods commencing on or after 1 January 2022. A detailed review of these rules is outside the scope of this text, but in general these rules limit interest deductions (after all other provisions have been applied except the general anti-avoidance rule) to 30% of earnings before interest, taxes, depreciation and amortization (EBITDA) in any particular period, subject to several exceptions and reliefs, including EUR3 million de minimus as well as providing for a carryforward mechanism for unrelieved interest. These rules may be applied on an "interest group" (as defined) basis.

Foreign-exchange gains and losses. Realized and unrealized foreign-exchange gains and losses relating to monies held or payable by a company for the purpose of its business, trade receivables with respect to goods or services, or certain trade bank accounts, or to hedging contracts with respect to such items, are included in the taxable income of a company to the extent the gains and losses have been properly recorded in the company's profit and loss account. If a company acquires a shareholding in a 25% subsidiary in a foreign currency and that acquisition is funded by a liability (borrowings, share capital or a capital contribution) in the same foreign currency, the company can elect to match the foreign currency gain or loss on the asset (the shares in the 25% subsidiary) with the foreign currency gain or loss on the liability. As a result, the company is taxable only on the real economic gain or loss on the asset and not on currency movements against which it is economically hedged. A company must make the matching election within three weeks of the making of the investment.

An additional foreign-exchange matching measure permits trading companies to elect to match exchange-rate movements on trading assets denominated in foreign currency against movements on redeemable share capital denominated in foreign currency. The election for this treatment must be made within three weeks of acquiring the relevant trading asset.

Inventories. Stock is normally valued at the lower of cost or net realizable value. Cost must be determined on a first-in, first-out (FIFO) basis or some approximation of FIFO; the last-in, first-out (LIFO) basis is not acceptable.

Provisions. General provisions and reserves are not allowable deductions. Some specific provisions and reserves, including reserves for specific bad debts, may be allowed. In general, provisions recognized in accordance with IFRS or Irish GAAP are acceptable for tax purposes subject to normal tax rules.

Tax depreciation (capital allowances)

Plant and machinery. Capital expenditure on plant and machinery and motor vehicles in use at the end of an accounting period is written off at an annual straight-line rate of 12.5%. The plant and machinery must be owned by the person (as distinct from being finance leased).

The maximum qualifying expenditure for capital allowances on motor vehicles is EUR24,000. Capital allowances and leasing expense deductions for new motor cars are subject to special provisions.

An immediate 100% write-off is allowed for capital expenditure on oil and gas exploration, development and abandonment, incurred under a license issued by the Minister for Energy. An immediate 100% write-off is also allowed for certain energy-efficient equipment.

Expenditure incurred on equipment and buildings used for the purposes of providing childcare services or a fitness center to employees qualifies for accelerated capital allowances.

On the disposal of plant and machinery, a balancing charge or allowance applies, depending on the amount received on disposal

compared with the written-down value of the asset. Balancing charges are not imposed with respect to plant and machinery if the proceeds from the disposal are less than EUR2,000.

Computer software. If a company carrying on a trade incurs capital expenditure on the acquisition of software or a right to use software in that trade, the right and related software is regarded as plant or machinery and qualifies for capital allowances over eight years. Some computer software may qualify for tax depreciation under the intangible assets regime (see *Intangible assets*).

Immovable property. The basic annual rate is 4% for industrial buildings. Capital expenditure incurred on hotels on or after 4 December 2002 is written off over 25 years (previously seven years). Transitional measures applied to certain approved projects if the expenditure was incurred on or before 31 December 2006, and reduced rates applied in certain circumstances if the expenditure was incurred in the period 1 January 2007 through 31 July 2008.

Telecommunication infrastructure. Capital allowances are available for capital expenditure incurred on the purchase of rights to use advanced telecommunication infrastructure. These intangible rights typically extend from 10 to 25 years. They are usually purchased with an up-front lump-sum payment. The expenditure incurred by a company on such rights may be written off over the life of the agreement relating to the use of the rights, with a minimum period of seven years.

Other. Capital allowances are also available on expenditure incurred for scientific research, dredging, mining development, ships, agricultural buildings, airport buildings, runways, and petroleum exploration, development and production.

Intangible assets. Capital allowances are available on a broad range of intangible assets acquired on or after 8 May 2009. Capital allowances are available for capital expenditure incurred on many types of intangible assets including, but not limited to, brands, trademarks, patents, copyrights, designs, know-how, certain computer software, customer lists, pharmaceutical authorizations and related rights and licenses, together with attributable goodwill.

Relief is generally granted in line with book depreciation and is claimed on the annual tax return.

However, a company can elect for a 15-year write-off period, which is useful if intangible assets are not depreciated for book purposes. This election is made on an asset-by-asset basis.

For capital expenditure incurred by a company on or after 11 October 2017, the aggregate relief (inclusive of any related finance interest) is capped annually at 80% of the trading income of the relevant trade (previously 100%) in which the intangible assets are used. Excess allowances can be carried forward indefinitely against income of the same trade.

For intangible assets acquired before 14 October 2020, allowances granted are clawed back if the asset is sold within a five-year period and the proceeds exceed the tax written down value. For intangible assets acquired on or after 14 October 2020, allowances

may be clawed back through a balancing charge if the asset is sold at any time and the proceeds exceed the tax written down value.

Any claims for capital allowances on intangible assets must be made within 12 months from the end of the accounting period in which the capital expenditure giving rise to the claim is incurred.

Research and development expenditures. A tax credit of 30% (25% for accounting periods commencing prior to 1 January 2024) is available for qualifying research and development (R&D) expenditure incurred by companies for R&D activities carried on in EEA countries. The R&D credit is granted in addition to any existing deduction or capital allowances for R&D expenditure.

R&D tax credits that cannot be used in an accounting period can be carried forward indefinitely to future accounting periods. Excess R&D credits can be carried back against corporation tax paid in the immediately preceding accounting period. Any remaining excess credits may be refunded over a three-year period. This regime applied to accounting periods commencing prior to 1 January 2023, subject to transitional rules.

The 2022 Finance Act introduced a new mechanism for providing relief. An R&D corporation tax credit is no longer given as an offset against a company's corporation tax liability. The credit is still claimable in three installments but 50% is generally claimable as a first installment, three-fifths of the credit is claimable as a second installment and the balance as a third installment. However, for each installment, the company must specify whether that amount, or any portion of that amount, should be treated as an overpayment of tax to be offset against its tax liabilities, or whether it should be paid to the company by Irish Revenue. The intent is that the R&D Corporation Tax Credit is a "qualified refundable tax credit" under Pillar Two rules.

The 2023 Finance (No.2) Act introduces a pre-notification requirement for companies intending to claim the R&D credit, either for the first time, or for those who have not claimed it in the previous three years. Affected companies must notify the Revenue Commissioners 90 days before making a claim of certain details, including a description of the R&D activities and the number of employees carrying out these activities. The prenotification provision applies with respect to accounting periods commencing on or after 1 January 2024.

All R&D claims must be made within 12 months after the end of the accounting period in which the R&D expenditure giving rise to the claim is incurred.

A reward scheme allows companies to use all or part of the R&D credit to reward key employees.

Digital gaming credit. The 2021 Finance Act introduced a 32% corporation tax credit for the digital gaming sector. Regulations commenced this provision with effect from 22 November 2022. The relief is available on eligible expenditure (net of grant assistance) on the design, production and testing of a digital game, on a minimum expenditure of EUR100,000 up to a maximum of EUR25 million ceiling per project or 80% of total qualifying

expenditure, whichever is lower. The credit is not available on expenditure for which the film credit or R&D tax credit was claimed. The 2023 Finance (No.2) Act provides that for accounting periods commencing on or after 1 January 2024 a company must be carrying on the trade of developing digital games for a period of at least 12 months prior to making a claim and that claims must be made within 12 months from the end of the accounting period in which the last expenditure giving rise to the claim is incurred. For accounting periods commencing on or after 1 January 2024, it is also provided that companies have the choice of either claiming the credit as a cash payment or as an offset against tax liabilities, and these claims will be paid or offset in full within 48 months from the date on which a valid claim is made. A cultural certificate from the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media is required to access the credit, which may be claimed on an annual basis as each project progresses. Certain exclusions apply; for example, gambling and advertising projects are not eligible. The scheme runs until 31 December 2025.

Film credit. Film relief is only available to producer companies in the film and film production industry. The relief provides for a film corporation tax credit of 32% against the corporation tax liability of the producer company. Any excess is available for payment to the producer company. Detailed certification rules and conditions apply. The relief applies to 31 December 2024. However, subject to EU State Aid approval, the 2022 Finance Act provides for an extension of the relief to 31 December 2028.

Relief for losses. Trading losses and charges incurred by a company in an accounting period in a trading activity that is not subject to the 25% corporation tax rate (effectively most trades) can be offset only against profits of that accounting period or the preceding accounting period to the extent that the profits consist of trading income subject to the 12.5% rate. Any unused trading losses may be carried forward to offset future trading income derived from the same trade.

Relief may be available through a reduction of corporation tax on a value basis. For example, in 2024, when the standard corporation tax rate on trading income is 12.5%, 12.5% of the trading loss may be offset against the corporation tax liability of a company with respect to profits from all sources. The full amount of the trading loss that is so utilized is regarded as being used up for purposes of calculating losses that may be carried forward. In effect, a company needs trading losses equal to twice the amount of its passive income to eliminate its tax liability on such income.

Terminal loss relief may be available if a company incurs a loss in its last 12 months of trading. This relief allows such losses to be carried back against income of the same trade in the preceding three years.

Groups of companies. Certain tax reliefs are available to a group of companies that meet the following requirements:

- The group companies have a minimum share relationship of 75%.
- The parent company is entitled to 75% of distributable profits.
- The parent company is entitled to 75% of assets available for distribution on a winding up.

Such companies may transfer surplus losses and excess charges on income. Surplus losses of companies owned by a consortium may also be transferred.

Group and consortium relief are available if all of the companies in the group or consortium are resident in an EEA member country (except Liechtenstein). Loss relief was historically restricted to losses incurred in a business carried on by a company subject to Irish corporation tax. However, group relief is now available for certain "trapped" trading losses incurred by non-Irish 75% subsidiaries resident in an EEA country (except Liechtenstein). Losses that can be used elsewhere are ineligible for surrender.

Losses can be transferred between two Irish resident companies if both companies are part of a 75% group involving companies that are tax resident in an EU or tax treaty country, or quoted on a recognized stock exchange. In determining whether a company is a 75% subsidiary of another company for the purpose of group relief (losses), the parent is no longer regarded as owning any shares that it owns directly or indirectly in a company that is not resident for tax purposes in a relevant territory. This effectively means that losses may not be surrendered if a company resident in a state that has not entered into a double tax treaty with Ireland is between a claimant and a surrendering company in the group structure.

The National Asset Management Agency Act 2009 provides for a limited form of loss surrender between certain financial institutions in the same group with respect to excess losses carried forward from earlier periods for which the surrendering financial institution cannot obtain relief.

In a 75% group, assets may be transferred without generating a chargeable gain. An asset retains its tax value while it is held within the group. The tax value is generally based on original cost; for assets acquired before 6 April 1974, the tax value is computed with reference to the market value on that date. If an asset is transferred to a company that leaves the group within 10 years after the transaction, that company is deemed to have disposed of and immediately reacquired the asset at its market value at the time of its acquisition, effectively crystallizing the deferred gain.

A nonresident company that is resident in an EEA country (except Liechtenstein) and a company resident in a jurisdiction with which Ireland has a double tax treaty may be taken into account in determining whether a group exists for chargeable gains purposes. An Irish branch of a company resident in an EEA country (except Liechtenstein) and an Irish branch of a company resident in a jurisdiction with which Ireland has a double tax treaty, that is a member of a group may transfer assets to another member of a group on a tax-neutral basis. Any gain arising on the transfer is not taxable until the asset is sold outside the group. To qualify for such relief, the following conditions must be satisfied:

- Each of the companies in the group must be resident in Ireland or in an EEA country (except Liechtenstein) or in a jurisdiction with which Ireland has a double tax treaty.
- Any transferor/transferee companies not resident in Ireland must be carrying on a trade in Ireland through a branch.
- The transferred asset must be a chargeable asset for corporation tax purposes in Ireland.

Dividends paid between Irish resident companies are not subject to DWT (see Section B) provided the appropriate declarations are made by the shareholder. However, a 51% subsidiary resident in Ireland may pay dividends free of DWT without the shareholder making a formal declaration to the subsidiary that it is an Irish resident company. Withholding tax is not imposed on interest and royalty payments between members of a 51% group (as defined).

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on any supply of goods or services, other than an exempt supply made in or deemed to be made in Ireland, and on imports from other than EU Member States at the point of entry	
Standard rate	23
Other rates	0/4.8/9/13.5
Stamp duty	
On shares and marketable securities	1
On certain documents (maximum rate)	7.5
On bulk/cumulative purchases of 10 or more residential units in a 12-month period	10
Local property tax (residential property); the tax is calculated based on valuation bands; each band has a basic rate of local property tax; there are 19 valuation bands for properties up to EUR1.75 million; the tax for properties with a market value of greater than EUR1.75 million is calculated based on the valuation of the property; the charge is the sum of 0.1029% of the first EUR1.05 million of the declared market value of the property, 0.25% of the portion of the declared market value between EUR1.05 million and EUR1.75 million and 0.3% of the portion of the declared market value above EUR1.75 million	Various
Pay-related social insurance (PRSI) (for the period ending 31 December 2024), on employees' salaries; paid by	
Employers	
For employees earning a weekly salary of more than EUR441; on each employee's salary without limit	11.05 (11.15 with effect from 1 October 2024)
For employees earning a weekly salary of EUR441 or less	8.9
Employees; on annual salary	4.1
Universal Social Charge (USC); imposed on employees	
Annual salary of up to EUR12,012 (exempt if income is less than EUR13,000)	0.5
Annual salary of EUR12,013 to EUR25,760	2
Annual salary of EUR25,761 to EUR70,044	4
Annual salary in excess of EUR70,044	8

Nature of tax	Rate (%)
(A reduced 2% rate applies to individuals over 70 years old or who hold a full medical card and whose aggregate income for the year is less that EUR60,000.)	
Residential zoned land tax; the 2021 Finance Act provides for a new residential zoned land tax at a rate of 3% on the market value of land that meets the criteria of zoned serviced residential development land; lands within the scope of this provision will be chargeable to the tax from 1 February 2025 onward; lands that come within the scope of the tax after 1 January 2022 will be chargeable in the third year after coming within scope	3

E. Miscellaneous matters

Foreign-exchange controls. Foreign-exchange controls are not imposed, except in very limited circumstances at the discretion of the Minister for Finance. For example, the minister may impose foreign-exchange controls to comply with EU law or a United Nations resolution.

Debt-to-equity ratios. No thin-capitalization rules exist per se (but note the interest deduction restrictions imposed by the ATAD [see Section C]) and debt capacity transfer pricing rules), but interest payments to 75%-nonresident-affiliated companies may be treated as distributions of profit and consequently are not deductible (for details regarding this rule, see Section C).

Controlled foreign companies. The 2018 Finance Act transposes Option B of the EU ATAD controlled foreign company (CFC) rules into Irish law. The rules provide for a CFC income inclusion at the Irish parent level for accounting periods beginning on or after 1 January 2019.

The charge applies to undistributed income of greater than 50%-owned foreign entities based on share capital, voting rights or distributions on wind-up if both of the following conditions are satisfied:

- The relevant Irish activities, being significant people functions or key entrepreneurial risk-taking functions, are performed in Ireland on behalf of the CFC group.
- Such functions are relevant to the legal or beneficial ownership of assets held by the foreign entity or the assumption and management of the risks included in the relevant assets and risks of the foreign entity.

The charging provision excludes situations in which the undistributed income attributable to the relevant Irish activities is the result of arrangements that would have been entered into by persons dealing at arm's length or in which the essential purpose of the arrangements is not to secure a tax advantage. Other exemptions apply, in line with ATAD, with respect to effective tax rates, low-profit margins and low accounting profits. However, the 2020 Finance Act provides that the effective tax rate, low profit and low accounting profit margin exemptions do not apply for accounting periods beginning on or after 1 January 2021 if the CFC is resident in a jurisdiction listed in the EU list of non-cooperative jurisdictions.

The provision includes a charge to Irish corporation tax at a rate of 12.5% on the basis that the attributable undistributed income would be treated as trading income had it accrued directly to the chargeable company and a charge to Irish corporation tax at a rate of 25% for attributable undistributed passive income. Any foreign tax paid or borne, corresponding to Irish corporation tax, with respect to the chargeable income of the CFC is allowed as a credit against Irish tax arising on a CFC income inclusion. No other form of relief is allowed to mitigate the CFC charge.

A 12-month exemption with respect to newly acquired CFCs applies if certain conditions are satisfied. Relief is also provided with respect to disposals of CFCs for which chargeable gains arise that allow for a deduction of a CFC tax charge in computing the arising gains.

Anti-avoidance rule. A general anti-avoidance rule (GAAR) empowers the Revenue Commissioners to reclassify a "tax avoidance" transaction in order to remove a tax advantage resulting from such transaction. An additional surcharge equal to 30% (20% for transactions begun on or before 23 October 2014) of the underpayment can be imposed if the Revenue Commissioners deny a tax advantage and if the taxpayer had not made a "protective notification" of the "tax avoidance" transaction to the Revenue within 90 days after the beginning of the transaction.

Transfer pricing. As a result of the 2010 Finance Act, Ireland introduced a transfer-pricing regime on a formal statutory footing. Prior to this, while Ireland had recourse to the OECD Guidelines in the interpretation of double tax treaties, there were no formal explicit domestic rules on the pricing of transactions between associated parties. On the introduction of the regime, the use of the 2010 edition of the OECD Guidelines was specified, while empowering the Minister for Finance to introduce further or alternative guidance as the Minister of Finance sees fit. This power had not been exercised prior to the enactment of 2019 Finance Act, discussed below.

The 2019 Finance Act significantly updated the Irish transfer-pricing regime, notably putting the 2017 edition of the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations (OECD Guidelines) on a statutory footing. The 2019 Finance Act supplemented the OECD Guidelines with the following:

- The "Guidance for Tax Administrations on the Application of the Approach to Hard-to-Value Intangibles - BEPS Actions 8-10" (published by the OECD on 4 June 2018)
- The "Revised Guidance on the Application of the Transactional Profit Split Method: Inclusive Framework on BEPS: Actions 8-10" (published by the OECD on 4 June 2018)

It also granted power to the Minister of Finance to incorporate additional guidance documents into the Irish transfer-pricing regime by way of secondary legislation. The Minister of Finance exercised this power on 8 December 2021 to incorporate the OECD's "Transfer Pricing Guidance on Financial Transactions: Inclusive Framework on BEPS Actions 4, 8-10" (FTTP) into the Irish Transfer Pricing regime. On 20 January 2022, the OECD published the 2022 edition of the OECD Guidelines, which is composed of the 2017 edition of the

OECD Guidelines and the three items of supplementary guidance, namely, the Financial Transactions Guidance, the Profit-Split Guidance and the Hard-to-Value Intangibles Guidance.

The 2022 Finance Act placed the 2022 edition of the OECD Guidelines on a statutory footing. Given that the 2022 edition of the OECD Guidelines was composed of the 2017 edition and three supplementary pieces of guidance, which had all been placed on a statutory footing in Ireland, in practice this did not change the interpretation of the arm's-length principle in Ireland for transfer-pricing purposes.

Irish domestic legislation governing the computation of branch profits is in line with international leading practices in this area. For accounting periods commencing on or after 1 January 2022, Irish legislation incorporates a provision like Article 7(2) of the Model Tax Convention, which contains an Authorized OECD Approach (AOA) Rule, and adopts OECD AOA Guidance, as appropriate.

The rules apply to any arrangement between associated enterprises involving any goods, services, money and/or intangible assets, if such arrangement would be considered "trading." Non-trading transactions are also in scope for transfer pricing with respect to accounting periods commencing on or after 1 January 2020, subject to some domestic carve-outs. The local transfer-pricing rules were also extended to capital transactions if the capital expenditure is incurred on or after 1 January 2020. The regulations apply to both domestic and cross-border transactions.

Irish borrowing entities need to consider the arm's-length nature of the quantum of loans entered into in the context of the total debt held by the entity. If a taxpayer has received debt from a connected party and as a result is claiming interest deductions for tax purposes, the taxpayer needs to be able to demonstrate that the interest charges do not exceed those that it would have claimed had it been funded entirely by third-party debt (at "arm's length"). It is important to determine the amount and price (interest rate) of debt that the company could borrow under arm's-length conditions.

There is a general increased focus on substance over form in both the 2017 and 2022 editions of the OECD Transfer Pricing Guidelines as compared with prior versions; that is, the significant people functions, development, enhancement, maintenance, protection and exploitation (DEMPE) substance and control of risk, and the financial capacity to assume the risks. On this basis, there is the potential for the Irish Revenue to recharacterize and to focus on the accurate delineation of the transaction.

The Irish tax code contains significant documentation requirements.

Irish resident taxpayers that are engaged in a transaction with an associated person during a chargeable period beginning on or after 1 January 2020 are required to prepare transfer-pricing documentation demonstrating the arm's-length nature of the transactions. If the taxpayer is a member of a Multinational

Enterprise (MNE) Group with a consolidated revenue over EUR50 million, the documentation should take the form of a Local File and if the taxpayer is a member of an MNE Group with a consolidated revenue over EUR250 million, the documentation should include a Master File report. Master File and Local File reports should include all the information listed in Annex I and Annex II of Chapter V in the 2017 OECD Transfer Pricing Guidelines (2022 OECD Transfer Pricing Guidelines for chargeable periods beginning on or after 1 January 2023; annexes remain unchanged between the 2017 and 2022 editions of the OECD Transfer Pricing Guidelines).

Transfer-pricing documentation with respect to a specific chargeable period should be prepared no later than the deadline date for filing the corporate income tax return for that period. For example, taxpayers with a 31 December 2022 year end that are due to file their corporation tax return by 23 September 2023 are also required to have a Local File transfer-pricing report in place by this date. It is not necessary to submit the documentation by this date. However, preparation by this date is one of the three requirements to avail of penalty protection and avoid tax-geared penalties in the event of an adjustment by the Irish Revenue.

Documentation should be submitted within 30 days of receiving a written request from the Irish Revenue. Failure to do so carries a fixed penalty of EUR25,000 for entities that are required to prepare a Local File report, rising by EUR100 per day the documentation remains outstanding. For taxpayers that are not required to prepare a Local File Report, the fixed penalty is EUR4,000.

The 2019 Finance Act provided for the extension of transfer-pricing rules to small and medium-sized enterprises (SMEs). This provision requires a Ministerial Commencement Order, which has not been issued. As a result, currently, transfer-pricing rules are not applied to SMEs, which are defined by reference to the European Commission's Commission Recommendation of 6 May 2023 concerning the definition of micro, small and medium-sized enterprises. SMEs include those enterprises that have fewer than 250 employees (or full-time equivalents) and either less than EUR50 million in revenue or EUR43 million in gross assets. In determining the size of an enterprise, it is necessary to consider what other enterprises should be included (that is, subsidiaries or parents). The Commission Recommendation states that the starting point should be consolidated financial statements for any group that the entity is a part. To this may be added data pertaining to other partial holdings (prorated in some cases), such as joint ventures. The rules can be complex and advice should be sought that considers not just the legal form but also the economic substance.

Country-by-Country Reporting. For accounting periods beginning on or after 1 January 2016, Irish-headquartered companies must file a Country-by-Country Report with the Irish Revenue within 12 months after the end of their accounting period. In addition, country-by-country notifications must be made no

later than the last day of the fiscal year to which the report relates. Groups with annual consolidated group revenue in the immediately preceding accounting period of less than EUR750 million are exempt from this reporting requirement.

Mandatory disclosure rules. Ireland has implemented the EU Directive on Administrative Co-operation applying the mandatory disclosure provisions to certain cross-border transactions that contain some of the characteristics of aggressive tax planning (DAC6). Taxpayers and intermediaries are required to report cross-border reportable arrangements within 30 days. Penalties apply in cases of noncompliance.

Reporting requirement for digital platform operators. The Council Directive EU 2021/514, amending the Directive on Administrative Cooperation (DAC7) has been transposed in Irish legislation. DAC7 provides for the automatic reporting obligations for online "platform operators." The provision applies from 1 January 2023 with the first reporting by 31 January 2024.

Joint audits. The 2023 Finance (No.2) Act brings into legal effect the obligations of Ireland under the EU Directive on Administrative Cooperation to facilitate joint tax audits with other EU Member States in Ireland. This measure applies with respect to accounting periods beginning on or after 1 January 2024.

Anti-hybrid rules. The anti-hybrid rules in the EU ATAD are effective for payments made or arising on or after 1 January 2020.

Anti-reverse hybrid rules. The anti-reverse hybrid mismatch rules are effective for accounting periods commencing on or after 1 January 2022.

Construction operations. Special withholding tax rules apply to payments made by principal contractors to subcontractors with respect to relevant contracts in the construction, forestry and meat-processing industries. Under these rules, principal contractors must withhold tax from certain payments. Under this electronic system (within which all relevant contracts must be registered), withholding rates of 0%, 20% and 35% apply. If subcontractors are not registered with the Revenue or if serious compliance issues that need to be addressed exist, the rate is 35%. All other subcontractors should qualify for the 20% rate.

F. Treaty withholding tax rates

The rates reflect the lower of the treaty rate and the rate under domestic tax law.

	Dividends (a)(y) %	Interest (b) %	Royalties (c) %
Albania	0	7 (e)	0/7
Armenia	0	0/5/10 (g)	0/5
Australia	0	0/10	0/10
Austria	0	0	0
Bahrain	0	0 (b)	0
Belarus	0	0/5 (e)	0/5
Belgium	0	0/15 (m)	0

	Dividends (a)(y) %	Interest (b) %	Royalties (c) %
Bosnia and Herzegovina	0	0	0
Botswana	0	0/7.5 (e)	0/5/7.5 (f)
Bulgaria	0	0/5 (e)(m)	0/10 (m)
Canada	0	0/10 (l)	0/10 (d)
Chile	0	0/4/5/10/15	0/2/10 (r)
China Mainland	0	0/10 (e)	0/6/10 (j)
Croatia	0	0	0
Cyprus	0	0	0
Czech Republic	0	0	0/10 (m)
Denmark	0	0	0
Egypt	0	0/10	0/10
Estonia	0	0/10 (e)(m)	0/5/10 (f)(m)
Ethiopia	0	0/5 (e)	0/5
Finland	0	0	0
France	0	0	0
Georgia	0	0	0
Germany	0	0	0
Greece	0	0/5 (m)	0/5 (m)
Hong Kong SAR	0	0/10 (e)	0/3
Hungary	0	0	0
Iceland	0	0	0/10
India	0	0/10 (e)	0/10
Israel	0	0/10	0/10
Italy	0	0/10 (m)	0
Japan	0	0/10	0/10
Kazakhstan	0	0/10	0/10
Korea (South)	0	0	0
Kosovo	0	0/5	0
Kuwait	0	0	0/5
Latvia	0	0/10 (m)	0/5/10 (f)(m)
Lithuania	0	0/10 (m)	0/5/10 (f)(m)
Luxembourg	0	0	0
Malaysia	0	0/10	0/8
Malta	0	0 (m)	0/5 (m)
Mexico	0	0/5/10 (g)	0/10
Moldova	0	0/5 (e)	0/5
Montenegro	0	0/10 (e)	0/5/10 (q)
Morocco	0	0/10 (e)	0/10
Netherlands	0	0	0
New Zealand	0	0/10	0/10
North Macedonia	0	0	0
Norway	0	0	0
Pakistan	0	0/10 (e)	0/10
Panama	0	0/5 (e)	0/5
Poland	0	0/10 (m)	0/10 (m)
Portugal	0	0/15 (m)	0/10 (m)
Qatar	0	0	0/5
Romania	0	0/3 (i)(m)	0/3 (h)(m)
Russian Federation	0	0	0

	Dividends (a)(x)(y) %	Interest (b) %	Royalties (c) %
Saudi Arabia	0	0	0/5/8 (f)
Serbia	0	0/10 (e)	0/5/10 (q)
Singapore	0	0/5 (e)	0/5
Slovak Republic	0	0	0/10 (h)(m)
Slovenia	0	0/5 (e)(m)	0/5 (m)
South Africa	0	0	0
Spain	0	0	0/5/8/10 (m)
Sweden	0	0	0
Switzerland	0	0	0
Thailand	0	0/10/15 (s)	0/5/10/15 (t)
Türkiye	0	0/10/15 (n)	0/10
Ukraine	0	0/5/10 (u)	0/5/10 (v)
United Arab Emirates	0	0	0
United Kingdom	0	0	0
United States	0	0	0
Uzbekistan	0	0/5	0/5
Vietnam	0	0/10	0/5/10/15 (k)
Zambia	0	0/10 (w)	0/8/10 (x)
Non-treaty jurisdictions	0/20 (o)(p)	20 (b)(p)	0/20 (c)

(a) Withholding tax at a rate of 25% applies to dividends distributed on or after 1 January 2020 (the rate was previously 20%). The table assumes that the recipient of the dividends is not a company controlled by Irish residents (that is, the domestic measure providing that DWT is not imposed on payments to residents of treaty countries applies). If domestic law allows the imposition of DWT, a refund of the DWT may be obtained under the terms of an applicable tax treaty.

(b) Interest is generally exempt from withholding tax if it is paid by a company or investment undertaking in the ordinary course of its business to a company resident in an EU member country or a country with which Ireland has entered into a tax treaty. However, this exemption may be unavailable if the recipient is resident in a country that does not generally impose a tax on interest received from foreign sources.

(c) Under Irish domestic law, withholding tax on royalties generally applies only to patent royalties and to other payments regarded as "annual payments" under Irish law. However, see *Anti-avoidance – outbound payments* in Section B for application of anti-avoidance rules that can apply withholding tax to more widely defined types of royalty payments to certain associated entities. The Irish Revenue has confirmed that withholding tax need not be deducted from royalties paid to nonresidents with respect to foreign patents (subject to conditions). Effective from 4 February 2010, withholding tax does not apply to patent royalties paid by a company in the course of a trade or business to a company resident in a treaty country that imposes a generally applicable tax on royalties received from foreign sources (subject to conditions).

(d) The normal withholding tax rate for royalties is 10%. However, the following royalties are exempt unless the recipient has a permanent establishment in Ireland and the income is derived there:
- Copyright royalties and similar payments with respect to the production or reproduction of literary, dramatic, musical or artistic works (but not including royalties paid for motion picture films or for works on film or videotape or other means of reproduction for use in connection with television broadcasting)
- Royalties for the use of, or the right to use, computer software or patents or for information concerning industrial, commercial or scientific experience (but not including any such royalties in connection with rental or franchise agreements)

(e) The 0% rate also applies in certain circumstances, such as if the interest is paid by, or received from, a central bank or local authority.

(f) The 5% rate applies to royalties paid for the use of industrial, commercial or scientific equipment. The higher rate applies to other royalties.

(g) The 0% rate also applies in certain circumstances, such as if the interest is paid by or received from a central bank or local authority. The 5% rate applies if the beneficial owner of the interest is a bank. The 10% rate applies to other interest.

(h) A 0% rate also applies to royalties for the use of copyrights of literary, artistic or scientific works, including motion pictures, film recordings on tape, other media used for radio or television broadcasting or other means of reproduction or transmission.

(i) The 0% rate also applies to interest paid to banks or financial institutions, interest paid on loans with a term of more than two years and interest paid in certain other circumstances.

(j) The withholding tax rate for royalties is 10%, but only 60% of royalties for the use of, or the right to use, industrial, commercial or scientific equipment is taxable.

(k) The 5% rate applies to royalties paid for the use of patents, designs or models, plans, secret formulas or processes or for information concerning industrial or scientific experience. The 10% rate applies to royalties paid for the use of trademarks or information concerning commercial experience. The 15% rate applies to other royalties.

(l) The normal withholding tax rate for interest is 10%, but a 0% rate applies in certain circumstances.

(m) Ireland has implemented Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between 25%-associated companies of different EU Member States. The 2005 Finance Act extended these benefits to Switzerland. If the directive applies, the withholding tax rate is reduced to 0%.

(n) The 10% rate applies to interest paid with respect to a loan or other debt claim for a period exceeding two years or interest paid to a financial institution.

(o) Irish domestic law may provide for an exemption from DWT under certain circumstances (see Section B).

(p) Certain withholding tax exemptions that are available to treaty countries under Irish domestic law (see footnotes [a] and [b]) may be extended to residents of any countries with which Ireland signs a double tax treaty (beginning on the date of signing of such agreement), subject to conditions.

(q) The 5% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works. The 10% rate applies to royalties paid for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, computer software, industrial, commercial or scientific equipment or information concerning industrial, commercial or scientific experience.

(r) The 2% rate applies to royalties paid for the use of industrial, commercial or scientific equipment. The higher rate applies to other royalties.

(s) The 10% rate applies if the interest is beneficially owned by a financial institution or if it is beneficially owned by a resident of the other contracting state and is paid with respect to indebtedness arising from a sale on credit by a resident of that other state of equipment, merchandise or services, unless the sale is between persons not dealing with each other at arm's length. The 15% rate applies to interest in other cases.

(t) The 5% rate applies to the right to use copyrights of literary, artistic or scientific works. The 10% rate applies to the use of, or the right to use, industrial, commercial or scientific equipment, or patents. The 15% rate applies to the use of, or the right to use, trademarks, designs or models, plans, secret formulas or processes and to information concerning industrial, commercial or scientific experience.

(u) The 10% rate applies if the interest is beneficially owned by a resident of other contracting state. The 5% rate applies to interest paid in connection with the sale on credit of industrial, commercial or scientific equipment, or on loans granted by banks.

(v) The 5% rate applies with respect to copyrights of scientific works, patents, trademarks, secret formulas or processes or information concerning industrial, commercial or scientific experience.

(w) The 10% rate applies if the interest is beneficially owned by a resident of the other contacting state.

(x) The 8% rate applies to royalties with respect to copyrights of scientific works, patents, trademarks, designs or models plans, secret formulas or processes, or information concerning industrial commercial or scientific experience.

(y) For purposes of giving relief under a double tax agreement, IREF distributions (see *Irish Real Estate Funds* in Section B) are regarded as income from immovable property if the investor in an investment undertaking is beneficially entitled directly or indirectly to at least 10% of the IREFs units. Otherwise, the payment is regarded as a dividend for treaty purposes. The table assumes that the distribution is not from an IREF.

Ireland has entered into limited double tax agreements with Guernsey, the Isle of Man and Jersey, which do not provide for reductions in withholding taxes.

Ireland has also signed new treaties with Ghana and Kenya. Procedures to ratify the treaties are underway

Negotiations have concluded on new double tax treaties with Oman and Uruguay, as well as on a protocol to the existing treaty with Mexico.

Ireland's existing treaties are subject to the provisions of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI). The MLI entered into force for Ireland on 1 May 2019.

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A. At a glance

Resident Corporate Income Tax Rate (%)	0 (a)
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	0 (a)
Withholding Tax (%)	
Dividends	0
Interest	0
Royalties	0
Net Operating Losses	
Carryback	1 (b)
Carryforward	Unlimited (b)

(a) The standard 0% rate of corporate income tax applies to all profits derived by companies except for the following:
- Certain banking business in the Isle of Man and certain retail business in the Isle of Man are subject to tax at a rate of 10% or 15%. There is a tax rate increase from 10% to 15% for certain banking businesses and large retailers, which is introduced for the 2024-25 tax year only. The 15% rate applies only to banks and retailers whose profits would otherwise be subject to a top-up tax outside the Isle of Man under the Organisation for Economic Co-operation and Development (OECD) Pillar 2 global minimum tax initiative. It is effective from 6 April 2024.
- Profits arising from land and property in the Isle of Man are subject to tax at a rate of 20%.

(b) Loss relief is available in certain circumstances (see Section C).

B. Taxes on corporate income and gains

Corporate income tax. Companies resident in the Isle of Man are subject to income tax on their worldwide income, but relief from double taxation may be available. A nonresident company with a branch carrying on a trade in the Isle of Man is subject to tax on the income of the branch. A company is resident in the Isle of

Man if it is incorporated in the Isle of Man or if the central management and control of the company is exercised there.

Rates of corporate income tax. The standard rate of corporate income tax is 0%. This rate applies to all profits derived by trading and investment companies, except for the following:

- Certain banking business in the Isle of Man and certain retail business in the Isle of Man are subject to tax at a rate of 10% or 15%. There is a tax rate increase from 10% to 15% for certain banking businesses and large retailers, which is introduced for the 2024-25 tax year only. The 15% rate applies only to banks and retailers whose profits would otherwise be subject to a top-up tax outside the Isle of Man under the OECD Pillar 2 global minimum tax initiative. It is effective from 6 April 2024.
- Profits arising from land and property in the Isle of Man are subject to tax at a rate of 20%.

Trading companies may also elect to be taxed at the 10% rate.

Substance requirements. The Isle of Man has legislation that imposes economic substance requirements for tax resident entities that are in receipt of income from a "relevant sector." The following are the relevant sectors:

- Banking
- Insurance
- Shipping
- Fund management
- Financing and leasing
- Headquartering
- Operation of a holding company
- Holding intangible property
- Distribution and service center business

The legislation is effective for companies with respect to accounting periods commencing on or after 1 January 2019. The legislation was extended to partnerships and limited liability companies for accounting periods commencing on or after 1 July 2021. The legislation requires Isle of Man tax resident entities that are in receipt of income from a relevant sector to demonstrate that they have adequate substance by the following ways:

- They are being directed and managed in the Isle of Man.
- They have an adequate number of qualified employees in the Isle of Man.
- They have an adequate operating expenditure proportionate to the level of activity carried on in the Isle of Man.
- They have an adequate physical presence in the Isle of Man.
- They conduct their core income-generating activity in the Isle of Man.

Sanctions for failing to meet the substance requirements are progressive and include financial penalties (GBP10,000 to GBP100,000), exchange of information and, if incorporated in the Isle of Man, strike-off from the Isle of Man Companies Registry.

Capital gains. The Isle of Man does not impose a tax on capital gains.

Administration. Tax returns must be filed within 12 months and one day after the accounting year-end, and any tax payable is due at the same time. In certain circumstances, companies wholly subject to the 0% rate file shortened tax returns.

Filing penalties apply for the late submission of company returns. The first penalty is GBP250. A further penalty of GBP500 is imposed if the return is not filed within 18 months and one day after the end of the accounting period. If the return remains outstanding 24 months after the end of the accounting period, the company and its officers may be subject to criminal proceedings.

Withholding taxes. In general, no withholding tax is imposed on dividends, interest and royalties paid by Isle of Man resident companies. The Assessor of Income Tax may require a person who makes a payment or credit of taxable income to a person resident outside the Isle of Man to deduct income tax from such payment or credit at a rate specified by the Assessor. For example, a 20% withholding tax is imposed on Isle of Man rent paid by Isle of Man resident companies to nonresident companies and individuals.

Foreign tax relief. Foreign tax on income of a resident company may be credited against Manx income tax on the same profits. Foreign tax relief cannot exceed the income tax assessed by the Isle of Man on those profits.

C. Determination of trading income

General. The tax assessment is based on financial accounts prepared using generally accepted accounting principles, subject to certain adjustments and provisions.

Expenses must be incurred wholly and exclusively for the purpose of the trade and not be capital in nature. Dividends are not deductible in calculating taxable profit.

Inventories. Inventory is normally valued at the lower of cost or net realizable value. Cost must be determined on a first-in, first-out (FIFO) basis; the last-in, first-out (LIFO) basis is not acceptable.

Capital allowances (tax depreciation)

Plant and machinery. A first-year allowance of up to 100% may be claimed. Annual writing-down allowances of 25% may also be claimed.

Motor vehicles. Expenditures on motor vehicles qualify for an annual allowance of 25% of the declining balance. The maximum annual allowance is GBP3,000.

Industrial buildings, agricultural buildings and tourist premises. A 100% initial allowance may be claimed on capital investment to acquire, extend or alter a qualifying industrial building, agricultural building or tourist facility. This allowance is granted on expenditures in excess of any government grants received.

Disposals. On the ultimate disposal of assets on which capital allowances have been claimed, an adjustment is made by add-back or further allowance to reflect the net cost to the company of the asset.

Relief for trading losses. Trading losses may be used to offset other income of the year in which the loss was incurred or income of the preceding year if the same trade was carried on, or losses may be carried forward, without time limit, to offset future income from the same trade. Special rules apply to the carryback of losses on commencement or cessation of the trade.

Companies may also surrender losses to group companies. A surrendered loss can be claimed to reduce the taxable profit of another member and the distributable profit of the group for the same accounting period in which the loss arose or for the accounting period immediately before it.

Under the loss relief rules described above, relief is allowable only against profits chargeable at the same rate of tax. Losses arising from activities subject to tax at the rate of 0% may not be relieved against profits taxed at 10%, 15% or 20%.

D. Other significant taxes

The Isle of Man and the United Kingdom form a common area for value-added tax (VAT), customs and excise purposes. VAT, customs and excise rates are generally applied in the Isle of Man at the same rates as in the United Kingdom. The Customs and Excise Division in the Isle of Man operates independently from the United Kingdom, but under similar legislation.

The Isle of Man has a similar system for National Insurance contributions as the United Kingdom, but the contributions are calculated at lower rates. Corporate entities employing Isle of Man resident employees are required to register as an employer in the Isle of Man and pay employer's National Insurance Contributions. These contributions are currently at a rate of 12.8% above the upper earnings limit, which for the 2024-25 tax year is GBP8,320.01.

E. Miscellaneous matters

Anti-avoidance provisions. The Assessor of Income Tax has the authority to make an assessment or an additional assessment in situations in which the Assessor considers Manx tax to have been avoided. Appeals are made to the Income Tax Commissioners. No assessment is made if the person involved provides evidence to the Assessor that the purpose of avoiding or reducing income tax liability was not the primary purpose or one of the primary purposes for which the transaction was carried out.

Foreign-exchange controls. The Isle of Man does not impose any foreign-exchange controls.

Transfer pricing. Isle of Man law does not include transfer-pricing rules. However, domestic anti-avoidance provisions need to be considered.

Debt-to-equity rules. The Isle of Man does not impose debt-to-equity requirements.

F. Tax treaties

The Isle of Man has entered into double tax treaties with Bahrain, Estonia, Guernsey, Jersey, Luxembourg, Malta, Qatar, Seychelles,

Singapore, and the United Kingdom. It has also signed a double tax treaty with Belgium, but this treaty is not yet in force.

In addition, the Isle of Man has entered into agreements with the following jurisdictions to eliminate the double taxation of profits with respect to enterprises operating ships or aircraft in international traffic.

Denmark	Germany	Norway
Faroe Islands	Greenland	Poland
Finland	Iceland	Sweden
France	Netherlands	United States

The Isle of Man has signed tax information exchange agreements (TIEAs) with the following jurisdictions.

Anguilla	Finland	New Zealand
Argentina	France	Norway
Australia	Germany	Poland
Bermuda	Gibraltar	Portugal
Botswana	Greenland	Romania
British Virgin Islands	Iceland	Slovenia
	India	Spain*
Canada	Indonesia	Sweden
Cayman Islands	Ireland	Switzerland
China Mainland	Italy	Türkiye
Czech Republic	Japan	Turks and Caicos Islands
Denmark	Lesotho	
Eswatini*	Mexico	United Kingdom
Faroe Islands	Netherlands	United States

* TIEAs with these countries are awaiting ratification.

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A. At a glance

Corporate Income Tax Rate (%)	23 (a)
Capital Gains Tax Rate (%)	23 (a)(b)
Branch Tax Rate (%)	23 (a)
Withholding Tax (%)	
Dividends	0/4/15/20/25/30 (c)(d)
Interest	0/23 (a)(c)(e)(f)
Royalties from Patents, Know-how, etc.	23 (a)(c)(e)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited

(a) This is the regular company tax rate for profits and real capital gains. Reduced rates of company tax are available in accordance with the Encouragement of Capital Investments Law (for details, see Section B).
(b) See Section B for details.
(c) The withholding tax may be reduced by applicable tax treaties.
(d) The 0% rate generally applies to distributions to Israeli parent companies, provided that the profits distributed were subject to tax at the level of the distributing company. In addition, reduced withholding tax rates of 4%, 15% and 20% may apply under the Encouragement of Capital Investments Law, provided certain conditions are met.
(e) In principle, the withholding taxes on interest and royalties are not final taxes.
(f) Interest paid to nonresidents on Israeli corporate bonds registered for trading on the Tel-Aviv Stock Exchange should generally be exempt. In general, interest paid to nonresidents on Israeli governmental bonds should also be exempt. However, interest on short-term bonds (issued for 13 months or less) is taxable. In addition, provided certain conditions are met under the Law for Encouragement of Knowledge-Intensive Industry (Temporary Order), exemption from withholding tax can also apply to interest payments that Israeli high-tech companies make to foreign financial institutions resident in jurisdictions with which Israel has concluded a double-tax treaty.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to Israeli tax on their worldwide income. Nonresident companies are subject to Israeli tax on income accrued or derived in Israel, unless otherwise provided for in an applicable tax treaty.

A company is considered resident in Israel for Israeli tax purposes if either of the following applies:
- It is incorporated in Israel.
- Its business is controlled and managed in Israel.

Rates of corporate tax. Effective from 1 January 2018, the regular rate of corporate income tax is 23%. The following are the combined Israeli taxes on profits, taking into account the 30% withholding tax on dividends paid to shareholders holding 10% or more of the company (material shareholders) and the 25% withholding tax imposed on shareholders holding less than 10% of the company:
- Material shareholders: 46.1% from 2018. Shareholders who are individuals may be subject to an additional tax at a rate of 3% on their taxable income in excess of ILS663,240.
- Other shareholders: 42.25% from 2018. For individual shareholders, an additional tax of 3% may apply (see above).

The dividend withholding tax rates mentioned above may be reduced based on applicable tax treaties.

Tax levy on oil and gas. Under the Windfall Profits Tax Law, a levy is imposed on oil and gas profits from an oil or gas project in the relevant tax year. The levy is designed to capitalize on the economic dividend arising from each individual reservoir. The levy is imposed only after the investments in exploration, development and construction are fully returned plus a yield that reflects, among other items, the developer's risks and required financial expenses. The levy is progressive and has a relatively lower rate when first collected, and increases as the project's profit margins grow.

Tax reductions and exemptions. The major tax reductions and exemptions offered by Israel are described below.

Encouragement of Capital Investments Law. The Encouragement of Capital Investments Law has the following objectives:
- Achieving of enhanced growth targets in the business sector
- Improving the competitiveness of Israeli industries in international markets
- Creating employment and development opportunities in outlying areas

Precedence is granted to innovation and development areas.

The country is divided into national priority areas, which benefit from several reduced tax rates and benefits based on the location of the enterprise.

A reduced uniform corporate tax rate for exporting industrial enterprises (generally over 25% of turnover from export activity) applies. The reduced tax rate does not depend on a program and applies to the industrial enterprise's industrial income.

The reduced tax rates for industrial enterprises that meet the criteria of the law are 7.5% for Development Area A and 16% for the rest of the country. In addition, accelerated depreciation applies. The accelerated depreciation reaches 400% of the standard depreciation rate on buildings (not exceeding 20% per year and exclusive of land) and 200% of the standard depreciation rate on equipment or machines.

A reduced tax on dividends of 15% or 20% is imposed without distinction between foreign and local investors. These tax rates may be reduced under applicable tax treaties. On the distribution of a dividend to an Israeli company, no withholding tax is imposed (with certain exceptions).

A unique tax benefit is granted to certain large industrial enterprises. This entitles such companies to a reduced tax rate of 5% in Development Area A and 8% in the rest of the country.

In addition to the above tax benefits, fixed asset grants of 20% to 30% of the investment cost of fixed assets may be granted to enterprises in Development Area A.

Grants may also be made under the Employment Grant Program. These grants are made to create incentives for employment in the outlying areas of Israel. The grants are up to 27.5% of the cost of

salaries for a period of two and one-half to four years, depending on the location, number of employees and the employees' salaries.

On 15 November 2021, Israel released its 2021-2022 Budget Law (Budget Law), which introduced a new dividend distribution ordering rule to cause the distribution of earnings that were tax exempt under the historical Approved or Beneficial Enterprise regimes (Trapped Earnings) to be on a pro rata basis from any dividend distribution. The new rule applies to distributions from 15 August 2021 onward. This means that the corporate income tax clawback will apply on any dividend distribution, as long as the company has Trapped Earnings.

In parallel, the Budget Law also includes a Temporary Order to enhance the release of Trapped Earnings by reducing the clawback corporate income tax rate that is applicable on such a release or distribution by up to 60%, but not less than a 6% corporate income tax rate, during a one-year period that ended on 15 November 2022.

Innovation box. Israel approved an innovation box regime for intellectual property (IP)-based companies, effective from 1 January 2017. This regime is included in the Encouragement of Capital Investments Law.

The Israeli government tailored this regime to the Organisation for Economic Co-operation and Development (OECD) Base Erosion and Profit Shifting (BEPS) framework, encouraging multinationals to consolidate IP ownership and profits in Israel, together with existing Israeli research and development (R&D) functions.

Tax benefits created to achieve this goal include a reduced corporate income tax rate of 6% on IP-based income and on capital gains from future sales of IP. The 6% rate applies to qualifying Israeli companies that are part of a group with global consolidated revenue of over ILS10 billion (approximately USD2.9 billion).

Other qualifying companies with global consolidated revenue below ILS10 billion are subject to a 12% tax rate. However, if the Israeli company is located in a development area, the tax rate is further reduced to 7.5%.

In addition, a 20% withholding tax should be applied on dividends distributed out of income that was subject to the tax incentives (unless further reduced by a treaty). Furthermore, a 4% dividend withholding tax may be applied for the taxable preferred technology income if at least 90% of the company's shares are held directly by one or more foreign companies.

Entering into the regime is not conditioned on making additional investments in Israel. A company can qualify if it invests at least 7% of the last three years' revenue in R&D (or incurs ILS75 million in R&D expenses per year) and if it meets one of the following conditions:

- It has at least 20% R&D employees (or more than 200 R&D employees).
- A venture capital investment of ILS8 million was previously made in the company.

- It had average annual growth over three years of 25% in sales or employees.

Companies not meeting the above conditions may still be considered qualified companies at the discretion of the Israel Innovation Authority (previously known as the Office of the Chief Scientist) in the Economy Ministry.

Companies wishing to exit from the regime in the future will not be subject to the clawback of tax benefits.

The Finance Committee also approved a stability clause to encourage multinationals to invest in Israel. Accordingly, companies will be able to confirm the applicability of tax incentives for a 10-year period under a ruling process.

In line with the OECD Nexus Approach, the Finance Minister promulgated regulations to ensure that companies are benefiting from the regime to the extent qualifying R&D expenses are incurred.

The Law for Encouragement of Knowledge-Intensive Industry (Temporary Order). On 25 July 2023, the Israeli parliament passed the Law for Encouragement of Knowledge-Intensive Industry (Temporary Order)-2023, effective from 31 July 2023 through 31 December 2026. This new law provides the following five main incentives:

- Five-year amortization for net acquisition cost of an Israeli high-tech company
- Five-year tax amortization for net acquisition cost of a foreign high-tech company, subject to specific criteria
- Exemption from withholding tax on interest payments that Israeli high-tech companies make to foreign financial institutions resident in jurisdictions with which Israel has concluded a double tax treaty
- Tax credit mainly for individual investors who invest in an early-stage Israeli R&D company
- Recognition of capital loss at the amount of the investment made by an individual investor in a high-tech company that goes public

Research and development incentives. R&D programs are available to Israeli companies. The Israel Innovation Authority primarily provides these incentives. The company can obtain an R&D grant equal to about 20% to 50% of its R&D expenses, depending on the grant program, the company's technology innovation and its business model and marketing validation. Binational Funds and Agreements Programs can provide R&D incentives agreements for joint R&D projects. These agreements provide for grants of up to 50% of the R&D expenses of the Israeli partner and its foreign partner, incurred during the commercial phase of the project.

Deductibility of R&D expenses. Section 20A of the Income Tax Ordinance allows a deduction for tax purposes of the company's R&D expenses incurred for the purpose of promoting and developing the company. According to this section, under the conditions prescribed therein, expenses incurred in scientific research in industry, agriculture, transportation or energy approved by the Israel Innovation Authority are deductible on a current basis in

the tax year in which they are paid. Expenses incurred in scientific research that were not approved by the Israel Innovation Authority are deductible in three annual installments starting from the tax year in which they are paid.

Eilat free trade zone. A value-added tax (VAT) exemption and employment benefits are granted to enterprises in the Eilat free trade zone.

Other incentives. Approved residential rental properties qualify for reduced company tax rates on rental income (and on gains derived from sales of certain buildings that have a residential element; a building has a residential element if at least 50% of the floor space is rented for residential purposes for a prescribed number of years, according to detailed rules). The reduced rates generally range from 11% (plus 15% withholding tax on dividends) for companies to 20% for individuals. Effective from November 2021, a new benefits track is introduced, while the existing benefits track will continue to apply only to rental properties for which an application for the benefits was submitted by 31 December 2023.

The new benefits track provides enhanced tax benefits compared to those provided in the existing benefits track in exchange for increased rental terms and certain further changes. The new track features a progressive system of increased tax benefits to encourage longer-term rentals, with the most favorable rates available after 15 years and higher quantitative threshold conditions for the minimum number of apartments rented out.

Preferential tax treatment may also be allowed with respect to the following:
- Real Estate Investment Trust (REIT) companies
- Agriculture
- Oil
- Movies
- International trading
- R&D financing
- Hotels and tourist ventures

Foreign resident investors may qualify for exemption from capital gains tax in certain circumstances (see *Capital gains and losses*).

Capital gains and losses

Residents. Resident companies are taxable on worldwide capital gains. Capital gains are divided into real and inflationary components. The following are descriptions of the taxation of these components:
- Effective from 1 January 2018, the tax rate on real capital gains is the standard corporate tax rate of 23%.
- The inflationary component of capital gains is exempt from tax to the extent that it accrued on or after 1 January 1994, and is generally taxable at a rate of 10% to the extent that it accrued before that date.

Gains derived from sales of Israeli real estate or from sales of interests in real estate associations (entities whose primary assets relate to Israeli real estate) are subject to Land Appreciation Tax at rates similar to those applicable to other capital gains.

Capital losses may be used to offset capital gains derived in the same or future tax years without time limit. In each year, capital losses are first offset against real gains and then offset against taxable inflationary amounts in accordance with the following ratio: ILS3.5 of inflationary amounts per ILS1 of capital losses. Capital losses from assets located abroad must be offset against capital gains on other assets abroad, then against capital gains from assets in Israel.

Capital losses incurred on securities can also be offset against dividend and interest income in the same year, subject to certain conditions.

Nonresidents. Unless a tax treaty provides otherwise, in principle, nonresident companies and individuals are subject to Israeli tax on their capital gains relating to any of the following:
- An asset located in Israel.
- An asset located abroad that is primarily a direct or indirect right to an asset, inventory or real estate in Israel or to a real estate association (an entity whose primary assets relate to Israeli real estate). Tax is imposed on the portion of the consideration that relates to such property in Israel.
- Shares or rights to shares (for example, warrants and options) in an Israeli resident entity.
- A right to a nonresident entity that primarily represents a direct or indirect right to property in Israel. Tax is imposed on the portion of the consideration that relates to such property in Israel.

Foreign residents not engaged in business in Israel may qualify for exemption from capital gains tax on disposals of the following investments:
- Securities traded on the Tel-Aviv stock exchange (with certain exceptions)
- Securities of Israeli companies traded on a recognized foreign stock exchange

The above exemption does not apply to the following:
- Gains attributable to a permanent establishment (generally a fixed place of business) of the investor in Israel
- Shares of Real Estate Investment Trust (REIT) companies
- Capital gains derived from the sale of Israeli governmental short-term bonds (issued for 13 months or less)

Foreign residents may also qualify for an exemption from capital gains tax on disposals of all types of Israeli securities not listed to trade that were purchased on or after 1 January 2009 if the seller (the company or individual who sold the Israeli securities to the foreign resident) was not a related party.

The above exemption does not apply to the following:
- Gains attributable to a permanent establishment (generally a fixed place of business) of the investor in Israel
- Shares of a company whose assets are principally Israeli real estate
- Shares of a company that has the value of its assets derived principally from the usufruct of immovable property and right to payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources (for example, companies that hold licenses to exploit gas and minerals in Israel's territory, which includes Israel's economic water)

In other cases, unless a tax treaty provides otherwise, foreign resident companies pay capital gains tax in accordance with the rules and rates applicable to Israeli resident companies, as described above. However, nonresidents investing with foreign currency may elect to apply the relevant exchange rate rather than the inflation rate to compute the inflationary amount.

Administration. The Israeli tax year is normally the calendar year. However, subsidiaries of foreign publicly traded companies may sometimes be allowed to use a different fiscal year.

Companies are generally required to file audited annual tax returns and financial statements within five months after the end of their fiscal year, but extensions may be obtained.

Companies must normally file monthly or bimonthly reports and make payments with respect to the following taxes:
- Company tax advances, which are typically computed as a percentage of a company's sales revenues
- Supplementary company tax advances with respect to certain nondeductible expenses
- Tax and social security contributions withheld from salaries and remittances to certain suppliers
- VAT

Nonresidents are required to appoint an Israeli tax representative and VAT representative if any part of their activities is conducted in Israel. The VAT representative is deemed to be the tax representative if no other tax representative is appointed. The tax representative is empowered to pay tax out of the foreign resident's assets.

Dividends. A 30% withholding tax is generally imposed on dividends paid to individual shareholders holding 10% or more of the shares in an Israeli company (material shareholders). A 25% withholding tax is imposed on dividends paid to individual shareholders holding less than 10% of the shares in an Israeli company and on regular dividends paid by a publicly traded company (regardless of whether the recipient is a material shareholder). However, resident companies are exempt from company tax on dividends paid out of regular income that was accrued or derived from sources within Israel. Companies are generally subject to tax at a rate of 23% on foreign dividend income that is paid from a foreign source or from income accrued or derived abroad (foreign-source income that is passed up a chain of companies).

If certain conditions are met, a reduced withholding tax of 4%, 15% or 20% is imposed on dividends paid out of the income of a company entitled to the benefits of the Encouragement of Capital Investments Law. The rate may be further reduced under an applicable tax treaty. However, if such dividend is paid to an Israeli company, it is generally exempt from withholding tax (with certain exceptions).

Interest. Israeli resident companies are taxable on worldwide interest, original discount and linkage differentials income. The tax rate for these types of income is the standard corporate tax rate of 23%. Interest, original discount and linkage differentials income are treated as derived from Israeli sources if the payer is located in Israel. In principle, the same taxation rules apply to non-Israeli resident companies on Israeli-source interest, original

discount and linkage differentials income, unless a tax treaty provides otherwise.

Nevertheless, an exemption from Israeli tax is available to foreign investors that receive interest income on bonds issued by Israeli companies traded on the Israeli stock exchange.

In addition, interest paid to nonresidents on Israeli governmental bonds that are issued for 13 months or more is exempt.

Israeli holding companies and participation exemption. To qualify for the participation exemption, an Israeli holding company must satisfy various conditions, including the following:

- It must be incorporated in Israel.
- Its business is controlled and managed in Israel only.
- It may not be a public company or a financial institution.
- It must not have been formed in a tax-deferred reorganization.
- For 300 days or more in the year, beginning in the year after incorporation, the holding company must have an investment of at least ILS50 million in the equity of, or as loans to, the investee companies, and at least 75% of the holding company's assets must consist of such equity investments and loans.

In addition, the foreign investee company must satisfy the following conditions:

- It must be resident in a country that entered into a tax treaty with Israel, or it must be resident in a foreign country that had a tax rate for business activity of at least 15% on the date of the holding company's investment (however, it is not required that the investee company pay the 15% tax [for example, it obtains a tax holiday]).
- At least 75% of its income in the relevant tax year is accrued or derived from a business or one-time venture abroad.
- The Israeli holding company must hold an "entitling shareholding" in the investee company for at least 12 consecutive months. An "entitling shareholding" is a shareholding that confers at least 10% of the investee's profits. The entitling shareholding must span a period of at least 12 months that includes the date on which the income is received.

An Israeli holding company is exempt from tax on the following types of income:

- Capital gains derived from the sale of an entitling shareholding in an investee company
- Dividends distributed during the 12-month minimum shareholding period with respect to an entitling shareholding in an investee company
- Interest, dividends and capital gains derived from securities traded on the Tel-Aviv Stock Exchange
- Interest and indexation amounts received from Israeli financial institutions

In addition, dividends paid by Israeli holding companies to foreign resident shareholders are subject to a reduced rate of dividend withholding tax of 5%.

Foreign tax relief. A credit for foreign taxes is available for federal and state taxes but not municipal taxes. Any excess foreign tax credit may be offset against Israeli tax on non-Israeli-source income from the same type in the following five tax years.

With respect to foreign dividend income, an Israeli company may receive a direct and an underlying tax credit for foreign taxes. The foreign dividend income is grossed up for tax purposes by the amount of the creditable taxes. The following are the alternative forms of the credit:

- Direct foreign tax credit only: corporate tax rate of 23% is imposed on foreign dividend income, and any dividend withholding tax incurred is creditable in Israel.
- Direct and underlying foreign tax credit: corporate tax rate of 23% is imposed on foreign dividend income, and a credit is granted for dividend withholding tax and underlying corporate tax paid abroad by 25%-or-greater affiliates and their direct 50%-or-greater subsidiaries. If an underlying foreign tax credit is claimed, any excess foreign tax credit may not be used to offset company tax in future years.

C. Determination of trading income

General. Taxable income is based on financial statements that are prepared in accordance with generally accepted accounting principles and are derived from acceptable accounting records. In principle, expenses are deductible if they are wholly and exclusively incurred in the production of taxable income. Various items may require adjustment for tax purposes, including depreciation, R&D expenses, and vehicle and travel expenses.

Inventories. In general, inventory may be valued at the lower of cost or market value. Cost may be determined using one of the following methods:

- Actual
- Average
- First-in, first-out (FIFO)

The last-in, first-out (LIFO) method is not allowed.

Provisions. Bad debts are deductible in the year they become irrecoverable. Special rules apply to employee-related provisions, such as severance pay, vacation pay, recreation pay and sick pay.

Depreciation. Depreciation at prescribed rates, based on the type of asset and the number of shifts the asset is used, may be claimed with respect to fixed assets used in the production of taxable income.

Accelerated depreciation may be claimed in certain instances. For example, under the Inflationary Adjustments Regulations (Accelerated Depreciation), for assets first used in Israel between 1 June 1989 and 31 December 2016, industrial enterprises may depreciate equipment using the straight-line method at annual rates ranging from 15% to 22%. Alternatively, they may depreciate equipment using the declining-balance method at rates ranging from 20% to 30%.

The following are some of the standard straight-line rates that apply primarily to non-industrial companies.

Asset	Rate (%)
Mechanical equipment	7 to 10
Electronic equipment	15
Personal computers and peripheral equipment	33
Buildings (depending on construction quality)	1.5 to 4

Asset	Rate (%)
Goodwill	10 (a)
Patent rights and technology	12.5 (b)

(a) Subject to the fulfillment of certain conditions.
(b) For industrial companies, subject to the fulfillment of certain conditions.

Groups of companies. Subject to certain conditions, consolidated returns are permissible for an Israeli holding company and its Israeli industrial subsidiaries if the subsidiaries are all engaged in the same line of production. For this purpose, a holding company is a company that has invested at least 80% of its fixed assets in the industrial subsidiaries and controls at least 50% (or two-thirds in certain cases) of various rights in those subsidiaries. For a diversified operation, a holding company may file a consolidated return with the subsidiaries that share the common line of production in which the largest amount has been invested.

Group returns may also be filed by an Israeli industrial company and Israeli industrial subsidiary companies if the subsidiaries are at least two-thirds controlled (in terms of voting power and appointment of directors) by the industrial company and if the industrial company and the subsidiaries are in the same line of production.

Detailed rules concerning the deferral of capital gains tax apply to certain types of reorganizations, including corporate mergers, divisions and shares-for-assets exchanges. In many cases, an advance ruling is necessary.

Relief for losses. In general, business losses may be offset against income from any source in the same year. Unrelieved business losses may be carried forward for an unlimited number of years to offset business income, capital gains derived from business activities or business-related gains subject to the Land Appreciation Tax (see Section B). According to case law, the offset of losses may be disallowed after a change of ownership and activity of a company, except in certain bona fide circumstances.

Special rules govern the offset of foreign losses incurred by Israeli residents. Passive foreign losses may be offset against current or future foreign passive income (for example, income from dividends, interest, rent or royalties). Passive foreign rental losses arising from depreciation may also be offset against capital gains from the sale of the relevant foreign real property.

Active foreign losses (relating to a business or profession) may be offset against the following:

- Active foreign income and business-related capital gains in the current year.
- Passive foreign income in the current year.
- Active Israeli income in the current year if the taxpayer so elects and if the foreign business is controlled and managed in Israel. However, in the preceding two years and in the following five years, foreign-source income is taxable up to the amount of the foreign loss.
- Active foreign income and business-related capital gains in future years.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), standard rate	17
Wage and profit tax, imposed on financial institutions instead of VAT; this tax is imposed in addition to company tax	17
National insurance contributions on monthly employment income (subject to an upper income limit that fluctuates periodically)	
Employer payments; rates depend on residency of employee	Various
Employee payments; rates depend on residency of employee	Various
Payroll levy on salaries of foreign employees; levy does not apply if monthly salary exceeds twice the average monthly salary	10 to 20
Acquisition tax, imposed on purchasers of real estate rights; maximum rate	0 to 10
Annual municipal taxes on property	Various

E. Miscellaneous matters

Foreign-exchange controls. The Israeli currency is the new Israel shekel (ILS).

No exchange-control restrictions exist.

Debt-to-equity rules. No thin-capitalization rules are imposed in Israel.

Transfer pricing. Transactions between related parties should be at arm's length. Detailed transfer-pricing regulations apply. An Israeli taxpayer must report on each international transaction undertaken with a related party and indicate the arm's-length amount for such transaction as well as the chosen method. In addition, on 22 September 2022, an amendment to the Israeli transfer-pricing regulations was published following the adoption of the BEPS Action 13 principles in domestic legislation (Local File, Master File, and Country-by-Country Reporting). Most of the new regulations, which require substantial preparation, apply to the 2022 fiscal year; however, part of the regulations (especially those that apply to an Israeli Ultimate Parent Entity that heads a multinational enterprise group with revenue of more than ILS3.4 billion [approximately USD970 million]), are applicable to the 2021 fiscal year. Advance rulings may be requested regarding transfer pricing.

Measures to counteract tax planning involving foreign companies. Certain measures are designed to counteract tax planning involving foreign companies.

Foreign professional companies. Israeli residents are taxed on deemed dividends received from foreign professional companies (FPCs) at the standard corporate tax rate; a foreign corporate tax credit is available. In addition, on the actual distribution of dividends by FPCs, Israeli residents are subject to dividend tax. A

company is considered to be an FPC if a company meets all of the following conditions:
- It has five or fewer ultimate individual shareholders.
- It is owned 75% or more by Israeli residents.
- Most of its 10%-or-more shareholders conduct a special profession for the company.
- Most of its income or profits are derived from a special profession.

The special professions include engineering, management, technical advice, financial advice, agency, law, medicine and many others.

Controlled foreign corporations. Israeli residents are taxed on deemed dividends received from a controlled foreign corporation (CFC) if they hold 10% or more of the CFC. A foreign company (or any other body of persons) is considered to be a CFC if all of the following conditions exist:
- The foreign company primarily derives passive income or profits that are taxed abroad at a rate of 15% or less.
- The foreign company's shares are not publicly traded, or less than 30% of its shares or other rights have been issued to the public or listed for trade.
- One of the following requirements is satisfied:
  - — Israeli residents own either directly or indirectly more than 50% of the foreign company.
  - — An Israeli resident owns over 40% of the foreign company, and together with a relative, owns more than 50% of the company.
  - — An Israeli resident has veto rights with respect to material management decisions, including decisions regarding the distribution of dividends or liquidation.

The shareholdings of the CFC are calculated as the higher of the following:
- The shareholdings at the tax year-end
- The shareholdings any day in the tax year plus any day in the following tax year

The deemed dividend is the taxpayer's share of passive undistributed income on the last day of the tax year.

Reportable transactions. Certain types of transactions with foreign companies must be reported to the tax authorities.

Withholding taxes on overseas remittances. Israeli banks must withhold tax, generally at a rate of 23%, from most overseas remittances unless the remittances relate to imported goods. An exemption or a reduced withholding rate may be obtained from the Israeli tax authorities in certain circumstances, such as when a treaty applies or when the payments are for services that are rendered entirely abroad. A 30% withholding tax rate applies to dividends paid to recipients holding 10% or more of the payer entity.

Free-trade agreements. Israel has entered into free-trade agreements with Canada, Colombia, the European Free Trade Association, the European Union, Guatemala, Jordan, Korea (South), Mexico, Panama, the Southern Common Market (Mercado Común del Sur, or MERCOSUR) countries, Türkiye, Ukraine, the United Arab Emirates, the United Kingdom and the United States.

F. Treaty withholding tax rates

The following table provides Israeli withholding tax rates for payments of dividends, interest and royalties to residents of various jurisdictions. Exemptions or conditions may apply, depending on the terms of the particular treaty.

	Dividends %	Interest %	Royalties (a) %
Albania	5/15 (ww)	0/10 (ggg)	5
Armenia	0/5/15 (ww)	10 (q)	5/10 (bbb)
Australia (aaa)	5/15 (m)	5/10 (c)	5
Austria	0/10 (zz)	0/5 (q)	0
Azerbaijan	15	10 (ee)	5/10 (ccc)
Belarus	10	5/10 (c)	5/10 (aa)
Belgium	15	15	10
Brazil	10/15 (l)	15 (c)	10/15 (jj)
Bulgaria	10/12.5 (b)	5/10 (c)	12.5 (d)
Canada	5/15 (kk)	0/5/10 (c)	0/10 (ccc)
China Mainland	10	7/10 (e)	7/10 (f)
Croatia	5/10/15 (h)	0/5/10 (c)(ll)	5
Czech Republic	5/15 (g)	10	5
Denmark	0/10 (oo)	0/5 (q)(mm)	0
Estonia	0/5 (oo)	5 (c)	0
Ethiopia	5/10/15 (h)	0/5/10 (c)(ll)	5
Finland	5/10/15 (h)	10 (i)	10
France	5/10/15 (h)	5/10 (i)(j)	10
Georgia	0/5 (oo)	0/5 (q)(mm)	0
Germany	5/10 (vv)	0/5 (rr)	0
Greece	25 (k)	10	10
Hungary	5/15 (g)	0	0
India	10	10	10
Ireland	10	5/10 (j)	10
Italy	10/15 (l)	10	10
Jamaica	15/22.5 (m)	15	10
Japan	5/15 (n)	10	10
Korea (South)	5/10/15 (h)	7.5/10 (c)	2/5 (o)
Latvia	5/10/15 (h)	5/10 (c)	5
Lithuania	5/10/15 (h)	0/10 (q)(ll)	5/10 (u)
Luxembourg	5/10/15 (h)	5/10 (c)	5
Malta	0/15 (uu)	0/5 (q)(ss)	0
Mexico	5/10 (p)	10 (q)	10
Moldova	5/10 (kk)	0/5 (q)(mm)	5
Netherlands	5/10/15 (h)	10/15 (r)	5
North Macedonia (pp)	5/15 (ww)	10 (xx)	5 (yy)
Norway	25	25	10
Panama	5/15/20 (qq)	0/15 (rr)	15
Philippines	10/15 (s)	10	10/15 (t)
Poland	5/10 (g)	5	5/10 (u)
Portugal	5/10/15 (h)	10 (q)	10
Romania	15	5/10 (v)	10
Russian Federation	10	10 (q)	10
Serbia (aaa)	5/15 (ww)	10 (q)	5/10 (bbb)
Singapore	5/10 (g)	7 (c)	5 (x)
Slovak Republic	5/10 (g)	2/5/10 (y)	5
Slovenia	5/10/15 (h)	0/5 (q)(mm)	5
South Africa	25	25	0
Spain	10	5 (z)	5/7 (aa)

	Dividends %	Interest %	Royalties (a) %
Sweden	0 (w)	25	0
Switzerland	5/10/15 (h)	5/10 (c)	5
Taiwan	10	7/10 (c)	10
Thailand	10/15 (bb)	10/15 (cc)	5/15 (dd)
Türkiye	10	10 (ee)	10
Ukraine	5/10/15 (h)	5/10 (c)	10
United Arab Emirates	0/5/15 (eee)	0/5/10 (fff)	12
United Kingdom (ddd)	5/15 (m)	0/5/10 (rr)	0
United States	12.5/15/25 (ff)	10/17.5 (gg)	10/15 (hh)
Uzbekistan	10	10	5/10 (ii)
Vietnam	10	10 (q)	5/7.5/15 (u)
Non-treaty jurisdictions (nn)	25/30	23 (tt)	23 (tt)

(a) Different rates may apply to cultural royalties.

(b) The 10% rate applies to dividends that are paid out of profits taxed at a reduced company tax rate. For other dividends, the withholding tax rate may not exceed one-half the non-treaty withholding tax rate; because the non-treaty withholding tax rate for dividends is currently 25%, the treaty withholding tax rate is 12.5%.

(c) Interest on certain government loans is exempt. The rate of 5% (Australia, Belarus, Bulgaria, Canada, Croatia, Ethiopia, Latvia, Luxembourg, Switzerland and Ukraine), 7% (Taiwan) or 7.5% (Korea) applies to interest on loans from banks or financial institutions (Australia: interest paid to pension funds). The 10% rate (Brazil, 15%; Estonia, 5%; and Singapore, 7%) applies to other interest payments.

(d) The withholding tax rate may not exceed one-half the non-treaty withholding tax rate; because the non-treaty withholding tax rate is currently 26.5%, the treaty withholding tax rate is 13.25%.

(e) The 7% rate applies to interest paid to banks or financial institutions.

(f) Under a protocol to the treaty, the 7% rate is the effective withholding rate for amounts paid for the use of industrial, commercial or scientific equipment.

(g) The 5% rate applies if the recipient holds directly at least 10% of the capital of the payer (Hungary, Singapore and Slovak Republic) or at least 15% of the capital of the payer (Poland), or if the recipient is a company that holds at least 15% of the capital of the payer (Czech Republic).

(h) The 5% rate applies if the dividends are paid out of profits that were subject to the regular company tax rate (currently, 26.5%) and if they are paid to a corporation holding at least 10% (Ethiopia, Finland, France, Korea, Latvia, Lithuania, Luxembourg, Slovenia and Switzerland) or 25% (Croatia, Netherlands, Portugal and Ukraine) of the payer's capital. The 10% rate applies to dividends paid to such a corporation (under the Ukraine treaty, a corporation holding at least 10%) out of profits that were taxed at a reduced rate of company tax. The 15% rate applies to other dividends.

(i) Alternatively, an interest recipient may elect to pay regular tax (currently, the company tax rate is 26.5%) on the lending profit margin.

(j) The 5% rate applies to interest on a bank loan as well as to interest in connection with sales on credit of merchandise between enterprises or sales of industrial, commercial or scientific equipment.

(k) Dividends are subject to tax at the rate provided under domestic law, which is currently 25% in Israel.

(l) The 10% rate applies if the recipient holds at least 25% of the capital of the payer.

(m) The lower rate (Australia and United Kingdom: 5%; Jamaica: 15%) applies if the recipient is a company that holds directly at least 10% of the voting power of the payer.

(n) The 5% rate applies to corporate recipients that beneficially own at least 25% of the voting shares of the payer during the six months before the end of the accounting period for which the distribution is made.

(o) The 2% rate applies to royalties for use of industrial, commercial or scientific equipment.

(p) The 5% rate applies if the recipient holds at least 10% of the payer and if the payer is not an Israeli resident company that paid the dividends out of profits that were taxed at a reduced tax rate. The 10% rate applies to other dividends.

(q) Interest on certain government loans is exempt.

(r) The 10% rate applies to a Dutch bank or financial institution.

(s) The 10% rate applies if the recipient holds at least 10% of the capital of the payer.

(t) The 15% rate applies unless a lesser rate may be imposed by the Philippines on royalties derived by a resident of a third country in similar circumstances. The Philippines-Germany treaty specifies a 10% withholding tax rate on industrial and commercial royalties. Consequently, a 10% rate might apply to these royalties under the Israel-Philippines treaty.

(u) The 5% rate applies to royalties for the use of industrial, commercial or scientific equipment. The 7.5% rate (Vietnam) applies to technical fees.

(v) The 5% rate applies to interest on bank loans as well as to interest in connection with sales on credit of merchandise between enterprises or sales of industrial, commercial or scientific equipment. Interest on certain government loans is exempt.

(w) Under a disputed interpretation of the treaty, a 15% rate may apply to dividends paid out of the profits of an approved enterprise or property.

(x) The tax rate on the royalties in the recipient's country is limited to 20%.

(y) The 2% rate applies to interest paid on certain government loans. The 5% rate applies to interest received by financial institutions that grant loans in the course of its usual business activities. The 10% rate applies to other interest payments.

(z) This rate applies to interest in connection with sales on credit of merchandise between enterprises and sales of industrial, commercial or scientific equipment, and to interest on loans granted by financial institutions.

(aa) The 5% rate applies to royalties paid for the use of industrial, commercial or scientific equipment (and road transport vehicles under the Belarus treaty), or for copyrights of literary, dramatic, musical or artistic works. The rate for other royalties is 10% (Belarus) or 7% (Spain).

(bb) The 10% rate applies if the recipient is an Israeli resident or if the recipient is a Thai resident holding at least 15% of the capital of the payer.

(cc) The 10% rate applies to interest paid to banks or financial institutions, including insurance companies.

(dd) The 5% rate applies to royalties paid for the use of literary, artistic or scientific works, excluding radio or television broadcasting works.

(ee) Interest on certain government loans is exempt (under the Azerbaijan treaty, interest paid to the State Oil Fund is also included). The 10% rate applies to all other interest payments.

(ff) The 12.5% rate applies to dividends paid by a company that does not have an approved enterprise or approved property in Israel to US corporations that own at least 10% of the voting shares of the payer, subject to certain conditions. The 15% rate applies to dividends paid out of the profits of an approved enterprise or property. The 25% rate applies to other dividends.

(gg) The 10% rate applies to interest on a loan from a bank, savings institution, insurance company or similar company. The 17.5% rate applies to other interest. Alternatively, an interest recipient may elect to pay regular tax (the company tax rate is currently 26.5%) on the lending profit margin.

(hh) The 10% rate applies to copyright and film royalties. The 15% rate applies to industrial and other royalties.

(ii) The 5% rate applies to royalties paid for the use of literary, artistic or scientific works, excluding cinematographic films. The 10% rate applies to other royalties.

(jj) The 15% rate applies to royalties for the use of, or the right to use, trademarks. The 10% rate applies to other royalties.

(kk) The 5% rate applies if the dividends are paid to a corporation holding at least 25% of the payer's capital. The 10% (Canada, 15%) rate applies to other dividends.

(ll) The 0% rate applies to interest with respect to sales on credit of merchandise or industrial, commercial or scientific equipment. Under the Lithuania treaty, such credit must not exceed six months and related parties are excluded.

(mm) The 0% rate applies to interest with respect to a loan, debt-claim or credit guaranteed or insured by an institution for insurance or financing of international trade transactions that is wholly owned by the other contracting state (Denmark, Georgia and Moldova) or acts on behalf of the other contracting state (Slovenia), and with respect to interest paid on traded corporate bonds (Denmark and Georgia). The 5% rate applies to other interest.

(nn) See Sections A and B. A 25% withholding tax rate applies to dividends and other payments to recipients who hold under 10% of the payer entity.

(oo) The 0% rate applies if the recipient is a company that holds directly at least 10% of the capital of the payer for a consecutive period of at least 12 months.

(pp) The treaty with North Macedonia, which was signed on 9 December 2015, is effective from 1 January 2019.

(qq) The 5% rate applies to dividends paid to pension schemes. The 20% rate applies to distributions from a real estate investment company if the beneficial owner holds less than 10% of the capital of the company. The 15% rate applies to other dividends.

(rr) The 0% rate applies to interest on certain government loans, interest paid to pension schemes and interest on certain corporate bonds traded on a stock exchange. The 5% rate (United Kingdom) applies to interest on loans from banks. The higher rate (Germany, 5%; Panama, 15%; United Kingdom, 10%) applies to other interest.

(ss) The 0% rate applies to interest derived from corporate bonds listed for trading.

(tt) This is the regular company tax rate for profits and real capital gains effective from 1 January 2018.

(uu) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership or a real estate investment company) that holds directly at least 10% of the capital of the company paying the dividends. The 15% rate applies to dividends in all other cases. Distributions made by a real estate investment company that is a resident of Israel to a resident of Malta may be taxed in Malta. Such distributions may also be taxed in Israel according to the laws of Israel. However, if the beneficial owner of these distributions is a resident of Malta holding directly less than 10% of the capital of the distributing company, the tax charged in Israel may not exceed a rate of 15% of the gross distribution.

(vv) The 5% rate applies if the recipient holds at least 10% of the payer's capital. The 10% rate applies to other dividends.

(ww) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership or a real estate investment company) that holds directly at least 25% of the capital of the company paying the dividends (under the Albania and Serbia treaties, it is required that the holding be for a consecutive period of at least 12 months). The 15% rate applies in all other cases. Under the Armenia treaty, the 0% rate applies if the recipient is the other state, the central bank or a pension fund that does not hold more than 25% of the capital or voting power of the payer.

(xx) The maximum tax rate is 10% if the beneficial owner of the interest is a resident of the other contracting state. However, interest arising in a contracting state is exempt from tax in that state if one of the following circumstances exists:

- The interest is paid to the government of the other contracting state, a local authority or the central bank thereof.
- The interest is paid by the government of that contracting state, a local authority or the central bank thereof.

(yy) The maximum tax rate is 5% if the beneficial owner of the royalties is a resident of the other contracting state.

(zz) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends.

(aaa) The treaty with Australia was signed on 27 March 2019. In Israel, it is effective from 1 January 2020. In Australia, it is effective from 1 January 2020 for withholding taxes, 1 April 2020 for fringe benefits taxes and 1 July 2020 for all other taxes. The treaty with Serbia, which was signed on 22 November 2018, is effective from 1 January 2020.

(bbb) The 5% (Serbia: 10%) rate applies to royalties paid for the use of patents; trademarks (Armenia); designs or models; plans; secret formulas or processes; industrial, commercial or scientific equipment; or for information (know-how) concerning industrial, commercial or scientific experience. The 10% (Serbia: 5%) rate applies to other royalties (under the Armenia and Serbia treaties, it applies to royalties for literary, artistic or scientific works, including cinematographic films).

(ccc) The 0% rate applies to royalties paid for the use of copyrights of literary, dramatic, musical or artistic works; computer software or patents; or for information concerning industrial, commercial or scientific experience. The 10% rate applies to other royalties.

(ddd) In Israel, the protocol to the treaty with the United Kingdom, which was signed on 17 January 2019, is effective from 1 January 2020. In the United Kingdom, it is effective from 1 January 2020 for withholding taxes, 1 April 2020 for corporation taxes and 6 April 2020 for income and capital gains taxes.

(eee) The 0% rate applies if the recipient is the other state or a pension fund that does not hold more than 5% of the capital of the payer. The 5% rate applies if the beneficial owner of the dividends is either of the following:
- The government of the other contracting state that holds at least 5% of the capital of the company paying the dividends
- A company that holds directly at least 10% of the capital of the company paying the dividends.

The 15% rate applies in all other cases.

(fff) The 0% rate applies to interest on certain government loans and interest paid to pension schemes. The 5% rate applies if the government of the other contracting state or the pension plan of the other contracting state holds 50% or more of the capital of the company paying the interest. The 10% rate applies to all other cases.

(ggg) The 0% rate applies if the interest is paid to the government of the other contracting state, a political subdivision, a local authority or the central bank thereof or if the interest is paid by the government of that contracting state, a political subdivision, a local authority or the central bank thereof.

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A. At a glance

Corporate Income Tax Rate (%)	24 (a)
Capital Gains Tax Rate (%)	1.2/24 (b)
Branch Tax Rate (%)	24 (a)
Withholding Tax (%)	
Dividends	0/1.2/26 (c)(d)
Interest	0/12.5/26 (e)(f)
Royalties from Patents, Know-how, etc.	0/22.5/30 (f)(g)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (h)

(a) A 3.5% surcharge applies to banks and other financial entities. A local tax on productive activities (*imposta regionale sulle attività produttive*, or IRAP) is imposed on the net value of production at a standard rate of 3.9%. For further details regarding IRAP, see Section B.

(b) For details concerning capital gains taxation, see Section B.

(c) Withholding tax is not imposed on dividends paid between resident companies. The 26% rate applies to dividends paid to resident individuals with substantial and non-substantial participations (for information on substantial and non-substantial participations, see the discussion of capital gains taxation in Section B). The 26% rate applies to dividends paid to nonresidents. An exception applies to selected European Union (EU) or European Economic Area (EEA) investment funds which benefit from a dividend withholding tax exemption. Nonresidents may be able to obtain a refund of the withholding tax equal to the amount of foreign tax paid on the dividends, up to a limit of 11/26 of the withholding tax paid. Tax treaties may provide for a lower tax rate. A 1.2% rate applies under certain circumstances (see Section B). If either the treaty or the 1.2% rate applies, the 11/26 tax refund cannot be claimed.

(d) Under the EU Parent-Subsidiary Directive, dividends distributed by an Italian subsidiary to an EU parent company are exempt from withholding tax, if among other conditions, the recipient holds 10% or more of the shares of the subsidiary for at least 12 months. See Section B. Similar treatment (however, a 24-month minimum shareholding period is required) may apply to dividend payments to Swiss parents under the EU-Switzerland agreement.

(e) The 0% rate applies under certain circumstances to interest derived by nonresidents on the approved list (see Section B) from treasury bonds, bonds issued by banks and "listed" companies, "listed" bonds issued by "non-listed" companies (often referred to as "mini-bonds"), nonbank current accounts and certain cash pooling arrangements, and in other specific cases (for example, mid- to long-term loans with Italian or foreign banks or qualifying financial institutions). The term "listed" refers to a listing on the Italian exchange or on an official exchange or a multilateral system for exchange of an EU or EEA country. The 26% rate applies to interest derived by residents and nonresidents from corporate bonds and similar instruments and from loans in the case of resident individuals and nonresident recipients, in general. The 26% rate also applies as a final tax to interest paid to residents on bank accounts and deposit certificates. The rate applicable to interest paid on treasury bonds issued by the Italian government and by approved-list countries is reduced to 12.5%. For resident individuals carrying on business activities in Italy and resident companies, interest withholding taxes are advance payments of tax. In all other cases, the withholding taxes are final taxes. Tax treaties may also provide for lower rates. For further details, see Section B.

(f) No withholding tax is imposed on interest and royalties paid between associated companies of different EU Member States if certain conditions are met. For details, see Section B. Similar treatment may apply to interest payments to Swiss companies under the EU-Switzerland treaty.
(g) The withholding tax rate of 30% applies to royalties paid to nonresidents. However, in certain circumstances, the tax applies on 75% of the gross amount, resulting in an effective tax rate of 22.5%. These rates may be reduced under tax treaties.
(h) Loss carryforwards are allowed for corporate income tax purposes only (not for IRAP). Losses may be carried forward indefinitely. Losses can generally be used against a maximum amount of 80% of taxable income, with an exception made for those incurred in the first three years of an activity, which can be used against 100% of taxable income. Anti-abuse rules may limit loss carryforwards.

B. Taxes on corporate income and capital gains

Corporate income tax. Resident companies are subject to corporate income tax (*imposta sul reddito delle società*, or IRES) on their worldwide income (however, effective from the 2016 fiscal year, an elective branch exemption regime is available; see Section E). Under new rules, effective from 1 January 2024, a resident company is a company that has any of the following located in Italy for the majority of the tax year:
- Its registered office
- Its place of effective management (that is, where the main and most strategic decisions concerning the whole legal entity are taken in a stable and coordinated manner)
- Its place of day-by-day management

Unless they are able to prove the contrary, foreign entities controlling an Italian company are deemed to be resident for tax purposes in Italy (so-called "Esterovestizione") if either of the following conditions is satisfied:
- The foreign entity is directly or indirectly controlled by Italian resident entities or individuals.
- The majority of members of the board of directors managing the foreign entity are resident in Italy.

Nonresident companies are subject to IRES on their Italian-source income only.

Rates of corporate income tax. The 2023 corporate tax rate is 24%. A 3.5% surcharge applies to banks and other financial entities for which the aggregate corporate tax rate is 27.5%.

Banks, insurance and financial entities are not subject to the general 30% Earnings Before Interest, Taxes, Depreciation and Amortization (EBITDA) limitation discussed in *Limitations on interest deductions* in Section C. In particular, banks and financial intermediaries (as defined by Article 162-bis of the Italian Consolidated Law on Income Tax (Testo Unico delle Imposte sui Redditi, or TUIR) are allowed to deduct 100% of their net interest expenses, while insurance companies, parent companies of insurance groups, qualifying asset management companies and qualifying brokerage companies (Società di Intermediazione Mobiliare, or SIMs) are allowed to deduct 96% of their net interest expenses.

Local tax. Resident and nonresident companies are subject to a regional tax on productive activities (*imposta regionale sulle attività produttive*, or IRAP) on their Italian-source income. For manufacturing companies, IRAP is imposed at a standard rate of

3.9% on the "net value of production" (see below). However, different rates apply to the following:

- Corporations and entities granted concession rights other than those running highways and tunnels: 4.2%
- Banks, other financial entities and holdings (that is, companies whose main or exclusive activity is holding shares in other companies): 4.65%
- Insurance companies: 5.9%
- Public administration entities performing business activities: 8.5%

In addition, each of the 20 Italian regions may increase or decrease the rate of IRAP by a maximum of 0.9176 percentage point, and companies generating income in more than one region are required to allocate their tax base for IRAP purposes among the various regions in the IRAP tax return.

The IRAP tax base is the "net value of production," which is calculated by subtracting the cost of production from the value of production (that is, in general, revenue less operating costs). The IRAP calculation must take into account the profit-and-loss scheme contained in provisions introduced by Legislative Decree No. 139/2015, as well as the corresponding tax provisions expressly applicable to IRAP, which were introduced by Law Decree No. 244/2016. Certain deductions are not allowed for IRAP purposes, such as the following:

- Bad debt losses.
- Labor costs (excluding certain compulsory social contributions and a fixed amount of the wages, in application of the so-called Cuneo Fiscale). However, under the 2015 Budget Law, labor costs incurred for employees hired on a permanent basis are fully deductible for IRAP purposes, beginning with the fiscal year including 31 December 2015. However, insurance companies, qualifying holding companies and qualifying brokerage companies (SIMs) can deduct 96% of interest expenses and are taxed on 100% of interest income.

In addition, special rules for the calculation of the tax base for IRAP purposes apply to banking institutions, insurance companies, public entities and noncommercial entities.

Capital gains

Resident companies and nonresident companies with a permanent establishment in Italy. In general, capital gains derived by resident companies or nonresident companies with a permanent establishment (PE) in Italy are subject to IRES and IRAP (gains derived from sales of participations and extraordinary capital gains derived from transfers of going concerns are excluded from the tax base for IRAP purposes). Capital gains on investments that have been recorded in the last three financial statements as fixed assets may be electively taxed over a maximum period of five years for IRES purposes.

Italian corporate taxpayers (that is, companies and branches) may benefit from a 95% participation exemption regime (that is, only 5% is taxable) for capital gains derived from disposals of Italian or foreign shareholdings that satisfy all of the following conditions:

- The shareholding has been classified in the first financial statements closed during the holding period as a long-term financial investment.
- The Italian parent company holds the shareholding for an uninterrupted period of at least 12 months before the disposal.
- The subsidiary has been carrying out uninterruptedly through the last three financial years prior to the year of the disposal an active business activity (real estate companies are assumed not to be carrying on a business activity; therefore, they can satisfy this requirement only under certain limited circumstances).
- The subsidiary must have not been resident in a low-tax jurisdiction uninterruptedly as of the beginning of the holding period or, under certain circumstances, through the last five years (unless the taxpayer can prove, also by way of an advance tax ruling, that the subsidiary was actually subject to a congruous level of taxation). For additional information regarding gains from low-tax participations, see *Dividends*).

In general, capital losses on participations are deductible except for an amount equal to the exempt portion of any dividends received with reference to such participations during the 36 months preceding the sale. An exception also exists for capital losses on participations that would benefit from the 95% participation exemption, which are 100% nondeductible.

Nonresident companies without a PE in Italy. Most tax treaties prevent Italy from levying tax on nonresidents deriving capital gains from the sale of Italian participations (exceptions are made for those cases in which treaties allow Italy to levy tax under qualifying circumstances and if the value of the company is mostly represented by real estate property).

If no treaty protection is available, effective from 2019, capital gains derived by a nonresident entity from the transfer of any substantial participations in Italian companies and partnerships are subject to a 26% substitute tax.

A "substantial participation" in a company listed on a stock exchange requires more than 2% of the voting rights at ordinary shareholders' meetings or 5% of the company's capital. For an unlisted company, these percentages are increased to 20% and 25%, respectively.

Effective from 2024, the 2024 Budget Law has extended such domestic participation exemption regime to capital gains from substantial participations derived by nonresident companies without an Italian PE, residing in the EU or in certain EEA jurisdictions with an exchange-of-information clause in place with Italy (Iceland and Norway have this clause; Liechtenstein recently signed a treaty with Italy [including an exchange-of-information clause] that has not yet been ratified).

As long as the participation exemption prerequisites required for Italian companies are met by EU and qualifying EEA companies, the latter is subject to a 26% foreign capital gain tax computed only on 5% of the relevant gain (that is, 95% exemption). Therefore, the effective tax rate is 1.3%. EU. Qualifying EEA residents are allowed to offset 5% of the gain with any capital loss incurred from the disposal of participations qualifying for

the participation exemption regime. Any excess capital loss can be carried forward for five fiscal years.

Capital gains on "non-substantial participations" are also subject to 26% source taxation. However, certain exemptions to the 26% rate may apply under domestic law, such as for the following:
- Nonresidents (including persons from a low-tax jurisdiction) selling listed shares
- Nonresident shareholders resident in approved-list jurisdictions (that is, with which Italy has a full exchange-of-information clause in place) under specified circumstances

The 2021 Budget Law has introduced a capital exemption regime for selected EU/EEA investment funds.

The 2023 Budget Law has introduced capital gain taxation for indirect transfers of Italian real estate and Italian companies owning Italian real estate under certain limited circumstances.

Administration. Income tax returns for companies with a calendar year must be filed by 30 September of the following year. Income tax returns for companies with a non-calendar year must be filed by the end of the ninth month of the following year. Such deadlines were introduced by Legislative Decree No. 1/2024. Prior to such change, the tax filing deadlines were, respectively, 30 November of the following year and the end of the 11th month of the following year. Companies must make advance payments of their corporate and local tax liability based on a forecast method or a specified percentage of the tax paid for the preceding year.

IRES and IRAP must be paid in accordance with the following schedule:
- The first advance payment due for the current fiscal year, amounting to 40% of the tax paid for the previous year, must be paid by the same date as the balance due for the previous fiscal year (last day of the sixth month following the end of the previous fiscal year).
- The second advance payment of 60% must be paid by the last day of the 11th month following the end of the fiscal year.
- The balance payment must be paid by the last day of the sixth month following the end of the fiscal year.

Exceptions apply to companies subject to the synthetic indexes of reliability (*indici sintetici di affidabilità fiscale,* or ISA).

Statute of limitations. The 2016 Budget Law introduced a change to the statute of limitations rules. Under the new measures, a company may be subject to a tax assessment up to the end of the fifth year following the year of filing of the relevant tax return (the previous term was the fourth year following the year of the filing of the tax return). In addition, the statute of limitations is now extended to seven years for a failure to file any tax return (the previous term was five years). The 2016 Budget Law repealed the doubling of the statute of limitations in the case of criminal tax investigations. The new rules apply to tax assessments issued with reference to the 2016 fiscal year and subsequent years.

Law Decree No. 193/2016 introduced new provisions with respect to the correction of tax returns. To correct mistakes or omissions,

including those related to increased or reduced taxable income, tax debts or tax credits, taxpayers may now submit an amending return to the Revenue Agency before the statute of limitations period expires (that is, before 31 December of the fifth year following the year in which the relevant tax return is filed). Any arising tax credits can then be offset against other amounts due, subject to certain conditions.

Tax rulings. Several tax ruling procedures are available in Italy.

The following are the main categories of rulings:
- Ordinary ruling (*interpello ordinario*), concerning the application of statutory provisions with objectively unclear interpretations
- Probative ruling (*interpello probatorio*), concerning the valuation and the fulfillment of the requirements necessary to qualify for specific tax regimes
- Anti-abuse ruling (*interpello antiabuso*), concerning the application of the abuse of law legislation to actual cases
- Exempting ruling (*interpello disapplicativo*), concerning the relief from application of specific anti-avoidance rules (for example, limitations to deductions or tax credits)

None of the mentioned rulings is mandatory under Law 212/2000 (taxpayers' bill of rights) as modified by Legislative Decree No. 219/2023.

Advance Tax Agreements for Companies with International Operations. The scope of the Advance Tax Agreement for Companies with International Operations (commonly referred to also as the "International Ruling") includes the following:
- Transfer-pricing issues (through the conclusion of advance pricing agreements [APAs])
- Cross-border flow matters
- Attribution of profits to domestic and foreign PEs
- Existence of PEs
- Agreements on the tax basis of assets in the case of inbound and outbound migrations

In principle, the International Ruling is valid for five years, which consists of the year in which it is signed and the following four years, to the extent that the underlying factual and legal circumstances remain unchanged.

During the period of validity of the agreement, the tax authorities may exercise their power of scrutiny only with respect to matters that are not covered in the agreement.

Rollback effects are possible. Also, under the 2021 Budget Law, an APA may cover all the previous fiscal years for which the statute of limitations has not yet expired. However, the law requires that the circumstances under which the APA was reached are likewise applicable to the previous fiscal years and that no investigations were started or tax assessments were noticed for the same fiscal years with respect to the issues subject to the APA. In addition, in the context of a bilateral or multilateral APA, this "extended rollback" is allowed, provided that the foreign competent authorities agree to extend the APA to the previous fiscal years.

A fixed fee amount, which may vary based on the turnover of the group, is required for filing a bilateral and multilateral APA ruling request before the competent Italian tax authorities.

Advance tax ruling for new investments. Another type of ruling is available for investments of at least EUR15 million that have a significant and durable impact on employment with respect to the particular business activity.

The ruling provides the taxpayer an advance confirmation of the tax treatment of the entire investment plan (including the various envisaged transactions to achieve the plan) as well as, if needed, assurance on whether a going concern is formed. In addition, the ruling may also confirm the absence of any abusive behaviors, the existence of prerequisites to exclude the application of anti-avoidance provisions or recognition of access to specific tax regimes.

Taxpayers conforming to the ruling response may also take advantage of the Cooperative Compliance Program (see *Cooperative Compliance Program* in Section C), regardless of their turnover threshold.

Dividends. Dividends distributed to Italian entities and Italian PEs of foreign companies are 95% excluded from corporate taxation regardless of the source (domestic or foreign) of such dividends and are taxable on a cash basis.

Dividends sourced in low-tax jurisdictions are taxed according to the following rules:
- Dividends derived from direct participations in low-tax subsidiaries are fully taxed.
- Dividends derived indirectly through controlled foreign approved-list subsidiaries with low-tax participations are fully taxed.
- Dividends sourced in a low-tax country may obtain 95% ordinary exemption treatment if the taxpayer can document that the participation in the foreign entity did not lead to an allocation of income to countries or territories with a privileged tax regime.
- Low-tax dividends are 50% excluded from corporate taxation if the taxpayer can document that the foreign entity carried out as its main activity an actual industrial or commercial activity in the relevant market or territory. In this case, the Italian company may also benefit from a 50% foreign tax credit on the foreign taxes paid by the subsidiary.
- Dividends accrued during any fiscal year before 2015 and paid by a low-tax entity in or after 2015 may obtain 95% exclusion treatment provided that the entity was considered approved-listed under the pre-2015 regime.

The definition of low-tax jurisdiction was amended by Legislative Decree No. 142/2018, which implements the EU Anti-Tax Avoidance Directive (ATAD) according to which foreign subsidiaries are considered low-tax if they are subject to either of the following:
- An effective level of income taxation lower than 50% of the Italian corporate income tax (IRES) rate had the company been resident in Italy
- A nominal tax rate lower than 50% (also considering tax rates resulting from special local tax regimes) of the Italian corporate

income tax (IRES) rate in the event that the foreign subsidiary is not controlled by the Italian parent (for example, less than 50% participation)

Dividends distributed by Italian companies to nonresident companies without a PE in Italy are subject to a 26% withholding tax (double tax treaties may provide for lower rates). Nonresidents may obtain a refund of dividend withholding tax equal to the amount of foreign tax paid on the dividends, but the maximum refund equals 11/26 of the withholding tax paid. Dividends paid by Italian entities (out of profits accrued in the fiscal year following the one in progress on 31 December 2007 and in subsequent fiscal years) to entities established in an EU Member State or in an EEA country included in the approved list are subject to a reduced withholding tax rate of 1.2%. If a treaty withholding tax rate or the domestic 1.2% rate applies, the 11/26 tax refund cannot be claimed.

As a result of the implementation of the EU Parent-Subsidiary Directive (Directive 90/435/EEC), companies from EU Member States that receive dividends from Italian companies may be exempted from the dividend withholding tax or obtain a refund of the tax paid if they hold at least 10% of the shares of the payer for at least one year. A similar provision is available for Swiss recipients under certain circumstances on the basis of Article 15 of the EU-Switzerland agreement of 2004.

For nonresident companies with a PE in Italy, dividends may be attributed to the Italian PE for tax purposes. In this case, the dividend is taxed at the level of the PE, and no withholding tax applies.

Effective from the 2021 fiscal year, Italian-source dividends paid to selected EU/EEA investment funds benefit from a dividend withholding tax exemption.

Effective from the 2021 fiscal year, 50% of dividends paid to Italian non-commercial entities or Italian PEs of foreign non-commercial entities are excluded from taxation (previously fully subject to tax).

The 2023 Budget Law introduced a new rule for a voluntary one-off reduced taxation on undistributed earnings of foreign subsidiaries subject to low-tax regimes. The new rule provides for a 9% transition tax (30% for individual entrepreneurs) computed on qualifying undistributed earnings. As an alternative to the 9% tax, companies with control shareholdings may avail of a further reduced 6% transition tax under the following conditions:

- The foreign earnings should be concretely repatriated by the deadline for the income tax balance payment for the 2023 fiscal year (that is, generally 30 June 2024 for calendar-year entities)
- The Italian company should set aside the repatriated earnings to a special equity reserve and keep them for at least two years.

Both the 9% (or 30% for qualifying individuals) and the 6% transition tax elections should be available only with reference to qualifying earnings, which are earnings undistributed as of the date of entry into force of the new rule (purportedly 1 January 2023), provided that such earnings result from the 2021 financial statements of the relevant subsidiaries (or from the last financial

statements closed before 1 January 2022 for non-calendar-year entities). Such one-off election must be made in the 2022 tax return (generally to be filed by November 2023).

Withholding taxes on interest and royalties. Under Italian domestic law, a 26% withholding tax is imposed on loan interest paid to nonresidents. Lower rates may apply under double tax treaties.

A 30% withholding tax applies to royalties (including rent for industrial equipment) paid to nonresidents. In certain circumstances, the tax applies to 75% of the gross amount, resulting in an effective tax rate of 22.5%. Lower rates may apply under double tax treaties.

As a result of the implementation of the EU Interest and Royalty Directive (Directive 2003/49/EC), interest payments and qualifying royalties paid between "associated companies" of different EU Member States are exempt from withholding tax. A company is an "associated company" of a second company if any of the following circumstances exist:

- The first company has a direct minimum holding of 25% of the voting rights of the second company.
- The second company has a direct minimum holding of 25% of the voting rights of the first company.
- An EU company has a direct minimum holding of 25% of the voting rights of both the first company and the second company.

Under the EU directive, the shareholding must be held for an uninterrupted period of at least 12 months. If the 12-month requirement is not satisfied as of the date of payment of the interest or royalties, the withholding agent must withhold taxes on interest or royalties. However, if the requirement is subsequently satisfied, the recipient of the payment may request a refund from the tax authorities.

To qualify for the withholding tax exemption, the following additional conditions must be satisfied:

- The recipient must be a company from another EU Member State that is established as one of the legal forms listed in Annex A of the law.
- The company must be subject to corporate tax without being exempt or subject to a tax that is identical or similar.
- The recipient must be the beneficial owner of the payment.

An interest and royalty regime similar to the abovementioned Directive 2003/49/EC applies under certain circumstances to recipients residing in Switzerland on the basis of Article 15 of the EC-Switzerland tax treaty of 2004.

Domestic withholding taxes on interest and royalties may be reduced or eliminated under tax treaties.

An exemption also applies to interest derived by nonresidents on the approved list under certain circumstances (see footnote [e] in Section A).

Tax on financial transactions. A domestic tax on financial transactions (so-called "Tobin Tax," which is also known as the "Italian Financial Transaction Tax") is imposed on certain financial transactions regardless of where the transactions are executed and the

nationalities of the parties. The tax is imposed on the following types of transfers:

- Transfers of shares and participating financial instruments issued by Italian resident entities (including the conversions of bonds into shares but excluding the conversion of bonds into newly issued shares in the case of the exercise of options of existing shareholders)
- Transfers of other instruments representing the above shares and participating financial instruments
- Derivatives transactions that have as a main underlying asset the above shares or participating financial instruments
- Transactions in "derivative financial instruments" in shares and participating financial instruments or in such instruments whose value depends mostly on the value of one or more of the above financial instruments
- Transactions in any other securities that allow the purchase or sale of the above shares and participating financial instruments or transactions that allow for cash regulations based on the shares

The tax on financial transactions also applies to high-frequency trading transactions executed on Italian financial markets if conditions listed in the Ministerial Decree issued on 21 February 2013 are met. Specific exemptions and exclusions are also provided by this decree (for example, the tax does not apply to new issues of shares or on intercompany transactions).

The tax is levied at the following rates, which depend on the type of transaction and relevant market:

- Transactions in shares and participating financial instruments are subject to a 0.1% tax if executed on a regulated market or a multilateral trading facility established in an EU Member State or in an EEA Member State allowing an adequate exchange of information with Italy. The rate is 0.2% in all other cases.
- Transactions in derivatives and other financial instruments relating to shares and participating financial instruments are subject to a fixed tax ranging from EUR0.01875 to EUR200, depending on the type of instrument and the value of the agreements. If derivative contracts are executed on a regulated market or multilateral trade facility, the tax is reduced to 20% of these fixed amounts.
- High-frequency trading transactions are subject to a 0.02% tax on the counter-value of orders automatically generated (including revocations or changes to original orders). The tax is applied in addition to the tax on financial transactions due on transfers of shares and participating financial instruments as well as on transactions in the relevant derivative instruments.

The tax on financial transactions on share transactions is due from the transferee only, while the tax applicable to transactions in derivatives is due from each party to the transaction.

The tax payment must be made in accordance with the following rules:

- By the 16th day of the month following the month in which the transfer of the ownership occurred (if effected through the Centralized Management Company [Società di Gestione

Accentrata], by the 16th day of the second month following the transaction date) for the following:
  - — Shares and participating financial instruments issued by Italian resident entities
  - — Instruments representing such shares and participating financial instruments
- By the 16th day of the month following the month in which the contract is concluded (if effected through the Centralized Management Company, by the 16th day of the second month following the transactions date) for the following:
  - — Derivatives that have as a main underlying asset the above shares or participating financial instruments
  - — "Derivative financial instruments" in shares and participating financial instruments
  - — Instruments whose value depends mostly on the value of one or more of the above financial instruments
  - — Other securities that allow the purchase and sale of the above shares and participating financial instruments or that allow for cash regulations (settlements) based on such financial instruments
- By the 16th day of the month following the month in which the annulment or amending order is sent for the high-frequency trading transactions executed on Italian financial markets

Digital Services Tax. The 2020 Budget Law enacted a Digital Services Tax (DST) immediately effective as of 1 January 2020 by building on the DST provision that was contained in the 2019 Budget Law but that never entered into force as result of the absence of a required implementing decree.

The DST is an indirect tax (that is, not eligible for double tax treaty protection) and is applied at a rate of 3% on revenues deriving from the supply to third parties of the following "digital servicers:"
- Placement on a digital interface of an advertisement targeted at users of that interface
- Making available to users a multi-sided digital interface that allows the users to find other users and to interact with them and that may also facilitate the provision of the underlying supply of goods or services directly between users
- Transmission of data collected about users and generated from users' activities on digital interfaces

The DST is imposed on resident and nonresident enterprises that during a fiscal year (to be assumed as the calendar year), individually or at group level, realized both of the following:
- An amount of revenue not lower than EUR750 million
- An amount of revenue derived from digital services realized in Italy not lower than EUR5,500,000

Revenues from the above digital services are deemed to be derived within Italy if the user (that is, the relevant device) is located in Italy at a qualifying point in time and on the basis of specific nexus criteria depending on the type of service.

Exit tax. The following transactions qualify as taxable events in Italy:
- The transfer of tax residence abroad
- The transfer of assets on cross-border mergers and demergers

- The transfer of assets from a resident company to a foreign exempt PE (a foreign PE for which the Italian head office had opted for the branch exemption regime)
- The transfer of assets from an Italian PE to the foreign headquarters or to other PEs

As a result, any unrealized capital gains must be computed on the basis of the fair market value principle and taxed immediately. Any of such transfers is not considered a taxable event only to the extent that the assets related to the Italian business remain attributed to an Italian PE.

As an alternative to an immediate levy, Italian companies shifting their tax residence (or undergoing any of the abovementioned cross-border reorganizations or transfers of assets) to other EU or EEA countries with which Italy has a full tax information exchange agreement in place may elect to spread the payment of the exit tax through five annual installments.

Inbound migration. The tax migration of companies from an approved-list jurisdiction to Italy entails the tax step-up of the company's assets and liabilities at fair market value.

For entities migrating to Italy from low-tax jurisdictions, the tax basis of the assets must be agreed to in advance through an advance ruling (see *Administration*) or otherwise it must be considered equal to the lower of the acquisition cost, the book value or the fair market value, with the tax basis of the liabilities amounting to the higher of these items.

Onshoring income exemption. Starting from 2024, income derived through an existing business moved to Italy from a foreign jurisdiction, other than EU or EEA countries, can be 50% exempt from corporate income tax and IRAP. The exemption is limited to income derived from the onshoring of businesses that, during at least the previous 24 months, were not located in Italy. From a timing perspective, the exemption applies for the financial year of the migration and the following five financial years.

The above income exemption is subject to recapture (with interest but without penalties) if the business is migrated, even partially, from Italy to any other foreign jurisdictions (including EU and EEA countries) in the five years following the expiration of the regime or 10 years for large enterprises as defined by the EU Recommendation No. 361 of 6 May 2003 (that is, with at least 250 employees plus a turnover of at least EUR50 million or, alternatively, total assets of at least EUR43 million value).

The tax incentive is subject to the EU Commission's approval under the relevant EU State-aid principles.

Patent Box Regime. The 2015 Budget Law introduced a favorable tax regime for income generated through the use of qualified intangible assets, such as industrial patents, models and designs capable of being legally protected, know-how and other intellectual properties (IPs).

Taxpayers performing activities related to such intangibles are eligible, under a specific election, for a downward adjustment of the IRES and IRAP bases equal to 50% (for 2017 and subsequent years) of the income derived from the use of the qualifying IPs.

The exemption applies to income earned both from the licensing of the IPs to related or unrelated parties and from the direct exploitation of the asset.

Law Decree No. 146 of 21 October 2021 (converted into law on 17 December 2021) repealed the above-mentioned old patent box regime by shifting from a profit-based incentive (50% exemption) to a cost-based incentive by introducing a super deduction for research and development (R&D) expenses. Under the new incentive the following rules apply:

- R&D expenses (other than those incurred with related parties) sustained in relation to qualifying IP may be recognized for tax purposes for an additional amount equal to 110% (that is, for a total 210% deduction) of the relevant expenditure for both IRES and IRAP.
- Qualifying R&D costs relate only to copyrighted software, patents, designs and models. (R&D expenses for trademarks and know-how are excluded.)
- If R&D expenses are incurred prior to the creation of a qualifying IP, the extra 110% deduction applies from the fiscal year in which the relevant IP is granted legal protection. The extra deduction includes R&D expenses incurred up to the eighth fiscal year before IP protection is granted.
- The election for the new incentive is irrevocable and lasts for five fiscal years with the possibility of subsequent renewals.
- Penalty protection is available if backup documentation is prepared by the taxpayers.

The 2022 Budget Law clarified that the new incentive is available starting the fiscal year in course as of 31 December 2021 (that is the 2021 fiscal year for calendar-year companies). Accordingly, 2020 is the last fiscal year with reference to which the old patent box regime election could have been made (possibly with a five-year validity; that is, up to 2024 at the latest). However, taxpayers who are still waiting for the conclusion of an old patent box ruling (including renewals of prior agreements) may renounce such regime and elect the new incentive, which will start from the year in which the election for the new regime is made and not from the election made for the old regime. Such alternative is not available for fiscal years for which an old patent box ruling (including renewals of prior agreements) is already concluded, or with reference to which taxpayers have elected the self-computation method.

Foreign tax relief. A foreign tax credit may be claimed for foreign-source income. The amount of the foreign tax credit cannot exceed that part of the corporate income tax, computed at the standard rate, that is attributable to the foreign-source income. Accordingly, the foreign tax credit may be claimed up to the amount that results from prorating the total tax due by the proportion of foreign-source income over total income.

If income is received from more than one foreign country, the above limitation on the foreign tax credit is applied for each country (per-country limitation). Excess foreign tax credits may be carried forward or back for eight years.

For corporate groups that elect the worldwide tax consolidation (see Section C), an Italian parent company may consolidate profits

and losses of its foreign subsidiaries joining the tax group and compute a single group tax liability. Such group tax liability may be offset by a foreign tax credit granted to the resident parent company with respect to taxes paid abroad by foreign subsidiaries that are members of the tax group.

C. Determination of business income

General. To determine taxable income, profits disclosed in the financial statements are adjusted for exempt profits, nondeductible expenses, special deductions and losses carried forward. Exempt profits include interest on government bonds issued on or before 30 September 1986 and income subject to Italian withholding tax at source as a final tax.

The following general principles govern the deduction of expenses:
- Expenses are deductible if and to the extent to which they relate to activities or assets that produce revenue or other receipts that are included in income.
- Expenses are deductible in the fiscal year to which they relate (accrual basis rule). Exceptions are provided for specific items, such as compensation due to directors, which is deductible in the fiscal year in which it is paid.

Deductibility of municipal property tax. The municipal property tax (Imposta Municipale Unica, or IMU) is 100% deductible for corporate income tax purposes (conversely, the property tax is 100% nondeductible for local tax purposes). For further details regarding this tax, see Section D.

Inventories. Inventory is normally valued at the lower of cost or market value for both fiscal and accounting purposes. For determination of "cost," companies may select one of the various methods of inventory valuation specifically provided in the law, such as first-in, first-out (FIFO); last-in, first-out (LIFO); or average cost.

Depreciation and amortization allowances. Depreciation at rates not exceeding those prescribed by the Ministry of Finance is calculated on the purchase price or cost of manufacturing. Incidental costs, such as customs duties and transport and installation expenses, are included in the depreciable base. Depreciation is computed on the straight-line method. Rates for plant and machinery vary between 3% and 15%.

In general, buildings may be depreciated using a 3% annual rate. Land may not be depreciated. If a building has not been purchased separately from the underlying land, for tax purposes, the gross value must be divided between the non-depreciable land component and the depreciable building component. The land component may not be less than 20% of the gross value (increased to 30% for industrial buildings). As a result, the effective depreciation rate for buildings is 2.4% (2.1% for industrial buildings).

Purchased goodwill may be amortized over a period of 18 years. Know-how, copyrights and patents may be amortized in accordance with financial statements, but over at least two fiscal years. The amortization period for trademarks is 18 years.

Research expenses and advertising expenses may be either entirely deducted in the year incurred or written off in equal installments in that year and in the four subsequent years, at the company's option.

Amortization allowances of other rights may be claimed with reference to the utilization period provided by the agreement.

A tax credit for the purchase of new assets is generally available depending on the nature of the assets, the timing of the purchase and acceptance of the order, and the payment.

For investments in high-tech assets purchased from 2023 to 2025, the tax credit applies as discussed below (different rules apply for previous years).

The following are the percentages for high-tech tangible assets:
- 20% of the purchase cost for investment up to EUR2.5 million
- 10% of the purchase cost for investment from EUR2.5 million up to EUR10 million
- 5% of the purchase cost for investment from EUR10 million up to EUR20 million (up to EUR50 million for specific green transition investments)

The following are the percentages for high-tech intangible assets:
- 15% of the purchase cost for investment made in 2024 with a maximum annual investment amount of EUR1 million
- 10% of the purchase cost for investment made in 2025 with a maximum annual investment amount of EUR1 million

The tax credit applies in three equal annual installments as of the year in which the assets come into operation (and have the requirements provided by the Industry 4.0 Plan).

Furthermore, a third-party sworn appraisal is required in the case of any Industry 4.0 Plan purchase (high-tech and software related) with a value higher than EUR300,000.

Extra deduction for new hires. Under Legislative Decree No. 216/2023, companies that have carried out business activities in Italy through 2023 may deduct for IRES purposes 120% of the labor costs in relation to new hires in 2024 (up to 130% for certain categories of employees).

The extra deduction is granted is both of the following conditions are satisfied:
- The number of employees hired on a permanent basis in 2024 is greater than the average of the same category of employees in 2023 (employment decreases in controlled companies should be factored into the computation).
- The number of all the employees (including temporary employees) at the end of the 2024 is greater than the 2023 average.

The eligible cost for the increased tax deduction (20% or 30% depending on the case) is the lower of the cost for the new hires or the increase in the labor costs based on the profit and loss statement.

Step-up of Italian participations. The Italian government has revamped a one-off opportunity for resident individuals and non-resident entities to elect for a tax step-up of participations in

unlisted Italian companies held as of 1 January 2024 through the payment of a substitute tax.

The base of the substitute tax equals the value of the participation as of 1 January 2024 and needs to be certified by a sworn appraisal prepared no later than 30 June 2024. The rate of the substitute tax is 16%.

The substitute tax may either be paid in full by 30 June 2024 or through three annual installments beginning 30 June 2024 (with the second and third installments due by 30 June 2025 and 30 June 2026 and subject to an annual 3% interest surcharge).

Tax credit for R&D. A tax credit is available for eligible R&D expenses for the 2024 fiscal year (different rules apply for previous years).

The eligible R&D activities are classified into three categories. The following are the amounts of the tax credit for each category:

- For R&D activities, the tax credit amounts to 10% of the eligible expenses with a maximum annual amount granted to each company of EUR5 million.
- For technological innovation, the tax credit amounts to 5% of the eligible expenses with a maximum annual amount granted to each company of EUR2 million (up to EUR4 million in the case of green transition or if the relevant activity qualifies as a digital innovation under the Industry 4.0 Plan).
- For design activities carried out by companies in the textile and fashion, footwear, eyewear, goldsmith, furniture and ceramics sectors, and for the design and manufacture of new products and samples, the tax credit amounts to 10% of the eligible expenses with a maximum annual amount granted to each company of EUR2 million.

A third-party appraisal is required.

To obtain the benefit with respect to the past years, an amended tax return must be filed with the Italian Revenue Agency, provided that all the other requirements are met.

The tax credit available for R&D activities amounts to 10% from 2023 to 2031 with a maximum annual amount of EUR5 million.

Provisions. The Italian tax law provides a limited number of provisions.

Bad and doubtful debts. A general provision of 0.5% of total trade receivables at the year-end may be made each year until the total doubtful debt provision reaches 5%. Bad debts actually incurred are deductible to the extent they are not covered by the accumulated reserve. In this regard, losses on bad debts are deductible for corporate income tax purposes only if they derive from "certain and precise" elements and if the debtor has been subject to a bankruptcy procedure or insolvency procedure. The Internationalization Decree provides that, effective from the 2015 fiscal year, the deduction for bad debt losses is allowed with respect to foreign bankruptcy and insolvency procedures, to the extent that they are equivalent to the Italian procedures and that the relevant foreign country allows a satisfactory exchange of information. "Certain and precise elements" are deemed to exist if one of the following conditions is met:

- The bad debt is not more than EUR2,500 (or EUR5,000 in the case of companies having a turnover not less than EUR100 million) and has been unpaid for at least six months.
- The right to collect the credit has expired. Under Article 2946 of the Italian Civil Law, the ordinary right to collect a credit expires after 10 years.
- The credit has been deleted from the financial statements in application of the relevant accounting rules.

For banks and financial entities, Law Decree No. 83/2015 repealed the rules concerning the tax deductibility of bad debt write-downs and bad debt losses arising from the transfer of receivables.

Redundancy and retirement payments. Provisions for redundancy and retirement payments are deductible in amounts stated by civil law and relevant collective agreements.

Limitations on interest deductions. For companies other than banks and other financial entities, the deductibility of net interest expenses is determined in accordance with an Earnings Before Interest, Taxes, Depreciation and Amortization (EBITDA) test. Under this test, net interest expenses (that is, interest expenses exceeding interest income) are deductible only up to 30% of EBITDA and the excess can be carried forward indefinitely and used in the fiscal years in which 30% of EBITDA is higher than the net interest expense for the year. The 30% EBITDA rule may also apply at the level of a domestic tax group, meaning that the excess of interest expenses at the level of one entity may be deducted by the group if other members have a corresponding amount of excess EBITDA.

Legislative Decree No. 142/2018 (the ATAD decree) introduced the following amendments, effective from 2019:

- Qualifying EBITDA for purposes of the 30% limitation is now computed on the basis of tax relevant figures (and no longer on accounting figures).
- A new definition of interest expenses (based on a concept of substance over form) is introduced. For example, under the new definition, interest expenses capitalized in the cost of purchased goods are now included.
- Excess interest income of any fiscal year can now be carried forward to offset interest expenses in any following fiscal years.
- Excess 30% EBITDA can now be carried forward for five fiscal years only (no limits applied under the old rule).

Under grandfathering rules, the excess interest expenses accrued under the old regime can still be carried forward, and any excess 30% EBITDA computed under the old rules can be used against excess interest expenses on loans signed before 17 June 2016.

Foreign-exchange losses. Gains and losses resulting from the mark-to-market of foreign currency-denominated debts, credits and securities are not relevant. An exception is provided for those hedged against exchange risk if the hedging is correspondingly marked-to-market at the exchange rate at the end of the fiscal year.

Relief for losses. For corporate income tax purposes only, losses may be carried forward with no time limit and deducted from income of the following periods for a total amount equal to 80%

of taxable income (or a lower value if the tax-loss amount does not reach 80% of the amount of taxable income for the fiscal year).

Losses incurred in the first three years of an activity may also be carried forward for an unlimited number of tax periods, and the limit of 80% of taxable income does not apply. The three-year time limit is computed from the company's date of incorporation. In addition, to qualify for an unlimited loss carryforward, such losses must derive from a new activity; that is, companies within the same group may not have previously carried out the activity.

Restrictions on tax losses carried forward apply if ownership of the company is transferred and if the company changes its activity.

The company resulting from or surviving after a merger may carry forward unrelieved losses of the merged companies to offset its own profits. In general, tax losses carried forward may not exceed the lower of the net equity at the close of the last fiscal year or the net equity shown on the statement of net worth prepared for the merger of each company involved in the merger. This limitation is applied on a company-by-company basis. Contributions to capital made in the 24 months preceding the date of the net worth statement are disregarded. Special rules further limit the amount of the losses that can be carried forward. Additional measures combat abuses resulting from the use of losses with respect to mergers, demergers and the transparency regime (see *Consortium relief*).

Intragroup transfer of tax losses. Under new provisions introduced by the 2017 Budget Law, it is now possible for Italian resident companies, not being part of a tax group, but connected by at least 20% voting rights and profit share, to transfer tax losses accrued in the first three fiscal years to each other, provided that certain conditions are met.

The transfer must be related to the whole amount of the tax losses for the first three fiscal years of activity. The acquiring company must remunerate the seller for the losses transferred by using the same corporate tax rate of the fiscal year when the tax losses accrued. The remuneration is not subject to tax for the seller.

Limitation on tax attributes carryforward in the case of change of ownership and extraordinary transactions. Tax losses and other tax attributes of a company may not be carried forward if the majority of the shares giving voting rights in the ordinary shareholders' meeting of that company are transferred (that is, change of control) and if a change of the main business activity carried out by that company takes place, unless a vitality test is met. The vitality test is an anti-avoidance rule aimed at barring the transfer of net operating losses and other attributes (also through an intercompany reorganization) to profitable companies that could offset all or a large part of the companies' taxable income with the inherited losses and other attributes.

Notional interest deduction. The Italian notional interest deduction (NID) or allowance for corporate equity (commonly referred to by the Italian acronym ACE) has been repealed as of 1 January 2024. Nevertheless, companies may still carry forward any NID excess without any time limitation.

Non-operating companies. Italian resident companies and PEs of nonresident companies are deemed to be "non-operating companies" if the total of their average non-extraordinary revenues (proceeds from the ordinary activities of a company as shown on its financial statements) and increases in inventory are less than the sum of the average of the following during the preceding three years:
- 2% of the book value of the company's financial assets
- 6% of the book value of the company's real estate assets
- 15% of the book value of the company's other long-term assets

If the company qualifies as a non-operating company, its taxable income cannot be lower than the sum of the following items (minimum income):
- 1.5% of the book value of the company's financial assets for the year
- 4.75% of the book value of the company's real estate assets for the year
- 12% of the book value of the company's other assets for the year

Non-operating companies may not generate tax losses. Previous tax losses (that is, those incurred when the company was operating) cannot be offset against the minimum income. In the (unlikely) event that the taxable income exceeds the minimum, only 80% of the amount exceeding the minimum can be offset.

The income of non-operating companies is subject to corporate income tax at a rate of 34.5% (rather than the ordinary 24% rate). IRAP (see Section B) also applies.

Non-operating companies that are in a value-added tax (VAT) credit position may no longer take the following actions:
- They may not claim such VAT for a refund.
- They may not use the VAT to offset other tax payments due.
- They may not surrender the VAT to other group companies.
- They may not carry forward the VAT.

Companies can be exempted from the abovementioned regime, for both income tax and VAT purposes, if they prove to the tax authorities that they were not able to reach the minimum income requirements because of extraordinary circumstances (an advance ruling must be obtained for such a determination). Certain companies are specifically excluded from the non-operating companies' regime (for example, listed groups, companies with 50 or more shareholders, companies with an amount of business income greater than the total assets value and companies that become insolvent or enter into an insolvency procedure).

Groups of companies. Groups of companies may benefit from tax consolidation and consortium relief. These regimes allow the offsetting of profit and losses of members of a group of companies.

Domestic tax consolidation. Italian tax consolidation rules provide two separate consolidation systems, depending on the residence of the companies involved. A domestic consolidation regime is available for Italian resident companies only. A worldwide consolidation regime, with slightly different conditions, is available for multinationals.

To qualify for consolidation, more than 50% of the voting rights of each subsidiary must be owned, directly or indirectly, by the common Italian parent company.

For a domestic consolidation, the election is binding for three fiscal years. However, if the holding company loses control over a subsidiary, such subsidiary must be immediately excluded from the consolidation. The tax consolidation includes 100% of the subsidiaries' profits and losses, even if the subsidiary has other shareholders. The domestic consolidation may be limited to certain entities, leaving one or more otherwise eligible entities outside the group filing election. Tax losses realized before the election for tax consolidation can be used only by the company that incurred such losses. Tax consolidation also allows net interest expenses (exceeding 30% of a company's EBITDA) to be offset with excess EBITDA capacity of another group company.

Dividends paid within a domestic consolidation are subject to the ordinary 1.2% tax at the level of the recipient.

Horizontal consolidation. To comply with Case C-40/13 of the Court of Justice of the EU, the Internationalization Decree introduced the possibility of electing a domestic tax consolidation between two or more Italian sister companies with a common parent residing in any EU or EEA country that provides adequate exchange of information with Italy. These new measures are effective from the 2015 fiscal year.

Under these measures, a nonresident parent company can designate an Italian resident subsidiary to elect for a tax-consolidation regime together with each resident company controlled by the same foreign entity.

In addition, the horizontal consolidation may also include Italian PEs of EU and qualifying EEA companies to the extent that the nonresident company with a PE in Italy is controlled by the same parent company.

Consortium relief. Italian corporations can elect consortium relief if each shareholder holds more than 10% but less than 50% of the voting rights in the contemplated Italian transparent company. Under this election, the subsidiaries are treated as look-through entities for Italian tax purposes and their profits and losses flow through to the parent company in proportion to the stake owned. These profits or losses can offset the shareholders' losses or profits in the fiscal year in which the transparent company's fiscal year ends. Tax losses realized by the shareholders before the exercise of the election for the consortium relief cannot be used to offset profits of transparent companies.

Dividends distributed by an eligible transparent company are not taken into account for tax purposes in the hands of the recipient shareholders. As a result, Italian corporate shareholders of a transparent company are not subject to corporate income tax on 5% of the dividends received (in all other circumstances this would mean an effective tax rate of 1.2%).

The election does not change the tax treatment of dividends distributed out of reserves containing profits accrued before the exercise of the election.

The consortium relief election is binding for three fiscal years and requires the consent of all the shareholders.

The consortium relief election may be beneficial for joint ventures that are not eligible for tax consolidation because the control test is not met. In addition, the election is also available for nonresident companies that are not subject to Italian withholding tax on dividend payments (that is, EU corporate shareholders qualifying under the EU Parent-Subsidiary Directive). If both EU corporate shareholders qualifying under the EU Parent-Subsidiary Directive and Italian corporate shareholders hold an Italian subsidiary, the EU corporate shareholders would want to elect consortium relief to allow the Italian corporate shareholders to benefit from tax transparency.

Group value-added tax. For groups of companies linked by more than a 50% direct shareholding, net value-added tax (VAT; see Section D) refundable to one group company with respect to its own transactions may be offset against VAT payable by another, and only the balance is required to be paid by, or refunded to, the group.

European VAT Group. The 2017 Budget Law introduces, effective from 1 January 2018, the option for the European VAT Group (as provided by Article 11 of the EU Directive 2006/112/CE) in the Italian VAT law.

Companies included in the European VAT Group are treated as a single VAT taxable person, which means the following:

- Transactions carried out between the entities of the group are not subject to VAT.
- Transactions carried out between an entity of the group and a third party are treated as performed by the group as a single entity.
- Entities incorporated in Italy should be entitled to elect the group if, while legally independent, they are closely bound one to another by the following financial, economic and organizational links:
  - — Financial link: a minimum corporate participation link must exist between the entities electing for the group (more than 50% of the voting rights).
  - — Economic link: the entities must perform the same kind of activity or complementary, ancillary and auxiliary activities.
  - — Organizational link: a link between the decision-making bodies of the entities must exist.

If the election is made, all entities fulfilling the requirements must adhere to the group.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT), on goods, services and imports	
Standard rate	22%
Other rates	4%/10%

Nature of tax	Rate
Municipal tax (Imposta Unica Comunale, or IUC); includes real property tax (Imposta Municipale Unica, or IMU) and tax on garbage disposal (Tassa per Rifiuti, or TARI)	
IMU; imposed on Italian property's re-evaluated cadastral value; rates may be modified by municipal authorities; not applicable to principal home; payable by the owner of the real property	Various
TARI; imposed on the user	Various

E. Miscellaneous matters

Foreign-exchange controls. The underlying principle of the foreign-exchange control system is that transactions with nonresidents are permitted unless expressly prohibited. However, payments by residents to foreign intermediaries must be channeled through authorized banks or professional intermediaries. In addition, transfers of money and securities exceeding EUR10,000 must be declared to the Italian Exchange Office. Inbound and outbound investments are virtually unrestricted.

Transfer pricing. Italy imposes transfer-pricing rules on transactions between related resident and nonresident companies. Under these rules, intragroup transactions must be carried out at arm's length. In principle, Italian transfer-pricing rules do not apply to domestic transactions. However, under case law, grossly inadequate prices in these transactions can be adjusted on abuse-of-law grounds.

No penalty applies as a result of transfer-pricing adjustments if Italian companies complied with Italian transfer-pricing documentation requirements, allowing verification of the consistency of the transfer prices set by the multinational enterprises with the arm's-length principle.

On 23 November 2020, the Italian tax authorities issued new instructions regarding the content and validity of the elective transfer-pricing documentation in order to adopt the Base Erosion and Profit Shifting (BEPS) Action 13 deliverable.
Such documentation consists of the following documents:
- Masterfile
- Country-Specific Documentation

Transfer pricing documentation (that is, Masterfile and Country-Specific Documentation) must be drafted in a fashion that fulfills the abovementioned new instructions, according to the Circular Letter issued on 26 November 2021. In addition, to opt for the penalty protection regime, it is required that both the Masterfile and Country-Specific Documentation be signed by the Italian entity's legal representative or a delegated person by means of an electronic signature and time stamp (*marca temporale*) no later than the filing of the corporate tax return (statutory deadline being 11 months following the end of the fiscal year).

With respect to such deadline, the Circular Letter clarified the following:
- In the case of late or amended annual tax return submitted within 90 days from the original deadline, the Masterfile and

the Country-Specific Documentation must be signed by electronic signature with a time stamp by the date of effective submission.
- It is possible to communicate late in the amended annual tax return the possession of the transfer pricing documentation provided that it has been prepared, including the affixing of the electronic signature with time stamp, within the term of 90 days from the original deadline.

The Masterfile collects information regarding the multinational group. It must be organized in the following chapters.

Chapter	Information in chapter
1	Description of the group structure
2	Description of the activities carried out by the group, including information concerning main profit generator factors, transaction flows, main intercompany service agreements, main markets, brief functional analysis of the entities of the group describing their contribution to value creation and business restructuring transactions
3	Description of the intangible assets owned by the group
4	Description of the intercompany financial transactions
5	Description of the group financial reports, including consolidated financial statements (to be attached) and a list and summary of any APAs and other tax rulings related to the cross-border allocation of income

Under the 2010 instructions, taxpayers could prepare, in certain cases, a Masterfile only in relation to a subgroup, in order to avoid filing the group Masterfile. Such possibility no longer exists, given that the new instructions refer only to group Masterfiles, consistent with the applicable Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines. Also, under the new instructions, more than one Masterfile for each group can be prepared if it is possible to segregate in separate sets different operations and different transfer-pricing policies that are applicable within the same group.

The Country-Specific Documentation contains information regarding the enterprise. It must be organized in the following chapters and annexes.

Chapter	Information in chapter or annex
1	General description of the entity, including information concerning the relevant operating structure and business strategies
2	Intercompany transactions
3	Financial information, including individual financial statements and statements reconciling the Profit Level Indicators used to apply the transfer-pricing methodology with the figures in the annual financial statements

Chapter	Information in chapter or annex
Annex 1	Copies of the contractual documentation for each covered transaction
Annex 2	Copies of APAs and other cross-border tax rulings of the Italian entity as well as of other companies, if any way linked to the covered transaction.

The transfer-pricing rules described above do not apply to transactions between resident entities.

Decree No. 50 of 2017 replaced the reference to the "fair market value" principle set out in Article 9 of the TUIR for purposes of computing transfer-pricing adjustments.

Under the new wording of Article 110, Paragraph 7 of the TUIR, the transfer-pricing adjustments are determined with reference to the conditions and prices that would have been agreed on by independent entities operating in conditions of free competition and in comparable circumstances, if an increase in income is derived. In other words, the transfer-pricing adjustments should be determined under a free-competition scenario, which is more in line with the OECD guidelines for national legislation.

The negative income tax adjustment under Article 110, Paragraph 7, of the TUIR, can occur in the following circumstances:

- In the execution of agreements concluded with the competent authorities of foreign states following the mutual agreement procedure provided under a double tax treaty.
- At the end of the checks carried out as part of the international cooperation activities whose results are shared by states' participants.
- Following a ruling regarding the taxpayer by a state with which Italy has entered into a double tax treaty that allows an adequate exchange of information and is issued according to the methods and terms provided by the Director of the Revenue Agency, against a positive adjustment and in accordance with the arm's-length principle. A facility exists for the taxpayer to request the activation of the mutual agreement procedure referred to in the first bullet, provided that the conditions are met.

Country-by-Country Reporting. The 2016 Budget Law introduced a new Country-by-Country Reporting (CbCR) obligation for multinational entities. Entities subject to this obligation must submit an annual report indicating the amounts of revenues, gross profits, taxes paid and accrued, and other indicators of effective economic activities.

Italian parent companies of certain groups and certain Italian resident companies controlled by a foreign company are subject to the CbCR obligation.

Italian parent companies are subject to the CbCR obligation if their groups meet the following conditions:

- They are required to submit group consolidated financial statements. These are groups that exceed two of the following two of the following thresholds for two consecutive years:
  - — Total assets of EUR20 million
  - — Turnover of EUR40 million
  - — 250 employees

- They had consolidated annual turnover in the preceding fiscal year of at least EUR750 million.
- They are not controlled by other entities.

Italian resident companies controlled by a foreign company are subject to the CbCR obligation if they are required to submit group consolidated financial statements in a country where the CbCR does not apply or in a country that does not allow exchange of information regarding the CbCR.

In the case of a failure to submit a report or an incomplete submission of a report, penalties apply from EUR10,000 to EUR50,000.

On 8 March 2017, the Italian Ministry of Economy and Finance released the Ministerial Decree with implementation details for the CbCR process for Italian entities belonging to Multinational Enterprise (MNE) groups.

Cooperative Compliance Program. An elective Cooperative Compliance Program (CCP) is in place for selected taxpayers that have adopted an adequate internal audit model to manage and control their tax risks with the purpose of promoting communication and cooperation between taxpayers and tax authorities (so-called Tax Control Framework, or TCF). This framework must be certified by a qualified professional.

Recent new rules provide for the gradual reduction of the access threshold, with the regime reserved for taxpayers that achieve the following turnover or revenue:
- As of 2024, not less than EUR 750 million
- As of 2026, not less than EUR 500 million
- As of 2028, not less than EUR 100 million

The regime is also available to companies not meeting the above requirements that belong to a domestic tax consolidation group in which at least one entity in the group meets the requirements, provided that an integrated system of tax risk detection, measurement, management and control is adopted for all companies in the group.

Regardless of revenue or turnover, companies that intend to implement the ruling of the Italian tax authorities with reference to the "new investments ruling" are also eligible for the regime.

The CCP may even apply to financial years prior to the access to the regime with a 50% reduction of the penalties for any risk fully communicated within 120 days from the admission to the regime, provided that no tax audit or tax assessments have been started or noticed with respect to the taxpayer.

Taxpayers that adhere to the CCP can benefit from certain advantages such as the following:
- Agreements on tax positions before the filing of the return
- Quicker rulings (45 days)
- No need for guarantees for tax refunds
- Reduction by two years of the statute of limitations for the issuance of tax assessments (by three years, under certain circumstances)
- Elimination of administrative and certain criminal penalties if the relevant tax risks are fully disclosed in advance

Reduced penalties are available even absent the satisfaction of requirements to apply for cooperative compliance for companies electing to draft and communicate a TCF to the Italian tax authorities. The election is irrevocable for two years, and the penalty relief will cover any tax risk communicated in advance through the filing of a tax ruling, with the application of one-third of the administrative penalties ordinarily applicable and the exclusion of certain criminal liabilities.

Taxpayers that file a request to adhere to the CCP should receive an answer within 120 days.

In the case of a positive answer, admission to the regime is effective as of the fiscal year in which the request is filed and continues until the taxpayer files an end notice.

The tax authorities may exclude taxpayers from the CCP if during any of the years following the taxpayers' admission, the taxpayers no longer meet the CCP's requirements.

Taxpayers should adopt a collaborative attitude with Italian tax authorities by timely disclosing transactions that may be deemed to be aggressive tax planning, by promptly responding to any request and by promoting a corporate culture adhering to principles of fairness and respect of tax laws.

Controlled foreign companies. The income of a controlled foreign company (CFC) is attributed to the Italian parent under a flow-through taxation principle if both of the following circumstances exist:

- The foreign subsidiary is subject to an effective tax rate lower than 50% of the applicable Italian corporate income tax rate.
- More than 1/3 of the foreign subsidiary's revenues qualify as passive income, such as dividends, interest, royalties, and financial lease, insurance, bank and other financial activity income, as well as income derived from the sale of goods or provision of low-value services to related parties.

Starting from 2024, Legislative Decree No. 209/2023 introduced a simplified minimum 15% effective tax rate test based on the accounting results of the CFC. For this purpose, the CFC's financials must be certified by locally authorized professional auditors, and the findings of the CFC's audit must be used for the purpose of the certified stand-alone or consolidating accounts of the parent.

The simplified minimum 15% effective tax rate test is based on the ratio between the foreign tax burden (current and deferred taxes) and the foreign accounting earnings before taxes. If the effective tax rate is lower than 15%, the Italian controlling company may still avoid the CFC income imputation by proving that the latter is subject to a tax burden at least equal to 50% of the theoretical Italian one. The theoretical 50% effective tax rate test remains mandatory for CFCs with financials that have not been certified by authorized auditors.

As an alternative to the simplified minimum 15% effective tax rate test, Italian companies may elect for a further simplified regime requiring a mandatory minimum payment on a three-year basis. As a precondition to elect this simplified CFC taxation

regime, the CFC's financials must be certified by locally authorized professional auditors.

If elected, this regime provides for a substitute tax at 15% applied on the local adjusted accounting profits (that is, grossed up by current and deferred taxes, as well as by assets' write-offs and provisions). The election made by the Italian parent company involves all CFCs with more than one-third passive income and remains mandatory for a three fiscal year lock-in period (automatically renewable unless explicitly revoked) regardless of the minimum 15% effective tax rate test.

A CFC is deemed to be controlled by an Italian company if either of the following circumstances exist:

- Direct or indirect control is exercised in the foreign company's shareholders meeting, including by way of trust companies or intermediaries, through the majority of voting rights or a qualifying influence under Article 2359 of the Italian Civil Code.
- Over 50% of the participation in the foreign company's profits is held either directly or indirectly by way of other companies controlled under Article 2359 of the Italian Civil Code, including by way of trust companies or intermediaries.

CFC rules also apply to a foreign PE of a CFC, a foreign exempt PE of the Italian controlling company or an Italian subsidiary of the Italian controlling company.

An advance ruling may be electively obtained to demonstrate that the foreign entity (or PE) carried out an actual industrial or commercial activity.

Since the ruling is not mandatory, the conditions required for the exemption can also be proved during the tax audit process. Accordingly, tax assessments concerning the CFC regime cannot be issued if the taxpayer has not been given the opportunity to provide evidence of this exemption within 90 days after the clarification request.

In the absence of a positive ruling (and provided that the flow-through taxation has not been applied), the Italian parent needs to disclose in its tax return the ownership of the shares triggering the application of the CFC rules. Specific penalties of up to EUR50,000 apply for a failure to make such disclosure.

Anti-avoidance legislation. A general anti-avoidance rule is set forth by Article 10-bis of Law 212/2000 and applies to all direct and indirect taxes with the exclusion of custom duties.

The rule defines "abuse of law" as "one or more transactions lacking any economic substance which, despite being formally compliant with the tax rules, achieve essentially undue tax advantages."

Transactions are deemed to lack economic substance if they imply facts, actions and agreements, even related to each other, that are unable to generate significant business consequences other than tax advantages. As indicators of lack of economic substance, the anti-avoidance rule refers to cases in which inconsistency exists between the qualification of the individual transactions and their legal basis as a whole and cases in which the

choice to use certain legal instruments is not consistent with the ordinary market practice.

Tax advantages are deemed to be undue if they consist of benefits that, even if not immediate, are achieved in conflict with the purpose of the relevant tax provisions and the principles of the tax system.

Notwithstanding the above, the anti-avoidance rule establishes that no abuse of law exists if a transaction is justified by non-negligible business purposes (other than of a tax nature), including those aimed at improving the organizational and managerial structure of the business.

Taxpayers can submit ruling requests to the Italian authorities to verify whether any envisaged or realized transactions are considered abusive. The application must be filed before the deadline for the relevant tax return submission or before the satisfaction of other tax obligations associated with the transactions.

Anti-hybrid provision. Law Decree No. 142/2018 implemented the EU ATAD into domestic law.

Italian anti-hybrid rules apply as of the fiscal year starting after the one ongoing on 31 December 2019 (that is, as of 2020 for calendar-year companies). Rules applying to (Italian) reverse hybrids apply as of the fiscal year starting after the one ongoing on 31 December 2021 (that is, as of 2022 for calendar-year companies).

The Italian ATAD Decree applies to IRES and the Italian individual income tax *(imposta sul reddito delle persone fisiche*, or IRPEF), but it does not apply to IRAP. With reference to foreign jurisdictions, the Italian anti-hybrid rules take into consideration any tax covered by a bilateral tax treaty in place with the relevant country. However, if the applicable treaty also includes local taxes (that is, regional or cantonal), the anti-hybrid rules will only consider taxes applied at the highest governmental level (for example, at the federal level). Absent a bilateral tax treaty, reference is made to taxes with the same or equivalent nature of the Italian taxes applied at the highest governmental level.

Subject to upcoming Ministry of Finance's instructions, an anti-hybrid mismatch documentation regime should be available to protect from penalties applicable in the case of ATAD 2 hybrid assessments (Qualified Documentation). The Qualified Documentation must be prepared before the deadline for the submission of the relevant financial year's 's tax return and before the start of any audit activity.

Debt-to-equity rules. For information regarding restrictions on the deductibility of interest, see Section C.

Mergers and acquisitions. Mergers of two or more companies, demergers and asset contributions in exchange for shares are, in principle, tax-neutral transactions. However, companies undertaking mergers, demergers and asset contributions in exchange for shares may step up the tax basis of the assets for IRES and IRAP purposes by paying a step-up tax at rates ranging from 12% to 16%. Different types of step-up elections are available.

Foreign PEs of Italian entities and Italian PEs of foreign entities

Foreign PEs of Italian entities. An election is available to exempt income generated through foreign PEs. For branches located in a low-tax country, CFC rules apply. The election is irrevocable and involves automatically all of a company's PEs (that is, "all in or all out").

Italian PEs of foreign entities. Income is attributed to Italian PEs in line with the "Authorized OECD Approach." The PE income is determined according to the ordinary rules for resident companies and on the basis of a specific statutory account prepared according to the Italian accounting principles applying to resident enterprises with similar features.

Dealings between Italian PEs and foreign headquarters are explicitly subject to Italian transfer-pricing rules. In this respect, a PE is treated as separate and independent from its headquarters, and profits attributed to the PE are those that the branch would have earned at arm's length as if it were a "distinct and separate" entity performing the same or similar functions under the same or similar conditions, determined by applying the arm's-length principle. A branch "free capital" (*fondo di dotazione*) is also attributed to the PE on the basis of OECD principles.

The 2018 Budget Law expanded the definition of PE to align it with the revised definition in the 2017 version of the OECD model. However, as a departure from the current OECD version, the Italian domestic rule includes the following definition of a digital PE: "A continuous and significant economic presence of a foreign company in Italy, regardless of whether it has a substantial Italian physical presence, will trigger the existence of a fixed base that could give rise to an Italian PE."

The 2023 Budget Law introduced a PE exemption, under certain circumstances, for activities carried out in Italy by foreign investment management companies.

Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS. On 7 June 2017, Italy and 67 other jurisdictions signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS (the MLI).

At the time of signature, Italy submitted a list of 84 tax treaties entered into by Italy and other jurisdictions that it would like to designate as covered tax agreements (tax treaties to be amended through the MLI).

Together with the list of covered tax agreements, Italy also submitted a provisional list of reservations and notifications (MLI positions) with respect to the various provisions of the MLI. The definitive MLI positions will be provided on the deposit of Italy's instrument of ratification, acceptance or approval of the MLI.

BEPS Pillar Two Global Anti-Base Erosion Rules provisions. The International Tax Decree (Legislative Decree No. 209/2023) transposed the BEPS Pillar Two Global Anti-Base Erosion (GLoBE) rules, implemented by the EU Minimum Tax Directive (Council Directive [EU] 2022/2523 of 14 December 2022).

Among other items, the Italian Pillar Two regulations introduce the global minimum top-up taxation rules by providing for the main interlocking measures (that is, the Income Inclusion Rule [IIR], which is translated in Italian as *imposta minima integrative* and the Undertaxed Payments Rule [UTPR], which is translated in Italian as *imposta minima suppletive*, as well as a Qualifying Domestic Top-Up Tax [QDMTT] under the safe-harbor OECD standard, which is translated in Italian as imposta minima nazionale).

The BEPS Pillar Two provisions are effective with reference to financial years starting on or after 31 December 2023, except for the UTPR provisions that are due to apply to financial years starting on or after 31 December 2024.

F. Treaty withholding tax rates

	Dividends (1) %	Interest %	Royalties %
Albania	10	0/5 (d)(e)(z)	5
Algeria	15	0/15 (d)(e)(z)	5/15 (o)
Argentina	15	0/20 (d)(e)(z)	10/18 (h)
Armenia	5/10 (a)	0/10 (b)(d)	7
Australia	15	0/10 (d)	10
Austria	15	0/10 (d)(e)(z)	0/10 (i)
Azerbaijan	10	0/10 (yy)	5/10 (xx)
Bangladesh	10/15 (a)	0/10/15 (d)(e)(y)	10
Barbados	15	0/5 (d)(e)(z)	5
Belarus	5/15 (a)	0/8 (d)(e)(z)	6
Belgium	15	0/15 (w)	5
Bosnia and Herzegovina (v)	10	10	10
Brazil	15	0/15 (d)	15/25 (k)
Bulgaria	10	0	5
Canada	5/15 (a)	0/10 (d)(e)(z)	0/5/10 (h)
Chile	10	4/5/10/15	2/5/10
China Mainland	10	0/10 (d)(tt)	10
Colombia	5/15 (a)	5/10 (ggg)	10
Congo (Republic of)	8/15 (fff)	0	10
Côte d'Ivoire	15/18 (t)	0/15 (d)	10
Croatia	15	0/10 (b)(d)	5
Cyprus	15 (vv)	10	0
Czech Republic	15	0	0/5 (h)
Denmark	0/15 (a)	0/10 (ee)(mm)	0/5 (nn)
Ecuador	15	0/10 (d)(e)(z)	5
Egypt	26 (cc)	0/25 (d)(e)(z)	15
Estonia	5/15 (a)	0/10 (d)(uu)	5/10 (kk)
Ethiopia	10	0/10 (oo)	20
Finland	10/15 (a)	0/15 (d)(e)(z)	0/5 (o)
France	5/15 (a)(gg)	0/10 (d)(e)(z)(ee)	0/5 (o)
Georgia	5/10 (a)	0	0
Germany	10/15 (a)	0/10/15 (d)(e)(z)(ee)(ff)	0/5 (l)
Ghana	5/15 (a)	10	10
Greece	15	0/10 (d)(e)(z)	0/5 (m)
Hong Kong (ddd)	10 (ccc)	0/12.5 (d)(ccc)	15 (ccc)
Hungary	10	0	0

	Dividends (1) %	Interest %	Royalties %
Iceland	5/15 (a)	0	5
India	15/25 (a)	0/15 (d)(e)	20
Indonesia	10/15 (a)	0/10 (d)(e)(z)	10/15 (x)
Ireland	15	10	0
Israel	10/15 (a)	10	0/10 (o)
Japan	10/15 (a)	10	10
Jordan	10	0/10 (d)(e)	10
Kazakhstan	5/15 (a)	0/10 (d)(e)(z)	0/10 (hh)
Korea (South)	10/15 (a)	0/10 (d)(e)(uu)	10
Kuwait	5/20 (a)	0	10
Kyrgyzstan (u)	15	0	0
Latvia	5/15 (a)	0/10 (d)	5/10 (kk)
Lebanon	5/15 (aaa)	0	0
Lithuania	5/15 (a)	0/10 (d)(e)(z)	5/10 (kk)
Luxembourg	15	0/10 (d)(e)(z)	10
Malaysia	10 (ww)	0/15 (d)	15
Malta	15	0/10 (d)(e)(z)	0/10 (m)
Mauritius	5/15 (a)	0/20 (dd)	15
Mexico	15	0/15 (d)(e)(z)	0/15 (l)
Moldova	5/15	5	5
Mongolia	5/15 (a)	10	5
Montenegro (v)	10	10	10
Morocco	10/15 (a)	0/10 (d)(e)(z)	5/10 (o)
Mozambique	15	0/10 (ll)	10
Netherlands	5/10/15 (c)	0/10 (d)(e)(z)	5
New Zealand	15	0/10 (d)(e)(z)	10
North Macedonia	5/15 (a)	0/10 (d)(e)(z)	0
Norway	15	0/15 (d)(e)(z)	5
Oman	5/10 (pp)	0/5 (oo)	10
Pakistan	15/25 (a)	0/30 (d)(e)(z)	30
Philippines	15	0/10/15 (d)(e)(z)	15/25 (zz)
Poland	10	0/10 (d)(e)(z)	10
Portugal	15	0/15 (d)(e)(z)	12
Qatar	5/15 (a)	0/5 (d)(e)(z)	5
Romania	10	0/10 (d)(e)(z)	10
Russian Federation	5/10 (g)	10	0
San Marino	5/15	0/13	10
Saudi Arabia	5/10 (a)	0/5 (d)(e)(z)	10
Senegal	15	0/15 (ll)	15
Serbia (v)	10	10	10
Singapore	10	0/12.5 (d)(z)	15/20 (n)
Slovak Republic	15	0	0/5 (bbb)
Slovenia	5/15 (a)	0/10 (d)(e)(z)	5
South Africa	5/15 (a)	0/10 (d)(e)(z)	6
Spain	15	0/12 (d)(e)(z)	4/8 (o)
Sri Lanka	15	0/10 (d)(e)(z)	10/15 (q)
Sweden	10/15 (a)	0/15 (d)(e)(z)	5
Switzerland (eee)	15	12.5 (rr)	5
Syria	5/10 (a)	0/10 (qq)	18
Taiwan	10	10	10
Tajikistan (u)	15	0	0
Tanzania	10	15	15
Thailand	15/20 (a)	0/10 (d)(e)(j)	5/15 (h)

	Dividends (1) %	Interest %	Royalties %
Trinidad and Tobago	10/20 (a)	0/10 (z)	0/5 (bb)
Tunisia	15	0/12 (d)(e)	5/12/16 (r)
Türkiye	15	15	10
Turkmenistan (u)	15	0	0
Uganda	15	0/15 (b)(z)	10
Ukraine	5/15 (a)	0/10 (ll)	7
USSR (u)	15	0/26 (ii)	–
United Arab Emirates	5/15 (a)	0	10
United Kingdom	5/15 (a)(gg)	0/10 (e)(ee)	8
United States	5/15	0/10 (aa)	0/5/8 (s)
Uruguay	5/15 (a)	10	10
Uzbekistan	10	0/5 (ll)	5
Venezuela	10	0/10 (b)(z)	7/10 (p)
Vietnam	5/10/15 (f)	0/10 (d)(e)(z)	7.5/10 (jj)
Yugoslavia (v)	10	10	10
Zambia	5/15 (a)	0/10 (d)	10
Non-treaty jurisdictions	26 (ss)	26 (ss)	22.5/30 (ss)

(1) Dividends paid by Italian companies to EU parent companies are exempt from withholding tax if the recipient company holds a participation of at least 10% in the distributing company for an uninterrupted period of at least one year. Otherwise, a 1.2% dividend withholding tax rate applies under domestic law to dividends paid to EU and EEA subject-to-tax companies.

(a) The lower rate applies to corporate shareholders satisfying the following qualifying tests:
- Armenia: at least 10% of the capital (equal to at least USD100,000 or the equivalent value in other currency) for 12 months
- Bangladesh, Canada, Estonia, India, Kazakhstan and Lithuania: at least 10% of the capital
- Colombia: at least 20% of the capital or if the beneficial owner is a recognized pension fund
- Denmark, Qatar and Saudi Arabia: at least 25% of the capital for 12 months before the date the dividend is distributed
- Finland: more than 50% of the capital
- France: more than 10% of the capital for 12 months
- Belarus, Georgia, Germany, Indonesia, Israel, Jamaica, Korea (South), Mauritius, Moldova, Morocco, North Macedonia, Pakistan, Slovenia, Syria, Trinidad and Tobago, United Arab Emirates and Zambia: at least 25% of the capital
- Ghana and Uruguay: at least 10% of the capital
- Iceland and Mongolia: beneficial owner is a company (other than a partnership) owning at least 10% of the capital for at least 12 months
- Japan: at least 25% of the shares with voting rights for six months
- Kuwait: at least 25% of the capital
- Latvia: beneficial owner is a company (other than a partnership) owning at least 10% of the capital
- South Africa: at least 25% of the capital for 12 months ending on the date the dividend is declared
- Sweden: at least 51% of the capital
- Thailand: at least 25% of the shares with voting rights
- Ukraine: at least 20% of the capital
- United Kingdom: at least 10% of the shares with voting rights for 12 months

(b) The 0% rate applies to interest paid to or by a government.

(c) The 5% rate applies to corporations that beneficially own more than 50% of the voting rights of the shares for the 12-month period ending on the date of declaration of the dividend. The 10% rate applies to the gross amount of the dividends if the beneficial owner is a company that is not entitled to the application of the 5% rate and that has held at least 10% of the voting shares of the company paying the dividends for the 12-month period preceding the date of declaration of the dividends. The 15% rate applies in all other cases.

(d) Interest paid to a "government" or central bank is exempt. The term "government" refers to the central government and any other local authority entirely owned by the state that receives interest on behalf of the central authority.
(e) Interest paid by a contracting state is exempt. Under the Philippines treaty, the loan must involve the issuance of bonds or financial instruments similar to bonds.
(f) The 5% rate applies to dividends paid to corporations that beneficially own at least 70% of the capital of the payer. The 10% rate applies to dividends paid to corporations that beneficially own at least 25% but less than 70% of the capital of the payer. The 15% rate applies to other dividends.
(g) The 5% rate applies if the recipient of the dividend is a corporation that beneficially owns more than 10% of the capital of the payer and if the value of the participation of the recipient is at least USD100,000 or an equivalent amount in another currency. The 10% rate applies to other dividends.
(h) The lower rate is for the use of or right to use literary, artistic and scientific copyrights. Under the Canada treaty, the lower rate applies only to literary and artistic copyrights.
(i) The higher rate applies if the recipient has an investment exceeding 50% of the capital of the payer.
(j) The 10% rate applies only if the payer is engaged in an industrial activity and the interest is paid to a financial institution (including an insurance company). The exemption also applies to bonds issued by a contracting state.
(k) The 25% rate applies to trademark royalties only.
(l) The lower rate applies to royalties for literature, plays, and musical or artistic works. Under the Germany treaty, royalties for films and recordings for television qualify for the lower rate. Under the Canada treaty, such royalties do not qualify for the lower rate. Under the Mexico treaty, royalties for films and recordings for television and radio do not qualify for the lower rate.
(m) The lower rate applies to royalties paid for literary, artistic or scientific works and for films and recordings for radio or television.
(n) The lower rate applies to patents, trademarks, trade names or other intellectual property.
(o) The lower rate applies to royalties from the use of copyrights on literary, artistic or scientific works (excluding cinema and television films).
(p) The lower rate applies to royalties paid for the use of, or the right to use, copyrights for literary, artistic or scientific works, including cinematographic films and recordings for radio and television broadcasts.
(q) The lower rate applies to royalties paid for literary and artistic works, including films and recordings for radio and television.
(r) In the case of royalties for the use of trademarks, films and industrial, commercial or scientific equipment, the withholding tax rate is 16%; for the use of copyrights for artistic, literary and scientific works, the rate is 5%. In all other cases, the rate is 12%.
(s) The 0% rate applies to royalties for copyrights of literary, artistic or scientific works (excluding royalties for computer software, motion pictures, films, tapes or other means of reproduction used for radio or television broadcasting). The 5% rate applies to royalties for the use of, or the right to use, computer software or industrial, commercial, or scientific equipment. In all other cases, the 8% rate is imposed on the gross amount of the royalties.
(t) The 18% rate applies if the dividends are paid by a company that is resident in Côte d'Ivoire and that is exempt from tax on its income or not subject to that tax at the normal rate. The 15% rate applies in all other cases.
(u) The treaty with the former USSR remains applicable with respect to Kyrgyzstan, Tajikistan and Turkmenistan.
(v) The treaty with the former Yugoslavia applies to Bosnia and Herzegovina, Montenegro and Serbia.
(w) An exemption applies to the following:
- Interest on loans that are not in the form of bearer securities if the interest is paid to the following: the other contracting state; its political or administrative subdivisions; or its local authorities
- Interest paid to credit institutions of the other contracting state if the interest is paid on loans that are not in the form of bearer securities and if the loans are permitted under an agreement between the governments of the contracting states

(x) The 10% rate applies to royalties and commissions paid for the use of or right to use the following: industrial, commercial or scientific equipment; or information concerning industrial, business or scientific know-how. The 15% rate applies to other royalties.
(y) The 10% rate applies to interest paid by banks and other financial entities (that is, insurance companies). The 15% rate applies to other interest.

(z) Interest paid on loans made in accordance with an agreement between the governments of the contracting states is exempt. Under the Mexico treaty, the loan must have a term of at least three years.

(aa) Interest withholding tax is not imposed if any of the following circumstances exist:
- The interest is beneficially owned by a resident of the other contracting state that is a qualified governmental entity and that holds, directly or indirectly, less than 25% of the capital of the person paying the interest.
- The interest is paid with respect to debt obligations guaranteed or insured by a qualified governmental entity of that contracting state or the other contracting state and is beneficially owned by a resident of the other contracting state.
- The interest is paid or accrued with respect to a sale on credit of goods, merchandise, or services provided by one enterprise to another enterprise.
- The interest is paid or accrued in connection with the sale on credit of industrial, commercial, or scientific equipment.

(bb) The lower rate applies to royalties for literature, musical and artistic works.

(cc) The 26% rate is the rate under Italian domestic law for dividends paid to nonresidents.

(dd) These are the rates under Italian domestic law. Under the treaty, the rate is 0% if the interest is paid to a Mauritian public body or bank resident in Mauritius.

(ee) Exemption is provided for interest paid in connection with the following:
- Credit sales of industrial, commercial or scientific equipment
- Credit sales of goods delivered from one enterprise to another enterprise

(ff) A 15% rate, which is contained in the dividend article, applies to payments on profit-sharing loans and to silent partners. The 10% rate applies in other circumstances.

(gg) A refund may be available for the underlying tax credit with respect to business profits attached to the dividends.

(hh) If a resident of a contracting state receives payments for the use of, or the right to use, industrial, commercial or scientific equipment from sources in the other contracting state, the resident may elect to be taxed in the contracting state in which the royalties arise as if the property or right for which the royalties are paid is effectively connected with a PE or fixed base in that contracting state. If such election is made, no withholding tax is imposed on the payments.

(ii) The treaty exempts the following types of interest:
- Interest on bank credits and loans
- Interest on current accounts and deposits with banks or other credit institutions

The 26% rate is the withholding tax rate under Italian domestic law.

(jj) The lower rate applies to fees paid for technical assistance services. The higher rate applies to royalties paid for the use of the intangibles.

(kk) The 5% rate applies to royalties paid for the use of industrial, commercial or scientific equipment.

(ll) The treaty provides the following exemptions:
- Interest paid by the government or its local authorities
- Interest paid to the government of the other contracting state or its local authorities or other entities and organizations (including credit institutions) wholly owned by the other contracting state or its local authorities
- Interest paid to other entities and organizations (including credit institutions) if the interest is paid on loans permitted under an agreement between the governments of the contracting states

(mm) The treaty provides the following exemptions:
- Interest paid by the state of source, its political or administrative subdivisions or its local authorities
- Interest paid on loans granted, guaranteed or secured by the government of the other contracting state, by its central bank or by other entities and organizations (including credit institutions) wholly owned by the other contracting state or under its control

(nn) The lower rate applies to royalties paid for the use of, or the right to use, copyrights for literary, artistic or scientific works, excluding cinematographic films and other audio and visual recordings.

(oo) The treaty provides the following exemptions:
- Interest paid by the government or a local authority thereof
- Interest paid to the government, a local authority thereof or an agency or instrumentality (including a financial institution) wholly owned by the other contracting state or a local authority thereof

- Interest paid to any other agency or instrumentality (including a financial institution) with respect to loans made under agreement entered into between the governments of the contracting states

(pp) The 5% rate applies to companies (other than partnerships) that hold directly at least 15% of the capital of the payer of the dividends. The 10% rate applies to other dividends.

(qq) The treaty provides the following exemptions:
- Interest paid to a contracting state, a local authority thereof, or a corporation having a public status, including the central bank of that state
- Interest paid by a contracting state or local authority thereof, or any corporation having a public status
- Interest paid to a resident of a contracting state with respect to debt obligations guaranteed or insured by that contracting state or by another person acting on behalf of the contracting state
- Interest paid with respect to sales on credit of industrial, commercial or scientific equipment or of goods or services between enterprises
- Interest paid on bank loans

(rr) Effective from 1 July 2005 a 0% rate may apply under the agreement between Switzerland and the EU. The rates shown in the table are the withholding tax rates under the Italy-Switzerland double tax treaty. Subject to fulfillment of the respective requirements, the taxpayers may apply either the Switzerland-EU agreement or the Italy-Switzerland double tax treaty.

(ss) See Section A.

(tt) The exemption applies to interest paid to a resident of the other contracting state with respect to debt claims indirectly financed by the government of that other contracting state, a local authority, the central bank thereof or a financial institution wholly owned by the government of the other contracting state.

(uu) The lower rate applies to interest related to loans that are guaranteed by the government or a local authority. Under the Korea treaty, the guarantee must be evidenced by an agreement contained in an exchange of letters between the competent authorities of the contracting states.

(vv) The 15% rate applies to dividends paid by a company established in Italy to a Cyprus resident beneficiary. Dividends paid by a company established in Cyprus to an Italian resident beneficiary are exempt from withholding tax in Cyprus.

(ww) The 10% rate applies to dividends paid by an Italian company to a Malaysian resident. Dividends paid by a Malaysian company to an effective beneficiary resident in Italy are exempt from tax in Malaysia if the beneficiary is subject to tax on the dividends in Italy.

(xx) The 5% rate applies to royalties for the use of, or the right to use, computer software or industrial, commercial, or scientific equipment. In all other cases, the rate for royalties is 10%.

(yy) The treaty provides an exemption from withholding tax for the following types of interest payments:
- Interest paid by the state of source, its political or administrative subdivisions or its local authorities
- Interest paid on loans granted, guaranteed or secured by the government of the other contracting state, by its central bank or by other entities and organizations (including credit institutions) wholly owned by the other contracting state or under its control
- Interest paid or accrued in connection with the sale on credit of industrial, commercial, or scientific equipment

(zz) The 15% rate applies if the royalties are paid by an enterprise registered with the Philippine Board of Investments and engaged in preferred areas of activities and to royalties with respect to cinematographic films or tapes for television or broadcasting. The 25% rate applies in all other cases.

(aaa) The 5% rate applies if the recipient company has owned at least 10% of the capital in the Italian company for at least 12 months.

(bbb) The 5% rate applies to royalties paid for the following:
- The use of, or the right to use, patents, trademarks, designs or models, plans, and secret formulas or processes
- The use of, or the right to use, industrial, commercial or scientific equipment that does not constitute immovable property, as defined in Article 6 of the treaty
- Information concerning experience of an industrial, commercial or scientific nature

(ccc) The treaty contains a specific anti-abuse provision. If the main purpose or one of the main purposes of the transaction is to benefit from the lower treaty rates, the lower rates may be denied.

(ddd) On 10 August 2015, the income tax treaty between Italy and Hong Kong entered into force. The treaty is in effect with respect to Italian tax for years of assessment beginning on or after 1 January 2016. Under the treaty, Hong Kong has been removed from the Italian prohibited lists (for both cost deductions and for CFC purposes).

(eee) On 23 February 2015, Italy and Switzerland signed a protocol to their double tax treaty as well as a road map for the continued dialogue in tax and financial matters.

(fff) The 8% rate applies if the beneficial owner (different from a partnership or similar body) holds a minimum shareholding of 10% in the entity paying the dividends.

(ggg) The 5% rate applies if the beneficial owner is a statutory body or an export financing agency or a recognized pension fund. The 10% rate applies in all the other cases.

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A. At a glance

Corporate Income Tax Rate (%)	12.5/25/30/33⅓ (a)
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	25/33⅓ (a)
Withholding Tax (%)	
Dividends	15/33⅓ (b)
Interest	33⅓ (c)
Royalties	33⅓ (d)
Management Fees	33⅓ (d)
Insurance Premiums	15 (e)
Branch Remittance Tax	33⅓
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (f)

(a) Unregulated companies are taxed at a rate of 25%, and regulated companies (excluding life insurance companies and building societies) are taxed at a rate of 33⅓%. An unregulated company is a company that is not a regulated company. A regulated company is a company that is regulated by any of the following:
- Financial Services Commission (FSC)
- Office of Utilities Regulation
- Bank of Jamaica
- The minister with responsibility for finance

Building societies are taxed at a rate of 30%. Companies operating under the Special Economic Zones (SEZ) Act are taxed at a rate of 12.5% on income earned within the definitions of the SEZ Act.

(b) The dividend withholding tax of 33 1/3% is a tax imposed on payments of dividends to nonresidents (the rate may be reduced by double tax treaties). A dividend withholding tax is also required to be deducted from dividend payments made by a Jamaican resident company to a Jamaican resident shareholder at a rate of 15%, unless the Jamaican shareholder is a Jamaican resident company that holds more than 25% of the voting rights of the distributing company. In such cases, the rate of income tax payable on the dividends paid is nil.

(c) This rate applies to interest paid to nonresident companies. Special rules apply to interest paid by prescribed persons (as defined). The withholding tax rates may be reduced under double tax treaties. The recipients of the payments must include the payments in taxable income reported on their annual income tax returns, and they may credit the tax against their annual income tax liability.

(d) This is a final tax that is imposed on payments to nonresidents. The withholding tax rate may be reduced under double tax treaties.

(e) This withholding tax applies to insurance premiums paid by residents to nonresidents. However, the withholding tax does not apply if a Jamaican resident insurance company registered with the FSC pays the premium to an entity that meets all of the following conditions:

- It is not a connected company.
- It is in the business of writing contracts of reinsurance in the international market.
- It is not acting on behalf of a captive insurance company.

(f) See Section C regarding a restriction on the loss carryforward.

B. Taxes on corporate income and gains

Corporate income tax. Companies are resident in Jamaica if the control and management of their affairs are exercised in Jamaica. Nonresident companies operating a branch on the island are taxed on profits derived from their Jamaican operations.

Tax rates. The standard rates of the income tax on profits are 33⅓% for regulated entities (excluding life insurance companies) and 25% for unregulated entities. Building societies are taxed at a rate of 30%. Life insurance companies are taxed at a rate of 25%. Companies operating under the SEZ Act are taxed at a rate of 12.5%.

Under the Betting, Gaming and Lotteries Act, the following are the amounts of the lottery tax payable:

- 25% of the gross weekly revenue derived from sales of lottery tickets with respect to a declared lottery
- 20% of the gross weekly revenue derived from promotion of a daily numbers game or instant lottery

Remittances overseas by branches of foreign companies are subject to branch remittance tax at a rate of 33⅓%. This rate may be different if a double tax treaty is in place.

The SEZ Act replaced the Free Zones Act (which provided certain tax benefits to companies that operated under that legislation; the act was repealed in 2015). However, under grandfathering provisions, companies that operated under the Free Zones Act were given a four-year period to transition to the new SEZ regime. Under the SEZ Act, chargeable income from a trade, vocation or profession of approved developers or occupants is subject to income tax at a rate of 12.5%. The income tax rate for approved developers or occupants may be reduced by a Promotional Tax Credit, which may be claimed for expenditure on research, development and trading.

Developers and occupants are exempt from income tax on profits derived from the rental of property in the SEZ, subject to certain restrictions. Dividend income is subject to income tax at a rate of 0%. Withholding tax of 0% applies to dividends paid out of profits from a profession or vocation in the SEZ.

Under the Urban Renewal Act, which was introduced to promote the improvement of depressed areas, approved entities may obtain various types of tax relief for development carried out in areas designated by the Jamaican government as special development areas. The tax relief relates to income tax, stamp duty and transfer tax.

Withholding tax on specified services. Recipients of specified services (as defined in the legislation) are required to withhold a 3% tax from payments made to suppliers of these services. The tax must be withheld if either of the following circumstances exist:

- The gross payment relates to a single transaction with an invoice value of JMD50,000 (approximately USD325) or more

(before application of the General Consumption Tax [GCT; see Section D])
- A series of gross payments of less than JMD50,000 (before GCT) is made to the same service provider in a 30-day period, and these payments total JMD100,000 (approximately USD650) or more.

The service provider from whom the tax is withheld may claim, in the tax year of the withholding, a tax credit for the amount withheld against any quarterly income tax obligation or the tax due in the annual income tax return. Any excess credit for that tax year may be claimed as a refund or carried forward to be used in a future tax year.

Capital gains. No tax is imposed on capital gains. However, a transfer tax of 2% is imposed on transfers of certain Jamaican property, including land and securities (see Section D). The 2% rate took effect on 1 April 2019 (a 5% rate previously applied). Stamp duty may also apply. The stamp duty rates on certain transactions were abolished and replaced by a flat fee of JMD5,000 per document.

Capital allowances are subject to recapture on the disposal of assets (see Section C).

Administration. The tax year is the calendar year. The Commissioner General may allow companies with an accounting year-end other than 31 December to pay tax based on income earned in that accounting year.

Income tax returns must be filed and payments made by 15 March of the year following the tax year to which the income tax return relates. Quarterly advance payments of tax must be made.

Interest of 16.62681% per year is levied on late income (corporation) tax payments, and a penalty of 50% per year may also be imposed.

Dividends. In general, dividends paid to nonresidents are subject to a final withholding tax, and the tax withheld must be paid to the tax authorities in Jamaica. In general, withholding tax at a rate of 15% is imposed on dividends paid by Jamaican resident companies to Jamaican resident shareholders. However, if the company receiving the dividend holds more than 25% of the voting rights, the rate of income tax payable on such dividend is nil. Preference dividends that are deductible for income tax purposes are fully taxable in the hands of the shareholder at the income tax rate of the shareholder, regardless of whether the shareholder is resident or nonresident. Dividends paid out of capital are not subject to income tax, but they are generally subject to a transfer tax at a rate of 2% (the 2% rate took effect on 1 April 2019).

Foreign tax relief. For income derived from treaty countries, the tax rate is the treaty rate applicable to the direct corporate investor. The regular Jamaican corporate tax rate of 25% or 33⅓% is applied to income derived from non-treaty countries.

C. Determination of trading income

General. Taxable income is based on accounting income with appropriate adjustments. To be deductible, expenses must be incurred wholly and exclusively in earning income.

Nondeductible expenses include capital expenditures, incorporation expenses and interest accrued but not paid. Contributions or donations made to charities approved under the Charities Act by the Department of Cooperatives and Friendly Societies are deductible, up to a maximum of 5% of taxable income.

Inventories. The first-in, first-out (FIFO) and weighted average methods of inventory valuation are allowed.

Provisions. To be deductible, bad debts must be specific. General provisions are not allowed.

Tax depreciation (capital allowances). The capital allowances are described below.

Initial allowance. An initial allowance of 25% of the cost of an asset is granted for certain types of assets, including office equipment, computers, and plant and machinery used in the production or manufacturing of primary products or goods, as defined in the Income Tax Act. However, some office equipment and plant and machinery are not entitled to the initial allowance. Initial allowances are granted in the year of purchase and are deducted from the depreciable value of the asset.

Investment allowance. A 20% investment allowance is granted instead of the initial allowance for buildings and plant and machinery used in "basic industries," such as the electricity and steam industries. Plant and machinery purchased in Jamaica must be new to qualify for the investment allowance. However, both new and used plant and machinery purchased overseas qualify for the allowance. The initial allowance is substituted for the investment allowance if the asset is disposed of within three years after its purchase. The investment allowance does not reduce the depreciable value of an asset.

Annual allowance. Plant and machinery qualify for an annual allowance of 12.5%, calculated using the straight-line method. A 20% annual allowance, calculated using the straight-line method, is granted to trade vehicles. However, the maximum depreciable cost for vehicles that are not trade vehicles is an amount in Jamaican dollars that is equivalent to USD35,000 converted at the Bank of Jamaica weighted average selling rate as at 30 June in the year the vehicle was purchased. The annual allowance rate for non-trade vehicles is 12.5%, calculated using the straight-line method. Office equipment qualifies for an annual allowance of 20%, calculated using the straight-line method. Nonresidential and industrial buildings generally qualify for annual allowances, calculated using the straight-line method, at rates that range from 4% to 12.5%, depending on the type of material used to construct the building or structure.

Disposal of depreciable assets. Initial and annual allowances are generally subject to recapture on the sale of an asset, to the extent the sales proceeds exceed the tax value after depreciation. The amount recaptured (balancing charge) may not exceed the total of the initial and annual allowances granted. Any amounts recaptured are subject to tax at the regular corporate tax rate. If the proceeds are less than the tax-depreciated value, an additional allowance (balancing allowance) is granted.

Relief for losses. Losses may be carried forward indefinitely. However, each year, a loss carryforward may offset only 50% of the aggregate amount of income of the taxpayer from all sources after allowing the appropriate tax deductions and tax exemptions. However, the limitation does not apply in the following circumstances:

- For the first five tax years following the tax year in which the trade commenced
- If the taxpayer's gross revenue from all sources for the relevant tax year is less than JMD10 million (this threshold is effective from 1 April 2019; the threshold was JMD3 million up to 31 March 2019)

A carryback of losses is not permitted.

Groups of companies. The law does not contain any group loss relief or consolidated return provisions.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Customs Administrative Fee; rates vary depending on the product	Various
Environmental levy; imposed on the Cost, Insurance and Freight (CIF) value of all imported goods with a few exceptions	0.5%
General Consumption Tax, on the value added to goods and services; certain items are exempt	
Standard rate	15%
Telephone services, cards and instruments	25%
Tourism sector	
Hotels previously operating under the Hotel Incentives Act (HIA), but which now operate under the Fiscal Incentives Act	10%
Hotels remaining under the HIA	15%
Electricity for residential premises (electricity supply in excess of 150 kilowatt hours)	15%
Electricity for commercial and industrial premises	15%
Certain commercial imports	15% (advance rate of 5%)
Group health insurance	15%
Exports, government supplies and services of diplomats and international agents	0%
Assets tax; on taxable value of assets	
Life insurance and other regulated entities	0.25%
(Effective from the 2019 tax year, the assets tax for nonfinancial institutions was abolished.)	
Property tax; on gross asset	
First JMD400,000 of asset	JMD1,000
Asset in excess of JMD400,000 up to JMD800,000; rate on excess	0.50%
Asset in excess of JMD800,000 up to JMD1,500,000; rate on excess	0.55%

Nature of tax	Rate
Asset in excess of JMD1,500,000 up to JMD3 million; rate on excess	0.60%
Asset in excess of JMD3 million up to JMD4,500,000; rate on excess	0.65%
Asset in excess of JMD4,500,000 up to JMD7 million; rate on excess	0.70%
Asset in excess of JMD7 million up to JMD12 million; rate on excess	0.75%
Asset in excess of JMD12 million up to JMD30 million; rate on excess	0.80%
Asset that exceeds JMD30 million; rate on excess	0.90%
Transfer tax, on transfers of certain Jamaican property, including land and securities	2%
Transfer tax on death for estates	1.5%
Stamp duty	Various
Social security contributions	
National insurance scheme (NIS); imposed on annual earnings (income for self-employed individuals) up to JMD3,000,000 (JMD5,000,000 as of 1 April 2022); paid by	
Employer	3%
Employee	3%
Self-employed individual	6%
National Housing Trust (NHT); paid by	
Employer, on payroll	3%
Employee, on salary	2%
Self-employed individual, on income	3%
Human Employment and Resource Training program (HEART), on total payroll if it exceeds JMD173,328 a year; paid by employer	3%
Education Tax, on taxable salary; paid by	
Employer, on payroll	3.5%
Employee, on salary	2.25%
Self-employed individual, on net earnings	2.25%

E. Miscellaneous matters

Foreign-exchange controls. Jamaica does not impose foreign-exchange controls.

Debt-to-equity rules. No debt-to-equity restrictions are imposed.

Foreign-controlled companies. Subsidiaries of nonresident corporations are subject to income tax on their profits at a rate of 25% for unregulated companies or 33⅓% for regulated companies. Withholding tax at a rate of 33⅓% is generally imposed on dividends remitted, unless a treaty provides a different rate.

Anti-avoidance legislation. Several anti-avoidance measures are in force. These measures generally apply to transactions between related parties that were not made at arm's length.

Employment tax credit. A person other than a regulated company may be eligible to claim a nonrefundable tax credit (referred to as an employment tax credit [ETC]), up to a maximum amount of

30% of the income tax payable for each year. The amount eligible for the ETC is the total of Education Tax, NHT, NIS and HEART payments made by an eligible person that are declared and paid on a timely basis during the year. The ETC that may be claimed is therefore the lower of the total statutory payments during the year and 30% of the tax payable. The application of this ETC is subject to certain additional criteria. It may not be claimed against income tax chargeable on non-trading income, such as interest and dividend income. If a company that has claimed the ETC makes a distribution, it is, with respect to the ETC claimed, liable to repay as income tax 10% of the distributed amount less any tax payable by the recipient with respect to the distribution. However, if the tax payable on the distribution exceeds 10% of the amount of the distribution, no amount of the ETC is payable. In addition, the amount of the ETC repayable cannot exceed the total amount of the ETC claimed by the company.

Corporate tax credit. Effective from 1 January 2020, a body corporate subject to income tax with gross annual revenues or sales of less than JMD500 million is entitled to claim a credit of JMD375,000 against income tax payable in any tax year. Any corporate tax credit that is not claimed in the tax year cannot be credited against the income tax payable in any other tax year and cannot be refunded. The following companies are not eligible to claim the corporate tax credit:

- Building societies and societies registered under the Industrial and Provident Societies Act
- A body corporate that has been declared to be an approved developer or approved organization under the Urban Renewal (Tax Relief) Act
- A body corporate that is a developer or occupant and is entitled to benefit from tax reliefs and incentives in the First Schedule of the SEZ Act
- A body corporate that has been declared to be a recognized bauxite producer or a recognized alumina producer, or both, under the Bauxite and Alumina Industries (Encouragement) Act
- Any person entitled to benefit from the incentives in the Seventh Schedule of the Income Tax Act

F. Treaty withholding tax rates

The rates reflect the lower of the treaty rate and the rate under domestic tax law.

	Dividends %	Interest %	Royalties %	Management fees %
Antigua and Barbuda (h)	0	15	15	15
Barbados (h)	0	15	15	15
Belize (h)	0	15	15	15
Canada	15/22.5 (a)	15	10	12.5
China Mainland	5	7.5	10	0
Denmark	10/15 (b)	12.5	10	10
Dominica (h)	0	15	15	15
France	10/15 (e)	10	10	10
Germany	10/15 (c)	10/12.5 (d)	10	33.3
Grenada (h)	0	15	15	15
Guyana (h)	0	15	15	15

	Dividends %	Interest %	Royalties %	Management fees %
Israel	15/22.5 (e)	15	10	33.3
Japan	5/10 (j)	10	2/10 (k)	0 (e)
Mexico	5/10 (i)	10	10	10
Montserrat (h)	0	15	15	15
Norway	15	12.5	10	10
St. Kitts and Nevis (h)	0	15	15	15
St. Lucia (h)	0	15	15	15
St. Vincent and the Grenadines (h)	0	15	15	15
Spain	5/10 (b)	10	10	10
Sweden	10/22.5 (f)	12.5	10	10
Switzerland	10/15 (e)	10	10	10
Trinidad and Tobago (h)	0	15	15	15
United Kingdom	15/22.5 (a)	12.5	10	12.5
United States	10/15 (e)	12.5	10	0 (g)
Non-treaty jurisdictions	33⅓	33⅓	33⅓	33⅓

(a) Higher rate applies if payment is made to a company owning 10% or more of the voting stock of the payer.
(b) Lower rate applies if payment is made to a company owning 25% or more of the capital or voting stock of the payer.
(c) Lower rate applies if payment is made to a company owning 25% or more of the shares of the payer.
(d) Lower rate applies to interest received by a bank recognized as a banking institution under the laws of the state from which the payment is made.
(e) Lower rate applies if payment is made to a company owning 10% or more of the voting stock of the payer.
(f) Lower rate applies if payment is made to a company owning 25% or more of the voting stock of the payer.
(g) Management fees are not subject to withholding tax, but they are included in business profits. Consequently, net management fees are subject to tax in Jamaica only if the recipient has a permanent establishment there.
(h) These are the rates under the Caribbean Community and Common Market (CARICOM) tax treaty, which the listed country has ratified.
(i) Lower rate applies if payment is made to a company owning 25% or more of the capital of the payer.
(j) Lower rate applies if the beneficial owner is a company that has owned directly or indirectly throughout a 365-day period the following:
- At least 20% of the voting power or capital if a resident of Jamaica is the paying company
- At least 20% of the voting power if a resident of Japan is the paying company

(k) Lower rate applies to amounts paid for the use of, or the right to use, industrial, commercial or scientific equipment.

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A. At a glance

Corporate Income Tax Rate (%)	23.2 (a)
Capital Gains Tax Rate (%)	23.2 (a)
Branch Tax Rate (%)	23.2 (a)
Withholding Tax (%) (b)	
Dividends	20 (c)
Interest	15/20 (c)(d)
Royalties from Patents, Know-how, etc.	20 (c)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	1 (e)
Carryforward	10

(a) Local income taxes (see Section D) are also imposed. The resulting effective corporate income tax rate is approximately 31% (35% for corporations with stated capital of JPY100 million or less).

(b) Except for the withholding taxes on royalties and certain interest (see footnote [d] below), these withholding taxes are imposed on both residents and nonresidents. For nonresidents, these are final taxes, unless the income is effectively connected with a permanent establishment in Japan. Royalties paid to residents are not subject to withholding tax.

(c) Under the special law to secure funds for reconstruction related to the 11 March 2011 disasters, a special additional income tax (2.1% of the normal withholding tax due) is imposed for a 25-year period running from 1 January 2013 through 31 December 2037. As a result, the 20% withholding tax rate is increased to 20.42%, and the 15% rate is increased to 15.315%. However, this special additional income tax does not affect reduced withholding taxes under existing income tax treaties.

(d) Interest paid to residents on bonds, debentures or bank deposits is subject to a 20% withholding tax, which consists of a national tax of 15% and a local tax of 5%. Other interest paid to residents is not subject to a withholding tax. Interest paid to nonresidents on bonds, debentures or bank deposits is subject to a 15% withholding tax. Interest paid to nonresidents on national and local government bonds under the Book-Entry Transfer System is exempt from withholding tax if certain requirements are met.

(e) The loss carryback is temporarily suspended (see Section C).

B. Taxes on corporate income and gains

Corporate tax. Japanese domestic companies are subject to tax on their worldwide income, but nonresident companies pay taxes only on Japanese-source income. A domestic corporation is a corporation that is incorporated or has its head office in Japan. Japan does not use the "central management and control" criteria for determining the residence of a company.

Rates of corporate tax. The basic rate of national corporation tax is 23.2% for fiscal years beginning on or after 1 April 2018. For corporations with stated capital of JPY100 million or less, a tax rate of 15% applies to the first JPY8 million of taxable income. The tax rate of 15% applies for fiscal years beginning between 1 April 2012 and 31 March 2025.

Local income taxes, which are local inhabitant tax and enterprise tax, are also imposed on corporate income (see Section D). The resulting effective corporate income tax rate for companies subject to the 23.2% rate is approximately 35%. Under Business Scale Taxation (Gaikei Hyojun Kazei; see Section D), for certain corporations, the effective rate is reduced to approximately 31%.

Capital gains. In general, for Japanese corporate tax purposes, capital gains are not taxed separately. Such gains are treated as ordinary income to which normal tax rates apply. Transferor corporations in qualified reorganizations may defer the recognition of capital gains and losses arising in such transactions. Mergers, corporate spin-offs, share exchanges and contributions in kind are considered qualified reorganizations if they satisfy certain conditions.

A special surplus tax is imposed on capital gains from the sale of land located in Japan. However, this tax is suspended for sales conducted through 31 March 2026. The tax is calculated by applying the following rates, which vary depending on the length of time the property was held, to the capital gains.

Number of years held		Rate
Exceeding	Not exceeding	%
0	5	10
5	–	5

The 2009 tax reform introduced temporary capital gains relief with respect to the holding of land investments. Under this measure, a special deduction of JPY10 million may be claimed with respect to capital gains arising from the sale of land acquired during the period from 1 January 2009 to 31 December 2010 and held for a period of five years or more, subject to certain conditions.

Administration. The tax year for a corporation is its fiscal year. A corporation must file a tax return within two months of the end of its fiscal year, paying the tax at that time. A one-month extension is normally available on application to the tax authorities. If certain conditions are met, a four-month extension is allowed. Except for newly established corporations, and corporations with a tax amount of JPY100,000 or less in the preceding year, if the fiscal year is longer than six months, the corporation must file an interim return within two months of the end of the first six months and make an advance payment at the time of filing the interim return equal to either 50% of its prior year's tax liability or 100% of its estimated tax liability for the first six months of the current year.

Dividends received/paid. Dividends received from another domestic corporation, net of any related interest expense incurred for acquisition of the shares, are generally excluded from gross income. However, if the recipient corporation owns more than 5% and up to 33⅓% of the domestic corporation distributing the dividends, 50% of the net dividend income is includible in gross income. If the recipient corporation owns 5% or less of the domestic corporation distributing the dividends, 80% of the net dividend income is includable in gross income. Dividends distributed by a domestic corporation are subject to a 20% (20.42%, inclusive of the 2.1% special additional income tax) withholding tax.

A foreign dividend exemption system is available for Japanese companies holding a minimum interest of 25% for a period of at least six months before the date on which the decision to distribute the dividend is made. Under certain tax treaties, the minimum holding interest can be lower than 25%, subject to certain conditions. Under the foreign dividend exemption, 95% of foreign

dividends received is excluded from taxable income. No credit for withholding tax or underlying tax on the foreign dividends is available.

If foreign dividends received by a domestic corporation are wholly or partially included as deductible expenses under the laws of the country where the headquarters of the foreign subsidiary is located, such foreign dividends are excluded from the foreign dividend exemption system. If a portion of the dividends that a domestic corporation receives from its foreign subsidiary are included as deductible expenses, the domestic corporation may elect to exclude only such portion from the foreign dividend exemption system (the domestic corporation is required to attach prescribed statements to the tax return and preserve certain documents). Foreign tax credits are available for the amount of withholding taxes imposed on dividends that are excluded from the foreign dividend exemption system.

There is a special measure that was introduced to prevent tax avoidance by producing capital losses through the transfer of subsidiary shares following the receipt of nontaxable dividends from a subsidiary.

If an entity receives a certain amount of dividends from a subsidiary over which it has a certain degree of control and if the dividends exceed an amount equivalent to 10% of the book value of such subsidiary shares, the reduction of the book value of those subsidiary shares by the amount of the dividends that are excluded from taxable income is required. The reduction of the book value decreases the amount of capital losses incurred at the time of subsidiary share transfer by an amount equivalent to the reduction in book value. "A certain degree of control" refers to a relationship in which the entity directly or indirectly owns more than 50% of shares of another entity.

However, exempted from this measure are cases in which the subsidiary is a domestic entity and 90% or more of its total shares from the time the subsidiary was incorporated to the time the control relationship was established were owned by domestic entities. This measure does not apply to cases in which total dividends are less than the amount of net increase in the retained earnings of the subsidiary after the control relationship was established and cases in which the dividends are received after 10 years since the control relationship was established. In addition, dividends of JPY20 million or less are not subject to this measure.

Foreign tax credit. A Japanese company may be entitled to claim a foreign tax credit against both Japanese corporation tax and local inhabitant tax (see Section D). Creditable foreign income taxes for a Japanese company include foreign income taxes paid directly by a Japanese company and its foreign branches (direct tax credit). In addition, under tax treaties, a tax-sparing credit may be available to domestic companies with a branch or subsidiary in a developing country.

C. Determination of trading income

General. The tax law prescribes which adjustments to accounting income are required in computing taxable income. Expenditures

incurred in the conduct of the business, except as otherwise provided by the law, are allowed as deductions from gross income.

Remuneration paid to directors cannot be deducted as an expense unless it is fixed compensation, remuneration determined and reported in advance or performance-based remuneration. The deductibility of entertainment expenses is restricted according to the size (capitalization) of the corporation (see *Entertainment expenses*). Deductions of donations, except for those to national or local governments or similar organizations, are limited.

Entertainment expenses. Entertainment expenses cannot be deducted from taxable income. However, all corporations (corporations with stated capital in excess of JPY10 billion are excluded) may deduct 50% of entertainment expenses related to meal and drink from taxable income for fiscal years beginning on or after 1 April 2014 until 31 March 2024. Small or medium-sized corporations can choose the 50% deduction or the fixed deduction of up to JPY8 million.

Inventories. A corporation may value inventory at cost under methods such as the following:
- Actual cost
- First-in, first-out (FIFO)
- Weighted average
- Moving average
- Most recent purchase
- Retail

Alternatively, inventory may be valued at the lower of cost or market value. If a corporation fails to report the valuation method to the tax office, it is deemed to have adopted the most recent purchase price method.

Depreciation. The cost of tangible fixed assets, excluding land, may be recovered using statutory depreciation methods, such as straight-line or declining-balance. Depreciation rates are stipulated in the Japanese tax law, which provides a range of rates for each asset category based on the useful life. Depreciation for tax purposes may not exceed the amount of depreciation recorded for accounting purposes. Revised depreciation rates apply to assets acquired on or after 1 April 2007. In addition, statutory salvage value and limit of depreciation are abolished in conjunction with the introduction of the revised depreciation rates. The following are the ranges of the revised depreciation rates for the straight-line and declining-balance methods for selected asset categories.

	Straight-line		Declining-balance	
Asset category	From	To	From	To
Buildings	0.143	0.020	—	—
Building improvements	0.334	0.056	—	—
Other structures	0.334	0.013	—	—
Motor vehicles	0.500	0.050	1.000	0.100
Machinery and equipment	0.500	0.046	1.000	0.091

In the year of acquisition of specified machinery or equipment, a corporation may take additional depreciation. A corporation has the option of taking such additional depreciation or claiming the investment tax credit (see *Investment tax credit*).

Intangible assets, including goodwill, are amortized using the straight-line method over their useful lives. The useful life of goodwill is five years.

Investment tax credit. A specified small or medium-sized corporation that acquires or produces certain qualifying machinery or equipment (for use in its business within one year of acquisition) during the period of 1 June 1998 through 31 March 2025 may receive a credit against its corporate tax liability. The credit generally equals 7% of the cost or 20% of the corporate tax, whichever is less, and acts as a substitute for additional depreciation (see *Depreciation*).

Entities qualifying as specified business operators implementing 5G systems and certain other items (for example, radio transmitting facilities and switching facilities that are structured to cover whole telecommunication operation) in accordance with Certified Introduction Plans recognized under the Act to Promote the Spread of Specified Advanced Information Communication Systems that acquire and place into service certified equipment and facilities and other items (for example, production and construction) in Japan between the period from 31 August 2020 and 31 March 2025 are eligible to elect between a 30% special depreciation or tax credit in relation to the acquisition cost. The percentage of tax credit varies depending on periods of acquisition and placing into business: 15% for the period between 1 April 2022 and 31 March 2023, 9% for the period between 1 April 2022 and 31 March 2024, and 3% for the period between 1 April 2024 and 31 March 2025. However, the credit is limited to 20% of the corporation tax amount in the applicable fiscal year.

For fiscal years beginning between 1 April 2023 and 31 March 2026, a corporation may claim a credit equal to 1% to 14% (12% to 17% for a small or medium-sized corporation) of total current research and development (R&D) expenditure, up to a maximum amount equal to 25% (in principle) of the corporate tax due for the relevant fiscal year.

If the R&D cost ratio (R&D costs ÷ average sales) is over 10%, a "top-up" measure can be applied to the gross-type credit maximum (25% of current year corporate tax). From 1 April 2023, a mechanism has been introduced that allows for a variable credit ceiling dependent on the annual E&R ratio (increase/decrease in experiment ÷ research spending) range between 20% and 30% of the corporate tax due for the relevant fiscal year. The resulting maximum tax credit from R&D cost ratio and E&R ratio will be compared and the larger maximum tax credit will be applied. Depending on the R&D cost ratio (10% to 15%) and E&R ratio (-12% to 12%), the total cost incentive maximum is determined between 20% and 35% of the corporate tax due for the relevant fiscal year.

The general R&D tax credit limitation for certain startups that conduct R&D (that is, those that were established within the previous 10 years and that have net operating losses carried over into the next fiscal year) is 40% of corporate income tax liability in the applicable fiscal year.

In addition, tax credits relating to special open innovation R&D expenses (such as R&D expenses arising from joint research with special R&D institutions or universities) is available. The tax credit rate is 20%, 25% or 30% depending on the types of expenses. The maximum credit is 10% of corporation tax liability in the applicable fiscal year.

If a business company or a person specified by the Minister of Economy, Trade and Industry as a stock company or other similar entity that engages in certain specified business activities jointly with a certain startup company invests in a startup company that meets certain criteria through the acquisition of shares in the startup company between the period 1 April 2020 to 31 March 2024, that company is allowed to deduct 25% or less of the acquisition cost of the shares on the condition that it records that portion in its own special account. The amount invested must be at least JPY100 million (or at least JPY500 million in the case of investment in a foreign entity). There is a limit on the amount invested to which the incentive applies.

If a business company or person applies this tax incentive and later transfers the shares or fulfills certain other criteria (for example, receives dividends in the case of the dissolution of corporation that issues certain shares), an amount stipulated in relation to the corresponding criteria in the special account must be reversed and included in taxable income. However, this does not apply if the shares have been owned for a period of five years (three years in certain cases).

Tax credits for other investments in certain fields, such as job development and environmental operation, or specific facilities are also available for certain periods. Some of these credits apply to small or medium-sized corporations only.

A digital transformation investment promotion can be applied for companies that conduct digital transformation activities, such as cloud system implementations, which constitute digital capital investments to transform a business pursuant to a business plan approved by the national government. These companies can choose between a 30% special depreciation or a 3% tax credit (5% if sharing data with a non-group company) of the relevant acquisition costs. This is a temporary measure that is only applicable from 2 August 2021 to 31 March 2025. The maximum capital investment eligible for this tax incentive is JPY30 billion.

Companies that invest in facilities and equipment contributing to the reduction of greenhouse gas emissions pursuant to a business plan approved by the national government may choose between a 50% special depreciation or a tax credit of 5% (10% if certain requirements are fulfilled) of the relevant acquisition costs. This is a temporary measure that is only applicable from 2 August 2021 to 31 March 2024.

However, if this tax credit is used together with the tax credit offered by the digital transformation investment promotion tax incentive, the total tax credit is capped at 20% of corporate tax liability for a relevant fiscal year. The maximum facility or equipment investment amount eligible for this tax incentive is JPY50 billion.

Net operating losses. Net operating losses of certain corporations may be carried forward for 10 years (9 years for losses arising until 31 March 2018), and may be carried back 1 year. Except for certain small or medium-sized corporations, the deductible amount is limited to 50% of taxable income. The loss carryback is suspended for fiscal years ending from 1 April 1992 through 31 March 2024. However, this suspension does not apply to specified small or medium-sized corporations.

Groups of companies. Replacing the former consolidated taxation regime, a new group income and loss-sharing regime was introduced by the 2020 tax reform and is applicable to fiscal years beginning on or after 1 April 2022. The new regime maintains the basic framework of the former consolidated taxation regime (for example, applicability of the regime to a domestic parent corporation and its 100% domestic subsidiaries, the offsetting of profits and losses, and the election to apply the regime being subject to the approval of the National Tax Agency [NTA]) while also reflecting the consideration given to reducing the administrative workload of companies. The design of a new regime that is better aligned with the tax rules governing corporate reorganizations, in terms of market value taxation and the restriction on utilization of net operating losses on an initial tax consolidation or entry into an existing tax group, will reduce both the number of entities subject to market value taxation and the number of entities subject to the restriction on the utilization of net operating losses.

Corporate tax law also contains special taxation for intragroup transactions in 100% groups, under which certain gains and losses are tax deferred. This taxation is separate from the Consolidated Tax Return System or the new group income and loss-sharing regime.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Consumption tax; on a broad range of goods and services	10%
Enterprise tax	
Companies that are subject to Business Scale Taxation; Business Scale Taxation (Gaikei Hyojun Kazei) applies to companies with stated capital of more than JPY100 million; under Business Scale Taxation, a company is subject to tax on the basis of its added value, its capital amount and its taxable income	
Rate on added value	1.26%
Rate on capital amount	0.525%
Rates on taxable income	1% to 1.18%
Companies that are not subject to Business Scale Taxation; rates applied to taxable income	3.5% to 7.48%
Special enterprise tax; a national tax, which is levied on companies that are subject to enterprise tax; imposed on local enterprise tax liability with respect to taxable income	

Nature of tax	Rate
Companies subject to business scale enterprise tax	260%
Companies not subject to business scale enterprise tax	37%
Local inhabitant tax, which consists of an income levy and a capital levy	
Income levy; computed as a percentage of national income tax; rate depends on the company's capitalization and amount of national income tax	7.0% to 10.4%
Capital levy; based on the company's capitalization and number of employees; annual assessments vary depending on the cities and prefectures in which the company's offices are located	JPY70,000 to JPY3,800,000
Local corporate tax; a national tax, imposed on standard corporate tax liability	10.3%
Social insurance contributions, on monthly standard remuneration and bonuses	
Basic contribution, paid by	
Employer	15.40%
Employee	14.75%
Nursing insurance premium for employees who are age 40 or older, paid by	
Employer	0.91%
Employee	0.91%

E. Miscellaneous matters

Foreign-exchange controls. The Bank of Japan controls inbound and outbound investments and transfers of money. Effective from 1 April 1998, the reporting requirements were simplified.

Transfer pricing. The transfer-pricing law stipulates that pricing between internationally affiliated entities should be determined at arm's length. Entities are considered to be internationally affiliated entities if a direct or indirect relationship involving 50% or more ownership or substantial control exists. The law provides that the burden of proof as to the reasonableness of the pricing is passed to the taxpayer, and if the taxpayer fails to provide proof or to disclose pertinent information to the tax authorities, taxable income is increased at the discretion of the tax authorities. The 2011 revision of the law eliminated the hierarchy-based selection of transfer-pricing methods and allows the selection of the most appropriate transfer-pricing method in each specific case.

Under the 2019 tax reform, the discounted cash flow recognized under the Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines was added as a new transfer-pricing methodology.

It is possible to apply for advance-pricing arrangements with the tax authorities. In cases in which a taxpayer has received a transfer-pricing assessment as a result of an examination, a taxpayer applying for a Mutual Agreement Procedure between Japan and the relevant treaty partner country may be granted a grace period for the payment of taxes due by assessment, including penalty taxes.

The length of the grace period depends on the specific circumstances of the assessment.

Controlled foreign companies. The special provisions of income tax related to specified foreign subsidiaries of Japanese domestic companies (so-called "foreign subsidiary income inclusion taxation") are the Japanese equivalent to most jurisdictions' controlled foreign company (CFC) rules.

If a Japanese domestic company (including individuals who have a special relationship with a Japanese domestic company) owns 10% or more of the issued shares of a foreign related company of which more than 50% is owned directly or indirectly by Japanese domestic companies and Japanese resident individuals (including nonresident individuals who have a special relationship with Japanese domestic companies or Japanese resident individuals), the income of the foreign related company must be included in the Japanese parent company's taxable income in proportion to the equity held. Losses of a foreign related company may not offset the taxable income of the Japanese parent company. To avoid double taxation, a Japanese company can claim a foreign tax credit on the corporate income tax paid by a foreign related company that is subject to CFC income inclusion.

Determination of foreign entities subject to income inclusion. The indirect ownership ratio for the determination of a foreign related company that is subject to income inclusion is calculated based on the equity ratio of a foreign entity with a chain relationship with a domestic company through the ownership of more than 50% of equity. If there is a relationship between a resident or Japanese domestic company and a foreign entity in which the resident or Japanese domestic company is able to make claim to basically all of the foreign entity's residual property, the foreign entity is included in the scope of foreign related companies and the resident or Japanese domestic company is subject to income inclusion.

Income inclusion taxation on an entity-wide basis. The foreign related companies that do not satisfy any of the economic activity criteria (business criteria, substance criteria, control criteria and location or unrelated party criteria) are subject to income inclusion on an entity-wide basis. If the tax liability ratio of a foreign related company's fiscal year is 20% or more, the company is exempt from the application of income inclusion on an entity-wide basis. The tax liability ratio is calculated on a company-by-company basis.

Partial income inclusion rules for certain income. Foreign related companies that fulfill all of the economic activity criteria are subject to partial income (passive income) inclusion. The following types of income are subject to partial income inclusion:

- Interest
- Dividends
- Consideration for securities lending, and capital gains or losses on securities
- Gains or losses from derivative trading
- Gains or losses from foreign exchange
- Consideration for the lease of tangible fixed assets
- Royalties from intangible assets
- Capital gains or losses from intangible assets and other assets

If the tax liability ratio of a foreign related company's fiscal year is 20% or more, the foreign related company is exempt from the application of partial income inclusion. The materiality threshold related to partial income inclusion is JPY20 million or less; that is, the foreign related company is exempt if its partial income inclusion is JPY20 million or less.

Income inclusion on an entity-wide basis for certain foreign related companies. Paper companies, cashbox companies and prohibited list territory companies are subject to income inclusion on an entity-wide basis. If the tax liability ratio of a foreign related company mentioned above is 30% (27% or more for fiscal years beginning on or after 1 April 2024) or more for the fiscal year, the company is exempt from the application of income inclusion on an entity-wide basis.

Dividends distributed by a foreign related company cannot generally be excluded from the income inclusion added back to the Japanese parent company's taxable income. However, the following dividends received by a foreign related company can be excluded from the apportionment to the Japanese parent company's income:

- Dividends from a foreign subsidiary in which the foreign related company has held 25% or more of the total issued shares or the total voting shares for a period of at least six months. The equity ratio requirement relating to dividends excluded from the inclusion amount is 10% or more for dividends received from foreign subsidiaries whose primary business is the extraction of crude oil, oil gas, combustible natural gas or coal (collectively, fossil fuels), including businesses closely related to such extracted fossil fuels, and that possess an extraction site in a jurisdiction that has entered into a tax treaty with Japan.
- Dividends that have already been added to the Japanese parent company's taxable income as another foreign related company's income under the foreign subsidiary income inclusion taxation rules

The 2019 tax reform clarifies that local tax laws of the foreign related companies, such as those relating to tax consolidation and distributive share of partnership income, are disregarded in determining the tax liability ratio test, income inclusion or indirect foreign tax credit with respect to foreign related companies.

Debt-to-equity rules. Thin-capitalization rules limit the deduction for interest expense for companies with foreign related-party debt if the debt-to-equity ratio exceeds 3:1.

Earnings-stripping rules. Earnings-stripping rules limit the deductibility of interest paid by corporations to foreign related persons. These rules apply to domestic-source income generated by foreign entities. Net interest paid to foreign related persons by a corporation in excess of 20% of its adjusted taxable income is disallowed as a tax deduction. Interest deductions disallowed under this provision are carried forward for up to seven years. If earnings-stripping rules and thin-capitalization rules both apply, the rule that results in a larger disallowance is applied.

Global minimum tax. Income inclusion rule will be introduced for fiscal years beginning on or after 1 April 2024. For more details,

please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

For treaty jurisdictions, the rates reflect the lower of the treaty rate and the rate under domestic tax laws on outbound payments.

	Dividends %	Interest %	Royalties %
Algeria	5/10 (a)	0/7 (c)	10
Australia	0/5/10 (m)	0/10 (c)	5
Austria	0/10 (ff)	0	0
Azerbaijan	7	0/7 (c)	7
Bangladesh	10/15 (a)	0/10 (c)	10
Belgium	0/10 (ee)	0/10 (pp)	0
Brazil	12.5	0/12.5 (c)	12.5/15/25 (f)
Brunei Darussalam	5/10 (l)	0/10 (c)	10
Bulgaria	10/15 (a)	0/10 (c)	10
Canada	5/15 (a)	0/10 (c)	10
Chile	0/5/15 (ii)	4/10 (jj)	2/10 (kk)
China Mainland	10	0/10 (c)	10
Colombia	0/5/10 (gg)	0/10 (yy)	2/10 (r)
Croatia	0/5 (qq)	0/5 (rr)	5
Czechoslovakia (n)	10/15 (a)	0/10 (c)	0/10 (i)
Denmark	0/15 (hh)	0	0
Egypt	15	15/20 (q)	15
Estonia	0/10 (mm)	0/10 (mm)	5
Finland	10/15 (a)	10	10
France	0/5/10 (u)	0/10 (c)	0
Germany	0/5/15 (d)	0	0
Hong Kong SAR	5/10 (l)	0/10 (c)	5
Hungary	10	0/10 (c)	0/10 (i)
Iceland	0/5/15 (nn)	0	0
India	10	0/10 (c)	10
Indonesia	10/15 (a)	0/10 (c)	10
Ireland	10/15 (a)	10	10
Israel	5/15 (a)	0/10 (c)	10
Italy	10/15 (a)	10	10
Jamaica	5/10 (ss)	0/10 (rr)	2/10 (tt)
Kazakhstan	5/15 (a)	0/10 (c)	5 (w)
Korea (South)	5/15 (a)	0/10 (c)	10
Kuwait	5/10 (l)	0/10 (c)	10
Latvia	0/10 (ll)	0/10 (ll)	0
Lithuania	0/10 (ll)	0/10 (ll)	0
Luxembourg	5/15 (a)	0/10 (c)	10
Malaysia	5/15 (a)	0/10 (c)	10
Mexico	0/5/15 (o)	0/10/15 (c)(p)	10
Morocco	5/10 (xx)	0/10 (rr)	5/10 (r)
Netherlands	0/5/10 (y)	0/10 (z)	0 (aa)
New Zealand	0/15 (x)	0/10 (c)	5
Norway	5/15 (a)	0/10 (c)	10
Oman	5/10 (l)	0/10 (c)	10
Pakistan	5/7.5/10 (v)	0/10 (c)	10
Peru	10	0/10 (c)	15
Philippines	10/15 (l)	0/10 (c)	10/15 (g)
Poland	10	0/10 (c)	0/10 (i)

	Dividends %	Interest %	Royalties %
Portugal	5/10 (l)	0/5/10 (cc)	5
Qatar	5/10 (l)	0/10 (c)	5
Romania	10	0/10 (c)	10/15 (i)
Russia Federation	0/5/10/15 (gg)	0	0
Saudi Arabia	5/10 (l)	0/10 (c)	5/10 (r)
Serbia	5/10 (ss)	0/10 (pp)	5/10 (ww)
Singapore	5/15 (a)	0/10 (c)	10
Slovenia	5	0/5 (c)	5
South Africa	5/15 (a)	0/10 (c)	10
Spain	0/5 (oo)	0	0
Sri Lanka	20	0/15/20 (c)(q)	0/10 (h)
Sweden	0/10 (t)	0 (dd)	0 (aa)
Switzerland	0/10 (t)	0	0 (aa)
Thailand	15/20 (s)	0/10/25 (c)(j)	15
Türkiye	10/15 (a)	0/10/15 (c)(j)	10
USSR (k)	15	0/10 (c)	0/10 (i)
United Arab Emirates	5/10 (l)	0/10 (c)	10
United Kingdom	0/10 (t)	0 (dd)	0 (aa)
United States	0/5/10 (b)	0 (bb)	0
Uruguay	5/10 (vv)	0/10 (z)	10
Uzbekistan	5/10 (ss)	0/5 (rr)	0/5 (uu)
Vietnam	10	0/10 (c)	10
Zambia	0	0/10 (c)	10
Non-treaty jurisdictions	20	15/20 (q)	20

(a) The treaty withholding rate is increased to 10%, 15% or 20% if the recipient is not a corporation owning at least 25% (Kazakhstan, 10%; Spain, directly 25%) of the distributing corporation for six months (Algeria and Indonesia, 12 months).

(b) Dividends are exempt from withholding tax if the company receiving the dividends owns at least 50% of the voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined and if certain other conditions are met. The 5% rate applies to dividends paid to a company owning directly or indirectly at least 10% of the voting shares of the payer. The 10% rate applies to other dividends.

(c) Interest paid to a contracting state, subdivision or certain financial institutions is exempt.

(d) Dividends are exempt from withholding tax if the beneficial owner of the dividends owns at least 25% of the voting shares of the company paying the dividends for a period of 18 months ending on the date on which entitlement to the dividends is determined and if certain other conditions are met. The withholding tax rate of 5% applies to dividends paid to a company owning at least 10% of the voting shares of the company paying the dividends for a period of six months ending on the date on which entitlement to the dividends is determined. The 15% rate applies to other dividends.

(e) Interest paid to a Swiss resident pursuant to debt claims guaranteed or insured by Switzerland is exempt.

(f) The withholding rate for trademark royalties is 25%; for motion picture films and videotapes, the rate is 15%. The 12.5% rate applies to other royalties.

(g) The withholding rate for motion picture films is 15%. The 10% rate applies to other royalties.

(h) The withholding rate for motion picture films is 0% and for patent royalties is 10%.

(i) The withholding tax on cultural royalties is exempt (Romania, 10%) and on industrial royalties is 10% (Romania, 15%).

(j) The rate is generally 15% (Thailand, or 25%), except it is reduced to 10% for interest paid to banks.

(k) The USSR treaty applies to Armenia, Belarus, Georgia, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Ukraine.

(l) The withholding rate is increased to 10% (Philippines, 15%) if the recipient is not a corporation owning at least 10% of the voting shares (Philippines

and Saudi Arabia, or the total shares) of the distributing corporation during the six-month (Saudi Arabia, 183-day, Portugal, 12-month) period ending on the date on which entitlement to the dividends is determined (Philippines, the day immediately preceding the date of payment of the dividends).

(m) Dividends are exempt from withholding tax if the beneficial owner of the dividends owns directly at least 80% of the voting shares of the company paying the dividends for a period of 12 months ending on the date on which entitlement to the dividends is determined and if certain other conditions are met. The 5% rate applies to dividends paid to a company owning directly at least 10% of the voting shares of the payer. The 10% rate applies to other dividends.

(n) The Czechoslovakia treaty applies to the Czech and Slovak Republics.

(o) The 5% rate applies if the recipient of the dividends is a corporation owning at least 25% of the payer during the 6-month period immediately before the end of the accounting period for which the distribution of profits takes place. The 0% rate applies if the recipient of the dividends is a "specified parent company," as defined in the treaty. The 15% rate applies to other dividends.

(p) The general rate is 15%. The 10% rate applies to certain types of interest payments such as interest paid to or by banks.

(q) Loan interest paid to nonresidents is subject to a 20% withholding tax. Interest paid to nonresidents on bonds, debentures or bank deposits is subject to a 15% withholding tax.

(r) The withholding rate for the use of, or the right to use, industrial, commercial or scientific equipment is 5% (Colombia, 2%). A 10% rate applies to other royalties.

(s) The 15% rate applies if the dividends are paid by a company engaged in an industrial undertaking to a company owning at least 25% of the payer of the dividends. The 20% rate applies to other dividends.

(t) Dividends are exempt from withholding tax if the company receiving the dividends owns at least 10% of the voting shares of the payer (if paid by a company of Switzerland, capital or voting power of the payer) for the six-month period (Switzerland, 365-day period) ending on the date on which entitlement to the dividends is determined and if certain other conditions are met. The 10% rate applies in other cases.

(u) The 0% rate applies if the beneficial owner of the dividends owns directly at least 15%, or owns at least 25% (regardless of whether ownership is direct or indirect), of the voting shares of the payer of the dividends for the six-month period ending on the date on which the entitlement to dividends is determined and if certain other conditions are met. The 5% rate applies to dividends paid to a company owning directly or indirectly at least 10% of the voting shares of the payer for the six-month period ending on the date on which the entitlement to dividends is determined. The 10% rate applies to other dividends.

(v) The 5% rate applies if the beneficial owner of dividends owns directly or indirectly at least 50% of the voting shares of the payer of the dividends for the 6-month period ending on the date on which the entitlement to dividends is determined. The 7.5% rate applies to dividends paid to a company owning directly or indirectly at least 25% of the voting shares of the payer for the 6-month period ending on the date on which the entitlement to dividends is determined. The 10% rate applies to other dividends.

(w) The withholding tax rate on royalties is 10% under the treaty. However, the reduced rate of 5% provided in the protocol dated 19 December 2008 applies.

(x) Dividends are exempt from withholding tax if the company receiving the dividends owns at least 10% of the voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined and if certain other conditions are met.

(y) Dividends are exempt from withholding tax if the company receiving the dividends owns at least 50% of the voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined and if certain other conditions are met. The 5% rate applies to dividends paid to a company owning at least 10% of the voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined. The 10% rate applies to other dividends.

(z) Interest paid to a contracting state, subdivision or certain financial institutions is exempt. The 10% rate applies to other interest payments.

(aa) Royalties are exempt from withholding tax if certain conditions are met.

(bb) Interest is exempt from withholding tax if certain conditions are met.
(cc) Interest paid to a contracting state or subdivision is exempt. A 5% rate applies to interest paid to banks. The 10% rate applies to other interest payments.
(dd) Interest is exempt from withholding tax if certain conditions are met.
(ee) Dividends are exempt from withholding tax if the company receiving the dividends owns at least 10% of the voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined or if the beneficial owner of the dividends is a pension fund. A 10% rate applies to other dividends.
(ff) Dividends are exempt from withholding tax if the company receiving the dividends owns directly or indirectly at least 10% of the voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined or if the beneficial owner of the dividends is a pension fund.
(gg) Dividends are exempt from withholding tax if the beneficial owner of the dividends is a pension fund. A 5% rate applies to dividends paid to a company owning directly at least 15% of the voting shares (Colombia, 20%) of the payer for a 365-day period (Colombia, six-month period) ending on the date on which entitlement to the dividends is determined. Except for Colombia, a 15% rate applies to dividends on shares of companies that derive at least 50% of their value directly or indirectly from immovable property. A 10% rate applies to other dividends.
(hh) Dividends are exempt from withholding tax if any of the following circumstances exist:
- The company receiving the dividends owns directly at least 10% of the voting shares of the payer for a six-month period if the payer is a resident of Japan.
- The company receiving the dividends owns 10% of the capital of the payer for a six-month period if the payer is a resident of Denmark.
- The beneficial owner of the dividends is a pension fund.

A 15% rate applies to other dividends.
(ii) Dividends are exempt from withholding tax if the beneficial owner of the dividends is a pension fund and if such dividends are not derived from the carrying on of a business by such pension fund. A 5% rate applies to dividends paid to a company owning at least 25% of the voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined. A 15% rate applies to other dividends. The above provisions do not limit the application of the additional tax payable in Chile.
(jj) A 4% withholding tax rate applies to interest paid to banks and certain other recipients. A 10% rate applies to other interest payments.
(kk) Royalties for the use of, or the right to use, industrial, commercial or scientific equipment are subject to withholding tax at a rate of 2%. A 10% rate applies to other royalties.
(ll) Dividends and interest payments (excluding interest payment linked to performance) are exempt from withholding tax if the beneficial owner is a person other than an individual. A 10% rate applies to other dividend and interest payments.
(mm) Dividends are exempt from withholding tax if the company receiving the dividends owns directly or indirectly at least 10% of voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined. A 10% rate applies to other dividends. Interest paid to a contracting state, subdivision or certain financial institutions is exempt from withholding tax. A 10% rate applies to other interest payments.
(nn) Dividends are exempt from withholding tax if the company receiving the dividends owns at least 25% of the voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined or if the beneficial owner of the dividends is a pension fund. A 5% rate applies to dividends paid to a company owning at least 10% of the voting shares of the payer for the six-month period ending on the date on which entitlement to the dividends is determined. A 15% rate applies to other dividends.
(oo) Dividends are exempt from withholding tax if the company receiving the dividends owns at least 10% of the voting shares of the payer for the 12-month period ending on the date on which entitlement to the dividends is determined or if the beneficial owner of the dividends is a pension fund. A 5% rate applies to other dividends.
(pp) Interest is exempt from withholding tax if certain conditions are met. A 10% rate applies to other interest payments.
(qq) Dividends are exempt from withholding tax if the company receiving the dividends owns at least 25% (Switzerland, 10%) of the voting shares of the payer for the 365-day period ending on the date on which entitlement to

the dividends is determined. A 5% (Switzerland, 10%) rate applies to other dividends.

(rr) Interest is exempt from withholding tax if it is beneficially owned by the other contracting state, a political subdivision or local authority thereof, the central bank of the other contracting state or any institution wholly owned by the other contracting state or a political subdivision or local authority. A 5% rate (Jamaica and Morocco, 10%) applies to other interest.

(ss) The 5% rate applies if the company receiving the dividends owns at least 20% (Serbia and Uzbekistan, 25%) of the voting shares (if paid by a company of Jamaica or Serbia, capital or voting power) of the payer for the 365-day period ending on the date on which entitlement to the dividends is determined. A 10% rate applies to other dividends.

(tt) Royalties for the use of, or the right to use, equipment is subject to withholding tax at a rate of 2%. A 10% rate applies to other royalties.

(uu) The withholding tax rate for copyright is 0%. A 5% rate applies to other royalties.

(vv) The 5% rate applies if the company receiving the dividends owns at least 10% of the voting shares (if paid by a company of Uruguay, capital or voting power) of the payer for the 183-day period ending on the date on which entitlement to the dividends is determined. A 10% rate applies to other dividends.

(ww) The withholding tax rate for copyrights is 5%. A 10% rate applies to other royalties.

(xx) The 5% rate applies if the company receiving the dividends owns at least 10% of the voting shares (if paid by a company of Morocco, capital) of the payer. A 10% rate applies to other dividends.

(yy) Interest is exempt from withholding tax if it is beneficially owned by a political subdivision or local authority financial institution or recognized pension fund.

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A. At a glance

Corporate Income Tax Rate (%)	0/10/20 (a)
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	0/10/20 (a)
Withholding Tax (%)	
Dividends	0 (b)
Interest	
On Bank Deposits and Short-Term Debt	0 (c)
Other Interest	0 (d)
Royalties from Patents	0/20 (e)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	– (f)
Carryforward	Unlimited

(a) The general rate is 0%. The 10% rate applies to certain regulated financial services companies. The 20% rate applies to utility companies, companies in the business of importation and supply of hydrocarbon oil to Jersey, companies in the cannabis industry, and rental income, development profits and certain income derived from Jersey land. A rate of up to 20% applies to companies that are considered large corporate retailers.
(b) See Section B.
(c) Debt is considered short-term if it cannot exceed 364 days.
(d) A 20% rate applies to certain interest on long-term debt if the loan agreement was entered into before 1 January 2004 by a Jersey individual and if no election is made to pay the interest gross. This rate is unlikely to be applied except in rare cases.
(e) The 20% rate applies to patent royalties paid to individuals resident in Jersey.
(f) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to tax on their worldwide profits excluding capital gains.

In general, all companies incorporated in Jersey are considered resident. However, a company incorporated in Jersey is considered nonresident if the company's business is centrally managed and controlled outside Jersey in a country or territory where the highest rate at which any company may be subject to tax on any part of its income is 10% or higher and if the company is tax resident in that country or territory. A company incorporated outside

Jersey is regarded as Jersey resident if its business is managed and controlled in Jersey.

Rates of corporate income tax. Jersey has a general corporate income tax rate of 0% and a rate for certain regulated entities of 10%. Utility companies, companies in the business of importation and supply of oil to Jersey, companies in the cannabis industry, and rental income, development profits and certain profits derived from Jersey land are subject to income tax at a rate of 20%.

Effective from the 2018 year of assessment, large corporate retailers (as defined) are subject to tax at a rate of 20% on their assessable profits if their annual taxable profits are above GBP500,000, with tapering relief on profits between GBP500,000 and GBP750,000.

Regulated entities subject to the 10% tax rate are certain financial services companies that are registered or hold a permit in accordance with various laws administered by the Jersey Financial Services Commission and operate through a permanent establishment in Jersey. These companies include the following:
- Entities carrying out banking business, trust business or investment business
- Fund administrators or custodians

The definition of a "financial services company" was widened from 2018 and includes the following:
- Companies registered under the Financial Services (Jersey) Law 1998 to carry out general insurance mediation business.
- Companies registered as a registrar of companies with the Jersey Financial Services Commission.
- Companies holding a permit under the Insurance Business (Jersey) Law 1996.
- "Finance companies," which are companies engaged in the provision of credit or financing to customers. In this context, customers do not include related parties and, as a result, intragroup finance companies are not generally subject to tax at 10%.

The 10% rate applies to such financial services business conducted through a Jersey company or a branch.

Unless certain conditions are met, an agent or tenant must deduct tax at a rate of 20% before paying rent on a Jersey property to a nonresident landlord.

International Business Companies. The International Business Company status was abolished, effective from 1 January 2012.

Exempt companies. Jersey's former exempt company status was abolished, effective from the 2009 year of assessment. An alternative exemption regime for eligible investment schemes was introduced from 2010. However, because of the existence of the 0% tax rate, this regime is rarely used.

Capital gains. Jersey does not impose a tax on capital gains.

Economic substance. Economic substance requirements have been introduced and are effective for accounting periods beginning on or after 1 January 2019. The requirements apply to Jersey tax resident companies, regardless of their country of

incorporation. Companies carrying on any of the following types of business are required to meet the economic substance test:

- Banking
- Insurance
- Fund management
- Finance and leasing
- Headquarters
- Shipping
- Holding company
- Intellectual property holding
- Distribution and service center
- A limited liability company (LLC) that, if an election was made to treat the LLC as opaque and, therefore, as a company, satisfies the definition of a "financial services company" as set out in Article 123D of the Income Tax (Jersey) Law 1961, as amended

The economic substance test looks at whether a company is directed and managed in Jersey (different from management and control), whether it has adequate expenditure, physical assets and employees in Jersey and whether the company is undertaking its core income-generating activities in Jersey.

Penalties for failing to meet the economic substance test range from financial penalties of up to GBP100,000 to strike off (dissolution of company at the instigation of the Jersey Financial Services Commission) and exchange of information.

Administration. Corporate income tax returns must be filed by midnight on 30 November in the year following the year of assessment. A GBP300 penalty is imposed for a failure to file or the late filing of tax returns. If the return is not delivered within three months of the deadline, a further penalty of GBP100 applies for each month thereafter the return remains undelivered, up to a maximum of nine months. Assessments are normally issued to taxpayers in the year following the year of assessment (the Jersey fiscal year coincides with the calendar year).

From 2020 (the 2019 year of assessment), companies (other than large companies) are required to pay an installment payment on account by 31 May with the balance due on 30 November. Large companies are required to make an installment payment on account by 31 March with the balance due on 30 September. A large company is defined as a company whose income tax liability exceeds GBP500,000 for each of the two years preceding the year of assessment with respect to which an installment is being made. The payment that must be made by the installment date is 50% of the company's estimated liability. The final balance of tax is then payable by the balance due dates specified above. A 10% surcharge is imposed on any outstanding tax liability if tax remains unpaid as of the deadlines mentioned above.

The basis of assessment for trading is profits arising in the current accounting period.

Although no statutory clearance mechanism exists, on specific request, the tax authorities provide advance rulings on the Jersey tax treatment of transactions if the tax treatment is unclear as a result of no specific legislation or guidance on a matter.

Dividends. Dividends paid by Jersey resident companies may be deemed to be paid net of tax. The rate depends on the tax rate applicable to the profits from which the dividend was paid.

Effective from 1 January 2013, Jersey resident individuals who own more than 2% of a Jersey resident company whose profits are taxed at less than 20% are subject to tax on any value taken by them out of the company that is less than or equal to their share of specified profits. This applies to any distributions made on or after 1 January 2013. The definition of a distribution is quite broad. Before 2012, a deemed distribution regime applied.

European Union Savings Directive. All agreements related to the European Union Savings Directive have now been terminated.

Automatic exchange of information. Jersey has entered into intergovernmental agreements (IGAs) with the United Kingdom and the United States, and has also adopted the Common Reporting Standard (CRS). The UK IGA has been replaced by the CRS, but transitional rules were introduced. These transitional rules ensure that certain requirements set out under the UK IGA remain applicable.

Foreign tax relief. Jersey has entered into full double tax treaties with Cyprus, Estonia, Guernsey, the Hong Kong Special Administrative Region (SAR), Isle of Man, Liechtenstein, Luxembourg, Malta, Mauritius, Qatar, Rwanda, Seychelles, Singapore, the United Arab Emirates and the United Kingdom. It has entered into limited treaties with Australia, Denmark, the Faroe Islands, Finland, France, Germany, Greenland, Iceland, New Zealand, Norway, Poland and Sweden. The arrangements with Guernsey and the United Kingdom give credit for tax on all sources of income.

Unilateral relief applies for income that is not covered by a tax treaty to the extent of taxing foreign income net of foreign taxes suffered.

Jersey has entered into various tax information exchange agreements (TIEAs) and some limited double tax agreements (see above). The TIEAs provide for the exchange of information between tax authorities, on request, with respect to the tax position of resident persons. The limited double tax agreements provide for the allocation of taxing rights with respect to certain income derived by individuals and enterprises operating ships and aircraft in international traffic.

C. Determination of trading income

General. The amount assessable is based on the accounting profit, adjusted for tax purposes.

Revenue expenses incurred wholly and exclusively for the purposes of a trade or the managing of investments are deductible.

Inventories. No statutory rules prescribe which methods of stock valuation are acceptable. Under International Financial Reporting Standards, inventory is normally valued at the lower of cost or net realizable value.

Provisions. Only provisions relating to specific expenses are allowed as deductions.

Tax depreciation (capital allowances). Capital allowances, normally at 25% of the declining balance, are given on capital expenditure incurred to acquire machinery or plant to be used wholly and exclusively for the purposes of the trade.

Capital allowances are calculated on a pool of assets. A balancing charge is imposed if the proceeds from the sale of an asset (limited to the cost of the asset) exceed the written-down tax value of the pool or if the business is terminated.

Groups of companies. A qualifying company that suffers a loss may surrender the loss to another qualifying company in the same group. The company receiving the loss can then offset the loss against its profits or gains. The loss can be offset only against profits or gains determined for an accounting period that is the same as, or overlaps with, the financial period in which the loss arises. For these purposes, a qualifying company is a regulated entity that is taxed at a rate of 10% (see Section B).

Companies taxed at 0% that are part of a group may also surrender losses to offset the profits of another company taxed at 0% in the group.

Relief for losses. Companies subject to tax at the 0% or 10% rates can relieve losses by carrying the losses forward and offsetting them against future profits or by surrendering losses under the group relief measures (see *Groups of companies*).

Losses incurred by companies subject to tax at a rate of 20% may be used to offset either income for the year in which the losses were incurred or profits derived from the same trade in the immediately preceding year of assessment. Unused losses may be carried forward, without time limit, to offset income from the same trade for any subsequent year of assessment.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Social security contributions; on salaries of employees resident in Jersey (the 2023 amounts are shown); payable by	
Employer (maximum monthly contribution for each employee of GBP354.25)	6.5
(Employers are required to pay an additional contribution of 2.5% on the earnings of employees above GBP5,450 and up to GBP24,850 per month.)	
Employee (maximum monthly contribution of GBP327)	6
Goods and services tax; on domestic supplies of goods and services; an exception applies to certain entities that are able to elect for a fee to have International Services Entity status	5
Land transaction tax; applies to the sale of shares in a company that give the owner of the shares the right to occupy a dwelling; the tax is the equivalent to the stamp duty levied on the sale of freehold property; a GBP90 charge also applies; the rate is reduced for reduced rate	

Nature of tax	Rate (%)
properties (below GBP700,000) and first-time buyers; other charges may also apply	0.5 to 11

E. Miscellaneous matters

Anti-avoidance legislation. The Income Tax (Jersey) Law contains a general anti-avoidance provision. The Comptroller may make assessments or additional assessments to counteract transactions if the primary purpose is the avoidance or reduction of income tax.

Foreign-exchange controls. Jersey does not apply any form of exchange controls, and capital can be freely repatriated.

Related-party transactions. No special legislation applies to related-party transactions.

Debt-to-equity rules. Jersey does not impose debt-to-equity requirements.

Transfer pricing. Jersey's law does not include transfer-pricing rules. However, see *Anti-avoidance legislation*.

BEPS 2.0 - Pillar Two. On 19 May 2023, Jersey confirmed that it expects to implement an income inclusion rule and a domestic minimum tax within the scope of the Pillar Two regime to provide for a 15% effective tax rate for large in-scope multinational enterprises from 1 January 2025. At this stage, no details have been provided on the exact form of this domestic tax. Any Pillar Two measures should sit alongside Jersey's existing "zero-ten" tax regime. Draft Pillar Two legislation has not yet been released.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %
Cyprus	0*	0	0
Estonia	0*	0	0
Guernsey	0*	0	0
Hong Kong SAR	0*	0	0
Isle of Man	0*	0	0
Liechtenstein	0*	0	0
Luxembourg	0*	0	0
Malta	0*	0	0
Mauritius	0*	0	0
Qatar	0*	0	0
Rwanda	0*	0	0
Seychelles	0*	0	0
Singapore	0*	0	0
United Arab Emirates	0*	0	0
United Kingdom	0*	0	0
Non-treaty jurisdictions	0*	0	0

* See Section B.

Jordan

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A. At a glance

Corporate Income Tax Rate (%)	35 (a)
National Contribution Rate (%)	7 (a)
Capital Gains Tax Rate (%)	35 (a)
Branch Tax Rate (%)	35 (a)
Withholding Tax (%)	
Dividends	0 (b)
Interest	5/7/10 (c)
Other Payments to Nonresidents	10 (d)
Branch Remittance Tax	0 (e)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) This is the maximum rate. For a listing of rates and further details, see Section B.

(b) See Section B for details on the domestic tax treatment of distributions of dividends.

(c) This withholding tax is imposed on interest paid by banks to depositors (excluding interest paid on local interbank deposits). In addition, a national contribution ranging from 1% to 7% may apply. For further details, see Section B.

(d) In addition to the 10% withholding tax, payments made to nonresident individuals in excess of JOD200,000 are subject to a 1% national contribution, and payments made to nonresident corporate entities are subject to a national contribution at rates ranging from 1% to 7%. For further details, see Section B.

(e) Jordan's income tax law is silent on whether profit distributions made by a branch to its foreign head office are subject to tax (with the exception of banks), and the matter is currently under debate. If profit distributions are taxable, it is expected that the same rates and principles applicable to payments made to nonresidents would apply. For further details, see footnote (d) above.

B. Taxes on corporate income and gains

Corporate income tax. In general, income tax is levied on corporate entities and foreign branches with respect to all income earned in, or derived from, Jordan, regardless of where the payment is made, and on income generated from investing Jordanian capital outside Jordan.

Rates of corporate tax. Corporate income tax in Jordan is imposed at flat rates. Rates for resident corporations vary from 20% to 35%, depending on the type of sector. The following are the corporate income tax rates for various sectors for the tax year ending 31 December 2024.

Sector	Rate (%)
Banking	35
Electricity generation	24
Basic mining companies	24
Finance, financial intermediaries and financial leasing	24
Telecommunication	24
Insurance and reinsurance	24
Industrial (pharmaceutical, clothing, and other)	20
Other	20

In addition, a tax rate of 10% applies to the net income of Jordanian companies' foreign branches and net income realized by residents of Jordan from foreign sources, if such income is generated from Jordanian monies or deposits.

National contribution. A national contribution is imposed on taxable income of all corporate entities and foreign branches in Jordan. The national contribution rates vary from 1% to 7%, depending on the type of sector. The following are the national contribution rates for the various sectors.

Sector	Rate (%)
Basic mining companies	7
Finance, financial intermediary and financial leasing	4
Banking	3
Electricity generation	3
Telecommunication	2
Insurance and reinsurance	2
Other	1

The above national contribution rates also apply to payments made to nonresident juridical persons at the rate applicable to the recipient's sector. For payments from Jordan to nonresident natural persons in excess of JOD200,000, the excess amount is subject to a national contribution at 1%.

Capital gains. Capital gains derived from the sale of depreciable assets are subject to the corporate income tax and national contribution rates as applicable to the type of activity in which

the company engages. In addition, except for the first sale, capital gains derived from the sale of stocks or shares of information technology companies and institutions that deal with creating, processing and storing information using electronic devices and software are subject to tax at the applicable corporate income tax rate if the sale occurs after the lapse of 15 years from the date of establishment of such companies.

Capital gains derived from the sale of shares or stocks by a juridical person are subject to capital gains tax, which is assessed using either of the following:

- A deemed profit method, whereby a tax rate ranging between 0.5% to 5% is applied on the gross sale consideration
- An actual profit method, whereby the capital gain is calculated based on the audited financial statements of the Jordanian entity in which the shares are being disposed of, at the prevailing corporate income tax and national contribution rates as applicable to the sector of the company in which the shares were disposed per current practice

Sales of listed shares are subject to tax at the rate of 0.08% of the transaction value payable by each party to the transaction (that is, both the buyer and the seller are each liable to pay a 0.08% tax). The tax is withheld by the financial intermediary facilitating the sale.

Administration. The tax year for corporations is their accounting (financial) year. Tax returns must be filed electronically on a prescribed form in Arabic within four months after the tax year-end.

The tax return includes a payroll listing and information pertaining to goods and services supplied for the year, including details related to the corporation's income, expenses, exemptions and tax due.

The total amount of tax due must be paid at the time of filing to avoid penalties. If a taxpayer fails to electronically submit a complete filing package using the Income and Sales Tax Department (ISTD) web portal by the filing deadline, the taxpayer will be subject to late filing penalties at JOD1,000 (approximately USD1,410) for private and public shareholding companies, and JOD300 (approximately USD423) for other entities.

The ISTD may conduct an income tax audit for up to four previous years from the date of filing the return and may assess the taxpayer additional taxes (together with the applicable penalties) during these tax audits. Any additional taxes should be subject to a late payment penalty equal to 0.4% of the unpaid tax due for each late week or part thereof. Late penalties accrue from the date the additional tax should have been paid to the tax authorities (that is, the payment/filing deadline of the original return) until the actual payment date. The late payment penalty is capped at the total amount of the additional tax due.

Taxpayers whose gross income equaled or exceeded JOD1 million in the preceding tax year are required to make an advance tax and national contribution payment within 30 days following the end of the first half of the tax year and another advance tax and

national contribution payment within 30 days following the end of the tax year. Each advance payment is equal to 40% of the preceding year's tax and national contribution if the current year's interim financial statements are not available.

Dividends. Dividends distributed locally and abroad by limited liability companies, general partnerships, limited partnerships, public shareholding companies and private shareholding companies resident in Jordan are not subject to withholding tax.

Dividends received by companies in Jordan and paid by limited liability companies, general partnerships, limited partnerships, and public and private shareholding companies that are resident in Jordan are typically exempt from corporate income tax subject to limitations (discussed below), except for dividends received by the following, which are subject to tax at the corporate income tax and national contribution rates that correspond to the recipient's industry:

- Banks
- Main telecommunication companies
- Basic mining companies
- Insurance companies
- Reinsurance companies
- Financial intermediaries
- Financial companies and legal persons engaged in financial leasing activities

However, if any of the above listed companies in Jordan owns at least 10% of another resident company's capital, the dividends received by the former are subject to corporate income tax at a rate not exceeding 10%.

If the recipient of the dividend income is a Jordanian entity and is exempt, the lower of 25% of exempt dividend income or the total claimed expenses of the recipient is disallowed.

Dividends received by companies in Jordan from nonresident entities should be subject to corporate income tax at a rate of 10% if such income originates from Jordanian monies or deposits. In addition, a national contribution at the rate that corresponds to the recipient's industry applies.

The income tax law does not explicitly exempt distributions made from branches to their head office. Consequently, profit distributions could therefore be taxable at the discretion of the Jordanian tax authorities.

Interest. Interest paid by banks to depositors, except for interest on local interbank deposits, is subject to a 7% withholding tax for corporate entities and a 5% withholding tax for natural persons. The withholding tax is a payment on account for resident companies and a final tax for individuals and nonresident companies. Interest paid from Jordan to nonresident banks and nonresident finance companies for deposits that are held in Jordan is not subject to withholding tax in Jordan. Any other type of interest (non-depository) paid to nonresidents is subject to a 10% withholding tax. Interest payments on loans from nonresidents are subject to withholding tax at 10% and a reverse general sales tax at 16%.

Interest payments subject to withholding tax are also subject to a national contribution at the following rates:

- Interest payments made to resident entities are subject to a national contribution at the rate applicable to the sector of the loan provider (for further details, see *National contribution*).
- Interest payments made to nonresident entities are subject to a national contribution at the rate applicable to the sector of the recipient entity (for further details, see *National contribution*).
- For interest payments made to individuals (resident or nonresident) that are in excess of JOD200,000, the excess amount is subject to a 1% national contribution.

Foreign tax relief. Foreign tax relief is granted in accordance with tax treaties signed with other countries.

C. Determination of trading income

General. All income earned in Jordan from trading or other sources, except for income exempt under Jordanian legislation, is taxable.

Business expenses incurred to generate income are generally allowable, with limitations on certain items, such as entertainment and donations. A certain percentage of entertainment expenses is deductible. Head office charges are limited to 5% of the branch's net taxable income.

Provisions and reserves. Provisions and reserves are not allowed as tax deductions, except for insurance companies' reserves and doubtful debts' provisions for banks.

Tax depreciation. Regulation No. 55 of 2015 (as amended) sets out the maximum depreciation rates applicable to various fixed assets for corporate income tax purposes. If the rates used for accounting purposes are greater than the prescribed tax depreciation rates, the excess is disallowed for tax purposes. The following are some maximum straight-line depreciation rates.

Tangible assets	Rate (%)
Industrial, ordinary and temporary buildings	2/4/10
Furniture for dwelling, sleeping and work purposes, manufactured from iron, wood and fixed plastics	5
Furniture for hospitals, tourist services, hotels and restaurants	15
Other furniture	20
Means of transport	15
Computers, appliances, machinery used in production and medical equipment	35
Other machinery and equipment	20

A taxpayer is entitled to benefit from an accelerated depreciation method up to three times the straight-line amount if the taxpayer uses the accelerated-depreciation method until the asset is fully depreciated.

Machinery, equipment and other fixed assets that are imported on a temporary-entry basis (equipment that the government allows

foreign contractors to import on a temporary basis for the purpose of carrying out certain contractual work in Jordan) do not qualify for the accelerated depreciation method.

Used assets are depreciated at the above statutory rates applied to the purchase price.

The following are some straight-line amortization rates.

Intangible assets	Rate (%)
Key franchising (in practice, money paid to a business owner to vacate the premises so that the payer can take over the lease)	25
Computer software and programs	50
Other intangible assets, such as goodwill, trademarks and publishing rights	10

Relief for losses. Taxpayers can carry forward unabsorbed losses for a period of up to five consecutive years from the date the losses are considered final (that is, audited) to offset net profits of subsequent periods. Losses may not be carried back.

Groups of companies. The Jordanian income tax law does not contain any provisions for filing consolidated returns or for relieving losses within a group of companies. Companies must file separate tax returns and financial statements for Jordanian tax purposes.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
General sales tax (similar to value-added tax)	16
Social security contributions, on salaries and all benefits except overtime; the maximum salary subject to social security contributions is JOD4,538 for individuals joining the social security system on or after 1 March 2014 (adjusted for inflation on an annual basis); different rules regarding maximum salary apply to individuals who joined the social security system before 1 March 2014; the amount of the social security contribution is based on the employee's January salary; changes to the salary made during the year are not reflected in the employee's social security contribution until the following January; contribution paid by	
Employer	14.25
Employee	7.50
Withholding tax on the value of imports; paid on account against the taxpayer's final tax liability	2
Withholding tax on payments to nonresident service providers (also, see footnote [d] in Section A)	10

E. Miscellaneous matters

Foreign-exchange controls. The currency is the Jordanian dinar (JOD). Jordan does not currently impose any foreign-exchange controls.

Debt-to-equity rules. A 3:1 debt-to-equity ratio applies with respect to related-party debt. Interest paid on related-party debt exceeding this ratio is not deductible for tax purposes.

Transfer pricing. On 7 June 2021, Jordan introduced transfer-pricing rules that adopt the arm's-length principle reflected in the Associated Enterprise article of Jordan's tax treaties and in the Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines for Multinational Enterprises (MNEs). The rules also introduce new compliance requirements for Jordanian entities that engage in related-party transactions with an annual value exceeding JOD500,000 (approximately USD705,000) for any reporting period ending after 7 July 2021.

The following are the specific requirements:
- A transfer-pricing disclosure form to be submitted with the annual income tax return (that is, within four months after the end of the fiscal year)
- A Master File on the global business operations and transfer-pricing policies of the taxpayer's MNE group to be submitted within a period not exceeding 12 months following the tax period
- A Local File containing information on all transactions with related parties to be submitted within a period not exceeding 12 months following the tax period

The taxpayer also needs to present a signed affidavit from the taxpayer's appointed chartered accountant confirming the taxpayer's compliance with the group's transfer-pricing policy and detailing the impact of such policy on its financial statements.

If an MNE group has its headquarters in Jordan and its total consolidated revenue in the group financial statements exceeds JOD600 million (approximately USD846 million), the following submissions are also required:
- A Country-by-Country (CbC) Report to be submitted by the Parent Entity within a period not exceeding 12 months following the end of the group's tax period
- A CbC Notification to be submitted by each resident member of the MNE group and the Parent Entity in Jordan with the annual income tax return (that is, within four months after the end of the tax year)

A resident entity of an MNE group based outside Jordan that meets the reporting threshold is required to submit a CbC Notification with the annual income tax return (that is, within four months after the end of the tax year), identifying the reporting entity (including the Surrogate Parent Entity, if applicable) for the MNE group. However, the Jordanian tax authorities may also require a secondary filing of a CbC Report in the absence of formal automatic exchange channels.

Electronic invoicing (e-invoicing). On 6 December 2022, the Jordanian tax authorities launched the national e-invoicing system and on 16 April 2023, the Jordanian tax authorities published Regulations No. 13 of 2023. This publication amended the prior Invoicing Regulations No. 34 of 2019 to include clear references to electronic invoices issued through the national e-invoicing system. As a result, affected taxpayers are required to register with the

e-invoicing system. Failure to comply with the registration with the e-invoicing system could result in the Jordanian tax authorities imposing late penalties on the taxpayers. The Jordanian tax authorities issued detailed guides to assist affected taxpayers with the registration and integration with the e-invoicing system; however, the requirement for affected taxpayers to integrate their accounting systems and issue e-invoices in the system is still pending but expected to become mandatory soon.

F. Tax treaties

Jordan has entered into double tax treaties with Algeria, Azerbaijan, Bahrain, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Czech Republic, Egypt, France, India, Indonesia, Iran, Italy, Korea (South), Kuwait, Lebanon, Malaysia, Malta, Morocco, the Netherlands, Pakistan, the Palestinian Authority, Poland, Qatar, Romania, Singapore, Sudan, Syria, Tunisia, Türkiye, Ukraine, the United Arab Emirates, the United Kingdom, Uzbekistan and Yemen.

In addition, Jordan has entered into tax treaties, which primarily relate to transportation, with Austria, Belgium, Cyprus, Denmark, Italy, Pakistan, Spain and the United States.

The following is a table of treaty withholding tax rates.

	Dividends %	Interest %	Royalties %
Algeria	15	15	15
Azerbaijan	8	8	10
Bahrain	10	10	10
Bosnia and Herzegovina	5/10	10	10/15
Bulgaria	10	10	10
Canada	10/15	10	10
Croatia	10	10	10
Czech Republic	10	10	10
Egypt	15	15	20
France	5/15	0/15	5/15/25
India	10	10	20
Indonesia	10	10	10
Iran	5/7.5	5	10
Italy	10	10	10
Korea (South)	10	10	10
Kuwait	5/10	5	30
Lebanon	10	10	10
Malaysia	10	15	15
Malta	10	10	10
Morocco	10	10	10
Netherlands	15	5	10
Pakistan	10	10	10
Palestinian Authority	10	10	10
Poland	10	10	10
Qatar	10	5	10
Romania	15	12.5	15
Saudi Arabia	5	5	7
Singapore	5/8/10	5	5/10
Sudan	15	15	15
Syria	10	10	18
Tajikistan	10	10	10

	Dividends %	Interest %	Royalties %
Tunisia	— *	— *	— *
Türkiye	10/15	10	12
Ukraine	10	10	10
United Arab Emirates	7	7	10
United Kingdom	10	10	10
Uzbekistan	7/10	10	20
Yemen	10	10	10

* The treaty does not provide for a maximum withholding tax rate.

In addition, Jordan has signed tax treaties with Rwanda and Switzerland, but these treaties have not yet entered into force.

Kazakhstan

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A. At a glance

Corporate Income Tax Rate (%)	20
Capital Gains Tax Rate (%)	20
Branch Profits Tax Rate (Additional Tax) (%)	15 (a)
Withholding Tax (%)	
Dividends	15 (b)(c)
Interest	15 (c)
Royalties from Patents, Know-how, etc.	15 (c)
Capital Gains	15 (c)
Other Income	20
Net Operating Losses (Years)	
Carryback	0
Carryforward	10

(a) This tax is imposed on the taxable profits of permanent establishments after deduction of corporate income tax.

(b) This withholding tax applies to dividends paid to nonresident legal entities. Dividends paid to resident legal entities are generally exempt from tax (with some exceptions).
(c) A 20% withholding tax rate applies to Kazakh-source income paid to entities registered in tax havens.

B. Taxes on corporate income and gains

Corporate income tax. Kazakhstan legal entities and foreign legal entities operating through a permanent establishment are subject to tax. The definition of "permanent establishment" is generally similar to the definition in the model treaty of the Organisation for Economic Co-operation and Development, without the standard exemptions but with certain peculiarities. Kazakhstan tax-resident legal entities are subject to tax on their worldwide income. Taxable income of controlled foreign companies (CFCs) and permanent establishments of CFCs (including those registered in tax-haven countries) is subject to tax in accordance with special rules. Nonresident legal entities are subject to tax on income from Kazakh sources that are earned through a permanent establishment.

Rates of corporate tax. The regular corporate income tax rate is 20%. This rate applies to Kazakhstan companies, including enterprises with foreign participation (joint ventures) and companies with 100% foreign participation, and permanent establishments of foreign companies.

Permanent establishments are also subject to a 15% branch profits tax on their profits after deduction of corporate income tax. The 15% branch profits tax is imposed regardless of whether the profits are remitted to the home country of the permanent establishment. The branch profits tax rate may be reduced by an applicable double tax treaty.

Payments to foreign or nonresident legal entities without a permanent establishment are subject to withholding tax. The rate is 15% for dividends, interest, royalties, capital gains and insurance premiums. For reinsurance premiums and international transportation services, the rate is 5%. For all other payments, the rate is 20%. The rate is 20% for payments of any type of Kazakh-source income to tax-haven entities. The withholding tax rates may be reduced by an applicable tax treaty.

Taxation of subsurface users. Businesses engaging in the exploration and extraction of mineral resources in Kazakhstan (usually referred to as subsurface users under Kazakhstan law) operate under subsurface use contracts. The taxation under such contracts differs from the standard regime.

Tax incentives. Expenditure on certain qualifying fixed assets can be deducted in the first three years after commissioning, with each deduction equaling one-third of the initial value of the asset. Alternatively, it can be deducted in full in the tax year in which the expenditure is incurred.

Special-Economic Zones. The Kazakhstan Tax Code provides certain tax benefits for entities carrying out their activities in a special-economic zone in Kazakhstan. These tax benefits generally include a reduction of the corporate income tax payable by 100% and exemptions from land and property taxes and payments for the use of land plots. In addition, an exemption from social tax

may be applied by entities carrying out their activities in the Innovation Technology Park special-economic zone. Also, sales of goods to entities in special-economic zones may be subject to value-added tax at a 0% rate if certain conditions are met. The tax benefits may be claimed by entities that meet certain requirements established by the Tax Code, while the duration of the tax benefits depends on the category of the investment project.

Other incentives. Tax benefits that are similar to the special-economic-zone benefits are provided to entities outside special-economic zones that carry out priority investment projects based on investment agreements concluded with the government. Certain requirements and conditions must be met.

Capital gains. Capital gains are included in taxable profit and subject to tax at the regular corporate income tax rates. For nonresidents, certain capital gains are taxed by withholding tax.

Administration. The tax year is the calendar year.

Legal entities must make advance payments of tax on or before the 25th day of each month. These payments are generally based on the estimated income and corporate income tax due for the current year. Annual tax returns must be filed by 31 March of the year following the tax year. Corporate income tax due generally must be paid within 10 calendar days after the deadline for filing annual tax returns. The following legal entities are not required to make advance payments of tax:

- Taxpayers that had adjusted aggregate annual income not exceeding 325,000 monthly calculation indices (this index is established annually) in their antepenultimate tax year
- Taxpayers in their year of registration and in the following year

Dividends. Dividends paid to nonresident legal entities are subject to withholding tax at a rate of 15% (for legal entities from tax-haven countries, a 20% rate applies). Dividends paid to nonresident legal entities might be subject to a reduced withholding tax rate of 10% (as opposed to the regular 15% rate) if a minimum three-year holding period condition and certain other conditions are met.

Dividends paid to resident legal entities are generally exempt from withholding tax. Dividends received by resident legal entities are generally exempt from corporate income tax.

For purposes of the Tax Code, resident legal entities are legal entities created in accordance with Kazakhstan legislation and legal entities with their place of effective management (actual management body) located in Kazakhstan.

Foreign tax relief. A foreign tax credit is available for foreign tax paid on income earned abroad, unless such income is exempt from tax in Kazakhstan. The amounts that may be offset are determined for each country separately and equal the lowest amount of the following:

- The amount actually paid in a foreign state on income received by a taxpayer outside of Kazakhstan
- The amount of income tax on income received by a taxpayer outside Kazakhstan, calculated in accordance with the Tax Code and the provisions of an international treaty

C. Determination of taxable income

General. Under accounting legislation, large business entities, financial institutions, joint stock companies and certain other companies must prepare their financial reporting in accordance with International Financial Reporting Standards (IFRS). Other entities may choose to prepare their financial reporting in accordance with IFRS. Entities that do not choose to follow IFRS must prepare their financial reporting in accordance with National Accounting Standards.

In general, taxable profit equals the difference between annual aggregate income and allowable deductions. Income and expenses in accounting records generally serve as the basis for the calculation with adjustments.

In general, under the Tax Code, all actually incurred and properly documented expenses related to activity aimed at generation of revenues are deductible, unless the Tax Code explicitly indicates that a certain expense is nondeductible.

Starting from 1 January 2023, the Tax Code provides for the limitation of deductions for corporate income tax purposes with respect to non-tangible services purchased from nonresident related parties registered in jurisdictions included in the list of states with preferential taxation (tax havens) of up to a total amount not exceeding 3% of taxable income. The following types of services from nonresident related parties fall under the new restriction:

- Management
- Consulting
- Auditing
- Design
- Legal
- Accounting
- Advocacy
- Advertising
- Marketing
- Franchising
- Financial (except for interest expenses)
- Engineering
- Agency services
- Royalties
- Rights to use intellectual property objects

Interest (in certain cases, the amount actually paid within the amount of accrued interest expense) is deductible up to an amount calculated on the basis of the following formula:

$$(A + E + F) + \left[\left(\frac{OC}{AL}\right) \times (MC) \times (B + C + D)\right]$$

The following are descriptions of the items contained in the above formula:

- "A" is the amount of the interest, excluding amounts included in values B, C, D, E and F.
- "B" is the amount of interest payable to a related party, excluding amounts included in values E and F.
- "C" is the amount of remuneration payable to persons registered in a state with a preferential tax regime (tax haven), excluding amounts included in value B.

- "D" is the amount of interest payable to an independent party with respect to loans granted against a deposit of a related party (D1) or against a secured guarantee, surety bond or other form of security provided by a related party in the event of the enforcement of the guarantee, surety bond or other form of security in the reporting period (D2), excluding amounts included in value C.
- "E" is the amount of the following:
  - — Remuneration for credits (loans) issued by a credit partnership established in Kazakhstan and/or by a bank that is a national development institution controlled by the National Management Holding
  - — Remuneration in the form of a discount or coupon (including the discount or premium from the cost of the initial placement and/or the acquisition cost) on debt securities held by Unified Saving Pension Fund
- "F" is the amount of interest in the form of a discount or coupon (including the discount or premium from the cost of the initial placement and/or the acquisition cost) on debt securities of fully owned subsidiaries held by the parent company that is a national company fully owned by the National Management Holding and interest on loans received by fully owned subsidiaries from the parent company that is a national company fully owned by the National Management Holding.
- "MC" is the marginal coefficient – seven for financial institutions and four for others.
- "OC" is the average annual amount of owners' capital.
- "AL" is the average annual amount of liabilities.

The amount of interest in excess of the amount calculated under this formula is not deductible.

Subsurface users (see Section B) may deduct in the form of depreciation deductions expenses incurred during the exploration period on geological studies, exploration and preparation work for the extraction of mineral resources, including expenses for assessment, expenses for equipping, general administrative expenses and expenses connected with the payment of bonuses. Subsurface user operations are works related to geological studies and to the exploration and production of natural resources. Enterprises begin to calculate depreciation when the extraction of mineral resources begins after commercial discovery. They may set the annual depreciation rate at their discretion, but the rate may not exceed 25%.

Provisions. Banks and insurance companies may deduct provisions for doubtful and bad debts created in accordance with IFRS in the order established by the National Bank of Kazakhstan and agreed to by the authorized state body. Other entities may generally deduct actual bad debts that are three years past due if certain other conditions are met.

Tax depreciation. Buildings may be depreciated using an annual declining-balance rate of up to 10%. The maximum annual declining-balance depreciation rate for machinery and equipment (with the exception of machinery used in the oil and gas extraction industry) is 25%. The maximum depreciation rate for computers and software is 40%. Other fixed assets not included in the above categories are depreciated at a rate of up to 15%.

Depreciation rates for subsurface users may be doubled in the tax year in which fixed assets are first placed into service in Kazakhstan if these fixed assets are used in the business for at least three years.

Relief for losses. Enterprises may generally carry forward tax losses from business activities to offset annual taxable profits in the following 10 tax years. Loss carrybacks are not allowed.

Groups of companies. The Tax Code does not include any measures permitting related enterprises to offset profits and losses among group members.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; imposed on supplies of goods, work and services that are considered to be supplied in Kazakhstan, as well as on imports of goods	
Standard rate	12
Exports of goods	0
Value-added tax; imposed on electronic trade of goods and provision of services to individuals by foreign companies in electronic form	12
Export duties on certain types of goods (for example, crude oil and specified oil products); the duty is calculated as a specific percentage of the customs value, with a minimum duty of a specified amount of euros or US dollars per unit of measurement	Various
Import duty on certain goods; the duty is calculated as a specific percentage of the customs value, with a minimum duty of a specified amount of euros or US dollars per unit of measurement	
Percentage rates	Various
Excise taxes on certain goods; the tax is calculated as a specified amount of tenge per unit or a specified percentage of the customs value	
Percentage rates	Various
Property tax; imposed on annual average balance-sheet value of immovable property	1.5
Payroll taxes	
Personal income tax, payable by employee; calculated at a flat general rate	10
Social tax, paid by employer; calculated at a flat rate	9.5
Pension fund contributions; withheld from employees' salaries; the maximum base used to calculate the monthly contributions is KZT4.25 million (approximately USD9,437)	
Standard rate	10

Nature of tax	Rate (%)
Additional professional pension fund contributions; paid by employers for employees working in hazardous health conditions (according to a list of professions); calculated at a flat rate	5
Pension fund contributions made by the employer; paid by employer at its own expense; calculated at a flat rate	1.5
Social insurance contributions paid by employers and self-employed individuals; the base used to calculate the monthly contributions may not exceed KZT595,000 (approximately USD1,321)	
Percentage rate	3.5
Medical insurance contributions paid by employers and self-employed individuals; the base used to calculate the monthly contributions may not exceed KZT850,000 (approximately USD1,887)	
Percentage rate	3
Rent tax on crude oil and gas condensate for export	
Percentage rates	0 to 32

Other taxes include land tax and vehicle owners' tax.

E. Miscellaneous matters

Foreign-exchange controls. The currency in Kazakhstan is the tenge (KZT).

The principal measures governing foreign-exchange controls in Kazakhstan are the Law on Currency Regulations and Currency Control and the resolutions of the National Bank of Kazakhstan. The foreign-exchange control system operates largely through the following two sets of rules:

- Rules for residents (that is, Kazakhstan citizens and foreign citizens having a Kazakh residency permit, Kazakhstan legal entities (except international organizations), representative offices and branches of Kazakhstan legal entities, international organizations located in Kazakhstan (in case their residency status is established by international agreement), Kazakhstan foreign establishments, branches of foreign financial organizations with the right to perform banking and/or insurance activities in Kazakhstan and branches (representative offices) of foreign nonfinancial organizations that are permanent establishments of such foreign nonfinancial organizations in Kazakhstan)
- Rules for nonresidents (that is, foreign citizens, foreign legal entities and organizations, as well as their branches [representative offices]) without permanent establishments in Kazakhstan, branches (representative offices) of foreign nonfinancial organizations for which the status of nonresident is established by the terms of relevant agreements, international organizations, and diplomatic and other official representative offices of foreign countries

In general, payments between residents may only be made in tenge.

Under the Civil Code, an obligation between two residents may not be denominated in foreign currency, with certain exceptions. This rule generally does not apply to contracts between residents and nonresidents.

Transfer pricing. The Transfer Pricing Law strengthens controls over prices used by taxpayers in cross-border transactions and certain domestic transactions related to cross-border transactions. The law does not differentiate between related and unrelated parties in applying transfer-pricing controls (for example, no price deviation allowed for unrelated parties). The law contains extensive transfer-pricing documentary and monitoring requirements that include, among other items, industry, market, functional and risk analysis. Under the law, the following methods may be used to determine the market price:

- Comparable uncontrolled price method
- Cost-plus method
- Subsequent resale price method
- Profit-split method
- Net margin method

F. Treaty withholding tax rates

The table below lists the withholding tax rates under Kazakhstan's tax treaties.

The Tax Code has the following additional requirements for utilizing withholding tax benefits under double tax treaties that are covered by the Multilateral Instrument (MLI) for income payable to nonresident related parties:

- Income should be actually taxable in the jurisdiction of such a nonresident.
- The nominal tax rate in the jurisdiction of the nonresident should be at least 15%.

	Dividends %	Interest %	Royalties %
Armenia	10	10	10
Austria	5/15 (a)	10	10
Azerbaijan	10	10	10
Belarus	15	10	15
Belgium	5/15 (a)	10	10
Bulgaria	10	10	10
Canada	5/15 (a)	10	10
China Mainland	10	10	10
Croatia	5/10 (b)	10	10
Cyprus	5/15 (a)	10	10
Czech Republic	10	10	10
Estonia	5/15 (b)	10	15
Finland	5/15 (a)	10	10
France	5/15 (a)	10	10
Georgia	15	10	10
Germany	5/15 (b)	10	10
Hungary	5/15 (b)	10	10
India	10	10	10
Iran	5/15 (c)	10	10
Ireland	5/15 (b)	10	10
Italy	5/15 (a)	10	10

	Dividends %	Interest %	Royalties %
Japan	5/15 (a)	10	10
Korea (South)	5/15 (a)	10	10
Kyrgyzstan	10	10	10
Latvia	5/15 (b)	10	10
Lithuania	5/15 (b)	10	10
Luxembourg	5/15 (d)	10	10
Malaysia	10	10	10
Moldova	10/15 (b)	10	10
Mongolia	10	10	10
Netherlands	5/15 (a)	10	10
North Macedonia	5/15 (b)	10	10
Norway	5/15 (a)	10	10
Pakistan	12.5/15 (a)	12.5	15
Poland	10/15 (c)	10	10
Qatar	5/10 (a)	10	10
Romania	10	10	10
Russian Federation	10	10	10
Saudi Arabia	5	10	10
Serbia	10/15 (b)	10	10
Singapore	5/10 (b)	10	10
Slovak Republic	10/15 (e)	10	10
Slovenia	5/15 (b)	10	10
Spain	5/15 (a)	10	10
Sweden	5/15 (a)	10	10
Switzerland	5/15 (a)	10	10
Tajikistan	10/15 (e)	10	10
Türkiye	10	10	10
Turkmenistan	10	10	10
Ukraine	5/15 (b)	10	10
United Arab Emirates	5/15 (a)	10	10
United Kingdom	5/15 (a)	10	10
United States	5/15 (a)	10	10
Uzbekistan	10	10	10
Vietnam	5/15 (f)	10	10
Non-treaty jurisdictions	15 (g)	15 (g)	15 (g)

(a) The lower rate applies to dividends paid to companies owning at least 10% of the payer.
(b) The lower rate applies to dividends paid to companies owning at least 25% of the payer.
(c) The lower rate applies to dividends paid to companies owning at least 20% of the payer.
(d) The lower rate applies to dividends paid to companies owning at least 15% of the payer.
(e) The lower rate applies to dividends paid to companies owning at least 30% of the payer.
(f) The lower rate applies to dividends paid to companies owning at least 70% of the payer.
(g) For payments to entities registered in tax havens (according to a list), the rate is 20%.

Kenya

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A. At a glance

Corporate Income Tax Rate (%)	30
Capital Gains Tax Rate (%)	15 (a)
Branch Tax Rate (%)	30
Withholding Tax (%)	
Dividends	15 (b)
Interest	15 (c)
Royalties	20 (d)
Commissions	20 (e)
Management, Professional and Training Fees	20 (f)
Sports and Entertainment Fees	20 (g)
Telecommunication Service Fees	5
Rent	
Real Estate (Immovable Property)	30 (h)
Equipment	15 (i)

Sales of Immovable Property or Shares of Stock by Companies in the Oil and Mining Sector	0 (j)
Natural Resource Income	20 (k)
Winnings	20 (l)
Insurance Premiums and Reinsurance Premiums	5 (m)
Sales Promotion, Marketing, Advertising Services and Transportation of Goods	20 (n)
Gains from Financial Derivatives	15 (o)
Digital Content Monetization	
Residents	5
Nonresidents	20
Branch Remittance Tax	15 (p)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (q)

(a) A gain on the transfer of securities traded on any securities exchange licensed by the Capital Markets Authority is exempt from capital gains tax (CGT). Gains derived from the transfer of property by an insurance company other than property connected to life insurance business is subject to CGT. Effective 1 January 2023, the tax charge on capital gains is 15%.

(b) This rate applies to dividends paid to nonresidents. A 5% rate applies to dividends paid to residents or citizens of other states in the East African Community.

(c) This rate applies to payments to residents and nonresidents. However, a 25% withholding tax rate applies to interest arising from bearer instruments. In addition, a 5% withholding tax applies to interest paid by any Special Economic Zone enterprise, developer or operator to a nonresident person.

(d) This rate applies to payments to nonresidents. A 5% withholding tax is imposed on royalties paid to residents.

(e) This rate applies to payments to nonresidents. For insurance commissions paid to residents, a 5% withholding tax rate applies to payments to brokers and a 10% rate applies to payments to others. The following commissions are exempt from withholding tax:
- Commissions paid to nonresident agents with respect to flower, fruit or vegetable auctions
- Commissions paid by resident air transport operators to nonresident agents to secure tickets for international travel
- Commissions or fees paid or credited by insurance companies to other insurance companies

(f) This rate applies to management, professional and training fees paid to nonresidents. However, for consultancy fees, payments to citizens of other East African Community countries are subject to a reduced withholding tax rate of 15%. For residents, management, professional and training fees are subject to a withholding tax rate of 5%. The resident withholding tax rate for contractual fee payments is 3%. For management, training or professional fees paid by contractors in the petroleum industry to nonresident persons, the rate is 12.5%.

(g) Payments made by film agents and film producers approved by the Kenya Film Commission to approved actors and crew members are exempt from withholding tax.

(h) This withholding tax applies only to payments to nonresidents. The withholding tax rate applicable to payments made to resident persons as rent, premium or similar consideration for the use or occupation of immovable property is 10%.

(i) This rate applies to rent paid to nonresidents under leases of machinery and equipment. Rent paid to residents under leases of machinery and equipment is exempt from withholding tax. In addition, leasing of aircrafts, aircraft engines, locomotives or rolling stock is exempt from withholding tax.

(j) The net gain derived on the disposal of an interest in a person is taxable as business income if the interest derives 20% or more of its value directly or indirectly from immovable property in Kenya.

(k) This rate applies to payments to nonresidents. A 5% withholding tax is imposed on natural resource royalties paid to residents.

(l) This rate applies to payments to nonresidents. A 20% withholding tax is imposed on winnings paid to residents.

(m) This rate applies to payments to nonresidents. Insurance or reinsurance premiums paid for insurance for aircraft are exempt from withholding tax.

(n) This withholding tax applies to payments to nonresidents. East African Community citizens are exempted from withholding tax on transportation of goods. Air and shipping transport services are exempt from withholding tax.
(o) Effective from 1 January 2023, the gain accrued by a nonresident from a financial derivative as a result of a contract between the nonresident and a resident person is subject to withholding tax at a rate of 15%.
(p) A formula has been introduced to determine the repatriated income. The following is the formula: R= A1 + (P - T) – A2, where R is the repatriated profit; A1 is net assets at the beginning of the year; P is net profit for the year of income calculated in accordance with generally accepted accounting principles; T is the tax payable on the chargeable income; and A2 is the net assets at the end of the year. The tax on repatriated profits is the equivalent of tax on dividend payments. Net assets are defined as the total book value of assets less total liabilities for the year of income and do not include revaluation of assets. The difference between branches and companies is that while companies are taxed when they pay the dividends, branches will automatically be taxed based on increases in their asset values without considering their cash-flow requirements. To achieve full equity with companies, there is a need for further amendments to make the various payments made to the head office or related entities of the branch tax deductible.
(q) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Kenya income tax is payable by companies and by unincorporated organizations and associations (excluding partnerships). Taxable trading income consists of income arising or deemed to arise in Kenya.

Rates of corporate tax. The corporate tax rate is 30% for resident companies and 30% for nonresident companies (reduced from 37.5%), effective from 1 January 2024.

For a company that constructs at least 100 residential units in the tax year, the tax rate is 15% for that tax year, subject to the approval of the cabinet secretary responsible for housing.

Lower corporate income tax rates apply to companies licensed under the Special Economic Zones. The rate for the first 10 years is 10%; the rate for the next 10 years is 15%; and thereafter, normal rates apply.

For a company that is engaged in a business under a special operating framework arrangement with the government, the corporate tax rate as specified in the agreement continues to apply for the unexpired period as provided in the agreement.

Qualifying intellectual property. A restriction has been introduced on intellectual property (IP) income that is chargeable to tax under a preferential tax regime. In determining the qualifying intellectual property income that is subject to tax at a preferential tax rate, the following formula is applied: I = Q/T X P, where I is the income receiving tax benefits; Q is the research and development (R&D) expenditure, excluding acquisition costs and related party outsourcing costs; T is the R&D expenditure, including acquisition costs and related party outsourcing costs; and P is the intellectual property income, including royalties, capital gains and any other income from the sale of an intellectual property asset, including embedded intellectual property income calculated under transfer-pricing principles. The qualifying intellectual property is determined by apportioning the R&D activities, excluding acquisition costs of the IP and related-party outsourcing costs. Losses arising from the IP are deductible only against IP income.

No tax rate is currently provided.

Minimum tax. Minimum tax is payable at the rate of 1% of the gross turnover of an entity. The tax is payable by persons whose income is not specifically exempt and whose income does not include employment income, rental income from residential property, capital gains, income from the extractive sector and income subject to turnover tax. In addition, the tax applies to persons whose installment tax is lower than the minimum tax payable for the specific year of income. Minimum tax is payable in four installments by the 20th day of the fourth, sixth, ninth and 12th months of the financial year.

In September 2021, the High Court of Kenya declared these minimum tax provisions to be unconstitutional and prohibited the Kenya Revenue Authority (KRA) from implementing the provisions.

On 2 December 2022, Kenya's Court of Appeal upheld the decision of the High Court of Kenya to declare the minimum tax unconstitutional, rendering it null and void.

Administration. A company's year of assessment (tax year) coincides with its financial accounting year. A change in a financial accounting year must be approved by the Commissioner of Income Tax.

A company must make payments, each equal to 25% of its estimated tax for the year, by the 20th day of the fourth, sixth, ninth and 12th months of its financial accounting year. The estimated tax must equal either 110% of the previous year's tax or 100% of the tax estimated to be due for the current year.

A company must file a self-assessment return within six months after the end of its financial year. It must also file financial statements within six months after the end of its financial year. Late filing of a return is subject to a penalty of 5% of the tax payable for the year. The minimum penalty is KES20,000. The tax on the self-assessment, reduced by installment tax paid, is due within four months after a company's financial year-end. Late payments are subject to a penalty of 5% plus 1% per month (or part of a month) of the tax balance.

Withholding tax. The due date for remitting withholding tax deducted on qualifying payments (payments for certain services) has been amended from the 20th day of the month following the payment date to within five working days after the deduction. Payments for digital content monetization are now subject to withholding tax at a rate of 5% for residents and 20% for nonresidents.

Capital gains. Capital gains tax (CGT) applies to gains realized by companies and individuals on the transfer of property located in Kenya. The general tax rate is 15%. The gain equals the amount by which the transfer value exceeds the adjusted cost of the property. The adjusted cost is the sum of the cost of acquisition of the property and other costs incurred subsequently to enhance or preserve the property, provided that such costs had not been previously allowed for tax purposes. A gain on the transfer of securities traded on any securities exchange licensed by the Capital Markets Authority is exempt from capital gains tax. In addition,

an exemption from capital gains tax applies if a transfer of property is necessitated by a transaction involving the restructuring of a corporate entity or a legal or regulatory requirement, subject to specific conditions.

Gains by partnerships now subject to CGT. Gains on transfer of property that is located in Kenya and that is owned by partnerships are now within the ambit of CGT.

CGT exemption limit on group reorganization. CGT exemption on internal reorganizations is limited to groups that have existed for at least 24 months where there is no transfer to a third party.

CGT due date. The due date for CGT payment is the earlier of receipt of full purchase price by the vendor or registration of the transfer.

CGT on indirect transfers. Gains derived from the transfer of shares of a company resident in Kenya are now taxable if the transferor/seller at any time during the 365 days preceding such transfer held directly or indirectly at least 20% of the capital of that company. The transferor/seller shares should notify the Commissioner of Income Tax in writing if there is a change of at least 20% in the underlying ownership of the property.

Dividends. Dividends paid to resident companies are exempt if the recipient controls at least 12.5% of the distributing company's voting power. Taxable dividend income is subject to a final withholding tax of 15% for nonresidents and 5% for residents.

Compensating tax arises when a company pays dividends from untaxed gains or profits. The company is charged compensating tax at the corporate tax rate of 30% on the gains or profits from which such dividends are distributed. However, compensating tax does not apply to income that is exempt under the domestic tax law.

Foreign tax relief. Relief for foreign taxes paid is granted in accordance with tax treaties with other jurisdictions. Foreign tax paid to a jurisdiction that does not have a tax treaty with Kenya qualifies as a tax-deductible expense in Kenya if the associated income is deemed to be accrued in Kenya.

C. Determination of trading income

General. Taxable income is accounting income adjusted for nontaxable income, such as dividends and capital gains, and for nondeductible expenses such as depreciation. Expenses are deductible if incurred wholly and exclusively in the production of income.

Inventories. The normal accounting basis of the lower of cost or net realizable value is generally accepted for tax purposes. In certain circumstances, obsolescence provisions may be challenged.

Provisions. Provisions included in computing financial accounting income are generally not deductible for tax purposes.

Tax depreciation. Depreciation charged in the financial statements is not deductible for tax purposes. It is replaced by tax

depreciation allowances, which are calculated using the straight-line method.

The following are the depreciation rates.

Asset class	Rate (%)
Buildings used for manufacturing	50 (a)
Civil works and structures forming part of the building used for manufacturing purposes	50 (a)
Hotel buildings	50 (a)(b)
Hospital buildings	50 (a)(b)
Petroleum or gas facilities	50 (a)
Educational buildings, including student hostels	10 (b)
Commercial buildings	10
Machinery used for manufacturing	50 (a)
Hospital equipment	50 (a)
Ships or aircrafts	50 (a)
Motor vehicles and heavy earth-moving equipment	25
Computer and peripheral computer hardware and software, calculators, copiers and duplicating machines	25
Furniture and fittings	10
Telecommunications equipment	10
Filming equipment for a local film producer	25 (b)
Machinery used to undertake operations under a prospecting right	50 (a)
Machinery used to undertake exploration operations under a mining right	50 (a)
Other machinery	10
Indefeasible right to use fiber-optic cable	10 (b)
Farm works	50 (a)

(a) Fifty percent is claimable in the first year of use; residual value is claimed at 25% per year in equal installments in the subsequent years. Manufacturing includes the generation of electric energy, regardless of whether it is for supply to the national grid.

(b) Hotel, hospital and educational buildings are required to be licensed by the competent authority. For filming equipment, the local film producer must be licensed by the Cabinet Secretary responsible for filming.

Capital allowances are subject to recapture on the sale of an asset to the extent the sales proceeds exceed the tax value after depreciation. Amounts recaptured are treated as ordinary income and subject to tax at the regular corporate income tax rate.

Relief for losses. Tax deficits (losses) are allowable deductions in the year in which they arise and in the succeeding years of income. Profits and losses arising from specified sources (rental income, income from agriculture and similar activities, and other profits from business) are computed separately. If a company has

a loss in a year from one of the specified sources, the loss may be offset only against subsequent profits derived from the same specified source.

Groups of companies. The income tax law does not permit consolidated returns combining the profits and losses of affiliated companies or the transfer of losses from loss companies to profitable members of the same group of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on the supply of goods and services in Kenya and on imported goods and services	0/16
Railway Development Levy; imposed on the import value of all imported goods; import value is the Cost, Insurance and Freight value	1.5
Affordable Housing Levy (AHL); rate applied to the employee's gross salary; AHL is to be used exclusively for development of affordable housing and associated social and physical infrastructure and provision of affordable home financing; AHL is to be remitted no later than the ninth day of the succeeding month; a late payment penalty of 2% will apply every month on any amount unpaid by the due date	
Employer	1.5
Employee	1.5
Contributions to the National Social Security Fund (NSSF); expatriates who are members of social security schemes in their home countries and those expected to be in Kenya for not more than three years can apply to be exempted from the contributions; both the employer and employee are required to contribute 6% of the employee's monthly pensionable pay subject to an upper earnings limit based on the national average earning provided by the Kenya Bureau of Statistics; the contributions are categorized into Tier I and Tier II contributions; Tier I contributions must be remitted to the NSSF, while Tier II contributions may be remitted to a contracted-out (private) scheme; contributions are payable monthly by	
Employer (maximum contribution of KES1,080)	6
Employee (maximum contribution of KES1,080)	6
(The above reflects the provisions of the NSSF Act 2013. The provisions were not operational because the Employment and Labor and Relations Court declared the Act unconstitutional. On 3 February 2023, the Court of Appeal ruled that the NSSF Act 2013 was enacted constitutionally, setting aside the decision of the Employment and Labor Relations Court, thereby	

Nature of tax	Rate (%)
giving effect to the new Act, which increases the maximum contribution from KES200 to KES1,080 for employers and employees.) Digital services tax; payable by a nonresident person whose income from the provision of services is derived from or accrues in Kenya through a business carried out over the internet or an electronic network, including through a digital marketplace (online or electronic platform that enables users to sell or provide services, goods or other property to other users)	1.5

E. Miscellaneous matters

Foreign-exchange controls. The Central Bank of Kenya imposes certain foreign-exchange regulations.

Transfer pricing. The transfer-pricing rules include measures regarding the following matters:
- Entities and transactions to which the rules apply
- Methods that may be used to determine arm's-length prices
- Records regarding transactions that must be maintained

The methods for determining arm's-length prices are consistent with those approved by the Organisation for Economic Co-operation and Development.

Mutual administrative assistance. Kenya has now included mutual administrative assistance in the ambit of multilateral agreements relating to international tax compliance that will have effect in Kenya as stipulated in such agreements. Kenya has also introduced a mechanism for the recovery and collection of tax claims by the Commissioner of Income Tax, subject to a request by the competent authority of a party to the international tax agreement.

Country-by-Country Reporting. Kenya signed the Multilateral Competent Authority Agreement for exchange of Country-by-Country Reports (CbC MCAA) in an effort to automate the exchange of information with competent authorities in other jurisdictions and, accordingly, to foster transparency in the operations of Multinational Enterprises (MNEs)

Effective July 2022, the KRA imposed the following requirements for MNEs that have a group turnover of KES95 billion or more, regardless of whether or not the ultimate parent company is in Kenya:
- They must file with the KRA a Country by Country (CbC) Reporting Notification on or before the last day of the entity's financial year end (that is, 31 December 2022).
- They must prepare and file Local and Master Files on or before the end of the sixth month following the entity's financial year end (that is, 30 June 2023).
- They must file a Country by Country Report (CbCR) on or before the last day of the 12th month following the group's year end (that is, 31 December 2023).

For some MNEs, there is an exemption from the filing of a CbCR if the Ultimate Parent Entity is filing in a country that has a

CbCR information exchange agreement with Kenya such as the CbC MCAA. However, the entity is still required to file the CbC Reporting Notification, Master File and Local File.

Interest restriction. Interest expense for both locally and foreign controlled entities is restricted to 30% of earnings before interest, tax, depreciation and amortization (EBITDA). Therefore, any interest expense above 30% of the EBITDA is disallowed for corporation tax purposes.

In the determination of EBITDA, exempt income is excluded. In addition, interest consists of interest on all loans, all payments equivalent to interest and expenses incurred to raise the financing.

The following local entities are not subject to the 30% EBITDA interest restriction:
- Banks or financial institutions licensed under the Banking Act
- Micro and small enterprises registered under the Micro and Small Enterprises Act, 2012

F. Treaty withholding tax rates

The withholding tax rates under Kenya's tax treaties are listed below. If the treaty rate is higher than the non-treaty rate, the non-treaty rate applies.

Payee resident in	Dividends %	Interest %	Royalties/ management and professional fees %
Canada	15	15	15
Denmark	20	20 (a)	20
France	10	12	0 (e)
Germany	15	15 (a)	15
India	10	10	10
Iran	5	10	0 (e)
Korea (South)	10 (f)	12	0 (e)
Norway	15	20 (a)	20
Qatar	10 (g)	10	0 (e)
Seychelles	5	10	10
South Africa	10	10	0 (e)
Sweden	15	15	20
United Arab Emirates	5	10	0 (e)
United Kingdom	15	15 (a)	15 (b)
Zambia	0 (c)	0	0 (h)
Non-treaty jurisdictions	15	15	20 (d)

(a) Interest paid by the government and the Central Bank of Kenya is tax exempt.
(b) The rate is 12.5% for management and professional fees.
(c) No Kenya tax is due if the dividend is subject to tax in Zambia.
(d) The withholding tax rate is 15% for consultancy fees paid to residents of other East African Community countries.
(e) A 10% rate applies to royalties.
(f) The rate is 8% for beneficial owners with a shareholding of at least 25%.
(g) The rate is 5% for beneficial owners with a shareholding of at least 10%.
(h) No Kenyan tax is due if the income is subject to tax in Zambia.

Korea (South)

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A. At a glance

Corporate Income Tax Rate (%)	24 (a)(b)
Capital Gains Tax Rate (%)	24 (a)(b)(c)
Branch Income Tax Rate (%)	24 (a)(b)
Branch Profits Tax Rate (Additional Tax) (%)	— (d)
Withholding Tax (%)	
Dividends	20 (e)(f)
Interest on Bonds	14 (e)(g)
Interest on Loans Other Than Bonds	14/20
Royalties	20 (e)(f)
Leasing Income from Vessels, Aircraft, Heavy Equipment and Other Assets, and Business Income	2 (e)
Personal Services Income	3/20 (e)(h)
Gain from Transfer of Securities or Shares	Lesser of 10% of the gross sales price and 20% of net gain (e)
Other Income	20 (e)(f)
Net Operating Losses (Years)	
Carryback	1 (i)
Carryforward	15 (j)

(a) This is the maximum rate (see Section B).

(b) Local income tax (formerly referred to as resident surtax) is also imposed at a rate of 10% of corporate income tax payable before offsetting tax credits and exemptions (see Section D).

(c) Capital gains are included in ordinary taxable income for corporate tax purposes.

(d) This tax is imposed on income that is remitted or deemed to be remitted by a Korean branch of a foreign corporation. The branch profits tax may be payable if the foreign company is resident in a country with which Korea has entered into a tax treaty and if the treaty requires the imposition of a branch profits tax. For a list of these countries and the rates of the tax, see Section B. The branch profits tax is imposed in addition to the income tax imposed on branches.

(e) The tax applies to payments to nonresidents.
(f) The rate is reduced to 0% for domestic corporations.
(g) The rate is reduced to 0% for interest paid for national bonds
(h) The 20% tax rate applies to income accrued from services performed in Korea. Income accrued from services performed outside Korea is subject to withholding tax at a rate of 3% if the income is deemed to have been accrued in Korea under the relevant tax treaty.
(i) Only small and medium-sized enterprises are entitled to carry back losses.
(j) Except for small and medium-sized enterprises and certain other companies (for example, companies under court receivership), the annual deductibility limit for loss carryforwards is 80% of taxable income for domestic corporations.

B. Taxes on corporate income and gains

Corporate income tax. Korean domestic corporations are taxed on their worldwide income, including income earned by their foreign branches. A domestic corporation is one that has its head or main office or place of effective management in Korea. Foreign corporations are taxed on Korean-source income only.

Rates of corporate income tax. The rates are indicated below.

Domestic corporations. Corporate income tax is imposed at a rate of 9% on taxable income up to KRW200 million, at a rate of 19% on taxable income in excess of KRW200 million up to KRW20 billion, at a rate of 21% on taxable income in excess of KRW20 billion up to KRW300 billion and at a rate of 24% on taxable income exceeding KRW300 billion. Local income tax (formerly referred to as resident surtax), equal to 10% of corporate income tax payable before offsetting tax credits and exemptions, is also imposed (see Section D), resulting in an effective tax rate of 26.4% on taxable income exceeding KRW300 billion if no tax credits and exemptions are available.

Accumulated earnings tax. Korean corporations that are members of an enterprise group with restrictions on cross shareholding are taxed on their excess earnings at a rate of 22% (including local income tax) in addition to the above corporate income tax.

Excess earnings are calculated by applying one of two methods. Under Method A, excess earnings equal 70% of adjusted taxable income less amounts spent on investments (excluding investments in land), salary and wage increases of employees whose annual salaries and wages are less than KRW80 million, and certain other items. If the number of regular employees increased during the year, 150% of the existing regular employees' increases and 200% of the new regular employees' increases are also included in computing the deduction amount. Under Method B, the calculation is the same except that a 15% percentage is applied, and the amount spent on the investment is not deducted from the excess earnings. The computation of adjusted taxable income under the two methods are the same, except that Method A includes the add-back of depreciation and amortization expenses relating to the amount spent on the investment. The amount of adjusted taxable income considered for purposes of computing accumulated earnings tax is capped at KRW300 billion.

Foreign corporations with a domestic business operation. The same tax rates as those for domestic corporations apply.

A Korean branch of a foreign corporation is also subject to a branch profits tax, which may be imposed if the foreign company is

resident in a country with which Korea has entered into a tax treaty and if the treaty requires the imposition of a branch profits tax. However, according to the reciprocal principle, branch profits tax is not levied if the foreign corporation's residence country (the location of the head office) does not levy the branch profits tax on the domestic business place of the domestic corporation. Companies resident in the following countries are subject to the branch profits tax at the rates indicated, which include the resident surtax.

Country	Rate (%)
Australia	15
Brazil	15*
Canada	5
France	5
India	15
Indonesia	10
Kazakhstan	5
Morocco	5
Panama	2
Peru	10
Philippines	11
Thailand	10

* Applicable only when Korean companies have entered Brazil.

Foreign corporations without a domestic business operation. A foreign corporation that does not have a domestic business place (that is, a "permanent establishment") in Korea is subject to the withholding tax rates listed in Section A on its Korean-source income (unless other rates apply under a tax treaty).

Local income tax (formerly referred to as resident surtax) at a rate of 10% is imposed in addition to the above rates.

Domestic place of business. A foreign corporation that has any of the following fixed operations in Korea is deemed to have a domestic place of business:
- A branch, office or any other business office
- A store or any other fixed sales place
- A workshop, factory or warehouse
- A construction site or place of installation or assembly, which exists for more than six months
- A place where services are rendered through employees for more than six months during a consecutive 12-month period or a place where services are rendered recurrently or repeatedly through employees over a period of two years or more
- A mine, quarry or other location for natural resources exploitation

A fixed place of business does not include the following (also, see the next paragraph):
- A purchasing office
- A storage or custody area for property that cannot be sold
- An office involved in advertising, public relations, collecting and furnishing information, market survey, and other preparatory or auxiliary activities

- The place to maintain an asset belonging to the enterprise solely for the purpose of processing by another enterprise

The above exemption applies only if the activity of the fixed place is of a preparatory or auxiliary character.

A foreign corporation that does not have a fixed place of business in Korea may be considered to have a domestic place of business if it operates a business through a person in Korea authorized to conclude contracts, perform similar activities or continuously play a principal role leading to the conclusion of contracts without material modification even without legal authority to conclude contracts on the corporation's behalf.

Tax Incentives Limitation Law. The tax exemption benefit of the high technology tax incentive, individual-type Foreign Investment Zone (FIZ) tax incentive and Free Economic Zone (FEZ) tax incentives, which applied to foreign investors, is repealed as of 1 January 2019.

The repeal has no effect on local tax; accordingly, the tax incentives on local taxes (acquisition tax, property tax, value-added tax, special excise tax and customs duty on imported capital goods) continue to apply.

Capital gains. Capital gains are included in ordinary taxable income for corporate tax purposes.

Administration. A corporation must file a tax return within three months after the end of its fiscal year. In general, tax due must be paid at the time of submitting the tax return. However, if tax liability exceeds KRW10 million, the tax due may be paid in installments.

Dividends. A corporation must include dividends received in taxable income. However, a dividends-received deduction is available for dividends received by a domestic corporation from its domestic subsidiaries at a dividends-received deduction ratio ranging from 30% to 100%, depending on the shareholding ownership of domestic subsidiaries. In addition, a 95% deduction for dividends received from foreign subsidiaries is available if certain requirements are met.

Foreign tax relief. A tax credit is allowed for corporate taxes paid to a foreign government. The foreign tax credit relief is limited to the lesser of the tax paid abroad or the Korean tax amount multiplied by the ratio of income from foreign sources to total taxable income. If a company has places of business abroad in two or more countries, it can only determine the foreign tax credit limitation on a country-by-country basis for each country individually. If the amount of the foreign tax credit is limited by this rule, the excess foreign tax paid over the limitation may be carried forward for up to 10 tax years. If a tax credit is not applied, the corporate tax paid to a foreign government may be claimed as a tax deduction (the deduction method).

C. Determination of taxable income

General. The tax law defines the specific adjustments that are required in computing taxable income. If not specified by law, the accrual basis is applied.

Inventories. A corporation must select and notify the tax office of its basis for the valuation of inventories on its first annual income tax return. It may select the cost method or the lower of cost or market value method. The cost method may be applied using any of the following methods:
- First-in, first-out (FIFO)
- Last-in, first-out (LIFO)
- Moving average
- Total average
- Individual costing (specific identification)
- Retail

If a corporation fails to notify the tax office, it must use FIFO for tax purposes.

Reserves

Reserves for employee retirement allowance. Under the Korea Labor Standards Act, employees with one year or more of service are entitled to a retirement allowance equal to 30 days' salary or more for each year of service on termination of employment. However, a tax deduction for companies for the reserves for employee retirement allowance is no longer permitted.

A company may claim a tax deduction for the remainder of the estimated retirement allowances by funding the portion of the reserve in excess of the tax-deductible limit. The permitted funding methods specified by the tax law include the depositing of an amount equal to the excess portion in a retirement pension account with qualified institutions, such as insurance companies, banks, and the Korea Workers' Compensation and Welfare Service.

Bad debt reserve. A corporation is allowed to set up a reserve for bad debts. The maximum amount of the reserve is the greater of the following:
- 1% of the book value of receivables at the end of the accounting period
- Historical bad-debt ratio multiplied by the book value of receivables at the end of the accounting period

However, for financial institutions, the maximum amount of the reserves is the greatest of the following:
- The amount to be accumulated based on reserve guidelines issued by the Financial Services Commission in consultation with the Ministry of Strategy and Finance
- 1% of the book value of the receivables at the end of the accounting period
- Historical bad-debt ratio multiplied by the book value of receivables at the end of the accounting period

Depreciation and amortization. In general, corporations may depreciate tangible fixed assets using the straight-line, declining-balance or unit-of-production (output) depreciation methods. However, buildings and structures must be depreciated using the straight-line method. Intangible assets must be amortized using the straight-line method. A corporation must select from among the depreciation methods and useful lives specified in the tax law and notify the tax office of its selections in its first annual income tax return. Otherwise, the depreciation method and useful life

designated in the tax law for the respective class of asset are applied. The following are the statutory rates of depreciation under the declining-balance method and useful lives for certain types of assets.

Asset	Annual depreciation rate under declining-balance method (%)	Years of useful life
Commercial buildings	–	20 or 40
Industrial buildings	–	20 or 40
Office equipment	45.1	5
Motor vehicles	45.1	5
Plant and machinery	45.1 to 14	5 to 20

Relief for losses. Tax losses can be carried forward for 15 years. The carryforward of tax losses is subject to an annual deductibility limitation of 80% of taxable income for domestic corporations. The annual deductibility limitation does not apply to small and medium-sized enterprises and certain other companies (for example, companies under court receivership). The annual deductibility limitation is also 80% of taxable income for a foreign corporation's domestic place of business (for example, a branch) in Korea. Small and medium-sized enterprises may carry back losses one year.

Groups of companies. A consolidated tax return is available for a group containing a parent company and its subsidiaries with 90% or more ownership. The consolidated tax return allows losses of group companies to be offset against profits of other group companies. The cap on deductions of losses carried forward for consolidated companies ranges from 80% to 100% of the taxable income of the company. After the parent company elects tax consolidation, it must maintain the consolidation for five fiscal years (including the first fiscal year of tax consolidation) and apply the consolidation to all subsidiaries with 90% or more ownership.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Local income tax; levied on corporate taxable income	
Taxable income up to KRW200 million	0.9
Taxable income in excess of KRW200 million up to KRW20 billion	1.9
Taxable income in excess of KRW20 billion up to KRW300 billion	2.1
Taxable income exceeding KRW300 billion	2.4
(The above rates result in a local income tax rate of 10% of corporate income tax payable before offsetting tax credits and exemptions.)	
Value-added tax	
Standard rate	10
Acquisition tax, including surtax, on land, buildings, ships, automobiles and heavy equipment	Various
Registration license tax, including local	

Nature of tax	Rate (%)
education surtax	
Normal rate on registration of incorporation	0.48
Registration of incorporation in the Seoul metropolitan area	1.44
Withholding of payroll taxes, including local income surtax, on salaries and wages	6.6 to 49.5

E. Transfer pricing

Korea has transfer-pricing rules. The acceptable transfer-pricing methods include comparable uncontrolled price, resale price, cost-plus, profit-split, the transactional net margin method (TNMM) and other reasonable methods designated by the tax law. It is possible to reach transfer-pricing agreements in advance with the tax authorities.

F. Treaty withholding tax rates

	Dividends			Royalties	
	A	B	Interest	C	D
	%	%	%	%	%
Albania	5	10	10	10	10
Algeria	5	15	10	2	10
Australia	15	15	15	15	15
Austria	5	15	10	2	10
Azerbaijan	7	7	10	5	10
Bahrain	5	10	5	10	10
Bangladesh	10	15	10	10	10
Belarus	5	15	10	5	5
Belgium	15	15	10	10	10
Brazil	10	10	15 (c)	10	10 (d)
Brunei Darussalam	5	10	10	10	10
Bulgaria	5	10	10	5	5
Cambodia	10	10	10	10	10
Canada	5	15	10	10	10
Chile	5	10	15 (f)	5	10
China Mainland	5	10	10	10	10
Colombia (b)	5.5	11	11 (p)	11	11
Croatia	5	10	5	0	0
Czech Republic	5	5	5	10	0
Denmark	15	15	15	10	15
Ecuador	5	10	12 (p)	5	12
Egypt	10	15	15 (e)	15	15
Estonia (b)	5.5	11	11 (p)	5.5	11
Ethiopia	5	8	7.5 (p)	5	5
Fiji	10	15	10	10	10
Finland	10	15	10	10	10
France	10	15	10	10	10
Gabon	5	15	10	10	10
Georgia	5	10	10	10	10
Germany	5	15	10	2	10
Greece	5	15	8	10	10
Hong Kong	10	15	10	10	10
Hungary	5	10	0	0	0
Iceland	5	15	10	10	10
India (b)	15	15	10	10	10

	Dividends			Royalties	
	A	B	Interest	C	D
	%	%	%	%	%
Indonesia	10	15	10	15	15
Iran (b)	11	11	11 (p)	11	11
Ireland	10	15	0	0	0
Israel	5	15	10 (h)	2	5
Italy	10	15	10	10	10
Japan	5	15	10	10	10
Jordan	10	10	10	10	10
Kazakhstan	5	15	10	2	10
Kenya	8	10	12 (p)	10	10
Kuwait	5	5	5 (p)	15	15
Kyrgyzstan	5	10	10	5	10
Laos	5	10	10	5	5
Latvia	5	10	10	5	10
Lithuania	5	10	10	5	10
Luxembourg	10	15	10 (j)(p)	5	10
Malaysia	10	15	15	10	15
Malta	5	15	10	0	0
Mexico	0	15	15 (j)	10	10
Mongolia	5	5	5	10	10
Morocco	5	10	10	10	5
Myanmar	10	10	10	10	15
Nepal	5	10	10	15	15
Netherlands	10	15	15 (c)	10	15
New Zealand	15	15	10	10	10
Norway	15	15	15	10	15
Oman	5	10	5	8	8
Pakistan	10	12.5	12.5	10	10
Panama	5	15	5	3	10
Papua New Guinea	15	15	10	10	10
Peru	10	10	10 (p)(s)	10	15
Philippines (b)	11	27.5 (q)	16.5 (o)	16.5	16.5 (d)
Poland	5	10	10	5	5
Portugal	10	15	15	10	10
Qatar (b)	11	11	11	5.5	5.5
Romania	7	10	10	7	10
Russian Federation	5	10	0	5	5
Saudi Arabia	5	10	5	5	10
Serbia	5	10	10	10	5
Singapore	10	15	10	5	5
Slovak Republic	5	10	10	10	10 (i)
Slovenia	5	15	5	5	5
South Africa (b)	5.5	16.5	11	11	11
Spain	10	15	10	10	10
Sri Lanka	10	15	10	10	10
Sweden	10	15	15 (c)	10	15
Switzerland	5	15	10 (j)	5	5
Taiwan	10	10	10 (p)	10	10
Tajikistan	5	10	8	10	10
Thailand	10	10	15 (m) (p)	15	10 (n)
Tunisia	15	15	12	15	15
Türkiye	15	20	15 (a)	10	10
Turkmenistan	10	10	10	10	10
Ukraine	5	15	5	5	5
United Arab Emirates	5	10	10	10	10

	Dividends			Royalties	
	A	B	Interest	C	D
	%	%	%	%	%
United Kingdom	5	15	10	2	10
United States (b)	11	16.5	13.2	16.5	11
Uruguay	5	15	10	10	10
Uzbekistan	5	15	5	2	5
Venezuela (b)	5.5	11	11 (k)	5.5	11
Vietnam	10	10	10 (p)	5	10 (r)
Non-treaty jurisdictions (b)(g)(l)	22	22	22	22	22

A Controlling parent.
B Other shareholders.
C Industrial royalties.
D Other royalties.
(a) Reduced to 10% if repayment period is over two years.
(b) Local income surtax, which equals 10% of the corporate income tax, is included.
(c) Reduced to 10% if repayment period is over seven years.
(d) For royalties for trademarks, the rate is increased to 25%.
(e) Reduced to 10% if the repayment period is more than three years.
(f) Reduced to 5% for interest paid to banks (Most Favored Nation article is applied).
(g) Applicable to the income of foreign corporations that do not have a place of business in Korea and to income that is not attributed to a place of business in Korea.
(h) Reduced to 7.5% for interest paid to banks or financial institutions.
(i) Royalties for the right to use copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for television or radio broadcasting, are exempt from withholding tax.
(j) Reduced to 5% for interest paid to banks.
(k) Reduced to 5.5% for interest paid to banks or financial institutions.
(l) See Section B.
(m) Reduced to 10% for interest beneficially owned by a financial institution (including an insurance company).
(n) Reduced to 5% for royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including software, motion pictures and works on film, tape or other means of reproduction for use in connection with radio or television broadcasting.
(o) Reduced to 11% for interest paid on public issues of bonds or debentures.
(p) Reduced to 0% for interest paid to the central bank or financial institutions performing functions of a governmental nature.
(q) Under Korean tax law, the statutory withholding tax rate on dividends paid to nonresidents is 22% (inclusive of local income tax). Because the statutory withholding tax rate is less than the treaty withholding tax rate of 27.5% provided in the Korea-Philippines tax treaty, Korean-source dividends paid to residents of the Philippines are taxed at the statutory withholding tax rate of 22%.
(r) Reduced to 7.5% in the case of technical fees.
(s) Reduced to 10% according to a protocol stating that if Peru agrees with other states on a lower withholding tax rate for interest, the most favorable withholding tax rate would be automatically applicable under the Korean treaty as well. Peru agreed on a 10% interest withholding tax rate with Japan and Switzerland.

Kosovo

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A. At a glance

Corporate Income Tax Rate (%)	10
Capital Gains Tax Rate (%)	10
Branch Tax Rate (%)	10
Withholding Tax (%)	
Dividends	0
Interest	0/10 (a)(b)
Royalties from Patents, Know-how, etc.	10 (b)
Rent	9 (b)
Gambling Gains	10 (b)
Payments to Nonbusiness Natural Persons, Farmers, Agriculturists, Collectors of Recycling Materials, and Payments for Forest Fruits and Healing Plants	1 (b)(c)
Payments for Entertainment, Artistic or Sporting Events	5 (d)
Income Earned from Agreements with Kosovo Persons for Services Performed in Kosovo	5 (d)(e)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	4

(a) Interest on financial instruments issued or guaranteed by a public authority of Kosovo are exempt from tax.
(b) This withholding tax applies to payments to residents and nonresidents.
(c) Under the corporate income tax law, a "nonbusiness natural person" is a natural person without a registered business activity.
(d) This withholding tax applies to payments to nonresidents.

(e) If the percentage of services performed in Kosovo does not exceed 10% of the total amount of the services, the services are not subject to withholding tax.

B. Taxes on corporate income and gains

Corporate income tax. Companies resident in Kosovo are companies that are established in Kosovo or have their place of effective management in Kosovo. Kosovo-resident companies are subject to corporate income tax on their worldwide income. Foreign companies are subject to tax on profits generated from activities performed through a permanent establishment in Kosovo and on income from Kosovo sources.

Rate of corporate income tax. The rate of corporate income tax in Kosovo is 10%.

Capital gains and losses. Capital gains derived from the disposal of capital assets, including real estate and securities, are subject to tax at the standard rate of 10%, together with operating income. Capital losses are deductible for tax purposes. Capital gains derived by a foreign company that does not have a permanent establishment in Kosovo to which such capital gains are attributable are not subject to tax in Kosovo.

Administration. The tax year is the calendar year.

Taxpayers must make quarterly advance payments of corporate income tax no later than 15 days after the close of each calendar quarter.

Taxpayers with annual gross income from business activities of up to EUR30,000 that do not keep books and records must make the following quarterly payments:

- 3% of each quarter's gross income from trade, transport, agriculture and similar economic activities, but not less than EUR37.50 per quarter
- 9% of each quarter's gross income from professional, vocational and entertainment services and similar activities, but not less than EUR37.50 per quarter
- 10% of gross rental income for the quarter reduced by any amount withheld during the quarter

Taxpayers with annual gross income from business activities in excess of EUR30,000 and taxpayers that keep books and records (including partnerships and groups of persons) must make the following advance payments for each calendar quarter:

- One-fourth of the total tax liability for the current tax period based on estimated taxable income reduced by any amount withheld during the quarter with respect to that income in accordance with the relevant legislation on corporate income tax
- For the second and subsequent tax periods, one-fourth of 110% of the total tax liability for the tax period immediately preceding the current tax period, reduced by any amount of tax withheld

By 31 March, taxpayers with annual turnover in excess of EUR30,000 and taxpayers that keep books and records must file an annual tax return and pay the corporate tax due for the tax year, less advance payments made.

Taxpayers not complying with the filing and payment deadlines described above are subject to interest and penalties.

For the second year of making quarterly advance payments and future years, no interest and penalties apply to taxpayers that calculate the advance payments based on the prior year tax liability increased by 10%.

For the first year of taxation on real income, if a taxpayer's advance payments are insufficient (below 80% of the total tax liability, including the fourth quarter instalment) compared to the total tax liability at year-end, sanctions are applied only in the last quarter of the first year, based on the cumulative installment amounts compared with annual liability, as opposed to considering the last installment as an isolated payment.

For the second year of the business and the following years, taxpayers can pay tax without incurring interest and penalties by paying advance installments based on the prior year tax liability increased by 10%. As a result, taxpayers who make insufficient payments during the year are subject to penalties applied for each quarterly installment until the submission of the annual declaration or the deadline for submission of the annual declaration.

Late filing of the corporate income tax return is subject to a penalty of 5% of the tax due for each month of delay, capped at 25% of the unpaid tax liability.

Late filing of the corporate income tax return is subject to a penalty of EUR150.

Late payment of a tax liability results in default interest, determined by the Ministry of Finance at a rate higher than the interbank lending interest rate in Kosovo. Currently, the rate is set at 0,65% per month.

Erroneous completion of a tax filing or of a tax refund claim is subject to a penalty of 15% of the undeclared tax liability or the excess tax refund claimed if such understatement or overstatement is 10% or less of such tax, or to a 25% penalty if the understatement or overstatements is more than 10% of such tax.

Dividends. Dividends received by resident and nonresident companies are exempt from corporate income tax.

Foreign tax relief. Foreign direct tax on income and gains of a Kosovo resident company may be credited against the corporate tax on the same profits. The foreign tax relief cannot exceed the Kosovo corporate income tax charged on the same profits. If a company receives income from a country with which Kosovo has entered into a double tax treaty, other forms of foreign tax relief may apply, as stipulated in the provisions of the treaty.

C. Determination of trading income

General. For taxpayers with an annual turnover exceeding EUR30,000 and taxpayers that keep books and records, the assessment of trading income is based on the financial statements prepared in accordance with the generally accepted accounting principles; International Financial Reporting Standards for large, medium and small business organizations; and Kosovo Accounting Standards for microenterprises, subject to certain adjustments for tax purposes.

All necessary and reasonable expenses incurred wholly and exclusively for the business activity that are properly documented are deductible, including health insurance premiums paid on behalf of employees and their dependents, training expenses paid by employers related to employees' work, and advertising and promotion costs, but excluding, among others, the following:

- Fines and penalties and interest related to them
- Tax losses from sales or exchanges of property between related persons
- Voluntary pension contributions made by employers above a maximum amount of 15% of an employee's gross salary
- Costs regarding acquisitions of and improvements to land
- Expenses for presents (however, presents with the name and logo of the business are part of the expenses of representation and are allowed as tax-deductible expenses)
- Losses in specific weight or substance, damages, remains (leftovers or remnants) or surplus, and destruction or demolition during production, transport or storage, beyond certain norms
- Rent for apartments serving as accommodation and lodging of resident and nonresident employees, regardless of the terms of the contract of employment or service
- Benefits in kind in the form of meals and transport tickets, unless it is organized by the business
- Expenditure covered by grants, subsidies and donations, in compliance with regulations and earning criteria (regulations related to conditions for benefiting from the grant and criteria determined by the documents of the grant, subsidy or donations documents)

Other types of expenses may be deducted up to a ceiling. These expenses include, but are not limited to, the following:

- Representation costs are deductible up to a maximum of 1% of gross annual income.
- Contributions made for humanitarian, health, education, religious, scientific, cultural, environmental protection and sports purposes are deductible up to a maximum of 10% of taxable income before deducting such contributions.

Inventories. The inventory valuation rules stipulated in the accounting law also apply for tax purposes. Inventory is valued at historical cost, which is determined by using the weighted average, first-in, first-out (FIFO) or other specified methods. The method must be applied in the year in which it has been selected and for at least three additional tax periods. Changes in the method after such period are subject to an ad hoc ruling from the Kosovo tax administration.

Provisions. Companies may not deduct provisions, except for certain levels of provisions and special reserve funds of financial institutions as specified by the Central Bank of Kosovo.

Tax depreciation. Tangible property is depreciated separately for tax purposes using the straight-line method at the rates mentioned below.

Buildings and other constructed structures are depreciated at a rate of 5%.

Vehicles, computers and information systems, office furniture and equipment, instruments and livestock are depreciated at a rate of 20%.

Plant and machinery, trains, airplanes, ships, trees and all other tangible assets are depreciated at a rate of 10%.

Acquisition costs for assets amounting up to EUR1,000 are deducted in full from business income in the current year, unless the asset functions as part of one entirety and the value of the entirety is over EUR1,000.

Intangible assets, including patents, copyrights, licenses for drawings and models, contracts, and franchises, are amortized for tax purposes using the straight-line method over the useful life of the asset. If the useful life cannot be determined, the amortization expenses are allowed for 20 years.

Exploration and development costs incurred for the extraction of natural resources and interest attributable to such costs are capitalized and amortized at the following coefficient:

$$\text{Amortization coefficient} = \frac{\text{Quantity of minerals extracted during the year}}{\text{Total estimated quantity in deposit}}$$

Relief for losses. Losses may be carried forward for four consecutive years. However, if a change in the type of business organization occurs or a change in the ownership of the company of more than 50% occurs, the remaining losses are forfeited. Loss carrybacks are not allowed.

Groups of companies. Each company forming part of a group must file a separate return. The law does not provide for consolidated tax returns or other group relief.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; exempt supplies include supply of land, welfare, financial services and insurance	
Standard rate	18
Reduced rate	8
Exports of goods and international transport	0
Real estate property tax	
Residential and commercial properties; the taxable value is the appraised value of the property after the principal residence deduction amounting to EUR150,000	0.15 to 1
Agricultural properties	0.15 to 0.5
Forest units' properties	0.15 to 0.3
Industrial properties	0.15 to 0.8
Mandatory social security contributions on monthly salary paid by	
Employer	5
Employee	5

Nature of tax	Rate (%)
Excise duties imposed on specified goods (tobacco products, natural mineral and non-carbonated water, alcoholic beverages, petrol, diesel, kerosene, fuels, lubricants, gas, cars and other motor vehicles, used tires, electric bulbs, and plastic bags); the tax is calculated as a specific amount per unit	Various

E. Miscellaneous matters

Foreign-exchange controls. Kosovo has a free foreign-exchange market. Since 2002, the euro (EUR) has been the official currency in Kosovo. All entities must properly document all of their money transfers to comply with the regulations of the Central Bank of Kosovo. No limits are imposed on the amount of foreign currency that may be brought into Kosovo. Hard-currency earnings may be repatriated after the deduction of any withholding tax.

Transfer pricing. New transfer-pricing rules, which are aligned with the Organisation for Economic Co-operation and Development (OECD) transfer-pricing guidelines, entered into force through Administrative Instruction MF – No. 02/2017 on Transfer Pricing, which was issued by the Ministry of Finance on 28 July 2017. The preferred method is the uncontrolled price method. If this method cannot be used, taxpayers may use the resale price method, cost-plus method and, in certain circumstances, the transactional net margin method and profit-split method. The acceptance of the transfer-pricing method by the tax authorities depends on whether the method is supported by appropriate transfer-pricing documentation.

Only cross-border controlled transactions are subject to the transfer-pricing rules. Consequently, domestic transactions are not subject to the rules. Controlled transactions are considered to be transactions between related parties, dealings between a permanent establishment and its head office, and transactions with entities resident in tax-haven jurisdictions. Two persons are considered related parties if any of the following circumstances exist:

- One person holds or controls 50% or more of the shares or voting rights in the other person's company
- One person directly or indirectly controls the other person
- Both persons are directly or indirectly controlled by a third person
- Persons are relatives of the first, second and third row, as specified by the Law on Heritage of Kosovo

Taxpayers are required to submit by 31 March of the following year a Controlled Transaction Notice, which lists the intercompany transactions and the transfer-pricing methods applied to these transactions, if their controlled transactions exceed in aggregate EUR300,000.

Taxpayers must maintain sufficient supporting documentation to show that the prices applied in transactions with related parties are in line with the arm's-length principle and to justify the transfer-pricing method used in determining such prices. The documentation must be made available within 30 days after it is requested by the Tax Administration of Kosovo.

Failure to timely submit transfer-pricing documentation or to submit the Annual Transaction Notice is subject to a penalty ranging from EUR125 to EUR2,500 for each failure to comply.

F. Treaty withholding tax rates

The table below provides the treaty withholding tax rates for illustrative purposes only. It does not reflect the various special provisions of individual treaties or the withholding tax regulations in domestic law.

	Dividends %	Interest %	Royalties %
Albania	0	10	10
Austria	0/15 (a)	10	0
Belgium (b)	10/15 (a)	15	10
Croatia	5/10 (a)	5	5
Czech Republic	5/15 (a)	0	10
Finland (b)	5/15 (a)	0	10
Germany (b)	15	0	10
Hungary	0/5 (a)	0	0
Ireland	10/15	5	0
Latvia	0/10	0/10	0/5
Luxembourg	0/10 (d)	10	0
Malta	0/10 (d)	5	0
Netherlands	15	10	0
North Macedonia	0/5 (a)	10	10
Saudi Arabia	0/5	5	5/10
Slovenia	5/10 (a)	5	5
Switzerland	5/15 (a)	5	0
Türkiye	5/10 (a)	10	10
United Arab Emirates	5	5	0
United Kingdom	0/15 (c)	0	0
Non-treaty jurisdictions	0	10	10

(a) The lower rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the payer. The higher rate applies to other dividends.

(b) Kosovo honors the treaties entered into by the former Republic of Yugoslavia with respect to these countries.

(c) The higher rate applies if the beneficial owner of the dividends is a pension scheme and if the dividends are paid out of income directly or indirectly from immovable property.

(d) The lower rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the capital of the payer. The higher rate applies to other dividends.

Kosovo has signed double tax treaties with France, Italy and Lithuania, but these treaties are not yet effective.

Kosovo is negotiating a double tax treaty with Portugal.

Kuwait

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A. At a glance

Corporate Income Tax Rate (%)	15 (a)
Capital Gains Tax Rate (%)	15 (a)
Branch Tax Rate (%)	15 (a)
Withholding Tax (%)	
Dividends	15 (b)
Interest	0 (c)
Royalties	0 (d)
Management Fees	0 (d)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	3 (e)

(a) Under Law No. 2 of 2008 on amending some provisions of Kuwait Income Tax Decree No. 3 of 1955 and the Executive Bylaw issued by the Ministerial Order No. 29 of 2008 (Law No. 2 of 2008), for fiscal years beginning after 3 February 2008, the tax rate is a flat 15%. The maximum rate under Law No. 23 of 1961, which applies to profits derived from the operations in the Divided Neutral Zone, is 57%. For further details, see Section B..

(b) This rate applies only to dividends distributed from profits pertaining to the period before 10 November 2015 by companies listed on the Kuwait Stock Exchange (see Section B).

(c) There is no withholding tax on interest. However, under Article 2 of the Bylaws, income derived from the granting of loans by foreign entities in Kuwait is considered to be taxable income in Kuwait, which is subject to tax as normal business profit at a rate of 15%.

(d) This income is treated as ordinary business income and is normally assessed on a deemed profit ranging from 98.5% to 100%.
(e) Article 7 of the Bylaws provides that losses can be carried forward for a maximum of three years if the entity has not ceased its operations in Kuwait.

B. Taxes on corporate income and gains

Corporate income tax. A foreign "corporate body" is subject to tax in Kuwait if it carries on a trade or business in Kuwait, directly or through an "agent" (see below), including in the islands of Kubr, Qaru and Umm Al Maradim or in the offshore area of the partitioned neutral zone under the control and administration of Saudi Arabia. Kuwaiti-registered companies wholly owned by Kuwaiti nationals and companies incorporated in Gulf Cooperation Council (GCC) states that are wholly owned by GCC citizens (GCC entities) are not currently subject to corporate income tax. The Member States of the GCC are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

The term "corporate body" refers to an association that is formed and registered under the laws of any country or state and is recognized as having a legal existence separate from that of its individual members. Partnerships fall within this definition.

Law No. 2 of 2008 includes a definition of an "agent." As per this definition, an "agent" is a person authorized by the principal to carry out business, trade or any activities stipulated in Article 1 of the law or to enter into binding agreements with third parties on behalf and for the account of the person's principal. A foreign principal carrying on business in Kuwait through an agent (as defined above) is subject to tax in Kuwait.

Foreign companies carrying on a trade or business in the offshore area of the partitioned neutral zone under the control and administration of Saudi Arabia are subject to tax in Kuwait on 50% of the taxable profit under Law No. 23 of 1961. In practice, the tax department computes the tax on the total income of the taxpayer and expects that 50% of such tax should be settled in Kuwait.

Foreign companies can operate in Kuwait either through an agent or as a minority shareholder in a locally registered company. In principle, the method of calculating tax is the same for companies operating through an agent and as minority shareholders in a Kuwaiti company. For minority shareholders, tax is levied on the foreign company's share of the results (whether or not distributed) from a Kuwaiti company and amounts received as, among other items, interest, royalties, technical services and management fees.

Virtual Service Permanent Establishment. The Kuwait Tax Authority (KTA) applies the concept of a Virtual Service Permanent Establishment (PE), whereby it does not consider the physical presence of employees or contractors of a nonresident service provider for constitution of a PE in Kuwait, even if such threshold is clearly provided under the applicable double tax treaty. By applying the Virtual Service PE concept, a PE is deemed to have been created in Kuwait if the length of the

contract is more than the PE threshold under the applicable tax treaty, which has resulted in the denial of tax exemption/relief claimed by nonresidents under the applicable double tax treaties entered into by Kuwait.

Tax rates. Under Law No. 2 of 2008, the tax rate is 15%.

In November 2023, the KTA announced its plans to introduce a new Business Profits Tax (BPT), which may apply to GCC/Kuwaiti companies in 2025 or 2026 instead of the existing corporate income tax, *zakat* and National Labour Support Tax (NLST). See Section D for further details regarding *zakat* and the NLST.

The following are the tax rates under Law No. 23 of 1961, which applies to profits derived from the operations in the Partitioned Neutral Zone.

Taxable profits		
Exceeding (KWD)	Not exceeding (KWD)	Rate (%)
0	500,000	20
500,000	–	57

Investment incentives. Kuwait offers certain investment incentives that are described below.

Industry Law. To encourage investments in local industrial undertakings, Industry Law No. 56 of 1996 offers the following incentives:
- Reduced import duties on equipment and raw materials
- Protective tariffs against competing imported goods
- Low-interest loans from local banks
- Export assistance
- Preferential treatment on government supply contracts

Law for the Promotion of Direct Investment in the State of Kuwait. The Law for the Promotion of Direct Investment in the State of Kuwait (PDISK; Law No. 116 of 2013) was published in the Kuwait *Official Gazette* on 16 June 2013 and took effect six months from the date of issuance. PDISK replaced the Direct Foreign Capital Investment Law (DFCIL; Law No. 8 of 2011). Under PDISK, the Kuwait Direct Investment Promotion Authority (KDIPA) was established. The KDIPA took over from its predecessor, the Kuwait Foreign Investment Bureau. The new authority is a part of the Ministry of Commerce and Industry.

PDISK adopts a negative-list approach to determine the applicability of the law. All business sectors and activities not on the negative list are entitled to the benefits of PDISK. PDISK maintains the current incentives for investors including, but not limited to, the following:
- Tax incentives for a maximum period of 10 years from the date of commencement of the licensed entity
- Customs duty exemptions for the importation of materials and equipment if the material and equipment is held for a period of five years from the date of obtaining the incentive
- Protection from Kuwaitization requirements
- Allocation of land and real estate to investors

In addition, PDISK provides that all foreign investors may take advantage of double tax treaties and other bilateral treaty benefits.

In addition to a 100% foreign-owned Kuwaiti company, PDISK introduced two new types of investment entities, which are a licensed branch of a foreign entity and a representative office. A representative office is only permitted to prepare or conduct marketing studies and is not allowed to engage in any commercial activity.

After the application for the license is approved by the KDIPA, the investor needs to establish a legal entity, legal branch or representative office (as requested in the application). The process of establishment is facilitated by the KDIPA through the one-stop shop in Kuwait.

In line with the key objectives of the Kuwait 2035 vision document, to enhance the local economy by providing an investor-friendly environment, KDIPA has introduced amendments under Decision 329 of 2019 to further attract foreign investments. The following amendments aim to enhance the possibility of ease in setting up an entity in Kuwait:

- Revision of key evaluation criteria (including introduction of new criteria)
- Modified scoring mechanism for obtaining the license
- Revised tax credit mechanism (including the introduction of new criteria)
- Assistance in the allocation of a land license

In addition to the above amendments, in 2019, KDIPA implemented Ministerial Order 49 of 2019, which defines rules and procedures for the allocation of commercial plots by the KDIPA. The key evaluation criteria as per the Ministerial Order are the following:

- Transfer and settlement of technology
- Human capital
- Market development
- Economic diversification
- Sustainable development

Based on the above modified criteria, the following is the scoring mechanism for obtaining the license:

- If the total points are less than 30%, both the applications for the investment license and the granting of incentives are not accepted.
- If the total points are 30% to 55%, only the application for the investment license is approved (without incentives).
- If the total points are 60% to 80%, the investment license is granted with one selected incentive.
- If the total points are 85% or higher, the investment license is granted with all the incentives stipulated in the law.

The investment entity must submit a tax-exemption report from an auditor on an annual basis. After reviewing the tax-exemption report (including underlying documents), the KDIPA issues a tax-exemption certificate approving the tax credit for the year, based on the tax credit mechanism established by the KDIPA through Decision No. 16 of 2016, as amended by Decision No. 180 of 2020. The decision on the tax credit mechanism includes the definitions of some of the important terms used when calculating the tax exemption.

The tax credit varies by category criteria, as shown in the following table.

Criteria	Measure	Mechanism
Technology transfer and settlement of technology	Cost of advanced equipment	20% of value of equipment*
Human capital	Number of national hires in excess of quota	KWD36,000 per additional employee
Human capital	Salaries to national labor in excess of quota	5 times the annual salary
Human capital	Costs of training the national labor employees	10 times the training expenditure
Local content	Use of local inputs	2 times the value of the contracts
Local content	Office rent, local supplies and raw materials	The value of the contracts
Corporate Social Responsibility (CSR)	Total expenditure on CSR programs	Value of the annual expenditure on CSR programs

* The tax incentive computation is complex; therefore, it is recommended that interested investors seek specific advice suited to their business and investment activity in Kuwait.

In October 2019, the Ministry of Commerce and Industries issued the following:

- Ministerial Decision 393 of 2019 on the Principles, Conditions & Controls of Licensing the Representative Offices of Foreign Companies
- Ministerial Decision 394 of 2019 on the Principles, Conditions & Controls of Licensing Branches of Foreign Companies

The proposed set of rules is focused on providing clear transparency in the establishing and monitoring of representative and branch offices of the foreign companies.

Kuwait Free Trade Zone. To encourage exporting and re-exporting activities, the government has established the Kuwait Free Trade Zone (KFTZ) in the vicinity of the Shuwaikh port. The KFTZ offers the following benefits:

- Up to 100% foreign ownership is allowed and encouraged.
- All corporate income is exempt from tax.
- All imports into and exports from the KFTZ are exempt from tax.
- Capital and profits are freely transferable outside the KFTZ and are not subject to any foreign-exchange controls.

Public Private Partnership Law. The Public Private Partnership Law (Law No. 116 of 2014), which was published in the *Official Gazette* on 17 August 2014, provides incentives for investors in private public partnership projects including exemptions from income tax and other taxes, customs duties and other fees. Law No.

116 of 2014 also improves corporate governance and investment security by providing protection for the intellectual property rights of a concept or idea originator. The Executive Regulations to the Public Private Partnership Law were issued on 29 March 2015.

Capital gains. Capital gains on the sale of assets and shares by foreign shareholders are treated as normal business profits and are subject to tax at the corporate income tax rates stated above.

Article 1 of Law No. 2 of 2008 and Article 8 of the Bylaws provide for a possible tax exemption for profits generated from dealing in securities on the Kuwait Stock Exchange (KSE), whether directly or through investment portfolios. However, no further clarifications have been provided regarding the definitions of "profits" and "dealing." On 3 January 2016, the Kuwait Ministry of Finance (MOF) issued Administrative Resolution No. 2028 of 2015, which amended certain executive regulations. It includes an amendment with respect to the tax exemption on listed securities. This amendment reconfirms the tax exemption for capital gains on the disposal of Kuwaiti listed securities.

Administration. The calendar year is generally used for Kuwaiti tax purposes, but a taxpayer may request in writing for permission to prepare financial statements for a year ending on a date other than 31 December. For the first or last period of trading or carrying on a business, a taxpayer may be allowed to file a tax declaration covering up to 18 months.

Accounting records should be kept in Kuwait, and it is normal practice for the KTA to insist on inspecting the books of account (which may be in English) and supporting documentation before agreeing to the tax liability.

The KTA has issued notifications restating the requirement that taxpayers comply with Article 13 and Article 15 of the Bylaws, which relate to the preparation of books and accounting records and the submission of information together with the tax declaration.

Article 13 requires taxpayers to enclose the prescribed documents, such as the trial balance, list of subcontractors, list of fixed assets and inventory register, along with the tax declaration.

Article 15 requires that taxpayers prepare the prescribed books of accounts, such as the general ledger and the stock list.

The KTA issued Executive Rules in 2013, which are effective for fiscal years ending on or after 31 December 2013. These rules require analyses of contract revenues, tax retentions, expenses, depreciation rates and provisions included in the tax declaration. In addition, they require that these analyses and the financial statements contain comparative figures for the preceding year.

In the event of noncompliance with the above regulations, the KTA may finalize an assessment on a basis as deemed reasonable by them. The Bylaws provide that a taxpayer must register with the KTA within 30 days after signing its first contract in Kuwait. In addition, a taxpayer is required to inform the KTA of any changes that may affect its tax status within 30 days after the date

of the change and of the cessation of activity within 30 days after the date of cessation.

Under the Bylaws, a system for the application of the annual tax cards was introduced. The information required to be included in the tax card application form is generally the information that is provided to the KTA at the time of registration. The tax cards are renewed for all taxpayers on an annual basis.

The KTA has issued unique Tax Registration Numbers (TRNs) to all taxpayers in Kuwait. It is the practice of the KTA to use the TRNs in all matters and correspondence relating to the taxpayers. The taxpayers must also use their TRNs in all correspondence with the KTA.

A tax declaration must be filed on or before the 15th day of the 4th month following the end of the tax period (for example, 15 April in the case of a 31 December year-end). Tax is payable in four equal installments on the 15th day of the 4th, 6th, 9th and 12th months following the end of the tax period, provided that the tax declaration is submitted on or before the due date for filing. The Bylaws provide that a request for extension of time for the filing of the tax declaration must be submitted to the KTA by the 15th day of the second month after the fiscal year-end. The maximum extension of time that may be granted is 60 days.

In the event of a failure to file a tax declaration by the due date, a penalty that equals 1% of the tax for each 30 days or fraction thereof during which the failure continues is imposed. In addition, in the event of a failure to pay tax by the due date, a penalty that equals 1% of the tax payment for each period of 30 days or fraction thereof from the due date to the date of the settlement of the tax due is imposed.

The KTA has also issued Circular No. 1 of 2014. This Circular applies to all taxpayers filing tax declarations after the issuance of the Circular.

If tax declarations are prepared on an actual-accounts basis, the Circular requires that they be prepared in accordance with the tax laws and the Executive Rules issued by the KTA. For these types of declarations, the Circular also requires the submission of a draft income and expense adjustment (self-assessment) computed in accordance with the last assessment finalized by the KTA within three months after the date of submission of the tax declaration.

If tax declarations are prepared on a deemed-profit basis, the Circular requires that the percentage applied in the tax declaration be the same as the percentage that was applied in the last assessment. It also requires that details regarding all subcontractors and certain supporting documents be provided together with the tax declaration.

Articles 24 to 27 of the Bylaws provide for the filing of objections and appeals against tax assessments.

Article 24 of the Bylaws provides that an objection may be filed against an assessment within 60 days after the date of the assessment. The tax department must consider and issue a revised assessment within 90 days from the date of filing of the

objection. If the department fails to issue a revised assessment during this period, the objection is considered to be rejected.

The Bylaws allow companies to submit a revised tax declaration if a tax assessment has not yet been issued by the KTA.

If the KTA accepts the amended tax declaration, the date of filing of the revised tax declaration is considered to be the actual date of filing the declaration for the purpose of imposing a delay penalty.

Law No. 2 of 2008 introduced a statute of limitation period of five years into the tax law.

Article 13 of the Bylaws provides that companies that may not be subject to tax based on the application of any tax laws or other statutes or based on double tax treaties must submit tax declarations in Kuwait.

Dividends. Under the prior tax law, no tax was imposed on dividends paid to foreign shareholders by Kuwaiti companies. However, tax was assessed on the share of profits attributable to foreign shareholders according to the audited financial statements of the company, adjusted for tax purposes.

Under Law No. 2 of 2008, dividends received by the investors in companies listed on the KSE are subject to a 15% withholding tax. However, Administrative Resolution No. 2028 of 2015 provides an exemption from withholding tax on any returns from securities listed on the KSE, bonds and other similar securities, regardless of whether the listed company is a Kuwaiti or non-Kuwaiti company. This amendment confirms the tax benefits approved by the Capital Market Authority through Law No. 22 of 2015, effective from 10 November 2015. As a result, dividends related to profits earned on or after 10 November 2015 are not subject to withholding tax. Dividends that are declared out of profits pertaining to the period before 10 November 2015 are still subject to the withholding tax.

Foreign shareholders in unlisted Kuwaiti companies continue to be assessed on the share of profits attributable to foreign shareholders according to the audited financial statements of the company, adjusted for tax purposes.

C. Determination of trading income

General. Tax liabilities are generally computed on the basis of profits disclosed in the audited financial statements, after making necessary adjustments for tax depreciation, disallowances as prescribed by the Executive Rules and any items disallowed by the tax inspector on review.

The tax declaration, supporting schedules and financial statements, all of which must be in Arabic, are to be certified by an accountant in practice in Kuwait who is registered with the Ministry of Commerce and Industry.

Foreign-currency exchange gains and losses. Under Executive Rule No. 37 of 2013, gains and losses on foreign currency conversion are classified into realized gains and losses and unrealized gains and losses.

Realized gains and losses resulting from the fluctuation of exchange rates are considered taxable gains and allowable losses if the taxpayer can substantiate the basis of the calculations and provides documents in support of such transactions.

Unrealized gains are not considered to be taxable income, and unrealized losses are not allowed as deductible expenses.

Design expenses. Under Executive Rule No. 26 of 2013 (applicable for fiscal years ending on or after 31 December 2013), costs incurred for engineering and design services provided are restricted to the following percentages:

- If the design work is carried out in the head office, 75% of the design revenue is allowed as costs.
- If the design work is carried out by an associated company, 80% of the design revenue is allowed as costs, provided the company complies with the regulations for retention of 5% and submission of the contract with the associated company to the KTA.
- If the design work is carried out by a third party, 85% of the design revenue is allowed as costs, provided the company complies with the regulations for retention of 5% and submission of the contract with the third company to the KTA.
- If the design revenue is not specified in the contract, but design work needs to be executed outside Kuwait, the KTA may use the following formula to determine the revenue:

$$\text{Design revenue for the year} = \frac{\text{Design costs for the year} \times \text{annual contract revenue}}{\text{Total direct costs for the year}}$$

Consultancy costs. Under Executive Rule No. 26 of 2013, costs incurred for consultancy services incurred outside Kuwait are restricted to the following percentages:

- If the consultancy work is carried out in the head office, 70% of the consultancy revenue is allowed as costs.
- If the consultancy work is carried out by an associated company, 75% of the consultancy revenue is allowed as costs if the company complies with the regulations for the 5% retention on payments and the submission of the contract with the associated company to the KTA.
- If the consultancy work is carried out by a third party, 80% of the consultancy revenue is allowed as costs if the company complies with the regulations relating to the 5% retention and the submission of the contract with the third party to the KTA.
- If the consultancy revenue is not specified in the contract, but consultancy work needs to be executed outside Kuwait, the KTA may use following formula to determine the revenue:

$$\text{Consultancy revenue for the year} = \frac{\text{Consultancy costs for the year} \times \text{annual contract revenue}}{\text{Total direct costs for the year}}$$

Imported material costs. Under Executive Rule No. 25 of 2013, the KTA deems the following profit margins for imported materials and equipment:

- Imports from head office: 15% of related revenue
- Imports from related parties: 10% of related revenue
- Imports from third parties: 5% of related revenue

The imputed profit described above is normally subtracted from the cost of materials and equipment claimed in the tax declaration. If the revenue from the materials and equipment supplied is identifiable, the KTA normally reduces the cost of such items to show a profit on such materials and equipment in accordance with the percentages described above. If the related revenue from the materials and equipment supplied is not identifiable or not stated in the contract, the following formula may be applied to determine the related revenue:

$$\text{Material and equipment revenue for the year} = \frac{\text{Material \& equipment costs for the year} \times \text{annual contract revenue}}{\text{Total direct costs for the year}}$$

Interest paid to banks. Interest paid to local banks relating to amounts borrowed for operations (working capital) in Kuwait may normally be deducted. Interest paid to banks or financial institutions outside Kuwait is disallowed unless it is proven that the funds were specifically borrowed to finance the working capital needs of operations in Kuwait. In practice, it is difficult to claim deductions for interest expenses incurred outside Kuwait. Interest paid to the head office or agent is disallowed. Interest that is directly attributable to the acquisition, construction or production of an asset is capitalized as part of the cost of the asset if it is paid to a local bank.

Leasing expenses. The KTA may allow the deduction of rent paid under leases after inspection of the supporting documents. The deduction of rent for assets leased from related parties is restricted to the amount of depreciation charged on those assets, as specified in Law No. 2 of 2008. The asset value for the purpose of determining depreciation is based upon the supplier's invoices and customs documents. If the asset value cannot be determined based on these items, the value is determined by reference to the amounts recorded in the books of the related party.

Agency commissions. The tax deduction for commissions paid to a local agent is limited to 2% of revenue, net of any subcontractor costs paid to the agent and reimbursed costs.

Head office overhead. Article 5 of the Bylaws provides that the following head office expenses are allowed as deductions:

- Companies operating through an agent: 1.5% of the direct revenue
- Companies participating in Kuwaiti companies: 1% of the foreign company's portion of the direct revenue generated from its participation in a Kuwaiti company
- Insurance companies: 1.5% of the company's direct revenue
- Banks: 1.5% of the foreign company's portion of the bank's direct revenue

Article 5 of the Bylaws also provides that for the purpose of computation of head office overheads, direct revenue equals the following:

- For companies operating through an agent, companies participating with Kuwaiti companies and banks: gross revenue less subcontract costs, reimbursed expenses and design cost (except for design cost carried out by the head office)
- For insurance companies: direct premium net of share of reinsurance premium, plus insurance commission collected

Reimbursed costs. For deemed profit filings, reimbursed costs are allowed as a deductible expense if the following conditions are satisfied:

- Such costs are necessary and explicitly mentioned in the contract.
- Such costs do not exceed 30% of gross revenues.
- Supporting documentation is available for such costs.

In addition, if reimbursable costs exceed 30% of gross revenues, the taxpayer must file its tax declaration on an accounts basis instead of on a deemed-profit basis.

Inventory. Inventory is normally valued at the lower of cost or net realizable value, on a first-in, first-out (FIFO) or average basis.

Provisions. Provisions, as opposed to accruals, are not accepted for tax purposes.

Tax depreciation. Tax depreciation is calculated using the straight-line method. The following are some of the permissible annual depreciation rates.

Asset	Rate (%)
Buildings	4
Prefabricated buildings	15
Furniture and office equipment	15
Drilling equipment	25
Electrical equipment and electronics	15
Plant and equipment	20
Computer and its accessories	33.3
Software	25
Trucks and trailers	15
Cars and buses	20

Relief for losses. Article 7 of the Bylaws provides that approved losses can be carried forward for a maximum of three years (as opposed to an unlimited period under the prior tax law) if the entity has not ceased its operations in Kuwait.

Aggregation of income. If a foreign company has more than one activity in Kuwait, one tax declaration aggregating the income from all activities is required.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Social security contributions; levied only with respect to Kuwaiti employees and employees who are citizens of other GCC countries; payable monthly by employers and employees; for Kuwaiti employees, social security is payable on monthly salary up to KWD2,750 at the following rates	
Employer (payable on monthly salary up to KWD2,750)	11.5%
Employee	
If monthly salary does not exceed KWD1,500	10.5%
If monthly salary exceeds KWD 1,500 but does not exceed KWD2,750	2.5% of KWD1,500

Nature of tax	Rate
If monthly salary exceeds KWD2,750	plus 8% of total salary 2.5% of KWD1,500 plus 8% of KWD2,750
(Different monetary ceilings and percentages are prescribed for citizens of other GCC countries who are employed in Kuwait.)	
Contribution to the Kuwait Foundation for the Advancement of Sciences (KFAS); contribution payable by Kuwait shareholding companies; contribution levied on profits after transfer to the statutory reserve and offset of loss carryforwards	1%
National Labour Support Tax; imposed annually on the profits derived from activities in Kuwait by a Kuwaiti Company listed on the KSE; Ministerial Resolution No. 24 of 2006 provides rules for the application of the tax	2.5%
Zakat; imposed on annual net profits of public and closed Kuwaiti shareholding companies; Ministerial Order 58 of 2007 provides rules for the application of *zakat*	1%

E. Miscellaneous matters

Foreign-exchange controls. No foreign-exchange restrictions exist. Equity capital, loan capital, interest, dividends, branch profits, royalties, management and technical services fees, and personal savings are freely remittable.

Supply and installation contracts. In supply and installation contracts, a taxpayer is required to account for the full amount received under the contract, including the offshore supply element, which is the part of the contract (cost, insurance and freight to the applicable port) pertaining to the supply of goods to the KTA.

Contractors' revenue recognition. Tax is assessed on progress billings (excluding advances) for work performed during an accounting period, less the cost of work incurred. Previously, the authorities did not accept the completed contract or percentage-of-completion methods of accounting. However, the Executive Rules of 2013 do not specifically prohibit the percentage-of-completion method in determining the revenue to be offset against the cost recognized.

Subcontractor costs. The KTA is normally stringent with respect to the allowance of subcontractor costs, particularly subcontractor costs incurred outside Kuwait. Subcontractor costs are normally allowed if the taxpayer provides the related supporting documentation (contract, invoices, settlement evidence and other documents), complies with the regulations for the 5% retention on the payments made to the subcontractors and the submission of the contracts to the KTA (see *Retention on payments to subcontractors*) and fulfills certain other conditions. Based on Executive Rule 28 of 2013, the KTA does not accept losses from

work that is subcontracted to other entities (that is, any subcontract costs in excess of related revenue are disallowed).

Retention on payments to subcontractors. Article 37 of the Bylaws and Executive Rules Nos. 5 and 6 of 2013 require that every business entity operating in Kuwait must take all of the following actions:

- It must notify the names and addresses of its contractors and subcontractors to the KTA.
- It must submit copies of all the contracts and subcontracts to the KTA.
- It must retain 5% from each payment due to the contractors or subcontractors until the contractor or subcontractor provides a valid tax-clearance certificate issued by the KTA.

In the event of noncompliance with the above rules, the KTA may disallow the related costs from the contract or subcontract.

Article 39 of the Bylaws empowers the MOF to demand payment of the 5% retained amount from the entities holding the amounts, if the concerned contractors or subcontractors fail to settle their taxes due in Kuwait. It also provides that if business entities have not retained the 5%, they are liable for all of the taxes and penalties due from the contractors and subcontractors.

The KTA recently issued Circular No. 8 of 2023 (the Circular), introducing updates on the tax retention process for eligible companies licensed under the KDIPA. As per the Circular, eligible entities licensed under the KDIPA are entitled to obtain a release of 80% of the 5% tax retention amount withheld by the contract owner(s) based on a Tax Retention Release Certificate (TRRC) issued by the KTA. The remaining 20% of the tax retention would be released on the completion of the tax compliance process and discharge of tax liability, if any.

Work in progress. Costs incurred but not billed by an entity at the end of the fiscal year may be carried forward to the subsequent year as work in progress. Alternatively, revenue relating to the costs incurred but not billed may be estimated on a reasonable basis and reported for tax purposes if the estimated revenue is not less than the cost incurred.

Salaries paid to expatriates. In a press release issued on 23 September 2003, the Ministry of Social Affairs announced that it would impose stiff penalties if companies fail to comply with the requirement to pay salaries to employees in their local bank accounts in Kuwait. These penalties apply from 1 October 2003. This requirement has been legislated through the labor law issued in 2010. The KTA may disallow payroll costs if employees do not receive their salaries in their bank accounts in Kuwait.

BEPS Pillar Two. On 15 November 2023, Kuwait joined the Organisation for Economic Co-operation and Development/G20 Inclusive Framework (IF) on Base Erosion and Profit Shifting (BEPS) and has committed to implementing the minimum standards of the BEPS project and Pillar Two. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

Kuwait has entered into tax treaties with several jurisdictions for the avoidance of double taxation. Treaties with several other jurisdictions are at various stages of negotiation or ratification.

Disputes with the KTA regarding tax treaties normally arise with respect to the following issues:
- Existence of a permanent establishment
- Income attributable to a permanent establishment
- Tax deductibility of costs incurred outside Kuwait

Kuwait has also entered into treaties with several jurisdictions relating solely to international air and/or sea transport. Kuwait is also a signatory to the Arab Tax Treaty and the GCC Joint Agreement, both of which provide for the avoidance of double taxation in most areas. The other signatories to the Arab Tax Treaty are Egypt, Iraq, Jordan, Sudan, Syria and Yemen.

There is no withholding tax regime in Kuwait. However, the KTA considers the withholding tax rates provided in tax treaties, as outlined in the table below, as the corporate income tax rates for the respective sources of income.

	Dividends %	Interest %	Royalties %
Albania	0/5/10 (ll)	0/10 (mm)	10
Armenia	0/5 (nn)	0/5 (nn)	10
Austria	0	0	10
Azerbaijan	5/10 (t)	7	10
Belarus	5 (c)	5 (c)	10
Belgium	10	0	10
Brunei Darussalam	—	—	15 (x)
Bulgaria	5 (j)	5 (f)	10
Canada	5/15 (m)	10	10
China Mainland	5 (a)	5 (a)	10
Croatia	0	0	10
Cyprus	10	10 (b)	5
Czech Republic	5 (j)	0	10
Denmark	0 (s)	—	10
Egypt	0/5/10 (pp)	10	10
Ethiopia	5 (c)	5 (b)	30
France	0	0	0
Georgia	0/5 (l)	0	10
Germany	5/15 (e)	0	10
Greece	5 (c)	5 (c)	15
Hong Kong SAR	0/5 (u)	0/5 (v)	5 (w)
Hungary	0	0	10
India	10 (n)	10 (n)	10
Indonesia	10 (c)	5 (b)	20
Iran	5 (w)	5 (w)	5 (w)
Ireland	0	0	5 (w)
Italy	5	0	10
Japan	5/10 (y)	10 (z)	10
Jordan	5 (c)	5 (b)	30
Korea (South)	5	5	15
Kyrgyzstan	0	0	10
Latvia	5 (w)	5 (w)	5 (w)
Lebanon	0	0	5

	Dividends %	Interest %	Royalties %
Lithuania	5/15 (jj)	0/10 (kk)	10
Malaysia	0	10	15 (q)
Malta	10/15 (d)	0	10
Mauritius	0	0 (f)	10
Mexico	0	0.49/10 (ii)	10
Moldova	5 (w)	2 (dd)	10
Montenegro	5/10 (aa)	0/10 (oo)	10
Morocco	2.5/5/10 (bb)	10 (z)	10
North Macedonia	0	0	15
Netherlands	10 (i)	0	5
Pakistan	10	10 (g)	10
Philippines	10/15 (ff)	10	20
Poland	5 (j)	5 (j)	15
Portugal	5/10 (ee)	10	10
Romania	1	1	20
Russian Federation	5 (c)	0	10
Serbia and Montenegro (hh)	5/10 (aa)	10 (z)	10
Singapore	0	7 (b)	10
Slovak Republic	0	10	10
Slovenia	5	5	10
South Africa	0	0	0
Spain	5 (w)	—	5 (w)
Sri Lanka	5/10	10	20
Sudan	5 (h)	5 (h)	10
Switzerland	15	10	10
Syria	0	10 (k)	20
Thailand	10	10/15 (o)	20
Tunisia	10 (c)	2.5 (b)	5
Türkiye	10	10	10
Ukraine	5 (f)	0	10
United Kingdom	5/15 (e)	0	10
Uzbekistan	5/10 (aa)	8	20
Venezuela	5/10 (p)	5	20
Vietnam	10/15 (d)	0/15 (gg)	20
Yemen	0	0	10
Zimbabwe	0/5/10 (cc)	—	10
Non-treaty jurisdictions	15 (r)	0	0

(a) The rate is 0% for amounts paid to a company of which the government owns at least 20% of the equity.

(b) The rate is 0% for interest paid to the government of the other contracting state. Under the Ethiopia treaty, the rate is also 0% for interest paid to entities in which the government owns a specified percentage of the equity and for interest paid on loans guaranteed by the government.

(c) The rate is 0% for dividends and interest paid to the government of the other contracting state. Under the Ethiopia treaty, the rate is also 0% for dividends paid to entities in which the government owns a specified percentage of the equity.

(d) The rate is 10% for dividends paid to the government of Kuwait or any of its institutions or any intergovernmental entities. The rate is 15% for other dividends.

(e) The 5% rate applies if the recipient of the dividends owns directly or indirectly at least 10% of the capital of the company paying the dividends. The 15% rate applies to other dividends.

(f) The rate is increased to 5% if the beneficial owner of the interest carries on business in the other contracting state through a permanent establishment and the debt on which the interest is paid is connected to such permanent establishment.

(g) The rate is 0% for amounts paid to the government of the other contracting state and to entities of which the government owns at least 51% of the paid-up capital.

(h) For dividends and interest, the rate is 0% if the payments are made to the government or a governmental institution of the other contracting state, or to a company that is a resident of the other contracting state and is controlled by, or at least 49% of the capital is owned directly or indirectly by, the government or a governmental institution. A 0% rate also applies to interest arising on loans guaranteed by the government of the other contracting state or by a governmental institution or other governmental entity of the other contracting state.

(i) A 0% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the capital of the company paying the dividends.

(j) The rate is 0% if the payments are made to the government or a governmental institution of the other contracting state, or to a company that is a resident of the other contracting state and is controlled by, or at least 25% of the capital is owned directly or indirectly by, the government or a governmental institution of the other contracting state.

(k) The rate is 0% if the beneficial owner of the interest is a resident in the other contracting state and the loan is secured or financed directly or indirectly by a financial entity or other local body wholly owned by the government of the other contracting state.

(l) The 0% rate applies if the beneficial owner of the dividends is a company that has invested more than USD3 million or its equivalent in local currency. The 5% rate applies in all other cases.

(m) The rate is 5% if the beneficial owner of the dividends is a company that owns 10% or more of the issued and outstanding voting shares or 25% or more of the value of all of the issued and outstanding shares. The 15% rate applies to other dividends.

(n) Dividends or interest paid by a company that is a resident of a contracting state is not taxable in that contracting state if the beneficial owner of the dividends or interest is one of the following:
- The government
- A political subdivision or a local authority of the other contracting state
- The Central Bank of the other contracting state
- Other governmental agencies or governmental financial institutions as may be specified and agreed to in an exchange of notes between the competent authorities of the contracting states

(o) The rate is 10% in the case of financial institutions (including insurance companies) and 15% in all other cases.

(p) The rate is 5% if the beneficial owner of the dividends is a company that holds directly at least 10% of the capital of the company paying the dividends. The rate is 10% in all other cases.

(q) The rate is 15% for the use of, or the right to use, cinematographic films, tapes for radio or television broadcasting and copyrights of literary or artistic works. The rate is 10% for the right to use patents, trademarks, designs, models, plans, secret formulas or processes, copyrights of scientific works and industrial, commercial or scientific equipment.

(r) This rate applies only to dividends distributed by companies listed on the KSE (see Section B).

(s) The 0% rate applies if either of the following circumstances exists:
- The beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends, such holding is possessed for an uninterrupted period of at least one year, and the dividends are declared within that period.
- The beneficial owner is the other contracting state, a governmental institution or an entity resident in the other contracting state.

(t) The 5% rate applies if the beneficial owner of the dividends is the government of that contracting state, an administrative-territorial or political subdivision, a local authority or a governmental institution created in that contracting state under public law, such as a corporation, central bank, fund, authority, foundation, agency or other similar entity. The 10% rate applies in all other cases.

(u) The 0% rate applies if the beneficial owner of the dividends is the government of the other contracting state or an institution or other entity wholly owned directly by the government of that other contracting state. The 5% rate applies in all other cases.

(v) The 5% rate applies if the beneficial owner of the interest is a resident of the other contracting state. In the case of the Hong Kong Special Administrative Region (SAR), the 0% rate applies if the interest is paid to the following:
- The government of the Hong Kong SAR

- The Hong Kong Monetary Authority
- An institution set up by the government of the Hong Kong SAR under statutory law, such as a corporation, fund, authority, foundation, agency or other similar entity
- An entity established in the Hong Kong SAR, all the capital of which is provided by the government of the Hong Kong SAR or any institution as defined in Subparagraph (a)(3) of Paragraph 3 of Article 11 of the tax treaty

In the case of Kuwait, the 0% rate applies to interest paid to the following:

- The government of Kuwait
- A governmental institution created in Kuwait under public law, such as a corporation, central bank, fund, authority, foundation, agency or similar entity
- An entity established in Kuwait, all the capital of which is provided by the Kuwaiti government or a governmental institution

(w) The 5% rate applies if the beneficial owner of the dividends, interest or royalties is a resident of the other contracting state.

(x) The 15% rate applies if the beneficial owner of the royalties is a resident of the other contracting state.

(y) The 5% rate applies if the beneficial owner is a company that has owned directly or indirectly for the period of six months ending on the date on which entitlement to the dividends is determined at least 10% of the voting shares of the company paying the dividends. The 10% rate applies in all other cases.

(z) The 10% rate applies if the beneficial owner of the interest is a resident of the other contracting state.

(aa) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(bb) The 2.5% rate applies if the beneficial owner of the dividends is the government of the other contracting state. The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(cc) The 0% rate applies if the beneficial owner of the dividends is an entity mentioned in Paragraph 2 of Article 4 of the treaty. The 5% rate applies if the beneficial owner of the dividends is a company that controls directly or indirectly at least 10% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(dd) The 2% rate applies if the beneficial owner of the interest is a resident of the other contracting state.

(ee) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends or if the beneficial owner of the dividends is a resident of the other contracting state. The 10% rate applies in all other cases.

(ff) The 10% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(gg) The 0% rate applies if the beneficial owner of the interest is the government or the central bank of the other contracting state or an institution or other entity wholly owned directly by the government of that other contracting state. The 15% rate applies in all other cases.

(hh) This treaty applies to the separate republics of Montenegro and Serbia.

(ii) The rate is 4.9% for interest paid to banks. The rate is 10% in all other cases.

(jj) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

(kk) The 10% rate applies if the beneficial owner of the interest is a resident of the other contracting state. Interest paid by a company that is a resident of a contracting state is not taxable in that contracting state if the beneficial owner of the interest is one of the following:

- The government or a local authority of the other contracting state
- The central bank of the other contracting state
- Other governmental agencies or governmental financial institutions specified and agreed to in an exchange of notes between the competent authorities of the contracting states

(ll) The 0% rate applies if the beneficial owner of the dividends is a resident of the other contracting state and is one of the following:

- The government or any political subdivision or local authority thereof
- Any governmental institution created under public law such as a corporation, central bank, fund, foundation, agency or other similar entity

- Any entity established, all the capital of which has been provided by that state or any political subdivision or local authority thereof or any local governmental institution as defined in the second bullet above, together with other states

The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(mm) The 10% rate applies if the beneficial owner of the interest is a resident of the other contracting state. Interest paid by a company that is a resident of a contracting state is not taxable in that contracting state if the beneficial owner of the interest is one of the following in the other contracting state:

- The government or any political subdivision or local authority thereof
- Any governmental institution created in that contracting state under public law such as a corporation, central bank, fund, authority, foundation, agency or other similar entity
- Any entity established in that state, all the capital of which has been provided by that state or any political subdivision or local authority thereof

(nn) The 0% rate applies if the beneficial owner of the dividend or interest is a government entity of Kuwait, which is defined as the following:

- The government of Kuwait or a local authority thereof
- Any governmental institution created under public law such as a corporation, central bank, fund, authority, foundation, agency or other similar entity
- Any entity established in Kuwait, all the capital of which has been provided by Kuwait or local authority thereof or any governmental institution as defined in the second bullet above, together with other states

The 5% rate applies in all other cases.

(oo) Interest arising in a contracting state is exempt from tax in that state if derived by the following from the other contracting state:

- Political subdivision
- Local authority
- The government

The 10% rate applies in all the other cases.

(pp) The 0% rate applies if the beneficial owner is a contracting state, including in the case of Kuwait, the central bank, the general investment authority and any entity carrying on a similar activity and wholly owned by the same as well as any legal entity wholly or mainly owned by the government of Kuwait as may be agreed from time to time by the competent authorities. The 5% rate applies if there is a holding of at least 10%. The 10% rate applies to all other cases.

Laos

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A. At a glance

Corporate Income Tax Rate (%)	20 (a)
Capital Gains Tax (%)	– (b)
Branch Tax Rate (%)	20 (c)
Withholding Tax (%)(d)	
Dividends	10
Interest	10
Royalties	5
Net Operating Losses (Years)	
Carryback	0
Carryforward	5/10 (e)

(a) This tax is known as the "profit tax." Tobacco businesses are subject to tax at a rate of 22%, while mining companies are subject to tax at a rate of 35%.
(b) The tax law does not provide a specific rule for the taxation of capital gains derived from the transfer of tangible assets. Income from the sale of shares is subject to a withholding tax at a rate of 2% of the total sale amount.
(c) Lao income tax regulations do not contain a definition of a "permanent establishment." A foreign company may establish a branch only in certain sectors of the economy. Only a foreign bank, financial institution, insurance company or airline company may establish a branch in Laos.
(d) These are withholding taxes that are imposed on Lao and foreign legal entities and individuals.
(e) Business operators engaged in agriculture and livestock activities can carry forward losses resulting from an outbreak of diseases or a natural disaster for 10 years.

B. Taxes on corporate income

Profit tax. Companies and individuals engaged in manufacturing, trading and services are subject to profit tax on their Lao-source income. Foreign companies deriving income from Laos or entering into joint venture contracts with project owners in Laos are also subject to profit tax.

The accounts of a branch of a Lao company are consolidated with the accounts of the parent company for purposes of calculating profit tax.

Rates of profit tax. The standard rate of profit tax for business activities is 20%.

Companies in certain industries, such as hydropower, are taxed at different rates, depending on their agreement with the government of Laos.

Foreign investors may be entitled to profit tax exemptions for certain periods, depending on the activities and location of the business.

Listed companies in Laos are entitled to a reduced tax rate of 13% for a four-year period.

Lump Sum Tax. Lump Sum Tax applies to the income of individuals and small businesses with less than LAK400 million of annual turnover. The portion of turnover between LAK50 million and LAK400 million is taxed at the following rates:
- 1% for agriculture and industrial activities
- 2% for supply of goods
- 3% for supply of services

The tax is payable periodically as agreed with the tax authority on a case-by-case basis.

Capital gains. The tax law does not provide a specific rule on the taxation of capital gains arising from the transfer of tangible assets. However, income derived from sales of shares is subject to a withholding tax of 2% of the total sale amount.

Administration. The fiscal year in Laos is the calendar year.

For resident companies and individuals compliant with accounting standards, profit tax must be paid on a semester installment basis (that is, profit tax is paid two times a year through advance payments [installments]) by 20 July of the current year and 20 January of the following year. An annual profit tax return must be submitted together with the annual financial statements before 31 March of the following year in order to recalculate total profit tax for the year. The semester installment payments are based on the final corporate income tax liability of the preceding year, the actual profit of the semester or the estimated corporate income tax mentioned in the annual tax payment plan for the current year. Any excess payment may be credited to future profit tax liability.

A business operator that has an incorrect or incomplete accounting system and a nonresident not established in Laos shall pay profit tax according to compulsory assessment within 15 working days from the date of issuance of a demand notice. The profit tax is calculated based on a compulsory profit, which is calculated at the following percentages, multiplied by a 20% tax rate:
- 7% of the value of the transaction, sales or turnover for agriculture and handicraft activities
- 10% for industrial and processing activities
- 15% for trade and service activities
- 30% for electric power and mining activities

An individual, legal entity or organization in Laos purchasing goods and services from a nonresident not established in Laos

shall calculate and withhold profit tax and pay to the state budget within 15 working days from the date of withholding of such profit tax or the date of payment.

Dividends. A 10% withholding tax is imposed on dividends paid.

Foreign tax relief. Laos has entered into double tax treaties with several countries (see Section F).

C. Determination of taxable business income

General. The calculation used to determine the taxable income of companies and individuals subject to profit tax depends on whether the taxpayers are compliant with accounting standards.

Taxpayers that are compliant with accounting standards determine their taxable profit by either of the following methods:
- Deducting from their annual turnover their annual tax-deductible expenses
- Deducting from their annual accounting profit their annual non-tax-deductible expenses

Taxpayers that are not compliant with accounting standards or that are nonresident in Laos must pay profit tax based on their compulsory profit (see *Administration* in Section B).

Taxable income consists of all income from available sources, such as the following:
- Income from handicraft and agriculture
- Income from the exploration of natural resources
- Income from import and export business
- Income from banking, insurance and financial activities
- Income from tourism including hotels
- Income from lottery, casino and sports activities
- Income from the provision of general services

Deductions from gross income include the following:
- General business expenses such as electricity, repair charges, salaries and wages, welfare and social security expenses, rent, interest and insurance
- Depreciation (see *Depreciation*)
- Cost of travel
- Cost of guest entertainment and telephone
- Donations and support
- Advertising

Expenses not related to business activities are not deductible. Other nondeductible expenses include the following:
- Profit tax
- Interest paid on loans from shareholders and partners (of partnerships) for capital contribution purposes
- Penalties or fines
- Golf expenses, dancing expenses, gifts and awards
- All types of provisions and reserves

Inventories. The law does not prescribe a basis for the valuation of inventory. Inventory for a tax year is valued at the lower of cost or net realizable value.

Depreciation. Depreciation for accounting persons can be calculated based on the straight-line, double-declining or unit of production method. In the year of acquisition or disposal, depreciation

may be claimed for the portion of the asset that was put in use. The following are straight-line depreciation rates that are also used for tax purposes.

Assets	Annual rate (%)
Intangible fixed assets	20/50
Buildings	
Industrial	2/5
Commercial and residential	5/10
Plant and machinery	20
Motor vehicles	20
Office equipment	20
Software	20

Establishment expenses are expensed over two years.

Relief for losses. Losses can be carried forward for a period of five consecutive years. Business operators engaged in agriculture and livestock activities can carry forward losses resulting from an outbreak of diseases or a natural disaster for 10 years. Losses may not be carried back.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	
Goods, materials and services	10
Exportation of goods to foreign countries	0
Tax on income from the lease of immovable property; payable by the recipient each time the income is received	10
Excise duty; on the domestic production, import or service value of various commodities	
Fuel	5 to 40
Alcoholic drinks	60 to 110
Soft drinks and mineral water	12
Cigarettes and cigars	47 to 72
Perfume and cosmetics	25
Motorbikes	3 to 110
Cars	3 to 220
Motorboats	25
Electrical products (televisions, cameras and musical instruments)	15
Sport related (for example, snooker, football and any game cabinet)	35
Entertainment (nightclub, disco and karaoke)	40
Internet services	0
Lottery and casino activities	30
Social security contributions; imposed on salaries of up to LAK4,500,000 million per month	
Employee	5.5
Employer	6

E. Foreign-exchange controls

The Bank of Laos determines foreign-exchange controls. Foreign investors can freely repatriate their after-tax profits (including withholding tax on dividends) and capital to other countries, subject to certain substantiation requirements.

The currency of Laos is the kip (LAK). Bank accounts may be held in other currencies.

F. Treaty withholding tax rates

	Dividends	Interest	Royalties
	%	%	%
Belarus	5/10	8	5
Brunei Darussalam	5/10	10	10
China Mainland	5	5/10	5/10
Indonesia	10/15	10	10
Korea (South)	5/10	10	5
Luxembourg	5/15	10	5
Malaysia	5/10	10	10
Myanmar	5	10	10
Singapore	5/8	5	5
Thailand	15	10/15	15
Vietnam	10	10	10
Non-treaty jurisdictions	10	10	5

Latvia

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Because of the rapidly changing tax law in Latvia, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	20
Branch Tax Rate (%)	20
Withholding Tax (%) (a)	
Dividends	0/20 (b)
Interest	0/20 (c)
Royalties	0/20 (d)
Management and Consulting Fees	0/20 (e)
Gains on Transfers of Real Estate or Shares of Real Estate Companies Located in Latvia	3/20 (f)
Gains on Rent of Real Estate Located in Latvia	5/20 (g)

(a) These taxes apply to payments by Latvian residents or permanent establishments to nonresidents.

(b) Withholding tax is not imposed on dividends, except for dividends paid to a resident of a state or territory that has been recognized as a low-tax or no-tax state or territory in accordance with Cabinet Regulations. Dividends are subject to 20% corporate income tax at the level of the resident distributing companies (for further details, see Section B).

(c) No withholding tax is imposed on interest payments made by Latvian entities except for interest paid to a resident of a state or territory that has been recognized as a low-tax or no-tax state or territory in accordance with Cabinet Regulations.

(d) No withholding tax is imposed on royalties, except for royalties paid by Latvian entities to a resident of a state or territory that has been recognized as a low-tax or no-tax state or territory in accordance with Cabinet Regulations.

(e) The 20% rate applies to management and consulting fees. The 0% rate applies to management and consulting fees paid to residents of countries that have entered into double tax treaties with Latvia (the residence certificate must be submitted).

(f) The 3% rate is a final withholding tax rate imposed on gains derived by nonresident companies without a permanent establishment in Latvia from sales of Latvian real estate. This tax also applies to sales of shares if certain conditions are met (see Section B). Withholding tax is also imposed if a Latvian nonresident company disposes of real estate by investing it in the share capital of another company (except if the respective alienations are performed within a legal reorganization). A 20% rate can be applied on profits realized from the sale of real estate or shares of a real-estate-rich entity if the taxpayer is a resident of a European Union (EU) country or a country with which Latvia has concluded a double tax treaty. For further details, see *Capital gains* in Section B.

(g) The 5% withholding tax rate is imposed on gains derived by nonresident companies in Latvia from the rent of Latvian real estate. A 20% rate can be applied on profits realized from rent of real estate located in Latvia if a taxpayer is resident of an EU country or a country with which Latvia has concluded a double tax treaty.

B. Taxes on corporate income and gains

Corporate income tax. Under the Corporate Income Tax Law, corporate income tax is payable at the time when profit is distributed. As a result, the taxable base comprises distributed profits and notional distributed profits.

Distributed profits include the following:
- Dividends, including extraordinary dividends
- Expenses that are equivalent to dividends
- Notional dividends (a notional dividend is a profit share [for example, undistributed profit of current or previous years on which corporate income tax was not paid] for which equity is increased; tax is paid at the moment of decrease of equity [including the case of a company liquidation] or at the moment when a legal entity is registered as a payer of micro-enterprise tax)

Notional distributed profits comprise the following:
- Non-operating expenses
- Doubtful receivables
- Increased interest payments
- Loans to related parties
- Adjustments for transactions with related parties below the arm's-length value
- Liquidation quotas and other specific items
- Value of assets transferred in the course of a reorganization
- Value of assets that a Latvian resident transfers to its foreign permanent establishment if the local tax base is reduced (exit taxation)
- Value of assets that a Latvian permanent establishment transfers to a nonresident if the local tax base is reduced (exit taxation)
- Outcomes of a hybrid mismatch

Resident companies are companies registered in Latvia and companies incorporated in foreign countries that are registered in Latvia as branches or permanent establishments. All other companies are considered to be nonresident companies.

Payments made by a permanent establishment to a nonresident that owns the permanent establishment are treated as expenses that are equivalent to dividends (except expenses that are necessary for the economic activity of the permanent establishment and justified with third-party supporting documents, expenses related to the permanent establishment's operations or general administrative and operational management expenses, to the extent of 10% of the eligible costs). Taxable income of nonresidents is income from business activities or related activities in Latvia. Tax is withheld from payments that residents (except natural persons) and permanent establishments make to nonresidents, if such payments are not subject to personal income tax (including remuneration for management and consultancy services, fees paid for the alienation of real estate located in Latvia, rental income and

dividends, interest payments, royalties and other payments to low-tax or tax-free countries or territories).

Tax rates. Resident companies are subject to tax at a rate of 20% on the gross taxable amount. The net taxable base (distributed profits and notional distributed profits) is divided by coefficient of 0.8 when determining the gross taxable base for the tax period.

Tax surcharge for credit institutions and consumer credit service providers. Under the Corporate Income Tax Law, starting from 1 January 2024, credit institutions and consumer credit service providers in Latvia must pay a corporate income tax surcharge at a 20% rate of the previous year's profit after tax. Taxpayers must submit their tax surcharge calculations within four months after the statutory due date for filing of the annual financial statement. The surcharge amount must be paid by the 23rd day of the month following the submission of the tax surcharge calculation. At the moment of profit distribution in dividends, the corporate income tax payable can be decreased by the corporate income tax surcharge paid.

Capital gains. Capital gains derived by resident companies are included in the taxable amount. The Latvian legislative acts provide an exception; the amount of distributed profit can be reduced by the portion of income derived from the alienation of shares if the holding period is at least 36 months (not applicable to the transfer of shares of an entity whose real estate proportion in the total amount of assets exceeds 50%). Withholding tax is not applied on capital gains derived by Latvian nonresidents without a permanent establishment in Latvia (except capital gains from real estate). For nonresident companies without a permanent establishment in Latvia, a final withholding tax at a rate of 3% is imposed on proceeds received from the sale of Latvian real estate, as well as from the sale of shares of a company if in the tax year of the sale or in the preceding year, 50% or more of the company's assets, directly or indirectly, consists of real estate located in Latvia. A taxpayer who is a resident of an EU country or a country with which Latvia has concluded a double tax treaty may choose to tax gains realized due to the sale of real estate located in Latvia or the sale of shares of a real-estate-rich company under the standard taxation regime. In this case, 20% tax applies to the profits gained from the sale of real estate.

Administration. The tax period is a calendar month. Tax returns must be filed by the 20th day of the following month. However, the income tax must be paid by the 23rd day of the following month.

Foreign tax relief. A foreign tax credit is available to resident companies for foreign tax paid on taxable income earned abroad. The amount of credit may not exceed an amount equal to the tax that would be imposed in Latvia on dividends from the income earned abroad. Resident companies are allowed to decrease the dividend amount included in their taxable base by dividends that are received from a dividend payer who is a corporate income taxpayer in its country of residence or by dividends received from which tax was withheld. This does not apply to dividends received from low-tax or tax-free jurisdictions or territories.

A resident company is entitled to reduce the amount of dividends included in the taxable base during the tax period to the extent that the resident company received the income from a foreign permanent establishment during the tax period, if the foreign permanent establishment pays tax on the income received or withholding tax is withheld abroad from the income received. This is not applicable to cases in which the permanent establishment is located or registered in the state or territory that has been recognized as a low-tax or no-tax state or territory in accordance with Cabinet Regulations.

C. Determination of taxable income

General. The net taxable base consists of distributed profits and notional distributed profits divided by a coefficient of 0.8 (see *Corporate income tax* and *Tax rates* in Section B).

Thin capitalization. For corporate income tax purposes, companies must include in the taxable base the following amounts:

- The amount of accrued interest expenses in proportion to the excess of the average liability over an amount equal to four times shareholders' equity at the beginning of the tax year less any revaluation reserve
- If the net accrued interest amount (difference between accrued interest expenses and interest income) exceeds EUR3 million in the accounting year, the amount of interest in excess of 30% of the profit stated in the income or loss statement prior to the calculation of the corporate income tax, increased by interest payments and calculated depreciation

The thin-capitalization rules do not apply to interest on loans obtained from the following:

- Credit institutions that are residents of Latvia, another EU/European Economic Area (EEA) country or a country with which Latvia has concluded a double tax treaty that has entered into force
- Latvian Treasury
- Development Finance Institution
- Nordic Investment Bank
- European Bank for Reconstruction and Development
- European Investment Bank
- Council of Europe Development Bank
- World Bank Group
- Publicly traded Latvia, EU or EEA state debt securities
- Governmental financing, foreign trade lending or guarantee organizations, which are residents of a country with which Latvia has concluded a double tax treaty that has entered into force or are stated in the respective double tax treaty

The first calculation described above for calculating the limitation on the interest payments does not apply if the loans are obtained from financial institutions that are resident in Latvia, another EU/EEA country or a country with which Latvia has concluded a double tax treaty that has entered into force and if such financial institutions provide crediting or financial leasing services and are under the supervision of credit institutions or the financial monitoring agency.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax on goods and services, including imports	
Standard rate	21
Supplies of medical products, infant products and tourist accommodation services	12
Supplies of fresh fruits, berries and vegetables, and supplies of wood fuel and heat energy to residents who buy and consume it at home	12
Books and subscriptions	5
Exports	0
Social security contributions, paid by	
Employer	23.59
Employee	10.5
Property tax; rates applied to the cadastral value	
Standard rate; applicable to land, engineering structures and buildings, except for residential buildings	1.5
Increased property tax rate; applicable to buildings in poor conditions and uncultivated agriculture land	3
Rates on residential buildings	
Cadastral value under EUR56,915	0.2
Cadastral value between EUR56,915 and EUR106,715	0.4
Cadastral value above EUR106,715	0.6

E. Miscellaneous matters

Foreign-exchange controls. The official currency of Latvia is the euro (EUR). No significant foreign-exchange controls are imposed in Latvia.

Transfer pricing. Latvian law requires the arm's-length principle to be followed in all related-party transactions. The Latvian tax authorities may reassess transactions between related parties and recalculate the tax base if the prices applied in related-party transactions are not arm's length. Transfer-pricing methods, such as the comparable uncontrolled price, resale price, cost-plus, profit-split and transactional net margin methods, may be used to assess whether the prices applied in controlled transactions are consistent with the arm's-length principle.

For transactions carried out on or after 1 January 2018, the following transfer-pricing documentation must be prepared and submitted to the tax authorities within 12 months after the end of the respective financial year:

- The Base Erosion and Profit Shifting (BEPS) Master File must be prepared and submitted if the annual amount of related-party cross-border transactions exceeds EUR5 million and the taxpayer's net turnover exceeds EUR50 million or if the annual amount of related-party cross-border transactions exceeds EUR15 million.

- The BEPS Local File must be prepared and submitted if the amount of related-party cross-border transactions exceeds EUR5 million.

For transactions carried out on or after 1 January 2018, the following transfer-pricing documentation must be prepared within 12 months after the end of the respective financial year and submitted to the tax authorities within one month after request:

- The BEPS Master File must be prepared and filed after request if the annual amount of related-party cross-border transactions does not exceed EUR15 million and the taxpayer's net turnover does not exceed EUR50 million, but the annual amount of related-party cross-border transactions exceeds EUR5 million.
- The BEPS Local File must be prepared and filed after request if the amount of related-party cross-border transactions exceeds EUR250,000, but does not exceed EUR5 million. The Local File must include all transactions that exceed EUR20,000 in the particular financial year.

The Country-by-Country Report notification applies to all resident entities that are part of a qualifying group (the threshold is EUR750 million). The Country-by-Country Report for the financial year should be filed at the end of the respective financial year.

Transfer-pricing disclosures regarding the total amount of transactions with related parties during the financial year must be included in the 12th month's corporate income tax return, which is due on the 20th day of the following month.

The generally accepted practice for transfer-pricing issues is based on the Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations.

Taxpayers can enter into an advance pricing agreement (APA) with the tax administration on the establishment of an arm's-length price (value) for a transaction conducted with a related foreign company if the transaction annual value is planned to exceed EUR1,430,000. If a taxpayer complies with an APA, the tax administration may not adjust in a tax audit the arm's-length price established for the transaction.

BEPS 2.0 – Pilar Two. Latvia has adopted BEPS 2.0 – Pillar Two measures. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

The domestic withholding tax rate for dividends, interest and royalties is 0% (with certain exceptions, but these exceptions do not apply to treaty countries). The following table lists the withholding tax rates under Latvia's tax treaties.

	Dividends %	Interest %	Royalties %
Albania	5/10 (a)	5/10 (p)	5
Armenia	5/15 (a)	10	10
Austria	5/10 (a)	10	5/10 (b)
Azerbaijan	5/10 (a)	10	5/10 (b)

	Dividends %	Interest %	Royalties %
Belarus	10	10	10
Belgium	5/15 (a)	10	5/10 (b)
Bulgaria	5/15 (a)	5	5/7 (k)
Canada	5/15 (c)	10	10
China Mainland	5/10 (a)	10	7
Croatia	5/15 (a)	10	10
Cyprus	0/10 (u)	0/10 (u)	0/5 (v)
Czech Republic	5/15 (a)	10	10
Denmark	5/15 (a)	10	5/10 (b)
Estonia	5/15 (a)	10	5/10 (b)
Finland	5/15 (a)	10	5/10 (b)
France	5/15 (h)	10	5/10 (b)
Georgia	5/10 (g)	5	5
Germany	5/10 (a)	10	5/10 (b)
Greece	5/10 (a)	10	5/10 (b)
Hong Kong SAR	0/10 (z)	0/10 (w)	0/3 (x)
Hungary	5/10 (a)	10	5/10 (b)
Iceland	5/15 (a)	10	5/10 (b)
India	10	10	10
Ireland	5/15 (c)	10	5/10 (b)
Israel	5/10/15 (m)	5/10 (n)	5
Italy	5/15 (q)	10	5/10 (b)
Japan	10	10	0
Kazakhstan	5/15 (a)	10	10
Korea (South)	5/10 (a)	10	5/10 (b)
Kuwait (s)	0/5	5	5
Kyrgyzstan	5/10 (c)	10	5
Lithuania	0/15 (d)	0	0
Luxembourg	5/10 (a)	10	5/10 (b)
Malta	5/10 (a)	10	10
Mexico	5/10	5/10	10
Moldova	10	10	10
Montenegro	5/10 (a)	10	5/10 (o)
Morocco	6/10 (r)	10	10
Netherlands	5/15 (a)	10	5/10 (b)
North Macedonia	5	5	5/10 (l)
Norway	5/15 (a)	10	5/10 (b)
Poland	5/15 (a)	10	10
Portugal	10	10	10
Qatar	0/5 (t)	0/5 (t)	5
Romania	10	10	10
Serbia	5/10 (a)	10	5/10 (o)
Singapore	5/10 (a)	10	7.5
Slovak Republic	10	10	10
Slovenia	5/15 (a)	10	10
Spain	5/10 (a)	10	5/10 (b)
Sweden	5/15 (a)	10	5/10 (b)
Switzerland	15	0/10 (w)	0/5 (y)
Tajikistan	0/5/10 (f)	0/7 (i)	5/10 (b)
Türkiye	10	10	5/10 (b)
Turkmenistan	5/10 (a)	10	10
Ukraine	5/15 (a)	10	10
United Arab Emirates	5	2.5	5
United Kingdom	5/15 (c)	10	5/10 (b)
United States	5/15 (g)	10	5/10 (b)

	Dividends %	Interest %	Royalties %
Uzbekistan	10	10	10
Vietnam	5/10 (aa)	10	7.5/10 (bb)
Non-treaty jurisdictions	0/20 (e)	0/20 (e)	0/20 (e)

(a) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the payer of the dividends.
(b) The 5% rate applies to royalties paid for the use of industrial, commercial or scientific equipment.
(c) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the voting power of the payer of the dividends.
(d) The 0% rate applies if the recipient of the dividends is a company (or a partnership) that holds 25% of the capital and voting power of the payer of the dividends.
(e) See Section A.
(f) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 75% of the capital of the payer of the dividends. The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the payer of the dividends. The 10% rate applies to all other dividends.
(g) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the voting power of the payer of the dividends.
(h) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the capital of the payer of the dividends.
(i) The 0% rate applies to interest paid on loans granted by banks, or to the government, the central bank or any financial institution controlled by the government of Tajikistan.
(j) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 20% of the capital of the payer of the dividends.
(k) The 7% rate applies to royalties paid for the use of, or the right to use, cinematographic films and films or tapes for radio or television broadcasting, patents, trademarks, designs, and models, plans, secret formulas or processes. The 5% rate applies to other royalties.
(l) The 10% rate applies to royalties paid for the use of, or the right to use, cinematographic films or films or tapes for radio or television broadcasting. The 5% rate applies to other royalties.
(m) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the payer of the dividends. The 10% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 10% of the capital of the payer of the dividends and if the dividends are paid out of profits that are exempt from tax or subject to tax at a rate lower than the normal Israel tax rate under the Israel investment encouragement law.
(n) The 5% rate applies to interest paid by Israel-registered banks. The 10% rate applies to other interest payments.
(o) The 5% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films and films or tapes and other means of image or sound reproduction for radio or television broadcasting. The 10% rate applies to royalties paid for the following:
  - The use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, or industrial, commercial or scientific equipment
  - Information concerning industrial, commercial or scientific experience
(p) The 5% rate applies to interest paid on loans granted by banks.
(q) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the voting capital of the company paying the dividends.
(r) The 6% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends.
(s) Latvia has ratified the tax treaty with Kuwait, which will enter into force when Latvia receives notification that Kuwait has also ratified the treaty.
(t) The 0% rate applies if the beneficial owner of the dividends or interest is a company (other than a partnership). The 5% rate applies to dividends or interest in all other cases.

(u) The 0% rate applies if the beneficial owner of the dividends or interest is a company (other than a partnership). The 10% rate applies to dividends or interest in all other cases.

(v) The 0% rate applies if the beneficial owner of the royalties is a company (other than a partnership). The 5% rate applies to royalties in all other cases.

(w) The 0% rate applies if the interest is paid by a company that is a resident of a contracting state to a company (other than a partnership) that is a resident of the other contracting state and is the beneficial owner of the interest. The 10% rate applies to interest in all other cases.

(x) The 0% rate applies to royalties for the use of, or the right to use, industrial, commercial or scientific equipment or for information concerning industrial, commercial or scientific experience, if the royalties are paid by a company that is a resident of a contracting state to a company (other than a partnership) that is a resident of the other contracting state and is the beneficial owner of the royalties. The 3% rate applies to royalties in all other cases.

(y) The 0% rate applies if the royalties are paid by a company that is a resident of a contracting state to a company (other than a partnership) that is a resident of the other contracting state and is the beneficial owner of the royalties. The 5% rate applies to royalties in all other cases.

(z) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership). Dividends arising in the Hong Kong Special Administrative Region (SAR) are exempt from tax in the Hong Kong SAR if they are paid the following:
- The government of the Hong Kong SAR
- The Hong Kong Monetary Authority
- The Exchange Fund
- An institution wholly or mainly owned by the government of the Hong Kong SAR (as may be agreed from time to time between the competent authorities)

The 10% rate applies to dividends in all other cases.

(aa) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 70% of the capital of the payer of the dividends.

(bb) The 7.5% rate applies to royalties for technical services. The 10% rate applies to other royalties.

Lebanon

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Updates provided under the 2024 Budget Law (Budget Law No. 324 dated, 15 February 2024) have been incorporated into this chapter.

A. At a glance

Corporate Income Tax Rate (%)	17
Capital Gains Tax Rate (%)	15
Branch Tax Rate (%)	17
Withholding Tax (%)	
Dividends	10 (a)
Interest	7 (a)(b)
Royalties from Patents, Know-how, etc.	10 (c)
Payments for Services Provided by Nonresidents	8.5
Branch Remittance Tax	10 (d)
Net Operating Losses (Years)	
Carryback	0
Carryforward	3 (e)

(a) Applicable to both residents and nonresidents.
(b) Bank interest is subject to a 7% withholding tax for residents and nonresidents.
(c) Applicable if the royalties are received by Lebanese holding companies (see Section B).
(d) Profits derived by branches operating in Lebanon are presumed to be distributed and consequently are subject to remittance tax.
(e) Taxable losses related to 2020 can be exceptionally carried forward for an additional year according to Article 24 of the 2022 Budget Law No. 10 (Law No. 10), dated 15 November 2022.

B. Taxes on corporate income and gains

Corporate income tax. Lebanese companies and branches of foreign companies carrying on business in Lebanon are subject to tax only on their income derived from Lebanon. A company is considered Lebanese if it is registered in Lebanon. The following are the two main conditions for registering a company in Lebanon:

- The company's registered office is located in Lebanon.
- One third of the company's board of directors is of Lebanese nationality.

Rates of corporate income tax. In general, companies are subject to tax at a flat rate of 17% under Law No. 64, published in the *Official Gazette* on 26 October 2017.

Under Law No. 64, the gain realized from the revaluation of fixed assets (not exceptional revaluation) is subject to 10% capital gains tax unless certain conditions are met. The tax is payable with the corporate income tax (that is, within five months following the end of the fiscal year).

Profits derived in Lebanon by branches of foreign companies are presumed to be distributed and consequently are subject to the 10% remittance tax.

Contractors on government projects are subject to tax at the regular corporate income tax rate on a deemed profit of 10% or 15% of actual gross receipts, depending on the type of project.

Lebanese holding companies and offshore companies are exempt from corporate income tax. However, special taxes apply to these companies (see Section D). A Lebanese holding company is a special type of company that is formed to hold investments in and outside Lebanon ("holding company" is not synonymous with "parent company"). An offshore company is a company that engages exclusively in business transactions outside Lebanon.

Insurance companies are subject to tax at the regular corporate income tax rate of 17% under Law No. 64 on a deemed profit ranging from 5% to 10% of their premium income. However, according to Ministry of Finance (MOF) Decision No. 919/1, dated 29 December 2023, a discount of 60% should apply on the deemed profit rate for 2023 only.

Lebanese air and sea transport companies are exempt from corporate income tax. Foreign air and sea transport companies are also exempt from corporate income tax if their home countries grant reciprocal relief to Lebanese companies. However, dividends distributed by foreign air and sea transport companies remain subject to movable capital tax (dividend withholding tax).

Profits derived by industrial enterprises established in Lebanon after 1 January 1980 are exempt from income tax for up to 10 years from the date of commencement of production if such enterprises satisfy all of the following conditions:

- The factory is built in certain areas the government intends to develop.
- The object of the enterprise is to manufacture new goods and materials that were not manufactured in Lebanon before 1 January 1980.

- The total value of property, plant and equipment used in Lebanon by the new enterprise and allocated for the production of new goods and materials is at least LBP500 million.

Profits qualifying for this tax holiday may not exceed the original cost of the property, plant and equipment used by the enterprise on the date production begins.

Under Law No. 248, dated 15 April 2014, a tax credit of 50% applies to profits realized from the exportation of goods produced in Lebanon. Law No. 10 increased the tax credit to 75% for five years starting from 2022. A certificate-of-origin document is needed to prove that the exports are from Lebanon. Companies engaged in the extraction of natural resources are excluded from this exemption. MOF Decision No. 854/1, which was released in September 2016, explains the mechanism for the application of this law.

Under Article 25 of Law No. 10, startup companies established within five years from the date of the publication of this law shall benefit from a tax credit against the entire income tax on profits (Title 1) for a period of five years from its inception date, provided that at least 80% of their employees are Lebanese.

Under Article 26 of Law No. 10, industrial and commercial companies that are established after the date of publication of this law until 31 December 2024 and are operating in regions that the government wishes to develop benefit from a tax credit against the entire income tax on profits for a period of seven years from the date of beginning its actual activity. Such companies may also benefit from an exemption of construction fees and 50% reduction in registration and annual traffic fees of its vehicles for seven years. To benefit from such tax credit, the invested capital should be transferred from foreign funds or cash paid of not less than USD1 million, with employment of at least 50 Lebanese representing 60% of its total employees.

Under Article 83 of Law No. 10, commercial entities or individuals who ceased their operations due to the Beirut port blast shall benefit from a tax credit against the entire income tax for 2021, 2022 and 2023, if they are restarting their business.

Under Article 84 of Law No. 10, merging companies benefit from a tax credit against the entire income tax on profits for a period of three years from the date of the merger provided all of the following are met:

- Tax credit should not exceed the aggregate of both companies' share capital.
- The merging company should continue to employ the employees of the merged company alongside its employees for a period not less than three years.
- The number of employees in each company at the date of merger should not be less than five.
- The value of the fixed assets for each company at the date of merger should not be less than LBP10 billion.

The merged company shall be exempt from income tax on its profit realized during the year of the merger, but gains realized as a result of the merger remain subject to dividend withholding tax on distributions. Banks and financial institutions are excluded from this article.

Capital gains. Capital gains on the disposal of fixed assets are taxed at a rate of 15% under Law No. 64.

If a company reinvests all or part of a capital gain subject to the 15% rate to construct permanent houses for its employees during a two-year period beginning with the year following the year in which the gain was realized, it may obtain a refund of the tax imposed on the reinvested gain.

Administration. The official tax year is the calendar year. Companies or branches may use a different tax year if they obtain prior approval of the tax authorities.

Corporations with a financial year-end of 31 December must file their tax returns by 31 May of the year following the year in which the income is earned. Other corporations must file their returns within five months of their financial year-end. The tax authorities may grant a one-month extension at the request of the taxpayer if the taxpayer's circumstances warrant the extension. Tax must be paid by the same deadline.

If a taxpayer does not submit timely returns, the tax authorities impose a fine of 10% of the tax due on the taxable profits reported on the return or as determined by the tax authorities, for each month or part of a month that the return is late. The minimum penalty is LBP6,750,000 for joint stock companies, LBP4,500,000 for limited liability companies, and LBP750,000 for other taxpayers. The maximum penalty is 100% of the tax due. For failure to pay tax by the due date, a penalty of 2% (3% for tax withheld at source) of the tax due is imposed for each month or part of a month that the tax remains unpaid.

The withholding nonresident tax due as per Article 41 of the Income Tax Law (Legislative Decree No. 144, dated 12 July 1959) must be declared and paid quarterly within a period of 15 days from the end of each quarter after withholding the calculated tax in accordance with Article 42 of the Income Tax Law. An annual nonresident tax return should be submitted, including the nonresident tax declared and paid in the four quarters of the year, within the deadline for the submission of the corporate income tax return of the company.

Dividends and interest. Dividends are subject to dividend withholding tax of 10%. Interest is subject to a 10% movable capital tax or 8.5% nonresident withholding tax, depending on each case.

Dividends received by a Lebanese corporation from another Lebanese corporation are excluded from the taxable income of the receiving company. However, dividends redistributed by a parent company to its shareholders or partners are subject only to a withholding tax of 10%.

Dividends distributed by Lebanese holding companies and offshore companies are exempt from dividend withholding tax.

Dividends and interest income earned by banks and financial institutions and generated from trading activity are subject to tax at the regular corporate tax rate of 17%.

Dividends received by banks from their subsidiaries are subject to a 10% dividend withholding tax at the level of the subsidiary.

C. Determination of trading income

General. Taxable income is calculated based on the accounting profit together with the tax adjustments. Lebanese taxpayers should follow International Financial Reporting Standards in maintaining their books of accounts.

Deductions are allowed for expenses incurred wholly and exclusively for business purposes. Branches, subsidiaries and affiliates of foreign companies may deduct the portion of foreign head office overhead charged to them if the auditors of the head office present to the tax authorities a certificate confirming that the overhead was fairly and equitably allocated to the various subsidiaries, associated companies and branches and that the amount of head office overhead charged back to the Lebanese entity is in accordance with the limits set by the Ministry of Finance. However, the deductible portion of the overhead charged back to the Lebanese entity is subject to a tax of 8.5% (see Section D).

Inventories. Inventories are normally valued at the lower of cost or net realizable value. Cost is usually determined using the first-in, first-out or weighted average cost method.

Provisions. The following are the only provisions that are allowed for tax purposes:

- The actual amount due at the balance-sheet date for employees' end-of-service indemnities
- Doubtful debts owed by debtors that have been declared legally bankrupt
- A provision for obsolete inventory if the procedures described below are followed

Banks and financial institutions may deduct provisions for doubtful debts before declaration of bankruptcy of the debtor if they obtain the approval of the Banking Control Commission of the Central Bank of Lebanon.

Tax depreciation. Depreciation must be calculated using the straight-line method. The MOF has specified the minimum and maximum depreciation rates. A company may select appropriate rates within these limits for its activities. Companies must notify the relevant income tax authorities of the adopted depreciation rates before the declaration deadline. Otherwise the company is considered eligible for the minimum depreciation rates only.

Assets	Minimum rate (%)	Maximum rate (%)
Developed buildings from concrete for use in the commercial, tourism and service sectors (for example, offices, shops, stores, restaurants, hotels and hospitals)	2	5
Developed buildings from concrete that are used for industry and handcrafts	3	10
Developed buildings from metal for commercial and industrial use	6	20
Large renovations, maintenance and decoration works for buildings	6	25

Assets	Minimum rate (%)	Maximum rate (%)
Technical installations, industrial equipment and accessories	8	25
Computer hardware and software	20	50
Cars	10	25
Vehicles for transportation of goods and people	6	20
Means of sea transport	5	10
Means of air transport	20	25
Office equipment, furniture and fixtures	8	25
Non-consumable tools in restaurants and coffee shops (for example, glass cups and silver spoons)	– *	– *
Gas bottles	8	20

* These items are subject to count each year and are valued at cost.

Relief for tax losses. Tax losses may be carried forward for three years.

However, taxable losses related to 2020 can be carried forward for an additional year.

Groups of companies. Parent companies are not required for tax purposes to prepare consolidated financial statements that incorporate the activities of their associated companies and subsidiaries. Each legal entity is taxed separately.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT); imposed on the supply of goods and services by a taxable person in the course of an economic activity in Lebanon and on imports; certain supplies are exempt; registration with the Directorate of VAT is required if an entity's total taxable turnover exceeded LBP5 billion in any period varying from one to four prior consecutive quarters; all persons performing taxable economic activities have the option of registering if their turnover exceeds LBP1 billion in a period varying from one to four prior consecutive quarters; importers and exporters of VAT-able or zero-rated activities are now required to register with the Directorate of VAT, regardless of their turnover; natural and juridical persons meeting the old VAT registration threshold of LBP100 million but not exceeding LBP5 billion, during any period of the years 2020 until 2023, are considered exempt from the VAT registration requirement and all other obligations imposed by the VAT Law; persons who were registered for VAT in accordance with the old VAT registration threshold and did not exceed LBP5 billion during any period of the	

Nature of tax	Rate
years 2020 until 2023, have the right to submit a request to cancel their registration with the Directorate of Value-Added Tax	
Standard rate	11%
Tax on portion of foreign head office overhead allocated to a Lebanese subsidiary, associated company or branch, subject to certain limits	8.5%
Customs duties on imported goods	Various
Social security contributions	
Sickness and maternity, on monthly salaries up to LBP45 million; paid by	
Employer	8%
Employee	3%
Family allowances, on monthly salaries up to LBP12 million; paid by employer	6%
End-of-service indemnity, on monthly salaries; paid by employer	8.5%
Proportional stamp duty; imposed on deeds and contracts, except for some contracts that are subject to a lump-sum stamp duty such as the issuance of share capital, commercial bills and other agreements; employment contracts for Lebanese employees are exempt from stamp duty if the employees are registered with the National Social Security Fund; contracts related to foreign transactions of Lebanese offshore companies are also exempt	
General rate	0.4%
Built property tax; imposed on rental income generated by entities subject to income tax; such income is not subject to corporate income tax and is excluded from the taxable results together with the related expenses; the annual net income from each parcel of real estate is separately subject to built property tax	
Net income not exceeding LBP1.2 billion	4%
Net income exceeding LBP1.2 billion, but not exceeding LBP2.4 billion	6%
Net income exceeding LBP2.4 billion, but not exceeding LBP3.6 billion	8%
Net income exceeding LBP3.6 billion, but not exceeding LBP6 billion	11%
Net income exceeding LBP6 billion	14%
Municipal taxes on developed property	
Sidewalk and sewage tax, paid by landlords on annual gross rental from buildings (since 1989, the municipalities have collected this tax from tenants)	1.5%
Security and cleaning tax, paid by tenant on a percentage of the rental value of buildings (nonprofit enterprises are exempt from this tax)	
Residential buildings (minimum tax of LBP5,000)	5%
Nonresidential buildings (minimum tax of LBP10,000)	7%

Nature of tax	Rate
Registration duty; paid by purchaser of land or buildings; levied on the fair-market value of the building	
Lebanese citizens	3%
Non-Lebanese citizens	5%
Fee on the sale contract amount; payable within 15 days of the contract date; considered as a tax credit with respect to the total registration fees, provided that the registration occurs within one year after the contract date	2%
Annual tax on Lebanese holding companies	LBP50 million
Annual tax on Lebanese offshore companies (tax is imposed in full from the first year of company's operations, regardless of the month operations begin)	LBP50 million

E. Miscellaneous matters

Foreign-exchange controls. Lebanon does not impose any formal foreign-exchange controls.

Anti-avoidance legislation. Under the Lebanese tax law, criminal or tax penalties may be imposed for specified tax-avoidance schemes.

Related-party transactions. Transactions with related entities must be carried out on an arm's-length basis.

F. Tax treaties

Lebanon has entered into double tax treaties with Algeria, Armenia, Bahrain, Belarus, Bulgaria, Cuba (not enforced), Cyprus, the Czech Republic, Egypt, France, Gabon (not enforced), Iran, Italy, Jordan, Kuwait, Malaysia, Malta, Morocco, Oman, Pakistan, Poland, Qatar, Romania, the Russian Federation, Senegal, Sudan (not enforced), Syria, Tunisia, Türkiye, Ukraine, the United Arab Emirates and Yemen.

A double tax treaty between Lebanon and Saudi Arabia is currently under negotiation; however, at the time of writing, its content was not yet available and there was no information regarding its date of entry into force.

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A. At a glance

Corporate Income Tax Rate (%)	25 (a)
Capital Gains Tax Rate (%)	25 (a)
Branch Tax Rate (%)	25 (a)
Withholding Tax (%)	
Dividends	25 (b)(c)
Interest	25 (b)(d)(e)
Royalties	25 (b)(d)
Management Charges	25 (b)(d)
Payments for Services	10 (b)
Payments to Resident Contractors	5
Branch Remittance Tax	25 (f)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited

(a) For manufacturing companies and commercial farming operations, the rate is 10%. For companies that manufacture and export outside the Southern African Customs Union, the rate is now also 10%.

(b) These withholding taxes apply to payments to nonresidents only.
(c) Dividends paid by manufacturing companies subject to a concessionary corporate tax rate are exempt from withholding tax.
(d) For interest, royalties and management charges paid by manufacturing companies subject to a concessional corporate tax rate, the rate is 15%.
(e) A 10% withholding tax is imposed on interest paid to residents.
(f) This tax is imposed on repatriated income. Repatriated income is the chargeable income of the branch less Lesotho income tax paid on the chargeable income and any profits reinvested in the branch. This tax is potentially subject to relief under a double tax treaty.

B. Taxes on corporate income and gains

Company tax. Lesotho resident companies are subject to company tax on income from all sources located in and outside Lesotho. Nonresident companies are subject to tax in Lesotho on Lesotho-source income only.

Rates of company tax. The standard tax rate is 25%.

The rate is reduced to 10% for income from manufacturing and commercial farming operations and for companies that manufacture and export to countries outside the Southern African Customs Union. The special rate for manufacturing income does not apply to a Lesotho branch of a nonresident company.

Capital gains. Capital gains are treated as ordinary income and subject to tax at the regular corporate income tax rate.

Administration. The year of assessment runs from 1 April to 31 March. However, a company may select a year of assessment other than 1 April to 31 March, subject to the approval of the Commissioner of Income Tax.

Returns must be filed by the last day of the third month following the end of the year of assessment. If a return is not filed, the Commissioner may issue an estimated assessment.

Tax is payable in three installments, which are due on 30 September, 31 December and 31 March of each year of assessment. The fourth and final payment is due on submission of the return. For companies whose year-end is other than 31 March, the installments of tax are due on the last day of the sixth, ninth and 12th months of the year of assessment.

Withholding taxes are payable when the payee becomes legally entitled to the payment.

If tax levied under the Income Tax Act is not paid by the due date, additional tax of 22% per year is payable, compounded annually and apportioned per month or part of a month.

Dividends. Resident companies are exempt from tax on dividends received, but they may not deduct related expenses or dividends declared. A resident company is a company that satisfies one of the following conditions:
- It is incorporated and formed under the laws of Lesotho.
- Its management and control are located in Lesotho.
- It undertakes the majority of its operations in Lesotho.

Dividends paid to nonresidents are subject to a final withholding tax at a rate of 25%. Dividends paid by manufacturing companies subject to a concessionary corporate tax rate are exempt from withholding tax.

Resident companies that pay dividends are liable for advance corporation tax (ACT).

The following is the calculation for ACT:

$$\frac{A}{100 - A} \times 100$$

In the above calculation, A is the corporate tax rate for income other than manufacturing income.

Installment tax is set off against ACT; that is, installment tax paid settles the ACT due.

Foreign tax relief. In the absence of treaty relief provisions, unilateral relief is granted through a credit for foreign taxes paid on income earned abroad. The amount of the credit is the lesser of the foreign tax paid and the Lesotho tax on the foreign-source income.

C. Determination of trading income

General. Taxable income is financial statement income, adjusted as required by the Income Tax Act. To be eligible for deduction, expenses must be incurred in the production of income, and they must not be of a capital nature.

Inventories. Inventories are valued at the lower of cost or realizable value. Cost is determined using the first-in, first-out (FIFO) method or the average-cost method.

Provisions. Specific provisions are allowable for tax purposes. General provisions are not allowed.

Depreciation. Depreciation is computed using the declining-balance method at the following rates.

Asset	Rate (%)
Motor vehicles	25
Furniture, fixtures and office machines	20
Plant and machinery	20
Industrial buildings and public utility plant	5
Mining	100
Other assets	10

Relief for losses. Assessed losses may be carried forward for an unlimited period. A carryback of losses is not allowed.

Groups of companies. Companies in a group may not share their tax losses with profitable companies in the group.

D. Value-added tax

Value-added tax (VAT) is levied at the following rates:
- Specified basic commodities and exports: 0%
- Electricity: 10%
- Telecommunications: 15%
- Other goods and services: 15%

E. Tax treaties

Lesotho has entered into tax treaties with Botswana, Eswatini, Mauritius, South Africa and the United Kingdom. The following

are the withholding tax rates for dividends, interest, royalties and management and technical fees under these treaties.

	Dividends %	Interest %	Royalties %	Management and technical fees %
Botswana	15 (d)	10	10	10
Eswatini	12.5 (d)	10	10	10
Mauritius	10	10	10	0
South Africa	15 (a)	10	10	7.5
United Kingdom	10 (c)	10	7.5	0
Non-treaty jurisdictions (b)	25	25	25	25

(a) The tax rate is reduced to 10% of the gross amount of the dividends if the beneficial owner of the dividends is a company that holds at least 10% of the capital of the company paying the dividends.
(b) See applicable footnotes to Section A.
(c) The tax rate is reduced to 5% of the gross amount of the dividends if the beneficial owner of the dividends is a company that holds at least 10% of the capital of the company paying the dividends.
(d) The tax rate is reduced to 10% of the gross amount of the dividends if the beneficial owner of the dividends is a company that holds at least 25% of the capital of the company paying the dividends.

Lesotho has entered into tax information exchange agreements (TIEAs) with Guernsey and Isle of Man.

F. Amendment bills

In her 2024-25 budget speech, the minister announced that the tax modernization should be rationalized during the 2024-25 fiscal year with the passage of the following bills:

- VAT Amendment Bill
- Income Tax (Amendment) Bill
- Tax Administration Bill
- Public Financial Management and Accountability Act (PFMA)

Libya

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This chapter reflects the law in Libya as of the time of writing. In view of the current transition in Libya, the legislative situation is difficult to assess and may be subject to change. Consequently, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	20 (a)
Capital Gains Tax Rate (%)	20 (a)(b)
Branch Tax Rate (%)	20 (a)
Withholding Tax (%)	
Dividends	0 (c)
Interest	0
Royalties	0
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (d)

(a) Corporate income tax is imposed at a flat rate of 20%. In addition, Jihad Tax at a rate of 4% is imposed on the profits of Libyan companies and branches. Oil companies are subject to a composite rate of 65%, which includes income tax, Jihad Tax and a surtax.
(b) Capital gains are treated as trading income.
(c) Tax on dividends has been reinstated, but regulations relating to rates and rules of collection have not yet been issued.
(d) Oil companies may carry forward losses 10 years.

B. Taxes on corporate income and gains

Corporate income tax. Libyan companies and foreign branches are subject to tax on their worldwide income. A national company or foreign branch is considered to be resident in Libya if it is registered with the Ministry of Economy. A foreign company that does not register but engages in activities in Libya is deemed to immediately have de facto permanent establishment status in Libya and is subject to tax on its income.

Tax rates. Corporate income tax is imposed at a flat rate of 20% of profits.

In addition, Jihad Tax is payable at a rate of 4% of profits.

Oil companies are subject to a composite rate of 65%, which includes income tax, Jihad Tax and a surtax.

Companies established under Law No. 9 of 2010 (Investment Law) or Law No. 7 of 2003 (Tourism Law) are exempt from corporate taxes for up to five years and a possible additional three years or 10 years, respectively, as well as from stamp duty and import duties.

Capital gains. Capital gains are included in ordinary income and are taxed at the regular corporate income tax rate.

Administration. The financial year is the calendar year, but, on application, the Tax Department may allow a different financial year.

An annual tax return must be filed within one month after approval of the company or branch accounts or four months after the year-end, whichever is earlier. Consequently, for companies using the calendar year as their financial year, tax returns must be filed by 30 April.

Tax is payable in four quarterly installments beginning with the first quarterly due date after the issuance of an assessment. The quarterly due dates are 10 March, 10 June, 10 September and 10 December.

Dividends. Tax on dividends has been reinstated, but regulations relating to rates and rules of collection have not yet been issued.

Interest. There is currently no withholding tax imposed on interest payments made to nonresidents.

Royalties. Subject to the provisions of double tax treaties, royalties are treated as trading income.

Foreign tax relief. Libya does not grant any relief for foreign taxes unless a double tax treaty applies.

C. Determination of trading income

General. Taxable income is based on financial statements prepared in accordance with generally accepted accounting principles (GAAP), subject to certain adjustments. In Libya, there is no dedicated body responsible for Libyan GAAP.

Business expenses are generally deductible if incurred for business purposes unless specifically disallowed by the tax law.

Basis of assessment. Law No. 23 of 2010 (Commercial Code) requires that a report be issued on the accounts. Income Tax Law No. 7 of 2010 (Tax Law) states that this will be relied on, and tax will be assessed on declared profits. Tax audits of accounts will be discretionary.

Notwithstanding the Commercial Code and Tax Law, in practice, tax continues to be assessed on private Libyan and foreign

companies (joint stock companies and branches) based on a percentage of turnover. This is known as the "deemed profit" basis of assessment. Consequently, tax is payable even if losses are declared.

The percentage of deemed profit based on turnover varies according to the type of business activity. These percentages include the following:
- Civil works and contracting: 10% to 15%
- Oil service: 15% to 25%
- Design and consulting engineers: 25% to 40%

Each case is reviewed individually and a percentage is determined within the above broad ranges. After the final assessments are issued, taxpayers have a period of 45 days in which to negotiate an agreed settlement or to appeal. Thereafter, appeals may be made to the First and Second Appeal Committees, the Court of Appeal and finally the Supreme Court.

The deemed profit percentage applied to any year is higher than the profit percentage declared in the annual tax return, unless the actual profit declared is significantly higher than the deemed rate usually applied.

The deemed profit basis of assessment does not apply to Libyan public companies, which are assessed on an actual basis.

Inventories. Inventories are valued at cost.

Provisions. General provisions are not allowed.

Tax depreciation. Depreciation must be computed using the straight-line method. The following are some of the standard depreciation rates allowed in Libya.

Asset	Rate (%)
Furniture and tools	15 to 25
Buildings	2 to 10
Passenger cars	20
Computer hardware	25
Computer software	50

Head office allocation. Charges from the head office are limited to 5% of allowable general and administrative expenses.

Relief for losses. In general, losses may be carried forward five years. However, oil companies may carry forward losses 10 years. Losses may not be carried back.

Groups of companies. Libyan law does not provide for the fiscal integration of related parties.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Social security contributions; on employee's annual salary; paid by	
Employer	15.375
Employee	5.125

Nature of tax	Rate (%)
Stamp duty; the Stamp Duty Law contains 45 schedules; the most relevant items for companies and branches are the duties to register contracts and subcontracts; customers do not pay invoices unless contracts are registered and duty paid; duty for registration is based on the contract value	
Contracts	1
Subcontracts	0.1
Import duties	
Basic rate	5
Vehicles and plant	10
Luxury items	15

E. Foreign-exchange controls

The Libyan currency is the Libyan dinar (LYD).

By concession, Libyan branches of foreign companies may be paid directly offshore (up to 100%).

Libyan joint stock companies with a foreign shareholding (which may be up to 49%) may be paid in foreign currency, but the payments must be made into accounts held at Libyan banks.

As a result, under the law, no issue exists with respect to the remittance of profits.

F. Tax treaties

Libya has entered into a multilateral tax treaty with the other Maghreb Union countries (Algeria, Mauritania, Morocco and Tunisia). It has also entered into double tax treaties with Egypt, France, India, Malta, Pakistan, Singapore, the Slovak Republic and the United Kingdom.

Libya has signed double tax treaties with many other Asian and European countries, but these treaties have not yet been ratified.

Libya has entered into a treaty of "Friendship and Co-Operation" with Italy.

Liechtenstein

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A. At a glance

Corporate Income Tax Rate (%)	12.5 (a)
Capital Gains Tax Rate (%)	24 (b)
Branch Tax Rate (%)	12.5 (a)
Withholding Tax (%)	
Dividends	0
Interest	0
Royalties from Patents, Know-how, etc.	0
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (c)

(a) The minimum corporate income tax is CHF1,800 per year.
(b) This is the maximum rate that is applicable for real estate profits. See Section B.
(c) The amount of the offsetting loss is limited (see Section C).

B. Taxes on corporate income and gains

Corporate income tax. The current Liechtenstein tax law entered into force on 1 January 2011. Certain tax-favorable situations may result by applying the notional interest deduction (see *Notional interest deduction*). In June 2013 and September 2014, parliament passed amendments of the Liechtenstein tax law to reduce the budget deficit (for example, changes to notional interest deduction; see *Notional interest deduction*). Further amendments were enacted, effective from 2017, to incorporate the Base Erosion and Profit Sharing (BEPS) measures into the Liechtenstein tax law. In 2017, the European Union (EU) Code of Conduct group published a review of Liechtenstein's tax system and requested amendment of the country's corporate taxation regime. To avoid inclusion on the EU's list of

non-cooperative tax jurisdictions, Liechtenstein revised its tax law in June 2018 and introduced anti-avoidance rules generally applicable as of the 2019 tax year. The new rules have implications for dividend income and capital gains derived from participations in foreign entities as well as for the notional interest deduction.

Resident corporations carrying on activities in Liechtenstein are generally taxed on worldwide income other than income from foreign real estate. Income from permanent establishments abroad is exempt from income tax.

Branches of foreign corporations and nonresident companies owning real property in Liechtenstein are subject to tax on income attributable to the branch or real property.

Rates of corporate tax. Companies resident in Liechtenstein and foreign enterprises with permanent establishments in Liechtenstein are subject to income tax. The corporate income tax rate is 12.5%. The minimum corporate income tax is CHF1,800 per year, effective from 1 January 2017.

Notional interest deduction. Deemed interest on the equity of the taxpaying entity may be deducted from taxable income. Parliament sets the applicable interest rate annually in the financial law, based on the market development. The rate is 4% for 2024. The notional interest deduction on equity can reduce taxable income only to CHF0. As a result, loss carryforwards cannot be generated by the notional interest deduction. The 2018 tax law revision provided new anti-avoidance rules in connection with intercompany relationships and transactions. Interest payments for debt capital at the level of the parent company may no longer be fully tax-deductible if the parent company invests such debt capital to acquire a subsidiary and if the respective subsidiary is entitled to a notional interest deduction. In addition, the deduction is restricted for intercompany transactions that are performed for the reason of tax avoidance only (for example, cash or in-kind contributions of related parties, acquisitions of businesses held by related parties and intragroup transfers of participations).

Capital gains. Capital gains, except those derived from the sales or liquidations of investments in shares or similar equity instruments and from the sales of real property, are included in income and subject to tax at the regular rate.

Capital gains derived from sales, liquidations or unrealized appreciations of investments in shares or similar equity instruments are not taxed in Liechtenstein, subject to the rule described in the next sentence. Under the 2018 tax law revision, the tax exemption for capital gains derived from participations in foreign entities generally applies only if at least one of the following circumstances exists:

- The total gross revenue of the foreign subsidiary derived from passive sources is less than 50%.
- The net profits of the foreign subsidiary are not subject to overall low taxation (including potential foreign taxes).

Real estate profits tax applies to capital gains from the sale of real property. The tax rate depends on the amount of taxable profit. The maximum rate is 24%.

Administration. The tax year for a company is its fiscal year.

Companies with operations in Liechtenstein must file their tax return and financial statements no later than 1 July of the year following the end of the fiscal year (extension of the filing deadline of up to six months is possible in specific cases if the provisional invoice for such fiscal year is paid). The tax authorities issue a tax assessment, generally in the second half of the calendar year, which must be paid or disputed within 30 days of receipt. If they obtain approval from the tax administration, companies may pay their tax in installments.

Dividends. Dividends are generally not included in the taxable income of companies subject to tax. However, in the course of the incorporation of the BEPS measures, a correspondence principle was introduced. Under this principle, income, such as dividend income received by a Liechtenstein parent from investments of at least 25% in the capital of a company, may be reclassified to taxable income if such a payment qualifies as tax-deductible expense at the level of the paying subsidiary. In addition to this already established exception, the 2018 tax law revision further limits the application of the tax exemption by also applying the new rule described in *Capital gains* to dividends.

Distributions of Liechtenstein stock corporations (and other companies with capital divided into shares) are generally not subject to a withholding tax (the so-called coupon tax was abolished, effective from 1 January 2011).

C. Determination of trading income

General. Taxable income is accounting income, subject to adjustments for tax purposes and excluding income from capital gains from sales of shares or similar equity instruments, dividends on investments in shares or similar equity instruments, foreign real property and income from permanent establishments located abroad.

Expenses related to the company's business are generally deductible. Taxes are not deductible.

Nondeductible expenses include hidden distributions to shareholders or related persons and excessive depreciation.

Inventories. Inventories must be valued at the lower of cost or market value, with cost calculated using the first-in, first-out (FIFO) or average-cost method. Companies may establish a general inventory reserve of up to one-third of the inventory cost or market value at the balance sheet date if detailed inventory records are available for review by the tax authorities. The need for a reserve exceeding this amount must be documented to the satisfaction of the tax authorities.

Depreciation. Depreciation of fixed assets that is commercially justified and recorded in the statutory accounts may be deducted for tax purposes. However, depreciation of participations is not tax-deductible. The straight-line and declining-balance methods are acceptable. The following are acceptable declining-balance rates:

- 5% for industrial buildings

- 20% for office equipment and furnishings
- 30% for machinery, equipment, computers and vehicles other than automobiles
- 35% for automobiles

Relief for losses. Losses may be carried forward to offset income for an unlimited number of years following the year of the loss. Losses may not be carried back.

The offsetting loss is limited to 70% of taxable income (even if unused loss carryforwards exist). Consequently, at least 30% of the positive taxable income is taxed. In addition, the notional interest deduction on equity can only reduce taxable income to a minimum of CHF0. This means that loss carryforwards cannot be generated as a result of the notional interest deduction.

Groups of companies. On request, associated companies (corporations) may form a group for tax purposes. Under group taxation, losses of group members may be credited against profits of other group members within the same year. To apply for group taxation, the following conditions, among others, must be met:

- The parent company must have its legal seat in Liechtenstein.
- The parent company must hold at least 50% of the voting rights and the capital of the subsidiaries as of the beginning of the respective year.

For purposes of group taxation, the subsidiaries in a group may be located in foreign countries. However, the credit of losses of group members against profits of other group members is recovered retrospectively after five years. As a result, the taxation is only suspended temporarily.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	
Standard rate	8.1
Hotels and lodging services (overnight stays only)	3.8
Basic necessities, such as food and medicine	2.6
Stamp duty on capital; imposed on incorporations and increases in capital; the first CHF1 million is exempt	1
Payroll taxes	
Social security contributions, on gross salary; paid by	
Employer (including child allowance)	7.375
Employee	4.7
Accident insurance, imposed on gross salary; rates vary depending on the extent of coverage	
On the job, paid by employer; rate depends on class of risk and insurance company	Various
Off the job, paid by employee	Various
Unemployment insurance; paid by	
Employer (yearly maximum, CHF630)	0.5
Employee (yearly maximum, CHF630)	0.5
Company pension fund, imposed on gross	

Nature of tax	Rate (%)
salary; minimum contribution (approximate rate, depending on plan); paid by	
Employer (approximate rate)	4
Employee (approximate rate)	4
Child allowance, imposed on gross salary; paid by employer	1.9
Health insurance, imposed on gross salary; paid in equal amounts by employer and employee; rate depends on the contribution of the mandatory insurance company	Various

E. Miscellaneous matters

Transfer pricing. Intercompany charges should be determined at arm's length. It is possible to reach an agreement in advance with the tax authorities concerning arm's-length pricing.

Following the recommendations of the Organisation for Economic Co-operation and Development (OECD) on BEPS Action 13, on 1 January 2017, Liechtenstein introduced the legal basis for a three-tiered approach to transfer-pricing documentation consisting of a Master File, a Local File and the Country-by-Country Report (CbCR).

Companies must provide on request of the tax authorities (no general filing obligation) documentation regarding the adequacy of transfer prices of transactions with related companies or related permanent establishments. If a company is part of a group with consolidated revenue exceeding CHF900 million, it is required to apply internationally recognized guidelines on transfer pricing (that is, a Master File and a Local File) for its documentation. Companies not part of such a group must meet certain, less complex documentation requirements if they are considered large according to Liechtenstein company law. Under such law, they are considered large if all of the following criteria are exceeded:

- Total assets of CHF25,900,000
- Net revenue of CHF51,800,000
- Annual average of 250 full-time employees

For smaller companies, lower documentation requirements apply (principle of reasonableness).

Liechtenstein-headquartered multinational groups with annual consolidated group revenue of at least CHF900 million must file CbCRs. The Country-by-Country (CbC) legislation closely follows the model legislation related to CbC reporting outlined in BEPS Action 13 and contains a secondary filing mechanism as well as the possibility to appoint a surrogate entity for filing purposes. The CbC legislation entered into force as of 1 January 2017 and, consequently, only covers tax periods beginning in or after 2017. However, for tax periods beginning in 2016, a voluntary filing is generally possible if requested by the taxpayer. In addition, groups with consolidated group revenue of less than CHF900 million may also file CbCRs on a voluntary basis.

BEPS 2.0 Pillar Two implementation in Liechtenstein. The Pillar Two Global Anti-Base Erosion (GloBE) Model Rules stipulate that multinational enterprises (MNEs) with a turnover of more

than EUR750 million are subject to a global minimum tax rate of at least 15% in each jurisdiction. The minimum tax is calculated based on the GloBE Model Rules provided by the OECD.

On 10 November 2023, the Liechtenstein parliament approved the GloBE Tax Law introducing the OECD Pillar 2 Global Minimum Tax Rules into local Liechtenstein law, which implemented a Qualified Domestic Minimum Top-up Tax (QDMTT, also referred to as the Liechtenstein Top-up Tax). The QDMTT is applicable from 1 January 2024. At the same time, the application of the Income Inclusion Rule (IIR) was implemented. However, the implementation of the Undertaxed Profits Rules (UTPR; together with the IIR referred to as the International Top-up Tax) has been delayed and may be introduced as of 1 January 2025 at the earliest.

The GloBE rules will only apply to in-scope MNEs. Besides corporations, trusts, foundations and establishments can meet the definition of an MNE and may be subject to the GloBE rules. The GloBE rules apply in addition to the ordinary corporate income tax system, which is not adjusted and applies unchanged in order to determine the ordinary corporate income tax due in a first step. In a second step, the Liechtenstein Top-up Tax will apply if the Covered Taxes from the ordinary corporate tax system aggregated for all Liechtenstein group entities of an in-scope MNE group, divided by the respective aggregated GloBE Income or Loss, results in a GloBE Effective Tax Rate below 15%. It is anticipated that the Liechtenstein Top-up Tax should qualify for the QDMTT Safe Harbour. Consequently, no additional IIR and UTPR calculations should be necessary for Liechtenstein in-scope entities abroad.

For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf)

F. Treaty withholding tax rates

Based on the fundamental freedoms of the European Economic Area agreement and international tax agreements (tax information exchange agreements between Liechtenstein and the EU), withholding tax on dividends may also be reduced in relation to other jurisdictions when no double tax treaty exists. Since Liechtenstein does not levy withholding taxes on dividends, the table below only considers jurisdictions with which Liechtenstein has concluded a double tax treaty. The rates shown in the following table are the lower of the treaty rates or the normal domestic rates.

	Dividends %	Interest %	Royalties %
Andorra	0	0	0
Austria	0*	0*	0
Czech Republic	0	0	0
Georgia	0	0	0
Germany	0	0	0
Guernsey	0	0	0
Hong Kong SAR	0	0	0

	Dividends %	Interest %	Royalties %
Hungary	0	0	0
Iceland	0	0	0
Jersey	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Malta	0	0	0
Monaco	0	0	0
Netherlands	0	0	0
Romania	0	0	0
San Marino	0	0	0
Singapore	0	0	0
Switzerland	0	0	0
United Arab Emirates	0	0	0
United Kingdom	0	0	0
Uruguay	0	0	0
Non-treaty jurisdictions	0	0	0

* Under the tax cooperation agreement between Austria and Liechtenstein, companies from Liechtenstein may be required to deduct 25% of dividend and interest payments made to parties in Austria and transfer such amounts to the Austrian tax authorities as tax from the parties in Austria.

Liechtenstein has signed a double tax treaty with Italy, which has not yet entered into force.

Liechtenstein has initialed, but not yet signed, double tax treaties with Bahrain, Estonia, Ireland and Latvia.

In addition, Liechtenstein has entered into tax information exchange agreements with various jurisdictions, including Andorra, Antigua and Barbuda, Australia, Belgium, Canada, China Mainland, Denmark, the Faroe Islands, Finland, France, Germany, Greenland, Iceland, India, Ireland, Italy, Japan, Mexico, Monaco, the Netherlands, Norway, Sweden, St. Kitts and Nevis, St. Vincent and the Grenadines, South Africa, the United Kingdom and the United States.

In 2019, the Liechtenstein government approved for ratification the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI), which Liechtenstein signed in 2017. For Liechtenstein, the MLI entered into force as of 1 April 2020.

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A. At a glance

Corporate Profit Tax Rate (%)	15 (a)
Capital Gains Tax Rate (%)	15 (b)
Branch Tax Rate (%)	15 (a)
Withholding Tax (%) (c)	
Dividends	0/15 (d)
Interest	0/10 (e)(f)
Royalties and Know-how	0/10 (e)(g)
Sale, Rent or Other Transfer of Real Estate Located in Lithuania	15 (e)
Compensation for Violations of Copyrights or Related Rights	0/10 (e)(g)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5/Unlimited (h)

(a) This is the standard rate of profit tax. Reduced rates apply to small or agricultural companies and to companies registered and operating in free-economic zones that satisfy certain conditions. A 5% additional rate applies to the taxable profit of credit institutions if their taxable profit exceeds EUR2 million.

(b) In general, capital gains are included in taxable profit and are subject to tax at the regular profit tax rate. A capital gain derived from the sale of shares of a company registered in a European Economic Area (EEA) country or in a tax treaty country is exempt from tax if either of the following conditions is satisfied:
- The shares have been held for at least two years and the holding represents more than 10% of shares of the company throughout that period.
- The shares were transferred in a reorganization (as stipulated in the Law on Corporate Income Tax), the shares have been held for at least three years, and the holding represents more than 10% of the shares of the company throughout that period.

This rule does not apply if the shares are sold to the issuer of the shares.

(c) The withholding tax rates may be reduced by applicable tax treaties.

(d) The dividend withholding tax is a final tax. Under the participation exemption rule, the rate is 0% if the recipient is a company (not located in a tax haven) that holds at least 10% of the shares of the payer of the dividends for a period of at least 12 months. The participation exemption is denied for entities or a group of entities if the main purpose or one of the main purposes of putting in place the arrangements was to obtain a tax advantage.

(e) These withholding taxes apply to payments to nonresident companies.

(f) Interest paid to an entity registered in an EEA country or in a tax treaty country is exempt from tax. In other cases, a 10% withholding tax is applied.

(g) Royalties, payments for know-how and compensation for violations of copyrights or related rights are subject to a 0% withholding tax if the criteria stipulated in the Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States are met. In other cases, the 10% withholding tax rate applies.

(h) Losses from disposals of securities and derivative financial instruments may be carried forward five years to offset gains derived from disposals of such items. Losses from the disposal of shares of companies registered in an EEA country or in another tax treaty country cannot be carried forward if the shares have been held for at least two years and if the holding represents at least 10% of shares of the company throughout that period. However, these losses can be offset against capital gains derived from disposals of securities and derivative financial instruments in the current year. Losses resulting from the use, sale or any other transfer of an intangible asset for which a 5% tax rate has been applied (see *Relief for research and development works* in Section C) may be carried forward for an unlimited time, but such losses may cover only the taxable profit from the use, sale or any other transfer of the intangible asset. Other losses may be carried forward for an unlimited period, unless the entity ceases to carry on the activity that resulted in the loss. Also, see Section C.

B. Taxes on corporate income and gains

Profit tax. Under the Law on Corporate Income Tax, Lithuanian companies are subject to profit tax on their worldwide income. Lithuanian (resident) companies are defined as enterprises with the rights of legal persons registered in Lithuania. For purposes of the profit tax, Lithuanian companies include companies formed in Lithuania and companies incorporated in foreign countries that are registered in Lithuania as branches or permanent establishments.

Profits of Lithuanian companies earned through permanent establishments in the EEA or in tax treaty countries are exempt in Lithuania if the profit from activities carried out through these permanent establishments is subject to corporate income tax or equivalent tax in such countries.

Foreign (nonresident) companies, which are defined as companies not incorporated in Lithuania, are subject to profit tax on their Lithuanian-source income only.

A foreign enterprise is deemed to have a permanent establishment in Lithuania if it satisfies any of the following conditions:
- It permanently carries out activities in Lithuania.
- It carries out its activities in Lithuania through a dependent representative (agent).
- It uses a building site or a construction, assembly or installation object in Lithuania.
- It uses installations or structures in Lithuania for prospecting or extracting natural resources, including wells or vessels used for that purpose.

International telecommunication income and 50% of income derived from transportation that begins in Lithuania and ends in a foreign country or that begins in a foreign country and ends in Lithuania are considered to be income received through a permanent establishment if such activities relate to the activities of a foreign enterprise through a permanent establishment in Lithuania.

Tax rates. The standard profit tax rate is 15%.

For the first tax year, a 0% rate applies to small entities with annual income not exceeding EUR300,000 and an average number of employees that does not exceed 10. For further tax years, if the conditions mentioned in the preceding sentence are met, a 5% rate applies.

For the first tax year, a 0% rate applies to small entities owned by individuals if in the further three tax periods, the small entity does not stop its activity, is not liquidated or reorganized, and its shares are not transferred. A 5% rate applies in subsequent tax years if the conditions mentioned in the preceding sentence are met.

A 5% rate applies to the taxable profit of cooperative companies if more than 50% of the companies' income is derived from agricultural activities.

A 5% additional rate applies to the taxable profit of credit institutions if their taxable profit exceeds EUR2 million. Under the

Lithuanian Law on Corporate Income Tax, credit institutions consist of banks operating under the applicable Lithuanian law, including branches of foreign commercial banks, and credit unions and central credit unions operating under the applicable Lithuanian law.

A 5% rate applies to the taxable profit from the use, sale or other transfer of an intangible asset, if the taxpayer created the intangible asset while engaged in qualifying research and development (R&D) activities (for further details, see *Relief for research and development works* in Section C).

Entities registered and operating in a free-economic zone benefit from 100% exemption from profit tax for 10 years and a further 50% reduction in profit tax for an additional six years if they satisfy either of the following conditions:

- They make investments in fixed assets of at least EUR1 million, and at least 75% of their income is derived from various activities, except trading.
- They make investments in fixed assets of at least EUR100,000, their average number of employees is not less than 20, and at least 75% of their income is derived from the provision of services.

The free-economic zone benefits mentioned above apply if such benefits are compatible with Commission Regulation (EU) No. 651/2014 of 17 June 2014, declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union 2012/C 326/01.

Currently, seven free-economic zones are located in Akmenė, Kaunas, Kėdainiai, Klaipėda, Marijampolė, Panevėžys and Šiauliai.

Also, see *Relief for large-scale investment projects* in Section C.

Nonprofit entities can reduce their taxable profit by the funds directly allocated in the current tax period or to be directly allocated in the two subsequent tax periods for financing activities related to the public interest.

Entities engaged in international transportation by ships or in a directly related activity can elect to be taxed on a special tax base related to the net tonnage of their fleet. The tax on such entities is calculated by applying the 15% corporation tax to the net tonnage instead of the taxable profit of the entities.

Collective investment undertakings. Income, dividends and capital gains of collective investment entities and venture and private capital entities are exempt from the tax if the source of income or the final recipient of income is not located in a tax haven.

Capital gains. Capital gains are included in taxable profit and are subject to tax at the regular profit tax rate, except for gains and losses derived from disposals of securities and derivatives. Gains and losses on securities and derivatives are included in a separate tax base that is subject to tax at the regular profit tax rate. A capital gain derived from the sale of shares of a company registered in an EEA country or in a tax treaty country is exempt from

tax if the shares have been held for an uninterrupted period of at least two years and if the holding represents more than 10% of the shares of the company throughout that period.

The exemption mentioned above does not apply if the shares are transferred to the issuer of the shares.

Capital gains derived from the transfer of shares in a reorganization or from another transfer specified in the law is exempt from tax if the shares have been held for an uninterrupted period of at least three years and if the holding represents more than 10% of the shares of the company throughout that period.

Exit taxation. Starting in 2020, the anti-tax avoidance Council Directive 2016/1164/EU was implemented in Lithuania regarding exit taxation. In general, a taxpayer is subject to tax at the time of exit of the assets and/or business from Lithuania to another Member State or to a third country. A taxpayer is subject to tax on an amount equal to the market value of the transferred assets less their residual tax value.

Administration

Tax year. The tax year is the calendar year. Companies may request permission to use a different 12-month tax year, which must be used continuously.

Profit tax. Companies must file profit tax returns with the tax inspectorate by the 15th day of the sixth month following the end of the tax year.

Companies must make quarterly advance payments of profit tax by the 15th day of the last month of each quarter. The law specifies two methods that companies may choose to calculate their advance profit tax. The chosen method must be applied consistently throughout the year, but it can be changed once in the tax year. The following are the specified methods:

- The results of prior financial years. The advance payments for the first six months are calculated based on the profit tax for the year before the preceding year. Each of these advance payments equals 25% of the profit tax for such year. For the seventh through 12th months of the tax year, the advance payment equals 25% of the profit tax calculated for the preceding tax year.
- The forecasted profit tax of the current year. Each of the advance payments equals 25% of the forecasted profit tax for such year. However, the total of the advance profit tax payments made during the tax year must total at least 80% of annual profit tax.

If companies choose to pay the advance profit tax based on the results of prior financial years, they must file two profit tax advance payment returns. The first return covers the first six months of the tax year and must be filed by the 15th day of the third month of the tax year. The second return covers the last six months of the tax year and must be filed by the 15th day of the ninth month of the tax year.

If the advance profit tax payment is based on the forecasted profit tax of the current year, the profit tax advance payment return must be filed by the 15th day of the third month of the tax year.

Newly registered enterprises in their first tax year and enterprises with taxable profit not exceeding EUR300,000 in the preceding tax year are not required to make advance payments of profit tax.

Any balance of tax due for a tax year must be paid by the 15th day of the sixth month following the tax year. If the total of the advance payments exceeds the tax due for the tax year, a company may obtain a refund or apply the excess to future taxes. Taxes must be paid in euros.

Withholding taxes. Withholding taxes together with returns for such taxes must be submitted to the tax inspectorate by the 15th day of the month following the month in which the taxes are withheld.

Withholding taxes. Withholding tax at a rate of 10% is imposed on the following types of payments to nonresident companies:
- Interest
- All types of royalties
- Compensation for violations of copyrights or related rights

Interest paid to an entity registered in an EEA country or in a tax treaty country is exempt from tax.

Royalties, payments for know-how and compensation for violations of copyrights or related rights are exempt from withholding tax if the criteria stipulated in the Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States are met.

Withholding tax at a rate of 15% is imposed on the following types of payments to nonresident companies:
- Dividends (for further details, see *Dividends*)
- Payments with respect to the sale, rent or other transfer of immovable property located in Lithuania
- Payments for performance and sport activity in Lithuania
- Directors' fees to members of the Supervisory Board

Dividends. Dividends received from Lithuanian and foreign companies are subject to corporate profit tax at a rate of 15%. The 15% tax on dividends paid by Lithuanian companies is withheld at source.

For dividends paid by Lithuanian companies to other Lithuanian companies, profit tax for the preceding tax year is reduced for the company receiving dividends by the withholding tax calculated on the dividends. However, the amount of the reduction may not exceed the amount of profit tax for the preceding tax year. The amount of the withholding tax not used to reduce the preceding year's tax may be set off against other taxes or refunded by the tax authorities. Payers of dividends must pay the withholding tax on the dividends to the tax authorities by the 15th day of the month following the month of payment of the dividends.

Lithuanian resident companies receiving dividends from foreign companies must pay the tax on the dividends to the tax authorities by the 15th day of the month following the month of receipt of the dividends.

Under the participation exemption rule, dividends are not subject to profit tax if the recipient is a company (not located in a tax haven) that holds at least 10% of the shares of the payer of the dividends for a period of at least 12 months.

Dividends paid by foreign companies to Lithuanian companies are not subject to tax if the company paying the dividends is registered in an EEA country and if the company's profits were subject to corporate profit tax or an equivalent tax. This exemption and the participation exemption for dividends paid by foreign companies to Lithuanian companies does not apply to dividends that the foreign company deducted in computing its taxable profit.

The participation exemption also applies to the following:
- Dividends that are attributed to the permanent establishment of a foreign company in Lithuania
- Cash payments made to reduce the company's capital that was formed using the company's earnings

The above-mentioned participation exemptions for dividends paid by Lithuanian companies to foreign companies and the dividends received by Lithuanian companies from foreign companies may be denied under a general anti-abuse rule, which provides that the participation exemption may be denied for entities or a group of entities if the main purpose or one of the main purposes of the arrangements that were put in place was to obtain a tax advantage.

Foreign tax relief. In general, a foreign tax credit may be claimed in an amount not exceeding the amount of Lithuanian profit tax payable on the foreign income. Special rules apply to particular types of income, unless a double tax treaty provides otherwise.

The exemption method is applied to profit from activities carried out through permanent establishments of Lithuanian entities in EEA countries or in tax treaty countries if profit from activities carried out through these permanent establishments is subject to corporate income tax or equivalent tax in such countries.

C. Determination of taxable income

General. Profit before tax equals gross revenue, minus expenses incurred in earning such revenue.

Taxable profit is calculated by taking the following actions:
- Subtracting non-taxable income (for example, after-tax dividends, revenues from the revaluation of fixed assets under certain circumstances and payments received from insurance companies up to the amount of incurred losses) from the accounting profit
- Taking into account nondeductible expenses and deductible expenses of a limited amount

Deductions are allowed if they are incurred during the usual business activity and are necessary to earn revenues or obtain economic benefits, provided that documentary evidence is presented.

Expenses incurred for the benefit of employees are allowable deductions if the benefit received by employees is subject to personal income tax.

Expenses that may be deducted up to certain limits include, among others, the following:
- Depreciation and amortization
- Business trip expenses
- Business entertainment expenses
- Provisions for bad debts
- Natural losses
- Interest

A double deduction is allowed for sponsorship payments (except payments in cash exceeding EUR13,750 (250 times the basic social benefit [EUR55 for 2024], which is an indicator for defining and calculating social security benefits and other amounts in accordance with the applicable Lithuanian law; the Lithuanian government sets the amount) to a single sponsorship recipient), up to a maximum deduction equal to 40% of the taxable profit.

A triple deduction is allowed for R&D costs if the scientific R&D activities are related to the usual or intended activities of the entity that generate or will generate income or economic benefits.

Nondeductible amounts include dividends, solidarity contributions and costs that are incurred outside the usual business operations, that are inappropriately documented or that are related to earning non-taxable income.

Payments to tax havens may be deducted only if the Lithuanian enterprise can prove that certain conditions evidencing the economic basis of the transaction were met.

Other taxes (for example, social insurance contributions and real estate tax) may be deducted from taxable income.

The income and expenses of enterprises must be converted to euros.

Inventories. Inventories must be valued at actual cost, which is calculated using the first-in, first-out (FIFO) method. On approval of the tax authorities, a taxpayer may apply the average cost or last-in, first-out (LIFO) method.

Tax depreciation. To calculate tax depreciation, companies may select the straight-line method, double-declining value method or production method. The selected depreciation method must be applied for all assets of the same type. To change the depreciation method, companies must obtain the approval of the local tax authorities.

Under the straight-line method, depreciation is claimed each year in equal portions. Under the double-declining value method, the depreciation or amortization coefficient is calculated by multiplying the straight-line rate by two. For the purpose of calculating the amount of depreciation or amortization for the tax period during the first year, the acquisition price of long-term assets is multiplied by the depreciation coefficient. To calculate the depreciation or amortization of long-term assets during the other years, except for the last year, the residual value of long-term assets at the beginning of the tax year is multiplied by the depreciation coefficient. Under the production method, depreciation is calculated based on the number of units produced over the asset's useful life.

Accelerated depreciation may be claimed for assets used in R&D activities. The law sets the maximum depreciation rates. These rates determine the minimum number of years over which assets may be depreciated. The following are some of the minimum periods.

Assets	R&D Minimum period for depreciation Years	Other Minimum period for depreciation Years
Intangible assets	2 to 15	3 to 15
Buildings and premises		
Constructed or reconstructed on or after 1 January 2002	8	8
Constructed or reconstructed before 1 January 2002	15 to 20	15 to 20
Plant and machinery	2 to 15	5 to 15
Computers	2	3
Vehicles	4 to 10	4 to 10
Other assets	2	4

Relief for research and development works. In the calculation of profit tax, three times the amount of R&D expenses, except for depreciation or amortization costs of fixed assets, may be deducted from income in the corresponding tax year. Fixed assets that are used for R&D may be depreciated or amortized applying accelerated depreciation (amortization) rates.

In addition, taxable profit from the use, sale or other transfer of an intangible asset may be taxed at a 5% rate if the following conditions are met:

- The taxpayer created the intangible asset while engaged in qualifying R&D activities.
- Income from the use, sale or other transfer of the intangible asset is received only by the entity that created it, and only that entity incurs all related expenses.
- The intangible asset is protected by copyright or a patent.

Relief for investment projects. The taxable profit of a Lithuanian entity may be reduced by up to 100% by the amount of expenses that are incurred in the acquisition of fixed assets used in an "investment project." For this purpose, an "investment project" is investment in certain categories of fixed assets (machinery, equipment, information technology hardware and software, acquired intellectual property rights and lorries, trailers and semitrailers that are not older than five years), required for the manufacturing or supply of new products (or services), increasing production volume, the implementation of a new process of production (or supply of services), essential changes to an existing process (or part of the process) and the implementation of new technologies that are protected by international patent law. Acquisition costs of lorries, trailers and semitrailers purchased during a tax year may reduce taxable profit only up to EUR300,000. This relief may be applied in the 2009 though 2023 tax years, and the balance of unused relief may be carried forward to the subsequent four years.

The above-mentioned relief period was extended and may be applied in the 2009 through 2028 tax years.

Relief for large-scale investment projects. The taxable profit of a Lithuanian or a foreign entity that invests substantial capital in Lithuania may be reduced by up to 100%. Effective from the 2021 tax year, the relief for corporate income tax may be applied for up to 20 years if the following conditions are met:

- The capital invested in a project is at least EUR20 million (EUR 30 million in Vilnius city or district).
- The developer of a large-scale investment project has concluded a contract with the Ministry of the Economy and Innovation of the Republic of Lithuania.
- The average number of jobs created is not less than 150 (200 in Vilnius city or district). Also, see below.
- At least 75% of the income consists of income received from data processing, internet server services (hosting), other related activities or manufacturing.
- The developer of the large-scale investment project is not using other reliefs (that is, relief for companies in free-economic zones).
- The developer of the large-scale investment project has an auditor's report confirming the required amount of capital investment.

If the above-mentioned conditions are not met during a tax year, the relief is not applied (it can be renewed during a tax year when the project again meets the requirements).

The relief is not applied for income received from the use of intellectual property unless the income from the use of intellectual property used in the large-scale investment project corresponds to the conditions laid down for the research and development relief (see *Relief for research and development works*).

If the capital invested exceeds EUR100 million, the relief can be applied only if approval from the European Commission is obtained (additional requirements apply).

One of the above-mentioned conditions related to the number of jobs created has been adjusted effective from 1 January 2025. The new condition implies that the developer of a large-scale investment project must create new jobs ranging from 20 to 149 (from 20 to 199 in Vilnius city or district) for which full-time employment contracts will be concluded and each created job will be retained for at least five years from the first day of an employee's admission, and must ensure that the average gross salary for the relevant tax period of the 20 new jobs created by the investment project (applied to each employee separately) will be not less than 1.25 of the last published average monthly gross salary of the municipality in which the investment is made. This relief may be applied for the purpose of calculating taxable profits for tax periods beginning 2025 and onwards. Until then, the conditions remain unchanged.

Relief for film production. A Lithuanian entity or a foreign entity operating through a permanent establishment in Lithuania that makes a contribution to a Lithuanian film producer for the production of a film or parts of a film may deduct 75% of the contribution from its taxable income and reduce its profit tax payable by the amount of the contribution if certain conditions are met. Profit tax payable for the tax year may be reduced up to 75%, and

the balance of unused relief may be carried forward to the subsequent two years. This tax relief may be applied in the 2019 through 2023 tax years.

The funds granted free of charge to the Lithuanian filmmaker in the period from 1 January 2014 to 31 December 2028 for the production of the film or a part thereof in Lithuania may be deducted from the taxable income of a Lithuanian entity or a foreign entity operating through a permanent establishment in Lithuania if all of the following conditions are met:

- The film meets the criteria for cultural content and production assessment established by the government of Lithuania or an institution authorized by it.
- At least 80% of all the expenses of production of the film or a part thereof are incurred in Lithuania and the expenses incurred in Lithuania, excluding certain expenses, comprise at least EUR43,000.
- The total amount of funds granted by all Lithuanian entities or foreign entities through their permanent establishments in Lithuania does not exceed 30% of all the expenses of production of the film or a part thereof.

Relief for losses. Losses, except losses resulting from disposals of securities and derivative financial instruments, may be carried forward for an unlimited period. Effective from the 2014 tax year, taxpayers except for small entities can cover only up to 70% of their taxable profit with accumulated tax losses. The carryforward of such losses is no longer allowed if the activity that resulted in the loss ceases. Loss resulting from disposals of securities and/or derivative financial instruments may be carried forward for five years. However, such losses may be covered only by future gains from the disposal of securities and/or derivative financial instruments.

Losses resulting from the use, sale or any other transfer of an intangible asset for which a 5% tax rate has been applied (see *Relief for research and development works*) may be carried forward for an unlimited time, but such losses may cover only the taxable profit from the use, sale or any other transfer of the intangible asset.

For a reorganization or transfer, the acquiring entity may carry forward the acquired losses, except for losses of entities (non-financial institutions) resulting from the disposal of securities and derivatives, incurred before the completion of the reorganization or transfer if the acquiring entity continues to carry on the activity taken over or a part of such activity for a period of at least three years. Effective from the 2014 tax year, taxpayers except for small entities can cover only up to 70% of their taxable profit with tax losses acquired during a reorganization or transfer.

Starting in 2020, Lithuanian companies may deduct tax losses transferred from their permanent establishments in other EEA countries from their taxable income (additional requirements apply).

Groups of enterprises. Corporations are taxed separately in Lithuania. Consolidated returns are not allowed. The transfer

between group entities of tax losses incurred in the 2010 tax year and subsequent tax years is allowed. Certain conditions apply.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; intra-EU supplies and exports are zero-rated	0/5/9/21
Real estate tax, on the taxable value of real estate (the value is calculated by real estate registry institutions using methodology established by the government); maximum rate	3
Social security tax; paid by	
Employer	
Fixed-term employment contact	2.49 to 3.75
Regular employment contact	1.77 to 3.03
Employee	12.52
(An employee can write a request to the pension accumulation company that it pay additional contributions from his or her salary to the pension accumulation fund 3% from 1 January 2024; in such cases, an employer must withhold 15.52% as social security contributions.)	
Health insurance contributions; paid by	
Employer	0
Employee	6.98

Other significant taxes include excise duty, land and land lease tax, tax on the use of Lithuanian natural resources and pollution tax.

E. Miscellaneous matters

Foreign-exchange controls. The Lithuanian currency is the euro (EUR).

If agreed to by the parties, foreign currency may be used for bank payments between business entities, and the euro may be used for both bank and cash payments. Commercial operations involving foreign currency, such as purchasing, selling and exchanging, may be performed by the following:

- Credit, payment and electronic money institutions or other payment service providers if it is related to provision of payment service
- Financial brokerage companies if it is related to provision of investment service
- Currency exchange operators working under the Law on Currency Exchange Operators

Transfer pricing. Entities operating in Lithuania that had revenues exceeding EUR3 million for the tax year preceding the tax year during which transactions with related parties are undertaken are subject to the Lithuanian transfer-pricing rules. Under these rules,

they must maintain supporting documentation establishing that all transactions with associated parties are carried out on an arm's-length basis. Lithuanian transfer-pricing rules are based on the Organisation for Economic Co-operation and Development Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations.

Starting from 1 January 2019, Lithuanian entities and foreign entities that operate in Lithuania through a permanent establishment must prepare the following:

- A return reporting the transactions entered into with associated parties, together with their profit tax returns, if the total value of the transactions exceeds EUR90,000
- A local file, if the revenues exceed EUR3 million for the tax year preceding the tax year during which transactions with related parties are undertaken
- A master file, if the revenues exceed EUR15 million for the tax year preceding the tax year during which transactions with related parties are undertaken

Starting 2020, there is no obligation to prepare a master and/or local file if the transactions entered into with associated parties are between Lithuanian taxpayers and are related to activities performed in Lithuania. Also, from 2020, a use of simplified approach for taxpayers preparing transfer-pricing documentation for low value-added services transactions is allowed.

Under Lithuanian transfer-pricing rules, data submitted in the documents relating to the controlled transactions must be prepared and updated each tax period.

The Country-by-Country Reporting (CbCR) requirements were introduced in Lithuania and are effective from 5 June 2017. All Lithuanian tax-resident entities that are part of a multinational enterprise group with annual consolidated group revenue equal to or exceeding EUR750 million must comply with the CbCR requirements for fiscal years beginning on or after 1 January 2016.

Controlled foreign companies. Certain income of controlled entities is added to taxable income of Lithuanian entities and taxed at the standard profit tax rate.

An entity is considered a controlled foreign company (CFC) if the controlling person alone or together with related persons, directly or indirectly, holds over 50% of the foreign entity's shares (interests and member shares). As a rule, a permanent establishment is also considered to be a CFC.

The CFC's income is taxed in Lithuania if both of the following conditions are satisfied:

- The CFC is registered or organized in a tax haven or the CFC's passive income (interest, royalties and dividends) exceeds one-third of the total CFC's income.
- The effective tax liability of the CFC is less than 50% of the tax liability that would have been applicable in accordance with the Lithuanian tax rules.

However, the CFC's income is not taxed in Lithuania if the CFC has sufficient staff and assets that are required to be engaged in actual economic activity.

Interest deduction limitation rule. The positive difference between an entity's interest expenses and interest income shall be deductible only up to 30% of the entity's taxable earnings before interest, taxes, depreciation and amortization (EBITDA).

The following rules also apply:
- The entity is able to deduct exceeding interest expenses up to EUR3 million.
- The entity is able to fully deduct exceeding interest expenses if its financial results are included in the consolidated financial statements of a group, and the equity-to-asset ratio of the entity is not more than two percentage points lower than the equivalent ratio of the group.
- The amount of undeducted interest expenses may be carried forward for an unlimited period.
- If the entity is a part of a group of entities, the interest deduction limitation rules apply to all Lithuanian entities jointly.

Rules for neutralizing hybrid mismatches. A hybrid mismatch is a situation that results in double deduction or deduction without inclusion due to different financial instruments, payments or financial instruments transfer, as well as permanent establishment or revenues (costs) treatment.

Starting in 2020, complex rules are implemented with respect to hybrid mismatches (following the anti-tax avoidance Council Directive 2016/1164/EU). In general, Lithuania follows the principle that to the extent that a hybrid mismatch results in a double deduction, the deduction is given only in the Member State in which such payment has its source and that when a hybrid mismatch results in a deduction without inclusion, the Member State of the payer denies the deduction of such payment.

Starting in 2023, the concept of a hybrid entity is implemented in the Law on Corporate Income Tax.

F. Treaty withholding tax rates

The Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI) entered into force in Lithuania on 1 January 2019.

The following table lists the maximum withholding rates under Lithuania's tax treaties.

	Dividends %	Interest %	Royalties %
Armenia	5/15 (a)	10	10
Austria	5/15 (a)	10	5/10 (b)
Azerbaijan	5/10 (a)	10	10
Belarus	10	10	10
Belgium	5/15 (a)	10	0
Bulgaria	0/10 (c)	10	10
Canada	5/15 (a)	10	10
China Mainland	5/10 (a)	10	10

	Dividends %	Interest %	Royalties %
Croatia	5/15 (d)	10	10
Cyprus	0/5 (c)	0	5
Czech Republic	5/15 (a)	10	10
Denmark	5/15 (a)	10	0
Estonia	5/15 (e)	10	10
Finland	5/15 (a)	10	0
France	5/15 (d)	0/10 (m)	0
Georgia	5/15 (f)	10	10
Germany	5/15 (a)	10	5/10 (b)
Greece	5/15 (a)	10	5/10 (b)
Hungary	5/15 (a)	10	5/10 (g)
Iceland	5/15 (a)	10	0
India	5/15 (d)	10	10
Ireland	5/15 (a)	10	0
Israel	5/10/15 (d)	10	5/10 (b)
Italy	5/15 (d)	10	0
Japan	0/10 (m)	0/10 (m)	0
Kazakhstan	5/15 (a)	10	10
Korea (South)	5/10 (a)	10	5/10 (b)
Kosovo	0/15 (j)	10	0
Kyrgyzstan	5/10 (e)	10	10
Latvia	0/15 (h)	0	0
Liechtenstein	0/15 (j)	10	0
Luxembourg	5/15 (a)	10	5/10 (b)
Malta	5/15 (a)	10	10
Mexico	0/15 (k)	10	10
Moldova	10	10	10
Morocco	5/10 (d)	10	10
Netherlands	5/15 (a)	10	0
North Macedonia	0/10 (k)	10	10
Norway	5/15 (a)	10	0
Poland	5/15 (a)	10	10
Portugal	10	10	10
Romania	10	10	10
Russian Federation	5/10 (i)	10	5/10 (b)
Serbia	5/10 (i)	10	10
Singapore	5/10 (a)	10	7.5
Slovak Republic	10	10	10
Slovenia	5/15 (a)	10	10
Spain	5/15 (a)	0/10 (m)	0
Sweden	5/15 (a)	10	0
Switzerland	5/15 (e)	0/10 (m)	0
Türkiye	10	10	5/10 (b)
Turkmenistan	5/10 (a)	10	10
Ukraine	5/15 (a)	10	10
United Arab Emirates	0/5 (c)	0	5
United Kingdom	5/15 (a)	10	0
United States	5/15 (d)	10	5/10 (b)
Uzbekistan	10	10	10
Non-treaty jurisdictions	0/15 (j)	10	10

(a) The 5% rate applies if the recipient owns more than 25% of the authorized capital of the payer.

(b) The 5% rate applies to royalties paid for the use of industrial, commercial or scientific equipment. The 10% rate applies to other royalties.

(c) The 0% rate applies if the recipient owns more than 10% of the authorized capital of the payer.
(d) The 5% rate applies if the recipient owns at least 10% of the authorized capital of the payer.
(e) The 5% rate applies if the recipient owns at least 20% of the authorized capital of the payer.
(f) The 5% rate applies if the recipient owns more than 25% of the authorized capital of the payer and if the total value of the recipient's investment is at least USD75,000.
(g) The 5% rate applies to royalties paid for the use of industrial, commercial or scientific equipment or for transmission by satellite, cable, optic fiber or similar technology. The 10% rate applies to other royalties.
(h) The 0% rate applies if the recipient owns more than 25% of the authorized capital of the payer.
(i) The 5% rate applies if the recipient owns more than 25% of the authorized capital of the payer and if the total value of the recipient's investment is at least USD100,000.
(j) The 0% rate applies if the recipient holds more than 10% of the shares of the payer of the dividends for a period of at least 12 months.
(k) The 0% rate applies if the recipient owns at least 10% of the authorized capital of the payer.
(l) The 5% rate applies if the recipient owns at least 25% of the authorized capital of the payer.
(m) The 0% rate applies if the recipient is not a natural person.

Luxembourg

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A. At a glance

Corporate Income Tax Rate (%)	17 (a)
Capital Gains Tax Rate (%)	17 (b)
Branch Tax Rate (%)	17 (a)
Withholding Tax (%)	
Dividends	0/15 (c)
Interest	0/20 (d)

Royalties	0
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	17 (e)

(a) This is the 2024 maximum rate. In addition, a municipal business tax and an additional employment fund contribution (employment fund surcharge) are levied on income (see Section B).
(b) Capital gains are generally subject to corporate income tax at the standard rate. If certain conditions are met, full (see Section B) or partial (see Section C) exemption may apply depending on the nature of the asset sold.
(c) A 15% dividend withholding tax is imposed on payments to resident and nonresidents. Under Luxembourg domestic law, a full withholding tax exemption applies to dividends if they are paid to qualifying entities established in European Union (EU) or European Economic Area (EEA) Member States (that is, Iceland, Liechtenstein or Norway), Switzerland or a country with which Luxembourg has entered into a double tax treaty and if certain conditions are met (see Sections B and F).
(d) For details, see *Interest* in Section B.
(e) The loss carryforward is limited to 17 years for losses incurred from financial years closing after 31 December 2016 (see Section C). No time limitation applies with respect to losses incurred between 1 January 1991 and 31 December 2016.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to tax on their worldwide income. Companies whose registered office or central administration is in Luxembourg are considered resident companies subject to corporate income tax.

Taxation in Luxembourg of foreign-source income is mitigated through double tax treaties. In addition, if no tax treaty applies, a foreign tax credit is available under domestic law.

Nonresident companies whose registered office and place of management are located outside Luxembourg are subject to corporate income tax only on their income derived from Luxembourg sources.

Tax rates. Corporate income tax rates currently range from 15% to 17%, depending on the income level. In addition, a surcharge of 7% is payable to the employment fund. A local income tax (municipal business tax) is also levied by the different municipalities. The rate varies depending on the municipality, with an average rate of 8.86%. The municipal business tax for Luxembourg City is 6.75%, and the maximum overall tax rate for companies in Luxembourg City is 24.94%. The following is a sample 2024 tax calculation for a company in Luxembourg City.

Profit	EUR1,000,000
Corporate income tax at 17%	(170,000.00)
Employment fund surcharge at 7%	(11,900)
Municipal business tax at 6.75%	(67,500)
	EUR750,600
Total income taxes	EUR249,400
As percentage of profit	24.94%

Corporate income tax is levied at a reduced rate of 15% for taxable profits not exceeding EUR175,000. The maximum rate applies to amounts exceeding EUR200,000. For taxable profits between EUR175,000 and EUR200,001, an intermediary rate is applied, corresponding to EUR26,250 plus 31% of the taxable profit exceeding EUR175,000.

Net wealth tax. Net wealth tax is imposed annually on the taxable wealth of businesses. Resident companies are taxable on their worldwide net wealth, and nonresident companies are subject to net wealth tax on their Luxembourg net wealth only. The value of the net wealth for taxation purposes, called unitary value, is determined on 1 January every year and corresponds basically to the sum of assets less liabilities and provisions as valued according to the provisions of the Luxembourg Valuation Law, excluding any assets for which a domestic exemption applies (for example, qualifying participations, that is, participations of at least 10% in the capital of qualifying domestic or foreign subsidiaries or a participation therein with an acquisition cost of at least EUR1,200,000) and assets for which the taxation right is allocated to another country based on a tax treaty. Liabilities in relation to exempt assets are also excluded.

Net wealth tax is levied at a rate of 0.5% on the unitary value up to and including EUR500 million plus 0.05% on the part of unitary value exceeding EUR500 million.

Resident companies must always pay a minimum annual net wealth tax equal to either of the following:

- EUR4,815 if the sum of financial fixed assets, amounts owed by affiliated undertakings and by undertakings with which the company is linked by virtue of participating interests, transferable securities, cash in banks, cash in postal check accounts, checks and cash in hand exceeds 90% of the company's balance sheet and EUR350,000
- An amount ranging from EUR535 to EUR32,100, depending on the balance sheet total at the closing of the preceding financial year

On 10 November 2023, the Luxembourg Constitutional Court invalidated elements of the measure providing for the minimum net wealth tax of EUR4,815 on the grounds that it infringes the constitutional principle of equality before the law. Legislative changes to this measure are expected in the course of 2024.

The net wealth tax due from a resident company is the higher of the net wealth tax calculated on the unitary value and the minimum net wealth tax calculated on the balance sheet total. If the minimum net wealth tax applies, it is reduced by the amount of corporate income tax (including the contribution to the employment fund but after deduction of possible tax credits) due from the company for the preceding year.

The Luxembourg law allows a net wealth tax reduction equal to one-fifth of a special reserve created for a given tax year and to be kept for the following five years. The amount of net wealth tax that can be reduced is limited to the amount of corporate income tax that is due for the preceding tax year (including the contribution to the employment fund and before deduction of any tax

credits). The net wealth tax can only be reduced to the amount of minimum net wealth tax (determined as described above) that would apply, but this amount can further be reduced by the amount of corporate income tax (including the contribution to the employment fund but after deduction of any tax credits) due by the company for the preceding year.

The following entities are exempt from regular net wealth tax, but subject to the minimum net wealth tax:
- Securitization vehicle
- Venture capital company (*société d'investissement en capital à risque*, or SICAR) and reserved alternative investment fund (RAIF; *fonds d'investissement alternatif réservé*, or FIAR) incorporated under the form of a corporation and subject to the same tax regime as a SICAR
- Corporate pension fund (SEPCAV)
- Pension savings association (ASSEP)
- Commercial companies duly accredited as societal impact companies

Luxembourg investment vehicles. Luxembourg offers a large number of investment vehicles (companies and funds) that can be used for various classes of assets and investment strategies.

Luxembourg Undertakings for Collective Investment in Transferable Securities. Luxembourg Undertakings for Collective Investment in Transferable Securities (UCITSs) are investment funds that invest in liquid assets and that can be distributed publicly to retail investors across the EU. They are subject to an annual subscription tax (*taxe d'abonnement*) of 0.05%, levied on their total net asset value. A reduced rate of 0.01% or a tax exemption may apply in certain specific cases. Collective-investment funds or individual compartments of such funds that invest a specific portion of their net asset value in determined sustainable economic activities, as defined by the EU Taxonomy Regulation (Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088) may also benefit from reduced subscription tax rates. Investments in the fossil gas and nuclear energy sectors do not qualify for the reduced subscription tax. For the rates of the subscription tax, see Section D. Distributions made by UCITSs are not subject to withholding tax.

Specialized Investment Funds. Specialized Investment Funds (SIFs) are lightly regulated investment funds for "well-informed investors." In this context, a "well-informed investor" is one of the following:
- An institutional investor
- A professional investor
- Any other type of investor who has declared in writing that he or she is a "well-informed investor" and either invests a minimum of EUR100,000 or has an appraisal from a bank, an investment firm, a management company or an authorized Alternative Investment Fund Manager (all of these with a European passport), certifying that he or she has the appropriate expertise, experience and knowledge to adequately understand the investment made in the fund

An exemption for corporate income tax, municipal business tax and net wealth tax applies to investment funds in the form of a SIF. These funds are subject only to a subscription tax at an annual rate of 0.01% calculated on the quarterly net asset value of the fund, unless an exemption regime applies (for example, investments in funds already subject to the subscription tax, SIFs authorized as European Long-term Investment Funds, certain short-term money market funds and pension pooling vehicle funds). Distributions by SIFs are not subject to withholding tax.

Certain double tax treaties signed by Luxembourg apply to a SIF incorporated as an investment company with variable capital (*société d'investissement à capital variable*, or SICAV) or an investment company with fixed capital (*société d'investissement à capital fixe*, or SICAF). In general, an SIF constituted as a common fund (*fonds commun de placement*, or FCP) does not benefit from double tax treaties; however, certain exceptions exist (Andorra, Brunei Darussalam, Croatia, Estonia, Germany, Guernsey, Isle of Man, Jersey, Saudi Arabia, Seychelles, Tajikistan and Uruguay).

Reserved alternative investment funds. A reserved alternative investment fund (RAIF; *fonds d'investissement alternatif réservé*, or FIAR) can be incorporated under the form of a common investment fund (FCP; *fonds commun de placement*) or of an investment company (SICAV or SICAF). RAIFs are reserved to well-informed investors (see *Specialized Investment Funds*).

The law provides for a dual tax regime. The general tax regime is the same as for SIFs, with subscription tax levied at an annual rate of 0.01% (subject to certain exemptions), and applies unless the RAIF invests exclusively in risk capital and is set up under Article 48 of the Reserved Alternative Investment Fund Law, in which case its tax regime is identical to the venture capital companies' tax regime) (see *Venture capital companies*).

Venture capital companies. A venture capital company (*société d'investissement en capital à risque*, or SICAR) can be set up under a transparent tax regime as a limited partnership or under a nontransparent tax regime as a corporate company. SICARs are approved and supervised by the Commission for the Supervision of the Financial Sector, but they are subject to few restrictions. They may have a flexible investment policy with no diversification rules or leverage restrictions. SICARs in the form of a corporation are subject to corporate income and municipal business tax, but benefit from an exemption for income derived from securities (interest income, capital gains or dividends) and from funds held pending their investment in risk capital (under conditions), while losses on disposals and value adjustments made against such investments are not deductible from taxable profits. SICARs benefit from a net wealth tax exemption, except that they are subject to the minimum net wealth tax regime and, accordingly, must pay annual net wealth tax under this regime (see *Net wealth tax*). Distributions by SICARs are not subject to withholding tax.

Securitization companies. A securitization company can take the form of a regulated investment fund, a partnership or a corporation (which, depending on its activities, may or may not be regulated). Securitization companies are available for securitization

transactions in the broadest sense. Securitization companies in corporate form are subject to corporate income tax and municipal business tax. However, commitments to investors (dividend and interest payments) are deductible from the tax base. Distributions of proceeds are qualified as interest payments for Luxembourg income tax purposes and are consequently not subject to withholding tax. Securitization companies in corporate form benefit from a net wealth tax exemption, except that they are subject to the minimum net wealth tax regime and, accordingly, must pay annual net wealth tax under this regime (see *Net wealth tax*). Securitization companies in the form of a partnership that are not reverse hybrid entities (see *Anti-hybrid rules* in Section E) are generally transparent for tax purposes and accordingly not subject to corporate income, municipal business, net wealth tax and minimum net wealth tax.

Private asset management companies. The purpose of a private asset management company (*société de gestion de patrimoine familial*, or SPF) is the management of private wealth of individuals without carrying out an economic activity. However, they are not entitled to hold real estate properties, neither directly nor through one or more tax transparent entities or mutual investment funds. SPFs are subject to subscription tax levied at a rate of 0.25% with a minimum amount of EUR100 and a maximum amount of EUR125,000. An exemption from corporate income tax, municipal business tax and net wealth tax applies.

SPFs may not benefit from double tax treaties entered into by Luxembourg or from the EU Parent-Subsidiary Directive. Dividend and interest income arising from financial assets may be subject to withholding tax in the state of source in accordance with the domestic tax law of that state. Dividend distributions to shareholders are not subject to Luxembourg withholding tax. Interest payments are exempt from withholding tax unless the recipient is a Luxembourg resident individual (see *Interest*).

Holding companies. Holding companies (*sociétés de participations financières,* or SOPARFI) are fully taxable Luxembourg resident companies that take advantage of the participation exemption regime. They may benefit from double tax treaties signed by Luxembourg as well as the provisions of the EU Parent-Subsidiary Directive. For information regarding debt-to-equity rules, see Section E. A SOPARFI can be set up as a public company limited by shares (*société anonyme*), limited company (*société à responsabilité limitée*) or a partnership limited by shares (*société en commandite par actions*, or SCA).

Levy on income derived from real estate located in Luxembourg. A real estate levy (*prélèvement immobilier*) of 20% is due from certain exhaustively listed investment vehicles (SIFs, certain Undertakings for Collective Investment [UCIs] and RAIFs with a legal personality distinct from that of their partners) receiving or realizing income from real estate located in Luxembourg (that is, immovable assets according to Luxembourg civil law). SIFs, UCIs or RAIFs incorporated under the legal form of a limited partnership, as well as mutual investment funds, are excluded from the measure. The levy only applies to income derived from immovable property located in Luxembourg; investment vehicles

owning real estate located abroad are not subject to this measure. Income subject to the real estate levy includes rental income derived from property located in Luxembourg, capital gains derived from the transfer of property located in Luxembourg and income derived from the transfer of interests or units held by a targeted investment vehicle in a tax transparent entity or mutual investment fund owning, either directly or indirectly (that is, through one or more other tax transparent entities or mutual investment funds), real estate located in Luxembourg.

Capital gains. The capital gains taxation rules described below apply to fully taxable resident companies and to determined domestic permanent establishments.

Capital gains are generally regarded as ordinary business income and are taxed at the standard rates. However, capital gains on the sale of shares may be exempt from tax if all of the following conditions apply:

- The seller is one of the following:
  - — A resident capital company fully subject to tax in Luxembourg or a qualifying resident entity.
  - — A Luxembourg permanent establishment of an entity that is resident in another EU state and is covered by Article 2 of the EU Parent-Subsidiary Directive.
  - — A Luxembourg permanent establishment of a capital company resident in a state with which Luxembourg has entered into a tax treaty.
  - — A Luxembourg permanent establishment of a capital company or cooperative company resident in an EEA state other than an EU state.
- The shares have been held for 12 months or the shareholder commits itself to hold its remaining minimum shareholding in order to fulfill the minimum shareholding requirement for an uninterrupted period of at least 12 months.
- The holding represents at least 10% of the capital of the subsidiary throughout that period, or the acquisition cost is at least EUR6 million.
- The subsidiary of which shares are sold is a resident capital company fully subject to tax, a nonresident capital company fully subject to a tax comparable to Luxembourg corporate income tax or an entity resident in an EU Member State that is covered by Article 2 of the EU Parent-Subsidiary Directive.

However, capital gains qualifying for the above exemption are taxable to the extent that related expenses in excess of exempt dividends received are deducted in the current year or have been deducted in prior years. These related expenses include interest on loans used to finance the purchase of such shares and write-offs.

Administration. In general, the tax year coincides with the calendar year unless otherwise provided in the articles of incorporation. Tax returns must be filed before 31 December in the year following the fiscal year. Luxembourg corporations must file their corporate income tax, municipal business tax and net wealth tax returns by electronic means. Late filing may be subject to a surcharge of up to 10% of the tax due. In addition, non-compliance with orders or instructions given by the tax authorities within the assessment process may trigger a penalty of up to EUR25,000.

Taxes are payable within one month after receipt of the tax assessment notice. However, advance payments must be made quarterly by 10 March, 10 June, 10 September and 10 December for corporate income tax, and by 10 February, 10 May, 10 August and 10 November for municipal business tax and net wealth tax. In general, every payment is equal to one-quarter of the tax assessed for the preceding year. If payments are not made within these time limits, an interest charge of 0.6% per month may be assessed.

Luxembourg has introduced a partial self-assessment procedure that is optional for the authorities. This procedure allows the authorities to release tax assessments without verifying the filed tax returns, while keeping a right of verification within a statute of limitations period of five years.

Dividends. Dividends received by resident companies are generally taxable. However, dividends received are fully exempt from corporate income tax if the following conditions are fulfilled:

- The recipient is one of the following:
  - — A resident capital company fully subject to tax in Luxembourg or a qualifying resident entity.
  - — A Luxembourg permanent establishment of an entity that is resident in another EU state and is covered by Article 2 of the EU Parent-Subsidiary Directive.
  - — A Luxembourg permanent establishment of a capital company resident in a state with which Luxembourg has entered into a tax treaty.
  - — A Luxembourg permanent establishment of a capital company or cooperative company resident in an EEA state other than an EU state.
- The recipient owns at least 10% of the share capital of the distributing company or the acquisition cost of the shareholding is at least EUR1,200,000.
- The recipient holds the minimum participation in the distributing company for at least 12 months. The 12-month period does not need to be completed at the time of the distribution of the dividends if the recipient commits itself to hold the minimum participation for the required period.

Dividends received from nonresident companies are fully exempt from tax if the above conditions are met and if any of the following applies:

- The distributing company is a fully taxable resident capital company.
- The distributing entity is a nonresident capital company fully subject to a tax comparable to Luxembourg corporate income tax (that is, subject to a mandatory corporate tax at a nominal rate of at least 8.5%, levied on a tax base that is determined according to rules and criteria that are similar to those applicable in Luxembourg).
- The distributing entity is resident in another EU Member State and is covered by Article 2 of the EU Parent-Subsidiary Directive.

The exemption for dividends also applies to dividends on participations held through qualifying fiscally transparent entities.

Expenses (for example, interest expenses or write-downs with respect to participations that generate exempt income) that are directly economically related to exempt income (for example, dividends) are deductible only to the extent that they exceed the amount of exempt income.

If the minimum holding period or the minimum shareholding required for the dividend exemption granted under Luxembourg domestic law is not met, the recipient can still benefit from an exemption for 50% of the dividends under certain conditions.

On the distribution of dividends, as a general rule, 15% of the gross amount must be withheld at source; 17.65% of the net dividend must be withheld if the withholding tax is not charged to the recipient, unless a more favorable rate is provided by a tax treaty. No dividend withholding tax is due if either of the following conditions is met:

- The recipient holds directly, or through a qualifying fiscally transparent entity, for at least 12 months (the holding period requirement does not need to be completed at the time of the distribution if the recipient commits itself to eventually hold the minimum participation for the required 12-month period) at least 10% of the share capital of the payer, which must be a fully taxable resident capital company or other qualifying resident entity, or shares of the payer that had an acquisition cost of at least EUR1,200,000, and the recipient satisfies one of the following additional requirements:
  - — It is a fully taxable resident capital company or other qualifying resident entity or a permanent establishment of such company or entity.
  - — It is an entity resident in another EU Member State and is covered by Article 2 of the EU Parent-Subsidiary Directive.
  - — It is a capital company resident in Switzerland that is fully subject to tax in Switzerland without the possibility of being exempt.
  - — It is a Luxembourg permanent establishment of an entity that is resident in another EU Member State and that is covered by Article 2 of the EU Parent-Subsidiary Directive.
  - — It is a company resident in a state with which Luxembourg has entered into a tax treaty and is subject to a tax comparable to the Luxembourg corporate income tax (that is, subject to a mandatory corporate tax at a nominal rate of at least 8.5%, levied on a tax base that is determined according to rules and criteria that are similar to those applicable in Luxembourg), or it is a Luxembourg permanent establishment of such a company.
  - — It is a company resident in an EEA Member State and is subject to a tax comparable to the Luxembourg corporate income tax (that is, subject to a mandatory corporate tax at a nominal rate of at least 8.5%, levied on a tax base that is determined according to rules and criteria that are similar to those applicable in Luxembourg), or it is a Luxembourg permanent establishment of such a company.
- The distributing company is an investment fund, a SIF, a SPF, a SICAR or a RAIF.

Luxembourg has enacted the anti-hybrid clause and the anti-abuse clause, as adopted by the European Commission through Directives 2014/86/EU and 2015/121/EU, respectively. The

Luxembourg tax exemption for dividends derived from an otherwise qualifying EU subsidiary (see above) does not apply to the extent that this income is deductible by the EU subsidiary. In addition, the participation exemption for dividends from qualifying EU subsidiaries and the exemption from Luxembourg dividend withholding tax for income (dividend) distributions to qualifying EU parent companies of Luxembourg companies does not apply if the income is allocated in the context of "an arrangement or a series of arrangements which, having been put into place for the main purpose or one of the main purposes of obtaining a tax advantage that defeats the object or purpose of the PSD (Parent-Subsidiary Directive), are not genuine having regard to all relevant facts and circumstances." In line with the European Council's directive, the law continues by stating that "an arrangement, which may comprise more than one step or part, or a series of arrangements, shall be regarded as not genuine to the extent that they are not put into place for valid commercial reasons which reflect economic reality."

In addition to the specific anti-hybrid rule and anti-abuse rule of the aforementioned directives, which apply solely in an EU context, the exemption may further be denied under the general rules neutralizing hybrid mismatches with third countries (see *Anti-hybrid rules* in Section E) or the general Luxembourg anti-avoidance rule (see *Anti-avoidance rules* in Section E). As a result of the general anti-hybrid rules, to the extent that there is a hybrid mismatch that results in a deduction in the payer jurisdiction, the income will not benefit from the participation exemption in Luxembourg. The general anti-avoidance rule may be applied by the tax authorities to disregard legal transactions for which the main purpose or one of the main purposes is tax avoidance.

Interest. Except for the cases discussed below, no withholding tax is imposed on interest payments. For interest linked to a profit-sharing investment, dividend withholding tax may apply.

Withholding tax at a rate of 20% is imposed on interest payments made to individuals resident in Luxembourg by the following:
- Luxembourg paying agents
- Paying agents established in the EU or in an EEA state other than an EU state, if a specific form is filed by the recipient by 31 March of the calendar year following the year of receipt of the interest

The withholding tax is final if the interest income is derived from assets held as part of the private wealth of the individual.

Foreign tax relief. A tax credit is available to Luxembourg resident companies for foreign-source income (derived from a country with which no double tax treaty is in place) that has been subject to an equivalent income tax abroad. The same applies to withholding tax levied in the country of source of the income in accordance with the provisions of an applicable double tax treaty and Luxembourg tax law. The maximum tax credit corresponds to the Luxembourg corporate income tax that would have been payable on the net foreign-source income but for the tax credit.

C. Determination of trading income

General. The taxable income of corporations is generally based on the annual financial statements prepared in accordance with generally accepted accounting principles. Profits disclosed are adjusted for exempt profits, nondeductible expenses, special deductions, loss carryforwards, transfer-pricing adjustments and inclusion of undistributed net income of controlled foreign companies (CFCs).

Expenses incurred exclusively for the purposes of the business are generally deductible, except to the extent disallowed by interest limitation rules or by anti-hybrid mismatch rules introduced by the laws transposing the EU Anti-Tax Avoidance Directive (ATAD) and the Council Directive (EU) 2017/952 of 29 May 2017 amending the ATAD regarding hybrid mismatches with third countries (ATAD 2). The anti-hybrid mismatch rules are designed to neutralize the effect of determined hybrid mismatches arising between associated enterprises, between a Luxembourg taxpayer and an associated enterprise, between the head office and its permanent establishment, between two or more permanent establishments of the same entity, or under a structured arrangement. The neutralization is achieved either by denying the deduction of expenses in Luxembourg or by including the corresponding income in the Luxembourg tax base. Also, see *Interest limitation rules* in Section E.

Under certain circumstances, the deduction of interest and royalties owed by Luxembourg corporate taxpayers to related enterprises that are corporations established in a country listed on the EU list of non-cooperative jurisdictions for tax purposes is disallowed. This measure does not apply if the taxpayer proves that the transaction that gives rise to the interest or royalties owed "is used for valid economic reasons which reflect economic reality."

Accounting rules. International Financial Reporting Standards (IFRS), as adopted by the EU, were introduced in Luxembourg in 2010. However, a tax balance sheet is required to bring valuation of assets and liabilities in line with tax valuation rules, which generally avoids the taxation of unrealized gains. Companies that prepare their accounts under the Luxembourg generally accepted accounting principles' standards may also opt for the use of fair value accounting. Such companies must set up a tax balance sheet aligning the assets and liabilities at the value foreseen by tax laws.

Unless an exception applies, Luxembourg companies are generally subject to the Luxembourg standard chart of accounts (*plan compatible normalize*, or PCN).

Inventories. Inventory must be valued at the lower of acquisition (or production) cost or going concern value. The cost may be calculated either on the basis of weighted-average prices, first-in, first-out (FIFO), last-in, first-out (LIFO) or a similar method, provided the business situation justifies such a method. The method chosen should be applied consistently.

Provisions. The tax law does not provide for specific rules with respect to provisions. Based on the principle that tax follows accounting, a provision is tax deductible if it follows accounting

rules; that is, the provision is intended to cover losses or debts the nature of which is clearly defined and which are either likely to be incurred or certain to be incurred but uncertain as to their amount or as to the date on which they will arise.

Tax depreciation. The straight-line depreciation method and, under certain conditions, the declining-balance method (except for buildings) are allowed.

Assets are depreciated over their normal useful life, taking into account the type of asset and the conditions of its use. It is generally accepted that commercial buildings are depreciated at straight-line rates ranging from 1.5% to 4%. The straight-line rate for industrial buildings is 4%. Land may not be depreciated.

The depreciation rates that are generally accepted under the straight-line method are 10% for plant and machinery, 20% for office equipment and 25% for motor vehicles. The declining-balance depreciation rates may be as high as three times the straight-line depreciation rate without exceeding 30% (four times and 40% for equipment exclusively used for research and development).

Depreciable assets with a useful life of one year or less and those with a value not exceeding EUR870 may be deducted in full from business income in the year of acquisition.

Taxpayers may also opt for a deferred depreciation; the linear depreciation of an asset for a given financial year can, on request of a taxpayer, be deferred until the end of the useful life of such asset, at the latest. This measure allows taxpayers to better manage tax credits that can only be used for a specified period (tax credit for investment or tax credit for hiring unemployed persons) as well as the carryforward of tax losses, which is also limited in time (17 years).

Special tax depreciation for investments in clean technology. Businesses making eligible investments aimed at protecting the environment and providing for the rational use of energy may elect an accelerated tax amortization of 80% of the depreciation base.

Intellectual property. Eighty percent of the net income derived from qualifying intellectual property (IP) rights is exempt from income tax (Luxembourg corporate income tax and municipal business tax) and net wealth tax under certain conditions. Capital gains derived from the disposal of qualifying IP rights also benefit from the exemption regime. The scheme covers inventions legally protected under national or international provisions by patents or other IP assets that are functionally equivalent to patents (such as utility models or supplementary protection certificates on patents for pharmaceutical and plant protection products. The scheme may also apply to software protected by copyright under national or international provisions in force (copyrighted software). The aforementioned assets are only eligible for the IP regime if they result from an actual research and development activity undertaken by the taxpayer.

Based on the agreed nexus approach, the net eligible income benefiting from the tax exemption of 80% is determined by applying the nexus ratio (that is, the proportion of qualifying expenditures

compared to overall expenditures) to the adjusted and compensated (in this context, compensated refers to the offsetting of losses incurred on one qualifying IP asset against profits derived from another qualifying IP asset) net eligible income.

Tax credits

General investment tax credit. A tax credit of 12% is granted for new investments in qualifying assets made during the tax year. Qualifying assets consist of depreciable tangible fixed assets other than buildings that are physically used in EU or EEA Member States. Certain assets are excluded from this tax credit, such as motor vehicles, assets that have a useful life of less than three years and secondhand assets.

A further tax credit is available for qualifying investments and expenses incurred by Luxembourg companies as part of their digital transformation or ecological and energy transition. Qualifying investments and business expenses are eligible for an 18% tax credit, except investments in tangible depreciable assets for which the tax credit is 6%. The tax credit is calculated on the basis of the acquisition or production cost of qualifying investments made during the financial year or the amount of qualifying deductible operating expenses for the financial year.

An investment tax credit of 12% is granted for acquired software, subject to certain limits and conditions. The maximum amount of the tax credit for the acquisition of software cannot exceed 10% of the corporate income tax due for the tax year in which the financial year of the acquisition of the software ends.

Tax credit for ecological equipment. The rate for the general investment tax credit (see *General investment tax credit*) is increased from 12% to 14% for certain investments intended to protect the environment.

Carryforward of tax credits. The above credits reduce corporate income tax and may be carried forward for 10 years, except for the investment tax credit on acquired software.

Tax credit for hiring of the unemployed. For a duration of 12 months from the month of hiring and subject to the continuation of the employment contract for a period of 12 months, 10% of the monthly gross salary paid to persons who were unemployed can be offset against corporate income tax under certain conditions.

Relief for losses. Trading losses, adjusted for tax purposes, incurred in or after 1991 may be carried forward without a time limitation. For losses incurred in financial years closing after 31 December 2016, the use of loss carryforwards is limited to 17 years. The oldest losses are deemed to be used first. Losses may not be carried back.

Groups of companies. A Luxembourg company and its wholly owned (at least 95% of the capital, which may be reduced to 75% in exceptional situations) Luxembourg subsidiaries may form a "vertical fiscal unity." The fiscal unity allows the affiliated subsidiaries to combine their respective tax results with the tax result of the parent company of the consolidated group. To qualify for a fiscal unity, both the parent and its wholly owned subsidiaries must be resident capital companies that are fully subject to tax. A

Luxembourg permanent establishment of a nonresident capital company fully subject to a tax comparable to Luxembourg corporate income tax also qualifies as a parent company of the group. The fiscal unity rules also allow a fiscal unity between a Luxembourg parent company and its indirectly held Luxembourg subsidiary through a nonresident qualifying company or a tax-transparent entity.

Companies that are part of a fiscal unity suffer the minimum net wealth tax at the level of each entity, but the consolidated amount of minimum tax is capped at EUR32,100.

Companies may also form a "horizontal fiscal unity." The fiscal unity can be formed by two or more Luxembourg-resident companies owned by the same nonresident parent, provided that the parent company is resident in an EEA state and fully subject to a tax comparable to Luxembourg corporate income tax. In addition, Luxembourg permanent establishments of a nonresident company, regardless of its fiscal residence, are allowed to be included in a fiscal unity, provided that this company is fully liable to a tax corresponding to Luxembourg corporate income tax.

The members of a vertical or horizontal fiscal unity must bind themselves for a period of at least five accounting years. If any of the conditions to form a fiscal unity are no longer met within this minimum five-year period of existence of the fiscal unity, there will be rectifying tax assessments on a stand-alone basis for the members no longer meeting these conditions.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on the supply of goods and services within Luxembourg and on the import of goods and services into Luxembourg	
General rate (see below)	17
Other rates (see below)	3/8/14
Subscription tax (*taxe d'abonnement*), annual tax on the value of a company's shares; rate depends on type of company	
Société de Gestion de Patrimoine Familial (SPFs)	0.25
Investment funds	
Certain funds of funds, certain authorized money market funds, Pension Fund Pooling Vehicles (PFPVs), funds reserved for investors in the framework of Pan-European Personal Pension Products (PEPPs), microfinance UCIs, European Long-Term Investment Funds (ELTIFs) and Exchange Traded Funds	0
Specialized Investment Funds (SIFs), dedicated funds (funds owned exclusively by institutional investors), institutional compartments of funds and authorized money market funds, on the condition that the exemption regime does not apply	0.01

Nature of tax	Rate (%)
Collective-investment funds or individual compartments of such funds that invest a specific portion of their net asset value in determined sustainable economic activities	0.01 to 0.04
Other funds	0.05
Social security contributions on salaries (2024 rates); paid by	
Employer (including health at work contribution but excluding accident and mutual insurance)	11.19
Employee (including care insurance)	12.45
Payroll taxes, for accident insurance; paid by employer; as of 1 January 2024, the accident insurance rates vary depending on a "bonus-malus" factor ranging from 0.85 to 1.5 applied on a base rate of 0.7%; this factor is attributed considering the costs generated by the accidents that occurred at work during an observation period; every employer in Luxembourg has received a communication informing it of the rate to be applied 2024 rates)	0.595 to 1.05
Health at work contribution, on salaries; paid by employer (2024 rate)	0.14
Care insurance on gross employment income; paid by employee (2024 rate)	1.4
Mutual insurance (2024 rates); paid by employer	0.01 to 1.36

E. Miscellaneous matters

Foreign-exchange controls. Luxembourg does not impose transfer restrictions. The Banque Centrale de Luxembourg (BCL) and the Service Central de la Statistique et des Etudes Économiques (the national statistical institute of Luxembourg) monitor the transfer of funds. Effective from 1 January 2012, this obligation was transferred to the companies themselves on a monthly basis. The reporting obligation also applies to selected companies in the non-financial sector that, based on previous activity, are expected to realize large volumes of transactions, mainly services, with foreign counterparts.

Debt-to-equity rules. The Luxembourg tax law does not contain any specific thin-capitalization rules. In principle, borrowed money that is necessary for financing an operation is not limited to a percentage of paid-in capital. The ratio between debt and equity must be determined according to transfer pricing principles.

Anti-avoidance rules. According to the general anti-avoidance rule (GAAR), the tax law cannot be circumvented by an abuse of forms or institutions of law. An abuse exists when the legal path, having been chosen for the main purpose or one of the main purposes of obtaining a circumvention or reduction of the tax burden that defeats the object or purpose of the tax law, is not authentic (that is, it is not put in place for valid commercial reasons that reflect economic reality) having regard to all relevant facts and circumstances. The GAAR allows tax authorities to disregard legal constructions characterized as abusive and levy tax on the structure or transaction that they would consider as adequate.

Anti-hybrid rules. Luxembourg implemented anti-hybrid rules through the transposition of ATAD and ATAD 2. The ATAD was implemented into Luxembourg law with effect from financial years starting on or after 1 January 2019 and introduced a provision dealing only with intra-EU hybrid mismatches. Effective from financial years starting on or after 1 January 2020, the territorial scope of the anti-hybrid mismatch provision was extended to third countries, and the provision addresses hybrid permanent establishment mismatches, hybrid transfers, imported mismatches and dual resident mismatches. The aforementioned hybrid mismatches trigger corrective tax adjustments to the extent they give rise to a mismatch outcome, meaning either a double deduction, a deduction or non-taxation without inclusion, or a double tax credit. Effective from the 2022 tax year, the reverse hybrid entity rule also applies, meaning that transparent entities or arrangements that are incorporated or established in Luxembourg are, under certain conditions, treated as corporate taxpayers and subject to Luxembourg corporate income tax.

Interest limitation rules. The deductibility of "exceeding borrowing costs" is limited to the higher of EUR3 million or 30% of the total of net taxable income as per the Luxembourg Income Tax Law, increased by exceeding borrowing costs, the tax value of any impairment, depreciation and amortization that have reduced net taxable income (earnings before interest, taxes, depreciation and amortization). Exceeding borrowing costs may be carried forward with no time limit, and unused interest capacity may be carried forward for five years. Interest on loans concluded before 17 June 2016 and not subsequently modified is grandfathered; an equity escape rule is available to members of a group consolidated for financial accounting purposes; stand-alone entities and financial undertakings specified by the ATAD Law (essentially credit institutions, regulated investment firms, insurance and reinsurance undertakings, Undertaking for Collective Investments in Transferable Securities [UCIT] management companies, Alternative Investment Fund Managers [AIFMs], UCITs, Alternative Investment Funds [AIFs; see *Special tax regime for carried interest*] managed by an AIFM, and certain pension institutions) are not subject to interest limitation.

For companies that are members of a fiscal unity (see *Groups of Companies* in Section C), the interest limitation rules apply to the fiscal unity as a whole, unless all the members opt for the rules to apply to each company individually.

Controlled foreign companies. Income of a CFC, as defined by the ATAD Law, that is not distributed directly to the Luxembourg controlling entity and that results from arrangements put in place for the essential purpose of obtaining a tax advantage and that are "non-genuine arrangements," is included in the Luxembourg entity's taxable income to the extent that it arises from assets and risks in relation to which the Luxembourg entity carries out significant people functions.

Transfer pricing. With respect to the transfer-pricing legislation, according to Article 56 of the Income Tax Law, if associated enterprises enter into transactions that do not meet the arm's-length principle, any profits that would have been realized by one of the enterprises under normal conditions are included in the profits of

that enterprise and taxed accordingly. Based on this measure and on the general anti-abuse provision, the tax authorities can substitute an arm's-length price if transactions with a related party are entered into at an artificial price or if transactions are entered into in an abnormal manner and are solely tax-motivated.

Article 56bis of the Luxembourg Income Tax Law further clarifies the concept of the arm's-length principle. This article contains the basic framework of a transfer-pricing analysis based on principles revised in the context of BEPS Action Plan. It particularly focuses on the comparability analysis and contains new elements to be considered, incorporating the conclusions from Actions 8 to 10 of the BEPS Plan into domestic law.

An administrative circular on the transfer-pricing framework for companies carrying out intragroup financing activities in Luxembourg provides additional guidance regarding the substance and transfer-pricing requirements in line with the Organisation for Economic Co-operation and Development (OECD) guidelines.

Pillar Two Global Minimum Tax rules. Through the Law of 22 December 2023, Luxembourg transposed into domestic law Council Directive 2022/2523 of 14 December 2022 on ensuring a global minimum level of taxation for multinational enterprise groups and large-scale domestic groups in the European Union. For the latest information, please refer to the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf).

Chamber of Commerce fee. Membership in the Chamber of Commerce, which requires an annual membership fee, is mandatory for all commercial companies having their legal seat in Luxembourg and for Luxembourg branches of foreign companies. The fee ranges from 0.025% to 0.20%, depending on the taxable profit of the company, before loss carryforwards, as provided by the Luxembourg income tax law. The fee is assessed on the basis of the taxable profit realized two years before the year the contribution is due. For companies in a loss situation, partnerships and limited companies (*société à responsabilité limitée*) must make a minimum contribution of EUR70, while other corporations must make a minimum annual contribution of EUR140. Companies that mainly perform a holding activity and that are listed as such in the Statistical Classification of Economic Activities in the European Community (Nomenclature statistique des activités économiques dans la communité européene, or NACE) Code must pay a lump-sum fee of EUR350.

Special tax regime for expatriate highly skilled employees. If certain conditions to be fulfilled both at the employee and employer level are met, some components of the employee's salary package are considered to be tax exempt (for example, moving costs, certain travel costs and school fees). Other qualifying salary components (for example, housing costs, and the annual return trip) can also be considered to be tax exempt, subject to certain limits. These costs are considered tax exempt up to the lower of EUR50,000 per year (EUR80,000 in cases in which the employee uses the housing jointly with their spouse or partner) or 30% of

the employee's annual base salary. The expatriate tax regime is applicable for eight years, provided that all the conditions continue to be satisfied. Employers that have employees who enjoy such regime must report by 31 January of the following year the related information to the tax office in charge of wage tax.

Limitation of corporate tax deductibility of "golden handshakes." To limit excessive "golden handshakes" to departing employees, voluntary departure indemnities or dismissal indemnities above EUR300,000 are not tax-deductible for employers. Tax rules at the level of the employee remain fully applicable. A fractioned payment that is made over several years is deemed to be a single payment.

Islamic finance. The Luxembourg tax administration provides guidance covering the Luxembourg tax treatment of some contracts and transactions with respect to Islamic finance. This clarifies the revenue repatriation mechanism of Luxembourg's Sharia-compliant financing instruments as well as structuring capacities.

VAT Group. The VAT Group is considered to be a single taxable person with the result that intra-group transactions are disregarded for VAT purposes and VAT returns are due only in the name of the VAT Group.

VAT free zone. Luxembourg has a temporary exemption regime for VAT purposes. This regime provides a VAT suspension system for transactions concerning goods stored in specific locations.

F. Treaty withholding tax rates

The rates reflect the lower of the treaty rate and the rate under Luxembourg domestic tax law. Dividend distributions to companies resident in a treaty jurisdiction are covered by the Luxembourg participation exemption regime. As a result, a full exemption from Luxembourg dividend withholding tax may apply if certain conditions are met (see Section B).

	Dividends %	Interest (m) %	Royalties %
Andorra	0/5/15 (cc)	0	0
Armenia	0/5/15 (s)	0	0
Austria	0/5/15 (a)(d)	0	0
Azerbaijan	0/5/10 (n)	0	0
Bahrain	0/10 (z)	0	0
Barbados	0/15 (l)	0	0
Belgium	0/10/15 (c)(d)	0	0
Botswana	0/5/10 (dd)	0	0
Brazil	0/15 (g)	0	0
Brunei Darussalam	0/10 (z)	0	0
Bulgaria	0/5/15 (a)(d)	0	0
Canada	0/5/15 (h)	0	0
China Mainland	0/5/10 (a)	0	0
Croatia	0/15 (d)(s)	0	0
Cyprus	0/5 (d)(ff)	0	0
Czech Republic	0/10 (aa)(d)	0	0
Denmark	0/5/15 (a)(d)	0	0
Estonia	0/10 (d)(bb)	0	0
Ethiopia	0/5/10 (dd)	0	0
Finland	0/5/15 (a)(d)	0	0

	Dividends %	Interest (m) %	Royalties %
France (dd)	0/15 (d)(hh)	0	0
Georgia	0/5/10 (o)	0	0
Germany	0/5/15 (d)(w)	0	0
Greece	0/7.5 (d)	0	0
Guernsey	0/5/15 (g)	0	0
Hong Kong	0/10 (q)	0	0
Hungary	0/10 (d)(z)	0	0
Iceland	0/5/15 (a)	0	0
India	0/10	0	0
Indonesia	0/10/15 (a)	0	0
Ireland	0/5/15 (a)(d)	0	0
Isle of Man	0/5/15 (g)	0	0
Israel	0/5/10/15 (u)	0	0
Italy	0/15 (d)	0	0
Japan	0/5/15 (g)	0	0
Jersey	0/5/15 (g)	0	0
Kazakhstan	0/5/15 (y)	0	0
Korea (South)	0/10/15 (g)	0	0
Kosovo	0/15 (ff)	0	0
Laos	0/5/15 (s)	0	0
Latvia	0/5/10 (a)(d)	0	0
Liechtenstein	0/5/15 (r)	0	0
Lithuania	0/5/15 (a)(d)	0	0
Malaysia	0/5/10 (g)	0	0
Malta	0/5/15 (a)(d)	0	0
Mauritius	0/5/10 (g)	0	0
Mexico	0/5/15 (g)	0	0
Moldova	0/5/10 (t)	0	0
Monaco	0/5/15 (s)	0	0
Morocco	0/10/15 (a)	0	0
Netherlands	0/2.5/15 (a)(d)	0	0
North Macedonia	0/5/15 (a)	0	0
Norway	0/5/15 (a)	0	0
Panama	0/5/15 (s)	0	0
Poland	0/15 (d)(x)	0	0
Portugal	0/15 (d)	0	0
Qatar	0/5/10 (p)	0	0
Romania	0/5/15 (a)(d)	0	0
Russian Federation (ii)	0/5/15 (j)	0	0
San Marino	0/15 (l)	0	0
Saudi Arabia	0/5	0	0
Senegal	0/5/15 (gg)	0	0
Serbia	0/5/10 (a)	0	0
Seychelles	0/10 (z)	0	0
Singapore	0	0	0
Slovak Republic	0/5/15 (a)(d)	0	0
Slovenia	0/5/15 (a)(d)	0	0
South Africa	0/5/15 (a)	0	0
Spain	0/5/15 (a)(d)	0	0
Sri Lanka	0/7.5/10 (k)	0	0
Sweden	0/15 (d)	0	0
Switzerland	0/5/15 (f)	0	0
Taiwan	0/10/15 (e)	0	0
Tajikistan	0/15	0	0
Thailand	0/5/15 (a)	0	0

	Dividends %	Interest (m) %	Royalties %
Trinidad and Tobago	0/5/10 (g)	0	0
Tunisia	0/10	0	0
Türkiye	0/5/15 (a)	0	0
Ukraine	0/5/15 (ee)	0	0
United Arab Emirates	0/5/10 (g)	0	0
United Kingdom	0/15 (jj)	0	0
United States	0/5/15 (b)	0	0
Uruguay	0/5/15 (g)	0	0
Uzbekistan	0/5/15 (a)	0	0
Vietnam	0/5/10/15 (i)	0	0
Non-treaty jurisdictions	0/15 (d)	0	0

(a) The 5% rate (Netherlands, 2.5%; Indonesia, Korea (South), Morocco and Thailand, 10%) applies if the beneficial owner is a company that holds directly at least 25% of the capital of the payer of the dividends.

(b) The 0% rate applies if the beneficial owner is a company that, on the date of payment of the dividends, has owned directly at least 25% of the voting shares of the payer for an uninterrupted period of at least two years and if such dividends are derived from an industrial or commercial activity effectively operated in Luxembourg. The 5% rate applies if the beneficial owner of the dividends is a company that owns directly at least 10% of the voting shares of the payer. The 15% rate applies to other dividends.

(c) The 10% rate applies if the recipient is a company that, since the beginning of the fiscal year, has a direct holding in the capital of the company paying the dividends of at least 25% or paid a purchase price for its holding of at least EUR6,197,338.

(d) Under an EU directive, withholding tax is not imposed on dividends distributed to a parent company resident in another EU state if the recipient of the dividends holds directly at least 10% of the payer or shares in the payer that it acquired for a price of at least EUR1,200,000 for at least one year. This holding period does not need to be completed at the time of the distribution if the recipient commits itself to eventually holding the participation for the required period.

(e) The 15% rate applies if the beneficial owner of the dividends is a collective-investment vehicle established in the other jurisdiction and treated as a body corporate for tax purposes in that other jurisdiction. The 10% rate applies to other dividends.

(f) The 0% rate applies if, at the time of the distribution, the beneficial owner is a company that has held at least 25% of the share capital of the payer for an uninterrupted period of at least two years. The 5% rate applies if the beneficial owner is a company that holds directly at least 25% of the share capital of the payer. The 15% rate applies to other dividends.

(g) The second listed rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the payer.

(h) The 5% rate applies if the beneficial owner is a company that controls directly or indirectly at least 10% of the voting power in the company paying the dividends. The 15% rate applies to other dividends.

(i) The 5% rate applies if the beneficial owner of the dividends is a company that meets either of the following conditions:
- It holds directly or indirectly at least 50% of the capital of the payer.
- It has invested in the payer more than USD10 million or the equivalent in Luxembourg or Vietnamese currency.

The 10% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 25%, but less than 50%, of the capital of the payer and if such beneficial owner's investment in the payer does not exceed USD10 million or the equivalent in Luxembourg or Vietnamese currency. The 15% rate applies to other dividends.

(j) The lower rate of 5% only applies to defined categories of beneficial owners (for example, insurance company, pension fund and central bank).

(k) The 7.5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the shares of the payer. The 10% rate applies to other dividends.

(l) The 0% rate applies if the beneficial owner is a company that holds at least 10% of the payer for a continuous period of 12 months before the decision to distribute the dividend. The 15% rate applies to other dividends.

(m) Interest payments may be subject to withholding tax in certain circumstances. For details, see Section B.

(n) The 5% rate applies if the beneficial owner is a company that holds directly or indirectly at least 30% of the paying company's capital and if the value of its investment in the paying company is at least USD300,000 at the payment date.

(o) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 50% of the capital of the payer and that has invested more than EUR2 million or its equivalent in the currency of Georgia. The 5% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 10% of the capital of the payer and that has invested more than EUR100,000 or its equivalent in the currency of Georgia. The 10% rate applies to other dividends.

(p) The 0% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the payer. The 5% rate applies to individuals who own directly at least 10% of the capital of the company paying the dividends and who have been residents of the other contracting state for at least 48 months preceding the year in which the dividends are paid. The 10% rate applies to other dividends.

(q) The lower rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the shares in the payer or if it acquired the shares in the payer for a price of at least EUR1,200,000. The 10% rate applies to other dividends.

(r) Withholding tax is not imposed on dividends distributed to a parent company if the beneficial owner of the dividends is a company that, at the time of the payment of dividends, has held directly for an uninterrupted period of 12 months at least 10% of the capital of the company paying the dividends or that has a capital participation with an acquisition cost of at least EUR1,200,000 in the company paying the dividends. The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the payer of the dividends. The 15% rate applies to other dividends.

(s) The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the payer. The 15% rate applies to other dividends.

(t) The 5% rate applies if the beneficial owner is a company that holds directly at least 20% of the capital of the payer. The 10% rate applies to other dividends.

(u) The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the payer. The 10% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the company paying the dividends and if the payer company is a resident of Israel and the dividends are paid out of profits that are subject to tax in Israel at a rate lower than the normal rate of Israeli company tax. The 15% rate applies to other dividends.

(v) The 5% rate applies if the beneficial owner is a company that holds at least 25% of the voting shares of the payer of the dividends during the period of six months immediately before the end of the accounting period for which the distribution of profits takes place.

(w) The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital in the distributing company. In other cases, the 15% rate applies, including dividends arising from real estate companies that benefit from a full or partial tax exemption or that treat distributions as tax deductible. SICAVs, SICAFs, SICARs and UCIs as defined by the treaty, are in the scope of the double tax treaty with Germany and may benefit from the withholding tax regime.

(x) The 0% rate applies if the beneficial owner is a company that directly holds at least 10% of the capital of the company paying the dividends for an uninterrupted period of 24 months. The 15% rate applies to other dividends.

(y) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly at least 15% of the shares of the payer. The 15% rate applies to other dividends. As from 1 January 2021, a 0% rate applies to dividends paid to the government of Kazakhstan or one of its central or local collectivities, the National Bank of Kazakhstan, the government of Luxembourg or one of its local collectivities, the Central Bank of Luxembourg or the Société Nationale de Crédit et d'Investissement.

(z) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the shares of the payer. The 10% rate applies to other dividends.

(aa) The 0% rate applies if the beneficial owner is a company (other than a partnership) that holds for an uninterrupted period of at least one year directly at least 10% of the capital of the company paying the dividends. The 10% rate applies to other dividends.

(bb) The 0% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the company paying the dividends. A 10% rate applies to other dividends.

(cc) The 0% rate applies if the beneficial owner holds directly and for an uninterrupted period of 12 months at least 10% of the shares of the payer or paid a purchase price for its holding of at least EUR1,200,000. The 5% rate applies if the beneficial owner is a company other than a partnership holding directly at least 10% of the share capital of the payer. The 15% rate applies in all other cases.

(dd) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends. The 10% rate applies in all other cases.

(ee) The 0% rate applies if the beneficial owner is a company that holds, for an uninterrupted period of three years preceding the date of payment of the dividends, a direct participation of at least 50% in the paying company and if an investment of at least USD1 million or its equivalent in the local currencies of the contracting states has been made in the capital of the paying company. This rate applies only insofar as the distributed dividend is derived from an industrial or commercial activity. The 5% rate applies if the beneficial owner is a company that holds directly at least 20% of the capital of the payer. The 15% rate applies to other dividends.

(ff) The 0% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the payer.

(gg) The 0% rate applies if the beneficial owner holds directly and for an uninterrupted period of 12 months at least 10% of the shares of the payer or paid a purchase price for its holding of at least EUR1,200,000. The 5% rate applies if the beneficial owner is a company, other than a partnership, holding directly at least 20% of the share capital of the payer. The 15% rate applies in all other cases.

(hh) The 0% rate applies if the beneficial owner holds directly at least 5% of the payer's capital during a period of 365 days, including the day of the payment.

(ii) In 2023, the Russian Federation unilaterally suspended specific provisions of the treaty with Luxembourg, including those relating to dividends, interest and royalties.

(jj) The treaty provides for a withholding tax exemption unless the dividends are paid out of income (including gains) derived directly or indirectly from immovable property by an investment vehicle that distributes most of this income annually and whose income from such immovable property is exempt from tax. In such case, a maximum withholding tax of 15% shall apply. However, the withholding tax exemption still applies if the beneficial owner of such dividends is a recognized pension fund as defined in the treaty.

Luxembourg has signed and enacted new tax treaties or amendments to existing tax treaties with Argentina, Ghana, Kuwait and Rwanda, but these treaties and amendments are not yet in force. The withholding tax rates under these new treaties and amendments are not reflected in the table above.

Following treaty negotiations, treaty drafts or amendments to existing treaties have been initialed with Colombia, Kyrgyzstan, Montenegro, Oman and South Africa. New treaties or amendments to existing treaties have been signed with Albania and Cape Verde.

Tax treaty negotiations with Chile, Egypt, Mali, New Zealand, Pakistan and the Slovak Republic are under way.

Luxembourg complies with OECD standards with respect to information exchange between tax authorities and reinforces international fiscal cooperation against tax fraud.

After signing the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS (the MLI) on 7 June 2017 and following the adoption of the law of 7 March 2019 approving the MLI, Luxembourg deposited its instrument of approval with the OECD on 9 April 2019. It also submitted its final MLI positions and a list of 81 tax treaties that Luxembourg

has entered into with other jurisdictions and that it wishes to designate as a Covered Tax Agreement (CTA). The MLI entered into force for Luxembourg on 1 August 2019. The provisions of the MLI with respect to a CTA have effect after Luxembourg and the other party to the relevant CTA have deposited their instrument of ratification, acceptance or approval of the MLI and a specified time has passed, with a further distinction between different provisions:

With respect to taxes withheld at source on amounts paid or credited to nonresidents, the provisions will have effect when the event giving rise to such taxes occurs on or after the first day of the calendar year that begins on or after the latest of the dates on which the MLI enters into force for each of the contracting jurisdictions to the CTA. For contracting jurisdictions to a CTA that have already deposited their instrument of ratification, acceptance or approval or that deposit it before the end of September 2019, the provisions of the MLI have effect when the event giving rise to taxes withheld at source occurs on or after 1 January 2020.

With respect to all other taxes levied by a contracting jurisdiction, the first taxes for which the provisions will enter into effect are those that are levied with respect to tax periods beginning on or after the expiration of a period of six calendar months from the latest of the dates on which the MLI enters into force for each of the contracting jurisdictions to the CTA. For contracting jurisdictions to a CTA that have already deposited their instrument of ratification, acceptance or approval or that deposit it before the end of April 2019, the provisions of the MLI have effect for taxes levied with respect to tax periods beginning on or after 1 February 2020.

The most important changes that will affect Luxembourg's tax treaties relate to the introduction of a principal purpose test and an amendment of the preamble that states that the relevant tax treaty is not intended to create opportunities for non-taxation or reduced taxation. Luxembourg also decided to apply mandatory binding arbitration.

Macau

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This chapter relates to the tax jurisdiction of the Macau Special Administrative Region (SAR) of China.

A. At a glance

Corporate Income Tax Rate (%)	3 to 12 (a)
Capital Gains Tax Rate (%)	3 to 12 (a)(b)
Branch Tax Rate (%)	3 to 12 (a)
Withholding Tax (%) (c)	
Dividends	0 (d)
Interest	0
Royalties from Patents, Know-how, etc.	0
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	3 (e)

(a) For the 2023 tax year, complementary tax is imposed on taxable profits in excess of MOP600,000 at a rate of 12%.
(b) For details regarding the taxation of capital gains, see Section B.
(c) Macau law does not contain any specific measures imposing withholding taxes except for service fees paid to individuals. Under certain circumstances, interest or royalties received by nonresidents from Macau may be regarded as income from commercial or industrial activities in Macau and taxed at the normal corporate income tax rates.
(d) Dividends are not taxable if they are distributed by entities that have paid corporate income tax at the corporate level on the distributed income.
(e) For details regarding tax losses, see Section C.

B. Taxes on corporate income and gains

Corporate income tax. Companies and individuals carrying on commercial or industrial activities in Macau are subject to complementary tax in Macau. An entity established in Macau is regarded as carrying on business in Macau, and its profits are subject to complementary tax. Non-Macau entities that derive profits from commercial or industrial activities in Macau are also subject to complementary tax.

Rates of corporate income tax. The same complementary tax rates apply to companies and individuals.

For the 2023 tax year, under temporary tax incentives, the first MOP600,000 of taxable profits were exempted and taxable profits exceeding MOP600,000 were taxed at 12%. Such temporary tax incentives are announced in the annual fiscal budget.

For the 2024 tax year, the temporary tax incentives have not yet been announced. As a result, the progressive rates of 3% to 12% from the original tax law apply to taxable profits exceeding the tax exemption allowance of MOP32,000.

Under the Complementary Tax Law, taxable income over MOP32,000 is taxed according to the progressive tax rates from 3% to 12% as set out in the following table.

Taxable profits (MOP)	Tax rate (%)
Up to 32,000	—
From 32,001 to 65,000	3
From 65,001 to 100,000	5
From 100,001 to 200,000	7
From 200,001 to 300,000	9
Over 300,000	12

For the 2024 tax year, income derived from Portuguese-speaking jurisdictions is exempt from Macau corporate income tax, provided that it is taxed in those jurisdictions.

In addition, the interest income and gains from the sale or redemption of bonds issued by the China Mainland government and state-owned enterprises are exempt from Macau complementary tax under the Macau Complementary Tax Law. For the 2024 tax year, all interest income and gains from the sale or redemption of bonds issued in Macau is exempt from Macau complementary tax under the Law 22/2023 Fiscal Budget.

Capital gains. The Macau Complementary Tax Law does not distinguish between a "capital gain" and "revenue profit." Companies carrying on commercial or industrial activities in Macau are subject to complementary tax on their capital gains derived in Macau.

Administration. The tax year is the calendar year.

For tax purposes, companies are divided into Groups A and B. These groups are described below.

Group A. Group A companies are companies with capital of over MOP1 million (USD125,000) or average annual taxable profits over the preceding three years of more than MOP1 million. Other companies maintaining appropriate accounting books and records may also elect to be assessed in this category by filing an application with the Macau Financial Services Bureau before the end of the tax year. Companies that are considered as the Ultimate Parent Entities (UPEs) of multinational groups are also classified as Group A companies.

Income of Group A companies is assessed based on their financial accounts submitted for tax purposes. These companies are required to file between April and June of each year complementary tax returns with respect to the preceding year. The tax returns must be certified by local accountants or auditors registered with the Macau Financial Services Bureau.

Group A companies may carry forward tax losses to offset taxable profits in the following three years.

Group B. All companies that are not Group A companies are classified as Group B taxpayers.

For Group B companies, tax is levied on a deemed profit basis. Financial information in tax returns submitted by Group B companies normally serves only as a reference for tax assessment. Group B companies are normally deemed to earn profits for each year of assessment, regardless of whether the taxpayers have earned no income or incurred losses for the year.

Group B companies are required to file annual tax return forms for the preceding year between February and March. Certification of the tax return forms by registered accountants or auditors is not required.

Group B companies may not carry forward tax losses.

Dividends. Dividends are normally paid out of after-tax profits. Consequently, no tax is imposed on dividends.

Group A companies (see *Administration*) may claim deductions for dividends declared out of current-year profits. Under such circumstances, the recipients of the dividends are subject to complementary tax on the dividends.

Foreign tax relief. Macau does not grant relief for foreign taxes paid except for those specified under double tax treaties with Macau.

C. Determination of trading income

General. As discussed in Section B, companies are divided for tax purposes into Groups A and B. For Group A companies, taxable profits are based on the profits shown in the signed complementary tax return, subject to adjustments required by the tax law. Group B companies are taxed on a deemed profit basis.

To be deductible, expenses must be incurred in the production of taxable profits. Certain specific expenses are not allowed, such as life insurance and fines. The deduction of provisions is restricted.

For the 2024 tax year, subject to satisfaction of certain conditions, for costs incurred for innovation and technology development purposes by Group A taxpayers, the first MOP3 million are eligible for a three times tax deduction, and the remaining expenses for the same purpose are entitled to a two times tax deduction, up to a maximum total deduction of MOP15 million.

Inventories. Inventories are normally valued at the lower of cost or net realizable value. Cost can be determined using the weighted average or first-in, first-out (FIFO) methods.

Provisions. The following are the rules for the tax-deductibility of provisions in Macau:

- Provision for bad debts: deductible up to 2% of trade debtor's year-end balance
- Provision for inventory loss: deductible up to 3% of the value of the closing inventory at the end of the year
- Provision for taxes: not deductible
- Other provisions: subject to approval by the tax authorities

Tax depreciation. Tax depreciation allowances are granted for capital expenditure incurred in producing taxable profits. These allowances are calculated based on the actual cost of purchase or construction, or, if the amount of the cost is not available, the book value accepted by the Macau Financial Services Bureau. The following are the maximum straight-line depreciation rates in Macau.

Asset	Maximum rate (%)
Industrial buildings (including hotels)	
First year	20
Subsequent years	4
Commercial and residential buildings	
First year	20
Subsequent years	2
Central air-conditioning plant	14.29
Central telecommunication, telephone and telex systems	10
Elevators and escalators	10
Vessels, dredgers and floating cranes	10
Transport equipment	
Light vehicles	20
Heavy vehicles	16.66
Furniture	
Office	20
Residential	16.66
Computers, minicomputers and word processors	25
Other office equipment	20
Non-electronic equipment and machinery	14.29
Electronic equipment and machinery	20
Computer software	33.33
Molds	33.33
Patents	10
Other assets	Various

Relief for losses. Group A companies (see Section B) may carry forward losses for three years. Loss carrybacks are not allowed.

Groups of companies. Macau does not allow consolidated returns or provide other relief for groups of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Property tax, levied annually on owners of real property in Macau; the tax is applied to the actual rental income for leased property and to the deemed rental value for other property as determined by the Macau Financial Services Bureau; up to 10% of the rent or rental value may be deducted to cover repairs and maintenance, and other expenses related to the property; certain buildings are exempt including industrial buildings occupied by their owners for industrial purposes, new residential or commercial buildings for the first six years on the islands of Coloane and	

Nature of tax	Rate
Taipa and for the first four years in other parts of Macau, and new industrial buildings for the first 10 years on Coloane and Taipa and for the first five years in other parts of Macau	
Leased property (tax incentive granted under Law No. 22/2023 for the reduction of property tax for leased properties to 8% for 2024)	8%
Other property	6%
Stamp duty, on selling price or assessable value of transferred property; payable by purchaser	1% to 3% (plus 5% surcharge)
Additional stamp duty; payable on the acquisition of residential properties by corporations or non-Macau residents	10%
Additional stamp duty; payable on the acquisition of a third residential property or additional residential properties by an individual or corporation who owns residential properties	10%
Special stamp duty, on transaction price; payable by transferor of residential properties, shops, offices and car parks; subject to exemptions under certain special circumstances	
Property acquired by the vendor on or after 14 June 2011(for residential properties) and 30 October 2012 (for shops, offices and car parks) and sold within one year after acquisition (from the issuance date of the stamp duty demand note)	20%
Property acquired by the vendor on or after 14 June 2011 (for residential properties) and 30 October 2012 (for shops, offices and car parks) and sold in the second year after acquisition (from the issuance date of the stamp duty demand note)	10%

E. Miscellaneous matters

Foreign-exchange controls. The currency in Macau is the pataca (MOP). Since 1977, the pataca has been closely aligned with the Hong Kong dollar (HKD), moving within a narrow band around an exchange rate of MOP103 to HKD100. Because the Hong Kong dollar is officially pegged to the US dollar, the value of the pataca is closely associated with the value of the US dollar. The current exchange rate is approximately MOP8:USD1.

Macau does not impose foreign-exchange controls.

Debt-to-equity rules. Except for the banking and financial services sector, no statutory debt-to-equity requirements or capitalization rules are imposed in Macau.

Country-by-Country Reporting. A company that is the UPE of a multinational group is classified as a Group A taxpayer and must comply with the Country-by-Country (CbC) Reporting requirement.

The CbC Report filing threshold, which is set in accordance with the Organisation for Economic Co-operation and Development (OECD) recommendation, is consolidated turnover exceeding MOP7 billion in the preceding year.

The primary obligation for CbC Report filing falls on the UPEs of multinational groups that are resident in Macau. A CbC Report must be prepared for each accounting period beginning on or after 1 January 2019.

Macau UPEs that hold overseas subsidiaries should file a notification with the Macau Financial Services Bureau within three months after the end of the relevant accounting period. For those UPEs that have consolidated turnover exceeding MOP7 billion, an annual notification form must be filed within three months after the end of the relevant accounting period and the deadline for filing a CbC Report is 12 months after the end of the relevant accounting period.

F. Tax treaties

Macau has entered into double tax treaties with Cambodia, Cape Verde, China Mainland, the Hong Kong SAR, Mozambique, Portugal and Vietnam. Macau has signed a double tax treaty with Belgium, but this treaty is not yet in force.

Malawi

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Malawi landline and mobile phone numbers are not preceded by a city code. When dialing these numbers from within Malawi, dial 0 before dialing the number.

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A. At a glance

Corporate Income Tax Rate (%)	30/40 (a)
Capital Gains Tax Rate (%)	30/35/40 (b)
Branch Tax Rate (%)	35/45
Withholding Tax Rate (%) (c)	
Dividends	10 (d)
Interest	20 (e)
Interest Realized from Investment of Life Insurance Premiums and Pension Contributions	15
Royalties	20 (e)
Rent	20 (e)
Payments for Services	20
Payments for Casual Labor Exceeding MWK35,000	20
Fees	20 (e)
Commissions	20 (e)
Payments to Nonresidents Without a Permanent Establishment in Malawi	10/15 (f)
Imports	10
Exports	10
Farm Produce	1 (g)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	6/10 (h)

(a) An additional 10% income tax rate is imposed on taxable income above MWK10 billion. For other rates and information regarding a mineral royalty, see Section B.
(b) See Section B.

(c) See Section B for an extended list of withholding taxes and for further details regarding these taxes.
(d) This withholding tax is imposed on dividends paid to residents and nonresidents.
(e) This withholding tax is imposed on foreign companies with a permanent establishment in Malawi.
(f) The 10% rate applies to income derived from a mining project by way of interest, royalties, payment for independent personal services or dividends. The 15% rate applies to management fees and other payments.
(g) Withholding tax on farm produce is a final tax and does not include the supply of food.
(h) The six-year period applies to all taxpayers except for mining projects, which have a carryforward period of 10 years.

B. Taxes on corporate income and gains

Corporate income tax. Locally incorporated companies and branches of foreign companies are subject to corporate income tax on their income deemed to be from a source in Malawi. Income is deemed to be from a source within Malawi if it is derived from the carrying on in Malawi of a "trade." For this purpose, "trade" covers any employment, profession, business, calling, occupation, or venture, including the leasing of property. Foreign-source income is exempt from corporate income tax.

Rates of corporate income tax. Locally incorporated companies are subject to corporate income tax at a rate of 30%. Branches of foreign companies are subject to tax at a rate of 35%.

Effective from 1 April 2024, an additional 10% income tax rate is extended across all sectors on taxable income above MWK10 billion.

Income tax is imposed on income from life insurance business at a rate of 30%. Life insurance companies are subject to tax on their investment income, including income from the leasing of property, in accordance with the general provisions of the Taxation Act.

Income from a pensions business is taxed at a rate of 15%. Taxable income of a pensions business includes administration fees and investment income.

A mining tax regime under the 16th and 17th Schedules to the Taxation Act, provides for a mineral royalty payable as a tax with respect to mining products at the following rates:
- All minerals other than precious stones and semiprecious stones and commercial minerals exported in an unmanufactured state: 5%
- Commercial minerals exported in an unmanufactured state: 5%
- Precious stones and semiprecious stones: 10%

The mineral royalty is payable to the Malawi Revenue Authority on a quarterly basis within 21 days after the end of each quarter of the year of assessment.

Additional mineral resource rent was also introduced and is imposed at a minimum of 15% on after-tax resource rent from a project. After-tax resource rent is determined in accordance with Paragraph 23 of the 16th Schedule to the Taxation Act.

Presumptive taxes. Presumptive taxes on turnover have been introduced for taxpayers with a turnover of less that MWK12,500,000. Taxpayers with turnover of less than

MWK12,500,000 can now elect to pay presumptive taxes. Presumptive tax is payable quarterly. The following are the annual taxes:

- Taxpayers with a turnover of more than MWK4 million but less than MWK7 million: annual tax of MWK110,000
- Taxpayer with a turnover of more than MWK7 million but less than MWK10 million: annual tax of MWK170,000
- Taxpayer with turnover of more than MWK10 million but less than MWK12,500,000: annual tax of MWK225,000

Capital gains and losses. Pending enactment of the Capital Gains Tax Act, capital gains derived by companies are included in taxable income and are subject to tax at the applicable corporate income tax rate.

Effective from 3 November 2020, the definition of "amount realized" for Capital Gains Tax purposes is amended by substituting a new paragraph relating to the disposal of an asset by sale for cash. For such a disposal, "amount realized" is defined to mean cash received or contracted to be received, including any contingent amount agreed to at the time of the disposal.

For assets qualifying for capital allowances, capital gains and losses equal the difference between the sales proceeds and the written-down tax value of the assets. For assets not qualifying for capital allowances, capital gains equal the difference between the sales proceeds and the basis of the asset, which is either the cost of the asset or the open market price of the asset at the time of acquisition. The basis of a capital asset may be determined under either of the following methods:

- Applying the consumer price index published by the National Statistical Office at the date of disposal of the asset that is applicable to the year in which the purchase or the construction of the asset was effected or completed
- Using the value of the asset as of 1 April 1992 that was submitted to and accepted by the Commissioner of Taxes, adjusted by the consumer price index published by the National Statistical Office at the date of disposal of the asset

Capital gains are not subject to tax if they are used within 18 months to purchase a qualifying asset like, or related in service or use to, the asset that was sold.

Capital losses on assets not qualifying for capital allowances can be offset only against current or future capital gains. However, such capital losses may be set off against other income in the year in which a company ceases to exist. Capital losses with respect to assets on which capital allowances have been granted are fully deductible from taxable income.

Effective from 3 November 2020, gains realized on the transfer of property from an individual to a trust are exempt from income tax, provided the individual transferring the property is a settlor of the trust.

Additional income for mining companies on change of control. For mining companies, under the Taxation Act, if there is change in control or effective control of the conduct of the taxpayer's mining project or of the taxpayer or if the benefit of the conduct

of the taxpayer's mining project changes, whether by a transaction to which the taxpayer is a party or by some other transaction, the taxpayer is required to include in its income in relation to the project the excess of the value of the assets of the project over the value of the liabilities of the project.

Administration. The tax year runs from 1 April to 31 March with effect from 1 April 2022. The year of assessment for income tax is any period of 12 months with respect to which tax is chargeable. Financial years ending on or before 31 August 2021 were normally treated as relating to the tax year ended in June of that calendar year.

Companies must file an income tax return with the Commissioner General of the Malawi Revenue Authority within 180 days after the end of the year of assessment.

At the beginning of each year of assessment, the company must estimate the tax payable in that year. This estimated tax, which is known as provisional tax, must be paid quarterly by the 25th day of the month following the end of each quarter. The total installments must equal at least 90% of the actual tax liability for the year of assessment.

If the amount of tax unpaid as a percentage of the total tax liability exceeds 10% but does not exceed 50%, a penalty equal to 25% of the unpaid tax is imposed. If the percentage of unpaid tax exceeds 50%, a penalty equal to 30% of the unpaid tax is imposed.

Interest on unpaid tax is charged at the prevailing bank lending rate plus 5% per year.

Under a self-assessment system, taxpayers are responsible for calculating their tax liability and submitting tax returns together with any outstanding tax due. The Malawi Revenue Authority accepts the return as filed and does not issue any administrative assessments. If it is not satisfied, it will undertake to verify the correctness of the information contained in the return.

Dividends. A final withholding tax at a rate of 10% is imposed on dividends distributed to resident and nonresident companies and individuals. Dividends are not subject to another 10% withholding tax if they are redistributed. Declaration of the dividend by companies should be made within 30 days of the declaration to the tax authority.

Tax on deemed interest. Interest income is deemed with respect to interest-free loans and is subject to income tax, effective from 1 July 2015.

Effective from 1 July 2018, the law was amended to include interest if 0% or no interest is charged on loans between related parties. Interest on domestic loans is at the prevailing bank rate plus 5% per year, and interest on foreign loans is at 5% on the US dollar equivalent of the loan.

Withholding taxes. Certain payments are subject to withholding tax. The tax is withheld by the payer and remitted to the Malawi Revenue Authority monthly by the 14th day of the following month. Recipients of the payments treat the withholding tax as an

advance payment of tax that offsets income tax subsequently assessed.

Withholding Tax Exemption Certificates may be issued to qualifying taxpayers whose affairs are up to date (that is, companies that have no outstanding tax liabilities or who have made satisfactory arrangements to settle any outstanding tax liabilities). Under the Income Tax Act, no exemption from withholding tax is granted for bank interest, rent, royalties, fees, commission, payments for casual labor and payments to contractors and subcontractors. The Commissioner General may exempt from withholding tax the receipts of certain persons or organizations that are exempt from tax under the Income Tax Act. The table below provides withholding tax rates for payments to residents and to nonresidents with a permanent establishment in Malawi. For tax purposes, resident companies are companies incorporated in Malawi.

Payment	Withholding tax rate (%)
Interest	20
Royalties	20
Rent	20
Commissions for individual insurance agents and individual banking agents	1
Payments for carriage and haulage	10
Payments for tobacco and other farm products:	
Sale of tobacco by tobacco clubs	1
Payments for tobacco and other farm produce	3
Payments to contractors in the building and construction industries	10
Payments for public entertainment	20
Payments for casual labor:	
Payments of up to MWK35,000	0
Payments in excess of MWK35,000	20
Payments for services	20
Winnings on betting and gambling, including lotteries	
First MWK100,000 of winnings from betting	0
First MWK500,000 of winnings from gambling including lotteries	0
Winnings in excess of MWK100,000 if the winnings are from betting including lotteries	5
Winnings in excess of MWK500,000 if the winnings are from gambling including lotteries	5
Payments for farm produce to farmers' clubs (final tax)	1
Payments for quarry stones and quarry materials	10

The tax withheld from winnings, commissions for individual insurance agents and individual banking agents, and the sale of tobacco by tobacco clubs is a final tax.

A 10% withholding tax is imposed on exports and imports. Taxpayers with a valid Tax Clearance Certificate (TCC) are exempted from this advance tax.

From 5 April 2023, the government has introduced a 10% advance tax on exports. This tax does not apply to the following:

- Exportation of goods intended for personal, family and home use and other needs of a person not engaged in business activities
- Exporters with a valid TCC or Withholding Tax Exemption Certificate issued by the Commissioner General
- Exports made by a government ministry, department or agency
- Exports made by a person who is tax exempt under the Taxation Act
- Temporary exports
- Re-exportations
- Exports made under the Simplified Trade Regime

The income of nonresidents arising or deemed to arise from a source within Malawi that is not attributable to a permanent establishment of the nonresident in Malawi is subject to a final withholding tax at a rate of 15% on management fees and other payments and 10% on income derived from a mining project by way of interest, royalties, payments for independent personal services or dividends, unless the income is specifically exempt from tax under a double tax treaty or tax law.

A withholding tax is also imposed on dividends (see *Dividends*).

Foreign tax relief. If foreign income that has been taxed in a foreign country is included in taxable income in Malawi, a tax credit is available to reduce the tax payable in Malawi. To qualify for this relief, the company must prove to the Commissioner General that it has paid the tax on the income in the foreign country. On receipt of this proof, the Commissioner General grants the relief.

C. Determination of trading income

General. Taxable income is the income reported in the companies' financial statements, subject to certain adjustments.

Amounts received for the right of use or occupation of land and buildings or plant and machinery or for the use of patents, designs, trademarks or copyrights or other property, which in the opinion of the Commissioner General is of a similar nature, is included in taxable income.

Certain income is specifically exempt from tax under the Taxation Act, including foreign-source income.

Realized foreign-exchange gains and losses are assessable. Unrealized foreign-exchange gains and losses are not taxable or deductible.

Expenditure that is not of a capital nature and losses, wholly and exclusively and necessarily incurred for the purposes of trade or in the production of income, are allowable as deductions in determining the taxable income of a company. A taxpayer who earns both taxable and exempt income should only deduct the expenditure incurred in the production of the taxable income. Expenditure related to income that is subject to a final tax is not deductible. For tax purposes, certain expenses are not allowed as deductions, including the following:

- Losses or expenses that are recoverable under insurance contracts or indemnities

- Tax on the income of the taxpayer or interest payable on such tax
- Income carried to any reserve fund or capitalized
- An expense relating to income that is not included in taxable income
- Contributions by an employer to any pension, sickness, accident or unemployment fund that has not been approved by the Commissioner General
- An expense for which a subsidy has been or will be received
- Rent or cost of repairs to premises not occupied for purposes of trade
- Fringe benefits tax and any penalty chargeable on the fringe benefits tax

Expenditure incurred within 18 months before the start of a manufacturing business is allowable as a deduction if it would normally be allowable in the course of business.

Deductions of employer pension contributions are limited to 15% of the employees' gross annual salary.

If land is sold and if timber that is intended for sale is growing on the land, the market value of the timber is included in the seller's taxable income. However, a deduction is allowed. If the land was acquired by the taxpayer for valuable consideration, the Commissioner General apportions a reasonable portion of that consideration to the timber and this amount may be deducted. If no valuable consideration was given for the land, the Commissioner General sets a reasonable value for the standing timber, which may be deducted.

In determining taxable income derived from farming, expenses with respect to the following are allowed as deductions:
- The stamping, leveling and clearing of land
- Works for the prevention of soil erosion
- Boreholes
- Wells
- Aerial and geophysical surveys
- Water control work with respect to the cultivation and growing of rice, sugar or other crops approved by the Minister of Finance and water conservation work (reservoir, weir, dam or embankment constructed for the impounding of water)

Under an amendment, deductions are now allowed for donations made into the disaster risk management trust fund.

Fifty percent for any amount paid as a social contribution directly into the building of a public hospital or school, sponsoring of youth sporting development activities and construction of a borehole, water kiosk and other water supply facilities, as determined by the Minister by notice published in the *Gazette* is deductible.

Inventories. Trading stock and work in progress must be valued based on the cost or market sales price.

Livestock may be valued for tax purposes at either cost or market selling value.

Capital allowances. The 15th Schedule to the Taxation Act was amended to allow the lessor to transfer the right to claim capital

allowances to the lessee when a capital asset is subject to a finance lease.

Investment allowance. An investment allowance is granted at a rate of 100% of the cost of new or unused industrial buildings and plant or machinery that is used by the company for "manufacturing," which includes hotels and farming. The rate is 40% if these items are used.

For purposes of investment allowance, plant and machinery does not include motor vehicles intended or adapted for use on roads.

Staff housing does not qualify for the investment allowance.

The investment allowance reduces the value of the asset for purposes of calculating the annual allowance in subsequent years of assessment.

Initial allowance. The initial allowance is granted with respect to capital expenditure incurred during the year of assessment on certain assets that are used for the purposes of the company's trade or business or for farming purposes. "Manufacturers" can claim either initial allowances or investment allowances on industrial buildings and plant and machinery, but they cannot claim both allowances for the same asset. The following are the rates for the initial allowance.

Assets	**Rate (%)**
Farm improvements, industrial buildings and railway lines	10
Articles (includes working instruments), implements, machinery and utensils (private passenger vehicles are excluded)	20
Farm fencing	33⅓

Annual allowances. Annual allowances are claimed on cost in the first year and subsequently on written-down values. For newly constructed commercial buildings, other than industrial buildings, with a cost of at least MWK100 million, the rate is 2.5%. For farm improvements, industrial buildings and railway lines, the rate of the annual allowance is 5%. For farm fencing, the rate is 10%. For other assets, the allowances granted are determined by the Commissioner General. The rates vary between 10% and 40%, depending on the type of asset.

For purposes of granting capital allowances, a commercial building means a shopping center with a collection of independent retail stores, services and a parking area conceived, constructed and maintained by a management firm as a unit.

Mining allowance. An allowance equal to 100% of expenditure incurred by mining companies may be claimed. The export allowance and transport allowance (see *Special allowances*) may not be claimed by mining companies.

Balancing charge or allowance. If an asset for which capital allowances have been claimed and allowed is disposed of during the year of assessment, the proceeds of disposal, if any, are set off against the written-down tax value of the asset, and either a balancing charge or allowance arises.

Special allowances. Malawi offers special tax allowances, which are described below.

Export allowance. An allowance equal to 30% of taxable income relating to processed nontraditional exports is granted, and an allowance of 10% on the taxable income relating to unprocessed nontraditional exports is granted. The Commissioner General has discretionary powers to decide how the taxable income relating to exports should be calculated. This remains an area of controversy with debate surrounding the interpretation of the meaning of "taxable income." Tea, tobacco, sugar and coffee are referred to as traditional exports and do not qualify for this allowance.

International transport allowance. An allowance equal to 25% of the international transport costs with respect to non-traditional exports may be claimed. Tea, tobacco, sugar and coffee do not qualify for this allowance because they are regarded as traditional exports.

Research expenditure. Expenditure not of a capital nature that is incurred by a company on experiments and research with respect to the company's business are allowed as a deduction from taxable income. Similar deductions apply to contributions, bursaries (broadly, scholarships) and donations to research institutions for the purposes of industrial research or scientific experimental work or education connected with the business of the company.

Relief for losses. In general, losses incurred in trading operations may be carried forward and offset against profits in the following six years. Loss carrybacks are not allowed.

Effective from 1 July 2016, losses attributable to a mining start-up expenditure, or to a deductible expenditure incurred before the issuance of a small-scale mining license, a medium-scale mining license, a large-scale mining license or an artisanal mining permit that first applies to the mining project may be deducted in the year that the losses arise and in the following year up to a period of 10 years after the losses arise, or in the following year up to a period of 10 years after a mining permit first applies to the mining project, whichever is later. The taxpayer may choose which losses to deduct to gain the most deductions for these and other losses.

Groups of companies. Malawi does not allow consolidated returns or provide other types of relief for groups of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax; levied on a wide range of imported and locally manufactured goods and services; collected by the Malawi Revenue Authority from the importer, manufacturer, wholesaler, retailer or provider of services	16.5%
Stamp duties	
Transfer of shares	0%
Sale of real property; imposed on sales proceeds	1.5%
Partnership instruments	MWK20
Mortgages, bonds, debentures or covenants exceeding MWK1,000	MWK1.20 per each MWK200

Nature of tax	Rate
Registration fee of a company	MWK75,000
Property tax; levied by local authorities on the value of industrial, commercial or private properties owned by a taxpayer in the district; payable semiannually	Various
Commercial properties	0.875%
Residential properties	0.518%
Fringe benefits tax; imposed on employers other than the government with respect to fringe benefits provided to employees, excluding employees earning less than MWK1,200,000 per year	30%
Resource rent tax; imposed on after-tax profits of mining companies if the company's rate of return exceeds 20%	15%

E. Miscellaneous matters

Foreign-exchange controls. The currency in Malawi is the kwacha (MWK).

The Reserve Bank of Malawi is responsible for enforcing foreign-exchange control regulations in Malawi, which include the following:

- Approval for foreign equity investments in Malawian companies must be obtained from the Reserve Bank of Malawi.
- Foreign currency denominated loans to Malawian entities must be approved by the Reserve Bank of Malawi.

Tax Clearance Certificate. The following transactions require a TCC from the Commissioner General:

- Transfer of land and buildings
- Application for or renewal of a Certificate of Fitness for commercial vehicles
- Renewal of Business Residence Permit
- Application for or renewal of professional business licenses and permits of medical practitioners, dentists, legal practitioners, engineers, architects and accountants who are engaged in a private practice on his or her own behalf or in partnership with another private practitioner
- Application for or renewal of a customs agent license
- Application for or renewal of a certificate of registration under the National Construction Industry Act
- Transfer of a company as a going concern
- Externalization of funds to nonresident service providers whose source is deemed to be Malawi
- Renewal of Temporary Employment Permits
- Renewal of business licenses by the Ministry responsible for industry and trade and councils under local government areas
- Application for or renewal of export and import licenses
- Renewal of tourism licenses by the Ministry responsible for tourism
- Renewal, extension or transfer of mining licenses, or transfers of mineral rights by the Ministry responsible for energy and natural resources
- Renewal of telecommunications licenses by the Malawi Communications Regulatory Authority

- Application for or renewal of a license for gaming premises
- Application for or use of a Customs Procedure Code by a privileged organization
- Change of ownership of a company
- Renewal of registration of public transport conveyances by the Road Traffic Directorate
- Supply of goods or services to the Malawi government and its agencies
- Purchase of explosives from the Malawi Police Service
- Purchase of ethanol
- Issuance of explosive license or permit under the Explosives Act by the Malawi Police Service
- Issuance of a mineral export permit
- Application and renewal of an industrial rebate license

Transfer pricing. Under the Taxation Act, any person not liable to tax in Malawi who engages directly or indirectly in one or more transactions with a related person not liable to tax in Malawi and the transaction is in relation to a permanent establishment in Malawi of one of the two related persons, the amount of each person's taxable income is determined in a manner that is consistent with the arm's-length principle.

Effective from 1 July 2017, new transfer-pricing regulations were introduced to strengthen the prevention of tax avoidance. The new regulations provide for transfer-pricing guidelines and transfer-pricing documentation. The Transfer Pricing Documentation Regulations provides that any person engaged in controlled transactions should prepare contemporaneous transfer-pricing documentation coinciding with transactions and that this documentation should be in place at the time of the filing of annual returns.

The documentation required under these regulations must be submitted to the Commissioner General within 45 days following a written request issued by the Commissioner General. Any person who fails to comply with the notice is subject to an initial penalty not exceeding the Malawi kwacha equivalent of USD1,400 at the prevailing exchange rate and further penalties not exceeding the Malawi kwacha equivalent of USD2,100 at the prevailing exchange rate for each month that the failure continues. The Transfer Pricing Regulations provides a threshold of USD135,000 for domestic related-party transactions. For transactions below this amount, no transfer-pricing compliance is required.

Thin-capitalization rules. Malawi has introduced thin-capitalization rules, which are effective from 1 July 2018. These rules limit the debt-to-equity ratio to 3:1 for all controlled transactions.

F. Tax treaties

Malawi has entered into double tax treaties with France, Kenya, the Netherlands, Norway, South Africa, Sweden, Switzerland and the United Kingdom. The treaty with Kenya is not operational. The Malawi-Netherlands double tax treaty was suspended, effective from 1 January 2014, and a new double tax treaty is under negotiation. A new tax treaty between Malawi and Denmark has

been concluded but not yet promulgated. The governments of Malawi and Mauritius are negotiating a double tax treaty.

The treaties vary in the definition of "exempt income." Malawi has not yet ratified the Multilateral Instrument under the Base Erosion and Profit Shifting Project.

Malaysia

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A. At a glance

Corporate Income Tax Rate (%)	24 (a)
Capital Gains Tax Rate (%)	10 (b)
Real Property Gains Tax Rate (%)	30 (c)
Branch Tax Rate (%)	24 (a)
Withholding Tax (%)	
Dividends	0
Interest	15 (d)(e)
Royalties from Patents, Know-how, etc.	10 (d)
Distributions by Real Estate Investment Trusts and Property Trust Funds	10/24 (f)
Payments to Nonresident Contractors	13 (g)
Payments for Services and Use of Movable Property	10 (h)
Other Income	10 (i)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	10 (j)

(a) The main rate of corporate tax is 24%. The rates for resident companies incorporated in Malaysia that have paid-up capital with respect to ordinary shares of MYR2,500,000 or less at the beginning of the tax-basis period, have gross income from a source or sources consisting of a business of not more than MYR50 million for the relevant year of assessment and satisfy other specified conditions (small and medium enterprises [SMEs]) are 15% on the first MYR150,000 of chargeable income, 17% on the next MYR450,000 of chargeable income, and 24% on the remaining chargeable income. From the 2024 year of assessment, the concessionary tax rates (that is, 15% and 17%) do not apply if more than 20% of the company's paid-up capital with respect to ordinary shares is owned directly or indirectly by one or more companies incorporated outside of Malaysia or individuals who are not Malaysian citizens. The above rates do not apply to companies carrying on upstream oil and gas activities under a production-sharing contract, which are taxed at a rate of 38%. For further details, see Section B.

(b) The capital gains tax rate is 10% on the chargeable income for disposal of unlisted shares of Malaysian-incorporated companies or shares in foreign-incorporated controlled companies, which substantially derive their value directly or indirectly from real property in Malaysia. However, if the shares were acquired before 1 January 2024, the disposer may opt to be taxed at 2% on the gross disposal proceeds. Capital gains tax also applies to the disposal of capital assets situated outside Malaysia if the gains are received in Malaysia. The applicable rate is the prevailing tax rate of the disposer. See Section B.

(c) Real property gains tax is imposed on gains derived from disposals of real property or shares in real property companies. The maximum rate is 30% (see Section B). Effective from 1 January 2024, real property gains tax will no longer apply on the disposals of real property companies shares by companies, limited liability partnerships, trust bodies or cooperative societies as such entities will be subject to the capital gains tax. However, Labuan entities that are subject to the Labuan Business Activity Tax Act 1990 may still be subject to real property gains tax on the disposal of real property companies shares.

(d) This is a final tax applicable only to payments to nonresidents.

(e) Bank interest paid to nonresidents without a place of business in Malaysia is exempt from tax. Interest paid to nonresident companies on government securities and on *sukuk* or debentures issued in Malaysian ringgits, other than convertible loan stock, approved or authorized by, or lodged with the Securities Commission (SC), is exempt from tax. Interest paid to nonresident companies with respect to *sukuk* originating from Malaysia issued in any currency other than Malaysian ringgit, other than convertible loan stock,

approved or authorized by, or lodged with the SC or approved by the Labuan Financial Services Authority, (LFSA) is also exempt from tax. The exemptions do not apply to interest paid or credited to a company in the same group. Effective from 1 January 2022, the exemptions no longer apply if the interest is paid or credited by a special purpose vehicle (SPV) to a company, if the interest is paid pursuant to asset-backed securities (ABS) lodged with the SC and/or approved by the LFSA and if the company receiving the interest and the originator (that is, the person who established the SPV solely for the issuance of the ABS) are in the same group. Other tax exemptions may apply to interest and other conditions may apply to the exemptions.

(f) The 24% withholding tax is imposed on distributions to nonresident corporate unit holders by Real Estate Investment Trusts (REITs) and Property Trust Funds (PTFs) if the REITs or PTFs have been exempted from Malaysian income tax as a result of meeting certain distribution conditions. Distributions by such REITs and PTFs to individuals, trust bodies and other non-corporate unit holders are subject to withholding tax at a rate of 10%.

(g) This withholding tax is treated as a prepayment of tax on account of the final tax liability.

(h) This is a final tax applicable to payments to nonresidents for services rendered in Malaysia and to payments for the use of movable property excluding payments made by Malaysian shipping companies (as defined) for the use of ships under voyage charter, time charter or bare-boat charter. The rate is reduced under certain tax treaties.

(i) Withholding tax is imposed on "other gains or profits," which includes, among other payments, commissions and guarantee fees that do not form part of the business income of the nonresident.

(j) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Resident and nonresident companies have for many years been taxed only on income accruing in or derived from Malaysia. Resident companies engaged in banking, insurance, shipping or air transport are taxed on their worldwide income. A company is resident in Malaysia if its management and control is exercised in Malaysia; the place of incorporation is irrelevant. Effective from 1 January 2022, the longstanding income tax exemption on foreign-source income received by Malaysian residents (other than resident companies carrying on the business of banking, insurance or sea or air transport) was removed. Foreign-source dividend income of companies and limited liability partnerships continues to be exempt from tax from 1 January 2022 to 31 December 2026, subject to conditions set in guidelines issued by the Inland Revenue Board of Malaysia (IRBM).

Rates of corporate tax. Resident companies incorporated in Malaysia that have paid-up capital with respect to ordinary shares of MYR2,500,000 or less, and have gross income from a source or sources consisting of a business of not more than MYR50 million for the relevant year of assessment (SMEs), are taxed at a rate of 15% on their first MYR150,000 of chargeable income, 17% on their next MYR450,000 of chargeable income, and 24% on the remaining chargeable income. The concessionary tax rates do not apply if the company controls, or is controlled directly or indirectly by, another company that has paid-up capital with respect to ordinary shares of more than MYR2,500,000 or is otherwise related directly or indirectly to another company that has paid-up capital with respect to ordinary shares of more than MYR2,500,000. From the 2024 year of assessment, the concessionary tax rates will not apply if more than 20% of the company's paid-up capital with respect to ordinary shares is owned directly or indirectly by one or more companies

incorporated outside of Malaysia or individuals who are not Malaysian citizens.

Special rates apply to nonresident companies on income from interest (15%) and from royalties, services rendered in Malaysia and payments for the use of movable property (10%). Rental payments for ships made by Malaysian shipping companies (as defined) for voyage charter, time charter or bare-boat charter are exempt from withholding tax. Withholding tax (10%) is imposed on "other gains or profits" derived by nonresident companies from Malaysia, which may include, among other payments, commissions and guarantee fees, to the extent that these payments are not business income to the recipient. For treaty withholding tax rates applicable to interest and royalties, see Section F.

For resident and nonresident companies carrying on upstream oil and gas operations under a production-sharing contract, petroleum income tax is charged at a rate of 38% instead of income tax at the above rates.

Tax incentives. Malaysia offers a wide range of incentives such as tax holidays or investment allowances, which are granted to promote investments in selected industry sectors and/or promoted areas.

Labuan international business and financial center. In 1990, the Malaysian government enacted legislation that created a business and financial center on the island of Labuan with a separate and distinct tax and regulatory regime.

A Labuan entity is required to have one director that may be a foreign corporation and at least one secretary who must be an officer of a Labuan trust company.

Labuan entities may transact business with Malaysian residents and may hold shares, debt obligations or other securities in domestic companies. However, historically Labuan entities that transacted with Malaysian residents were not allowed to benefit from the preferential Labuan tax regime (with certain exceptions). Effective from 1 January 2019, the restriction on transactions between Labuan entities with Malaysian residents is abolished. However, payments by Malaysian non-Labuan entities to Labuan entities are generally subject to a tax deductibility restriction, as discussed further below.

Labuan entities are subject to tax at a rate of 3% on their net audited profits derived from their Labuan trading activities (as defined) if prescribed substance conditions are met (see below).

Instead of paying tax at the 3% rate, historically Labuan entities could have elected to pay a fixed annual tax of MYR20,000 on their Labuan trading activities. Labuan trading activities include banking, insurance, trading, management, licensing and shipping operations. Income derived from wholly non-trading activities, such as dividends and interest, is not subject to tax if prescribed substance conditions are met. A Labuan entity carrying on both trading and non-trading activities is deemed to be carrying on a trading activity. Effective from the 2020 year of assessment (as defined), the option to pay income tax at the fixed annual tax of MYR20,000 was abolished.

Labuan entities may alternatively elect to be taxed under the Income Tax Act, 1967 (ITA). If they make such election, the rules described above in *Corporate income tax* and *Rates of corporate tax* apply.

Labuan entities are generally exempt from the obligation to withhold tax on payments made to nonresidents, but such exemptions generally do not apply to companies that have elected to be taxed under the ITA. These exemptions may be subject to conditions.

Labuan entities may open and maintain bank accounts in foreign currency in Malaysia or abroad. In general, no restrictions are imposed on the movement of funds through these accounts.

Similar to non-Labuan entities, Country-by-Country (CbC) reporting regulations for Labuan entities have been legislated and apply from 1 January 2017 (see *Transfer pricing* in Section E for further details). Penalty provisions have also been introduced for failure to comply with the CbC reporting. Effective from the 2020 year of assessment, anti-avoidance and transfer-pricing provisions are included in the Labuan tax legislation.

Effective from 1 January 2019, to be taxed at the preferential Labuan rates, Labuan entities must carry on prescribed activities and have a minimum number of employees and a minimum amount of annual business spending in Labuan, with limited exceptions. In addition, income from intellectual property assets held by Labuan entities is now subject to tax under the ITA and can no longer be taxed under the Labuan tax legislation. Labuan entities that do not comply with the prescribed substance requirements are taxed at 24% of net audited profits.

Real property gains tax. Real property gains tax is levied on capital gains derived from disposals of real property located in Malaysia and shares in closely controlled companies with substantial real property interests. The tax applies to gains derived by residents and nonresidents.

The following are the real property gains tax rates for disposals by companies:

Time of disposal	Companies incorporated in Malaysia Rates (%)	Companies incorporated outside Malaysia Rates (%)
Disposal within three years after the acquisition date	30	30
Disposal in the fourth year after the acquisition date	20	30
Disposal in the fifth year after the acquisition date	15	30
Disposal in the sixth or subsequent year after the acquisition date	10	10

Persons other than companies are also subject to real property gains tax on relevant disposals at prescribed rates.

Purchasers of real property located in Malaysia or shares in real property companies must withhold tax at a rate of up to 3% of

the purchase price, except in limited circumstances. A 7% withholding rate applies to a person disposing of real property who is neither a citizen nor a permanent resident of Malaysia, a foreign-incorporated company or an executor of a deceased person who is not a citizen and is not a permanent resident in Malaysia. A 5% withholding rate applies to disposals by a company incorporated in Malaysia or a trustee of a trust or body of persons registered under any written law in Malaysia if the disposals are made within three years after the date of acquisition.

Losses incurred on disposals of real property may be carried forward indefinitely to offset future real property gains. Losses on the disposal of shares in real property companies are disregarded.

Effective from 1 January 2024, real property gains tax no longer applies on the disposals of real property company shares by companies, limited liability partnerships, trust bodies or cooperative societies. However, Labuan entities that are subject to the Labuan Business Activity Tax Act 1990 may still be subject to the real property gains tax on such disposals.

Capital gains tax. Effective 1 January 2024, a company, a limited liability partnership, a trust body and a cooperative society will be subject to capital gains tax on the following:

- Disposal of shares of a company incorporated in Malaysia not listed on the stock exchange (including any rights or interests thereof) and shares of a foreign controlled company (foreign company), where the foreign company directly or indirectly owns real property in Malaysia exceeding certain thresholds, as determined based on the parameters of the law
- Disposal of all capital assets (movable or immovable property) situated outside Malaysia, including any rights or interest thereof, if the gains are received in Malaysia

However, gains or profits from the disposals of capital assets situated in Malaysia are exempted from tax if the disposal takes places between 1 January and 29 February 2024. As a result, capital gains tax ia only payable on such disposals from 1 March 2024. Gains from disposal of capital assets situated outside Malaysia is exempted from tax from 1 January 2024 to 31 December 2026, subject to economic substance requirements being met.

For disposals of shares under the first bullet above, the following are the tax rates:

- If the shares were acquired before 1 January 2024, the disposer has the option of paying capital gains tax of either 10% of the gain (as calculated based on capital gains tax principles) or 2% on the gross disposal price.
- If the shares were acquired on or after 1 January 2024, the capital gains tax rate is 10% of the gain.

For disposals of capital assets situated outside Malaysia, the rate of tax is the prevailing tax rate of the disposer (for example, generally 24% for a company).

Administration. For tax purposes, companies may adopt their accounting year as the basis period for a year of assessment.

Income tax is chargeable in the year of assessment on the income earned in the basis period for that year of assessment.

Malaysia has a self-assessment regime under which companies must file their tax returns within seven months after the end of their accounting period. A tax return is deemed to be an assessment made on the date of filing the return. Effective from the 2014 year of assessment, the tax return must be filed electronically and based on audited accounts.

Companies must provide an estimate of their tax payable no later than 30 days before the beginning of their basis period (different rules may apply to a company in the year of assessment in which it commences operations). The estimated tax is payable in 12 equal monthly installments by the 15th day of each month beginning in the second month of the basis period. SMEs (as defined) that begin their operations during a year of assessment are exempt from paying their tax by installments in the year of assessment in which they commence business and in the immediately following year of assessment. They are required only to settle the tax due when they file their income tax returns. All companies may revise their estimate of tax payable in the sixth and/or ninth months of their basis period. Effective from the 2018 year of assessment, estimates and revised estimates may only be filed electronically. Companies are also able to revise their estimates in the 11th month of their basis period from the 2024 year of assessment.

Companies must pay any balance of tax due by the tax filing deadline.

Different rules apply under the Labuan tax legislation and to taxpayers undertaking upstream oil and gas operations.

E-invoicing. E-invoicing will be implemented in Malaysia in stages. The mandatory e-invoicing deadline for taxpayers with annual turnover or revenue exceeding MYR100 million (for the 2022 financial year) is 1 August 2024. Implementation of mandatory e-invoicing for other taxpayers will be undertaken in phases, with full implementation targeted from 1 July 2025. The IRBM will adopt the Continuous Transaction Control model in the implementation of e-invoicing, where the e-invoice is validated in real time (or near real time). There are two options for the e-invoice transmission mechanisms to facilitate transition of businesses to the e-invoice regime. Taxpayers may opt for the following:

- MyInvois Portal: This is a portal hosted by the IRBM and it is accessible to all taxpayers at no cost.
- API: This is a set of programming code that enables direct data transmission between the taxpayers' system and the MyInvois Portal.

Dividends. Effective from the 2008 year of assessment, a single-tier system of taxation replaced the full imputation system. Under the single-tier system, dividends paid, credited or distributed by a company are exempt from tax in the hands of the shareholders. Certain transitional rules applied up until 31 December 2013.

Foreign tax relief. Malaysian law allows both bilateral and unilateral foreign tax relief, subject to conditions.

C. Determination of trading income

General. The assessment is based on the audited financial statements, subject to certain adjustments. A nonresident company trading in Malaysia prepares the financial statements of its Malaysian branch in accordance with the Malaysian Companies Act. This act sets out disclosure requirements for financial statements, but does not prescribe the accounting treatment for specific transactions. Malaysian Financial Reporting Standards, which are based on the International Financial Reporting Standards (IFRS), govern the accounting treatment for transactions.

Deductions are allowed for expenses incurred wholly and exclusively in the production of income and for bad debts. No deduction is allowed for the book depreciation of fixed assets, but statutory depreciation (capital allowances) is granted. In general, the cost of leave passages is not deductible. Limits on the deductibility of entertainment expenses may be imposed. However, a full deduction for entertainment expenses may be claimed in specified circumstances. Double deductions are available with respect to certain expenses relating to the following:

- Participation at approved trade fairs, exhibitions or trade missions
- Maintenance of overseas trade offices
- Research and development

Effective from 1 January 2019, Malaysian residents making payments to Labuan entities are not able to claim a full tax deduction on such payments; 25% of lease and interest payments to Labuan entities are disallowed as tax deductions, while 97% of all other payments to Labuan entities are disallowed.

Inventory. Trading inventory is valued at the lower of cost or net realizable value. Cost must be determined under the first-in, first-out (FIFO) method; the last-in, first-out (LIFO) method is not accepted.

Provisions. General provisions and reserves for anticipated losses or contingent liabilities are not deductible.

Capital allowances

Plant and machinery. Depreciation allowances are given on capital expenditure incurred on the acquisition of plant and machinery used for the purposes of trade or business. An initial allowance of 20% and an annual allowance ranging from 10% to 20% are granted for qualifying expenditure.

Industrial buildings. An initial allowance of 10% and an annual allowance of 3% are granted for qualifying expenditure on the construction or purchase of industrial buildings. As a result of these allowances, qualifying expenditure on industrial buildings is fully written off in the 30th year after the year of construction or purchase. Certain buildings may qualify for higher rates of industrial building allowances. For purposes of the allowances, industrial buildings include hotels.

Effective from the 2016 year of assessment, for certain types of buildings, industrial building allowances are available only to taxpayers that own the building and operate the relevant business

in the building (that is, lessors may not be eligible to claim industrial building allowances with respect to certain buildings).

Childcare centers. An annual allowance of 10% is granted for expenditure incurred for the construction or purchase of buildings used as childcare facilities for employees.

Employee housing. An annual allowance of 10% is granted for expenditure incurred by manufacturers and certain approved service companies for the purchase or construction of buildings for the accommodation of employees. Buildings occupied by management or administrative staff do not qualify for this allowance.

Educational institutions. An annual allowance of 10% is granted for expenditure on the construction or purchase of buildings used as schools or educational institutions or for industrial, technical or vocational training.

Motor vehicles. Capital expenditure incurred on motor vehicles qualifies for an annual allowance of 20%. Qualifying capital expenditure on noncommercial vehicles is restricted to MYR100,000 per vehicle if the vehicle is new and if the total cost of the vehicle does not exceed MYR150,000. Qualifying capital expenditure is restricted to MYR50,000 per vehicle if the vehicle is not new or costs more than MYR150,000.

Office equipment. An initial allowance of 20% and an annual allowance of 10% are granted for capital expenditure on office equipment.

Computer equipment. An initial allowance of 20% and an annual allowance of 20% are granted for capital expenditures on information and communication technology (ICT) equipment and computer software. Certain conditions must be met to benefit from these accelerated capital allowances. Effective from the 2018 year of assessment, these capital allowance rates also apply to other expenditures such as consultation fees, payment for rights of software ownership and incidental fees for the development of customized software, subject to conditions. It has been proposed that the initial allowance of 20% be increased to 40% from the 2024 year of assessment.

Small value asset. For assets with a value not exceeding MYR1,300, a 100% allowance is given in the year in which the asset is acquired. However, the total allowance granted for such assets is capped at MYR13,000 for non-SMEs. Effective from the 2020 year of assessment, a 100% allowance is given for assets with a value not exceeding MYR2,000. The total allowance granted for such assets is capped at MYR20,000 for non-SMEs. Only SMEs having gross income from a source or sources consisting of a business of not more than MYR50 million for the relevant year of assessment are eligible for the unlimited 100% allowance claim. From the 2024 year of assessment, the unlimited 100% allowance claim will not apply if more than 20% of the SME's paid-up capital with respect to ordinary shares is owned directly or indirectly by one or more companies incorporated outside of Malaysia or individuals who are not Malaysian citizens.

Agriculture. Annual allowances are given on capital expenditure incurred on new planting (50%), roads or bridges (50%), farm buildings (10%) and buildings for accommodation of farm workers (20%). Accelerated allowances may be allowed at the discretion of the Minister of Finance.

Forestry. Annual allowances are given on capital expenditure incurred for purposes of extraction of timber from a forest. Effective the 2015 year of assessment, the capital allowances are available only to persons with a concession or license to extract timber. The rates are 10% for a road or building and 20% for a building for accommodation of employees.

Other matters. Capital allowances are generally subject to recapture on the sale of an asset to the extent the sales proceeds exceed the tax written-down value. To the extent sales proceeds are less than the tax-depreciated value, an additional allowance is given.

Relief for trading losses. Current-year trading losses may offset all other chargeable income of the same year. Unused losses may be carried forward for offset against chargeable income from business sources only. Excess capital allowances from a business source may be carried forward indefinitely for offset against income from the same business source that generated the capital allowances.

The carryforward of losses and excess capital allowances is subject to the shareholders remaining substantially (50% or more) the same at the end of the year in which the losses or capital allowances arose and on the first day of the year of assessment in which the losses or unabsorbed capital allowances are to be used. If the shareholder of the loss company is another company, the loss company is deemed to be held by the shareholders of that other company. Under an administrative concession, the authorities have indicated that they will not enforce the shareholding test except in the case of dormant companies. In addition, under the concession, the substantial change in shareholder rule only applies to changes in the immediate shareholder of the loss company. As a result, unused losses of non-dormant companies may continue to be carried forward even if a substantial change in shareholders occurs.

Effective from the 2019 year of assessment, the carryforward of unused losses is limited to 10 years of assessment. Any unused losses will be disregarded thereafter. To ease the transition for taxpayers, special provisions stipulate that unused losses for any year of assessment before the 2018 year of assessment, and current year losses for the 2018 year of assessment, can be carried forward for 10 consecutive years from the 2018 year of assessment; that is, until the 2028 year of assessment. Similar rules apply for unused reinvestment allowances and investment allowances but with a shorter carryforward period of seven years of assessment.

Groups of companies. Under group relief provisions, 70% of current-year adjusted losses may be transferred by one company to another company in a group. A group consists of a Malaysian-incorporated parent company and all of its Malaysian-incorporated subsidiaries. Two Malaysian-incorporated companies are

members of the same group if either of the following circumstances exist:

- One is at least 70% owned (through other companies resident and incorporated in Malaysia) by the other.
- Both are at least 70% owned by a third Malaysian-incorporated company.

To obtain group relief, the recipient of the losses and the transferor of the losses must have the same accounting period and each must have paid-up capital in respect of ordinary shares exceeding MYR2,500,000. Effective from the 2019 year of assessment, a company can only surrender its losses after it has been in operation for more than 12 months, and the surrendering period is limited to three consecutive years of assessment from the year of assessment in which the surrendering company commences operations. In addition, a claimant company is not eligible to claim the group relief if it has carryforward or current-year investment allowances or pioneer losses. Other conditions also apply. Effective from the 2022 year of assessment, for the scenario in the second bullet above, in the case of indirect shareholdings, surrendering and claimant companies are treated as being in the same group of companies only if both companies are at least 70% owned by a third Malaysian-incorporated resident company, through the medium of other companies resident and incorporated in Malaysia. Limited exceptions apply.

D. Sales Tax and Service Tax

Goods and Services Tax was abolished and replaced with Sales Tax and Service Tax, effective from 1 September 2018. Sales Tax is imposed at a rate of 5%, 10% or at a specific rate with respect to petroleum, while Service Tax is imposed at a rate of 6% or at a specific rate for credit card services. Sales Tax applies to locally manufactured and imported taxable goods (unless exempted). Service Tax applies to certain prescribed services locally supplied or imported into Malaysia. Any person that manufactures taxable goods and/or provides taxable services in Malaysia, and that has annual taxable turnover exceeding the prescribed registration threshold in a 12-month period, is required to register for Sales Tax and/or Service Tax.

Effective from 1 January 2020, Service Tax is also charged and levied on any digital service provided by a foreign service provider to any consumer in Malaysia. If a foreign service provider provides digital services to consumers in Malaysia and if the value of the digital services for a period of 12 months or less exceeds the threshold or MYR500,000, the service provider is required to register for Service Tax in Malaysia, and account for Service Tax accordingly.

Effective from 1 January 2024, sales tax may also be charged and levied on low-value goods (LVGs), brought into Malaysia by a seller that is an online platform or an online marketplace operator (whether from Malaysia or overseas) to any consumer in Malaysia. If the total value of LVGs brought into Malaysia by land, sea or air mode, for a period of 12 months or less exceeds the threshold of MYR500,000, the seller is required to register for sales tax in Malaysia, and account for sales tax accordingly.

Effective from 1 March 2024, the service tax scope was expanded to include maintenance and repair services, brokerage and underwriting for nonfinancial services, logistics and karaoke centers. In addition, the service tax rate was increased from 6% to 8% for most taxable services, effective from 1 March 2024. However, such increase in tax rate does not include the provision of food and beverage, telecommunication, vehicle parking space, logistics, and credit cards or charge cards.

E. Miscellaneous matters

Foreign-exchange controls. Over the years, the foreign exchange administration policies have been progressively liberalized and simplified. Nonresidents are free to make direct or portfolio investments in Malaysia in either Malaysian ringgit or foreign currency. No restrictions are imposed on the repatriation of capital, profits or income earned in Malaysia.

Malaysian companies generally need to transact with each other in Malaysian ringgit, with limited exceptions. Nonresidents may obtain any amount of foreign currency credit facilities from licensed onshore banks.

Nonresidents may lend in foreign currency to residents if the resident's total foreign currency borrowings are within permitted limits. However, no limits are imposed on loans in foreign currency by nonresident entities within a group of entities (as defined) to resident companies.

Foreign-equity restrictions. Foreign-equity restrictions have been liberalized over the years. As a result, no restrictions are imposed on the ownership of most companies except those in certain regulated industries.

Anti-avoidance legislation. Legislation permits the tax authorities to disregard or vary any transaction that is believed to have the effect of tax avoidance.

Transfer pricing. The tax authorities have issued transfer-pricing legislation, rules and guidelines requiring taxpayers to determine and apply an arm's-length price in their intercompany transactions. The transfer-pricing rules also require the preparation of contemporaneous transfer-pricing documentation to substantiate the arm's-length contention.

The guidelines provide a detailed list of information, documentation and records with respect to related-party transactions that need to be compiled to meet the contemporaneous documentation requirement. The guidelines are based on the arm's-length principle set forth in the Organisation for Economic Co-operation and Development (OECD) transfer-pricing guidelines and provide several methods for determining an arm's-length price.

In addition, companies carrying out cross-border transactions with associated persons may apply for an advance pricing arrangement (APA) from the tax authorities subject to conditions. The earnings stripping rules (ESR), which are based on the principles in Action 4 of the OECD's Base Erosion and Profit Shifting (BEPS) Project, took effect on 1 July 2019 and restrict the deduction of interest on financial assistance granted in controlled transactions, if the total

amount of the interest expense for all such financial assistance exceeds MYR500,000 in the basis year for a year of assessment. The ESR applies only to cross-border financial assistance from associated parties and cross-border financial assistance from third parties if such assistance is guaranteed by related parties in or outside Malaysia. Limited exceptions apply.

Penalty provisions have been introduced for failure to comply with CbC reporting that is facilitated under the Mutual Administrative Assistance arrangements, in line with Action 13 of the OECD's BEPS and other exchange-of-information requirements. The penalty provisions are effective from 17 January 2017. The rules to introduce CbC reporting have been legislated and apply from 1 January 2017, with the first filing of the CbC report required by 31 December 2018.

Effective from 1 January 2021, the Director General is given the power to disregard certain structures in a controlled transaction, as well as impose and collect surcharges of not more than 5% on transfer-pricing adjustments (even when there is no increase in tax payable). In addition, penalty provisions have been introduced for failure to furnish contemporaneous transfer-pricing documentation. The contemporaneous transfer-pricing documentation is required to be completed prior to the due date for furnishing the tax return, with effect from the 2023 year of assessment.

Base Erosion and Profit Shifting 2.0. Malaysia has incorporated the Organisation for Economic Co-operation and Development (OECD) Pillar Two Global Anti-Base Erosion (GloBE) Income Inclusion Rules (IIR) into domestic legislation. The GloBE IIR top-up tax and Qualified Domestic Top-up Tax (QDMTT) rules will be adopted in the form a multinational top-up tax (MTT) and a domestic top-up tax (DTT), respectively. Both categories of additional income tax rules will apply to large multinational enterprise groups with consolidated revenue of at least EUR750 million in at least two of the previous four years, for accounting periods beginning on or after 1 January 2025. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://assets.ey.com/content/dam/ey-sites/ey-com/en_gl/topics/tax/tax-pdfs/ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

The rates reflect the lower of the treaty rate and the rate under domestic tax law.

	Dividends (a) %	Interest %	Royalties %
Albania	–	10	10
Australia	–	15	10
Austria	–	15	10
Bahrain	–	5	8
Bangladesh	–	15	10 (d)
Belgium	–	10	10
Bosnia and Herzegovina	–	10	8
Brunei Darussalam	–	10	10
Cambodia	–	10	10
Canada	–	15	10 (d)

	Dividends (a) %	Interest %	Royalties %
Chile	–	15	10
China Mainland	–	10	10
Croatia	–	10	10
Czech Republic	–	12	10
Denmark	–	15	10
Egypt	–	15	10
Fiji	–	15	10
Finland	–	15	10 (d)
France	–	15	10 (d)
Germany	–	10	7
Hong Kong	–	10	8
Hungary	–	15	10
India	–	10	10
Indonesia	–	10	10
Iran	–	15	10
Ireland	–	10	8
Italy	–	15	10 (d)
Japan	–	10	10
Jordan	–	15	10
Kazakhstan	–	10	10
Korea (South)	–	15	10 (d)
Kuwait	–	10	10
Kyrgyzstan	–	10	10
Laos	–	10	10
Lebanon	–	10	8
Luxembourg	–	10	8
Malta	–	15	10
Mauritius	–	15	10
Mongolia	–	10	10
Morocco	–	10	10
Myanmar	–	10	10
Namibia	–	10	5
Netherlands	–	10	8 (d)
New Zealand	–	15	10 (d)
Norway	–	15	–
Pakistan	–	15	10 (d)
Papua New Guinea	–	15	10
Philippines	–	15	10 (d)
Poland	–	10	8
Qatar	–	5	8
Romania	–	15	10 (d)
San Marino	–	10	10
Saudi Arabia	–	5	8
Senegal (c)	–	10	10
Seychelles	–	10	10
Singapore	–	10	8
Slovak Republic	–	10	10
South Africa	–	10	5
Spain	–	10	7
Sri Lanka	–	10	10
Sudan	–	10	10
Sweden	–	10	8
Switzerland	–	10	10 (d)
Syria	–	10	10
Taiwan (b)	–	10	10

	Dividends (a) %	Interest %	Royalties %
Thailand	–	15	10 (d)
Türkiye	–	15	10
Turkmenistan	–	10	10
Ukraine	–	10	8
United Arab Emirates	–	5	10
United Kingdom	–	10	8
USSR (e)	–	15	10
Uzbekistan	–	10	10
Venezuela	–	15	10
Vietnam	–	10	10
Zimbabwe	–	10	10
Non-treaty jurisdictions	–	15	10

(a) No dividend withholding tax is imposed in Malaysia.
(b) This is the income tax treaty between the Taipei Economic and Culture Office (TECO) in Malaysia and the Malaysian Friendship and Trade Centre (MFTC) in Taipei.
(c) This treaty has been ratified, but it is not yet in force.
(d) Approved royalties are exempt from Malaysian tax.
(e) Malaysia is honoring the USSR treaty with respect to the Russian Federation. Malaysia has entered into separate tax treaties with Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan.

Malaysia has also entered into limited agreements covering only aircraft and ship transportation with Argentina and the United States.

Maldives

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A. At a glance

Corporate Income Tax Rate (%)	15
Capital Gains Tax Rate (%)	15
Branch Tax Rate (%)	0
Withholding Tax (%)	10*

* The 10% withholding tax is imposed on specified payments made to persons not resident in the Maldives. These payments include the following:
- Rent with respect to immovable property located in the Maldives
- Royalties
- Interest (other than interest paid or payable to a bank or non-banking financial institution approved by the Maldives Inland Revenue Authority)
- Dividends
- Fees for technical services
- Commissions paid for services provided in the Maldives
- Payments for performances by public entertainers in the Maldives
- Payments for carrying out research and development in the Maldives
- Payments to contractors (payments made to nonresident contractors are subject to withholding tax at a rate of 5% on the full contract value)
- Insurance premiums paid (insurance premiums do not include reinsurance premiums)

B. Taxes on corporate income and gains

Tax rates. Although a tax specifically applicable to corporate profits does not currently apply, a tax of 15% is imposed on the taxable profits of any person other than an individual or a bank. Capital Gains Tax at a rate of 15% is imposed on the disposal of movable, immovable and intellectual or intangible property for which a capital allowance is not allowed.

Also, resident and nonresident banks are subject to a tax of 25% on taxable profits.

Administration. The fiscal or tax year is from 1 January to 31 December with the filing due date being 30 June of the following year.

Interim returns and payments for the tax year are due on 31 July of the following year and 31 January of the year after.

A fine of MVR50 and 0.5% of the total tax payable applies on late filing and a fine of 0.05% of the total tax payable applies on late payments.

Foreign tax relief. Maldives has paid tax in a foreign jurisdictions, and credits are allowed even without a double tax treaty, equal to the amount of foreign tax paid or tax payable in the Maldives, whichever is lower.

C. Determination of trading income

Taxable profits in the Maldives are calculated after allowing and disallowing certain deductions from profit before tax for a tax year.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Goods and Services Tax; the tax is passed on to the end consumer	8
Tourism Goods and Services Tax (TGST); applies to goods and services supplied by tourist establishments	16
Customs duties; imposed on imports; rates vary according to the type of import	Various

E. Miscellaneous matters.

Foreign-exchange controls. The Maldivian currency is the rufiyaa (MVR).

Transfer pricing. The Maldives does not impose any strict foreign-exchange controls.

Transfer pricing. The Maldives adopts the three-tiered approach to transfer-pricing documentation, consisting of the following:

- Master File, which provides an overview of the group's business that is relevant to the business operations in Maldives.
- Local File, which contains detailed information on taxpayer's business and transactions with its associated parties.
- Country-by-Country Report, which contains aggregate tax jurisdiction-wide information relating to the global allocation of the income and taxes of the multinational enterprise (MNE) paid, together with certain indicators of the location of economic activity within the MNE group.

Certain exemptions apply.

F. Tax treaties

The Maldives have entered into double tax treaties with Bangladesh, Malaysia and the United Arab Emirates. However, only the double tax treaties with Bangladesh and the United Arab Emirates are in force as of now.

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International Tax and Transaction Services – Transaction Tax Advisory

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A. At a glance

Corporate Income Tax Rate (%)	35
Capital Gains Tax Rate (%)	35 (a)
Branch Tax Rate (%)	35
Withholding Tax (%)	0 (b)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited

(a) For further details, see *Capital gains* in Section B.
(b) For further details, see Section F.

B. Taxes on corporate income and gains

Corporate income tax. Companies that are considered to be ordinarily resident and domiciled in Malta are subject to income tax on their worldwide income. Companies incorporated in Malta are considered ordinarily resident and domiciled in Malta. In addition, companies incorporated outside Malta, the management and control of whose business are exercised in Malta, are considered to be ordinarily resident but not domiciled in Malta and are subject to tax in Malta under the remittance basis of taxation.

Rates of corporate tax. Income tax is the only tax imposed on the chargeable income of companies. The standard rate of income tax is 35%.

Global Anti-Base Erosion. For 2024, Malta has exercised the derogation contained in Article 50 of Council Directive 2022/2523 (the Minimum Tax Directive), such that it has not switched on the Global Anti-Base Erosion (GloBE) Income Inclusion Rule (IIR) or Undertaxed Profits Rule (UTPR) and has also not introduced a Qualified Domestic Top-Up Tax (QDTT). Malta did transpose Chapters I, VIII, IX and X of the Minimum Tax Directive via Legal Notice 32 of 2024, published on 20 February 2024. These chapters are regarded as the minimum measures that are of relevance to ensure the proper functioning of the system of global minimum level tax for multinational enterprise groups and large-scale domestic groups.

Tax incentives. Tax incentives are offered in the Malta Enterprise Act and in regulations to the act, as well as in the Income Tax Act.

The Malta Enterprise Act contains several incentives for the promotion and expansion of business, covering a wide range of sectors and activities. The incentives available under the act may be divided into six categories, which are described in the following six subsections. Other tax incentives available in Malta are discussed in the subsequent subsections.

Research and development and innovation programs. Fiscal incentives and cash grants are offered to stimulate innovative enterprises to engage in research and development.

Patent box regime. Effective from 1 January 2019, Malta introduced a patent box regime that grants the option to eligible persons deriving qualifying income from qualifying intellectual property (IP) to benefit from a super deduction. The maximum super deduction, which may be available after applying the nexus ratio, is equal to 95% of the net income or gains derived from the qualifying IP, resulting in an effective tax rate of 1.75%. Taxpayers wishing to benefit from the patent box regime must request a determination from Malta Enterprise.

Enterprise support. Assistance is offered to businesses to support them in developing their international competitiveness, improving their processes and networking with other businesses.

Employment and training. The Employment and Training Corporation (ETC) administers the employment and training incentives. Enterprises are supported in recruiting new employees and training their staff. These incentives help generate more employment opportunities and training activities.

Shipping. On 19 December 2017, the European Commission issued a press release confirming that it conditionally approved the Malta Tonnage Tax System (MTTS) under the European Union (EU) state-aid rules for a period of 10 years.

The updated MTTS rules retain a blanket exemption from Maltese income tax for the shipping income of eligible shipping organizations. The exemption from income tax should also apply with respect to income derived by eligible shipping organizations from activities that are ancillary to shipping activities, subject to a capping based on gross revenues. The blanket exemption of the MTTS is available if, in addition to meeting some other conditions, the eligible shipping organization has paid the prescribed tonnage taxes.

In addition to the above exemption, eligible shipping organizations should also continue to be able to benefit from other generally available provisions, including the following:

- An exemption on dividends distributed by eligible shipping organizations if the underlying profits were exempt from Maltese income tax pursuant to the MTTS
- An exemption on capital gains derived by nonresidents on the transfer of shares held in a Maltese company
- The non-taxation of passive capital gains arising on the transfer of a ship
- A blanket stamp duty exemption for companies having the majority of their business interests located outside Malta

Shipping organizations that should be eligible to apply the MTTS are those having ships engaged in the international carriage of goods or passengers by sea and those having cable-laying ships, pipe laying ships, crane ships and research ships. Among others, the MTTS should be available to shipping organizations chartering tonnage tax ships on a bareboat basis if either of the following circumstances exist:

- The ship is bareboat chartered to a shipping organization forming part of the same group of companies.
- The licensed shipping organization demonstrates, to the satisfaction of the Registrar-General, that all of the following conditions are satisfied:
  - The ship was bareboat chartered due to short-term overcapacity.
  - The term of the charter does not exceed three years.
  - The bareboat chartered-out capacity does not exceed 50% of the shipping companies' fleet, calculated on a group basis.

In such a case, excess capacity specifically acquired for chartering out is not treated as eligible under the MTTS. Certain thresholds relating to the proportion of European Economic Area (EEA)-flagged vessels are to be met for a shipping organization to be eligible to apply the MTTS.

Ship managers may also benefit from the MTTS with respect to any income derived from ship management activities.

In line with previously existing limitations and limitations common to tonnage tax regimes in the EEA, shipping organizations

operating the following vessels are not able to avail themselves of the updated MTTS:

- Fishing and fish factory ships
- Private yachts and ships used primarily for sport or recreation
- Fixed offshore installations and floating storage units
- Non-ocean-going tugboats and dredgers
- Ships whose main purpose is to provide goods or services normally provided on land
- Stationary ships employed for hotel or catering operations in the form of floating hotels or restaurants
- Ships employed mainly as floating or cruising gambling establishments or casinos
- Non-propelled barges

Collective Investment Schemes or Funds. Collective Investment Schemes or Funds must be licensed under the Investment Services Act or notified under the Investment Services Act (List of Notified AIFs) Regulations. Collective Investment Schemes usually take the form of corporate funds, including open-ended (SICAVs) and close-ended funds, or non-corporate funds, such as unit trusts.

The income of Collective Investment Schemes (other than income from immovable property located in Malta and local investment income earned by prescribed funds) is exempt from tax. Income earned by Collective Investment Schemes from immovable property situated in Malta is brought to charge in the same manner as that applicable to other persons, such as companies (see *Property transfer tax* in the case of gains derived from the transfer of immovable property situated in Malta). For local investment income earned by prescribed funds, such prescribed funds are subject to a 15% final withholding tax on bank interest received and to a 10% final withholding tax on other investment income received, such as interest on bonds and government stocks (units issued by the government to which the general public is invited to subscribe). Under regulations issued by the Minister for Finance, prescribed funds are funds whose assets in Malta amount to 85% or more of their total assets. Capital gains derived by funds from disposals of investments and assets are also exempt from tax.

Capital gains derived by nonresident unit holders on the disposal of their units in Maltese Collective Investment Schemes are generally exempt from income tax in Malta. Similarly, capital gains derived by unit holders on disposals of their units in prescribed funds listed on the Malta Stock Exchange are generally exempt from tax. Unit holders in unlisted prescribed funds are subject to tax on their gains. Tax at 15% is withheld from the capital gains realized by resident investors on certain disposals of listed shares in non-prescribed funds. For nonresident Collective Investment Schemes, the withholding tax provisions apply only if the disposal of the shares is effected through an authorized financial intermediary. If the disposal of shares in nonresident non-prescribed funds is not effected through an authorized financial intermediary, no withholding tax is due and any capital gains must be disclosed by the resident investor in the individual's tax return and taxed at the normal rates of income tax, up to a maximum of 35%.

Aviation income. Income derived from the ownership, lease or operation of aircraft and aircraft engines used in the international transport of passengers or goods (aviation income) is deemed to arise outside Malta regardless of whether the aircraft is operated from Malta. Consequently, a company that is incorporated outside Malta but managed and controlled in Malta (resident but not domiciled for income tax purposes, or a "non-dom co") must pay tax on income derived from its aviation income on a remittance basis. Aviation income that is not received in Malta is not taxed in Malta.

Notional interest deduction. The notional interest deduction (NID) is an optional deduction that may be applied by companies or partnerships resident in Malta, as well as by nonresident companies or partnerships having a permanent establishment located in Malta. The NID may only be claimed against profits that stand to be allocated to the company's Foreign Income Account or Maltese Taxed Account, or to profits that would have been so allocated in the case of undertakings other than companies (Eligible Profits). The NID may be claimed only if it is demonstrated that all shareholders or owners of the undertaking approve the claim of such deduction with respect to the particular year of assessment. The NID for a year of assessment is calculated as follows:

$$Y = A \times B$$

Y represents the NID that may be claimed in the relevant year of assessment.

A represents the reference rate that is equivalent to the risk-free rate plus a premium of 5%. The risk-free rate is determined by the current yield to maturity on Malta government stocks with a remaining term of approximately 20 years.

B represents the risk capital of the undertaking at the end of the accounting period ending in the year preceding the year of assessment less the invested risk capital to the extent of either of the following:

- Such invested risk capital is not employed by the undertaking in producing any income in the year preceding the year of assessment and if any income been produced, it could have been exempt from tax under the terms of the Income Tax Act.
- Such invested risk capital is employed in producing income in the year preceding the year of assessment that is exempt from tax under the terms of the Income Tax Act.

For companies and partnerships resident in Malta, risk capital consists of the following:

- Share or partnership capital of the undertaking
- Any share premium
- Positive retained earnings
- Loans or other debt borrowed by the undertaking that do not bear interest
- Any other reserves resulting from a contribution to the undertaking
- Any other positive balance that is shown as equity in the undertaking's financial statements

For permanent establishments of nonresident companies or partnerships, risk capital consists of the capital of the undertaking that is attributable to the permanent establishment located in Malta.

The NID that may be claimed during a year of assessment is capped to an amount equal to 90% of the undertaking's Eligible Profits gross of the NID for the year preceding the year of assessment. Any excess NID may, at the option of the undertaking, be carried forward indefinitely for deduction and be added to the deduction due for the following years until it is absorbed.

If an undertaking claims the NID, an amount equal to 110% of the profits relieved from tax for the undertaking claiming the NID is to be allocated to the undertaking's Final Tax Account in the following manner:

- An amount corresponding to 100% of the amount of profits that are so relieved from tax shall be allocated directly to the Final Tax Account (Direct Allocation).
- An additional reallocation of profits of an amount corresponding to 10% of the relieved profits, out of the tax account to which such relieved profits would, ignoring the NID Rules, otherwise fall to be allocated (Additional Reallocation). The Additional Reallocation is to be effected after the second allocations in accordance with the terms of Sub-rules 5(4) and 5(7) of the Tax Accounts (Income Tax) Rules.

The Direct Allocation and the Additional Reallocation shall not be effected with respect to deemed interest that is claimed as a deduction in terms of Sub-rule 3(1) of the NID Rules against interest income deemed to be received by the shareholder or partner of the undertaking in terms of Rule 5 of the NID Rules. Second allocations refer to those profits that companies must be reallocated from the Maltese Taxed Account and/or Foreign Income Account to the Immovable Property Account in order to achieve the following:

- Ensure that those profits that are to be allocated to the Immovable Property Account in gross are so allocated
- Reflect the ownership and usage of immovable property located in Malta by the company and/or other Maltese related companies, where applicable

This limits the shareholders' or partners' ability to claim, under the refundable tax credit system, a refund of a portion of the Maltese tax paid by the undertaking on a distribution of the taxed profits by the undertaking. If the undertaking does not have sufficient profits to allocate to the Final Tax Account the Additional Reallocation, the amounts not so allocated are ignored.

The NID Rules further provide that the amount claimed as the NID by the undertaking should give rise to an equal deemed interest income, which is subject to Maltese tax in the hands of the undertaking's shareholders or partners in a proportion corresponding to the proportion of the nominal value of the risk capital pertaining to each shareholder or partner or as otherwise allowed by the Commissioner for Tax and Customs. The deemed interest income is treated as interest for tax purposes, and all provisions dealing with taxation of interest apply, except for the

investment income provisions (which provide for a 15% final tax). As a result, if the shareholder or partner is tax resident outside of Malta, the nonresidents exemption applicable to interest income may apply.

Shareholders or partners receiving this deemed interest income are entitled to deduct against it any NID that they are eligible for, pursuant to their own risk capital. The 90% limitation referred to above does not apply in this respect. The Direct Allocation and the Additional Reallocation to the Final Tax Account may not be effected with a respect to the NID claimed as a deduction by a shareholder or partner against interest income deemed to be received by the shareholder or partner.

Capital gains. Income tax is imposed on capital gains derived from the transfer of ownership of the following assets only:

- Immovable property. However, gains on transfers of immovable property or rights over immovable property that are subject to the new property transfer tax (see *Property transfer tax*) are not subject to income tax.
- Securities (company shares that do not provide for a fixed rate of return, units in Collective Investment Schemes and units relating to linked long-term business of insurance [life insurance contracts under which benefits are wholly or partially determined by reference to the value of, or income from, property]).
- Goodwill, business permits, copyrights, patents, trademarks, trade names and any other IP.
- Beneficial interests in trusts.
- Full or partial interests in partnerships.

In certain cases, value shifting and degrouping may result in taxable capital gains.

If a person acquires or increases a partnership share, a transfer of an interest in the partnership to that partner from the other partners is deemed to occur, and is accordingly subject to tax.

For purposes of the capital gains rules, "transfer" has a broad definition that is not restricted to sale. It also includes any assignment or cession of any rights, reduction of share capital, liquidation or cancellation of units or shares in Collective Investment Schemes and other types of transactions. The definition does not include inheritance.

Transfers that are exempt from tax include the following:

- Donations to philanthropic institutions
- Transfers of chargeable assets between companies belonging to the same group of companies
- Transfers by nonresidents of securities in Maltese companies that are not primarily engaged in holding immovable property in Malta
- Transfers of securities listed on the Malta Stock Exchange as well as transfers of units relating to linked long-term business of insurance if the benefits derived by the units are wholly determined by reference to the value of, or income from, securities listed on the Malta Stock Exchange
- Transfers by nonresidents of units in Collective Investment Schemes

Rollover relief for assets used in business is also available if the asset has been used in the business for at least three years and if it is replaced within one year by an asset used only for a similar purpose.

Taxable capital gains are included in chargeable income and are subject to income tax at the normal income tax rates. Capital losses may be set off only against capital gains. Trading losses may be carried forward to offset capital gains in future years.

Provisional tax of 7% of the consideration or of the value of the donation must be paid by a seller on the transfer of property if the transaction is subject to the capital gains regime. A higher rate of provisional tax applies if the property being transferred consists of securities in a property company or an interest in a property partnership. The Commissioner for Tax and Customs may authorize a reduction in the rate of provisional tax if it can be proved that the capital gain derived from the transaction is less than 20% of the consideration. Provisional tax paid is allowed as a credit against the income tax charge.

In the course of a winding up or distribution of assets, if a company transfers property to its shareholders, or to an individual related to a shareholder, who owned 95% of the share capital of the company transferring the property in the five years immediately preceding the transfer, the transfer is exempt from tax if certain conditions are satisfied.

Property transfer tax. Under Article 5A of the Income Tax Act, in general, the transfer of immovable property in Malta is taxed at a rate of 8% on the higher of the consideration or market value of the immovable property on the date of the transfer. No deductions may reduce the tax base, except for agency fees subject to value-added tax (VAT). However, different tax rates apply in certain circumstances. Broadly, from a corporate perspective, the following are the circumstances in which the different rates apply:

- If the property transferred was acquired before 1 January 2004, the seller is taxed at 10% of the transfer value.
- A 5% rate applies if the property not forming part of a project is transferred before five years from the date of acquisition or if the transferred property is a certain restored property.
- If immovable property was acquired through a donation more than five years from the date of transfer, a 12% rate applies to the excess of the transfer value over the acquisition value.

If several conditions are satisfied, companies that have issued debt securities to the public on the Maltese Stock Exchange and that are transferring immovable property forming part of a project may opt out of the above provisions and have the relevant proceeds brought to charge under Article 27G of the Income Tax Act.

Securitization. The total income or gains of a securitization vehicle is realized or deemed to arise during the year in which such income or gains are recognized for accounting purposes. For purposes of calculating the chargeable income or gains of the securitization vehicle for income tax purposes, the following expenses are deductible:

- Relevant expenses provided under Article 14 of the Income Tax Act
- Amounts payable by the securitization vehicle to the originator or assignor
- Premiums, interest or discounts with respect to financial instruments issued or funds borrowed by the securitization vehicle
- Expenses incurred by the securitization vehicle with respect to the day-to-day administration of the securitization vehicle

Tax is chargeable on any remaining total income of the securitization vehicle, although a further deduction of an amount equal to the remaining total income may be claimed at the option of the securitization vehicle, subject to certain provisos and anti-abuse provisions.

Administration. The year of assessment is the calendar year. Income tax for a year of assessment is chargeable on income earned in the corresponding basis year, which is generally the preceding calendar year. A company may adopt an accounting period other than the calendar year, subject to approval by the Commissioner for Tax and Customs.

Companies with a January to June accounting year-end must file their income tax returns by 31 March (extended if filed electronically) of the year of assessment. Companies with other accounting year-ends must file their income tax returns within nine months after the end of their accounting year (extended if filed electronically).

A self-assessment system applies in Malta. The Commissioner for Tax and Customs issues an assessment only if it determines that a greater amount of income should have been declared or that the company omitted chargeable income from its tax return.

Companies must make three provisional payments of tax, generally on 30 April, 31 August and 21 December. The provisional payments are equal to specified percentages of the tax due as reported in the last income tax return filed with the Commissioner for Tax and Customs on or before 1 January of the year in which the first provisional tax payment is due. The percentages are 20% for the first payment, 30% for the second and 50% for the third. Companies must pay any balance of tax payable on the due date for submission of the income tax return for that year of assessment.

Penalties are imposed for omissions of income, and interest is charged for late payments of tax. The Commissioner for Tax and Customs pays interest on certain late refunds.

Advance Revenue Rulings. Advance Revenue Rulings may be obtained from the Commissioner for Tax and Customs on certain transactions, activities and structures. Rulings survive any change in legislation for a period of two years. In all other circumstances, rulings are binding for five years. Renewals may be requested.

Allocation and distribution of profits. The distributable profits of a company are allocated to the following five tax accounts:

- Final Tax Account
- Immovable Property Account

- Foreign Income Account
- Maltese Taxed Account
- Untaxed Account

The Final Tax Account contains distributable profits that have been subject to a final tax. The Immovable Property Account contains profits connected with immovable property located in Malta. The Foreign Income Account contains, broadly, foreign-source passive income and foreign-source active income attributable to a permanent establishment located outside Malta. The Maltese Taxed Account contains profits that are not included in the Final Tax Account, Immovable Property Account or Foreign Income Account. The Untaxed Account contains an amount of profits or losses that is calculated by deducting the total sum of amounts allocated to the other accounts from the total amount of profits shown in the profit-and-loss account for that year.

The Full Imputation System applies to distributions from the Immovable Property Account, Foreign Income Account and Maltese Taxed Account. Under this system, the tax paid by the company is imputed as a credit to the shareholder receiving the dividends. Profits allocated to the Foreign Income Account and the Maltese Taxed Account result in tax refunds under the Refundable Tax Credit System (see *Refundable Tax Credit System*).

Refundable Tax Credit System. In 2007, the Maltese House of Representatives passed a law that implemented an agreement with the EU relating to a refundable tax credit system for all companies distributing dividends out of taxed profits to shareholders. The imputation system under which the tax paid by a company is essentially treated as a prepayment of tax on behalf of the shareholder was retained but this refundable tax credit system was introduced. The refundable tax credit system applies both to profits allocated to a company's Maltese Taxed Account and to profits allocated to its Foreign Income Account and is available both to residents and nonresidents.

A person receiving a dividend from a company registered in Malta from profits allocated to its Maltese Taxed Account or its Foreign Income Account that do not consist of passive interest or royalties may claim a refund of six-sevenths of the tax paid by the distributing company on the profits out of which the dividends were paid. As a result of the introduction of the new system, the dividend recipient receives a full imputation credit plus a refund of six-sevenths of the tax paid by the distributing company.

Distributions of profits derived from passive interest or royalties or dividends derived from a participating holding in a body of persons that does not satisfy the anti-abuse provision (see *Participation exemption and participating holding system*) do not qualify for the six-sevenths refund. Instead, they qualify for a refund of five-sevenths of the tax paid by the company.

In addition, the five-sevenths refunds apply to distributions made by companies that do not claim any form of double tax relief. Dividends paid out of profits allocated to the Foreign Income Account with respect to profits for which the distributing company has claimed any form of double tax relief (double tax treaty

relief, unilateral relief or the flat-rate foreign tax credit; see *Foreign tax relief*) are entitled to a refund equal to two-thirds of the tax that was imposed on the distributing company gross of any double tax relief. However, for the purposes of this calculation, the amount of tax imposed on the company is limited to the actual tax paid in Malta by the distributing company.

The refundable tax credit system is extended to shareholders of foreign companies that have Maltese branches. Tax paid in Malta by branches on profits attributable to activities performed in Malta is refunded when such profits are distributed.

Persons must register with the Commissioner for Tax and Customs to benefit from the tax refunds described above.

Participation exemption and participating holding system. The Maltese income tax system grants companies registered in Malta the option to exempt from income tax dividends received from a participating holding or capital gains derived from the disposal of such holding. This exemption is referred to as the participation exemption.

A holding in another company is considered to be a participating holding if any of the following circumstances exist:

- A company holds directly at least 5% of the equity shares of a company whose capital is wholly or partly divided into shares, and such holding confers an entitlement to at least 5% of any two of the following:
  - — Right to vote
  - — Profits available for distribution
  - — Assets available for distribution on a winding up

  The Commissioner for Tax and Customs may determine that the above provisions are satisfied if the minimum level of entitlement exists in the circumstances referred to in the proviso to the definition of "equity holding." See below for the definition of "equity holding."
- A company is an equity shareholder in another company, and the equity shareholder company may at its option call for and acquire the entire balance of the equity shares not held by that equity shareholder company to the extent permitted by the law of the country in which the equity shares are held.
- A company is an equity shareholder in a company, and the equity shareholder company is entitled to first refusal in the event of a proposed disposal, redemption or cancellation of all of the equity shares of that company not held by that equity shareholder company.
- A company is an equity shareholder in a company and is entitled to either sit on the board or appoint a person to sit on the board of that company as a director.
- A company is an equity shareholder that holds an investment representing a total value, as of the date or dates on which it was acquired, of a minimum of EUR1,164,000 (or the equivalent sum in a foreign currency) in a company and that holding in the company is held for an uninterrupted period of not less than 183 days.

A holding of a company in certain partnerships, certain bodies of persons or collective-investment vehicles that provide for limited

liability of investors constituted, incorporated or registered outside Malta is deemed to constitute a participating holding if it satisfies the provisions of any of the six bullets above.

For the purposes of the above rules, an "equity holding" is a holding of the share capital in a company that is not a property company and which shareholding entitles the shareholder to at least any two of the following rights (equity holding rights):
- Right to vote
- Right to profits available for distribution to shareholders
- Right to assets available for distribution on a winding up of the company

The terms "equity shares," "equity shareholder" and "equity shareholding" are construed in accordance with the above definition.

The Commissioner for Tax and Customs may determine that an equity holding exists even if such holding is not a holding of the share capital in a company or does not consist solely of such a holding of share capital, provided that it can be demonstrated that at any time an entitlement to at least two of the equity holding rights exists in substance.

A "property company" is a company that owns immovable property located in Malta or any rights over such property, or a company that holds, directly or indirectly, shares or interests in a body of persons owning immovable property located in Malta or any rights over such property.

A company or body of persons carrying on a trade or business that owns immovable property located in Malta or rights over such property is treated as not owning the immovable property or rights over such property if all of the following conditions are satisfied:
- The property consists only of a factory, warehouse or office used solely for the purpose of carrying on such trade or business.
- Not more than 50% of its assets consist of immovable property located in Malta.
- It does not carry on an activity from which income is derived directly or indirectly from immovable property located in Malta.

The application of the participation exemption is subject to an antiabuse provision. The participation exemption applies to participating holdings if the body of persons in which the participating holding is held satisfies any one of the following three conditions:
- It is resident or incorporated in a country or territory that forms part of the EU.
- It is subject to a foreign tax of at least 15%.
- It does not derive more than 50% of its income from passive interest or royalties.

If none of the above conditions is satisfied, both of the following two conditions must be fulfilled:
- The equity holding by the company registered in Malta in the body of persons not resident in Malta is not a portfolio investment. For this purpose, the holding of shares by a company registered in Malta in a company or partnership not resident in Malta that derives more than 50% of its income from portfolio investments is deemed to be a portfolio investment.

- The body of persons not resident in Malta or its passive interest or royalties has been subject to a foreign tax of at least 5%.

In addition, Malta has also incorporated the amendments to the EU Parent-Subsidiary Directive. Consequently, effective from 1 January 2016, the participation exemption on dividends does not apply if the relevant profits were deductible to the distributing company in the other EU Member State.

The participation exemption applies also to gains or profits derived from transfers of holdings in companies resident in Malta, but certain restrictions are envisaged. Conversely, the participation exemption cannot be applied with respect to dividends received from a participating holding in companies tax resident in a jurisdiction that is included in the EU list of non-cooperative jurisdictions for a minimum period of three months during the financial year in question, unless it is proved to the satisfaction of the Commissioner for Tax and Customs that the company maintains sufficient significant people functions in that jurisdiction as is commensurate with the type and extent of the activity carried on in that jurisdiction and the income earned from the jurisdiction.

Moreover, the participation exemption is extended to branch profits. This applies to income and gains derived by a company registered in Malta that are attributable to a permanent establishment (including a branch) located outside Malta or that are attributable to the transfer of such permanent establishment, regardless of whether such permanent establishment belongs exclusively or in part to the particular company, including a permanent establishment operated through an entity or relationship other than a company.

Foreign tax relief. Under tax treaty provisions and the domestic law, a tax credit against Maltese tax is granted for foreign tax paid. The amount of the credit is the lower of Maltese tax on the foreign income and the foreign tax paid.

Maltese companies may also reduce their tax payable in Malta by claiming double tax relief with respect to British Commonwealth income tax.

Unilateral tax relief, which is another form of double tax relief, applies if treaty relief is not available and if the taxpayer has proof of the foreign tax paid. The unilateral relief is also available for underlying tax.

Another form of double tax relief is a flat-rate foreign tax credit (FRFTC), which may be claimed by companies that have a special empowerment clause in their Memorandum and Articles of Association. The FRFTC, which is equivalent to 25% of the net income received (before any allowable expenses), applies to all foreign-source income that may be allocated to the Foreign Income Account. An auditor's certificate stating that the relevant income is foreign-source income is sufficient evidence that profits may be allocated to the Foreign Income Account. The FRFTC is added to chargeable income and credited against the Maltese tax charge. The credit is limited to 85% of the Maltese tax due before deducting the credit.

The interaction of the four types of double tax relief not only ensures that tax is not paid twice on the same income; it also reduces the overall effective rate of the Maltese tax.

C. Determination of trading income

General. Chargeable income is the net profit reported in the companies' audited financial statements, subject to certain adjustments. Expenses incurred wholly and exclusively in the production of income are deductible.

Expenses that are not deductible include the following:
- Amortization of goodwill
- All types of provisions
- Voluntary payments
- Expenses recoverable under insurance
- Pre-trading expenses (except for expenditure incurred with respect to staff training, salaries or wages and advertising within the 18 months preceding the date on which the company begins to carry on its trading activities)
- Unrealized exchange differences
- Other expenses that are not incurred in the production of income

Inventories. Inventories are normally valued at the lower of cost or net realizable value in accordance with generally accepted accounting principles.

Tax depreciation (capital allowances). Tax depreciation allowances include initial allowances and annual wear-and-tear allowances.

Initial allowances are granted at a rate of 10% with respect to new industrial buildings and structures.

Wear-and-tear allowances for plant and machinery are calculated using the straight-line method. Industrial buildings and structures are also depreciated using the straight-line method.

The following are the minimum number of years over which the principal categories of plant and machinery may be depreciated.

Asset	Years
Computers and electronic equipment	4
Computer software	4
Motor vehicles	5*
Furniture, fitting and soft furnishings	10
Aircraft, airframes, aircraft engines, aircraft engine or airframe overhaul, and aircraft interiors and other parts	4
Ships and vessels	10
Other machinery	5
Other plant	10

* The cost of non-commercial motor vehicles is limited to EUR14,000.

The annual straight-line rate for industrial buildings and structures, including hotels and certain offices, is 2%.

Capital allowances are generally subject to recapture on the sale of an asset to the extent the sale proceeds exceed the tax value after capital allowances. Any amounts recaptured are added to taxable income for the year of sale or are used to reduce the cost

of a replacement asset. To the extent sales proceeds are less than the asset's depreciated value, an additional allowance is granted.

Groups of companies. A company that is part of a group of companies may surrender tax-trading losses to another member of the group. Two companies are deemed to be members of a group of companies for tax purposes if they are resident in Malta and not resident in any other country for tax purposes, and if one of the companies is a 51% subsidiary of the other or both are 51% subsidiaries of a third company that is resident in Malta. A company is considered to be a 51% subsidiary of another company if all of the following conditions exist:

- More than 50% of the subsidiary's ordinary shares and more than 50% of its voting rights are owned directly or indirectly by the parent company.
- The parent company is beneficially entitled to receive directly or indirectly more than 50% of profits available for distribution to the ordinary shareholders of the subsidiary.
- The parent company is beneficially entitled to receive directly or indirectly more than 50% of the assets of the subsidiary available for distribution to the ordinary shareholders of the subsidiary in the event of a liquidation.

The group company surrendering the losses and the group company receiving the losses must have accounting periods that begin and end on the same dates, except for newly incorporated companies and companies in the process of liquidation.

Tax consolidation rules. With effect from accounting periods starting on or after 1 January 2019, the Consolidated Group (Income Tax) Rules allow groups to elect to form a "fiscal unit" and bring to charge the income derived by the companies within the fiscal unit on a consolidated basis of taxation. For the purposes of these rules, the term "company" includes any entity that is treated as a company, including a partnership that has elected to be treated as a company but excludes securitization vehicles and licensed finance leasing companies.

A "fiscal unit" is formed through the submission of an election made by the parent company for itself and its 95% subsidiaries to form such a fiscal unit. A 95% subsidiary is a company in which the parent company's shareholding therein satisfies any two of the following conditions:

- The parent company holds at least 95% of its voting rights.
- The parent company is beneficially entitled to at least 95% of any profits available for distribution to its ordinary shareholders.
- The parent company would be beneficially entitled to at least 95% of any assets of the subsidiary company available for distribution to its ordinary shareholders on a winding-up.

All companies forming part of the fiscal unit must have their accounting periods beginning and ending on the same dates.

Once such a fiscal unit is formed, the parent company is treated as the principal taxpayer and is required to submit the income tax return for the whole fiscal unit. The 95% subsidiaries are treated as transparent subsidiaries and are not required to submit any income tax returns. To be in a position to submit the consolidated

income tax return, the principal taxpayer is required to prepare an audited consolidated balance sheet and profit-and-loss account covering the fiscal unit in accordance with the relevant requirements contained in the Companies Act.

In determining the chargeable income of the fiscal unit, the following rules apply:

- The principal taxpayer must bring forward in its consolidated income tax return any tax attributes carried forward by the transparent subsidiaries, such as unabsorbed capital allowances, tax trading losses and/or tax credits, and profits carried forward by the transparent subsidiaries in their respective taxed accounts other than the untaxed account in their income tax returns covering the previous year of assessment.
- The principal taxpayer is deemed to have derived all income earned by the transparent subsidiaries and entitled to claim a deduction of the expenses incurred by the transparent subsidiaries.
- Any transactions between the companies forming part of the fiscal unit must be ignored, and exemptions should remain available.
- Income derived by a transparent subsidiary that is not tax resident in Malta is deemed income attributable to a permanent establishment, which the principal taxpayer has outside Malta.
- If the principal taxpayer is a company that is not incorporated in Malta but tax resident in Malta, the principal taxpayer is subject to tax on the following:
  - — All income and capital gains derived by a transparent subsidiary incorporated in Malta
  - — All income and capital gains arising in Malta that are derived by a transparent subsidiary incorporated outside Malta
  - — All foreign-source income derived by a transparent subsidiary incorporated outside Malta but tax resident in Malta that is either received in or remitted to Malta

In determining the tax liability of the fiscal unit, the principal taxpayer is entitled to claim double taxation relief with respect to any tax incurred by any of the transparent subsidiaries outside Malta. The chargeable income derived by the fiscal unit is taxed at a rate that is determined by deducting from the applicable corporate tax rate the result of dividing the total amounts claimable by all members of the fiscal unit and/or persons entitled to receive distributions from the principal taxpayer by the chargeable income of the fiscal unit.

If the parent company's shareholding in a subsidiary satisfies the relevant conditions with a percentage of 100%, the tax payment by the fiscal unit is determined in a manner that the principal taxpayer deems fit. Otherwise, the tax due by the fiscal unit may also be apportioned to a transparent subsidiary that is a 95% subsidiary but not a 100% subsidiary, in accordance with an agreement agreed to by the principal taxpayer and all the other minority shareholders.

Certain anti-abuse provisions are envisaged.

Relief for losses. Tax losses incurred in a trade or business may be carried forward indefinitely to offset all future income.

Unabsorbed tax depreciation may also be carried forward indefinitely, but may offset only income derived from the same source. A carryback of losses is not allowed.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; standard rate	18
Stamp duty on various documents and transfers of ownership	
Sales of real property	5
Transfers of marketable securities	2
Life insurance policies	0.1
Other insurance policies	11
Excise duty, on various commodities including alcohol and alcoholic beverages, manufactured tobacco, energy products, mobile telephone services, cement, pneumatic tires, ammunition cartridges, chewing gum, water and other non-alcoholic beverages, and plastic sacks and bags; although levied on producers or importers when they distribute the products for general consumption, the duty is ultimately borne by consumers because it is included in the price of the products	Various

E. Miscellaneous matters

Foreign-exchange controls. When Malta became a member of the EU, it abolished foreign-exchange controls and introduced some reporting obligations under the External Transactions Act.

Anti-avoidance legislation. Maltese law includes transfer-pricing rules, which are discussed in further detail in *Transfer pricing*. It also contains general anti-avoidance provisions to prevent the avoidance of tax through arrangements that are solely tax-motivated. Under these provisions, the Commissioner for Tax and Customs may ignore an arrangement and add an amount to chargeable income if it establishes that a transaction has the effect of avoiding or postponing tax liability.

Anti-Tax Avoidance Directive 1. Malta has transposed the EU Anti-Tax Avoidance Directive 1 (ATAD 1). The ATAD 1 introduces some major tax policy changes into Maltese law by providing for a group of norms that were previously not contemplated in Maltese tax law. It provides for structured mandatory controlled foreign company (CFC) rules (to deter profit shifting to a low or no-tax jurisdiction) and exit taxation (to prevent companies from avoiding tax when relocating assets). In addition, the ATAD 1 introduces interest limitation rules to discourage artificial debt arrangements designed to minimize taxes and a general anti-abuse rule (GAAR) to counteract aggressive tax planning. Although Maltese law did previously provide for some basic interest limitation rules, the policy impact of interest-limitation rules driven by the ATAD 1 is expected to be significant. Because

the wording of the GAAR contemplated by the ATAD 1 is comparable to the wording in Article 51 of the Income Tax Act, the ATAD 1's introduction of a new GAAR is not expected to have a significant impact.

From a domestic perspective, the provisions of the ATAD 1 apply from 1 January 2019 (and from 1 January 2020 in the case of exit taxes) to all companies as well as other entities, trusts and similar arrangements that are subject to tax in Malta in the same manner as companies. This includes entities that are not resident in Malta but have a permanent establishment in Malta, provided that they are subject to tax in Malta as companies.

Anti-Tax Avoidance Directive 2. Malta has also transposed the EU Anti-Tax Avoidance Directive (ATAD 2). The ATAD 2 expands on the minimum standards targeting tax avoidance on certain hybrid mismatches that were originally contemplated by the ATAD 1 to target additional hybrid mismatches. While the ATAD 1 was aimed at hybrid mismatches arising from differences in the legal characterization of financial instruments and entities, the ATAD 2 widens the definition of "hybrid mismatch" to incorporate hybrid transfers, hybrid permanent establishment mismatches and imported mismatches. It also addresses reverse hybrid mismatches and tax residency mismatches.

The provisions of ATAD 2 are effective from 1 January 2020 and apply to all companies and other entities, trusts and similar arrangements that are subject to tax in Malta in the same manner as companies, including entities that are not resident in Malta but have a permanent establishment in Malta insofar as they are subject to tax in Malta as companies. The only exception applies to reverse hybrid mismatches. The applicable measures for reverse hybrid mismatches entered into effect on 1 January 2022, and they will also apply to all entities that are treated as transparent for Maltese tax purposes, such as partnerships that have not elected to be treated as a company.

Exchange of information requirements. Both the United States Foreign Account Tax Compliance Act (FATCA) and the Organisation for Economic Co-operation and Development (OECD) Common Reporting Standard were transposed into local law. Malta, as a Member State of the EU, has also transposed the provisions requiring the automatic exchange of information relating to advance cross-border rulings or advance pricing arrangements. Similarly, Malta has also transposed the provisions of the Mandatory Disclosure Regime.

Transfer pricing. Malta has recently introduced the Transfer Pricing Rules, which will apply from the following:

- Basis years commencing on or after 1 January 2024 in relation to any arrangement entered into on or after that date and any other arrangement that was entered into before such date but was materially altered on or after that date
- Basis years commencing on or after January 2027 in relation to any arrangements entered into before 1 January 2024 and which were not materially altered on or after that date

The core transfer-pricing provisions will apply with regard to cross-border arrangements entered into by large enterprises with

associated enterprises, including notional arrangements with permanent establishments, to make sure that these are at arm's length. Certain carve-outs are available, such as arrangements consisting of securitization transactions and cross-border arrangements for which the aggregate arm's-length value of the income and expenditure does not exceed the de minimis thresholds. These thresholds are currently EUR6 million for income and expenditure of a revenue nature and EUR20 million for income and expenditure of a capital nature.

The Transfer Pricing Rules also put into place unilateral transfer-pricing rulings (Unilateral TPRs) that are requested from the Commissioner for Tax and Customs, and bilateral or multilateral advance pricing agreements (APAs) with competent authorities of other states in agreement with the Malta competent authority. Both rulings are binding for a maximum period of five years, provided that there were not material changes. An application for a Unilateral TPR is subject to a nonrefundable fee of EUR3,000, and an application for an APA is subject to a nonrefundable fee of EUR5,000. A Unilateral TPR and an APA can also be renewed, subject to the payment of a nonrefundable fee of EUR1,000 and EUR2,000, respectively.

Whether an APA is issued is conditional on the Maltese competent authority coming into agreement with the other competent authorities, while the issuance of a Unilateral TPR is chiefly at the discretion of the Commissioner for Tax and Customs. The Commissioner for Tax and Customs is empowered to refuse the issuance of a Unilateral TPR if either the applicant is not up to date with its tax filings or, in the Commissioner for Tax and Customs' view, the Malta Income Tax Act clearly provides sufficient certainty with regard to the tax treatment of the cross-border arrangement.

The Transfer Pricing Rules also provide a procedure allowing any directly interested party who has submitted an application for a Unilateral TPR to refer any matter relating to it, including the Commissioner for Tax and Customs' refusal to issue a Unilateral TPR, to the Administrative Review Tribunal.

F. Treaty withholding tax rates

Under Maltese domestic tax law, dividends, interest, discounts, premiums and royalties paid to nonresidents are not subject to withholding tax. Interest and royalties paid to nonresidents are exempt from income tax in Malta if they are not effectively connected with a permanent establishment in Malta through which the nonresidents engage in a trade or business.

Under Malta's tax treaties, the maximum tax rates applicable to dividends paid by Maltese companies to persons resident in the other treaty jurisdictions do not exceed the tax rate payable by the recipient companies in Malta.

Malta has also signed and transposed the OECD's Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (Multilateral Instrument, or MLI). The MLI entered into force on 1 April 2019.

The following table provides the maximum withholding tax rates for dividends, interest and royalties under Malta's tax treaties.

	Dividends				
	Rate for minor shareholding %	Rate for major shareholding %	Required percentage for major shareholding %	Interest %	Royalties %
Albania	15	5	25	5	5
Andorra	–	–	–	–	–
Armenia	10	5	10	5	5
Australia (e)	15	15	– (a)	15	10
Austria (e)	15	15	– (a)	5	10/– (c)
Azerbaijan	8	8	– (a)	8	8
Bahrain	0	0	– (a)	0	0
Barbados	15	5	5	5	5
Belgium	15	15	– (a)	10	10/– (c)
Botswana	6	5	25	8.5	5/7.5
Bulgaria	0	0	– (a)	– (a)	10
Canada	15	15	– (a)	15	10
China Mainland	10	5	25	10	10
Croatia	5	5	– (a)	0	0
Cyprus	15	15	– (a)	10	10
Czech Republic	5	5	– (a)	0	5
Denmark	15	0	25	0	0
Egypt	10	10	– (a)	10	12
Estonia	15	5	25	10	10
Finland (e)	15	5	10	0	0
France	15	0	10	5	10
Georgia	0	0	– (a)	0	0
Germany	15	5	10	0	0
Greece	10	5	25	8	8
Guernsey (e)	–	–	– (a)	–	–
Hong Kong SAR	0	0	– (a)	0	3
Hungary	15	5	25	0/10	10
Iceland	15	5	10	0	5
India	10	10	– (a)	0/10	10
Ireland (e)	15	5	10	0	5
Isle of Man (e)	0	0	– (a)	0	0
Israel	15	0	10	5	–
Italy	15	15	– (a)	10	10/– (c)
Jersey	–	–	– (a)	–	–
Jordan	10	10	– (a)	10	10
Korea (South)	15	5	25	10/– (d)	10
Kosovo	10	0	10	5	0
Kuwait	0	0	– (a)	0	10
Latvia	10	5	25	10	10
Lebanon	5	5	– (a)	0	5
Libya	15	5	10	5	5
Liechtenstein	0	0	– (a)	0	0
Lithuania (e)	15	5	25	10	10
Luxembourg	15	5	25	0	10

	Dividends				
	Rate for minor shareholding %	Rate for major shareholding %	Required percentage for major shareholding %	Interest %	Royalties %
Malaysia	–	–	– (a)	15	15
Mauritius	0	0	– (a)	0	0
Mexico	–	–	– (a)	5/10	10
Moldova	5	5	– (a)	5	5
Monaco	0	0	– (a)	0	0
Montenegro	10	5	25	10	5/10
Morocco	10	6.5	25	10	10
Netherlands	15	5	25	10/– (c)	10
Norway	15	0	10	–	–
Pakistan	– (a)	15	20	10	10
Poland	10	0	10	5	5
Portugal	15	10	25	10	10
Qatar	0	0	– (a)	0	5
Romania	5	5	– (a)	5	5
Russian Federation	15	15	– (a)	15	5
San Marino	10	5	25	0	0
Saudi Arabia	5	5	– (a)	0	5/7
Serbia (e)	10	5	25	10	5/10
Singapore	–	–	– (a)	7/10	10
Slovak Republic (e)	5	5	– (a)	0	5
Slovenia	15	5	25	5	5
South Africa	10	5	10	10	10
Spain	5	0	25	0	0
Sweden	15	0	10	0	0
Switzerland	15	0	10	10	0
Syria	–	–	– (a)	10	18
Tunisia	10	10	– (a)	12	12
Türkiye	15	10	25	10	10
Ukraine	15	5	20	10	10
United Arab Emirates	–	–	– (a)	–	–
United Kingdom (e)	–	–	– (a)	10	10
United States (b)	15	5	10	10	10
Uruguay	15	5	25	10	5/10
Vietnam	15	5	50	10	5/10/15

(a) Not applicable.
(b) These are the general rates, but other rates may apply in specified circumstances.
(c) The dash signifies that certain royalties are not taxable in the state where the royalties are deemed to arise.
(d) The dash signifies that certain interest payments are exempt from tax.
(e) These are jurisdictions for which the synthesized text (term employed by the OECD in defining the document to be published by the competent authorities to facilitate the understanding of the MLI) modifying the relevant double tax treaty by the MLI has been issued by the Commissioner for Tax and Customs.

Malta has signed tax treaties with Curaçao, Ethiopia and Ghana, but these agreements are not yet in force.

Mauritania

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A. At a glance

Corporate Income Tax Rate (%)	2/25 (a)
Capital Gains Tax Rate (%)	25
Branch Tax Rate (%)	2/25
Withholding Tax (%)	
Dividends	10
Interest	10
Royalties from Patents, Know-how, etc.	15 (b)
Payments to Nonresidents for Services	15 (b)
Directors' Fees	10
Payments to Resident Individuals for Services	2.5 (c)
Branch Remittance Tax	10 (d)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) The Mauritanian tax code no longer provides for a minimum tax (see Section B).
(b) This tax applies to payments by residents to nonresidents. A tax treaty may reduce the rate applicable to nonresidents.
(c) This tax applies to service fees paid to local (Mauritania-based) consultants. A failure to pay the 2.5% withholding tax results in the non-deductibility of the service fees paid to the consultants.
(d) See Section B.

B. Taxes on corporate income and gains

Corporate income tax. Mauritanian companies are taxed on the territoriality principle. As a result, Mauritanian companies carrying on a trade or business outside Mauritania are not taxed in Mauritania on the related profits. However, profits deriving from export sales of goods or services of a Mauritania-based company are subject to tax in Mauritania. Foreign companies performing activities in the country are subject to Mauritanian corporate tax on profits generated if such activities are performed through a permanent establishment (PE).

Foreign companies are deemed to have a PE if they wholly or partly carry on their activity through a fixed place of business

such as a place of management, a branch, an office, a factory, a workshop, a mine, an oil or gas well, a quarry or any other place of extraction of natural resources. The above provision was introduced into the Mauritanian tax law, effective from 1 January 2020.

A PE also encompasses a construction site, an assembly or installation project as well as provision of services that last over six months in Mauritania, except for oil subcontractors/operators, for which the period is extended to 12 months.

Under the new General Tax Code, effective from 1 January 2023, the taxation of profits for corporate income tax purposes is now established according to the following three regimes:
- The regular real profit regime, which applies to companies with an annual turnover excluding tax greater than MRU5 million
- The intermediate real profit regime, which applies to companies with an annual turnover excluding tax lower than MRU5 million
- The simplified tax regime, which applies to commercial fishing

Tax rates. The regular corporate income tax rate is the higher of 25% of net taxable profit or 2% of turnover (except transfer or reversal of expenses). The corporate income tax cannot be less than MRU100,000 for taxpayers subject to the regular real profit regime. Mauritania Air Lines is exempt from this provision; the applicable tax rate is 1%.

Profits realized in Mauritania by branches of foreign companies are deemed to be distributed and, consequently, are subject to a branch withholding tax of 10% on after-tax income.

The corporate income tax due from companies subject to the intermediate real profit regime is equal to 25% of the net taxable profit or 2.5% of the turnover (except transfers and reversals of expenses).

For companies subject to the simplified tax regime of commercial fishing, the tax is equal to 1% of the gross exported value for artisanal exporters who have processing factories and to 1.2% for artisanal exporters without such facilities.

The Mauritanian investment code provides for a preferential tax regime for the following types of companies:
- Small-Sized Companies
- Free-Export Companies

Small-Sized Companies qualify for a preferential tax regime if they invest between MRU50 million and MRU200 million. The preferential regime grants certain tax advantages during the installation phase (limited to three years) and the operation phase.

Free-Export Companies qualify for a preferential tax regime if they satisfy the following conditions:
- They invest at least MRU500 million.
- They create at least 50 new permanent jobs.
- They intend to devote least 80% of their production to export sales.
- They are located in a free economic zone.

Free-Export Companies are eligible for certain tax exemptions and other tax advantages.

A simplified tax regime designed for the oil and gas sector provides for an 8% withholding tax.

Capital gains. Capital gains are taxed at the regular corporate income tax rate.

Administration. The fiscal year is the calendar year. Tax returns must be filed by 31 March of the year following the fiscal year.

Companies covered by agreements or benefiting from exemption for corporate income tax are now required to declare the amount of their profits for the financial year ended 31 December of the previous year, under the same conditions as those applicable to companies subject to the usual rules.

Companies must pay the corporate tax (see *Tax rates*) in two equal installments, which are due on 31 March and 30 June of the year following the tax year. Companies must pay any balance of tax due by 30 September.

For taxpayers subject to the simplified commercial fishing regime, the deductions related to payments made during a given month must be declared and paid by the authority responsible for the commercialization of fishing products no later than the 15th of the following month.

For coastal and offshore exporters, the tax must be determined and paid spontaneously within 30 days following the expiration date of their results declaration.

Dividends. Dividends are subject to a 10% withholding tax.

Foreign tax relief. Foreign tax credits are not allowed. Income subject to foreign tax that is not exempt from Mauritanian tax under the territoriality principle is taxable net of the foreign tax.

C. Determination of taxable income

General. Taxable income is based on financial statements prepared according to generally accepted accounting principles and the rules contained in the National General Accounting Plan.

Business expenses are generally deductible unless specifically excluded by law. The following expenses are not deductible:

- Interest paid on loans from shareholders to the extent that the rate exceeds the current rate of the central bank plus two percentage points and the company cannot provide a copy of the loan contract duly registered by a notary and a withholding tax certificate pertaining to the said interests
- Head-office expenses to the extent that they exceed 2% of annual turnover
- Corporate income tax (see Section B)
- Certain specified charges
- Corporate income tax, penalties, gifts and most liberalities, as well as donations exceeding 0.2% of the annual turnover within an MRU2 million limit
- Charges paid in cash to another company if their unit amount exceeds MRU200,000, or MRU50,000 for companies involved in the export and processing of fishery products

Inventories. Inventory is normally valued at the lower of cost or market value.

Provisions. In determining accounting profit, companies must establish certain provisions, such as a provision for a risk of loss or for certain expenses. These provisions are normally deductible for tax purposes if they provide for clearly specified losses or expenses that are probably going to occur and if they appear in the financial statements and in a specific statement in the tax return.

Capital allowances. Land and intangible assets, such as goodwill, are not depreciable for tax purposes. Other fixed assets may be depreciated using the straight-line method at maximum rates specified by the tax law. The following are some of the applicable straight-line rates.

Asset	Rate (%)
Commercial buildings	4
Industrial buildings	5
Office equipment	10
Motor vehicles	25
Plant and machinery	20

Certain industrial assets may be depreciated using the declining-balance method. The Mauritanian tax law allows accelerated depreciation methods.

Relief for tax losses. Losses may be carried forward for five years. Losses may not be carried back.

Groups of companies. Fiscal integration of Mauritanian companies equivalent to a consolidated filing position is not allowed.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on sales of goods and services, and on imports	
Standard rate	16
Telephony	18
Export of goods and services	0
Business activity tax (*patente*); calculated based on the turnover of the business	Various
Registration duties, on transfers of real property or businesses	1/2/5/10/15
Special tax on telecommunications services	5
Social security contributions, on an employee's monthly gross salary up to MRU15,000; paid by	
Employer	13
Employee	1

E. Foreign-exchange controls

The Mauritanian currency is the ouguiya.

Exchange-control regulations exist in Mauritania for foreign financial transactions.

Transfer pricing. Under the General Tax Code, important tax obligations are imposed on Mauritania-based entities that have annual net turnover or gross assets of MRU30 million or more and either of the following circumstances exists:

- At the end of the fiscal year, they hold, directly or indirectly, more than half of the share capital or voting rights of a company incorporated in Mauritania or abroad that meets the turnover condition mentioned above.
- At the end of the fiscal year, more than half of the share capital or voting rights of the entity are held, directly or indirectly, by a company incorporated in Mauritania or abroad meeting the turnover condition mentioned above.

The above companies are now required to take the following actions:

- They must file an annual transfer-pricing return (statement): This statement should be filed by 31 March of each year through an official form that Mauritanian tax authorities will be issuing in upcoming months. The return should include, among other items, general information on the group of related companies, including a general description of the business activities, the transfer-pricing policy, a list of immaterial assets, information on financial transactions (loans) and a statement of transactions performed between related parties.
- They must make available to the Mauritania tax authorities transfer-pricing documentation demonstrating compliance with the arm's-length principle. This documentation should be available to the tax authorities from the beginning of an on-site formal tax audit. In the event of a lack of production of complete documentation, a notice can be addressed to the taxpayer to provide requested information within a 15-day period.

In addition, a return including the country-by-country distribution of the profits of the related group of companies to which it belongs and tax and accounting data, as well as information on location of the activities of the group's entities, must be files electronically within 12 months of the end of the financial year by a Mauritanian entity that meets the following criteria:

- It directly or indirectly owns an interest in one or more companies in such a way that it is required to prepare consolidated financial statements in accordance with current accounting legislation, or would be required to do so if its shareholding were stock market-listed in Mauritania.
- It has an annual consolidated turnover, excluding tax, equal to or exceeding MRU25 billion during the financial year preceding the year for which the return relates.
- It is not held by companies holding, directly or indirectly, in the above-mentioned company a shareholding listed on the Mauritanian stock market.

If two or more companies established in Mauritania and belonging to the same group of affiliated companies meet one or more of the conditions listed above, one of them may be designated by the group of affiliated companies to file the Country-by-Country Report (CbCR), provided that it informs the tax authorities that this filing is intended to fulfill the reporting obligations of all the companies established in Mauritania and belonging to this group.

However, Mauritanian entities held by a legal person established in a state or territory appearing on a list of states or territories having adopted regulations making it compulsory to submit a CbCR and having concluded an automatic exchange of information agreement with Mauritania are not obliged to submit the CbCR if they notify the Mauritanian tax authorities that the controlling company or any other affiliated company residing in a state appearing on the aforementioned list has filed the CbCR.

A failure to file or filing incompletely or inaccurately the annual transfer-pricing return should trigger a tax fine of MRU2,500,000. A failure to submit documentation requested by the tax authorities should trigger a penalty of 0.5% per fiscal year of the amount of transactions related to the documents that have not been provided to the tax authorities.

Failure to file the CbCR or filing it incompletely or inaccurately within the deadline will trigger a tax fine of MRU4 million.

F. Tax treaties

Mauritania has entered into double tax treaties with Algeria, France, the Maghreb Arab Union, Senegal, Tunisia and the United Arab Emirates.

Mauritius

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A. At a glance

Corporate Income Tax Rate (%)	15 (a)
Capital Gains Tax Rate (%)	0 (a)
Branch Tax Rate (%)	15 (a)
Withholding Tax (%)	
Dividends	0
Interest	15 (b)
Royalties	10/15 (c)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) See Section B.
(b) This withholding tax applies to interest paid to any person, other than a company resident in Mauritius, by a person, other than a Mauritian bank or a person authorized to carry on deposit-taking business in Mauritius. This rate may be reduced if the recipient is a tax resident of a treaty-partner country. The withholding tax rate does not apply if the payer is a corporation holding a Global Business License (GBL) under the Financial Services Act 2007 (GBL company) and if it pays the interest out of its foreign-source income.
(c) The withholding tax rate is 10% for royalties paid to residents. For nonresidents, the rate is 15% unless the recipient is resident in a treaty jurisdiction and the applicable treaty provides for a lower rate. The withholding tax rate does not apply if the payer is a company and pays the royalty out of its foreign-source income.

B. Taxes on corporate income and gains

Corporate income tax. Companies resident in Mauritius are subject to income tax on their worldwide income. Resident companies are companies with their central management and control in Mauritius. If a nonresident company has a branch carrying on business in Mauritius, the nonresident company is subject to tax on the income of the branch.

Rates of corporate income tax. The corporate income tax rate is 15% of the annual taxable net profits.

A 3% rate applies to the taxable profits attributable to the export of goods, effective from 1 July 2017. Export of goods includes international buying and selling of goods, whereby the goods are shipped in the original country to the final importer in the

importing country, without the goods being physically landed in Mauritius and the sale of aviation fuel to an airline. A manufacturing company that is engaged in the medical, biotechnology or pharmaceutical sector and that holds an Investment Certificate issued by the Economic Development Board (EDB) is subject to tax at a rate of 3% if the company satisfies the prescribed conditions on the substance of its activities and has not applied any of the exemptions specified in Part II of the Second Schedule. A Higher Education Institution registered under the Higher Education Act set up in Mauritius is also subject to tax at the rate of 3%.

From the 2020-21 year of assessment, banks are subject to a separate tax regime. Subject to certain exceptions, the first MUR1.5 billion is taxed at a rate of 5% and a tax rate of 15% applies to the taxable profits exceeding MUR1.5 billion. If the taxable profits of the bank exceed MUR1.5 billion in a year and the 2017-18 year of assessment (the base year) and if the bank satisfies certain conditions, the 15% tax rate applies to only the excess of the taxable profits for the base year over MUR1.5 billion. The prescribed conditions for the 2020-21 and 2021-22 years of assessment are satisfied if the bank grants at least 5% of its new credit facilities to the following:

- Small and medium enterprises in Mauritius
- Enterprises engaged in agriculture, manufacturing or production of renewable energy in Mauritius
- Operators in African or Asian jurisdictions

For this purpose, a credit facility is either of the following:

- A facility, whether fund-based or non-fund-based, made available to a person and containing an obligation to disburse a sum of money in exchange for a right to repayment of the amount disbursed and outstanding and to payment of interest or other charges on such amount, including a loan, overdraft and leasing facility
- An extension of the due date of a debt, any guarantee issued and any commitment to acquire a debt security or other right to payment of a sum of money

The tax rate is 5% if the taxable profits of the bank do not exceed MUR1.5 billion for the base year even if the taxable profits for the year in question exceeds MUR1.5 billion and if the bank satisfies certain conditions that have not yet been prescribed. Under the Mauritian tax laws, banks are not allowed to claim a foreign tax credit. Under an amendment made by Section 38(d) of the Finance (Miscellaneous Provisions) Act 2023, the first MUR1.5 billion of the taxable profits of a bank is taxable at a rate of 5%, and any excess is taxable at the rate of 15%.

From the 2021-22 year of assessment, the tax payable by a life insurance company is based on the higher of the tax payable under the normal rule or 10% of the relevant profit. For this purpose, relevant profit is defined as profit attributable to shareholders as adjusted by any capital gain or capital loss reflected in the income statement of the company.

A tax of 10% applies to any winnings exceeding MUR100,000 that are paid to a winner by the Mauritius National Lottery Operator, operator of the Loterie Vert, a casino operator, a hotel

casino operator or a gaming house operator licensed under the Gaming Regulatory Authority Act.

Interest income on debentures, bonds or sukuks (debt instruments used in Islamic banking) issued by a company to finance renewable energy projects, the terms and conditions of which have been approved by the Mauritius Revenue Authority (MRA), is exempt from tax, effective from 1 July 2017. Interest from a sustainability bond or a sustainability-linked bond issued in accordance with the bond principles, guidelines and handbooks administered by the International Capital Market Association to finance sustainable projects in Mauritius if received by an individual or a company is exempt from 20 July 2023. For this purpose, a sustainability bond is a bond that finances a range of social and environmental projects that are aligned and contribute to the achievement of Sustainable Development Goals. A sustainability-linked bond is a bond for which the financial or structural characteristics can vary depending on whether the issuer achieves predefined sustainability, environmental, social and governance objectives, which are measured through predefined sustainability performance targets.

A requirement to establish a Corporate Social Responsibility (CSR) fund applies to companies. Companies must set up a CSR fund equal to 2% of chargeable income for the preceding year. Companies use this fund to implement a CSR program in accordance with their own CSR framework. For this purpose, the CSR program must have as its object the alleviation of poverty, the relief of sickness or disability, the advancement of education of vulnerable persons or the promotion of any other public object beneficial to the Mauritian community.

If the contribution is less than the 2% minimum, the difference must be paid to the MRA when the company submits its annual tax return. Certain companies, such as Global Business Corporations set up under the Financial Services Act 2007, companies that hold an Integrated Resort certificate referred to in the Investment Promotion (Real Estate Development Scheme) Regulations, 2007, companies issued a certificate as a freeport operator or private freeport developer under the Freeport Act on income from export and Real Estate Investment Trusts (REITs) are excluded from the purview of the CSR rules. Effective from the 2013 year of assessment, companies may spend up to 20% more than their statutory CSR obligation in any year but not more than two consecutive years and the excess CSR spending may then be offset in five equal consecutive annual installments against its future CSR liability. Subject to the approval of the CSR committee, up to 20% of the CSR liability may be carried forward to the following year.

Under amendments contained in the Finance (Miscellaneous Provisions) Act 2016 (FMPA 2016) and the Finance (Miscellaneous Provisions) Act 2017, at least 50% of any CSR fund set up during the period from 1 January 2017 to 31 December 2018 must be paid to the National Social Inclusion Foundation (CSR Foundation) through the MRA. Effective from 1 January 2019, the contribution to the CSR Foundation will be 75%. The balance must be applied to the entity's own CSR framework for CSR funds set up by 31 December 2018. Thereafter, the entity is allowed to contribute to a non-governmental organization

implementing a CSR program in the following priority areas of intervention:

- Dealing with health problems
- Educational support and training
- Family protection, including gender-based violence
- Leisure and sports
- Peace and nation building
- Road safety and security
- Social housing
- Socio-economic development as a means of poverty alleviation
- Supporting people with disabilities
- Such other areas as the MOFED may determine
- Fields of advocacy, capacity building and research for consideration relating to the other priority areas of intervention

The above priority areas target individuals and families registered under the Social Register of Mauritius and vulnerable groups under the Charter of the National CSR Foundation. Contributions to the restoration of a building designated under the National Heritage Fund Act also qualify as a CSR program.

The CSR does not apply to a company that has elected to pay its tax under the presumptive tax system.

Otherwise, the balance must be remitted to the MRA at the time of submission of the annual tax return.

Any excess CSR contribution made before the change to the law contained FMPA 2016 can be offset against the CSR liability that should be made to the CSR contribution, effective from the 2016-17 year of assessment over a period of five years.

The law now specifically provides that no CSR money can be specified regarding the following activities:

- Activities discriminating on the basis of race, place of origin, political opinion, color, creed or sex
- Activities promoting alcohol, cigarettes or gambling
- Activities targeting shareholders, senior staff or their family members
- Contributions to any government department or parastatal body
- Contributions to natural disasters mitigation programs
- Contributions to political or trade union activities
- Sponsorship for the purpose of marketing for companies
- Staff welfare and training of employees

The amount payable to the MRA may be reduced by 25% of the total CSR liability if a company intends to use the fund to finance a CSR program that has been approved by the CSR Foundation on or after 1 January 2019; the prior written approval of the CSR Foundation is mandatory.

The CSR liability cannot be reduced by any credit.

A special levy is imposed on banks. The levy does not apply if, in the preceding year, the bank had incurred a loss or if its book profit did not exceed 5% of its operating income. For the 2009 through 2013 years of assessment, the levy equaled the sum of 3.4% of book profit and 1% of operating income. For the 2014, 2015, 2015-16, 2016-17, 2017-18 and 2018-19 years of assessment, the tax base and rates remain unchanged for

Segment B banking business. Segment B banking business refers to banking transactions with nonresidents and corporations that hold a Global Business License (GBL) under the Financial Services Act 2007. The levy is computed at 10% of the chargeable income from other sources for the 2014, 2015, 2015-16, 2016-17, 2017-18 and 2018-19 years of assessment. From the 2019-20 year of assessment, the levy is included in the Value Added Tax Act. It is based on the aggregate net interest income and other income from banking transactions before deducting any expenses. The levy does not apply to banking transactions with nonresidents and companies holding a GBL under the Financial Services Act and is not payable if the bank incurs a loss. If the income that is subject to the levy is less than MUR1.2 billion, the rate of the levy is 5.5%; otherwise, the rate is reduced to 4.5%. For a bank that has been in operation since 30 June 2018, the levy is restricted to 1.5 times the levy for the 2017-18 year of assessment. The levy must be paid within five months after the year-end of the bank. The levy is not deductible for the purposes of computing the taxable profits of the bank. From the accounting period starting on or after 1 July 2023, the levy is computed at a rate of 5.5%.

"Telephony service providers," defined as a provider of public fixed or mobile telecommunication networks and services, are subject to a solidarity levy for the 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2015-16, 2016-17, 2017-18, 2018-19 and 2019-20 years of assessment. The levy equals the sum of 5% of book profit and 1.5% of turnover. The levy does not apply if, in the preceding year, the service provider incurred a loss or if its book profit did not exceed 5% of its turnover. From the 2020-21, 2021-22, 2022-23 and 2023-24 years of assessment, the levy is based on the aggregate of 5% of the accounting profit and 1.5% of the turnover of the operator. For this purpose, the accounting profit is the profit of an operator from all its activities and computed in accordance with the International Financial Reporting Standards. From the 2024-25 year of assessment and all following years of assessment, the levy is computed at a rate of 5% of the accounting profit and 1% of the turnover of the operator. If the operator incurs a loss, the levy is computed at 1% of the turnover of the operator.

Tax advantages for certain companies. The following types of companies may qualify for tax advantages:

- Freeport companies.
- Information and Communication Technology companies.
- Companies engaging in innovation-driven activities for intellectual property assets developed in Mauritius or deriving income from intellectual property assets developed in Mauritius on or after 10 June 2019.
- Companies set up on or before 30 June 2025 that are engaged in the operation of an e-commerce platform and that are issued an e-commerce certificate by the EDB are exempt from tax on their income, provided that the company satisfies its substance requirements. The exemption is restricted to five successive years starting from the year the company starts its activities.
- Companies engaged in the exploitation and use of deep-sea ocean water activities for certain specific purposes.
- Companies engaged in spinning, weaving, dyeing or knitting.

Freeport companies. Freeport operators and private Freeport developers are exempt from corporate income tax on sales made to persons outside Mauritius up to 30 June 2021, if the freeport certificate was issued on or before 14 June 2018. If the freeport certificate was issued on or after 14 June 2018, no corporate tax exemption applies. A freeport operator or private freeport developer is not subject to the CSR rules with respect to its income from exports. A freeport operator or private freeport developer is subject to tax at a rate of 3% if it satisfies all of the following conditions:

- It is engaged in the manufacturing of goods on the local market.
- The entity employs a minimum of five staff members.
- It incurs an annual expenditure of more than MUR3,500,000.

The income of a company operating as a freeport operator or private freeport developer under the Freeport Act is exempt for eight succeeding years from the year the company starts operations if the company meets the following conditions:

- It started its operations on or after 1 July 2022.
- It has invested not less than MUR50 million in its operations.
- It satisfies the prescribed substance conditions on its activities.

To date, the relevant regulations have not yet been prescribed.

Information and Communication Technology companies. Information and Communication Technology (ICT) companies are classified as tax-incentive companies. If the investment certificate of an ICT company is issued before 30 September 2006 and if the ICT company is engaged in business-process outsourcing and back-office operations or in the operation of call centers or contact centers, the ICT company may elect within 60 days of the date of the issuance of its investment certificate to have two-thirds of its net income exempted from tax up to and including the income year ended 30 June 2012. This reduces the effective tax rate to 5% of taxable income. Income derived by other ICT companies from nonresidents is exempt from tax through the income year ended 30 June 2012. Income derived from residents is taxable at the incentive rate of 15%. Losses incurred during the exemption period may be carried forward to years following the expiration of the exemption period.

Innovation-driven activities. The income of a company set up on or after 1 July 2017 that is involved in innovation-driven activities for intellectual property assets developed in Mauritius is exempt from tax from the year the company starts its innovation-driven activities for a period of eight years.

Expenditure on fast charger for electric car. Expenditure on a fast charger used for an electric car used in the production of gross taxable income (essentially turnover before deduction of any expenses) qualifies for a 200% deduction.

Expenditure on medical research and development. A person engaged in medical research and development is eligible to deduct 200% of any expenditure on medical research and development performed in Mauritius. The extra deduction is not available if the person has claimed annual allowances on the relevant expenditure.

Expenditure on patents and franchises. A company is allowed to deduct 200% of its expenditure on the acquisition of patents and

franchises and the costs to comply with international quality standards and norms.

Manufacturing of pharmaceutical products, medical devices and high-tech products. Income of a company that started operations on or after 8 June 2017 and that is engaged in the manufacturing of pharmaceutical products, medical devices and high-tech products is exempt from tax for a period of eight years from the year the company begins its operations.

Exploitation and use of deep ocean water. Income of a company from the exploitation and use of deep-sea ocean water for providing air conditioning installations, facilities and services is exempt from tax.

Contribution to COVID-19 Solidarity Fund. Contributions made to the COVID-19 Solidarity Fund, which is referred to in the Finance and Audit (COVID-19 Solidarity Fund) Regulations 2020, during the 2019-20 and 2020-21 income years qualify for a deduction in the year in which the contribution is made. Any unrelieved amount may be utilized in the following two years.

Donations to charitable institutions. A company that makes a donation through electronic means to a charitable institution is allowed a corporate tax deduction of three times the amount of the donation, subject to a maximum of MUR1 million in any given year, if the charitable institution is involved in any of the following activities:

- Supporting persons with health issues and disabilities
- Protection or rehabilitation of street children
- Animal welfare and protection

Joint tertiary education with African universities. If a higher education institution registered under the Higher Education Act enters into a contract with an African university to provide joint tertiary education for the final year of a course in Mauritius, it may deduct twice the amount of any expenditure incurred on the costs incurred on the conclusion of the contract with the African university. Costs for the purposes of the double deduction includes marketing costs, costs of hiring consultants and such other costs as the EDB may approve. Cost for this purpose specifically excludes any cost of a capital nature.

Participation in approved films. A Mauritian incorporated company may deduct from its gross income, twice the amount of any expenditure incurred in the financing, sponsorship, marketing or distribution of a film provided that the film has been approved under Film Rebate Scheme under the Economic Board Act, and after postproduction, is made up of at least 90% of the principal photography of Mauritius, as certified by the EDB.

Income derived in collaboration with the Mauritius Africa Fund. Income of a company from activities carried out as a developer or project financing institution in collaboration with the Mauritius Africa Fund for the purpose of developing infrastructure in a Special Economic Zone is exempt for a period of five years from the year in which the company begins performing the qualifying activities. A Special Economic Zone is defined as a part of a foreign territory where business activity may be conducted under preferential terms and which is being developed, managed or

promoted by the Mauritius Africa Fund Limited or any of its subsidiaries or affiliates.

Sheltered farming scheme. Income of a person from any activity under the sheltered farming scheme set up by the Food and Agricultural Research and Extension Institute is exempt from income tax for eight years from the year in which the person starts the relevant activity.

Companies engaging in offshore activities. Offshore business activities may be conducted through GBL companies or companies holding an Authorized Company License (AC companies). AC companies must conduct their activities outside of Mauritius or with such category of persons as may be specified in the Financial Services Commission (FSC) Rules. For this purpose, the categories of persons specified in the FSC Rules are the following:

- An AC company
- A holder of a GBL
- A holder of a GBL1 issued on or before 16 October 2017
- A holder of a GBL2 issued on or before 16 October 2017

AC companies must have their central management and control outside of Mauritius.

Mauritian residents, including GBL companies, are eligible for a foreign tax credit on their foreign-source income. The foreign tax credit is generally the lower of the Mauritian tax and the foreign tax. If the shareholding in the foreign company is 5% or more, an underlying tax credit can be claimed. A tax-sparing credit can also be claimed. Dividends paid to residents and nonresidents and royalties paid by GBL companies out of their foreign-source income to nonresidents are exempt from tax. Interest paid by GBL companies to nonresidents that do not have a place of business in Mauritius is exempt from tax to the extent that the interest is paid out of its foreign-source income. Effective from 1 January 2019, a royalty paid by any company to a nonresident out of its foreign-source income is exempt from tax. GBL1 companies may be considered residents of Mauritius for purposes of double tax treaties.

Under an amendment to the Financial Services Act (FSA) contained in the FMPA 2018, the FSC no longer issues a Category 1 Global Business License (GBL1) from 1 January 2019; instead, it issues a GBL. A GBL company is required to carry on its core income-generating activities (CIGA) in Mauritius and is required to have its central management and control in Mauritius. It should be administered by a management company. Its CIGA must be carried out in Mauritius as a result of the following:

- The direct or indirect employment of a reasonable number of suitably qualified persons
- The fact that it incurs expenses that are proportionate with to its level of activities

The FSA provides that the CIGA for a company with a GBL is supposed to be in Mauritius, but this should be determined in accordance with the Income Tax Act. However, the Income Tax Act does not require the CIGA for a company with a GBL to be in Mauritius. The Income Tax Act only requires that the CIGA to

be in Mauritius in the context of certain exempt income, such as foreign dividend and interest income.

A GBL is exempt from the CSR rules, and any outgoing interest from its foreign-source income is exempt from tax in Mauritius.

If a GBL1 was issued on or before 16 October 2017, the company will be deemed to be a GBL from 1 July 2021; otherwise, it will be deemed to be a GBL from 1 January 2019.

The FSC no longer issues a Category 2 Global Business License (GBL2). The corporate tax exemption for GBL2 companies will terminate on 30 June 2021 if the GBL2 was issued on or before 16 October 2017. The exemption does not apply to income from the following:

- Intellectual property assets acquired from a related party after 16 October 2017
- Intellectual property assets acquired from a third party after 30 June 2018
- New intellectual property assets created after 30 June 2018
- Specific assets acquired or projects started after 31 December 2018, as may be determined by the MRA

A company may be granted the status of Authorized Company by the FSC if all of the following conditions are satisfied:

- A majority of the shares, voting rights or the legal or beneficial interests in the company, other than a bank, are held or controlled by non-Mauritian citizens.
- The company conducts business principally outside of Mauritius or with such category of persons, as may be specified in the FSC Rules.
- The company has its central management and control outside of Mauritius.

An Authorized Company is not supposed to transact in Mauritius. Consequently, it is not generally expected to have Mauritian-source income.

From 1 January 2019, transactions with nonresidents and other GBL companies are not automatically considered to be foreign-source income for GBL1 companies and banks. If a GBL1 has been issued on or before 16 October 2017, the income is considered to be foreign-source income up to 30 June 2021. For a bank, the current definition applies up to the 2019-20 year of assessment.

The presumed foreign tax no longer applies from 1 January 2019. Under transitional rules, it will continue to apply to a GBL1 company up to 30 June 2021 if the GBL1 was issued on or before 16 October 2017. This excludes income from the following:

- Intellectual property assets acquired from a related party after 16 October 2017
- Intellectual property assets acquired from a third party after 30 June 2018
- Intellectual property assets created after 30 June 2018
- Specific assets acquired or projects started after 31 December 2018, as may be determined by the MRA

In the case of banks, the presumed foreign tax will continue to apply up to the 2019-20 year of assessment.

It is no longer possible for certain trusts to deposit a declaration of nonresidence to the MRA that enables such trusts to benefit from an income tax exemption. Under the transitional rules, the exemption continues to apply up to the 2024-25 year of assessment if the trust was set up before 30 June 2021 and deposits a declaration of nonresidence within three months after the expiration of the relevant basis year. The transitional rules do not apply to the following:

- Intellectual property assets acquired from a related party after 30 June 2021
- Intellectual property assets acquired from an unrelated party, or such intellectual property assets newly created after 30 June 2021
- Income from such specified asset acquired, or projects started, after 30 June 2021 as may be determined by the MRA

For the purposes of the transitional rules, intellectual property assets include copyrights of literary, artistic or scientific works; patents, trademarks, designs or models; and plans or secret formulas or processes.

It is no longer possible for a foundation to deposit a declaration of nonresidence to the MRA that enables such trusts to benefit from an income tax exemption. Under the transitional rules, the exemption continues to apply up to the 2024-25 year of assessment if the foundation was set up before 30 June 2021 and deposits a declaration of nonresidence within three months after the expiration of the relevant basis year. The transitional rules do not apply to the following:

- Intellectual property assets acquired from a related party after 30 June 2021
- Intellectual property assets acquired from an unrelated party, or such intellectual property assets newly created after 30 June 2021
- Income from such specified asset acquired, or projects started, after 30 June 2021 as may be determined by the MRA

For the purposes of the transitional rules, intellectual property assets include copyrights of literary, artistic or scientific works; patents, trademarks, designs or models; and plans or secret formulas or processes.

Companies engaged in qualifying activities. Companies engaged in dyeing, knitting, spinning, or weaving activities that began their operations before 30 June 2006 are exempt from income tax for a period of up to 10 income years. If a company began operations during the period of 1 July 2006 through 30 June 2008, its income is exempt from income tax up to and including the income year ended 30 June 2016. Losses incurred during the exemption period may be carried forward to years following the expiration of the exemption period.

A company that subscribes to the stated capital of a spinning company on or before 30 June 2008 for an amount of MUR60 million or more is granted a tax credit equal to 60% of the investment in share capital over a period of either four or six income years. This tax credit is also granted to a company subscribing to the stated capital of a company engaged in dyeing, knitting and weaving activities on or before 30 June 2008 for an amount of MUR10 million or more. The credit is available beginning in the income year preceding the income year in which

the shares are acquired and is spread equally over the four- or six-year period. Any unused portion of the tax credit may be carried forward to subsequent income years, subject to a maximum period of five consecutive income years beginning with the income year of the investment.

Under an amendment contained in the FMPA 2016, a company that has invested MUR60 million or more or at least 20% in the stated capital of a spinning factory, whichever is higher, during the years of 2003 to 2008 is allowed an investment tax credit (ITC) of either 15% of the investment over a four-year period or 10% of the investment over six years. The credit is allowed from the year the investment is made and is reduced by any credit previously claimed with respect to the same investment. A similar form of credit applies to a company that has invested in the stated capital of a company engaged in dyeing, knitting and weaving activities during the same period; the minimum amount of the investment is MUR10 million or at least 20% of the stated capital of the company. The ITC may be carried forward for a consecutive period of six years from the year of the investment and may be applied against any past tax liability; however, no refund is made for tax already paid. The ITC may be set off against the 30% of the tax claimed that was required to be paid for an objection to a notice of assessment to be valid; any excess ITC can be offset against any tax payable from 1 September 2016. The ITC can offset against any past tax liability for any case under dispute. If the ITC is offset against the tax liability for a pending case before any court, judicial or quasi-judicial body, the company should withdraw its case.

Manufacturing companies or companies producing "specified goods or products" can claim a tax credit on the total capital expenditure incurred on the acquisition of new plant and machinery (excluding motor cars) exceeding MUR100 million during the period of 1 January 2014 through 30 June 2016. The annual tax credit equals 5% of the cost of the plant and machinery. The credit is subtracted from the income tax liability in the year of acquisition and the two subsequent income years. Any unrelieved tax credit with respect to an income year may be carried forward to the following income year. The carryforward applies to a maximum of five consecutive income years following the income year in which the capital expenditure is incurred. The following are the "specified goods or products":

- Computers
- Electrical equipment
- Film
- Furniture
- Jewelry and bijouterie
- Medical and dental instruments, devices and supplies
- Pharmaceuticals or medicinal chemicals
- Ships and boats
- Textile
- Wearing apparel

For tax purposes, manufacturing activities include the following:

- The assembly of parts into a piece of machinery or equipment or other product
- Retreading of used tires
- Recycling of waste

Under an amendment contained in the FMPA 2016, companies engaged in manufacturing activities or companies producing the "specified goods or products" are also allowed a credit in the year of acquisition and the subsequent two years at the following rates for capital expenditure incurred on the following new assets during the period from 1 July 2016 through 30 June 2020.

Asset	Rate of credit (%)
Computers	15
Electronic or optical products	5
Electrical equipment	5
Film	15
Furniture	5
Jewelry and bijouterie	5
Medical and dental instruments, devices and supplies	5
Pharmaceuticals or medicinal chemicals	15
Ships and boats	15
Textiles	15
Wearing apparels	15

Any excess credit may be carried forward to the next year. However, the credit cannot be used in a period beyond 10 years following the year in which the capital expenditure is incurred. If the asset is sold within five years from the date of its acquisition, the credit is clawed back.

The Income Tax (Amendment) Regulations 2024 issued on 5 January 2024 amended Section 23D such that a company engaged in the manufacturing of medical, biotechnical or pharmaceutical products is subject to a reduced corporate tax rate of 3% if it satisfies the prescribed conditions and does not benefit from the exemption that is the subject matter of Part II of the Second Schedule to the Act.

A company that invests in the share capital of a subsidiary company engaged in the setting up and management of an accredited business incubator is allowed to claim a credit in the year of investment and the subsequent two years. The credit equals 15% of the amount invested, subject to a maximum amount of MUR3 million. Any excess can be carried forward to the next income year and is clawed back if the shares are disposed of within five years after the year of the investment.

Income of a company incorporated on or after 1 July 2021 and holding an Investment Certificate issued by the EDB is exempt for a period of eight succeeding years from the year the company is incorporated.

Income of a corporation holding a Family Office (Single) Licence or a Family Office (Multiple) Licence issued on or after 1 September 2016 by the FSC is exempt from tax for a period of 10 years from the year the corporation was granted the license, provided that the income is from activities covered under the relevant license and the corporation satisfies the conditions of minimum employment and the substance of its activities as specified by the FSC.

Partial exemption. Eighty percent of the following types of income is exempt from tax from 1 January 2019:

- Foreign dividends
- Interest income received by companies, other than banks
- Profits attributable to a foreign permanent establishment
- Leasing of ships, aircrafts, locomotives and trains, including rail leasing
- Income, other than interest income, of a collective-investment scheme (CIS), closed-end fund (CIF), CIS manager, CIS administrator, investment advisor, investment dealer or asset manager, set up under the FSA
- Income of a company from reinsurance and reinsurance brokering activities
- Income of a company from the leasing and provision of international fiber capacity
- Income of a company from the sale, financing arrangement and asset management of aircraft and its spare parts, and related aviation advisory services

Interest income of a CIS or a CEF approved by the FSC under the FSA qualifies for a 95% exemption if the prescribed conditions are satisfied.

The exemption for foreign dividend income applies only if all of the following conditions are satisfied:
- The dividend has been treated as nondeductible in the state of source.
- The receiving company has satisfied its compliance obligations under the Companies Act or the FSA.
- The company must have adequate resources to hold and manage share participations.

The exemption for interest income and ship and aircraft leasing income applies only if all of the following conditions are satisfied:
- The company carries on its core income-generating activities in Mauritius.
- The company employs directly or indirectly an adequate number of suitably qualified persons to conduct its core income-generating activities.
- The company incurs a minimum level of expenditure proportionate with its level of activities.

If a company outsources any relevant activities to third party service providers, the company should be able to demonstrate adequate monitoring of the outsourced activities. The outsourced activities should be conducted in Mauritius. The economic substance of the service providers is not counted multiple times by multiple companies.

A company may opt to apply the credit system instead of the partial exemption if the income has been subject to foreign tax.

Other tax exemptions. Income derived from the operation of an e-commerce platform by a company set up on or before 30 June 2025 and issued an e-commerce certificate by the EDB is exempt from income tax for a period of five years as from the year the company starts its operations provided that the company satisfies such conditions as may be prescribed relating to its substance requirements.

Income derived from the operation of a peer-to-peer lending platform by a person operated under a license issued by the FSC under the FSA is exempt from income tax for a period of five years if the following conditions are satisfied:
- The person started their operations before 31 December 2020.
- The income is from the activities covered by the license.
- The person satisfies the conditions relating to the substance of its activities as specified by the FSC.

Other exemptions include the following:
- Income derived by a person using an innovative agricultural method under the Integrated Modern Agricultural Morcellement Scheme administered and managed by the EDB for eight succeeding years from the year the activity is started
- Income derived by a person engaged in sustainable practices and registered with the EDB for eight years from the year the activity is started
- Income derived by a company issued with a certificate as a freeport operator or private freeport developer under the Freeport Act for eight years from the year the company starts its operations if the company started its operations on or after 1 July 2022, the company has invested not less than MUR50 million in its operations, and the company satisfies the conditions relating to the substance of its activities

Other tax benefits

Tax credit on new plant and machinery. A company engaged in the importation of goods in semi-knocked down form can benefit from a tax credit of 5% on the expenditure incurred on any new plant and machinery during the period from 1 July 2018 to 30 June 2020. The credit applies in the year the capital expenditure is incurred and in the following two years. The credit does not apply if the local value addition incorporated in the goods is less than 20%. Expenditure on motor cars does not qualify for the credit.

If a manufacturing company incurs capital expenditure on new plant and machinery, excluding motor cars, during the period of 1 July 2020 to 30 June 2026, it is entitled to a tax credit of 15% of the total cost in the year of acquisition and the two subsequent years. Any unutilized tax credit may be carried forward to the subsequent year up to a maximum of 10 years following the year the capital expenditure is incurred. If a company is engaged in the manufacturing of both alcoholic and non-alcoholic drink beverages, any cost of new plant and machinery on plant and machinery exclusively used in the production of non-alcoholic drinks qualifies for the credit.

Tax credit to medical, biotechnology or pharmaceutical companies. A manufacturing company engaged in the medical, biotechnology or pharmaceutical sector is entitled to a tax credit based on the capital expenditure incurred on the acquisition of patents. Any unutilized tax credit can be carried forward to subsequent years up to a maximum of five years. The tax credit is withdrawn in total or in part if within five years of the year of acquisition the company ceases to be engaged wholly or mainly in the qualifying activity or the company sells or otherwise transfers the patents.

Additional investment allowance to companies affected by the COVID-19 pandemic. A company that has incurred capital expenditure on the acquisition of new plant and machinery, excluding motor cars, during the period from 1 March to 30 June 2020 is entitled to 100% additional investment allowance provided that it satisfies the MRA that it has been adversely affected by the COVID-19 pandemic.

Extra deduction for emoluments for homeworkers. An extra deduction (that is, the expense is effectively relieved twice for corporate income tax purposes) applies to employers that have full-time homeworkers if the following conditions are satisfied:

- The employer has acquired the necessary information technology system to enable the worker to work from home.
- The employer has more than five homeworkers at any time during the year.
- The monthly emoluments do not exceed MUR100,000.
- The homeworker started to work from home on or after 1 July 2018.
- The emoluments relate to July 2018 or a later month and apply for a period not exceeding 24 months.

Tax credit on information technology system. A tax credit applies to expenditure incurred on an information and technology system for the purpose of employing homeworkers. The credit equals 5% of the expenditure incurred and can be claimed in the year the capital expenditure is incurred and in the following two years.

Investment in nurseries. An expenditure by a company on nurseries is eligible for a 200% deduction.

Capital gains. Capital gains are not subject to income tax. The Finance (Miscellaneous Provisions) Act 2010 (FMPA 2010) introduced a capital gains tax regime for transactions in immovable properties or interests in immovable properties; however, it was repealed by the Finance (Miscellaneous Provisions) Act 2011, effective from 5 November 2011.

Withholding taxes. Withholding taxes apply to certain payments. The tax withheld at source is an interim tax payment that may or may not be the final tax liability. Amounts deducted are credited to the final tax liability of the taxpayer for the relevant tax year.

The following are the withholding tax rates.

Payment	Rate (%) (a)
Interest	15 (b)
Royalties	10/15 (c)
Rent for buildings	7.5
Commission	3
Payments to contractors and subcontractors	0.75
Payments to accountants or accounting firms, architects, attorneys, barristers, engineers, interior decorators or designers, land surveyors, legal consultants, medical service providers, project managers in the construction industry, property valuers, quantity surveyors, solicitors, tax advisors and their representatives	5
Payments made by insurance companies to motor surveyors and other persons for repairs of motor	

Payment	Rate (%) (a)
vehicles of policyholders	3
Payments made by a ministry, government department, local authority, statutory body or the Rodrigues Regional Assembly on contracts, other than payments to contractor and subcontractors and payments to service providers specified in the preceding entry above	
For the procurement of goods and services under a single contract, if the payment exceeds MUR300,000	1
For the procurement of goods under a contract, if the payment exceeds MUR100,000	1
For the procurement of services under a contract, if the payment exceeds MUR30,000	3
Payments made to the owner of immovable property or agent, other than a hotel, unless the payments are made to a body of persons specified in Part I of the Second Schedule or a person exempt from income tax as a result of any other enactment, by a tour operator or travel agent, other than an individual, an Integrated Resort Scheme (IRS) or Real Estate Development Scheme (RES) company or a provider of property management services designated by an IRS or RES company, under the Investment (Real Estate Development) Regulations 2007, or any other agent, other than an individual, carrying on the business of providing services with respect to the leasing of properties	5
Payments made to a provider of security services, cleaning services or pest management services and other ancillary services	3
Payments made by insurance companies to motor surveyors and mechanics	3
Payments made to nonresidents for services rendered in Mauritius	10
Payment of management fees	
To residents	5
To nonresidents	10
Payments to nonresident entertainers or sportspersons	10

(a) The withholding taxes do not apply to a company, partnership or succession (estate of a deceased person) with an annual turnover MUR6 million or less, except for the award of a contract for construction works.

(b) This withholding tax applies to interest paid by any person, other than by a bank or nonbank deposit-taking institution under the Banking Act, to any person, other than a company resident in Mauritius.

(c) This withholding tax is imposed on residents and nonresidents. The withholding tax rate is 10% for residents and 15% for nonresidents. For a recipient of royalties that is resident in a treaty country, the treaty rate applies if it is lower than 15%. The treaty rate does not apply if the royalty is paid out of the foreign-source income of a company.

If a recipient of a payment proves to the Director-General of the MRA that the recipient is not liable for tax, the Director-General may, by written notice to the payer, direct that no tax be withheld from the payment to the recipient.

Administration. The income year is 1 July to 30 June of the year preceding the year of assessment. Companies may choose a financial year-end other than 30 June for tax purposes. The income year-end was previously 31 December.

Companies are generally required to file their tax returns within six months after their year-end. If the year-end of a company is 30 June and if the company does not have any tax payable, the tax return can be submitted by 15 January of the following year. A company with a 30 June year-end may submit its annual tax return by 31 January in the following year if it has submitted and paid tax for the quarter ending on 30 June.

The FMPA 2016 contains a section on amended tax returns. Under this section, an amended tax return is not allowed if it is submitted more than three years from the end of the year of assessment to which the return relates. The time limit of three years does not apply if the company has underdeclared its income. If an amended tax return is filed, the return for the relevant year is deemed to have been made on the date on which the amended tax return is made. As a result, interest and penalties may apply.

Any tax payable in accordance with the annual return must be paid at the time of filing the return. The Advance Payment System (APS) requires companies to pay tax electronically on a quarterly basis. For purposes of the APS, companies can either use the taxable profits of the preceding tax year or the results of the relevant quarter. A company with annual turnover of MUR10 million or less is not required to pay tax under the APS. The APS requirement also does not apply if the company did not have any chargeable income in the preceding year. Under an amendment contained in the FMPA 2016 with respect to CSR, APS also applies to the contributions that must be made to the National CSR Foundation.

Any company that is engaged in any activity in the tourism sector specified in Part I of the Income Tax Regulations and that has an accounting period ended on any date during the period September 2019 to June 2020 is required to pay half of its tax on or before 29 December 2020 and the remainder on or before 28 June 2021. The same time limit applies to any quarterly tax payment. The companies that are within the scope of Part I of the Income Tax Regulations include hotels, guest houses, travel agencies and amusement parks.

If a payment is late or an incorrect return is filed, a penalty of 5% of the tax payable is imposed. The penalty is reduced to 2% if the taxpayer is a small enterprise with an annual turnover of less than MUR10 million. Interest at a rate of 0.5% for each month or part of a month the tax remains unpaid also applies. In addition, a penalty of MUR2,000 is imposed for each month or part of a month that the annual tax return is late. The penalty is limited to a maximum amount of MUR20,000. The maximum penalty is reduced to MUR5,000 if the taxpayer is a small enterprise with an annual turnover of less than MUR10 million.

After the MRA issues a notice of assessment, the taxpayer may object to the assessment. For an objection to be valid, 10% of the total tax claimed must be paid to the MRA. If the MRA is satisfied that the taxpayer cannot pay the 10% tax, a bank

guarantee may be provided. If a notice of determination is issued by the objection department of the MRA, written representations may be made to the Assessment Review Committee. In such a case, 5% of the amount determined in the notice of determination should be remitted to the MRA.

Dividends. Dividends paid to residents and nonresidents are exempt from tax. Dividends should be paid in either cash or shares.

Foreign tax relief. Residents of Mauritius may claim a foreign tax credit (FTC), regardless of whether they may claim other tax credits. The FTC equals the lower of the Mauritian tax liability and the amount of the foreign taxes. In computing the FTC, all foreign-source income may be pooled. An underlying FTC is also available if the residents, including individuals and trusts, own directly or indirectly at least 5% of the share capital of the foreign company. The underlying FTC is extended to all previous tiers. The FTC takes into account any tax sparing credits granted to the payer of the dividends.

C. Determination of trading income

General. Taxable income of resident companies and foreign branches comprises gross income less cost of goods sold and expenses incurred exclusively in the production of income, unless specifically excluded by law. Income and expenses are determined in accordance with generally accepted accounting principles. The levy imposed in accordance with Section 114 of the Gambling Authority Act is not deductible.

Inventories. Inventories may be valued according to International Accounting Standard 2. However, the income tax rules provide that the last-in, first-out (LIFO) method of valuation may not be used.

Provisions. No provisions are allowed for tax purposes.

Tax depreciation. No deduction is allowed for book depreciation of non-current assets, but statutory depreciation (capital allowances) is granted. Mauritian law provides for investment allowances and annual allowances. However, the investment allowance and the additional investment allowances have been repealed and are now available only in limited cases under transitional rules.

Under the transitional rules, a company whose application has been approved under the Investment Promotion Act, or whose proposed activity has been approved under any other enactment, may elect by irrevocable notice in writing to the Director-General to claim annual allowances for capital expenditure incurred on or before 30 June 2009 at the rates prevailing on 30 June 2006. Manufacturing companies may claim additional investment allowances on state-of-the-art technological equipment for acquisitions made in the years ended 30 June 2007 and 30 June 2008. ICT companies may claim additional investment allowances on computer equipment and plant and machinery for acquisitions made on or before 30 June 2008.

The following investment allowances are provided.

Allowance	Rate (%)
Investment allowance on certain new assets, including industrial buildings,	

Allowance	Rate (%)
office equipment, plant and machinery, and buses with a seating capacity of at least 30	25
Additional investment allowance for a manufacturing company that has incurred capital expenditure on the acquisition of state-of-the-art technological equipment in the year ended 30 June 2008	10
Additional investment allowance for an ICT company that incurs capital expenditure on the acquisition of new plant and machinery or computer software	25

The following are the rates of annual allowances computed using the declining-balance method.

Asset	Rate (%)
Hotels	30
Furniture and fittings	20
Plant and machinery	35
Heavy equipment (such as agricultural tractors or excavators)	35
Computer hardware, peripherals and computer software	50
Motor vehicles	25
Setting up of golf courses	15

The following are the rates of annual allowances computed using the straight-line method.

Asset	Rate (%)
Commercial premises	5
Green technology equipment	50
Landscaping and other earthwork for embellishment purposes	50
Industrial premises excluding hotels	5
Any item of a capital nature not listed above that is subject to depreciation under the normal accounting principles	5
Plant and machinery costing MUR60,000 or less	100
Aircraft and aircraft simulators leased by aircraft leasing companies	100
Electronic, high-precision machinery or equipment and automated equipment	100

The following are the rates of annual allowances for capital expenditure incurred during the period from 1 January 2013 through 30 June 2018.

Asset	Rate (%)
Industrial premises dedicated to manufacturing	30
Plant and machinery costing MUR60,000 or less	100
Electronic and high-precision equipment	50
Plant and machinery, except passenger cars, acquired by a manufacturing company	50
Scientific research	50

Except for the annual allowance rates on industrial premises, the above rates will be applied on a straight-line basis.

For the purposes of the annual allowances, green technology equipment includes the following types of equipment:
- Renewable energy equipment
- Energy-efficient equipment or noise-control devices
- Water-efficient plant and machinery and rainwater harvesting equipment and systems
- Pollution-control equipment or devices, including wastewater recycling equipment
- Effective chemical hazard control devices
- Desalination plant
- Composting equipment
- Equipment for shredding, sorting and compacting plastic and paper for recycling
- Equipment and machinery used for eliminating, reducing or transforming industrial waste

Any unused annual allowances that arise as a result of the above increased rates can be carried forward indefinitely. Expenditure on passenger cars is not eligible for increased annual allowances.

Capital allowances are subject to recapture on the sale of an asset to the extent the sales price exceeds the tax value after depreciation. Amounts recaptured are included in ordinary income and are subject to tax at the normal tax rate. To the extent that the sales price is lower than the depreciated value, an allowance is granted.

Under an amendment contained in the Finance (Miscellaneous Provisions) Act 2010, the total annual allowances on a motor car cannot exceed MUR3 million. The MUR3 million cap does not apply to persons engaged in the business of tour operator or car rental.

Expenditure on deep ocean water air conditioning. Expenditure on deep ocean water air conditioning is eligible for a 200% deduction over a period of five years from the year of the incurrence of the expenditure. This measure is effective as from 1 July 2017. A tax loss resulting from expenditure on deep ocean water air conditioning is not subject to the five-year restriction on the utilization of tax losses (see *Relief for losses*).

Expenditure on water desalination plant. Expenditure on the acquisition and setting up of a water desalination plant is eligible for a 200% deduction from 1 July 2017. A tax loss that results from expenditure on a water desalination plant is not subject to the five-year restriction on the utilization of tax losses (see *Relief for losses*).

Research and development. Any qualifying expenditure on research and development (R&D) incurred during the period of 1 July 2017 through 30 June 2027 (the qualifying period) is eligible for a 200% deduction if the relevant expenditure is directly related to an existing trade or business and if the R&D is carried on in Mauritius. If the qualifying expenditure incurred during the qualifying period does not relate to an existing trade or business, the MRA may allow the expenditure. The qualifying expenditure relates to any R&D and specifically includes expenditure on innovation, improvement or development of a process, product or service, staff costs, consumable items, computer software directly used in R&D and subcontracted R&D. The time limit of five

years on the utilization of tax losses does not apply to a tax loss resulting from the 200% deduction.

Expenditure on cleaning, renovation and embellishment works. A company operating a hotel can deduct 150% of any expenditure on cleaning, renovation and embellishment work in the public realm.

Expenditure on arbitration, conciliation or mediation under an Alternative Dispute Resolution Mechanism. Expenditure on filing fees for the purposes of filing a request for arbitration, conciliation or mediation is eligible for 150% deduction if the application is made to a recognized arbitration institution, such as the Mauritius International Arbitration Centre, the Mauritian Chamber of Commerce and Industry Arbitration and Mediation Centre or the Mediation Division of the Supreme Court of Mauritius.

Expenditure incurred by manufacturing companies on products manufactured locally by small enterprises. Expenditure on the direct purchase of products manufactured locally by small and medium enterprises whose yearly turnover does not exceed MUR100 million is eligible for an extra deduction of 25% of the expenditure incurred on or after 1 July 2022.

Expenditure on international accreditation. A company registered as a health institution under the Private Health Institutions Act is eligible for an extra deduction on any expenses incurred on international accreditation.

Expenditure on market research and product development. A manufacturing company having an annual gross income from the export of goods exceeding MUR500 million is eligible for an extra deduction on any expenditure on market research and product development.

Expenditure on specialized software and systems. Expenditure incurred on the acquisition of specialized software and systems by a company is eligible for a 200% deduction provided that the company has not treated the software as an asset for tax purposes. The new regulation broadly provides the following:

- The amount eligible for the extra deduction
- Timing of expenditure
- Use of the software
- Components of the software
- Cases in which software is considered as specialized software (positive list)
- Cases in which software is not considered as software (negative list)

The new regulations provide that the specialized software must meet the following conditions:

- It must be acquired on or after 1 July 2021.
- It must be used in business for income-producing activities.
- It must have a lifetime exceeding one year.

The term software comprises the following:

- Non-customized software available to the general public under a non-exclusive license
- Software acquired from a third-party contractor who is at economic risk should the software not perform

- Software that is leased
- Such other type of software as may be approved by the Minister of Finance and Economic Development

The eligible deduction shall be with respect to the cost of the following:
- Purchase or lease of the software
- Installation of the software on the taxpayer's computer hardware
- Configuration of the software to the taxpayer's needs

The expenses qualifying for the extra deduction must exceed MUR100,000, with a maximum of MUR100 million in any year.

Positive list. Specialized software includes software used in relation to the following:
- Additive manufacturing
- Optimization of manufacturing processes, including production planning and execution
- Robotics
- Artificial intelligence
- Simulation
- Augmented and virtual reality
- Horizontal and vertical system integration
- Industrial internet of things
- Cybersecurity
- Big data and analytics, including efficient data sharing
- Cloud technology
- Digitization outreach to customers
- Enable work from home
- Improve energy efficiency
- Engineering tools
- Product lifecycle management

Negative list. Qualifying expenditure for the double deduction does not include expenditure on the following:
- Hardware
- Operating system software
- Software performing general and administrative functions such as payroll, bookkeeping, personnel management, spreadsheets, word processing, presentation tools or providing non-computer services such as accounting, banking services and auditing
- Programming software
- Database software
- Basic enterprise resource planning and customer relationship management software
- Websites
- Mobile applications
- Gaming software, including computer games
- Point-of-sale system

Relief for losses. Losses can be offset against future corporate income in the following five income years. Losses attributable to annual allowances claimed with respect to assets acquired on or after 1 July 2006 can be carried forward indefinitely. Losses may not be carried back. Under an amendment contained in the FMPA 2016, the claiming of an excess loss is subject to a penalty of 5% of the excess amount.

If a company takes over a company engaged in manufacturing activities or if two or more companies engaged in manufacturing activities merge into one company, any unrelieved losses of the acquired company or merging companies may be transferred to the acquirer or to the company resulting from the merger in the income year of the takeover or merger, subject to certain conditions relating to the safeguarding of employment or to such other terms and conditions that may be established by the MOFED. The loss transferred is withdrawn if, within three years from the date of the takeover or merger, more than 50% of the employees is made redundant. The FMPA 2016 extended the scope of this provision to a transaction in which a company takes over or acquires the whole or part of the undertaking of another company if the MOFED has deemed such transaction to be in the public interest. If a change of more than 50% in the shareholding of a manufacturing company occurs, the tax loss may nevertheless be carried forward if the MOFED certifies that the change in the shareholding is in the public interest and is satisfied that there is compliance with the conditions relating to the safeguard of employment. In addition, if there is a change in the shareholding of more than 50% in a manufacturing company or in a company facing financial difficulty, any unrelieved tax loss may be carried forward if the MOFED is satisfied that the conditions relating to the safeguard of employment or other conditions that the MOFED may impose are complied with by the company.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT)	15
Social Contribution	
Employer contribution	
Monthly salary up to MUR50,000	1.5
Monthly salary up to MUR50,000	3
Employee contribution	
Monthly salary up to MUR50,000	3
Monthly salary more than MUR50,000	6
Land transfer tax; payable by transferor based on the value of the immovable property transferred; also applies to transfers of shares that result in a change in control of a company that owns immovable property	5
Tax on transfer of leasehold rights in state land; based on the open market value of the leasehold rights; payable equally by the transferor and the transferee	20
Registration duty; payable on the registration of certain transactions, such as the sale of land; based on the value of the property transferred; payable by the transferee; certain transactions are not subject to the duty	5

E. Miscellaneous matters

Foreign-exchange controls. The Exchange Control Act was suspended in 1993. Consequently, approval of the Bank of Mauritius is no longer required for transactions involving foreign exchange.

Anti-avoidance legislation. Anti-avoidance provisions apply to interest on debentures issued by reference to shares, excessive remuneration to shareholders or directors, benefits to shareholders, excessive management expenses, leases with inadequate rent, rights over income retained and other transactions designed to avoid tax liability. Certain of these items are discussed below.

Interest on debentures issued by reference to shares. If a company issues debentures in the proportion of shares held by each shareholder, the interest on the debentures is treated as a dividend and is therefore not an allowable deduction for the company. The 2004 Finance Act provides that such interest on the debentures is not treated as a dividend for the shareholder.

Benefits to shareholders. If a benefit of any nature, whether in money or money's worth, is granted by a company to a shareholder or a party related to the shareholder, the value of the benefit is deemed to be a taxable benefit in the hands of the shareholder or the related party.

Rights over income retained. If a person transfers property or any right to income to a related party and retains or obtains power to enjoy income from the property or the right, the income is deemed to be derived by the transferor.

Controlled foreign companies. A foreign entity is considered to be a controlled foreign company (CFC) if its non-distributed income arises from non-genuine arrangements that have been implemented for the essential purpose to obtain a tax benefit. A foreign company is considered to be a CFC if more than 50% of its participation rights are held directly or indirectly by the Mauritian resident company and its "related parties." For this purpose, related parties are the following:

- An entity in which the Mauritian resident company holds directly or indirectly a participation of voting rights, capital or entitlement to profit of at least 25%
- An individual or entity that holds directly or indirectly a participation of the voting rights or capital ownership in the company of at least 25% of the profits of the company

The income to be attributed to the Mauritian resident company should be consistent with the arm's-length principle and be limited to the assets and risks linked to the significant people functions carried on by the controlling company. The foreign tax credit applies in connection with any foreign tax suffered by the CFC.

A company is not regarded as a CFC if any of the following conditions are satisfied:

- The accounting profit and non-trading income are both less than EUR750,000.
- The accounting profit is less than 10% of its operating costs.
- The tax rate in the country of residence of the CFC is more than 50% of the tax rate in Mauritius.

COVID-19 Levy. A company that has benefited from the allowance under the Wage Assistance Scheme is required to repay the allowance through the COVID-19 Levy over a period of two years. The levy is restricted to a maximum of 15% of the taxable profits of the company before any tax loss brought forward. If an

employer has not as of 20 January 2023 paid the full amount of the COVID-19 Levy, the outstanding amount together with any accrued interest and penalties have been waived.

E-invoicing. On 18 September 2023, the VAT E-invoicing Regulations were issued regarding the implementation of e-invoicing by the MRA. With the advent of this e-invoicing system, providers of products and services will be required to "fiscalize" (that is, send it in real time to the MRA, which will record and process it for VAT purposes) their invoices or receipts in real time with the MRA before issuing them to their customers.

For the purpose of the MRA e-Invoicing System, an Electronic Billing System (EBS)refers to the system being used (or intended to be used) by an economic operator for generation of electronic invoices to record its sales transactions including invoices, credit notes and debit notes. To make an EBS compliant with the MRA e-Invoicing System, the EBS must be customized for it to communicate in real time with the MRA e-Invoicing System by using the appropriate Application Programming Interface made available by the MRA.

F. Treaty withholding tax rates

Under Mauritian domestic law, dividends paid to resident and nonresident shareholders are exempt from tax. Royalties payable to nonresidents are exempt from tax insofar as the royalties are payable to a nonresident out of the foreign-source income of a company. Interest payments are exempt from tax if they are paid by Mauritian banks or GBL companies to nonresidents out of their foreign source income to nonresidents that do not have a place of business in Mauritius. The table below lists the tax rates for dividends, interest and royalties under the tax treaties entered into by Mauritius. However, Mauritian domestic law prevails if it exempts the payments from tax.

Recipient's country of residence	Dividends %	Interest %	Royalties %
Bangladesh	10	15	15
Barbados	5	5	5
Belgium	5 (i)	0/10	0
Botswana	5 (j)	12	12.5
Cape Verde	0/5 (w)	10	7.5
China Mainland	5	10 (f)	10
Comoros	5/7.5 (x)	5	5
Congo (Republic of)	0/5 (s)	5	0
Croatia	0	0	0
Cyprus	0	0	0
Egypt	5 (v)	10	12
Estonia	0/7 (z)	0/7 (z)	0/5 (z)
France	5 (a)	15 (f)	15 (g)
Germany	5 (r)	0	10
Ghana (l)	7	7	8
Guernsey	0	0	0
Hong Kong SAR	0/5	5	5
India	5 (a)	15 (f)	15
Italy	5 (b)	15 (f)	15
Jersey	0	0	0

Recipient's country of residence	Dividends %	Interest %	Royalties %
Kuwait	0	0	10
Lesotho	10	10	10
Luxembourg	5 (a)	0	0
Madagascar	5 (h)	10	5
Malaysia	5 (a)	15 (f)	15
Malta	0	0	0
Monaco	0	0	0
Mozambique	8/10/15	8 (f)	5
Namibia	5/10	10 (f)	5
Nepal	5/10/15 (o)	10/15 (p)	15
Oman	0	0	0
Pakistan	10	10	12.5
Qatar	0	0	5
Russian Federation (l)	5 (k)	0	0
Rwanda	10	10	10
Seychelles	0	0	0
Singapore	0	0	0
South Africa	5/10 (t)	0/10 (u)	5
Sri Lanka	10 (a)	10	10
Swaziland	7.5	5	7.5
Sweden	0 (i)	0	0
Thailand	10	10/15	5/15
Tunisia	0	2.5	2.5
Uganda	10	10	10
United Arab Emirates	0	0	0
United Kingdom	10 (c)	15 (f)	15 (d)
Zambia (y)	5 (q)	10	5
Zimbabwe	10 (e)	10 (f)	15
Non-treaty jurisdictions	0	0/15 (m)	0/15 (n)

(a) Applicable if the recipient has a direct shareholding of at least 10% of the capital of the Mauritian company; otherwise, the rate is 15%.

(b) Applicable if the recipient has a direct shareholding of at least 25% of the capital of the Mauritian company; otherwise, the rate is 15%.

(c) Applicable if the recipient has a direct or indirect shareholding of at least 10% of the capital of the Mauritian company; otherwise, the rate is 15%.

(d) The reduced rate applies only if the royalties are subject to tax in the United Kingdom.

(e) Applicable if the recipient controls directly or indirectly 25% of the voting power of the Mauritian company; otherwise, the rate is 20%.

(f) The rate is 0% if the interest is paid to a bank resident in the treaty country (subject to additional conditions) and, under the France treaty, if the loan is made or guaranteed by the Banque Française du Commerce Extérieur.

(g) The rate is 0% for literary, artistic or scientific copyright royalties and for royalties for the use of motion picture films or works recorded for broadcasting or television.

(h) Applicable if the recipient is the beneficial owner of the dividends and if the payer of the dividends is a venture capital company; otherwise, the rate is 10%.

(i) Applicable if the recipient is a company that holds at least 10% of the voting power of the company paying the dividends. Otherwise, the rate is 15% if the shareholder is the beneficial owner of the dividend income. The limitations-of-benefits clause of the tax treaty should be considered.

(j) Applicable if the recipient has a direct or indirect shareholding of at least 25% of the capital of the Mauritian company; otherwise, the rate is 10%.

(k) Applicable if the recipient has invested at least USD500,000 in the authorized capital of the payer of the dividends; otherwise, the rate is 10%.

(l) This treaty has been signed, but it has not yet been ratified.

(m) Interest paid by GBL1 companies to nonresidents or by Mauritian banks to nonresidents is exempt. Interest paid by other resident companies to nonresidents is taxed at a rate of 15%.

(n) Royalties paid by GBL1 companies to nonresidents are exempt from tax. Royalties paid by other companies to nonresident companies are subject to tax at a rate of 15%.
(o) The 5% rate applies if the recipient of the dividends holds directly at least 15% of the capital of the payer. The 10% rate applies if the recipient of the dividends holds directly at least 10%, but less than 15%, of the capital of the payer. The 15% rate applies to other dividends.
(p) The 10% rate applies if the recipient of the interest is a financial institution or an insurance company. The 15% rate applies to other interest payments.
(q) The 5% rate applies if the recipient is a company that owns at least 25% of the share capital of the paying company. Otherwise, the rate is 15%.
(r) The 5% rate applies if the recipient is a company with a shareholding of at least 10%. Otherwise, the rate is 15%.
(s) The 5% rate applies if the recipient owns less than 25% of the company paying the dividends.
(t) The 5% rate applies if the recipient is a company with a shareholding of at least 10%. Otherwise, the rate is 10%.
(u) The 0% rate applies if the interest arises on a debt instrument listed on the Stock Exchange of Mauritius, the Johannesburg Stock Exchange or any other stock exchange agreed to by the competent authorities of the contracting states.
(v) The 5% rate applies if the recipient is a company with a direct or indirect shareholding of at least 25% in the share capital of the paying company. Otherwise, the rate is 10%.
(w) The 5% rate applies if the recipient is the beneficial owner of the dividends and owns less than 25% of the share capital of the company.
(x) The 5% rate applies if the recipient is a company with a direct shareholding of at least 10% in the share capital of the paying company. Otherwise, the rate is 7.5%.
(y) The tax treaty has been terminated and the year ending 30 June 2021 is the last year of application in Mauritius.
(z) The right to tax rests with the country of residence if the recipient is a company. Interest is not subject to tax in Estonia if it is paid to the following:
- The government of Mauritius or a local authority thereof
- The Bank of Mauritius
- Any institution wholly or mainly owned by the Republic of Mauritius as may be agreed from time to time by the competent authorities of the contracting states

Interest is not subject to tax in Mauritius if it is paid to the following:
- The government of Estonia or a local authority thereof
- The Bank of Estonia
- The Rural Development Foundation
- The Foundation KredEx
- The Enterprise Estonia Foundation
- Any institution wholly or mainly owned by the government of Estonia as may be agreed from time to time between the competent authorities of the contracting states

Interest is also exempt from tax in Estonia or Mauritius, as the case may be, if is paid to an investment fund established in and supervised by the state of Estonia or Mauritius, as the case may be.

Tax treaties with Botswana (new), Gambia, Gibraltar, Guyana and Malawi await signature. Mauritius is negotiating tax treaties with Algeria, Burkina Faso, Canada, Côte d'Ivoire, the Czech Republic, Greece, Iran, Mali, Montenegro, Portugal, St. Kitts and Nevis, Saudi Arabia, Senegal (new), Spain, Sudan, Tanzania, Türkiye, Vietnam, Yemen and Zambia (new; also, see footnote [y] above).

On 7 March 2024, India and Mauritius signed a protocol to amend their double tax treaty. The 2024 protocol proposes to incorporate the minimum standards of anti-abuse provisions (that is, the Preamble and the Principal Purpose Test, which will act as a means to deny treaty benefits if one of the principal purposes of the arrangement or transaction is to obtain the double tax treaty benefit. The 2024 protocol will be effective from the date of entry into force, without regard to the date on which the taxes are levied or the tax years to which taxes relate.

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A. At a glance

Corporate Income Tax Rate (%)	30 (a)
Capital Gains Tax Rate (%)	30 (b)
Branch Tax Rate (%)	30
Withholding Tax (%)	
Dividends	10 (c)
Interest	

Paid on Negotiable Instruments	10 (d)(e)
Paid to Banks	10 (d)(f)
Paid to Reinsurance Companies	15 (d)
Paid to Machinery Suppliers	21 (e)
Paid to Others	35 (d)
Royalties	
From Patents and Trademarks	35 (d)
From Know-how and Technical Assistance	25 (d)
From Railroad Cars	5 (d)
Branch Remittance Tax	10 (c)
Net Operating Losses (Years)	
Carryback	0
Carryforward	10

(a) A 10% payment is imposed for employee profit sharing (see Section D).
(b) The capital tax rate for foreign residents may be 25% or 35% (see Section B).
(c) This tax applies to dividends paid out of profits generated after 2013 (see Section B).
(d) This is a final tax applicable to nonresidents. Payments to tax havens are generally subject to a 40% withholding tax.
(e) This rate can be reduced to 4.9% if certain requirements are met.
(f) A reduced rate of 4.9% is granted each year to banks resident in treaty countries.

B. Taxes on corporate income and gains

Corporate income tax. Corporations resident in Mexico are taxable on their worldwide income from all sources, including profits from business and property. A nonresident corporation in Mexico is subject to profits tax on income earned from carrying on business through a permanent establishment in Mexico and on Mexican-source income. Corporations are considered residents of Mexico if their principal place of management is located in Mexico.

Corporations are taxed on profits in Mexico by the federal government only. Resident corporations are not subject to tax on dividends received from other Mexican residents. Dividends paid to individuals and nonresidents are subject to a 10% withholding tax.

The income tax law recognizes the effects of inflation on the following items and transactions:
- Depreciation of fixed assets
- Cost on sales of fixed assets
- Sales of capital stock (shares)
- Monetary assets and liabilities
- Tax loss carryforwards

The tax basis of investments in capital stock may be adjusted for inflation at the time of capital stock reductions or liquidation. Taxes are also indexed for inflation in certain circumstances.

Tax rate. Corporations are subject to federal corporate income tax at a rate of 30%.

Capital gains. Mexican tax law treats capital gains obtained by Mexican corporate residents as normal income and taxes them at the regular 30% tax rate. However, losses on sales of shares are restricted and may only be used to offset gains from the sale of shares. Nonresidents are subject to a 25% tax rate on gross income or, if certain requirements are met, a 35% rate on net income from the sale of shares. Capital gains derived from sales of publicly traded shares by individuals or non-Mexican residents are taxed at a rate of 10%. To determine the deductible basis for sales of real

estate, fixed assets and shares, the law allows for indexation of the original cost for inflation.

Administration. The tax period ends on 31 December, except in cases of mergers or liquidations. The tax return must be filed by the end of the third month following the tax year-end. Monthly tax installments must be paid during the corporation's tax year.

Dividends. Resident individuals and nonresident shareholders of a Mexican corporation are subject to a 10% income tax on dividends received that are paid out of profits generated after 2013. Dividends are not subject to corporate income tax at the distributing company level if the distribution is from previously taxed earnings and if the distributing corporation has sufficient accumulation in its "net after-tax profit" (CUFIN) account to cover the dividend. If the dividend is in excess of the CUFIN account, the dividend is also taxed at the distributing company level at a rate of 30% on a grossed-up basis. The following is an illustration of how to compute the annual net after-tax profit for the CUFIN account.

	MXN
Corporate taxable income	1,000
Income tax (30%)	(300)
Paid profit sharing to employees (estimated)	(150)
Nondeductible expenses	(50)
Net after-tax profit added to the CUFIN account	500

If the CUFIN balance is not sufficient to cover an earnings distribution, the remaining amount triggers corporate income tax on the dividend grossed up by a factor of 1.4286. The corporate income tax rate is then applied to the grossed-up dividend. The following is an illustration of the calculation.

	MXN
Calculation of excess dividend	
Amount of dividend	700
Dividend from CUFIN	500
Excess dividend	200
Tax on excess dividend	
Grossed-up income (Gross-up factor of 1.4286 x excess dividend of MXN200)	285.72
Tax at 30%	85.72

Income tax paid on distributed profits in excess of the CUFIN balance may be credited against corporate income tax in the year in which the dividend is paid and in the following two years.

Similar rules apply to remittances abroad by branches of foreign corporations.

Foreign tax relief. A tax credit is allowed for foreign income tax paid or deemed paid by Mexican corporations, but the credit is generally limited to the amount of Mexican tax incurred on the foreign-source portion of the company's worldwide taxable income. This calculation must generally be made on a country-by-country basis.

C. Determination of trading income

General. Taxable profits are computed in accordance with generally accepted accounting principles, with certain exceptions, including the following:

- Nondeductibility of penalties and unauthorized donations
- Nondeductibility of increases to reserves for bad debts, obsolescence, contingencies, indemnities and so forth
- Monetary gain on debts, and monetary loss on credits, to recognize the effect of inflation
- Nondeductibility of 53% of exempt salaries (percentage may be decreased to 47% if the exempt salaries are not reduced from previous year)
- Nondeductibility of payments to residents of low-tax jurisdictions, unless business activity and substance requirements are met

Employee profit-sharing (see Section D) is effectively deductible.

Inventories. Inventories are deducted on a cost-of-sales basis.

Depreciation. The straight-line method is used to depreciate tangible fixed assets and to amortize intangible assets. Depreciation must be computed using the annual percentages set by law. The depreciation of new assets must be computed on a proportional basis relating to the months in which the assets are used. Depreciation is computed on original cost of fixed assets, with the amount of depreciation indexed for inflation as measured by price indices.

The following are the maximum annual depreciation rates for certain types of assets.

Asset	Rate (%)
Buildings	5
Motor vehicles	25
Office equipment	10
Computers	
Mainframe equipment	30
Peripheral equipment	30
Plant and machinery	
General rate	10
Machinery and equipment used in the generation and distribution of electricity	5
Machinery and equipment used in the mining industry	12
Machinery and equipment used in the construction industry	25
Machinery and equipment related to hydrocarbon infrastructure	10
Environmental machinery and equipment	100

Relief for losses. Net operating losses may be carried forward for 10 years.

Groups of companies. A Mexican holding company may obtain an authorization to effectively compute income tax on a consolidated basis (integration regime), but each company of the group is responsible for filing and paying the tax individually. This option is subject to several rules and limitations, including a recapture of benefits.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on any supply of goods or services and on imports	
General rate	16
Certain foods and medicines and exports	0
Excise tax, on the supply of goods or services, excluding exports, and on imports; goods and services subject to tax include food with high caloric density, alcoholic beverages, alcohol, tobacco, gasoline, diesel and telecom services	Various
Real estate acquisition tax; local tax on market value of real estate transferred (approximate rates)	2 to 6
State tax on salaries	2 to 3
Residence tax, on each employee's salary (approximate rate)	5
Employee profit sharing, on taxable profits of resident entities and permanent establishments of nonresident entities (loss carryforwards may not be deducted)	10
Social security contributions, on salaries up to a specified amount; paid by	
Employer (approximate rate)	15
Employee (approximate rate)	4

E. Miscellaneous matters

Foreign-exchange controls. Mexico has no significant foreign-exchange controls.

Mandatory Disclosure Regime. Since 2020, disclosure of certain arrangements is required. Penalties up to 75% and denial of tax benefits may be imposed.

Transfer pricing. Mexico has transfer-pricing rules based on Organisation for Economic Co-operation and Development (OECD) standards. Acceptable transfer-pricing methods include the comparable uncontrolled price method, the resale price method, the cost-plus method, the profit-split method, the residual profit-split method and the transactional net-margin method. In certain cases, specific appraisals are used. Transactions between related parties are subject to greater scrutiny. It may be possible to reach transfer-pricing agreements in advance with the tax authorities. These agreements may apply for a period of up to five years.

Under the 2016 tax reform, beginning in 2016, certain Mexican taxpayers must file additional transfer-pricing documentation, including a Local File, a Master File and Country-by-Country Reports, as inspired by Action 13 of the Base Erosion and Profit Shifting report.

Interest expense limitation rules. Interest deductions on cross-border related-party debt may be disallowed if the debt-to-equity ratio exceeds 3:1. In addition, as a general rule, net interest expense cannot exceed 30% of taxable earnings before interest, taxes, depreciation and amortization.

Anti-abuse rules. Mexico has enacted a general anti-abuse rule that allows the tax authorities in certain instances to recharacterize transactions that lack business purpose. In addition, a business purpose is required for most reorganization transactions to be considered tax free.

Multilateral Instrument. The Multilateral Instrument (MLI) entered into force in Mexico as of 2024.

F. Treaty withholding tax rates

	Dividends (l) %	Interest %	Patent and know-how royalties %
Argentina	10/15 (a)	12	10/15
Australia	0/15 (k)	10/15 (e)	10
Austria	5/10 (d)	10	10
Bahrain	— (v)	4.9/10 (n)	10
Barbados	5/10 (d)	10	10
Belgium	10	5/10 (n)	10
Brazil	10/15 (a)(b)	0/15 (b)	15 (b)
Canada	5/15 (d)	10	10 (g)
Chile	5/10 (u)	15 (b)	15 (b)
China Mainland	5	10	10
Colombia	0 (w)	5/10 (n)	10 (b)
Czech Republic	10	10	10
Denmark	0/15 (a)	5/15 (n)	10
Ecuador	5	10/15 (m)	10
Estonia	0	4.9/10 (n)	10
Finland	0	10/15 (h)	10
France	0/5 (c)	5/10/15 (b)(h)	10/15 (b)
Germany	5/15 (d)	5/10 (n)	10
Greece	10	10	10
Hong Kong SAR	0 (w)	4.9/10 (n)	10
Hungary	5/15 (d)	10	10
Iceland	5/15 (d)	10	10
India	10	10	10
Indonesia	10	10	10
Ireland	5/10 (d)	5/10 (n)	10
Israel	5/10 (f)	10	10
Italy	15	10/15 (b)	15
Jamaica	5/10 (a)	10	10
Japan	0/5/15 (o)	10/15 (e)	10
Korea (South)	0/15 (k)	5/15 (n)	10
Kuwait	0 (w)	4.9/10 (n)	10
Latvia	5/10 (d)	5/10 (n)	10
Lithuania	0/15 (k)	10	10
Luxembourg	8/15 (d)	10	10
Malta	0 (w)	5/10 (n)	10
Netherlands	0/5/15 (d)(s)	5/10 (p)	10
New Zealand	15 (b)	10	10
Norway	0/15 (a)	10/15 (t)	10
Panama	5/7.5 (a)	5/10 (n)	10
Peru	10/15 (a)	15	15
Philippines	5/10/15 (y)	12.5	15
Poland	5/15 (a)	10/15 (e)	10
Portugal	10	10	10
Qatar	0 (w)	5/10 (n)	10

	Dividends (l) %	Interest %	Patent and know-how royalties %
Romania	10 (d)	15	15
Russian Federation	10	10	10
Saudi Arabia	5	5/10 (p)	10
Singapore	0	5/15 (n)	10
Slovak Republic	0	10	10
South Africa	5/10 (d)	10	10
Spain	0/10 (a)	4.9/10 (b)(h)	10 (b)(g)
Sweden	0/5/15 (d)	10/15 (q)	10
Switzerland	0/15 (d)	5/10 (p)	10
Türkiye	5/15 (a)	10/15 (q)	10
Ukraine	5/15 (a)	10	10
United Arab Emirates	0 (w)	4.9/10 (n)	10
United Kingdom	0/15 (x)	5/10/15 (j)	10
United States	0/5/10 (b)(d)	4.9/10/15 (r)	10
Uruguay	5	10	10
Non-treaty jurisdictions	10	4.9/10/21/35 (i)	25/35 (i)

(a) The lower rate applies if the recipient is a corporation owning at least 25% (20% under the Brazil treaty) of the shares of the payer. Under the Panama treaty, the lower rate applies if the recipient owns at least 25% of the shares of the payer.

(b) These treaties have a most favorable nation (MFN) clause with respect to interest and/or royalties. Under the MFN clause in the Chile treaty, the withholding tax rate for interest may be reduced to 5% for banks or 10% for other recipients and the withholding tax rate for royalties may be reduced to 10%, if Chile enters into a tax treaty with another country that provides for a lower withholding tax rate than 15% for such payments. Under the MFN clause in the France treaty, the withholding tax rate for interest and royalties is reduced if Mexico enters into a tax treaty with an OECD member that provides for withholding tax rates that are lower than the rates under the Mexico-France treaty. However, the rate may not be lower than 10% if the OECD member country is not a member of the European Union (EU). Under the Italy treaty, the MFN clause applies only to interest. It may reduce the withholding tax rate for interest to as low as 10% only if Mexico enters into a treaty with an EU country that provides for a withholding tax rate for interest of less than 15%. Under the MFN clause in the Spain treaty, the withholding tax rates for interest and royalties may be reduced if Mexico enters into a tax treaty with an EU country that provides for withholding tax rates that are lower than the rates under the Mexico-Spain treaty. Under the Brazil treaty, if this country agrees with another country regarding a lower rate for dividends, interest or royalties, such rate will apply. For interest and royalties, the applicable rate may not be lower than 4.9% and 10%, respectively. Under the New Zealand treaty, if this country agrees with another country regarding a lower rate for dividends, such rate will apply. Under the MFN clause in the Colombia treaty, the withholding tax rate for royalties related to technical services and assistance will be automatically reduced if Colombia enters into a tax treaty with a third country that provides a lower rate. The standard rate for interest and for patent and know-how royalties under all of the above treaties is generally 15%. However, as a result of the operation of the MFN clause, the lower rates listed in the table may apply in certain circumstances.

(c) The 0% rate applies if the recipient of the dividends is the effective beneficiary of the dividends. The 5% rate applies if the recipient is a company that is resident in France and if more than 50% of such recipient is owned by residents of countries other than France or Mexico.

(d) The 5% rate applies if the recipient is a corporation owning at least 10% of the shares of the payer. Under the US treaty, the 0% rate applies if the recipient owns 80% of the voting shares and if other requirements are met. Under the Switzerland treaty, the 0% rate applies if the recipient is a corporation owning at least 10% of the shares of the payer or if the beneficiary of the dividend is

a pension fund. Under the Sweden treaty, the 0% rate applies if the recipient is a corporation owning at least 25% of the voting shares of the payer of the dividends and if at least 50% of the voting shares of the company that is the effective beneficiary of the dividends is owned by residents of that contracting state. Under the Luxembourg treaty, the 8% rate applies to Mexico if the recipient is a corporation that owns at least 10% of the voting shares of the payer.

(e) The 10% rate applies to interest derived from loans granted by banks and insurance companies. Under the Germany treaty, the 10% rate also applies to interest paid to pension funds. Under the Australia and Japan treaties, the 10% rate also applies to interest paid on bonds or with respect to sales by suppliers of machinery and equipment. Under the Poland treaty, the 10% rate also applies to interest paid on publicly traded securities.

(f) The 5% rate applies if the recipient is a corporation that owns at least 10% of the shares of the payer and if the tax levied in Israel is not less than the corporate tax rate.

(g) The effective beneficiary of royalties is subject to withholding tax on the gross payments. Royalties on cultural works (literature, music and artistic works other than films for movies or television) are not subject to withholding tax if they are taxed in the recipient's country.

(h) A 10% rate applies to interest paid on bank loans or publicly traded bonds, as well as to interest paid with respect to sales by suppliers of machinery and equipment.

(i) See Section A and the applicable footnotes in the section.

(j) The 5% rate applies if the beneficial owner of the interest is a bank or insurance company or if the interest is derived from bonds or securities that are regularly and substantially traded on a recognized securities market. The 10% rate applies to interest paid by a bank or by a purchaser with respect to a sale on credit of machinery if the seller is the beneficial owner of the interest. The 15% rate applies to other interest.

(k) The 0% rate applies if the recipient is a corporation owning at least 10% of the shares of the payer.

(l) Under Mexican domestic tax rules, dividends are subject to a 10% withholding tax rate. As a result, treaty rates in excess of the 10% rate should not apply.

(m) Beginning in the sixth year the treaty is in effect, the 15% rate is reduced to 10% if the beneficial owner of the interest is a bank. For the first five years, however, the 15% rate applies to such interest.

(n) The lower rate applies if the beneficial owner of the interest is a bank. Under the Colombia treaty, a 0% rate also applies if the beneficial owner of the interest is an insurance company. Under the Estonia treaty, the 4.9% rate also applies if the beneficial owner is a pension fund.

(o) The 5% rate applies if the recipient is a corporation owning at least 25% of the shares of the payer. The 0% rate applies if the condition described in the preceding sentence is satisfied and if both of the following conditions are satisfied:
- The recipient's shares are regularly traded on a recognized stock exchange.
- More than 50% of the recipient's shares are owned by one or any combination of the following:
  - — The state of residence of the recipient.
  - — Individuals resident in the state of residence of the recipient.
  - — Corporations resident in the state of residence of the recipient if their shares are traded on a recognized stock exchange or if more than 50% of their shares are owned by individuals resident in the state of residence of the recipient.

(p) The 5% rate applies if the interest is derived from loans granted by banks, pension funds or insurance companies or if the interest is derived from bonds or securities that are regularly and substantially traded on a recognized securities market. The 10% rate applies to other interest.

(q) The 10% rate applies to interest derived from loans granted by banks.

(r) The 4.9% rate applies if the beneficial owner of the interest is a bank or insurance company or if the interest is derived from bonds or securities that are regularly and substantially traded on a recognized securities market. The 10% rate applies to other interest.

(s) Under a protocol to the treaty with the Netherlands, the 5% rate is reduced to 0% if the dividends are paid on a shareholding that qualifies for the participation exemption under the corporate tax law of the Netherlands.

(t) The 10% rate applies if the beneficial owner of the interest is a bank.

(u) The 5% rate applies if the recipient is a corporation owning at least 20% of the shares of the payer.

(v) The treaty does not limit the withholding tax rate on this income.

(w) Dividends are taxed only in the country of residence of the recipient.

(x) In general, dividends are exempt if the beneficial owner is resident in the United Kingdom. However, if the dividend derives from rental income from real property located in Mexico through an investment vehicle and if the majority of the rents are distributed annually and are not subject to tax, the dividend rate may not exceed 15%.

(y) The 5% rate applies if the recipient owns at least 70% of the capital of the distributing company. The 10% rate applies if the recipient owns at least 10%. The 15% rate applies in all other cases.

Moldova

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A. At a glance

Corporate Income Tax Rate (%)	12 (a)
Capital Gains Tax Rate (%)	12 (a)
Branch Tax Rate (%)	12 (a)
Withholding Tax (%)	
Dividends	6/15 (b)
Interest	
Payments to Resident Individuals	6/12 (c)
Payments to Nonresidents	12
Royalties	12 (d)
Services	12 (e)
Goods Acquired from Resident Individuals	6/12 (f)
Insurance Premiums	12 (g)
Winnings from Gambling, Advertising Campaigns and Lotteries	0/12/18 (h)
Donations Made to Resident Individuals	6 (i)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) See Section B.
(b) In general, a 6% withholding tax applies to dividends paid to nonresidents and residents. A 15% rate applies to dividends related to the 2008 through 2011 fiscal years.
(c) A 6% withholding tax rate is applied to interest from deposits and securities paid to resident individuals by banks, savings and loan associations, and issuers of corporate securities.
(d) A 12% withholding tax rate applies to royalties paid to nonresidents and to resident individuals.
(e) This withholding tax applies to services rendered by nonresidents and to certain payments made to resident individuals.

(f) The 6% rate applies to a list of agricultural products. The 12% rate applies to other types of goods acquired from resident individuals (with certain exceptions).
(g) This withholding tax applies to insurance premiums paid to nonresidents.
(h) The 18% rate applies to winnings from gambling. A 12% rate applies to winnings from advertising campaigns paid to nonresidents. The amount that exceeds MDL27,000 of winnings from advertising campaigns paid to residents is also subject to a 12% withholding tax. A 0% rate applies to the amount of winnings from lotteries paid to residents up to MDL270 per winning.
(i) The 6% withholding tax applies on donations made in cash to resident individuals.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to tax on their worldwide income. Resident companies are companies with activities managed or organized in Moldova (an activity is organized in Moldova if it is carried out by a company that is registered in Moldova as a legal entity) and companies that carry out their business activities primarily in Moldova.

Permanent establishments of nonresident companies in Moldova are subject to tax on their income from Moldovan sources. For tax purposes, permanent establishments are considered to be resident entities.

Rates of corporate income tax. The rates of corporate income tax in Moldova are described below.

Standard corporate income tax rate. The standard corporate income tax rate in Moldova is 12%.

Small and medium-sized companies (except for farmers and individual entrepreneurs) that are not registered as value-added taxpayers. The following are the tax rates applicable to small and medium-sized companies (except for farmers and individual entrepreneurs):

- If the company is not registered as a value-added tax (VAT) payer, it can choose to be taxed at a 4% tax rate applied to the income established according to the statutory books in the current reporting period or at the standard corporate income tax rate of 12% in the following cases:
  - — In the previous fiscal reporting period (ending 31 December), the company obtained income from VAT-exempt supplies or income both exempt from VAT and taxable in an amount up to MDL1,200,000, provided that the supplies exempt from VAT exceeded 50% of the taxable supplies.
  - — In the previous fiscal reporting period (ending 31 December), the company did not obtain any income.
  - — The company is registered during the current fiscal reporting period.

  The 4% tax rate applies to the total amount of income registered in the statutory books during the current reporting period, except for certain items of income that are exempt from tax in accordance with local tax legislation.
- If the company becomes a VAT payer, it must apply the standard corporate income tax rate of 12%.

Farmers. The income tax rate for farmers is 7%.

Individual entrepreneurs. For individual entrepreneurs, the income tax rate is 12% of annual taxable income.

Tax incentives. The main tax incentives available in Moldova are described below.

Free-economic zones. Residents of free-economic zones benefit from the following incentives:

- A 50% reduction of the standard corporate profits tax rate on income derived from the exportation outside Moldova of goods (services) resulting from industrial production in a free-economic zone
- A 25% reduction of the standard corporate profits tax rate on income other than the income indicated in the preceding bullet
- A three-year exemption from corporate profits tax on income derived from the exportation of goods (services) resulting from industrial production in a free-economic zone, beginning with the quarter following the quarter in which investments made in fixed assets or in the development of the free-economic zone infrastructure are at least of USD1 million
- A five-year exemption from corporate profits tax on income derived from the exportation of goods (services) resulting from industrial production in a free-economic zone, beginning with the quarter following the quarter in which investments made in fixed assets or in the development of the free-economic zone infrastructure are at least of USD5 million

Residents that benefited from exemptions mentioned in the third and fourth bullets above and that make additional investments in fixed assets or in the development of the free-economic zone infrastructure are entitled to benefit repeatedly from a corporate profits tax exemption on income derived from the exportation of goods (services) resulting from industrial production in a free-economic zone beginning with the quarter following the quarter in which the required amount of additional investments is reached if the average number of employees registered in the calendar year following the year in which the required amount of additional investments is reached exceeds by 20% the average number of employees registered in the previous calendar year. The length of the exemption depends on the amount of invested capital. The following are the required amounts of the investments and the corresponding exemptions:

- Invested capital of least USD1 million: exemption for a one-year period
- Invested capital of at least USD3 million: exemption for a three-year period
- Invested capital at least USD5 million: exemption for a five-year period

IT parks. Companies that are residents of IT parks benefit from incentives.

A single tax in the amount of 7% is the only charge applied to sales revenue, which includes the following taxes and contributions:

- Corporate income tax
- Personal income tax (applied on salaries)
- Social security contributions due from employees and employers

- Health insurance contributions due from employees and employers
- Local taxes on real estate
- Tax on roads for vehicles registered in Moldova

The park residents pay the other taxes under the existing general rules.

The single tax of 7% must be declared and paid monthly, and it cannot be lower than 30% of the "average salary per economy forecasted" for the respective fiscal year multiplied by the number of employees hired by the company. The "average salary per economy forecasted" is an annual amount established by the government. For 2024, the average salary per economy forecasted is MDL13,700.

Business entities that create new jobs. Business entities can benefit from a reduction of taxable income if they increase annually the number of employees. The amount of taxable income subject to reduction is determined by multiplying the prior-year average national monthly salary with the increase in the average number of employees on payroll compared with the prior year.

Entities that do not distribute dividends. Entities qualified by the law as micro, small or medium-sized are entitled to apply a 0% corporate income tax rate on taxable income that is obtained for the 2023, 2024 and 2025 tax years and that are not distributed in the form of dividends.

Otherwise, in the case of dividend distributions, including in the form of shares, from the taxable income obtained for the 2023, 2024 or 2025 tax years, the respective taxpayers are subject to a 12% corporate income tax applied to distributed dividends.

The respective tax incentive does not apply to the following:
- Individual entrepreneurs
- Farmers
- Residents of free-economic zones, Free International Port "Giurgiulești," Free International Airport "Mărculești" and IT parks
- Entities that apply the tax regime established for the small and medium business sector
- Those who carry out financial and insurance activities provided in the Classifier of Activities in the Moldovan economy

Capital gains. Capital gains are taxed under the same general rules as business income.

Administration. In general, the tax year is the calendar year. A company may elect a different tax year. In particular, if, in accordance with the local accounting legislation, a company elects a financial reporting period that is different from the calendar year, the company's tax year should correspond to the company's financial reporting period.

The corporate income tax return must be filed by the 25th of the third month following the reporting tax year.

An amended tax return can be filed to correct errors contained in the original tax return if no tax audit was announced or performed by the tax authorities for the respective fiscal period.

Under the Moldovan Tax Code, companies may either obtain a refund of an overpayment of tax or offset the overpayment against existing or future tax liabilities.

All taxes in Moldova must be paid in Moldovan lei (MDL). To calculate the tax on income realized in foreign currency, the income must be converted into lei using the official exchange rate on the payment date.

Dividends. In general, a 6% withholding tax is imposed on dividends paid to nonresidents and residents. A 15% withholding tax continues to be imposed on dividends related to the 2008 through 2011 fiscal years.

Foreign tax relief. Companies may claim a credit against corporate income tax for foreign tax paid on income that is subject to tax in Moldova. The foreign tax credit is granted for the year in which the relevant income is subject to tax in Moldova.

C. Determination of trading income

General. Taxable income includes income earned from all sources, less deductible expenses and allowances provided for by the tax law. In general, companies may deduct ordinary and necessary expenses accrued during the tax year with respect to its business activities. However, they may not deduct the following items:

- Personal and family expenses of the company founders and employees
- Amounts paid for the acquisition of depreciable property
- Losses resulting from sales or exchanges of property, performance of works and provisions of services between related parties
- Unjustified expenses paid to related parties, including compensation, interest and rent
- Amounts paid to the holders of business patents
- Expenses related to exempt income
- Provisions for bad debts

Inventories. Assets valuation income is non-taxable. Assets valuation and impairment losses are nondeductible.

Provisions. If a court decision confirms that a debt owed to a company will not be recovered, the company may deduct for tax purposes the amount of the debt. Provisions for bad debts are not deductible for tax purposes.

Tax depreciation. In general, taxpayers are required to use the straight-line depreciation method to calculate the tax depreciation of fixed assets used in business activities.

For the use of the straight-line depreciation method, records on fixed assets' depreciation must be maintained for each item separately. The depreciation rate for each fixed asset is determined as a ratio between 100% and its useful life set in the Catalogue of Fixed Assets approved by the Moldovan government.

By exception, large entities (classified under special criteria provided for by the law) may use the accelerated depreciation method for the first year of fixed asset operation. It is required that the depreciation calculated for the first year of use should not exceed 50% of the initial value of the fixed asset; and in the

following years, the undepreciated value should be depreciated over the remaining useful life. The respective accelerated depreciation method does not apply to entities that carry out financial and insurance activities specified in Classifier of Activities in Moldova economy.

Relief for losses. Companies incurring a tax loss may deduct the loss in the following five tax years. Losses may not be carried back.

Groups of companies. The Moldovan tax law does not contain any measures regarding groups of companies in Moldova. Consequently, the filing of consolidated returns or the granting of relief for losses on a group basis is not permitted.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on goods and services delivered in or imported into Moldova	
Standard rate	20
Bread and bread products, milk and dairy products, medicines, natural and liquefied gases, beet sugar and agricultural products	8
Exports of goods and services, international cargo and passenger transport, certain distributions of electric power, thermic energy and hot water, and other specified goods and services relating to diplomatic missions and international organizations	0
Food and non-alcoholic beverages supplied by the hotel, restaurant and catering (HORECA) sector	8
Excise taxes, on certain consumption goods; tax is imposed at a fixed amount per unit of the good or by applying an ad valorem rate to the market value of the good	Various
Social security contributions, on remuneration; paid by employer	24
Medical insurance contributions, on remuneration; paid by employee	9
Customs duties; rates set by Customs Tariff Law	Various
Local taxes on real estate (other than real estate used for agricultural or dwelling purposes)	Various

E. Miscellaneous matters

Foreign-exchange controls. The Moldovan leu (MDL) is the only currency that may be used to make payments in Moldova. The National Bank of Moldova (NBM) establishes the official exchange rate for the leu in relation to other foreign currencies. Both resident and nonresident companies may open leu or foreign currency accounts in authorized banks of Moldova.

Resident companies are not required to convert proceeds received in foreign currency into lei (plural of leu). However, they may not transfer foreign currency from their accounts to the accounts of other residents of Moldova, except for authorized banks.

Nonresidents may transfer abroad currency if the currency was registered in their account or if the funds were previously held in a leu deposit account with a Moldovan authorized bank.

Payments in currency by resident companies to nonresidents may be made only from foreign-currency accounts at authorized Moldovan banks (or at foreign banks that are authorized by NBM), and these payments may be made by bank transfer only.

For a distribution of profits during the year, a company should be ready to present to interested bodies the statutory act of the company that indicates the amount of the distribution. For a distribution of profits at the end of the fiscal year, the company should have ready for inspection a copy of the filed annual tax return and the statutory act of the company that indicates the amount of the distribution.

Transfer pricing. The income of taxpayers carrying out business activity that is obtained from economic transactions with shareholders or other related persons and that is performed at a price lower than the market price should be adjusted for tax purposes to the market price.

As per a list of amendments that have been made recently to the Moldovan tax legislation, transfer-pricing rules based on Organisation for Economic Co-operation and Development (OCED) principles were introduced in Moldova, starting 1 January 2024. The new transfer-pricing rules are a mechanism for determining arm's-length pricing for transactions performed between related parties (both for domestic and cross-border related-party transactions) with the aim to assess accordingly the taxable income for corporate income tax purposes.

The local authorities elaborated and published in January 2024 additional regulations and instructions with respect to the new transfer-pricing rules in Moldova.

F. Treaty withholding tax rates

The following table shows the applicable withholding rates under Moldova's bilateral tax treaties.

	Dividends			
	A	B	Interest	Royalties
	%	%	%	%
Albania	10	5	5	10
Armenia	15	5	10	10
Austria	15	5	5	5
Azerbaijan	15	8 (a)	10	10
Belarus	15	15	10	15
Belgium	15	15	15	0
Bosnia and Herzegovina	10	5	10	10
Bulgaria	15	5	10	10
Canada	15	5 (b)	10	10
China Mainland	10	5	10	10
Croatia	10	5	5	10
Cyprus	10	5	5	5
Czech Republic	15	5	5	10
Estonia	10	10	10	10

	Dividends		Interest	Royalties
	A	B		
	%	%	%	%
Finland	15	5	5	3/7 (c)
France (e)	10	5 (d)	5	6
Georgia	5	5	5	5
Germany	15	15	5	0
Greece	15	5	10	8
Hungary	15	5	10	0
Ireland	10	5	5 (g)	5
Israel	10	5	5	5
Italy	15	5	5	5
Japan	15	15	10	0/10 (f)
Kazakhstan	15	10	10	10
Kuwait	5	5	2	10
Kyrgyzstan	15	5	10	10
Latvia	10	10	10	10
Lithuania	10	10	10	10
Luxembourg	10	5	5 (g)	5
Malta	5	5	5	5
Montenegro	15	5	10	10
Netherlands	15	0/5 (h)	5	2
North Macedonia	10	5	5	10
Oman	5	5	5	10
Poland	15	5	10	10
Portugal	10	5	10	8
Romania	10	10	10	10/15 (i)
Russian Federation	10	10	0	10
Serbia	15	5	10	10
Slovak Republic	15	5	10	10
Slovenia	10	5	5	5
Spain	10	5 (j)	5	8
Switzerland	15	5	10 (k)	0
Tajikistan	10	5	5	10
Türkiye	15	10	10	10
Turkmenistan	10	10	10	10
Ukraine	15	5	10	10
United Arab Emirates	5	5	6	6
United Kingdom	10	5 (l)	5	5
Uzbekistan	15	5	10	15
Non-treaty jurisdictions	6/15 (m)	6/15 (m)	12	12

A These are the general dividend withholding tax rates.

B In general, the rates apply if the beneficiary of the dividends is a company that holds directly at least 25% of the share capital of the payer.

(a) This rate applies if the effective beneficiary of the dividends is a company that has invested foreign capital of at least USD250,000 in the payer of the dividends.

(b) This rate applies if the beneficiary of the dividends is a company holding directly at least 25% of the capital of the payer.

(c) The 3% rate applies to royalties paid for the use of, or the right to use, patents, computer software, designs or models, plans, and secret formulas or processes, or for information concerning industrial, commercial or scientific experience. The 7% rate applies to other royalties.

(d) This rate applies if the beneficiary of the dividends is a company holding directly at least 10% of the payer of the dividends.

(e) This treaty will take effect on 1 January 2025.

(f) Royalties received for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films and films or tapes for radio or television broadcasting, are exempt from tax.

(g) No tax is withheld if the effective beneficiary of the interest is a financial institution.

(h) No tax is withheld if the effective beneficiary of the dividends is a company that directly holds at least 50% of the capital of the payer of the dividends and that has invested USD300,000 or an equivalent amount of national currency of a European Union (EU) Member State in the capital of the payer of the dividends.

(i) The 10% rate applies to royalties paid for the use of patents, trademarks, drawings or patterns, plans, secret formulas or manufacturing procedures as well as for industrial, commercial or scientific information. The 15% rate applies to other royalties.

(j) No tax is withheld if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 50% of the capital of the payer of the dividends.

(k) No withholding tax is imposed on interest paid on bank loans or on interest paid with respect to the following:
- Sales on credit of industrial, commercial or scientific equipment
- Sales of goods between enterprises

(l) No tax is withheld if either of the following conditions is satisfied:
- The beneficial owner of the dividends is a company that holds directly or indirectly at least 50% of the capital of the company paying the dividends and that has invested at least GBP1 million (or the equivalent amount in another currency) in the capital of the company paying the dividends at the date of payment of the dividends.
- The beneficial owner of the dividends is a pension scheme.

(m) In general, the withholding tax rate for dividends is 6%. For dividends related to the 2008 through 2011 fiscal years, the withholding tax rate is 15%.

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A. At a glance

Corporate Income Tax Rate (%)	25 (a)
Capital Gains Tax Rate (%)	25 (a)
Branch Tax Rate	25 (a)
Withholding Tax (%)	0
Net Operating Losses (Years)	
Carryback	1 (b)
Carryforward	Unlimited (c)

(a) This is the corporate income tax rate for financial years beginning on or after 1 January 2022.
(b) There is an option, with certain limitations, to carry back losses up to EUR1 million for one year.
(c) The amount of losses used in a given year may not exceed EUR1 million plus 50% of the taxable profit exceeding this limit for such year.

B. Taxes on corporate income and gains

Corporate tax. In accordance with Article 1 of the tax treaty between France and Monaco of 18 May 1963, corporate income tax was introduced in Monaco.

The following entities are subject to this tax:
- Companies of any legal status that carry out industrial or commercial activities, if at least 25% of the turnover is generated outside Monaco
- Companies whose income relates to the sale or licensing of patents, trademarks, processes or formulas and to royalties from intellectual property rights

Administrative offices are also subject to corporate income tax, but the tax is applied according to the specific terms relevant to their situation. The tax is determined by a flat rate, generally equal to 8% of the total annual operating expenses.

The legal form of the company is irrelevant with respect to the application of the tax. The nature of the activities and the location of the transactions determine the liability for the tax.

Taxable profit is calculated according to the profits derived from activities of any nature carried out by the company. It is

determined after deduction of all costs. However, under specific rules, the salary of the owner or directors can only be deducted for individuals who carry out a real function within the company and at a total value that is reasonable for their role.

For small businesses (defined as companies with a turnover of less than EUR3,500,000) for the provision of services or EUR7 million for other activities), a scale determines the maximum amount of deductible income per turnover bracket.

For other companies, the director's salary can only be deducted from taxable profit if the amount is not excessive in comparison to recognized practices on an international level, particularly within the European Union (EU).

Rates of corporate tax. The corporate income tax rate is 25% for financial years beginning on or after 1 January 2022.

Administrative offices are generally taxed at a reduced rate (see *Corporate tax*).

Tax reliefs. In addition to the special rules applicable to administrative offices (see *Corporate tax*), Monaco has two categories of tax relief, which are discussed below.

Business startup scheme. Companies established in Monaco that fall within the scope of corporate income tax, that carry on a genuinely new business and that satisfy certain other conditions are exempt from the tax for a period of two years and subsequently benefit from a favorable regime for the following three years. The following is the tax regime:

- First and second years: no corporate income tax is imposed.
- Third year: the tax is calculated on 25% of taxable profit.
- Fourth year: the tax is calculated on 50% of taxable profit.
- Fifth year: the tax is calculated on 75% of taxable profit.
- From the sixth year onward: the tax is calculated on 100% of taxable profit.

Research and development tax credit. A tax credit is granted for research and development (R&D), subject to certain conditions.

Administration. In general, companies must file a tax return within three months following the end of their financial year.

Provisional tax installments (advance payments) of corporate income tax must be made in the months of February, May, August and November of each year. Any excess of advance payments over the balance payment can be used to pay future tax liabilities and there are procedures for refund in specific cases.

The balance of corporate tax is due by the deadline date for filing the tax return.

In general, late filing of the tax return is subject to a penalty averaging between EUR15 and EUR75. In case of the late payment of installments or of the balance of corporate tax, a 3% penalty is applied. An additional 1% penalty is charged per month in case of additional delay of payment.

Capital gains. Capital gains from asset sales that are part of business activities may, under certain conditions, be exempt if they are reinvested in the company.

Dividends. In general, an individual or legal entity who pays investment income and interest on receivables, deposits or guarantees to individuals or legal entities domiciled or established in France or to persons of French nationality resident in Monaco who do not hold a certificate of residence must, within the first quarter of the year, declare to the Department of Tax Services the income or revenue earned by the beneficiaries in the preceding year.

Under the parent-subsidiary regime (which requires certain conditions to be met, such as holding period and percentage of participation interest), dividends received by Monegasque companies from their Monegasque or foreign subsidiaries are exempt from corporate income tax, except for a 5%, 10% or 20% service charge computed on the gross dividend income that is added back to the recipient's taxable income.

Foreign tax relief. Companies that receive foreign-source income subject to withholding tax or to income tax in the foreign-source country may, depending on the category of the income and subject to proof, credit the tax paid abroad against the corporate income tax in Monaco.

C. Determination of trading income

General. The assessment is based on financial statements prepared according to Monegasque generally accepted accounting principles, subject to certain adjustments.

Deductibility of interest. Under Sovereign Order No. 7.334 of 1 February 2019, the general deduction of net financial expenses was replaced by new deduction limitation rules. These new rules apply to fiscal years beginning on or after 1 January 2019.

Under the new rules, the deduction of net financial expenses is capped at the highest of the following amounts:
- EUR3 million per fiscal year
- 30% of the adjusted taxable income subject to corporate income tax, increased by the relevant net financial expenses; any amortizations and provisions allowed as deductions, as well as capital gains or losses resulting from the transfer of assets

By way of exception, the portion of the net financial expenses charged by a company to related parties is subject to an additional limitation rule.

Inventories. The inventory must be valued at the cost or the market value at the closing date of the financial year if this market value is lower than the cost. Work-in-progress is valued at the cost.

Reserves. In determining accounting profit, companies must book certain reserves, such as reserves for a decrease in the value of assets, risk of loss or expenses. These reserves are normally deductible for tax purposes, subject to conditions.

Capital allowances. In general, assets are depreciated using the straight-line method. The calculation of depreciation by using the declining-balance method, when possible, is always optional. Companies may depreciate assets, falling within the scope of declining-balance method, on a straight-line basis.

Relief for tax losses. Losses may be carried forward indefinitely. However, for fiscal years closed on or after 31 December 2012, the amount of losses used in a given year may not exceed EUR1 million plus 50% of the taxable profit above that amount for such fiscal year (as is the case in France).

Companies have the option, with certain limitations, to carry back losses of up to EUR1 million for one year.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT); an indirect tax on consumption; all persons (firms or self-employed workers) regularly involved in business transactions are subject to VAT; French and Monegasque territories, including their territorial waters, form a customs union organized by the Franco-Monegasque customs agreement of 18 May 1963; French customs regulations apply directly in Monaco; Monaco is incorporated into European customs territory (although it remains a third country with regard to the EU) and as a result, goods and services in the Single European Market can be accessed from Monaco; key transactions subject to VAT are transactions forming part of business activities that are performed for a charge by a taxpayer either ordinarily or occasionally, whatever the taxpayer's legal status, transactions specifically designated by the law (for example, self-supplies of goods, certain purchases and imports), transactions that are usually exempt but may be taxed at the option of the person performing them (transactions performed by persons carrying out exempt noncommercial activities, transactions performed by banking and financial institutions, and rentals of unfurnished property for industrial, commercial or professional use) and transactions contributing to the production and delivery of property	2.1/5.5/10/20
Registration duties; levied at either a fixed rate or a proportional rate, depending on the nature of the asset or document	Various

E. Miscellaneous matters

Country-by-Country Reports. Monaco has made enforceable the multilateral agreement between competent authorities on the exchange of Country-by-Country Reports (CbCRs) (Sovereign Ordinance No. 6.712, dated 14 December 2017).

This measure is part of the international project of countering Base Erosion and Profit Shifting (BEPS), which led to the passing by the Organisation of Economic Co-operation and Development of a set of measures (15 Actions), including new rules on the documentation of transfer pricing to increase the transparency for the tax administrations (Action 13). Action 13 includes provisions regarding CbCRs.

Organisation for Economic Co-operation and Development/G20 Inclusive Framework (Pillar One and Pillar Two). Monaco, together with the other Organisation for Economic Co-operation and Development (OECD)/G20 Inclusive Framework members, signed a joint statement agreeing to implement Pillar One and Pillar Two. With regard to Pillar Two (Global Minimum Tax), Monaco has not yet implemented the Global Anti-Base Erosion (GloBe) rules, as such Monaco has not yet signed the Subject-To-Tax-Rule (STTR) multilateral instrument and not yet implemented the Qualified Domestic Minimum Top-Up Tax (QDMTT).

F. Tax treaties

Double tax treaties. Monaco has concluded treaties for the avoidance of double taxation with Andorra, France Guernsey, Liechtenstein, Luxembourg, Mali, Malta, Mauritius, Montenegro, Qatar, St. Kitts and Nevis, Seychelles and the United Arab Emirates (not yet in force).

Exchange of information treaties. Monaco concluded exchange of information treaties with Andorra, Argentina, Australia, Austria, Bahamas, Belgium (not yet in force), Czech Republic, Denmark, Faroe Islands, Finland, Germany, Greenland, Iceland, India, Italy, Liechtenstein, the Netherlands, Norway, Samoa, San Marino, Spain (not yet in force), South Africa, Sweden, the United Kingdom and the United States.

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A. At a glance

Corporate Income Tax Rate (%)	1/10/25 (a)
Capital Gains Tax Rate (%)	1/10/25 (a)(b)
Nonresident Corporate Income Tax Rate (%)	1/10/25 (a)
Withholding Tax (%) (c)	
Dividends	20
Interest	20
Royalties	20
Rent	20
Capital Gains	20 (d)
Certain Royalty and Server Lease Payments	5 (e)
Management and Administrative Fees	20
Lease Interest	20
Use of Tangible and Intangible Assets	20
Goods Sold, Work Performed or Services Provided	20
Branch Profits Remittance Tax	20
Net Operating Losses (Years)	
Carryback	0
Carryforward	4 (d)

(a) The corporate tax system is progressive, with annual taxable income of up to MNT6 billion subject to tax at a rate of 10%, and taxable income in excess of this amount is taxed at a rate of 25%. In addition, entities (except those engaged in exploring and mining minerals, selling and importing alcoholic beverages and tobacco, producing and wholesaling crude oil, and trading and importing gasoline and diesel fuel) with annual taxable income up to MNT300 million are subject to tax at a rate of 1%.

(b) Gross proceeds derived from the sale of immovable property are subject to tax at a rate of 2%.

(c) These withholding tax rates apply to payments to nonresidents.

(d) Capital gains are taxed on the gross income for nonresidents. However, the capital gains accrued from the shares and other securities issued on the Mongolian Stock Exchange will be taxable on net income starting from 1 July 2024.

(e) This reduced withholding tax applies only to royalty and server lease payments transferred to nonresident taxpayers from resident taxpayer entities operating in software development and design.

(f) The general rule is that losses can be carried forward for four years, and the use of such losses is limited to 50% of taxable income in any year.

B. Taxes on corporate income and gains

Corporate income tax. Permanent residents of Mongolia are taxed on their worldwide income. A company is regarded as a permanent resident of Mongolia if any three of the following conditions are met:

- More than 50% of shareholders (or their nominees) reside in Mongolia.
- More than 50% of shareholder meetings have been held during preceding four years.
- Accounting or financial documents are maintained in Mongolia.
- More than 25% of board members or their nominees reside in Mongolia.
- More than 60% of total income is sourced from Mongolia.

Permanent residents may qualify for a tax credit with respect to income generated from the production and planting of specified products (see *Tax incentives*).

Nonresidents of Mongolia are taxed on Mongolian-source income only. The term nonresident is generally defined to include foreign corporate entities that conduct business in Mongolia through a permanent establishment and foreign entities that generate income sourced in or from Mongolia.

Rates of corporate tax. The corporate tax system is progressive, with annual taxable income of up to MNT6 billion subject to tax at a rate of 10%, and taxable income in excess of this amount is taxed at a rate of 25%. Small companies with annual taxable income up to MNT300 million are taxed at a rate of 1%. This concessionary rate applies to all companies except for those engaging in exploring and mining minerals, selling and importing alcoholic beverages and tobacco, producing and wholesaling crude oil, and trading and importing gasoline and diesel fuel.

Certain types of income received by residents are taxed at different tax rates, as indicated in the following table.

Income	Rate (%)
Dividends	10
Royalties	10
Interest	10
Sale of rights	10
Insurance compensation	10
Gambling and lottery income	40
Sale and transfer of immovable property	2
Sale of intellectual property	5

Tax incentives. A 50% tax credit is available to taxpayers that generate income from the production and planting of the following:

- Cereal, potatoes and vegetables
- Milk
- Fruits and berries
- Fodder plants
- Meat and meat products produced in the chicken industry

A tax credit of 50% or 90% is available to taxpayers that are located in remote provinces. The credit is 50% for taxpayers that are 500 or more kilometers away from Ulaanbaatar and 90% for

taxpayers that are 1,000 or more kilometers away from Ulaanbaatar. However, the following activities are excluded from this incentive:

- Exploring and mining of minerals
- Sale, production and importation of alcoholic beverages and tobacco
- Crude oil imports or sales
- Providing communication services
- Construction of energy sources and networks, and production, sale and distribution of energy
- Aviation operations
- Construction and repair of roads

A tax credit of 90% is available to taxpayers that have annual taxable income of not greater than MNT1.5 billion, except for those in the following sectors:

- Mineral resources, radioactive mineral resource exploration, mining, transportation and sale
- Sale and importation of alcoholic beverages and tobacco
- Crude oil production, and wholesaling, trading and importing of gasoline and diesel fuel

A tax credit of 100% is available to start-ups in the first five years after the company registration. The credit is for domestically produced innovation products, works and services.

A tax credit of 90% in the first three years after the first revenues generated and 50% in the following three years (years four to six) is available for operating revenues from energy and electricity projects.

Domestic law provides that foreign tax credit relief is limited to jurisdictions that have legal arrangements with Mongolia regarding information exchange.

An exemption from corporate tax is available to investors that operate in the oil industry in Mongolia under a product-sharing contract with the Mongolian government.

Certain tax incentives are available to infrastructure developers in free-trade zones in Mongolia, subject to certain qualifying conditions, such as an investment threshold. They include tax incentives for projects with respect to power generation, heating facilities, sanitary facilities, auto roads, railways, airports and telecommunication infrastructure.

Both foreign and domestic companies may apply for a tax-stabilization certificate (subject to meeting certain criteria such as introducing new technology and creating stable jobs) to govern their investment in Mongolia. This certificate provides for stable tax conditions for a fixed term (consistent tax treatment regardless of changes in the tax law) across four different taxes; which are corporate income tax, customs duty, value-added tax (VAT) and tax on royalties. The term (five years to 18 years) of a tax-stabilization certificate depends on the industry, the amount of investment and the geographical location of the investment. For investments over MNT500 billion (approximately USD185 million), if requested by an investor, the government may enter into an "investment agreement" to stabilize the environment in which the investor will be carrying out its operations. The areas of the

stabilization arrangements that can be of interest to investors include not only taxation, but also more secure legal protection, government incentives, licensing and permitting, repatriation of profits and other areas.

Capital gains. Capital gains and losses are treated in the same manner as other taxable income and losses. Gains are subject to the progressive Mongolian corporate tax rates of 10% and 25%. The exception to this rule is that gains derived from the sale of immovable property are subject to tax at a rate of 2% on a gross basis.

Administration. The tax year in Mongolia is the calendar year.

Taxpayers with taxable income of MNT6 billion or more must file quarterly returns within 20 days after the end of each quarter. Taxpayers with taxable income up to MNT6 billion must file semiannual returns by 20 July. An annual return is due on 10 February following the end of the tax year, and the taxpayer must settle all outstanding liabilities by that date.

If it is necessary to withhold tax on dividends, royalties, sales of rights, transfers of profits overseas by permanent establishments of foreign companies and other Mongolian-source income earned by nonresident taxpayers, the withholding tax must be remitted to the state within 10 working days. All withholding tax statements must be submitted within 20 days after the end of the quarter, and an annual statement must be filed by 10 February following the end of the tax year.

On submission of the tax returns, the Mongolian tax authorities generally conduct an administrative check of the returns to ensure that all requirements have been satisfied with respect to the filing. At a later stage, the tax authorities can conduct a more detailed review of the returns through a tax audit.

Dividends. Dividends paid between permanent residents of Mongolia are subject to a 10% withholding tax. Dividend income received by a nonresident from a permanent resident is subject to withholding tax at a rate of 20%. This rate may be reduced under an applicable double tax treaty.

Publicly traded securities. A 5% concessionary withholding tax rate applies to dividends or interest earned by both permanent residents and nonresidents from publicly traded shares, units or bonds issued by permanent residents on both domestic and foreign stock exchanges in either the initial offering or secondary trading. This concessionary rate does not apply to the holders of mineral or crude oil exploration or mining licenses.

Foreign tax relief. Domestic law provides a unilateral foreign tax credit, regardless of whether a tax treaty is in place.

C. Determination of trading income

General. Taxable income is broadly defined as total revenue less the following:

- Deductible expenses
- Exempt income
- Tax losses

Taxable revenue falls under the following four categories:
- Income from operations. This is primarily income generated from business activity. However, it also includes, among other items, income from lottery and gambling, income from management and consulting services, and income from goods and services received from others without consideration.
- Income associated with property. This includes rental income, royalties, dividends and interest income.
- Income from the sale of property. This includes the sale of movable and immovable property and the sale of intangible assets.
- Other income. This includes gains on realized foreign-currency exchange rates, insurance compensation, and penalties and interest received from others as a result of the failure of contractual obligations.

Different sources of taxable income are taxed at different rates (see Section B).

The following types of income are exempt from tax (this is not an exhaustive list):
- Interest earned on government bonds (which includes bonds issued by the Development Bank of Mongolia, a government-owned bank)
- Income and dividends earned by taxpayers trading in the oil industry in Mongolia under a product-sharing contract and derived from the sale of its share of product
- Income earned by certain education and health institutions
- Income earned from the mediation of intellectual property rights from one party to another (type of commission income)
- Interest income from a loan secured by intellectual property rights
- Income earned by investment funds

The tax law provides specific criteria for deductible expenses. Any expense items that have not met such criteria or additional qualifying conditions for deduction must be added back when computing taxable income.

In general, deductible expenses should fulfill the following criteria:
- They are incurred for the reporting period.
- They are incurred for income-generating purpose.
- They are recognized according to accounting laws with supporting documents.
- They are recorded in the VAT system or customs clearance with some exceptions, if applicable.
- They are paid or expected to be paid by the taxpayer.

Specific restrictions apply to the deductibility of the following:
- Regular maintenance expenses
- Voluntary insurance premium fees
- Reserves accumulated in the risk funds of banks and other nonbanking financial institutions
- Per diem expenses
- Depreciation of inventory

Third-party interest payments on loans to finance the company's primary and auxiliary production, operations, services and purchases of properties are generally deductible for tax purposes.

Mongolia has an earnings before interest, tax, depreciation and amortization (EBITDA)-based restriction and a thin-capitalization restriction to limit related-party loan interest for tax deduction purposes. Thin capitalization arises when an investor's debt-to-equity exceeds a 3:1 ratio; any interest attributable to the debt exceeding such ratio is nondeductible for tax purposes. In addition, such related-party loan interest should not exceed 30% of EBITDA for any given year.

Nonresidents carrying out trading activities in Mongolia through a permanent establishment may deduct business expenses in accordance with the rules applicable to permanent residents, subject to certain restrictions specific to permanent establishments.

Tax depreciation. Tax depreciation of noncurrent assets is calculated using the straight-line method. The following are the useful economic lives of various noncurrent assets.

Noncurrent assets	Useful economic life (years)
Building and construction*	
Mining	40
Non-mining	25
Machinery and equipment	10
Computers, computer parts, software	2
Intangible asset with definite useful life (includes licenses for mineral exploration and extraction)	Validity period
Other noncurrent assets	10

* The companies operating in locations outside the capital city may choose to apply a 15-year straight-line tax depreciation rate on their new building and construction. This tax depreciation rate does not apply to holders of mineral or crude oil exploration or mining licenses.

Relief for losses. In general, tax losses can be carried forward for up to four years and the use of such losses is restricted to 50% of taxable profits in any tax year.

The carryback of losses is not allowed.

Groups of companies. Tax grouping is not allowed in Mongolia.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Royalties; paid on the sale of mining products; the two types of royalties are standard flat rate royalties and surtax royalties; the rates of the standard flat rate royalties depend on the type of minerals and whether they are sold within Mongolia; the rates of the surtax royalties vary depending on the type of minerals, their market prices and their degree of processing; surtax royalties are not imposed on minerals below a certain market price	
Standard flat rate royalties	5 (with certain exceptions)

Nature of tax	Rate (%)
Surtax royalties	
Copper	0 to 30
Other minerals	0 to 5
Value-added tax (VAT); applicable to the supply of taxable goods and services in Mongolia and to goods imported into Mongolia; taxpayers must register for VAT if taxable turnover exceeds MNT50 million; taxpayers can voluntarily register for VAT if taxable turnover reaches MNT10 million; the tax law specifically indicates zero-rated and exempt items; taxable supplies are subject to VAT on the fair market value of the goods sold, work performed or services provided; the taxpayer is responsible for VAT on goods and services received from nonresidents; the Mongolian tax law allows VAT-registered taxpayers to offset output VAT with input VAT if this is supported by appropriate documentation; the excess of input VAT over output VAT can be carried forward for offset against future VAT or other tax liabilities; VAT exemptions are available in certain industries; VAT grouping is not possible; VAT is accounted for monthly and VAT payments must be made by the 10th day of the following month; VAT returns must be filed by the 10th day of each month	Exempt/0/10
Excise tax; levied on individuals and legal entities that manufacture or import goods, such as alcoholic beverages, tobacco, gasoline and diesel fuel and automobiles; physical units of technical devices and equipment used for betting and gambling are also subject to excise tax; rate varies depending on the amount and the product	Various
Customs duty; levied on the majority of goods imported into Mongolia; information technology, medical equipment and pure-bred livestock are zero-rated and specified equipment imported into Mongolia by small and medium-sized enterprises and renewable energy sectors are exempt	5 to 40
Stamp duty; levied on various types of services; the rate depends on the type of services involved	Various
Immovable property tax; levied on the value of the immovable property; the value on which the tax is levied is the value registered with the government registration authority; if the property has not been registered, the insured value is used; if neither the registered nor the insured value is available, the accounting value is used in the calculation; rate depends on the size, location and market demand	0.6 to 2
Air pollution payment; applies to domestically produced raw coal, used or imported organic solvents and vehicles	Various
Social security taxes; applicable to Mongolian citizens and foreign citizens employed on a contract basis by economic entities, the	

Nature of tax	Rate (%)
government or religious or other organizations undertaking activities in Mongolia; consists of compulsory health and social insurance taxes; charges are capped at MNT759,000 per month for employees	
Employers	12.5 to 14.5
Employees	11.5

E. Miscellaneous matters

Foreign-exchange controls. The Mongolian currency is the tugrik (MNT).

Foreign revenue and expenses must be converted into tugriks on the date of the transaction.

Realized foreign-exchange gains and losses are taxable and deductible, respectively.

Transfer pricing. Transactions between the taxpayer and a related party must follow arm's-length principles. If these principles are not followed, the tax authorities may seek to adjust the transaction to fair market value. The Ministry of Finance has released guidelines setting out the pricing methodologies that can be used by taxpayers and the documentation requirements for related-party transactions.

Debt-to-equity rules. Interest paid to certain related parties is subject to a debt-to-equity ratio of 3:1.

F. Treaty withholding tax rates

The table below provides Mongolian withholding tax rates for dividends, interest and royalties paid from Mongolia to residents of various treaty jurisdictions. The rates reflect the lower of the treaty rate and the rate under domestic law. The table below is for general guidance only.

	Dividends %	Interest %	Royalties %
Austria	5/10 (a)	10	5/10 (b)
Belarus	5/10 (ac)	0/10 (d)	10
Belgium	5/15 (e)	10 (f)(q)	5 (q)
Bulgaria	10	10	10
Canada	5/15 (g)	0/10 (h)	5/10 (i)
China Mainland	5	10	10
Czech Republic	10	0/10 (j)	10
France	5/15	0/10	0/5
Germany	5/10 (k)	0/10 (l)	10
Hungary	5/15 (m)	0/10 (n)	5
India	15	0/15 (o)	15
Indonesia	10	0/10 (p)	10
Italy	5/15 (ab)	0/10 (ad)	5
Kazakhstan	10	10	10
Korea (South)	5	5	10
Kyrgyzstan	10	10	10
Malaysia	10	10	10
Poland	10	0/10 (r)	5
Russian Federation	10	10	20 (s)
Singapore	0/5/10 (t)	5/10 (q)(u)	5
Switzerland	5/15 (v)	10	5

	Dividends %	Interest %	Royalties %
Thailand (c)	10	10/15 (w)	5/15 (x)
Türkiye	10	10	10
Ukraine	10	0/10 (y)	10
United Kingdom	5/15 (z)	7/10 (aa)	5
Vietnam	10	10	10
Non-treaty jurisdictions	20	20	20

(a) The 5% rate applies if the recipient of the dividends is a company (excluding partnerships) that holds directly at least 10% of the capital of the company paying the dividends. The 10% rate applies to all other dividends.

(b) The 5% rate applies to royalties paid for patents, trademarks, designs or models, plans, secret formulas or processes, or information concerning industrial, commercial or scientific experience. The 10% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films.

(c) This treaty is not yet in force.

(d) The 0% rate applies if the loan is provided to the government or the central bank. The 10% rate applies in all other cases.

(e) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 10% of the capital of the company paying the dividends. The 15% rate applies to all other dividends.

(f) The following types of interest are exempt from tax in the contracting state in which the interest arises:
- Interest on commercial debt claims
- Interest paid with respect to loans made, guaranteed or insured by public entities or credits extended, guaranteed or insured by public entities, the purpose of which is to promote exports
- Interest on loans granted by banking enterprises
- Interest on deposits and interest paid to the other contracting state, or a political subdivision or local authority thereof

(g) The 5% rate applies if the beneficial owner of the dividends is a company that controls directly or indirectly at least 10% of the voting power in the company paying the dividends (except in the case of dividends paid by a nonresident-owned investment corporation that is a resident of Canada). The 15% rate applies to other dividends.

(h) The 0% rate applies to interest paid on loans made to the government or a political subdivision. The 10% rate applies in all other cases.

(i) The 5% rate applies to copyright royalties and similar payments with respect to the production or reproduction of literary, dramatic, musical or other artistic works (but not including royalties with respect to motion picture films or works on film or videotape or other means of reproduction for use in connection with television broadcasting) and royalties for the use of, or the right to use, computer software, patents or information concerning industrial, commercial or scientific experience (but not including royalties paid with respect to rental or franchise agreements). The 10% rate applies in all other cases.

(j) The 0% rate applies to interest paid to (or by) the government (or specified institutions), subject to further conditions.

(k) The 5% rate applies if the recipient of the dividends is a company (other than a partnership) that owns directly at least 10% of the capital of the company paying the dividends. The 10% rate applies to other dividends. Silent partnership income is taxed at the domestic rate of 25%.

(l) The 0% rate applies to interest arising in Germany that is paid to the Mongolian government or a Mongolian bank.

(m) The 5% rate applies if the beneficial owner is a company that holds directly at least 25% of the capital of the company paying the dividends. The 15% rate applies to other dividends.

(n) The 0% rate applies to interest paid on loans to the government, the central bank, a political subdivision or a local authority. The 10% rate applies in all other cases.

(o) The 0% rate applies to interest paid on loans to the government, the central bank, a political subdivision or a local authority, the Trade and Development Bank in Mongolia or the Industrial Development Bank of India or another recipient approved by the government. The 15% rate applies in all other cases.

(p) The 0% rate applies to interest paid on loans to the government or central bank. The 10% rate applies in all other cases.

(q) Please consult treaty for further details.

(r) The 0% rate applies to interest arising in the contracting state and derived by the government of the other contracting state or a political subdivision, local

authority or the central bank thereof or a financial institution wholly owned by that government or by a resident of the other contracting state, with respect to a debt claim indirectly financed by the government of that contracting state, a local authority or the central bank thereof or a financial institution wholly owned by the government.

(s) Royalties may be taxed in the contracting state in which they arise and according to the laws of that state.

(t) The 0% rate applies to dividends paid by a company that is resident in a contracting state to the government of the other contracting state. The 5% rate applies if the beneficial owner of the dividends is a company that holds directly 25% of the capital of the company paying the dividends. The 10% rate applies to other dividends.

(u) The 5% rate applies to interest received by banks or similar financial institutions. The 10% rate applies in all other cases. Interest is exempt from tax under certain circumstances.

(v) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly 25% of the capital of the company paying the dividends. The 15% rate applies to all other dividends.

(w) The 10% rate applies if the interest is received by a financial institution (including an insurance company). The 15% rate applies in all other cases.

(x) The 5% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works. The 15% rate applies in all other cases.

(y) The 0% rate applies to interest paid with respect to bonds, debentures or similar obligations of the government, political subdivisions, local authorities or the central bank. The 10% rate applies in all other cases.

(z) The 5% rate applies if the beneficial owner of the dividends is a company that controls directly or indirectly at least 10% of the voting power in the company paying the dividends. The 15% rate applies to other dividends.

(aa) The 7% rate applies to interest paid to banks and other financial institutions. The 10% rate applies in all other cases.

(ab) The 5% rate applies if the beneficial owner is a company that has directly held (owned) at least 10% of the paying company's capital for a period of at least 12 months preceding the date the dividends were declared; otherwise, the 15% rate applies.

(ac) The 5% applies to the profits of permanent establishments.

(ad) The 0% tax rate applies if any of the following circumstances exist:

- The payer is a government or a local authority.
- The interest is paid to the government, a local authority or an agency or instrumentality wholly owned by the government or local authority.
- The interest is paid to another agency or instrumentality (including a financial institution) in relation to loans made in application of an agreement concluded between governments.

Montenegro, Republic of

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The Union of Serbia and Montenegro ceased to exist on 25 May 2006. The following chapter provides information on taxation in the Republic of Montenegro only.

A. At a glance

Corporate Income Tax Rate (%)	9 to 15
Capital Gains Tax Rate (%)	9 to 15
Branch Tax Rate (%)	9 to 15
Withholding Tax (%)	
Dividends	15 (a)
Interest	15 (b)
Royalties from Patents, Know-how, etc.	15 (b)
Liquidation Surplus	15 (a)
Capital Gains and Leasing Fees	15 (b)
Consultancy, Market Research and Audit Fees	15 (b)
Used Products, Semi-products and Agricultural Products	15 (c)
Performances of Art, Sports and Entertainment	15 (d)
Payments to Listed Countries with Preferable Tax Regimes	
Dividends	30
Interest	30
Royalties from Patents, Know-how, etc.	30
Capital Gains and Leasing Fees	30
Consultancy, Market Research and Audit Fees	30
Used Products, Semi-products and Agricultural Products	30
Performances of Art, Sports and Entertainment	30
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) This tax applies to resident and nonresident legal entities.
(b) This tax applies to nonresident legal entities. Individuals are taxed under the Personal Income Tax Law at rates of 9% and 15%.

(c) This tax applies to nonresident and resident individuals.
(d) This tax applies to nonresident legal entities.

B. Taxes on corporate income and gains

Corporate income tax. Companies resident in the Republic of Montenegro (RM) are subject to tax on their worldwide income. A company is resident in the RM if it is incorporated in the RM or if its central management and control is actually exercised in the RM. Nonresident companies are subject to tax only on their income derived from the RM. Nonresident companies are companies registered in other countries that do not have its central management and control in the RM, but have a permanent place of business in the RM.

Rate of corporate income tax. Corporate income tax is payable at a scale ranging from 9% to 15% in the RM. Annual profit up to EUR100,000 is subject to the 9% rate; profit from EUR100,000 to EUR1.5 million is subject to a 12% rate; profit exceeding EUR1.5 million is subject to a 15% rate.

Tax incentives. Newly established companies that perform business activities in undeveloped municipalities are exempt from corporate profit tax for an eight-year period from the date of the commencement of their business activities.

The corporate profit tax liability of companies that have business units established in undeveloped municipalities that engage in production activities may be reduced proportionally based on the percentage of the business unit's profit in the total profit of the company. This tax relief can be claimed for an eight-year period from the date of the incorporation of the business unit. The total amount of the tax incentive cannot exceed EUR200,000. In addition, under the Corporate Income Tax Law, newly established companies who perform business activities in undeveloped municipalities may be exempt from paying salary tax (and the surtax on salary tax) for newly employed individuals and disabled persons under the conditions specifically mentioned in the legislation.

A legal entity that is the beneficiary of incentives for the development of research and innovation in accordance with the law regulating incentives for the development of research and innovation is exempt from corporate profit tax.

For a legal entity that is a non-governmental organization and is registered for business activities, the tax base is reduced by the amount of EUR4,000 if the profit is used to realize the purposes for which the entity was founded.

Capital gains. Capital gains derived from the disposal of land, real estate, industrial property rights, capital participations and shares and other securities are included in taxable income and are subject to tax at the regular corporate income tax rate.

Capital gains realized by a nonresident legal entity from another nonresident legal entity or a resident or nonresident individual in Montenegro is subject to a 15% capital gains tax (determined by a decision of the tax authorities), unless otherwise specified by a double tax treaty.

Capital gains realized by a nonresident legal entity from a resident legal entity in Montenegro is subject to a 15% withholding tax.

Capital gains may be offset by capital losses incurred in the same year, and net capital losses may be carried forward to offset capital gains in the following five years.

Administration. The tax year is the calendar year, except in the case of liquidation or the beginning of business activities during the year. A company may not elect a different tax year. Companies must file annual tax returns in electronic form and pay tax due by 31 March of the year following the tax year.

Dividends. Resident companies include dividends received from its nonresident affiliates in taxable income.

Corporate and dividend taxes paid abroad may be claimed as a tax credit up to the amount of domestic tax payable on the dividends. Any unused amount of the tax credit for dividend taxes paid abroad can be carried forward to offset corporate income tax in the following five years. This tax credit applies only to dividends received by companies with a shareholding of 10% or more in the payer for at least one year before the date of submission of the tax return.

A 15% withholding tax is imposed on dividend payments (30% for payments to listed countries with preferable tax regimes).

An applicable double tax treaty may provide a reduced withholding tax rate for dividends (see Section F). To benefit from a double tax treaty, a nonresident must verify its tax residency status and prove that it is the true beneficiary of the income.

Foreign tax relief. Companies resident in the RM that perform business activities through permanent establishments outside the RM may claim a tax credit for corporate income tax paid in other jurisdictions. The credit is equal to the lower of the foreign tax and the Montenegrin tax paid on the foreign-source income.

C. Determination of trading income

General. The assessment is based on the profit or loss shown in the financial statements prepared in accordance with Montenegrin accounting regulations, subject to certain adjustments for tax purposes. The effects of changes in accounting policies from the initial application of International Accounting Standards (IAS) or International Financial Reporting Standards (IFRS), which lead to adjustments of the corresponding positions in the balance sheet, should be recognized as income or expenses in the tax return, starting from the tax period in which the adjustment was made, in equal amounts over five tax periods.

Taxable income is the positive difference between income and expenses. Dividend income and liquidation surplus income of taxpayers are not included in the tax base if the payer is a taxpayer according to the RM's Corporate Income Tax Law. Also, capital gains and losses calculated in accordance with tax rules are included in the tax base.

Tax-deductible expenses include expenses incurred in performing business activities. Expenses must be documented. Certain expenses, such as depreciation (see *Tax depreciation*) and donations, are deductible up to specified limits.

Salary costs, severance payments and redundancy payments to employees are recognized for tax purposes in the period in which the payment is made.

In addition, types of expenses that are not recognized for tax purposes are further prescribed, such as contributions made to political organizations, gifts and other transfers without compensation and default interest between related parties.

Inventories. Inventories must be valued using average prices or the first-in, first-out (FIFO) method.

Write-offs (provisions). Legal entities may claim deductions for adjustments or write-offs (provisions) of receivables if such actions are in conformity with the Accounting Law. This conformity exists if the following conditions are satisfied:
- It can be proved that the amounts of receivables were previously included in the taxpayer's revenues.
- The receivable is written off from the taxpayer's accounting books as uncollectible.
- The taxpayer can provide clear evidence that the litigation process has been started or that the receivables have been reported as a part of liquidation or bankruptcy proceedings against the debtor.
- The receivable is longer than 365 days.

Impairment of doubtful receivables should be deductible if at least 60 days have passed from the due date for their collection or realization until the end of the tax period.

Written-off and impaired doubtful receivables which are subsequently collected should be included in the income of the taxpayer at the time of their collection or the withdrawal of the lawsuit, enforcement proposal or claim.

Long-term provisions made for renewal of the natural resources, expenses payable in a guarantee period and expected losses on the basis of court disputes are recognized as expenses in accordance with the local accounting regulations. In addition, increases in provisions for receivables and loss provisions for off-balance items made by banks that are in accordance with their internal regulations and with Montenegrin Central Bank regulations are recognized as expenses for tax purposes.

Severance and jubilee payments that are calculated but not paid are deductible up to the amount determined in the Labor Law.

Asset impairment costs are recognized as tax deductible in the period in which the impaired assets are disposed of or damaged due to *force majeure*.

Tax depreciation. Assets with the value over EUR300 are subject to tax depreciation. Fixed assets are divided into five groups, with depreciation and amortization rates prescribed for each group. A ruling classifies assets into the groups. Group I includes immovable assets.

The straight-line method must be used for Group I, while the declining-balance method must be used for the assets in the other groups.

An exception to this rule is provided for assets acquired under operating leases, as well as intangible assets, for which depreciation for tax purposes is recognized in the amount of accounting depreciation.

The following are the depreciation and amortization rates.

Group of assets	Rate (%)
I	2.5
II	10
III	15
IV	20
V	30

Relief for losses. Tax losses incurred in business operations may be carried forward for five years.

Loss carrybacks are not allowed.

Groups of companies. Under group relief provisions, companies in a group that consists only of companies resident in the RM may offset profits and losses for tax purposes. Tax consolidation is available if a parent company holds directly or indirectly at least 75% of the shares of subsidiaries. To obtain group relief, a group must file a request with the tax authorities. If tax consolidation is allowed, the group companies must apply the group relief rules for five years. Each group company files its own annual income tax return and the parent company files a consolidated tax return based on the subsidiaries' tax returns. Any tax liability after consolidation is paid by the group companies with taxable profits on a proportional basis.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on supplies of goods and services in the RM and on imports of goods; certain tax exemptions with or without the right to deduct input VAT are granted; VAT taxpayers are legal entities and entrepreneurs who had turnover of goods and services in excess of EUR30,000 in the preceding 12 months or who expect to have annual turnover greater than the threshold	
Standard rate	21
Lower rate	7
Property tax; paid on rights over immovable property in the RM, including residential and business buildings, apartments, garages, buildings and rooms for resting and recreation, and other buildings; certain immovable property is exempt; tax credits are available for the dwellings of owners and their immediate families and for certain accommodation facilities; the amount of tax due is determined by a tax authority's	

Nature of tax	Rate (%)
ruling, which should be issued by 30 April of the year for which the tax is rendered; the tax is payable in two installments, which are due on 30 June and 31 October; tax rate varies depending on the municipality in which the immovable property is located	0.25 to 5
Transfer tax; imposed on the transfer of the immovable property located in Montenegro; the tax base equals the market value of the transferred property at the time of acquisition; the acquirer of the property is the taxpayer; the tax is due within 15 days after the moment of transfer of the immovable property	3 to 6
Tax on income; paid by employee; higher rate applies to gross salary exceeding EUR1,000	9/15
Surtax on salary tax; paid by employer	10 to 15
Social security contributions (for pension and disability funds and unemployment insurance); paid by	
Employer	6
Employee	15.5
Additional contributions for the Association of Labor Unions of Montenegro, labor fund and chamber of commerce; total rate	0.67

E. Miscellaneous matters

Foreign-exchange controls. The official currency in the RM is the euro (EUR).

Capital transactions (investments), current foreign-exchange transactions and transfers of property to and from the RM are generally free.

Transfer pricing. Under general principles, transactions between related parties must be made on an arm's-length basis. The difference between the price determined by the arm's-length principle and the taxpayer's transfer price is included in the tax base for the computation of corporate income tax payable.

As of January 2022, the RM's Corporate Income Tax Law contains more comprehensive rules on transfer pricing, which are loosely based on the Organisation of Economic Co-operation and Development (OECD) Transfer Pricing Guidelines. In addition, the Ministry of Finance has issued a rulebook, which regulates this topic in more detail. The Ministry of Finance has published the safe harbor interest rates for the purpose of analyzing intercompany loans for the 2024 fiscal year. Large taxpayers that have transactions with related parties must submit transfer-pricing documentation by 30 June of the year following the tax year, while other taxpayers are required to possess documentation by 30 June of the year following the tax year and to submit transfer-pricing documentation on the request of the tax authorities within 45 days of the request. These deadlines are applicable until 2027 (as an exemption from the general deadline for submission, which is 31 March).

F. Treaty withholding tax rates

Montenegro became an independent state in June 2006. The government has rendered a decision that it will recognize tax treaties signed by the former Union of Serbia and Montenegro and the former Yugoslavia until new tax treaties are signed. The following table lists the withholding tax rates under the treaties of the former Union of Serbia and Montenegro and under the treaties of the former Yugoslavia that remain in force. It is suggested that taxpayers check with the tax authorities before relying on a particular tax treaty.

	Dividends %	Interest %	Royalties %
Albania	5/15	10	10
Austria	5/10	10	5/10
Azerbaijan	10	10	10
Belarus	5/15	8	10
Belgium	10/15	15	10
Bosnia and Herzegovina	5/10	10	10
Bulgaria	5/15	10	10
China Mainland	5	10	10
Croatia	5/10	10	10
Cyprus	10	10	10
Czech Republic	10	10	5/10
Denmark	5/15	0	10
Egypt	5/15	15	15
Finland	5/15	0	10
France	5/15	0	0
Germany	15	0	10
Hungary	5/15	10	10
Iran	10	10	10
Ireland	5/10	10	5/10
Italy	10	10	10
Korea (North)	10	10	10
Kuwait	5/10	10	10
Latvia	5/10	10	5/10
Malaysia	10	10	10
Malta	5/10	10	5/10
Moldova	5/15	10	10
Morocco	5/10	10	5/10
Netherlands	5/15	0	10
North Macedonia	5/15	10	10
Norway	15	0	10
Poland	5/15	10	10
Portugal	5/15	10	5/10
Romania	10	10	10
Russian Federation	5/15	10	10
Serbia	10	10	5/10
Slovak Republic	5/15	10	10
Slovenia	5/10	10	5/10
Sri Lanka	12.5	10	10
Sweden	5/15	0	0
Switzerland	5/15	10	0/10
Türkiye	5/15	10	10
Ukraine	5/10	10	10

	Dividends %	Interest %	Royalties %
United Arab Emirates	5/10	10	0/5/10
United Kingdom	5/15	10	10
Non-treaty jurisdictions	15	15	15

Morocco

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A. At a glance

Corporate Income Tax Rate (%)	25.5/33 (a)
Capital Gains Tax Rate (%)	25.5/33 (a)(b)
Branch Tax Rate (%)	25.5/33 (a)
Withholding Tax (%)	
Dividends	12.5/15 (c)
Interest	10/20/30 (d)
Royalties, Scientific Know-how Payments, Technical Assistance Fees and Remuneration for Most Services	10 (e)
Rent on Equipment Used in Morocco	10 (e)
Branch Remittance Tax	12.5/15 (b)
Net Operating Losses (Years)	
Carryback	0
Carryforward	4 (f)

(a) For the 2024 fiscal year, corporate income tax is imposed at proportional rates ranging from 15% to 33% (for details, see Section B). The corporate income tax rate is 37.75% for banks, financial institutions, and insurance companies. Corporate income tax incentives are available (see Section B).

(b) See Section B.

(c) The dividend withholding tax is a final tax for nonresidents. Withholding tax does not apply to dividends paid to Moroccan companies subject to Moroccan corporate tax if a property attestation (a certificate containing the company's tax number and attesting that the company is the owner of the shares) is delivered by the beneficiary company. Withholding tax does not apply to dividends paid to nonresidents by Moroccan companies benefiting from Casablanca Finance City (CFC) status and companies located in industrial acceleration zones (IAZs) to the extent such dividends are from a foreign source. The 15% tax rate applies to the distribution of earnings accumulated prior to 2023.

(d) The 10% rate applies to interest paid to nonresidents on loans or other fixed-interest claims. The 10% tax is a final tax. The 20% rate applies to interest paid to resident companies. The 20% tax may be credited by recipients against their total income tax.

(e) This is a final tax applicable only to nonresidents. Rental and maintenance of aircraft used for international transport are exempt from this withholding tax.

(f) Losses attributable to depreciation may be carried forward indefinitely.

B. Taxes on corporate income and gains

Corporate income tax. The following companies are subject to corporate income tax:
- Resident companies (those incorporated in Morocco)
- Nonresident companies deriving taxable income from activities carried out in Morocco
- Nonresident companies deriving capital gains from sales of unlisted shares and bonds in Morocco (unless a double tax treaty between Morocco and the residence country of the beneficiary provides otherwise)
- Branches of foreign companies carrying on business activities independent of those performed by their head office

In general, only Moroccan-source income is subject to tax unless a provision of a double tax treaty provides otherwise.

Tax rates. The 2023 Finance Law introduced a phased reform of corporate income tax rates over a period of four years with the objective of converging toward unified tax rates applicable from 2026 onward, replacing the proportional tax system and the multiplicity of derogatory regimes.

The unified standard target rates are the following:
- 20% applicable to all companies with net taxable profit of less than MAD100 million.
- 35% applicable to companies with net taxable profit of MAD100 million or more. The 35% rate is reduced to 20% if the net taxable profit for the companies remains under MAD100 million during three consecutive fiscal years. The 2024 Finance Law amended this provision by restricting the application of the 35% corporate income tax rate to the fiscal year in which the aforementioned threshold is reached or exceeded, with the possibility of applying the 20% rate for subsequent fiscal years if such threshold is exceeded as the result of capital gains from the sale of fixed assets.

The following are the applicable proportional corporate income tax rates for the 2024 fiscal year.

Taxable income		
Exceeding MAD	Not exceeding MAD	Rate %
0	300,000	15
300,000	1,000,000	20
1,000,000	100,000,000	22.5 (a)
100,000,000	—	33

(a) For companies carrying out industrial activities with a net profit of less than MAD100 million, the rate of 25.5% is reduced to 23%.
(b) Newly registered companies that undertake to invest more than MAD1.5 billion within a five-year period are taxable at a maximum of 20% even if their taxable income exceeds MAD100 million.

The above corporate income tax rates will be increased or decreased each year until achieving the target rates in 2026.

Banks, financial institutions, and insurance companies are subject to tax at a rate of 38.5%. This rate will be increased by 0.75% per year to reach 40% in 2026.

The minimum tax equals the greater of the minimum fixed amount of MAD3,000 and 0.25% of the total of the following items:
- Turnover from sales of delivered goods and services rendered
- Other operating income
- Financial income (excluding financial reversals and transfers of financial expenses; a financial reversal refers to an accounting record reflecting the decrease or cancellation of the financial provision [generally related to foreign-exchange risk] already recorded in the previous fiscal year, while a transfer of financial expenses refers, for example, to an accounting record to allocate expenses over multiple years)
- Subsidies received from the state and third parties

The rate of minimum tax is reduced to 0.15% for sales of petroleum goods, gasoline, butter, oil, sugar, flour, water, electricity and medicine. The minimum tax applies if it exceeds the corporate income tax resulting from the application of the proportional rates or if the company incurs a loss. New companies are exempt from minimum tax for 36 months after the commencement of business activities.

Nonresident contractors may elect an optional method of taxation for construction or assembly work or for work on industrial or technical installations. Under the optional method, an 8% tax is applied to the total contract price including the cost of materials, but excluding VAT.

Social Solidarity Contribution. The Social Solidarity Contribution (SSC) is imposed on the profits and income of companies subject to corporate income tax, as defined by Article 2-III of the Moroccan Tax Code, excluding companies that are permanently exempt from corporate income tax. The SSC is applicable for 2024 and 2025.

For companies subject to the SSC, this contribution is calculated on the basis of the taxable income on which corporate income tax is computed that is equal to or greater than MAD1 million for the latest closed financial year. The following are the rates of the SSC:
- 1.5% for companies with taxable income ranging from MAD1 million to MAD5 million
- 2.5% for companies with taxable income ranging from MAD5 million to MAD10 million
- 3.5% for companies with taxable income ranging from MAD10 million to MAD40 million
- 5% for companies with taxable income exceeding MAD40 million

Tax incentives. Morocco offers the same tax incentives to domestic and foreign investors. Various types of companies benefit from tax exemptions and tax reductions, which are summarized below.

Permanent exemptions. Permanent tax exemptions are available to agricultural enterprises and cooperatives with annual turnover of less than MAD5 million.

Capital risk companies are exempt from corporate income tax on profits derived within the scope of their activities (these are profits related to purchases of companies' shares that support such companies' development and the sales of such shares thereafter).

Temporary exemption. Hotel companies benefit from a five-year tax exemption with respect to their profits corresponding to their revenues in foreign currency. The exemption starts from the date of first sale in foreign currency.

Companies carrying out service outsourcing activities benefit from a total corporate income tax exemption for the first five fiscal years of their activity.

Export companies that establish in Moroccan industrial acceleration zones (formerly called free zones [*zones franches*]) benefit from a total corporate income tax exemption for five consecutive fiscal years.

Sports companies benefit from a total corporate income tax exemption for the first five years of their activity.

Companies holding a hydrocarbon exploration and exploitation permit are exempt from corporate income tax for 10 years from the beginning of hydrocarbon regular production.

Companies that obtained Casablanca Finance City (CFC) status benefit from a total corporate income tax exemption for a period of five consecutive fiscal years starting from the first year of obtaining such status.

Industrial companies carrying out activities fixed by decree are exempt from corporate income tax for the first five fiscal years following the start of their activities.

Under a transitional measure, export companies that carried out their first export transaction before 1 January 2020 are exempt from corporate income tax on their income relating to export turnover during the first five years following their first export transaction.

Subject to certain conditions, real estate developers benefit from a total exemption from corporate income tax and other taxes with respect to construction programs for social housing under agreements entered with the government from 1 January 2010 through 31 December 2020.

The following companies are excluded from the CFC corporate tax benefits:
- Credit institutions
- Insurance and reinsurance companies
- Insurance and reinsurance brokerage companies

Tax-free intragroup restructuring. The Moroccan tax code provides a tax-neutrality mechanism for the sale of fixed assets between companies of the same group. This regime allows the transfer or sale of these assets without affecting the taxable income of the transferor. It applies if the concerned companies are part of a group created by a parent company and includes only companies in which it holds directly or indirectly at least 80% of the share capital. At the transferee level, depreciation on fixed assets is tax deductible, but such deduction is limited. These transactions are subject to a fixed registration duty of MAD1,000.

Capital gains. Capital gains on the sale of fixed assets are taxed at the proportional corporate income tax rates (see *Tax rates*).

Nonresident companies are taxed on profits derived from sales of unlisted shares of Moroccan companies at the proportional corporate income tax rates, unless a double tax treaty between Morocco and the residence country of the beneficiary provides otherwise. In addition, they must file an income declaration before the end of the month following the month in which the sales occurred.

Companies temporarily benefit from a reduction of 70% on the net capital gain arising from the disposal of fixed assets, excluding land and buildings. This measure applies for the 2023, 2024 and 2025 fiscal years.

The 2022 Finance Law provided the following conditions for the application of this measure:
- Eight-year holding period for the disposed assets
- Commitment to reinvest the disposal amount within 36 months
- Obligation to maintain the new assets for at least five years
- Reporting to the tax administration

Special rules apply to mergers and liquidations of companies (see Section E).

Administration. Within three months after the end of their financial year, companies must file a corporate income tax return with the local tax administration where their headquarters are located. The companies' financial statements must be enclosed with the return.

Companies must make advance payments of corporate income tax. For companies with a 31 December year-end, the payments must be made by 31 March, 30 June, 30 September and 31 December. Each payment must be equal to 25% of the previous year's tax.

Companies must report the SSC due for a given year within three months after the closing date of the preceding financial year. In addition, they must pay SSC due at the same time as the reporting.

If the minimum tax does not exceed MAD3,000, it is fully payable in one installment. Payment of the minimum tax exceeding this amount is made in accordance with the rules applicable to the corporate income tax.

Dividends. The 2023 Finance Law provided for a gradual reduction of the withholding tax rate on income from shares and similar revenues to reach a rate of 10% by 2026 compared to the current rate of 15%. Dividends that derive from profits earned with respect to fiscal years opened before 1 January 2023 remain subject to the 15% rate. The 15% withholding tax rate will be decreased by 1.25% per year to achieve 10% in 2026.

Foreign tax relief. Foreign tax relief is granted in accordance with the provisions of double tax treaties concluded by Morocco and the Moroccan Tax Code.

C. Determination of trading income

General. The computation of taxable income is based on financial statements prepared according to generally accepted accounting principles, subject to modifications provided in the Moroccan Tax Code.

Business expenses are generally deductible unless specifically excluded by law. The following expenses are not deductible:

- Interest paid on shareholders' loans in excess of the interest rate determined annually by the Ministry of Finance or on the portion of a shareholder's loan exceeding the amount of capital stock that is fully paid up. No interest on shareholders' loans is deductible if the capital stock is not fully paid up.
- Certain specified charges, gifts, subsidies, corporate income tax and penalties.

Inventories. Inventory is normally valued at the lower of cost or market value.

Provisions. Provisions included in the financial statements are generally deductible for tax purposes if they are established for clearly specified losses or expenses that are probably going to occur.

Provisions on bad debts are deductible if a court action is introduced against the debtor within 12 months after the booking of the provision.

Depreciation. Land may be amortized only if it contributes to production (for example, mining lands). Other fixed assets may be depreciated using the following two methods:

- The straight-line method at rates generally used in the sector of the activity.
- A declining-balance method with depreciation computed on the residual value by applying a declining coefficient that ranges from 1.5 to 3 and that is linked to the term of use. The declining-balance method may not be used for cars and buildings.

The following are some of the annual applicable straight-line rates.

Asset	Rate (%)
Commercial and industrial buildings	4 or 5
Office equipment	10 to 15
Motor vehicles (for vehicles used in tourism, the maximum depreciable value is MAD300,000 including VAT)	20 to 25
Plant and machinery	10 to 15

Certain intangible assets, such as goodwill, do not depreciate over time or by use and, consequently, are not amortizable.

Relief for tax losses. Losses may be carried forward for four years; losses attributable to depreciation may be carried forward indefinitely. Losses may not be carried back.

Groups of companies. Moroccan law does not provide tax-consolidation rules for Moroccan companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on goods sold and services rendered in Morocco	
General rate	20
Professional tax; on gross rental value of the business premises and equipment	10 to 30

Nature of tax	Rate (%)
Communal services tax (tax base similar to professional tax)	6.5/10.5
Registration duties, on transfers of real property or businesses	4 to 6
Professional training tax; paid by employers on gross salaries including fringe benefits	1.6
Social security contributions, paid by employer	
For family allowances, on gross monthly remuneration (no maximum limit of remuneration applies)	6.4
For illness and pregnancy, on gross monthly remuneration, up to a maximum remuneration of MAD6,000 a month	8.98
For required medical care	4.11

E. Miscellaneous matters

Foreign-exchange controls. Remittances of capital and related income to nonresidents are guaranteed. No limitations are imposed on the time or amount of profit remittances. The remittance of net profits on liquidation, up to the amount of capital contributions, is guaranteed through transfers of convertible currency to the Bank of Morocco.

Foreign loans generally do not require an authorization from the exchange authorities. However, to obtain a guarantee for the remittance of principal and interest, notes are commonly filed at the exchange office, either through the bank or directly by the borrower. The loan agreement is also generally filed with the exchange office as soon as it is established.

Transfer pricing. The Moroccan Tax Code provides for the obligation to provide transfer-pricing documentation in the event of a tax audit for companies that have carried out cross-border intragroup transactions, to justify their transfer-pricing policy. The law provides that this documentation must include the following:

- A Master File containing information on all activities of affiliated entities, the overall transfer-pricing policy applied and the distribution of profits and activities worldwide
- A Local File containing specific information on the transactions that the audited company carries out with other companies with dependency links

This obligation applies to the companies meeting either of the following conditions:

- Turnover equal to or greater than MAD50 million
- Gross assets of MAD50 million or more

A sanction for a failure to produce transfer-pricing documentation applies and is calculated at a rate of 0.5% on the amount of transactions related to the non-produced documents, with a minimum of MAD200,000.

The details of application of the transfer pricing documentation provisions will be determined by decree, which had not yet been issued at the time of writing.

Country-by-Country reporting. The 2020 Finance Law introduced an obligation to report the worldwide distributions of profits of

multinational groups of companies (Country-by-Country [CBC] reporting) and a sanction for failure to produce such report.

CBC reporting is a country-by-country breakdown of tax and accounting data and information on the identity, place of operation and nature of activities relating to multinational groups to which Moroccan companies belong.

This measure applies to companies that meet the following criteria:

- They hold, directly or indirectly, an interest in one or more companies or establishments located outside Morocco, which requires them to prepare consolidated financial statements in accordance with applicable accounting standards or they would be required to do so if their shares were listed on the Moroccan stock exchange.
- They achieve an annual consolidated turnover, excluding taxes, higher than or equal to MAD8,122,500,000 for the fiscal year preceding the one concerned by the report.
- They are not owned directly or indirectly, as described in the first bullet above, by any other company located in or outside Morocco.

This obligation also applies to any company that fulfills one of the following conditions:

- It is directly or indirectly owned by a company located in a country that does not require the filing of CBC Reports (CBCRs) and which would be required (that is, the parent company) to file such reports if it were located in Morocco.
- It is owned directly or indirectly by a company located in a country with which Morocco has not concluded an agreement containing provisions on exchange of information for tax purposes.
- It has been appointed for such purposes by the multinational group to which it belongs and has informed the Moroccan tax authorities accordingly.

In addition, this obligation applies to any company subject to corporate income tax in Morocco and held directly or indirectly by a company located in a country that has entered into an agreement with Morocco, permitting the exchange of information for tax purposes through which it is required to file a CBCR pursuant to the legislation in force in such country, or which would be required to file such report if it were located in Morocco, when informed by the tax administration of the failure of said country to exchange information due to the suspension of automatic exchange or to the persistent neglect of the automatic transmission to Morocco of the CBCRs in its possession.

Finally, if two or more enterprises subject to Moroccan corporate income tax that belong to the same multinational group are subject to the Moroccan CBCR requirements, one of them can be appointed by the group to submit the declaration on behalf of the others within the allowed deadline.

Failure to declare or file such report is punishable by a MAD500,000 fine.

Mergers and liquidations. The Moroccan Tax Code provides two types of taxation for mergers, which are the common tax regime and the specific regime.

Under the common tax regime, the absorbed company is subject to tax on all profits and capital gains relating to the merger and on the profits realized between the beginning of the fiscal year and the effective date of the merger.

The specific regime, which was made permanent by the 2017 Finance Law, allows deferred taxation of profits related to goodwill and land, if certain conditions are met. This preferential regime also provides additional incentives such as an exemption for profits derived from share exchanges at the level of the shareholders. The preferential regime also applies to total splits (demergers) of companies.

Liquidations of companies trigger immediate taxation in accordance with the tax rules described above and, if applicable, a withholding tax (at the rate provided for dividends) on liquidation profit called "Boni de liquidation." The "Boni de liquidation" is the balance of assets that remains for shareholders on the liquidation of a company after settlement of all liabilities, and the reimbursement of the share capital and reserves aged more than 10 years.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %
Austria	5/10 (i)	10	10
Bahrain	5/10 (h)	10	10
Belgium	6.5/10 (j)	10	10
Benin	5	10	10
Bulgaria	7/10 (c)	10	10
Canada	15 (e)	15 (e)	5/10
Cameroon	10	10	10
China Mainland	10 (e)	10	10
Côte d'Ivoire	10	10	10
Croatia	8/10 (k)	10	10
Czech Republic	10 (e)	10	10
Denmark	10/25 (e)	10	10
Egypt	10/12.5 (e)	10	10
Ethiopia	5/10 (i)	10	10
Finland	7/10 (l)	10	10
France	15 (a)(e)	10/15 (e)	5/10
Gabon	15	10	10
Ghana	5/10 (h)	10	10
Germany	5/15 (e)	10	10
Greece	5/10 (i)	10	10
Hungary	12 (e)	10	10
India	10 (e)	10	10
Indonesia	10	10	10
Ireland	6/10 (m)	10	10
Italy	10/15 (e)	10	5/10
Japan	5/10 (n)	10	5/10
Jordan	10	10	10
Korea (South)	5/10 (f)	10	5/10
Kuwait	2.5/5/10 (e)	10	10
Latvia	6/10 (k)	10	10
Lebanon	5/10 (h)	10	5/10
Lithuania	5/10 (h)	10	10
Luxembourg	10/15 (e)	10	10

	Dividends %	Interest %	Royalties %
Madagascar	10	10	10
Maghreb Arab Union (d)	– (b)	– (b)	– (b)
Malaysia	5/10 (h)	10	10
Mali	5/10 (i)	10	10
Malta	6.5/10 (j)	10	10
Netherlands	10/25 (e)	10/25 (e)	10
North Macedonia	10	10	10
Norway	15 (e)	10	10
Oman	5/10 (h)	10	10
Pakistan	10	10	10
Poland	7/15 (c)(e)	10	10
Portugal	10/15 (e)	12 (e)	10
Qatar	5/10 (e)	10 (e)	10
Romania	10 (e)	10	10
Russian Federation	5/10 (f)	10	10
Rwanda	8	10	10
Saudi Arabia	5/10 (h)	10	10
Serbia	10	10	10
Senegal	10	10	10
Singapore	8/10	10	10
Slovenia	7/10 (l)	10	10
Spain	10/15 (e)	10	5/10
Switzerland	7/15 (c)(e)	10	10
Syria	10	10	10
Türkiye	7/10 (c)	10	10
Ukraine	10	10	10
United Arab Emirates	5/10 (g)	10	10
United Kingdom	10/25 (e)	10	10
United States	10/15 (e)	15 (e)	10
Vietnam	10	10	10
Zambia	10	10	10
Non-treaty jurisdictions	13.75/15	10	10

(a) No withholding tax is imposed in France if the recipient is subject to tax on the dividend in Morocco.

(b) Tax is payable in the source country of revenue.

(c) The 7% rate applies if the beneficiary of the dividends is a company, other than a partnership, that holds directly at least 25% of the capital of the payer of the dividends. The higher rate applies to other dividends.

(d) The Maghreb Arab Union countries are Algeria, Libya, Mauritania, Morocco and Tunisia.

(e) Under Moroccan domestic law, the withholding tax rate for interest is 10%. Consequently, for interest paid from Morocco, the treaty rates exceeding 10% do not apply. In addition, the domestic withholding tax rate for dividends is 15%, for dividends that derive from profits earned with respect to financial years opened before 1 January 2023. The 15% withholding tax rate will be decreased by 1.25% per year to reach 10% in 2026. Consequently, for dividends paid from Morocco, the treaty rates exceeding Moroccan withholding tax rate do not apply.

(f) The 5% rate applies if the beneficiary of the dividends holds more than USD500,000 of the capital of the payer of the dividends. The 10% rate applies to other dividends.

(g) The 5% rate applies if the beneficiary of the dividends holds directly at least 10% of the capital of the payer of the dividends. The 10% rate applies to other dividends.

(h) The 5% rate applies if the beneficiary of the dividends is a company that holds directly at least 10% of the capital of the payer of the dividends. The 10% rate applies to other dividends.

(i) The 5% rate applies if the beneficiary of the dividends is a company, other than a partnership, that holds directly at least 25% of the capital of the payer of the dividends. The 10% rate applies to other dividends.
(j) The 6.5% rate applies if the beneficiary of the dividends is a company, other than a partnership, that holds directly at least 25% of the capital of the payer of the dividends. The 10% rate applies to other dividends.
(k) The 6% rate applies if the beneficial owner of the dividend is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends. The 10% rate applies in all other cases.
(l) The 7% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the capital of the company paying the dividends. The 10% rate applies in all other cases.
(m) The 6% rate applies if the beneficial owner of the dividends is a company that owns directly at least 25% of the capital of the company paying the dividends. The 10% rate applies in all other cases.
(n) The 5% rate applies if the beneficiary of the dividends is a company that holds directly at least 10% of the company paying the dividends in the following cases:
- If the company paying the dividends is a resident of Japan, 10% of the voting power of that company
- If the company paying the dividends is a resident of Morocco, 10% of the capital of that company

The 10% rate applies in all other cases.

Morocco has ratified tax treaties with Albania, Azerbaijan, Estonia, Mauritius, São Tomé and Príncipe, South Sudan and Yemen, but these treaties are not yet in force.

Morocco has signed tax treaties with Bangladesh, Burkina Faso, Cape Verde, the Comoros Islands, Congo (Republic of), Guinea-Bissau and Iran, but these treaties have not yet been ratified.

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A. At a glance

Corporate Income Tax Rate (%)	32 (a)
Capital Gains Tax Rate (%)	32
Branch Tax Rate (%)	32 (b)
Withholding Tax (%)	
Dividends	10/20 (c)
Interest	10/20 (d)
Royalties	20
Technical Services	10/20 (e)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) A 10% rate applies to agricultural, livestock, aquaculture and urban transport activities until December 31, 2025.

(b) Companies and branches are both taxed at the standard rate of 32%. Income earned by nonresident companies or other entities without a head office, effective management control or a permanent establishment in Mozambique is generally subject to withholding tax at a rate of 20% (see Section B).

(c) The 10% rate applies to dividends paid on shares listed on the Mozambique Stock Exchange earned by nonresident companies or other entities without a head office, effective management control or a permanent establishment in Mozambique. The 20% rate applies to other dividends paid to nonresident companies.

(d) The 10% rate applies to interest deriving for some titles listed in the Mozambique Stock Exchange earned by nonresident companies or other entities without a head office, effective management control or a permanent establishment in Mozambique.

(e) The 10% rate applies to fees paid with respect to the rendering of telecommunication services and associated installation and assembling of equipment, international transport services, aircraft maintenance, freight services, and the chartering of fishing vessels and vessels used in coasting activities. It also applies to income derived from the rendering of construction services and rehabilitation of infrastructure for the production, transport and distribution of electricity in rural areas within the scope of rural electrification projects as well as income from the provision of services from nonresident entities to national agricultural companies (see Section B).

B. Taxes on corporate income and gains

Corporate income tax. Corporate Income Tax (IRPC) is levied on resident and nonresident entities.

Resident entities. Resident entities are companies and other entities with their head office or effective management and control in Mozambique. Resident companies, including unincorporated entities, whose main activity is commercial, industrial or agricultural, are subject to IRPC on their worldwide income, but a foreign tax credit may reduce the amount of IRPC payable.

Nonresident entities. Companies and other entities operating in Mozambique through a permanent establishment are subject to IRPC on the profits attributable to the permanent establishment.

Companies and other entities without a permanent establishment in Mozambique are subject to IRPC on income deemed to be obtained in Mozambique.

Tax rates. The standard IRPC rate is 32%.

Income earned by nonresident companies or other entities without a head office, effective management control or a permanent establishment in Mozambique is generally subject to withholding tax at a rate of 20%. However, the rate is reduced to 10% for the following cases:

- Income derived from the rendering of telecommunication services and associated installation and assembling of equipment, international transport services, aircraft maintenance and freight services
- The chartering of fishing vessels and vessels used in coasting activities
- Income from construction services and rehabilitation of infrastructure for the production, transport and distribution of electricity in rural areas within the scope of rural electrification projects
- Income from titles listed on the Mozambique Stock Exchange, excluding treasury bills and public debt titles
- Agricultural, livestock, aquaculture and urban transport activities until 31 December 2025
- Income from the provision of services by nonresident entities to national agricultural companies until 31 December 2025

Income from entities that do not have headquarters or effective management in Mozambique and do not have a permanent establishment in Mozambique, to which the income is attributable, is taxed at a withholding rate of 20%, except for income derived from interest arising from external financing for agricultural projects, which benefit from exemption until 31 December 2025.

In some situations, there is no obligation to withhold at source interest and other forms of remuneration to which resident financial institutions are entitled, including that resulting from loans, opening of credit lines or late payments that are subject to IRPC, as well as interest or any other additions to credit, resulting from the extension of the due date or from late payments as a result of sales or rendering of services of entities subject to IRPC. Income

that is subject to a 20% withholding tax includes, but is not limited to, the following:
- Income derived from the use of intellectual or industrial property and the providing of information in the industrial, commercial or scientific sectors
- Income derived from the use of, or the assignment of, rights to industrial, commercial or scientific equipment
- Income from the application of capital
- Income from the rendering of any services realized or used in Mozambique

Tax incentives. Mozambique offers various tax incentives to investors, which are summarized below.

The tax incentives described in the following three paragraphs are available for five tax years beginning with the tax year in which the company commences activities within the scope of an investment project approved by the Investment Promotion Agency.

Companies implementing investment projects benefit from the following main incentives:
- Tax credit for investment that ranges from 5% to 10%, depending on the location of the project
- Tax deductions ranging from 5% to 10% of the taxable income for investments with acquisition of state-of-the-art technology and training of Mozambican employees
- Tax deductions of up to 110% of investments for the construction and rehabilitation of public infrastructure
- Accelerated depreciation of buildings and equipment by increasing the normal rates by 50%

Companies implementing investment projects are also exempt from import duties and value-added tax on the importation of equipment classified as Class K in the Customs Manual.

Special tax incentives may be granted to the following projects:
- Projects in agriculture and tourism
- Projects with respect to basic infrastructure
- Projects located in Special Economic Zones
- Projects located in Industrial Free Zones
- Manufacturing

Special tax rules apply to manufacturing units that intend to operate under an Industrial Free Zone (IFZ) regime or in a Special Economic Zone. The main requirements for the IFZ regime are that at least 70% of production is exported and that a minimum of 250 workplaces are created. The government establishes the Special Economic Zones, which provide benefits similar to those of IFZs.

Capital gains. Capital gains derived by resident entities are combined with the other income of the taxpayer and taxed at the end of the financial year. Capital gains derived by nonresident entities are also taxable in Mozambique at a rate of 32%. Gains derived from direct or indirect transfers between two nonresident entities of shares or other participation interests or rights involving assets located in Mozambique are considered to be derived in Mozambique, regardless of the location of the transaction.

Administration. The tax year is the calendar year. However, companies may apply to the tax authorities for a different year-end if more than 50% of the company is held by entities that adopt a different financial year and if the different year-end is justified by the type of activity of the company.

Companies must make two types of provisional payments of IRPC. The two types are known as advance payments and special advance payments. The advance payments are made in three equal installments in May, July and September of the tax year to which the tax relates. The total amount of these payments equals 80% of the tax assessed in the preceding year. The special advance payments are made in three equal installments in June, August and October. They equal the difference between 0.5% of the company's turnover and the total of advance payments made in the preceding tax year. The minimum amount of the special advance payments is MZN30,000, while the maximum amount of such payments is MZN100,000. Companies that have adopted a tax year other than the calendar year make advance payments in the fifth, seventh and ninth months of the tax year and make special advance payments in the sixth, eighth and 10th months of the tax year.

Dividends. Dividends paid to nonresident companies are subject to a 20% withholding tax, except for dividends on shares listed on the Mozambique Stock Exchange, which are subject to a 10% final withholding tax.

Foreign tax relief. Foreign-source income derived by resident entities is taxable in Mozambique. However, foreign tax may be credited against the Mozambican tax liability up to the amount of IRPC allocated to the income taxed abroad. Foreign tax credits may be carried forward for five years.

C. Determination of taxable income

General. Taxable income is determined according to the following rules:

- For companies with a head office or effective management control in Mozambique that are mainly engaged in commercial, agricultural or industrial activities, taxable income is the net accounting profit calculated in accordance with Mozambican generally accepted accounting principles, adjusted according to the tax norms.
- For companies with a head office or effective management control in Mozambique that do not mainly engage in commercial, industrial or agricultural activities, taxable income is the net total of revenues from various categories of income as described in the Individual Income Tax (IRPS) Code, less expenses.

Expenses that are considered essential for the generation of profits or the maintenance of the production source are deductible for tax purposes. Nondeductible expenses include, but are not limited to, the following:

- Undocumented expenses (taxed separately at a rate of 35%)
- 50% of the rent paid by a lessee that is intended to be applied toward the purchase price of the leased asset
- Interest on shareholders loans that exceeds the Maputo Inter-Bank Offered Rate (MAIBOR) for 12 months plus 2%

- Finance lease rentals, in relation to the portion destined for the repayment of the capital
- Costs resulting from losses estimated by taxpayers in pluri-annual ongoing works
- Depreciation in excess of the rates foreseen in law, depreciation related to the value of land, depreciation related to light passenger and multipurpose vehicles with an acquisition or revaluation value exceeding MZN800,000
- Fifty percent of costs with light passenger vehicles
- Fines and other charges infractions of whatever nature that do not originate from a contract, including compensation interest

Premiums paid for health, accident and life insurance and contributions to pension funds and other complementary social security schemes are deductible for tax purposes up to 10% of the salary fund. If the employees do not have the right to social security pensions, this limit can be increased to 20%.

Inventories. Inventories must be valued consistently by any of the following criteria:

- Cost of acquisition or production
- Standard costs in accordance with adequate technical and accounting principles
- Cost of sales less the normal profit margin
- Any other special valuation that receives the prior authorization of the tax authorities

Changes in the method of valuation must be justifiable and acceptable to the tax authorities. Any profits resulting from such a change are taxable.

Provisions. Provisions for the following items are deductible up to amounts considered reasonable by the tax authorities:

- Doubtful accounts as a percentage of accounts receivable
- Inventory losses
- Obligations and expenses that are subject to a judicial process
- Other provisions imposed by the central bank or General Insurance Inspection (the body that inspects insurance activities) for specific activities
- Provisions established by companies in the petroleum extraction industry for the purpose of reconstituting deposits
- Provisions established by companies in the extractive industries sector to cover the costs of landscape and environmental recovery of the sites affected by exploration

Depreciation. In general, depreciation is calculated using the straight-line method. Maximum depreciation rates are fixed by law for general purposes and for certain specific industries. If rates below 50% of the official rates are used, the company cannot claim total allowable depreciation over the life of the asset. The following are some of the maximum straight-line depreciation rates fixed by law.

Asset	Rate (%)
Commercial buildings	2
Industrial buildings	2
Motor vehicles	20 to 25
Plant and machinery	10 to 16.66

Relief for losses. Tax losses may be carried forward for five years. No carryback is allowed.

Groups of companies. Mozambican law does not contain any measures allowing the filing of consolidated returns.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	
Standard rate	16
Reduced rate for the rendering of medical and health services by private hospitals, dispensaries and similar entities and the rendering of educational and professional training provided by private entities, including the rendering of related services and related sales of goods and the granting of private lessons on school or university benefit	5
Tax on specific consumption; levied on specified goods at the production stage and on imports of such goods; specified goods include vehicles and luxury goods; maximum rate	75
Social security contributions, on monthly salaries and wages; paid by	
Employer	4
Employee	3
Import duties	2.5 to 20
Property transfer tax (SISA); payable by purchaser of immovable property	2

E. Miscellaneous matters

Foreign-exchange controls. The central bank controls all transfers of capital (including direct investments) and payments into and out of Mozambique. An authorization from the central bank is required for the maintenance of local foreign-currency bank accounts. Service agreements with nonresident entities are subject to registration with the central bank. Loan agreements with nonresident entities are subject to the prior approval of the central bank, except for loans up to the amount of USD5 million that meet all of the following conditions:

- The interest rate is not higher than the base lending rate of the respective currency.
- The sum of the reference rate and the margin does not exceed the interest rate applied by the domestic banking system.
- The maturity is equal or longer than three years.

If the above conditions are met, only registration is required.

In general, the repatriation of profits, dividends and proceeds from the sale or liquidation of an investment is permitted for foreign-investment projects if the investment has been registered and compliance with other requirements exists.

Transfer pricing. From January 2018, taxpayers whose annual net sales or other income exceeds MZN2,500,000 are required to prepare and maintain a local transfer-pricing file and to document controlled transactions, to ensure that the transactions comply with the arm's-length principle. The transfer-pricing regime in Mozambique establishes that taxpayers must indicate in the annual accounting and tax information return referred to in the IRPC Code, the existence or non-existence of transactions with related entities in the tax year. Taxpayers that have a tax year coinciding with the calendar year must submit this declaration by the last business day in June. Taxpayers who adopt a different tax year have until the sixth month after the end of the tax year to submit the declaration.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %
Botswana	0/12 (a)	10	10
India	7.5	10	10
Italy	15	10	10
Macau SAR	10	10	10
Mauritius	8/10/15 (b)(c)(d)	8	5
Portugal	10	10	10
South Africa	8/15 (b)	8	5
United Arab Emirates (e)	0	0	5
Vietnam	10	10	10
Non-treaty jurisdictions	10/20 (f)	20	20

(a) The 0% rate is applicable if the recipient of the dividends is a company with more than 25% of the share capital in the company that is distributing the dividends.
(b) The 8% rate is applicable if the beneficiary is a company holding 25% or more of the capital of the company paying the dividends.
(c) The 10% rate is applicable if the beneficiary is a company holding less than 25% of the capital of the company paying the dividends.
(d) The 15% rate is applicable in all other cases.
(e) These rates apply to an effective beneficiary of the income that does not have a permanent establishment in Mozambique.
(f) See Section A.

Namibia

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A. At a glance

Corporate Income Tax Rate (%)	32 (a)
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	32 (a)
Freight Tax Rate (%)	32 (b)
Withholding Tax (%)	
Dividends	10/20 (c)
Interest	10 (d)
Royalties from Patents, Know-how, etc.	10 (e)
Services	10/25 (f)
Branch Remittance Tax	0 (g)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (h)

(a) This rate applies to years of assessment beginning on or after 1 January 2015.
(b) For details regarding the freight tax, see Section B.
(c) This is a final tax applicable to nonresidents. Dividends paid to nonresidents are subject to a final 10% withholding tax if the recipient of the dividend is a company that holds at least 25% of the capital of the company paying the dividend and if it is the beneficial owner of the shares. For all other cases, the dividend withholding tax rate is 20%. Dividends paid out of oil and gas and insurance profits are exempt from withholding tax.
(d) A 10% withholding tax applies to interest paid to all persons, excluding Namibian companies, by Namibian banking institutions and Namibian unit trust schemes. In addition, effective from 30 December 2015, a 10% withholding tax is imposed on interest paid to nonresidents. The legislation provides for certain exemptions, notably interest paid by Namibian banks to foreign banks and interest paid by the Namibian state to any person.
(e) This withholding tax applies to royalties or similar payments to nonresidents. Effective from 30 December 2015, the scope of the withholding tax on royalties is extended to include payments for the use of commercial, industrial or scientific equipment.

(f) The withholding tax on services applies to amounts paid by Namibian residents to nonresidents directly or indirectly for the following:
- Management, administrative, technical or consulting services (10% rate)
- Directors' fees (25% rate)
- Fees paid for entertainment including payments for cabaret, motion picture, radio, television, theater artists, musicians and sportspersons (25% rate)

(g) In the absence of treaty protection, the 10% dividend withholding tax may be imposed on branch profits when the parent company declares a dividend.

(h) Losses may be carried forward provided that the taxpayer continues to trade.

B. Taxes on corporate income and gains

Corporate income tax. Companies subject to tax include companies registered in Namibia and branches of foreign companies in Namibia deriving income from a Namibian source. Other associations (such as close corporations) registered or incorporated outside Namibia that carry on business or have an office in Namibia are taxed as companies. Corporate income tax is levied primarily on income from Namibian sources.

Namibia's taxing rights extend to the exclusive economic zone and the continental shelf.

Rates of tax. The tax rate for companies, other than those companies that have been awarded manufacturing status, is 32% for years of assessment beginning on or after 1 January 2015. The tax rate for companies that were awarded manufacturing status before 31 December 2020 is 18% for their first 10 years of registration as a manufacturer and 32% thereafter. The Namibia Revenue Agency, in consultation with the Ministry of Trade and Industry, reviewed and approved applications to register as manufacturers. Approval was granted only if the company was engaged in manufacturing and if its activities economically benefited Namibia or its inhabitants. The current tax incentives available to registered manufacturers and exporters of manufactured goods were phased out. The following are details regarding the phaseouts:

- The repeal of registered manufacturer status was effective from 31 December 2020 and companies can no longer register for manufacturing status after 31 December 2020 (see Section C for detailed information).
- The repeal of the special tax incentives available to registered manufacturers in terms of Sections 17(1)(f), 17A, 17B and 17D is effective from 16 December 2021, but the allowances will continue to apply to the end of the 2025 tax year for each registered manufacturer.
- The reduced tax rate of 18% will continue to apply to the end of the 10-year period from date of manufacturer registration.
- The repeal of the exporters' allowance granted under section 17C is effective at the end of the five years commencing 31 December 2020 (that is, 31 December 2025).

Mining companies are taxed at a rate of 37.5% for hard-rock mining and 55% for diamond mining. Companies that render hard-rock mining services are taxed at a rate of 37.5%. Companies that render diamond mining services are taxed at a rate of 55%. Petroleum exploration and production companies are taxed at a basic rate of 35% plus additional profit tax that is calculated in accordance with a complex formula.

Under the Export Processing Zones Act, entities that were granted export processing status are exempt from corporate income tax. Value-added tax, transfer duty and stamp duty are not imposed in the zone. The tax incentives granted under the Export Processing Zone Act were repealed on 31 December 2020 but will continue to apply to 31 December 2025 in terms of the sunset clause. Special-economic zones will be introduced in the future. The incentives to be granted and the requirements for them, as well as the exact date of the proposed special-economic zones legislation, are not yet clear.

Freight tax. Effective from 1 December 2023, nonresident owners or charterers of ships and aircraft that embarks passengers or freight in Namibia are liable for the payment of freight tax. Taxable income deemed to be 10% of the of the gross transport charges applicable to the passengers or freight and is taxable at the following tax rates:
- 32% for companies
- Applicable marginal tax rates for individuals and trusts

Nonresident owners and charterers of ships and aircraft embarking freight and passengers are required to register for the freight tax, to appoint a recognized agent and to file returns and make payments of freight tax within seven months of their year-end. If a company is not registered and if no agent is appointed, the Minister of Finance may assess the tax liability from information available to the Minister. The tax is payable prior to the clearance of the ship or aircraft, and Customs at the port or airport may detain the ship or aircraft until such payment is made.

Relief from the freight tax is generally available to nonresident owners or charterers of ships and aircraft that are residents of jurisdictions with which Namibia has concluded double tax treaties.

Capital gains. Capital gains tax is not imposed in Namibia. However, please note the rules discussed below.

Amounts received as consideration for the alienation or disposal of a mineral license, as defined in the Minerals (Prospecting and Mining) Act, or the sale of shares in a company that owns such a license are specifically included in the gross income of a taxpayer. The scope of the provisions in terms of which mineral licenses and shares in companies owning such licenses are subject to tax have been widened to include in gross income amounts received from sales, donations, expropriations, cessions and grants of shares in companies owning such licenses as well as shares in companies that indirectly own such licenses. A measure provides for the deductibility of costs incurred on the acquisition of mineral licenses.

Amounts received as consideration for the alienation or disposal of a petroleum license, as defined in the Petroleum (Exploration and Production) Act, or the sale of shares in a company that own such a license are specifically included in the gross income of a taxpayer. Amounts received from sales, donations, expropriations, cessions and grants of shares in companies owning such licenses, as well as shares in companies that indirectly own such licenses, are also included in gross income. A measure provides

for the deductibility of costs incurred on the acquisition of petroleum licenses and on the improvement of the value of the licenses or rights.

Amounts received for restraints of trade are taxable and whether these amounts are of a capital nature is not relevant because all such amounts are specifically included in gross income.

Administration. Annual financial statements must be prepared as of the last day of February, unless another date is agreed to by the tax authorities. In practice, permission to use the company's financial year-end is always granted. A company's tax year generally coincides with its financial year.

A company is required to make two provisional tax payments, the first payment six months after the start of the financial year and the second at the end of the year. Payments must be based on an estimate of the current year's taxable income and must be accurate to within 80% of the actual tax liability for the year for which the payment is due. A penalty for underestimation of the first or second provisional tax payment is imposed if the respective payments are less than the minimum payment required.

Companies must file an annual return within seven months after the tax year-end unless an extension is obtained. If the total provisional tax payments are less than the tax liability shown on the return, the balance of tax due must be paid within seven months after the end of the tax year, regardless of whether a company has obtained an extension to file its tax return. Interest accrues at a rate of 20% per year on any unpaid tax liability.

Dividends. Dividends received by a company are exempt from the regular company tax, and expenses incurred in the production of dividend income are not deductible in the determination of the company's taxable income. Dividends paid to nonresidents are subject to a final 10% withholding tax if the recipient of the dividend is a company that holds at least 25% of the capital of the company paying the dividend and if it is the beneficial owner of the shares. For all other cases, the dividend withholding tax rate is 20%. Dividends paid out of oil and gas profits or long-term insurance business profits are not subject to dividend withholding tax. A tax treaty may reduce the rate of dividend withholding tax.

Foreign tax relief. In the absence of treaty provisions, a unilateral tax credit is available for foreign direct and withholding taxes paid on dividends and royalties. The credit may not exceed the Namibian tax attributable to such income. The credit is denied to the extent that a refund of the foreign tax is possible.

C. Determination of trading income

General. Taxable income includes both trade and non-trade income (interest) not of a capital nature. Revenue amounts and realized foreign-exchange gains are subject to tax. Taxable income rarely coincides with profit calculated in accordance with accepted accounting practice.

To be eligible for deduction, expenditures must be incurred in the production of taxable income in Namibia, must be for purposes of trade and must not be of a capital nature. However, realized

foreign-exchange losses are deductible even if they are of a capital nature.

Scientific research expenditures are deductible if the research is undertaken for the development of business or is contributed to an institution approved by the Council for Scientific and Industrial Research.

Special deductions. The following special deductions are available to registered manufacturers until the end of the 2025 tax year, after which they are repealed:

- An additional deduction of 25% of the wages paid to their manufacturing staffs
- An additional deduction of 25% of approved training expenses for their manufacturing staffs
- An additional deduction of 25% of export marketing expenses
- An additional deduction of 25% of expenses incurred to transport by road or rail raw materials and equipment used in the manufacturing activity for the first 10 tax years as a manufacturer

Taxable income derived from exports of manufactured goods, excluding fish and meat products, is reduced by 80% if the goods are manufactured in Namibia. This special allowance will be repealed on 31 December 2025. It is available to trading houses and manufacturers, provided that the goods are manufactured in Namibia. For manufacturers, this allowance applies in addition to the special deductions listed above. For the first 10 years of operation, the tax rate for registered manufacturers that export all goods manufactured is 3.6%. After the 10-year period, the rate increases to 6.4%.

Losses resulting from these special deductions may not be used to offset other income.

Inventories. Trading stock includes all goods, materials or property acquired for manufacture or sale, including packaging but excluding consumables and machinery parts. The value of stock is based on original cost plus the costs of preparing stock for sale. The last-in, first-out (LIFO) method of stock valuation may be applied on approval by the Minister of Finance, subject to various conditions.

Provisions. Deductible expenses must be actually incurred, and consequently, provisions are not deductible. However, an allowance for doubtful accounts may be established equal to 25% of the debts that the Minister of Finance is satisfied are doubtful. The amount of irrecoverable debts written off is allowed as a deduction if the debts were once included as taxable income or if the write-off can be construed as an operating loss incurred in the production of income (for example, the write-off of casual loans to staff members who are unable to repay).

Tax depreciation (capital allowances)

Machinery, equipment and vehicles. The cost of machinery, motor vehicles, utensils, articles, ships and aircraft may be deducted in three equal annual amounts, beginning in the year of acquisition. No amount may be deducted in the year of disposal of the asset.

Buildings. An initial allowance of 20% of construction cost is permitted for commercial buildings in the year the buildings are first used. An allowance of 4% is permitted in each of the following 20 years. For industrial buildings of a registered manufacturer, an initial allowance of 20% and an annual allowance of 8% are allowed. Such allowances will remain available to each registered manufacturer until the end of the 2025 tax year. No allowance is granted for employee housing (other than to farmers who are entitled to deduct NAD50,000 in the case of employees' houses).

Patents, designs, trademarks and copyrights. If used in the production of income, the cost of developing, purchasing or registering patents, designs, trademarks, copyrights and similar property is allowed in full if such cost is not more than NAD200, or the cost can be amortized over the estimated useful life or 25 years, whichever is shorter, if the acquisition cost is more than NAD200.

Mining including oil and gas. Prospecting and development expenses incurred in mining operations are not subject to the tax depreciation rules described above. In general, prospecting expenses may be deducted in the year production begins. Costs incurred on infrastructure may be deducted over three years, beginning in the year production begins.

Recapture. Capital allowances are generally subject to recapture to the extent the sales proceeds exceed the tax value after depreciation. In addition, capital allowances are recaptured if assets are withdrawn from a business or removed from Namibia, regardless of whether the assets are sold. The market value of the assets is used to determine the amount recaptured if no proceeds are received.

Relief for trading losses. Companies may carry forward unused losses indefinitely to offset taxable income in future years if they carry out a trade. Losses may not be carried back. Companies that carry on mining operations may offset current-year and prior-year trading losses from mining against other trade income and vice versa. However, such losses must be apportioned on a pro rata basis between mining and other trade income to determine taxable income from each source in the current year. Oil and gas companies may not offset losses from oil and gas activities against other trade income, or vice versa, in any year.

Groups of companies. A group of companies is not taxed as a single entity in Namibia, and an assessed loss of one company cannot be offset against the taxable income of another company in the group. An assessed loss of a branch of a foreign company may be transferred to a Namibian subsidiary under certain circumstances.

D. Value-added tax

Value-added tax (VAT) is levied on supplies of goods or services, other than exempt supplies, made in Namibia and on imports of goods and certain services.

The standard VAT rate is 15%. The following items are zero-rated:
- Exports of goods

- Certain services rendered to nonresidents who are not registered for VAT
- Disposals of going concerns
- Local supplies of fuel levy goods (petrol and diesel)
- Sanitary pads
- Maize meal, fresh or dried beans, sunflower cooking oil, fried animal fat used for the preparation of food, bread and bread or cake flour, if these items are not served as cooked or prepared food, fresh milk and white or brown sugar

Local public passenger transport, medical services, services supplied by registered hospitals, educational services, financial services and long-term residential rentals are exempt from VAT.

E. Miscellaneous matters

Exchange controls. Namibia is a member of the Common Monetary Area, which also includes Eswatini, Lesotho and South Africa. Consequently, it is subject to the exchange control regulations promulgated by the Reserve Bank of South Africa. If Namibia withdraws from the Common Monetary Area, it is likely to introduce its own exchange control restrictions along similar lines.

Exchange controls are administered by the Bank of Namibia, which has appointed various commercial banks to act as authorized foreign-exchange dealers.

The Namibian dollar (NAD) is the Namibian currency. The Namibian dollar and the South African rand (ZAR) are convertible one for one (that is, ZAR1 = NAD1), and this rate does not fluctuate.

Debt-to-equity rules. The tax law includes measures that counter thin capitalization by adjusting both the interest rate and the amount of the loan based on arm's-length principles. A 3:1 debt-to-equity ratio applies with effect from 1 January 2023. Tax deductible expenditures with respect to interest and foreign-exchange losses are limited to financial assistance falling within such ratio, unless approval is provided by the Minister of Finance.

Transfer pricing. The Namibian Income Tax Act includes transfer-pricing measures, which are designed to prevent the manipulation of prices for goods and services, including financial services (loans), in cross-border transactions between related parties.

Anti-avoidance legislation. Namibian legislation contains a general anti-avoidance provision to attack arrangements that are primarily tax-motivated and, in certain respects, abnormal when considered in the context of surrounding circumstances. Another anti-avoidance provision deals with transactions involving companies (including changes in shareholdings) that are designed to use a company's assessed loss, usually by diverting income to, or generating income in, that company.

F. Treaty withholding tax rates

Namibia has entered into double tax treaties with Botswana, France, Germany, India, Malaysia, Mauritius, Romania, the Russian Federation, South Africa and Sweden. In addition, it has a treaty with the United Kingdom, which is the 1962 treaty

between the United Kingdom and South Africa as extended to Namibia.

The treaties provide for withholding tax rates on dividends, interest and royalties paid to residents of the other treaty countries as indicated in the following table.

	Dividends %	Interest %	Royalties %	Services %
Botswana	10	10	10	0/15 (h)
France	5/15 (a)	10	10	0
Germany	10/15 (b)	0	10	0
India	10	10	10	0/10 (i)
Malaysia	5/10 (c)	10	5	0/5 (j)
Mauritius	5/10 (c)	10	5	0
Romania	15	15	5	0
Russian Federation	5/10 (d)	10	5	0
South Africa	5/15 (c)	10	10	0
Sweden	5/15 (a)	10	5/15 (e)	0/15 (h)
United Kingdom	5/15 (f)	20	5	0
Non-treaty jurisdictions (g)	10/20	10	10	10

(a) The 5% rate applies if the recipient is a company that owns at least 10% of the payer of the dividends. The 15% rate applies to other dividends.
(b) The 10% rate applies if the recipient is a company that owns at least 10% of the payer of the dividends. The 15% rate applies to other dividends.
(c) The 5% rate applies if the recipient owns at least 25% of the payer of the dividends. The 10% rate applies to other dividends.
(d) The 5% rate applies if the recipient is a company that owns at least 25% of the payer of the dividends and has invested at least USD100,000 in the share capital of the payer. The 10% rate applies to other dividends.
(e) The 5% rate applies to royalties paid for patents, secret formulas or information relating to industrial or scientific experience. The 15% rate applies to other royalties.
(f) The 5% rate applies if the recipient is a company that controls directly or indirectly more than 50% of the voting power of the payer of the dividends. The 15% rate applies to other dividends.
(g) For further details, see Section A.
(h) The 15% rate applies to payments for administrative, technical, managerial or consultancy services performed outside Namibia.
(i) The 10% rate applies to technical, managerial or consultancy fees paid by Namibian residents.
(j) The 5% rate applies to technical, managerial or consultancy fees paid by Namibian residents.

Namibia has a signed tax treaty with Canada, but the treaty has not yet been ratified. Namibia is negotiating tax treaties with Lesotho, Seychelles, Spain, Zambia and Zimbabwe.

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A. At a glance

Corporate Income Tax Rate (%)	25.8 (a)
Capital Gains Tax Rate (%)	25.8 (a)
Branch Tax Rate (%)	25.8 (a)
Withholding Tax (%)	
Dividends	15/25.8 (b)(c)
Interest	0/25.8 (c)
Royalties from Patents, Know-how, etc.	0/25.8 (c)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	1
Carryforward	Unlimited (d)

(a) A tax rate of 19% applies to the first EUR200,000 of taxable income. For further details, see *Tax rates* in Section B. An effective tax rate of 9% is available for qualifying income related to certain intellectual property (Innovation Box). For details regarding the Innovation Box, see *Innovation Box* in Section B.

(b) The 15% rate may be reduced to 0% if the recipient is a parent company established in a European Union (EU) Member State, European Economic Area (EEA) state or a country that has concluded a tax treaty with the Netherlands covering dividends, provided that certain anti-abuse requirements are met. Dividends paid by a Dutch Cooperative, which is a specific legal entity, are not subject to Dutch dividend withholding tax if the Dutch Cooperative does not predominantly operate as a holding or financing company. For further details, see *Dividend withholding tax* in Section B. In addition, the Dutch dividend withholding tax rate is typically reduced under the extensive Dutch tax treaty network (more than 100 tax treaties; see Section F) to as low as 0%.

(c) From 1 January 2021, a conditional withholding tax applies to intra-group interest and royalty payments to affiliated entities (defined as having "decisive influence" within the group) located in a low-tax or non-cooperative jurisdiction, to certain hybrid entities and in abusive situations. As of 1 January 2024, this conditional withholding tax is extended to (deemed) profit distributions. The rate of the withholding tax on profit distributions, interest and royalties is the same as the headline corporate income tax rate.

Payments to payees in a jurisdiction with which the Netherlands has concluded a tax treaty are grandfathered to three years after the first year this jurisdiction is included on the list of low-taxed and non-cooperative jurisdictions, as annually published by the Dutch government (that is, 1 January 2024 for jurisdictions that were already included on the aforementioned list in 2021). See *Controlled foreign companies* in Section E for the list, and *Interest and royalty withholding tax* in Section B for more information on the grandfathering rules.

(d) Losses are (first) carried back one year and carried forward indefinitely (subject to change of control rules). However, the offset of losses against taxable income is limited to the first EUR1 million of taxable income and, for taxable income in excess of EUR1 million, losses may only be offset up to 50% of this excess. Tax losses, including tax losses incurred through 31 December 2021 and still available for carry forward as of 31 December 2021, can be carried forward indefinitely.

B. Taxes on corporate income and gains

Corporate income tax. Corporate income tax is levied on resident and nonresident companies. Resident companies are those incorporated under Dutch civil law, European Companies (Societas Europaea, or SEs) and European Co-operative Societies (Societas Cooperativa Europaea, or SCEs) established in the Netherlands, even if their management and statutory seat are located abroad. In addition, companies are resident if incorporated under foreign law, but effectively managed and controlled in the Netherlands. Resident companies are subject to tax on their worldwide income. Nonresident companies, primarily branch offices of foreign companies doing business in the Netherlands, are taxable only on specific income items, such as (but not limited to) real estate and business profits generated in the Netherlands.

As part of the implementation of the EU Anti-Tax Avoidance Directive 2 (ATAD 2), for financial years starting on or after 1 January 2022, entities formed under Dutch corporate law and/or residing in the Netherlands that qualify as "reverse hybrid entities" are treated as domestic taxpayers that are fully liable to Dutch corporate income tax and become a withholding agent for Dutch withholding tax purposes. An entity is defined as a "reverse hybrid entity" if it is formed under Dutch corporate law or resides in the Netherlands and is considered transparent from a Dutch tax perspective (for example, a Dutch private limited partnership [*besloten commanditaire vennootschap*] or closed CV) whereby at least 50% of the voting rights, capital interests or profit rights in the entity is directly or indirectly held by related participants that are resident in a jurisdiction that qualifies the entity as non-transparent. In short, a related entity is an entity that independently or as part of a cooperating group has an (indirect) interest of at least 25% in the reverse hybrid entity. This qualification also applies for withholding taxes (that is, the reverse hybrid entity can be a withholding agent).

Tax rates. The standard corporate tax rate is 25.8%. A step-up tax rate of 19% applies to the first EUR200,000 of taxable income. An effective tax rate of 9% is available for qualifying income related to certain intellectual property (IP). For details regarding this IP regime, see *Innovation Box.*

Innovation Box. If certain conditions are met, a taxpayer can elect to apply the Innovation Box. The aim of this regime is to encourage innovation and investment in research and development (R&D), including software development.

In the Innovation Box, net income from qualifying intellectual property is effectively taxed at a rate of 9%. The 9% rate applies only to the extent that the net earnings derived from the self-developed intangible assets exceed the development costs. The development costs are deductible at the statutory tax rate of 25.8% and form the so-called threshold. The Innovation Box regime can be elected with respect to a particular intangible asset; it is not required to include all intangibles. Advance Tax Rulings (ATRs) and Advance Pricing Agreements (APAs) are available (see *Administration*).

An important condition for the application of the Innovation Box is that the taxpayer must have been granted an R&D declaration from the Netherlands Enterprise Agency (Rijksdienst voor Ondernemend Nederland, or RVO; part of the Ministry of Economic Affairs) for a qualifying intangible asset created by or for the risk and account of the taxpayer.

In line with recommendations by the Organisation for Economic Co-operation and Development (OECD), the definition of qualifying intangible assets is limited for so-called "large groups" (groups that have five-year revenues exceeding EUR250 million and stand-alone taxpayers that have five-year income from intangible assets exceeding EUR37.5 million). For large groups, qualifying intangible assets are limited to patents or plant variety rights, copyrights, software, marketing authorizations for human or animal medicines, intangible assets with a supplemental protection certificate from the Netherlands Patent Office, intangible assets with a registered utility model for the protection of innovation or an exclusive license for the use of the assets mentioned above.

For taxpayers that do not form part of a large group, other intangible assets can also qualify for the Innovation Box. In addition, other intangible assets can qualify for taxpayers forming part of a large group if such intangible assets are connected with intangible assets that fall within one of the above categories. For example, this connection between two or more intangible assets can be present if the intangible assets have been developed by the same research department or applied in the same product (group). Trademarks, logos and similar assets do not qualify.

The OECD's modified nexus approach should be taken into consideration for purposes of calculating the income that can be taxed under the Innovation Box. Under the modified nexus approach, the proportion of eligible income is determined by reference to the ratio of "qualifying expenditures" compared to "overall expenditures" for the development of the qualifying intangible asset. This is expressed by the following formula:

$$\text{Qualifying income} = \frac{\text{Qualifying expenditures} \times 1.3 \times \text{Income from intangible assets}}{\text{Overall expenditures}}$$

The income from intangible assets can include all types of income, including royalties, capital gains and embedded income (for example, the sales price of a product).

Foreign royalty withholding tax can normally be credited against Dutch corporate income tax, but the amount of the credit is limited to the Dutch corporate income tax attributable to the relevant net royalty income.

R&D tax credit. An employer established in the Netherlands that is performing R&D is eligible for the R&D tax credit (Wet Bevordering Speur-en Ontwikkelingswerk, or WBSO), regardless of its size or industry. The WBSO is a tax incentive, which offers an immediate benefit on wage costs and other costs and expenses for R&D activities. All R&D cost and expenses will be settled through a reduction of the payroll tax due from an employer.

An R&D declaration must be obtained from the RVO. The benefit from the WBSO can amount up to 40% of the qualifying costs and expenditures. For R&D costs and expenditures that are not labor costs, a company can choose a fixed rate or a calculation of the actual amount of costs and expenses.

Capital gains. No distinction is made between capital gains and other income. In certain cases, capital gains are exempt (for example with respect to share interests, if the participation exemption described in Section C applies) or a rollover is available based on a provision or case law or under the reinvestment reserve (see the discussion in *Provisions* in Section C). Subject to meeting the relevant criteria, certainty in advance on the applicability of the rollover facility can be obtained (such as the legal merger or demerger facility).

Administration. The standard tax year is the financial year (as indicated in the articles of association of a taxpayer).

Tax returns. An annual Dutch corporate income tax return must be filed with the tax authorities within five months after the end of the tax year, unless the company applies for an extension (normally, an additional 11 months based on an agreement between the tax advisors and the tax authorities).

Companies must make partial advance payments of corporate income tax during the year, based on preliminary assessments. The preliminary assessments are based on the expected final assessment. For 2024, assuming the tax year corresponds to the calendar year, the assessments are levied according to the following schedule:

- The first preliminary assessment is generally imposed on 31 January 2024. The tax administration may estimate the profit by applying a percentage to the average fiscal profit of the previous two years. If the taxpayer can plausibly show that the expected final assessment will be a lower amount, the preliminary assessment is based on that amount.
- The second preliminary assessment is generally imposed at the end of the eighth month of 2024. This preliminary assessment is derived from an estimate made by the taxpayer.

These preliminary assessments may be paid in as many monthly installments as there are months remaining in the year. It is important that taxpayers provide a timely and accurate estimate of the taxable income. If the preliminary corporate income tax liability is understated, this may result in a charge of tax interest when the tax assessment appears to be higher. Tax interest (with

a current rate of 10%) is calculated for the period that begins six months after the tax year to which the tax liability relates and is based on the amount of additional tax due. If the preliminary corporate income tax liability is overstated, this may not result in a tax interest refund when the tax assessment appears to be lower.

The final assessment is made within three years (plus any extensions granted) from the time the tax liability arises.

The tax authorities may impose ex officio assessments if the taxpayer fails to file a return or fails to meet the deadline to file a return. Penalties may apply.

Additional assessments may be imposed if, as a result of deliberate actions by the taxpayer, insufficient tax has been levied. A penalty of 100% of the additional tax due may be levied. Depending on the degree of wrongdoing, this penalty is normally reduced to 25% or 50%.

Rulings. Rulings are agreements concluded with the tax authorities confirming to the Dutch tax consequences of transactions or situations involving Dutch taxpayers. Rulings are based on Dutch tax laws that apply at the time of the request.

For certainty in advance regarding general transfer-pricing matters (see Section E), an APA can be concluded with the tax authorities. APAs provide taxpayers with up-front certainty regarding the arm's-length nature of transfer prices. All Dutch APAs are based on OECD transfer-pricing principles and require the taxpayer to file transfer-pricing documentation with the tax authorities. APAs can be entered into on a unilateral, bilateral or multilateral basis (that is, with several tax administrations). APAs may cover all or part of transactions with related parties, including transactions involving permanent establishments.

For most other matters (for example, the applicability of the participation exemption or the dividend withholding tax exemption) or the existence or non-existence of a permanent establishment in the Netherlands or abroad, an ATR can be concluded.

The benefit of an APA or ATR is that companies can obtain certainty in advance regarding their Dutch tax position (for example, before the investment is made).

In case of uncertainty of the tax position or eligibility for a ruling, a pre-filing meeting can be requested with the Dutch tax authorities. In general, rulings are concluded for a period of four or five years, but facts and circumstances may allow for a longer or shorter term. If the facts and legislation on which the APA or ATR is based do not change, in principle, the APA or ATR can be renewed indefinitely. No fees are required to be paid when filing an APA or ATR request with the Dutch tax authorities.

The time required for the total process from initiation of the ruling process to conclusion of the ruling depends on the circumstances. However, in general, it takes between six to 10 weeks from the date of the filing of the ruling request to obtain the ruling. It is often possible to expedite the process if required from a commercial perspective (for example, merger and acquisition transactions).

As part of the Dutch policy in relation to rulings with an international character (latest update is from 1 July 2019), the Dutch "economic nexus" requirement should be met in order to be eligible for a tax ruling. To have sufficient nexus with the Netherlands, the Dutch taxpayer (or other Dutch group company) should conduct operational activities in the Netherlands relevant to the activities that form the subject of the ruling request. The group should have appropriate personnel in the Netherlands to manage the risks associated with these activities.

Rulings are not issued if the sole or predominant purpose of the relevant case or structure is to reduce Dutch or foreign taxes or if the entities involved are established in non-cooperative tax jurisdictions (EU list) or in a low-tax jurisdiction (jurisdictions with a corporate income tax rate below 9%; see *Controlled foreign companies* in Section E for the list).

In addition, the Dutch tax authorities publish anonymized extracts as well as an annual overview of the number of issued rulings. Also, in case of a ruling process not resulting in a ruling, there will still be a summary published providing the reason why no ruling was concluded. This is not the case if a pre-filing meeting is held only (that is, no formal ruling request is filed). The extracts are highly abstracted in order to make sure that the facts do not allow for taxpayers to be identified indirectly.

In line with the OECD's Base Erosion and Profit Shifting (BEPS) Action 5 and the EU directive on the automatic exchange of information on tax rulings, the Netherlands has commenced the exchange of information with respect to certain tax rulings in 2016. To facilitate the exchange of information on tax rulings, specific templates that cover generic information and a high-level summary of the agreed-upon ruling should be submitted to the Dutch tax authorities during the ruling process.

Dividend withholding tax. The statutory withholding tax rate for dividends is 15%. However, several exemptions and reductions, as described below, can apply. Under the extensive Dutch treaty network (more than 100 tax treaties; see Section F), the Dutch dividend withholding tax rate is typically reduced to a rate as low as 0% for qualifying participation dividends. Under the participation exemption (see Section C) or within a Dutch fiscal unity (see Section C), dividends paid by resident companies to other resident companies are usually exempt from dividend withholding tax.

A broader domestic dividend withholding tax exemption is available for dividend distributions made by Dutch resident entities to the following:

- EU/EEA Member State resident corporate investors (for this purpose, the EEA is limited to Iceland, Liechtenstein and Norway)
- Corporate investors that are resident in a country that has concluded a tax treaty with the Netherlands covering the treatment of dividends, provided that these corporate investors are not treated as a resident outside the EU/EEA or the respective tax treaty jurisdiction under a tax treaty between the EU/EEA or treaty state and a third state

The domestic dividend withholding tax exemption applies if the recipient holding an interest in the Dutch dividend distributing entity would qualify for the Dutch participation exemption (or credit) benefits if that investor resided in the Netherlands and if certain anti-abuse rules that target, among other items, hybrid recipients, are met. The withholding tax exemption does not apply if the foreign shareholder fulfills a function similar to a Dutch fiscal investment company or tax-exempt investment company.

To apply the domestic withholding tax exemption for dividend distributions to foreign recipients, the Dutch taxpayer should notify the Dutch tax inspector that all of the requirements listed above are met. Such notification should take place within one month after declaring the dividend.

The dividend withholding tax rules are not applicable to Dutch Cooperatives (specific legal entities) that do not predominantly perform holding and/or financing activities and that have operational activities and the relevant substance to carry out these activities. Dividend distributions made by this type of Dutch Cooperatives are not subject to Dutch dividend withholding tax based on domestic law. This exemption does not apply for the conditional withholding tax on dividends (see *Conditional withholding tax on dividends*).

As part of the implementation of the EU ATAD 2, reverse hybrid entities (see definition in *Corporate income tax*) are withholding agents for Dutch dividend withholding tax as from 1 January 2022.

Measures to combat dividend stripping. The Dividend Withholding Tax Act provides measures to combat dividend stripping. Under these measures, a reduction of dividend withholding tax is available only if the recipient of the dividends is regarded as the beneficial owner of the dividends. The measures provide that a recipient of dividends is generally not regarded as the beneficial owner if the following cumulative criteria are met:

- The dividend recipient entered into a transaction in return for the payment of the dividends as part of a series of transactions.
- As part of the series of transactions, the payment of the dividends indirectly benefits a person who would have been entitled to a lesser (or no) reduction, exemption or refund of dividend tax than the recipient.
- The person indirectly benefiting from the dividends maintains or acquires an interest in the share capital of the payer of the dividends that is comparable to the person's position in the share capital before the series of transactions.

Share repurchases. Publicly listed companies are not required to withhold dividends tax when they repurchase their own shares if certain requirements are met. One of these requirements is that the company must not have increased its share capital in the four years preceding the repurchase. This requirement does not apply if the share capital was increased for bona fide business reasons. Per the 2024 Budget Plan, effective from 1 January 2025, this exemption for share repurchases for publicly listed company is being abolished (but further changes to the 2024 Budget Plan may be forthcoming).

Credit for dividend withholding tax. A Dutch company may credit a portion of the foreign dividend withholding tax imposed on dividends received against any Dutch withholding tax due on its dividend distributions if certain conditions are satisfied. The credit is generally 3% of the gross amount of qualifying dividends received. However, if the dividends received are not passed on in full by the Dutch company, the credit is 3% of the dividend distribution made by the Dutch company.

Interest and royalty withholding tax. As of 1 January 2021, a conditional withholding tax applies to intra-group interest and royalty payments (or deemed payments) to an entity resident (or allocable to a permanent establishment) in a jurisdiction that is included on the Dutch prohibited list (see *Controlled foreign companies* in Section E for the list), to intra-group interest and royalty payments to certain hybrid entities, and in cases of abuse. The Dutch government publishes the prohibited list at the end of each year and includes jurisdictions that qualify as low-tax jurisdictions (jurisdiction with a statutory tax rate lower than 9% per the cutoff date of 1 October) or jurisdictions that are included on the EU list of non-cooperative jurisdictions at that time. Only jurisdictions that are included on the list for the preceding calendar year are in scope of the conditional withholding tax. In addition, interest and royalty withholding tax is due in certain abusive or hybrid situations.

Having (relevant) substance in the Netherlands or in the receiving prohibited list jurisdictions does not provide for an exception from the withholding tax. The legislation also targets abusive situations in which conduit companies (resident in a non-prohibited list jurisdiction) are interposed between the Netherlands and a prohibited list jurisdiction. If such a conduit company does not meet certain the substance requirements, withholding tax remains due.

Affiliated entities. The withholding tax will only be due on interest and royalty payments to affiliated entities. Entities are affiliated if they are of an associated group. This criterion depends on facts and circumstances, but parliamentary proceedings refer to coordinated group decisions. In addition, entities will be considered affiliated if a qualifying interest is (indirectly) held, also taking into account joint parent companies. A qualifying interest exists if influence can be exercised on decisions regarding the activities of the entity. In any case, a qualifying interest exists if more than 50% of the statutory voting rights are held.

Interest and royalty payments. Withholding tax is due on deemed, accrued, imputed or paid interest and royalties. Corrections are made if the interest or royalty payment (and/or the absence thereof) is not at arm's length.

Moment of taxation. The interest or royalty payments are considered to have been received at the time when they have been paid or settled, made available to the beneficiary, become interest-bearing or become claimable and collectible. If interest or royalties have accrued during the period but have not yet been received, the income will be considered to have been enjoyed on 31 December of that year.

Tax rate. The rate of the withholding tax is equal to the headline corporate income tax rate (25.8% in 2024). It is not relevant whether the interest and/or royalty payments are deductible for corporate income tax purposes.

Tax treaty with low-tax or non-cooperative jurisdiction. With respect to low-tax or non-cooperative jurisdictions with whom the Netherlands has concluded a tax treaty, a three-year grandfathering period will apply before the withholding tax is levied. For jurisdictions that are or were included on the list of low-tax and non-cooperative jurisdictions after 2021, the three-year grandfathering period will start in the year of the first inclusion on the aforementioned list. Within this three-year period, the Netherlands will approach the treaty partner to renegotiate and amend the respective treaty. This grandfathering period ended on 1 January 2024 for jurisdictions that were already included on the list of low-tax and non-cooperative jurisdictions in 2021, and is as such no longer applicable for these jurisdictions. Regardless, and pending the treaty renegotiations, the applicable tax treaties may still provide protection to potentially reduce the (conditional) withholding tax.

Conditional withholding tax on dividends. As of 1 January 2024, the conditional withholding tax on interest and royalties, as described above, also applies to (deemed) dividends in a similar fashion (including grandfathering rules for tax treaty jurisdictions). Any conditional withholding tax on dividends due will be reduced by any dividend withholding tax due under the existing Dividend Withholding Tax Act (that is, the regular dividend withholding tax is creditable against the conditional withholding tax on dividends).

Foreign tax relief. Under unilateral provisions in the Corporate Income Tax Act, the Netherlands exempts foreign business profits derived through a permanent establishment, profits from real estate located abroad and certain other types of foreign income from corporate income tax. If the income is derived from a tax treaty jurisdiction, the exemption applies with consideration of the relevant treaty provisions (for example, a "subject-to-tax" requirement may be applicable). If such foreign income is derived from a non-treaty jurisdiction, and the branch activities do not predominantly comprise of certain passive activities, no "subject to tax" requirement applies. To the extent that the foreign business income is negative, this amount does not reduce Dutch taxable income unless the foreign business is terminated (object exemption/territorial system). A credit is available for profits allocable to low-taxed portfolio investment/passive branches.

C. Determination of taxable income

General. The fiscal profit is not necessarily calculated on the basis of the annual financial statements. In the Netherlands, all commercial accounting methods have to be reviewed to confirm that they are acceptable under fiscal law. The primary feature of tax accounting is the legal concept of "sound business practice."

Expenses incurred in connection with the conduct of a business are, in principle, deductible. However, certain expenses are not deductible, such as fines and penalties, and expenses incurred

with respect to a crime. Certain expenses are partially deductible, such as meals, drinks and conferences. Restrictions are imposed on the deductibility of certain related-party interest expense (see Section E).

Functional currency. Taxpayers by default calculate their taxable income in euros. On request, Dutch corporate tax returns may be calculated in the functional currency of the taxpayer, provided the financial statements of the relevant financial year are prepared in that currency. The financial statements may be expressed in a foreign currency if it is justified by the company's business or the international nature of the company's group. If this regime is applied, in principle, the functional currency must be used for at least 10 years. Only currencies listed by the European Central Bank qualify for the regime.

Inventories. Inventories are generally valued at the lower of cost or market value, but the last-in, first-out (LIFO) and the base stock methods of valuation are acceptable if certain conditions are fulfilled. Both methods make it possible to defer taxation of inventory profits. Valuation under the replacement-cost method is not accepted for tax purposes.

Provisions. Dutch law permits the creation of tax-free equalization and reinvestment reserves.

The equalization reserve may be established in anticipation of certain future expenditure that might otherwise vary considerably from year to year, such as ship maintenance, overhauling, pension payments or warranty costs.

If certain conditions are met, the tax book profit arising from the disposal of a tangible or intangible business asset may be carried forward and offset against the acquisition cost of a reinvestment asset. This is known as a reinvestment reserve. The reinvestment asset must be purchased within three years after the year in which the reinvestment reserve was established. If a reinvestment asset is not purchased within three years after the establishment of the reinvestment reserve, the amount in the reinvestment reserve is included in taxable income for corporate income tax purposes in the third year following the year in which the reinvestment reserve was established. The offset of the book profit may not reduce the book value of the reinvestment asset below the book value of the asset that was sold. An amount that cannot be offset as a result of the rule described in the preceding sentence may continue to be carried forward if the condition of the same economic function for the reinvestment does not apply (see below). If the depreciation period for the reinvestment asset is more than 10 years or if the reinvestment asset is not depreciable, the reinvestment asset must fulfill the same economic function as the asset that was sold. The condition of the same economic function for the reinvestment does not apply to reinvestment assets with a depreciation period of 10 years or less.

Participation exemption. All companies resident in the Netherlands (except qualified investment companies that are subject to a corporate income tax rate of 0%), including holding companies, are in principle exempt from Dutch corporation tax on all benefits connected with certain qualifying shareholdings (participations). Benefits include cash dividends, dividends-in-kind, bonus shares,

"hidden" profit distributions and capital gains realized on disposal of the shareholding. If dividends are paid after the date of the declaration of the dividend, potential foreign-exchange results incurred on the dividend receivable over the interim period (that is, in case the dividend is denominated in a different currency than the currency used by the Dutch shareholder for tax purposes) are not exempt under the participation exemption.

A capital loss that might result from the disposal of the shareholding is similarly nondeductible. However, a liquidation loss of a subsidiary company may be deductible under certain circumstances. Liquidation losses can in principle only be deducted up to EUR5 million, unless the subsidiary is resident in the EU/EEA, the Dutch taxpayer holds an interest of more than 50% (or interest with decisive influence on the subsidiary's activities) and the liquidation has been completed within three years after the cessation of the operations or the decision to liquidate.

The participation exemption applies to all (rights to) interests of 5% or more in the nominal paid-up capital of the subsidiary unless the participation is a "portfolio investment" (determined through the motive test; see below). A membership interest of a cooperative or a cooperative association is deemed to meet the 5% threshold. A less than 5% direct shareholding may be a qualifying participation if a company related to the taxpayer owns an interest of at least 5% in the same subsidiary. If the shareholding is reduced to less than 5% (for example, as a result of a dilution or another event), the participation exemption may still apply for a period of three years from the date the 5% threshold is no longer met. A condition for applying the participation exemption during the three-year period is that the shareholding must have been owned by the Dutch shareholder for more than one year during which the Dutch shareholder was able to fully benefit from the Dutch participation exemption. If the participation can be considered a "portfolio investment" on a particular date, the Dutch shareholder may no longer benefit from the participation exemption as of such date.

The motive test is applied to determine whether a participation is a "portfolio investment." In general, the motive test is met if the shares in the subsidiary are not merely held for the return that can be expected from normal asset management. In a limited number of specific situations, the participation is deemed to be held as a portfolio investment, which is generally determined based on the function as well as the turnover, profit and assets of the subsidiary. However, even if the motive test is not met, the Dutch taxpayer may still benefit from the participation exemption if the reasonable tax test or the asset test is met.

The reasonable tax test is satisfied if the direct subsidiary is subject to a profit tax that results in a reasonable levy of profit tax in accordance with Dutch tax standards. Based on the parliamentary history, in principle, the local tax system needs to be compared with the Dutch tax system. The primary elements that are taken into account for this assessment are the tax base and the local statutory corporate income tax rate. In general, a statutory profit tax rate of at least 10% qualifies as a reasonable levy if no significant deviations exist between the local tax system and the Dutch tax system. Such significant deviations include, among

others, a tax holiday, a cost-plus tax base with a limited cost base and the absence of anti-abuse limitation provisions with respect to the interest deduction.

The asset test is satisfied if less than half of the assets of the direct subsidiary usually consists of, directly or indirectly, low-taxed "free" portfolio investments on an aggregated basis. The portfolio investments are considered "free" if the investments are not used in the course of the business of the company or if the investments are part of certain intra-group transactions. Real estate and rights directly or indirectly related to real estate are in principle excluded from the definition of a portfolio investment. As a result, the participation exemption normally applies to benefits from real estate participations.

Subject to prior approval of the Dutch tax authorities, a taxpayer can apply the participation exemption to the foreign-exchange results relating to financial instruments that hedge the foreign-exchange exposure on qualifying participations.

Compartmentalization reserve. The application of the participation exemption is a continuous test. If during the time the participation is held, the participation exemption was not applicable during one or more periods, then it should be determined which part of the income derived from the participation accrued during the period the participation exemption was applicable, and which part of the income accrued during the period the participation exemption was not applicable. Only the part of the income (or loss) that during the period that the participation exemption applied, is exempt for Dutch corporate income tax purposes. This is also known as the concept of compartmentalization.

Hybrid loans. The participation exemption is not available for certain benefits derived from so-called hybrid loans. Under this measure, the participation exemption does not apply to income derived from participations to the extent that the corresponding payments under a hybrid loan are, directly or indirectly, deductible from a profit tax.

Tax depreciation. In principle, depreciation is based on historical cost, the service life of the asset and the residual value. Depreciation is limited on buildings, goodwill and other assets.

Buildings. Buildings (including the land and surroundings on which they were erected) can be depreciated only for as long as the tax book value does not drop below the threshold value. Buildings may not be depreciated to a tax book value lower than the threshold value. The threshold value of buildings held as a portfolio investment equals the value provided in the Law on Valuation of Real Estate (Wet Waardering Onroerende Zaken), known as the WOZ value. Effective from 1 January 2019, the threshold value of buildings used in the taxpayer's business or a related party's business equals 100% of the WOZ value. If a building that has been acquired before 1 January 2019 and that is less than three years old has been depreciated, a grandfathering rule applies, and it can be depreciated down to 50% of the WOZ value within three years. In principle, the WOZ value approximates the fair market value of the real estate. The local municipality determines the WOZ value annually. If the threshold value increases, tax depreciation that had been previously claimed is not recaptured.

Goodwill and other assets. Goodwill must be depreciated over a period of at least 10 years. As a result, the maximum annual depreciation rate is 10%. If the goodwill is useful for a longer period, this period must be taken into account. These rules apply only to acquired goodwill. Costs in relation to self-developed goodwill can be deducted when incurred. For other assets such as inventory, cars and computers, the depreciation is limited to an annual rate of 20% of historical cost.

Limitations on the depreciation and amortization of business assets. Effective from 1 January 2022, the Dutch government has introduced certain limitations to the depreciation and amortization of assets and the adjustment of its tax basis. See *Transfer pricing* in Section E.

Groups of companies. Under the Dutch fiscal unity regime, a group of companies can be treated as one taxpayer for Dutch tax purposes. The fiscal unity regime has the following characteristics:

- To elect a fiscal unity, among other requirements, Dutch taxpayers must be connected to each other through at least 95% of the entire legal and economic ownership of shares. A connection can be established through a common (indirect) parent company that is either a Dutch resident company that forms part of the fiscal unity itself, or a common (indirect) parent that is resident in an EU/EEA country. In the case of indirect ownership, the intermediate owner of the shares must also either be a Dutch resident company that forms part of the fiscal unity itself or a company resident in an EU/EEA country.
- Both Dutch and certain foreign companies may be included in a fiscal unity if their place of effective management is located in the Netherlands and if the foreign company is comparable to a Dutch *besloten vennootschap* (BV) or *naamloze vennootschap* (NV).
- A permanent establishment in the Netherlands of a company with its effective management abroad may be included in, or can be the parent of, a fiscal unity. A cooperative can be the parent of the fiscal unity.
- A subsidiary may be included in the fiscal unity from the date of acquisition or incorporation.

Advantages of such group treatment include the following:

- Losses of one subsidiary may be offset against profits of other members of the group.
- Reorganizations, including transfers of assets with hidden reserves from one company to another, have no direct fiscal consequences.
- Intercompany profits between members of a Dutch fiscal unity may be fully deferred.

Because only Dutch resident entities can be included in a Dutch fiscal unity and this can have several advantages, two cases were initiated at the European Court of Justice (ECJ). In these cases, the ECJ needed to decide whether the Dutch fiscal unity is in accordance with EU rules and the EU freedom of establishment.

In response to the ECJ court cases, the Dutch government introduced emergency legislation. Under this emergency legislation, certain tax rules (such as the interest deduction limitation rule to prevent base erosion, excessive participation debt rules and loss

relief rules in case of a change in ownership) apply as if no fiscal unity exists.

Relief for losses. Effective from financial years starting on or after 1 January 2022, losses of a company may be carried back one year and carried forward indefinitely (previously six years). However, the offset of tax losses against taxable income are limited. Such losses can be fully offset against the first EUR1 million of taxable income, and, for taxable income in excess of EUR1 million, losses may only be offset up to 50% of this excess. This applies to both the carryback and carryforward of tax losses. Tax losses, including tax losses incurred through the 2021 financial year and still available for carryforward as of the 2022 financial year, are available for carryforward indefinitely.

Effective from 1 January 2019, there are no longer restrictions on losses incurred by holding and financing companies. However, restrictions on loss relief remain with respect to losses of holding and financing companies incurred before 2019. The restrictions apply to a company if holding activities and direct or indirect financing of related parties accounted for at least 90% of the company's activities during at least 90% of the financial year.

The Corporate Income Tax Act contains specific rules to combat the trade in so-called "loss companies." If 30% or more of the ultimate interest in a Dutch taxpayer changes among ultimate shareholders or is transferred to new shareholders, in principle, the losses of the company may not be offset against future profits. However, various exceptions to this rule exist (for example, the going-concern exception). The company has the burden of proof with respect to the applicability of the exemptions. A similar rule applies to companies with a reinvestment reserve and other attributes (such as tax credit carryforwards). The Dutch government has introduced legislation providing that these rules need to be applied as if no fiscal unity exists (if applicable).

D. Value-added tax

Value-added tax is imposed on goods delivered and services rendered in the Netherlands other than exempt goods and services. The general rate is 21%. Other rates are 0% and 9%.

E. Miscellaneous matters

Controlled foreign companies. Effective from January 2019, the Netherlands introduced the controlled foreign company (CFC) rule as outlined in the EU Anti-Tax Avoidance Directive.

Under the Dutch regime, a foreign company or a permanent establishment qualifies as a CFC if both of the following conditions are satisfied:

- A Dutch taxpayer has a permanent establishment or owns an interest of more than 50% in a foreign company.
- The entity or branch is tax resident in a jurisdiction listed on the EU list of non-cooperative jurisdictions or in a low-tax jurisdiction (that is, a jurisdiction with a statutory corporate income tax rate below 9%).

The relevant EU prohibited list jurisdictions and low-tax jurisdictions are published annually on a list issued by the Dutch

government. For the 2024 financial year, the list includes the following jurisdictions:

- American Samoa
- Anguilla
- Antigua and Barbuda
- Bahamas
- Bahrain
- Barbados
- Belize
- Bermuda
- British Virgin Islands
- Cayman Islands
- Fiji
- Guam
- Guernsey
- Isle of Man
- Jersey
- Palau
- Panama
- Russian Federation
- Samoa
- Seychelles
- Trinidad and Tobago
- Turkmenistan
- Turks and Caicos Islands
- US Virgin Islands
- Vanuatu

If the above conditions are satisfied, the undistributed tainted profit of the CFC is to be included in the Dutch tax base on a pro rata basis. The income to be included in the Dutch tax base consists of specific tainted categories of passive income (dividends, interest, financial lease income, royalties and others). A foreign company or a permanent establishment is not considered a CFC if its income consists of at least 70% non-passive income.

As an exception, the Dutch CFC rule does not apply if the CFC has "substantial economic activities." If the CFC satisfies the increased minimum substance requirements in its jurisdiction, this is a presumption of proof that substantial economic activities are performed; however, this is not a safe harbor (and taxpayers can demonstrate substantial economic activities in other ways). These increased minimum substance requirements include, among others, the following salary costs' requirement and office space requirement:

- The salary costs of the relevant company must amount to at least EUR100,000 annually.
- The office space must be at the disposal of the relevant company for a period of at least 24 months.

Dutch (financial) services companies. Dutch companies that primarily perform intercompany financing and licensing activities must bear a certain level of risk with respect to these activities. A safe-harbor test involving a requirement with respect to minimum equity at risk determines whether sufficient risk is involved.

Dutch tax law contains substance requirements for companies principally engaged in intercompany financing and/or licensing

activities. For such Dutch companies that claim the benefits of a tax treaty or EU Directive (treaty benefits), they must declare in their annual corporate income tax return whether the taxpayer meets a defined set of substance requirements. If one or more of these requirements are not met and if the company has claimed the benefits of a tax treaty, the Dutch tax authorities notify the relevant foreign tax authorities. This is a simple notification. It is up to the foreign tax authorities to take action regarding this notification. As of 2021, the following two substance requirements are added:

- A minimum annual salary expense of EUR100,000
- An office lease of at least 24 months

Ultimate Beneficial Owner Register. Based on the Anti-Money Laundering Directive, which the Netherlands implemented on 25 July 2018, EU Member States are required to register the ultimate owner or stakeholder of corporate and legal entities incorporated in their territory in the Ultimate Beneficial Owner Register.

Foreign-exchange controls. No real restrictions are imposed on the movement of funds into and out of the Netherlands.

Debt-to-equity rules and other restrictions on deductibility of interest

Statutory thin-capitalization rules. Effective from 1 January 2013, the statutory thin-capitalization rules were abolished. However, the Dutch government has introduced legislation, effective from 1 January 2019, providing that tier-1 capital (a bank's core capital) is no longer qualified as debt from a Dutch tax perspective and therefore the payments under tier-1 capital are qualified as dividend payments (and therefore no longer deductible). This applies for tax years starting on or after 1 January 2019 and also applies to tier-1 capital issued before 1 January 2019.

In addition, effective from 1 January 2020, the Dutch government has introduced an interest deduction limitation rule for banks and insurance companies, which limits the deductibility of interest expenses to the extent that the amount of debt exceeds 89.4% of the balance of the taxpayer.

Other anti-base erosion provisions. The deduction of interest paid, including related costs and currency exchange results, by a Dutch company on a related-party loan is in principle disallowed to the extent that the loan relates to any of the following transactions:

- Profit distributions or repayments of capital by the taxpayer or by a related Dutch company to a related company or a related individual resident in the Netherlands
- Capital contributions by the taxpayer, by a related Dutch company or by a related individual resident in the Netherlands into a related company
- The acquisition or increase of an interest by the taxpayer, by a related Dutch company or by a related individual resident in the Netherlands in a company that is related to the taxpayer after this acquisition or extension

The above rule does not apply to such negative interest and/or currency exchange results to the extent that the total results on a

loan are positive (that is, in such case, this positive income is taxable). This should be determined per loan.

This interest deduction limitation does not apply if the taxpayer can demonstrate that either of the following conditions is satisfied:

- The loan and the related transaction are primarily based on business considerations. Effective from 1 January 2018, Dutch tax law specifically states that the test as to whether the loan is predominantly business driven and based on business considerations should be satisfied for both loans to related entities and loans that can be indirectly linked to third parties.
- At the level of the creditor, the interest on the loan is subject to a tax on income or profits that results in a levy of at least 10% on a tax base determined under Dutch standards. In addition, such interest income may not be set off against losses incurred in prior years or benefit from other forms or types of relief that were available when the loan was obtained. In addition, the loan may not be obtained in anticipation of losses or other types of relief that arise in the year in which the loan was granted or in the near future. Furthermore, even if the income is subject to a levy of at least 10% on a tax base determined under Dutch standards at the level of the creditor, interest payments are not deductible if the tax authorities can demonstrate it to be likely that the loan or the related transaction is not primarily based on business considerations.

Hybrid loans. Interest expense incurred on loans that are (deemed) to function as equity for Dutch tax purposes is not deductible and reclassified as a dividend and may therefore be subject to Dutch dividend withholding tax.

Earning stripping interest limitation rule. Effective from 1 January 2019, the Netherlands introduced the 30% Earnings Before Interest, Tax, Depreciation and Amortization (EBITDA) rule in line with the interest deduction limitation rules as outlined in the EU Anti-Tax Avoidance Directive. However, for financial years starting on or after 1 January 2022, the threshold of 30% is reduced to 20% of the EBITDA. The earning stripping rule is a general limitation of the deduction of the net balance of interest paid and interest received, under which the deduction is limited to 20% of the EBITDA. This rule is applied at the level of the Dutch fiscal unity, taking into account the taxable EBITDA of the fiscal unity for tax purposes.

The Netherlands has taken the following approach in implementing the 20% EBITDA rule:

- The earning stripping rule does not contain a group escape.
- The threshold for deductible interest is set at EUR1 million.

Any nondeductible interest expenses can be carried forward indefinitely (subject to the below rule) and will be available to offset future taxable income in other years (to the extent that a taxpayer has sufficient EBITDA). Effective from 1 January 2020, specific rules to combat the trade in so-called "interest companies" have been introduced. If 30% or more of the ultimate interests in a Dutch taxpayer changes among ultimate shareholders or is transferred to new shareholders, in principle, similar to losses, the carryforward of nondeductible interest expenses of the company can become restricted.

Transfer pricing. The Dutch tax law includes the arm's-length principle (codified in the Corporate Income Tax Act). The arm's-length principle conceptually implies that for the determination of taxable income, related-party transactions should be based on terms and conditions that would have applied in comparable circumstances if the involved parties were not related.

In an international context, this could result in downward adjustments of taxable income in the Netherlands as a result of transfer pricing adjustments, but without corresponding upward adjustments at the level of the other (foreign) party. As such, to combat these transfer pricing mismatches, the Dutch government has enacted certain revisions to the arm's-length principle. As such, downward adjustments of taxable income will only be considered if and to the extent there are corresponding upward adjustments in the other jurisdiction at the level of the related counterparty. For example, this could apply to interest rate adjustments in the case of related-party financing. Similarly, for assets acquired from or transferred by related parties through capital contributions, capital repayments, (liquidation) distributions and legal mergers, an upward adjustment of the asset's cost price at the level of the Dutch taxpayer (transferee) would be allowed only to the extent that the taxpayer can demonstrate that a corresponding adjustment is recognized in the taxable base of a profit tax at the level of the transferor. The above transfers by an affiliated entity that is subjectively exempt from a profit tax or that resides in a jurisdiction in which the entity is not subject to a profit tax are only recognized at fair market value for Dutch tax purposes if, for both the legal form of the transfer and the taxpayer can demonstrate that in the annual financial statements of the transferor and the Dutch transferee, the fair market value is applied. Finally, a conceptually similar, but opposite adjustment mechanism, is included for intercompany debt transferred to a Dutch taxpayer below the arm's-length value.

The legislation also affects transactions in which a depreciable/amortizable business asset was acquired by a Dutch taxpayer in financial years starting on or after 1 July 2019 but before 1 January 2022, if the transfer price agreed was below the arm's-length value or, in certain cases (capital transactions), if the fair market value of the asset was not taxable at the level of the transferor. In such cases, the rules would recognize a transfer at the arm's length value but will subsequently limit the depreciable/amortizable basis for such business asset in financial years starting on or after 1 January 2022, effectively limiting the annual tax depreciation/amortization. The tax basis for a business asset subject to this transitional measure is generally set at the lesser of the following:

- The (lower) commercial value agreed between the Dutch taxpayer and its foreign affiliate (or in some cases, the value that was taxable at the level of the transferor) at the time of the acquisition
- The remaining depreciable basis in the opening balance sheet of the Dutch taxpayer for its financial year starting on or after 1 January 2022

Transfer pricing documentation. The Dutch tax law contains specific transfer pricing documentation requirements. Transactions between associated enterprises (controlled transactions) must be

documented. Such documentation must include a description of the terms of the controlled transactions, the entities (and permanent establishments) involved and a thorough analysis of the so-called five comparability factors (both from the perspective of the controlled transactions and companies and uncontrolled transactions and companies), of which the functional analysis is the most important. The documentation must establish how transfer prices were determined and provide a basis for determining whether the terms of the intercompany transactions would have been adopted if the parties were unrelated. If such information is not available on request in the case of an audit or litigation, the burden of proof with respect to the arm's-length nature of the transfer prices shifts to the taxpayer. Also, the taxpayer is exposed to possible noncompliance penalty charges. Taxpayers can use the Dutch transfer-pricing decrees for guidance. These decrees provide the Dutch interpretation of the OECD transfer-pricing guidelines.

Additional transfer-pricing requirements in the Dutch tax law took effect on 1 January 2016. In line with the OECD's report on Action 13 of the BEPS plan, new standards for transfer-pricing documentation were introduced. These new standards consist of a three-tiered structure for transfer-pricing documentation that includes a master file, a local file and a template for a Country-by-Country (CbC) Report.

The CbC Report applies to Dutch tax resident entities that are members of a multinational enterprise (MNE) group with consolidated group turnover exceeding EUR750 million in the tax year preceding the tax year to which the CbC Report applies. In addition, Dutch tax resident entities of a MNE group also have to prepare a master file and a local file if the group has consolidated group turnover exceeding EUR50 million in the tax year preceding the tax year for which the tax return applies.

A Dutch tax resident that is a member of an MNE group must notify the Dutch tax authorities as to which entity within the MNE group will file the CbC Report by the last day of the reporting year (for example, if the reporting year is the calendar year, a notification must be filed by 31 December 2024). This is a recurring requirement. For financial years starting on or after 22 June 2024, an MNE group must publish information on their profit allocation, taxes paid and certain indicators on economic activities per jurisdiction (public CbC reporting).

The Dutch government has also issued further guidance on the master, file, local file and CbC reporting requirements through regulations.

APAs can be concluded with the Dutch tax authorities with respect to transfer pricing (see Section B).

Anti-hybrid mismatch rules. Effective from 1 January 2020, the Netherlands has introduced anti-hybrid rules to comply with the second part of the EU Anti-Tax Avoidance Directive to tackle hybrid mismatches between affiliated entities.

Hybrid mismatches targeted. The legislation contains provisions to target hybrid mismatches between affiliated entities resulting from the following:

- Hybrid entities

- Hybrid financial instruments and payments made thereunder
- Hybrid permanent establishments
- Deemed branch payments
- Hybrid transfers
- Imported mismatches
- Dual residency cases

Affiliated entities. The anti-hybrid rules apply only in case of mismatches between affiliated entities or in a so-called structured arrangement. Entities are affiliated if (directly or indirectly) a percentage of 25% is held or if they are part of an affiliated group. This latter criterion depends on facts and circumstances, but parliamentary proceedings refer to coordinated decisions. If entities are not affiliated but have made an arrangement with a double deduction or a "deduction no inclusion" (see *Neutralization of hybrid mismatch benefit*) aimed at obtaining a tax benefit (a so-called "structured arrangement"), the anti-hybrid rules also apply. Effective from financial years starting on or after 1 January 2022, the hybrid mismatch rules are also applicable in case of mismatches between a Dutch taxpayer and affiliated individuals, as opposed to affiliated corporate entities only. The scope of the anti-hybrid rules has been broadened with affiliated individuals to align the existing rules with the requirements under ATAD 2. To determine whether an individual or an entity is affiliated to the Dutch taxpayer for purposes of the anti-hybrid rules, the same 25% threshold applies.

Neutralization of hybrid mismatch benefit. A hybrid mismatch may result in a deductible payment while the corresponding income is not taxed at the level of the affiliated entity ("deduction no inclusion"). In case of deduction no inclusion, the primary anti-hybrid rule is to disallow deduction of the payment, neutralizing the previous benefit of the corresponding income not being taxed. If the primary rule does not tackle the mismatch, the secondary rule is to tax the corresponding income at the level of the (deemed) Dutch recipient, neutralizing the mismatch.

Similar to situations giving rise to a deduction no inclusion, a double deduction outcome is subject to a primary rule or, if the primary rule does not apply because, for example, the state of residence of the investor does not have anti-hybrid rules, a defensive rule applies. Under the primary rule, if the Netherlands is the state of residence of the investor, the Netherlands denies the deduction. If the Netherlands is the state of residence of the partnership and the state of residence of the investor has not denied the deduction, the Netherlands will deny the deduction.

For the avoidance of double taxation, the anti-hybrid rules are applied on a pro rata basis. In case of a deduction no inclusion, if part of the income is included at the level of the recipient, the anti-hybrid rules do not apply to this part of the income. In case of timing differences with respect to income recognition, rules for avoidance of double taxation apply.

In case of deduction no inclusion with respect to a payment by a hybrid entity, a deduction no inclusion with respect to an exemption for permanent establishments or a double deduction, the deduction of the payment at the level of the taxpayer is not disallowed if the deductible expense is set of against income that is

included in the taxable basis of both the taxpayer and the affiliated entity (so-called "double income inclusion").

Hybrid permanent establishments. In case of a hybrid permanent establishment, whereby the Netherlands sees a permanent establishment and the other jurisdiction does not regard a permanent establishment to be in existence in its jurisdiction, the Dutch object exemption (exempting income from a permanent establishment) does not apply to this income.

Imported mismatches. In case a hybrid mismatch in another jurisdiction is shifted into the Netherlands using a non-hybrid instrument, the anti-hybrid rules may apply to the non-hybrid instrument in the Netherlands. This could result in a disallowance of a deduction in the Netherlands on a non-hybrid instrument if there is a direct connection with the hybrid mismatch with another jurisdiction and if the mismatch is not resolved under local anti-hybrid legislation.

Transfer-pricing corrections. Transfer-pricing corrections are only in scope of the anti-hybrid rules to the extent that the corrections are deemed to arise from a hybrid mismatch arrangement. Transfer-pricing mismatches arising from a different application of transfer-pricing principles between jurisdictions do not fall within the scope of the rules; see the above discussion in on the legislation effective for financial years starting on or after 1 January 2022 targeting transfer-pricing mismatches.

Administrative obligations. Dutch corporate income taxpayers must include information in its administration (bookkeeping or business administration) to substantiate whether a payment is considered deductible under, among others, these rules. If such information is not included in its administration, documentation requirements are not met and deductions of payments may not be granted.

Entity classification rules. Effective from 1 January 2025, the Netherlands will introduce new classification rules to determine the Dutch tax treatment (transparent or non-transparent) of foreign entities and partnerships (together: "foreign entities"). In addition to the currently applied method of comparing the characteristics of the foreign entity to Dutch types of legal entities (legal entity comparison method), as of 1 January 2025, this method will be supplemented by two new methods:

- Symmetric method: If there is no comparable type of Dutch entity to the foreign entity and the entity is established outside the Netherlands, the foreign classification is followed by the Netherlands
- Fixed method: If there is no comparable type of Dutch entity to the foreign entity and the entity is established in the Netherlands, this entity will be treated as non-transparent (that is, subject to tax in the Netherlands).

At the same time, the distinction between an "open" (non-transparent for Dutch tax purposes) and "closed" (transparent for Dutch tax purposes) CV will be abolished, and CVs will by default be treated as transparent for Dutch tax purposes. Consequently, foreign partnerships comparable to a Dutch CV will be treated as transparent for Dutch tax purposes as of 1 January 2025. The rules regarding so-called reverse hybrid

entities remain applicable. Therefore, a CV can still be treated as a non-transparent reverse hybrid entity under those rules.

Dutch minimum tax (Global Anti-Base Erosion Model Rules [Pillar Two]). In line with the OECD's BEPS 2.0 initiative and the EU Directive on Minimum Taxation, the Netherlands has implemented the Global Anti-Base Erosion (GloBE) Model Rules in its domestic legislation. The income inclusion rule (IIR) will be effective to financial years starting on or after 31 December 2023 and the undertaxed payments rule (UTPR) to financial years starting on or after 31 December 2024. The Netherlands also implemented a qualified domestic minimum top-up tax (QDMTT) effective for financial years starting on or after 31 December 2023. These rules are laid down in an act that is separate from the Dutch corporate income tax act. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://www.ey.com/content/dam/ey-unified-site/ey-com/en-gl/services/tax/documents/beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

The rates reflect the lower of the treaty rate and the rate under Dutch domestic law. The following general remarks apply to the treaty withholding tax rates listed below:

- Profit distributions to corporate shareholders that are tax resident in the treaty jurisdictions listed below can potentially qualify for the domestic dividend withholding tax exemption (provided that the relevant conditions are met; see *Dividend withholding tax* in Section B)
- Interest and royalty payments are in principle not subject to withholding tax in the Netherlands, unless it regards a payment to an affiliated entity in a low-tax or non-cooperative jurisdiction, certain hybrid situations or in case of abuse (see *Interest and royalty withholding tax* in Section B).

	Dividends (a) %	Interest (a) %	Royalties (a) %
Albania	0/5/15 (b)(t)	0	0
Algeria	0/5/15 (c)(hh)	0	0
Argentina	0/10 (b)	0	0
Armenia	0/5 (c)(u)	0	0
Aruba	0/5/7.5 (b)(aa)	0	0
Australia	0/15	0	0
Austria	0/5 (b)(g)	0	0
Azerbaijan	0/5/10 (s)	0	0
Bahrain	0 (c)	0	0
Bangladesh	0/10 (jj)	0	0
Barbados	0 (c)	0/5 (oo)	0/5 (pp)
Belarus	0/5 (b)(p)	0	0
Belgium	0/5 (c)(g)	0	0
Bonaire, St. Eustatius and Saba (BES-Islands)	0 (c)(kk)	0	0
Brazil	0/15	0	0
Bulgaria	0/5 (g)(ii)	0	0
Canada	0/5 (mm)	0	0
Chile	0/5/15 (hh)(ii)	0	0
China Mainland	0/5/10 (b)	0	0
Croatia	0 (c)	0	0

	Dividends (a) %	Interest (a) %	Royalties (a) %
Curaçao	0/5/15 (c)(bb)	0	0
Czech Republic	0/10/15 (b)(g)	0	0
Denmark	0/15 (c)(g)	0	0
Egypt	0/15 (b)	0	0
Estonia	0/5/15 (b)(g)	0	0
Ethiopia	0/5/15 (cc)	0	0
Finland	0 (f)(g)	0	0
France	0/5/15 (b)(g)	0	0
Georgia	0/5 (c)(o)	0	0
Germany	0/5/15 (g)(ii)	0	0
Ghana	0/5/10 (c)	0	0
Greece	0/5/15 (b)(g)	0	0
Hong Kong	0/10 (q)	0	0
Hungary	0/5/15 (b)(g)	0	0
Iceland	0/15 (c)(g)	0	0
India	0/5/10/15 (c)(k)	0	0
Indonesia	0/5/10/15 (b)(gg)	0	0
Ireland	0/15 (g)(ii)	0	0
Israel	0/5/15 (b)	0	0
Italy	0/5/10 (c)(g)(ff)	0	0
Japan	0/5/10 (c)(v)	0	0
Jordan	0/5 (c)(l)	0	0
Kazakhstan	0/5 (c)(v)	0	0
Korea (South)	0/10/15 (b)	0	0
Kosovo	0/15 (ii)	0	0
Kuwait	0/10 (c)	0	0
Latvia	0/5/15 (b)(g)	0	0
Liechtenstein	0/15 (g)(ii)	0	0
Lithuania	0/5/15 (b)(g)	0	0
Luxembourg	0/2.5/15 (b)(g)	0	0
Malaysia	0/15 (b)	0	0
Malta	0/5 (b)(g)	0	0
Mexico	0/5/15 (c)	0	0
Moldova	0/5/15 (b)(r)	0	0
Morocco	0/10 (b)	0	0
New Zealand	0/15	0	0
Nigeria	0/12.5/15 (c)	0	0
North Macedonia	0/15 (c)	0	0
Norway	0 (g)(ii)	0	0
Oman	0/10 (c)	0	0
Pakistan	0/10 (b)	0	0
Panama	0/15 (e)	0/5 (qq)	0/5 (rr)
Philippines	10/15 (c)	0	0
Poland	0/5/15 (c)(g)	0	0
Portugal	0/10 (g)	0	0
Qatar	0/10 (h)	0	0
Romania	0/5/15 (b)(c)(g)	0	0
Saudi Arabia	0/5/10 (c)	0	0
Singapore	0/15 (b)	0	0
Sint Maarten	0/5/15 (c)(bb)	0	0
Slovak Republic	0/10 (b)(g)	0	0
Slovenia	0/5/15 (c)(g)	0	0
South Africa	0/5/10 (c)(dd)	0	0
Spain	0/5/15 (g)(ee)	0	0
Sri Lanka	0/10/15 (b)	0	0
Suriname	0/7.5/15 (b)	0	0

	Dividends (a) %	Interest (a) %	Royalties (a) %
Sweden	0 (b)(g)	0	0
Switzerland	0 (c)(hh)	0	0
Taiwan	0/10	0	0
Thailand	0/5 (b)	0	0
Tunisia	0 (c)	0	0
Türkiye	0/5 (b)	0	0
Uganda	0/5/15 (z)	0	0
Ukraine	0/5/15 (d)(nn)	0	0
United Arab Emirates	0/5/10 (c)(i)	0	0
United Kingdom	0/10/15 (ll)(mm)	0	0
United States	0/5/15 (c)(y)	0	0
Uzbekistan	0/5/15 (b)(x)	0	0
Venezuela	0/10 (b)(w)	0	0
Vietnam	0/5/10/15 (n)	0	0
Yugoslavia (j)	0/5/15 (b)	0	0
Zambia	0/5 (c)	0	0
Zimbabwe	0/10 (b)	0	0
Non-treaty jurisdictions	15/25.8 (ss)	0/25.8 (ss)	0/25.8 (ss)

(a) The withholding tax rates in this table are based on the lowest available treaty rates (and are subject to treaty eligibility). Of the tax treaty jurisdictions included in this table, only Bahrain, Barbados and Panama have been listed as a low-tax or non-cooperative jurisdiction for 2024, and the applicable tax treaties can potentially provide relief to mitigate the withholding tax.

(b) The rate is increased to 15% (China Mainland, Czech Republic, Romania, Slovak Republic and Venezuela, 10%) if the recipient is not a corporation owning at least 25% of the distributing company.

(c) The rate is increased to 15% (or other rate as indicated below) if the recipient is not a corporation owning at least 10% of the distributing company or is a pension fund (Zambia).

Bahrain	10%	Kuwait	10%	South Africa	10%
Ghana	10%	Oman	10%	United Arab Emirates	10%
Japan	10%	Saudi Arabia	10%		

(d) The treaty withholding rate is increased to 15% if the recipient is not a corporation owning at least 20% of the distributing company.

(e) The treaty withholding rate is increased to 15% if the recipient is not a corporation owning at least 15% of the distributing company and if other conditions are met.

(f) The treaty withholding rate is increased to 15% if the recipient is not a corporation owning at least 5% of the distributing company, unless it is a pension plan meeting certain criteria.

(g) A dividend withholding tax exemption is available to EU/EEA Member State resident investors (who are not treated as a resident outside the EU/EEA under a tax treaty between the EU/EEA state and a third state) holding an interest in a Dutch dividend distributing entity that would qualify for participation exemption benefits. For this purpose, the EEA is limited to the countries of Iceland, Liechtenstein and Norway. The withholding tax exemption does not apply if the foreign shareholder fulfills a similar function as a Netherlands fiscal investment company or tax-exempt investment company. No minimum holding period applies.

(h) The treaty withholding rate is increased to 10% if the beneficial owner is not with capital that is wholly or partially divided into shares and that directly owns at least 7.5% of the distributing company.

(i) The 0% rate applies if the recipient as the beneficial owner is the state itself, a political subdivision, local government, or the central bank thereof, a pension fund, the Abu Dhabi Investment Authority, Abu Dhabi Investment Council or any other institution created by the government, a political subdivision, local authority of that other state that is recognized as an integral part of that government, as shall be agreed by mutual agreement of the competent authorities of the contracting states.

(j) The former Yugoslavia tax treaty continues to apply to Bosnia and Herzegovina, Montenegro and Serbia.

(k) The treaty withholding rate is 15% but contains a most-favorite-nation clause. The 10% rate is based on the treaty withholding rate with Germany. The 5%

rate is based on the treaty withholding rate with Slovenia and requires ownership of at least 10% of the distributing company.

(l) The 0% rate applies if the recipient is exempt from tax on the dividend.

(m) The 5% rate applies if the recipient has invested at least EUR75,000 in the capital of the distributing company and has an interest of at least 25% in the distributing company.

(n) The 5% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 50% of the distributing company or has invested more than USD10 million, or the equivalent in local currency of the company paying the dividends, in the distributing company. The 10% rate applies if the beneficial owner is a company that holds directly or indirectly at least 25% but less than 50% of the capital of the company paying the dividends. In all other cases, the 15% rate applies.

(o) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 50% of the distributing company and has invested more than USD2 million or the equivalent in euro or Georgian currency in the capital of the distributing company.

(p) The 0% rate applies if the recipient is a corporation that owns at least 50% of the distributing company and has invested EUR250,000 in the share capital of the distributing company or if the recipient is a corporation owning at least 25% of the shares of the distributing company and the capital of the distributing company is guaranteed or insured by the government.

(q) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the distributing company and if certain other conditions are met. Please consult your Dutch tax advisor for further details.

(r) The 0% rate applies if either of the following circumstances exists:
- The recipient of the dividends owns at least 50% of the distributing company, and the recipient has invested at least USD300,000, or the equivalent in local currency, in the capital of the distributing company.
- The investment of the recipient of the dividends in the capital of the company paying the dividends is guaranteed or insured by the government of the other contracting state, the central bank of the other contracting state or any agency or instrumentality (including a financial institution) owned or controlled by that government.

(s) The 5% rate applies if the beneficial owner is a company that holds directly 25% of the capital of the company paying the dividends and has invested at least EUR200,000 in the capital of the distributing company.

(t) The 0% rate applies if the beneficial owner is a company that holds directly or indirectly at least 50% of the capital of the distributing company that is wholly or partly divided into shares and if the beneficial owner has invested more than USD250,000 in the capital of the distributing company.

(u) The 0% rate applies if the profits out of which the dividends are paid have been effectively taxed at the normal rate for profits tax and if the dividends are exempt from tax in the hands of the company receiving such dividends.

(v) The 0% rate applies if the beneficial owner is a company that has directly or indirectly owned shares representing at least 50% of the voting power of the distributing company for the six-month period ending on the date on which entitlement to the dividends is determined and if other conditions are met, or is considered a pension fund and the dividends are not derived from the carrying on of a business, directly or indirectly, by such pension fund.

(w) The 10% rate applies if, according to the law in force in Venezuela, taxation of the dividends in Venezuela results in a tax burden of less than 10% of the gross amount of the dividends.

(x) The 0% rate applies if under the provisions of the Netherlands Company Tax Act and the future amendments thereto, a company that is a resident of the Netherlands is not charged to Netherlands company tax with respect to dividends the company receives from a company that is a resident of Uzbekistan.

(y) The 0% rate applies if the recipient is a company that directly owns shares representing 80% or more of the voting power in the payer of the dividends and if other conditions are met. The 5% rate applies if the recipient is a company that holds directly at least 10% of the voting power of the payer of the dividends.

(z) The 0% rate applies if the recipient is a company owning at least 50% of the distributing company with respect to investments made, including increases of investments, after the entry into force of this treaty on 10 September 2006. The 5% rate applies if the recipient is a company that owns less than 50% of the distributing company. The competent authorities of the contracting states regulate in an agreement the application of the reduced rates.

(aa) The 5% rate applies if the recipient of the dividend is subject to profit taxation at a rate of at least 5.5%.

(bb) Under the new bilateral tax arrangements between the Netherlands and Curaçao and Sint Maarten, the reduced rate of 0% is available if certain requirements are met. If the conditions are not met, a 15% withholding tax rate should apply. However, under grandfathering rules, a 5% withholding tax rate applied for existing situations until the end of the 2019 financial year.

(cc) These are the rates under a new tax treaty between the Netherlands and Ethiopia, which was signed on 10 August 2012. The effective dates are 1 January 2017 for the Netherlands (including the BES-Islands) and 8 July 2017 for Ethiopia. The 5% rate applies if the beneficial owner of the dividends holds at least 10% of the capital of the distributing company or is a pension fund.

(dd) The treaty withholding rate is 5% but contains a most-favorite-nation clause. The 0% rate is based on a ruling from a Dutch district court and the Netherlands' treaties with Kuwait and Sweden. The court ruling provides an opportunity to apply a dividend withholding tax exemption under the Netherlands-South Africa tax treaty if the corporate shareholder holds at least 10% of the capital of the company paying the dividends.

(ee) The 5% treaty withholding tax rate applies if either of the following circumstances exists:
- The receiving company owns 50% or more of the capital of the company paying the dividends.
- The receiving company owns 25% or more of the capital of the company paying the dividends, provided that at least one other company that is a resident of Spain also owns 25% or more of that capital.

Otherwise, the rate is increased to 15%.

(ff) The 5% rate applies if the recipient of the dividends owned at least 50% of the voting rights of the distributing company for a period of 12 months preceding the date on which the dividends are declared. The 10% rate applies if the beneficial owner owned at least 10% of voting rights in the distributing company for a period of 12 months preceding the date on which dividends are declared.

(gg) A 10% rate applies if the beneficial owner is a pension fund that is recognized and controlled according to the statutory provisions of Indonesia and if the income of the pension fund is generally exempt from tax.

(hh) The 0% rate applies if the beneficial owner is a pension fund.

(ii) The tax treaty provides for full relief (5% rate under the Netherlands-Germany tax treaty) of withholding taxes on dividend payments to the following:
- Corporate investors (generally including foundations and establishments), provided that they hold at least 10% of the capital of the company paying the dividends throughout a 365-day period
- Recognized pension funds (not relevant for Chile and Germany)

(jj) The 0% applies if the beneficial owner holds directly at least 10% of the capital of the company paying the dividends and if other conditions are met.

(kk) The 0% rate also applies if the beneficial owner is a pension fund residing on Bonaire, Sint Eustatius or Saba.

(ll) The 10% rate applies, unless the dividends are paid out of income or gains derived directly or indirectly from immovable property by an investment vehicle that distributes most of this income annually and whose income from such immovable property is exempted from tax.

(mm) The 0% rate applies if the beneficial owner is one of the following:
- A company that controls, directly or indirectly, at least 10% of the voting power in the company paying the dividends (and is not an investment vehicle that distributes most of this income annually and whose income from such immovable property is exempted from tax (such as a real estate investment trust)
- A pension scheme
- An organization that is established and is operated exclusively for religious, charitable, scientific, cultural or educational purposes (or for more than one of those purposes)

(nn) The 0% rate applies if the beneficial owner either of the following:
- A company (other than a partnership) whose investment in the capital of the dividend distributing entity is guaranteed or insured by Ukraine, the central bank of Ukraine or any agency or instrumentality (including a financial institution) owned or controlled by Ukraine
- A pension fund of the other contracting state

(oo) The 5% applies in affiliated situations, and if the recipient of the interest payment is the beneficial owner of the interest payment, and this beneficial owner is not considered part of the government of the state in which it is established.

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A. At a glance

Corporate Income Tax Rate (%)	15/30/35 (a)
Capital Gains Tax Rate (%)	15/25/30 (a)
Withholding Tax (%)	
Dividends	18.6 (b)
Interest	8 (b)
Royalties from Patents, Know-how, etc.	0
Branch Withholding Tax	21 (c)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited

(a) For resident companies and New Caledonian branches, surtaxes are imposed on the corporate income tax. For further information and for details concerning these rates, see Section B.

(b) This is the withholding tax rate under New Caledonia domestic law. The New Caledonia-France tax treaty reduces the withholding tax. For further information, see Section B.

(c) Profits derived in New Caledonia by branches of nonresident companies are deemed to be distributed, normally resulting in a branch withholding tax of 21% on after-tax income. This tax is reduced to 10% by the tax treaty between France and New Caledonia.

B. Taxes on corporate income and gains

Corporate tax. The taxation of New Caledonian companies is based on a territorial principle. As a result, New Caledonian companies carrying on a trade or business outside New Caledonia are generally not taxed in New Caledonia on the related profits and cannot take into account the related losses. Profits derived in New Caledonia by branches of nonresident companies are deemed to be distributed, normally resulting in a branch withholding tax of 21% on after-tax income. This rate is reduced to 10% in the case of a New Caledonia branch from a French company subject to corporate income tax.

Rates of corporate tax. The standard corporate tax rate is 30%. A higher corporate tax rate of 35% applies to companies related to the mining industry. A reduced corporate tax rate of 15% applies to taxable income not exceeding XPF10 million of small or medium enterprises if the following conditions are met:

- The turnover of the company is less than XPF200 million.
- At least 75% of the company is owned by individuals.
- The share capital of the company is entirely paid up.

An Additional Social Contribution (Contribution Sociale Additionnelle) is due from companies, other than companies engaging in mining activities, and branches that have taxable income of more than XPF200 million. The following are the progressive tax rates:

- Taxable income between XPF200 million and XPF300 million: a 5% rate applies
- Taxable income between XPF300 million and XPF400 million: a 10% rate applies
- Taxable income above XPF400 million: a 15% rate applies

The contribution is not tax deductible, and no tax credit can offset the contribution.

Under certain conditions, mining activities companies are entitled to income tax exemptions or rebates during the construction and exploitation phases of the project.

Tax incentives. Mining companies may benefit from various tax incentives for mining or metallurgical investments projects in New Caledonia under the New Caledonian Tax Code and the French Tax Code.

Other tax incentives exist for investments in certain sectors, such as tourism, new energy sources and hotels.

Capital gains. Capital gains derived from the sale of fixed assets are divided into short-term and long-term gains.

Short-term capital gains are gains derived from the sale of fixed assets that have been held for less than two years and parts of the gains on depreciable assets that have been held for more than two years that corresponds to the depreciation. Short-term capital gains are subject to corporate income tax at the normal 30% rate. Taxation may be spread over three years.

Long-term capital gains are taxed at rates of 15% (mainly sales of non-depreciable assets held for more than two years and sales of patents) and 25% for gains deriving from construction property and shares of companies whose main assets consist of land and buildings.

The 15% and 25% reduced rates are subject to the condition that the company allocates, respectively, 85% and 75%, of the capital gains to a special long-term gains reserve. Any distribution of such a long-term gains reserve is added back to taxable income in order for the distribution to be subject to the 30% normal tax rate.

Short-term capital losses are deductible for the purposes of calculating taxable income. Long-term capital losses can be offset against long-term capital gains in the following 10 tax periods.

Administration. In general, companies must file a tax return within four months following the end of their financial year.

Corporate income tax is prepaid in two installments that are payable by the end of the 7th and 11th months of the financial year.

They are calculated based on 1/3 of corporate income tax paid the previous tax year. The balance of corporate tax is due four months after the end of the financial year. The rules governing the payment of corporate income tax also apply to the payment of the Contribution Sociale Additionnelle.

In general, late payment and late filing are subject to a 10% penalty. If additional tax is payable as a result of a reassessment of tax, interest is charged at 0.4% per month (4.8% per year). Many specific rules apply to interest and penalties.

Dividends. Dividends received from resident companies are exempt from tax. Dividends received from nonresident companies are subject to corporate income tax at the standard rate based on the gross amount of dividends. Any withholding tax levied in the source country gives rise to a tax credit.

Distributions of dividends are subject to a 16% or 17% withholding tax, which is the Tax on Income Derived from Securities (Impôt sur le Revenu des Valeurs Mobilières, or IRVM). This withholding tax applies to dividends paid to resident and nonresident companies and individuals.

Distributions are also subject to the Social Caledonian Contribution (Contribution Calédonienne de Solidarité, or CCS) at the rates of 4% for residents and 5% for nonresidents. This contribution is not withheld at the source. A return together with a payment is required.

The New Caledonia-France double tax treaty reduces the rate of the withholding tax that can be levied by the state of the source of the dividends to 5% for companies and 15% for individuals and partnerships.

If the recipient is a New Caledonian company, IRVM is not due for the portion of profits corresponding to dividends initially received by the distributing company from which IRVM was withheld.

The following are the total rates of the withholding tax on dividends (IRVM + CCS):
- Paid to a New Caledonian company (unless it is a redistribution): 20%
- Paid to a foreign company: 21%
- Paid to a French company: 5% (10% if the French company is not subject to corporate income tax)

A 3% Additional Contribution to Corporate Income Tax (Contribution Additionnelle à l'Impôt sur les Sociétés, or CAIS) is levied on the gross amount of distributions of dividends in excess of XPF30 million. This contribution is not withheld at the source. A return together with a payment is required.

Withholding taxes on interest and royalties. Under New Caledonia domestic law, interest income received from New Caledonian resident companies and New Caledonian permanent establishments on their deposits, intragroup loans when the beneficiary is a resident company, other than a bank or financial corporation (for which a special tax applies), and current accounts, is subject to the Withholding Tax on Receivables, Deposits and Guarantees (Impôt sur le Revenu des Créances, Dépôts et Cautionnement, or

IRCDC) at a rate of 8% of the gross revenue. CCS at a rate of 4% is also due. Some exclusions are provided, including current accounts financing real estate operations.

Interest charged on loans to a nonresident company is not subject to IRCDC, but it is subject to General Consumption Tax (see Section D).

No withholding tax is levied on royalties.

C. Determination of trading income

General. The assessment is based on financial statements prepared according to accepted accounting principles, subject to certain adjustments.

Deductibility of interest. In general, interest payments are fully deductible. However, certain restrictions are imposed.

Interest accrued by a New Caledonian entity with respect to loans from its direct shareholders may be deducted from the borrower's taxable income only if the share capital of the borrower is fully paid-up. In addition, the deduction of interest paid to shareholders is denied to the extent the interest rate exceeds the greater of the following:

- Legal interest rate in force for the period in which the interest is due, as provided in Article L.313-2 of the French Financial and Monetary Code (FFMC)
- Legal interest rate in force for the period in which the interest is due, as provided in Article L.313-2 of the FFMC plus 3%, but not to exceed 5%

In addition, interest paid to a nonresident company that is domiciled or established in a jurisdiction where it benefits from a privileged tax regime (that is, the taxation of the company is less than 50% of the taxation in New Caledonia) is deductible only if the debtor provides evidence that the expenditure corresponds to actual transactions and that the expenditure is not abnormal or exaggerated in nature.

Inventories. Inventory is normally valued at the lower of cost or market value. Cost must be determined under a weighted average cost price method. A first-in, first-out basis is also generally acceptable, but a last-in, first-out basis is not permitted.

Reserves. In determining accounting profit, companies must book certain reserves, such as reserves for a decrease in the value of assets, risk of loss or expenses. These reserves are normally deductible for tax purposes.

Capital allowances. Assets are depreciated using the straight-line method or the declining-balance method.

Tax credit for research and development. To encourage investments in research and development (R&D), a tax credit for R&D expenditure has been enacted through Law No. 2020-2, dated 20 January 2020 (Section Lp 37-16 of the New Caledonian Tax Code).

The tax credit equals 30% of qualifying expenses related to R&D operations (qualifying expenses are depreciation of fixed assets used in a research activity and staff expenses related to research).

The credit is capped at XPF5 million. It applies to expenses incurred between 1 January 2020 and 31 December 2023.

Relief for tax losses. Losses incurred may be carried forward indefinitely. Losses may not be carried back.

Groups of companies. New Caledonia does not have a tax group regime.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
General Consumption Tax (Taxe Générale sur la Consommation, or TGC)	3/6/11/22
Business license fees (fixed and variable); the variable fee corresponds to 1.2% of the Cost, Insurance, Freight [CIF] value of imports of the company	Various
Registration duty	1 to 9

E. Miscellaneous matters

Foreign-exchange controls. The currency in New Caledonia is the Pacific franc (XPF).

No specific exchange-control regulations are imposed in New Caledonia.

Payments to residents of tax havens. Under Article 21VI of the New Caledonian Tax Code, specified payments that are paid or payable by individuals or legal persons domiciled or established in New Caledonia to individuals or legal persons who are domiciled or established outside New Caledonia in a jurisdiction where they benefit from a privileged tax regime (that is, the taxation of which is less than 50% of that in New Caledonia) are deductible only if the debtor provides evidence that the payments correspond to actual transactions and that are not abnormal or exaggerated in nature. The following are the specified payments:

- Interest payments
- Other income from bonds, receivables and deposits
- Royalties for the assignment or grant of operating licenses, patents, trademarks, processes or manufacturing formulas and similar rights
- Remuneration for services

Reorganizations. On election by the companies involved, mergers, spin-offs, split-offs and dissolutions without liquidation may qualify for a special rollover regime.

F. Tax treaty

New Caledonia's only tax treaty is with France. Under the provisions of this tax treaty, dividends are taxable at source at a maximum rate of 5% (if the beneficiary is a corporation) or 15% (if the recipient is an individual). The rate of the withholding tax levied on the profits deemed to be distributed by a New Caledonian branch cannot exceed 10%. Interest expenses are not

subject to withholding tax in the source state. Royalties are subject to a maximum 10% withholding tax.

In addition, under the tax treaty between France and Canada, France includes New Caledonia. Consequently, the treaty applies to New Caledonia. Dividends are taxable at source at a maximum rate of 15% or 5% (if the beneficiary is a corporation holding more than 10% of the distributing company). Interest expenses are subject to withholding tax in the source state at a maximum rate of 10% or 0% in certain cases. Royalties are subject to a withholding tax in the source state at a maximum rate of 10% or 0% in certain cases.

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A. At a glance

Corporate Income Tax Rate (%)	28
Capital Gains Tax Rate (%)	0 (a)
Branch Tax Rate (%)	28
Withholding Tax (%)	
Nonresidents	
Dividends	30 (b)
Interest	15 (c)
Royalties from Patents, Know-how, etc.	15 (d)
Payments to Contractors	15 (e)
Branch Remittance Tax	0
Residents	
Dividends	33 (f)
Interest	33 (g)
Net Operating Losses (Years)	
Carryback	0 (h)
Carryforward	Unlimited (i)

(a) New Zealand does not have a comprehensive capital gains tax. However, there are some situations in which certain gains on assets that may be considered capital in nature are subject to tax. See Section B.

(b) This is a final tax. If dividends are fully imputed (see Section B), the rate is reduced to 15% (for cash dividends) or to 0% (for all non-cash dividends and for cash dividends if nonresident recipients have direct voting interests of at

least 10% or if a tax treaty reduces the New Zealand tax rate below 15%). The rate is also reduced to 15% to the extent that imputation credits are passed on to foreign investors through the payment of supplementary dividends under the foreign investor tax credit regime.

(c) This is a final tax if the recipient is not associated with the payer. For an associated person, this is a minimum tax (the recipient must report the income on its annual tax return, but it may not obtain a refund if the tax withheld exceeds the tax that would otherwise be payable on its taxable income). Under the Income Tax Act, associated persons include the following:
- Any two companies in which the same persons have a voting interest of at least 50% and, in certain circumstances, a market value interest of at least 50% in each of the companies
- Two companies that are under the control of the same persons
- Any company and any other person (other than a company) that has a voting interest of at least 25% and, in certain circumstances, a market value interest of at least 25% in the company

Interest paid by an approved issuer on a registered security to a non-associated person is subject only to an approved issuer levy (AIL) of 2% of the interest payable. An AIL rate of 0% applies to interest paid to nonresidents on certain widely offered and widely held corporate bonds that are denominated in New Zealand currency. Additional considerations apply in relation to the nonresident withholding tax (NRWT) and AIL rules affecting associated person and branch lending, including the following:
- A concept of "nonresident financial arrangement income" applies to certain financial arrangements between associated parties. If the borrower and lender are associated, the New Zealand borrower is required to perform a calculation to confirm that NRWT is being paid at approximately the same time the interest is deducted.
- The concepts of associated person and related-party debt are extended to include funding provided by a member of a "nonresident owning body," as well as indirect associated funding such as certain back-to-back loans and multiparty arrangements.
- Limits are imposed on the onshore and offshore branch exclusions from NRWT under which interest payments from a New Zealand resident (or a New Zealand branch of a nonresident) to a nonresident are generally subject to NRWT or AIL, regardless of whether the funding is channeled through a branch.

(d) This is a final tax on royalties relating to the use of copyrighted literary, dramatic, musical or artistic works. For other royalties, this is a minimum tax.

(e) Certain payments made to nonresident contractors may be subject to nonresident contractors' tax at a rate of 15%. This is generally neither a minimum nor a final tax and is paid on account of any annual income tax liability. If the recipient's name and tax file number are not supplied, a no-notification rate of 20% applies where the recipient is a nonresident company (45% if the recipient is a non-corporate taxpayer). Nonresident contractors can apply for a special tailored rate or for an exemption certificate from nonresident contractors' tax in certain circumstances.

(f) See Section B.

(g) A 45% non-declaration rate applies if recipients' tax file numbers are not supplied. Individuals may elect rates of 10.5%, 17.5%, 30%, 33% or 39% based on their marginal income tax rate. The basic rate for interest paid to companies is 28%, but companies may elect a 33% or 39% rate.

(h) For the 2019-20 and 2020-21 income years only, taxpayers who satisfied certain requirements had the option of carrying back tax losses incurred in either of those years to the immediately preceding year. See Section C.

(i) See Section C.

B. Taxes on corporate income and gains

Income tax. Resident companies are subject to income tax on worldwide taxable income. Nonresident companies carrying on business through a branch pay tax only on New Zealand-source income.

A company is resident in New Zealand if it is incorporated in New Zealand, if it has its head office or center of management in New Zealand or if director control is exercised in New Zealand.

Rate of income tax. Resident and nonresident companies are subject to tax at a rate of 28%.

Capital gains. No comprehensive capital gains tax is levied in New Zealand. However, residents may be taxed on capital gains derived from many types of financial arrangements, and all taxpayers may be taxed on capital gains derived from certain real and personal property transactions. These gains are subject to tax at the standard corporate tax rate.

Administration. The income year is from 1 April to 31 March. A company with an accounting period that ends on a date other than 31 March may apply to the Commissioner of Inland Revenue for permission to adopt an income year that corresponds to its accounting period. If the Commissioner approves an alternative income year, income derived during that year is deemed to have been derived during the year ending on the nearest 31 March. For this purpose, year-ends up to 30 September are deemed to be nearest the preceding 31 March, and year-ends after 30 September are deemed to be nearest the following 31 March.

Companies with year-ends from 1 April to 30 September must file tax returns by the seventh day of the fourth month following the end of their income year. All other companies must file their returns by 7 July following the end of their income year. If the company has a tax agent, the filing deadline is extended to the following dates:

- If the return is for the year ending 31 March, the due date is the following 31 March.
- If the return is for any year ending on an annual balance date between 30 September and 31 March, the due date is the second 31 March succeeding the actual balance date.
- If the return is for any year ending on an annual balance date between 31 March and 1 October, the due date is the following 31 March.

Late filing penalties may apply where tax returns are not filed by the due date.

Provisional tax payments must generally be made in the fifth, ninth and thirteenth months after the beginning of the company's income year. The first installment equals one-third of the provisional tax payable; the second installment equals two-thirds of the provisional tax payable, less the amount of the first installment; and the balance of the provisional tax is payable in the third installment. In general, the provisional tax payable in a year equals 105% of the income tax payable in the preceding year (standard uplift method). Alternatively, an estimation option is available under which taxpayers can pay provisional tax based on a fair and reasonable estimate of their expected residual income tax for the year. Companies that are registered for Goods and Services Tax (GST; see Section D) that meet certain criteria may elect to calculate their provisional tax under a GST ratio method and pay the provisional tax in installments when they file their GST returns, generally every two months. A further alternative method of paying provisional tax, called the accounting income method (AIM), is generally available for businesses with annual gross income of under NZD5 million. AIM involves the use of approved accounting software and more frequent payments.

Companies with year-ends from October to January must pay terminal tax by the seventh day of the eleventh month following the end of the income year. Companies with a February year-end

must pay terminal tax by the fifteenth day of the following January. All other companies must pay terminal tax by the seventh day of February following the end of their income year. The date for payment of terminal tax may be extended by two months if the company has a tax agent.

Several measures impose interest and penalties on late payments of income tax. For late payments or underpayments, a penalty of 1% is generally charged on the amount of unpaid tax on the day after the due date, with a further 4% penalty charged on any tax (including penalties) that remains unpaid seven days later. Interest may be payable if provisional tax paid at each installment date is less than the relevant proportion (generally, one-third for the first installment date, two-thirds for the second installment date and three-thirds for the third installment date) of the final income tax payable for the year. Conversely, interest may be credited on overpaid provisional tax.

Interest charges and the risk of penalties with respect to provisional tax may be reduced if provisional tax is paid under a tax-pooling arrangement through a Revenue-approved intermediary.

The use of a tax-pooling arrangement is not permitted for AIM provisional tax payments. However, taxpayers using the AIM method that make the provisional tax payments calculated by their AIM-capable software are generally not subject to interest if their year-end residual income tax results in a different tax liability.

The risk of interest and penalties is minimized for companies that use the GST ratio or standard uplift methods for calculating and paying their provisional tax.

Companies paying provisional tax under the standard uplift method (see above) are generally not subject to interest on provisional tax installments until their terminal tax date if the residual income tax liability of the company for the tax year is less than NZD60,000, or otherwise until the third installment date.

Dividends

Exempt income. Dividends received by New Zealand resident companies from other New Zealand resident companies are taxable. However, dividends received from wholly owned subsidiaries resident in New Zealand are exempt. Specific rules apply in relation to dividends paid to a dual-resident company that tie-breaks to another jurisdiction under a double tax agreement. Dividends received by New Zealand resident companies from nonresident companies are generally exempt. Certain dividends received by New Zealand resident companies from nonresident companies are taxable, including the following:

- Dividends that are directly or indirectly deductible overseas
- Dividends on certain fixed-rate shares
- Dividends derived by Portfolio Investment Entities (PIEs; see Section E)
- Dividends relating to certain portfolio (less than 10%) investments that are exempt from income attribution under the foreign investment fund regime (see Section E)

Imputation system. New Zealand's dividend imputation system enables a resident company to allocate to dividends paid to

shareholders a credit for tax paid by the company. The allocation of credits is not obligatory. However, if a credit is allocated, the maximum credit is based on the current corporate income tax rate. Based on the current corporate income tax rate of 28%, the maximum credit is 28/72, meaning that a dividend of NZD72 may have an imputation credit attached of up to NZD28.

The imputation credits described above may not be used to offset nonresident withholding tax (NRWT) on dividends paid to nonresidents. They may allow NRWT to be reduced to 0% for all non-cash dividends and for cash dividends if nonresident recipients hold direct voting interests of at least 10% or if a tax treaty reduces the tax rate below 15%. A New Zealand company may pass on the benefit of such credits to other nonresident investors through payments of supplementary dividends. The aim of this mechanism is to allow nonresident investors to claim a full tax credit in their home countries for New Zealand NRWT. The New Zealand company may also claim a partial refund or credit with respect to its own New Zealand company tax liability. Supplementary dividends can generally be made only to nonresident companies and individuals who hold direct voting interests of less than 10% and who are subject to a tax rate of at least 15% after any tax treaty relief. Supplementary dividends can also be paid with respect to qualifying nonresident investors in certain portfolio investment entities (PIEs) that invest in assets outside New Zealand.

Australian resident companies may also elect to maintain a New Zealand imputation credit account and collect imputation credits for income tax paid in New Zealand. New Zealand shareholders in an Australian resident company that maintains such an imputation credit account and attaches imputation credits to dividends can receive a proportion of the New Zealand imputation credits equal to their proportion of shareholding in the Australian company. Imputation credits must be allocated proportionately to all shareholders.

In general, the carryforward of excess imputation credits for subsequent distribution must satisfy a 66% continuity-of-shareholding test. Interests held by companies or nominees are generally traced through to the ultimate shareholders. Listed, widely held companies and limited attribution foreign companies are entitled to special treatment. In effect, they are treated as the ultimate shareholder if their voting interest in other companies is less than 50% or if the actual ultimate shareholders would each have voting interests of less than 10% in the underlying company. The definition of a listed company includes companies listed on any exchange in the world that is recognized by the Commissioner of Inland Revenue. For carryforward purposes, direct voting or market value interests of less than 10% may be considered to be held by a single notional person, unless such an interest is held by a company associated with the company that has the carryforward.

Resident withholding tax. For dividends paid to a resident company by another resident company that is not in a tax group with the recipient, the payer must deduct a withholding tax equal to 33%, having first allowed for any imputation credits attached to the dividend, unless the recipient holds an exemption certificate.

The Inland Revenue Department provides a public register of all current exemption certificates.

Although this rate does not align with the corporate income tax rate of 28%, any excess tax can be used as tax credits during or refunded through the annual income tax return process.

Foreign tax relief. In general, any tax paid outside New Zealand by a New Zealand resident taxpayer can be claimed as a credit against the tax payable in New Zealand. The credit is limited to the amount of New Zealand tax payable on that income.

C. Determination of trading income

General. Assessable income consists of all profits or gains derived from any business activity, including the sale of goods and services, commissions, rents, royalties, interest and dividends.

A gross approach applies to the calculation of taxable income. Under this approach, a company calculates its gross assessable income and then subtracts its allowable deductions to determine its net income or loss. If the company has net income, it subtracts any losses brought forward or group losses to determine its taxable income.

To be deductible, expenses must generally be incurred in deriving gross income or necessarily incurred in carrying on a business for the purpose of deriving gross income. Interest is generally deductible for most New Zealand resident companies, subject to the thin-capitalization rules, restricted transfer pricing rules and hybrid and branch mismatch rules (see Section E). Interest paid on certain debts that are stapled to shares may be treated as nondeductible dividends.

Changes introduced in March 2022 limit the deductibility of interest expenses on residential investment property from 1 October 2021. Interest deductibility will be phased out from 100% to 0% from 1 October 2021 to 1 April 2025; with 0% interest being deductible from 1 April 2025.

For companies, these rules generally only apply if residential property makes up more than half of their total assets or if five or fewer people own more than half of the company. Relief from the interest limitation rules may be available in certain circumstances, such as for property development, or if the interest expense relates to a property that is a "new build." The New Zealand government has indicated that the deductibility of interest expenses on residential investment property will be gradually phased back in; however, further details are not yet available and legislation to implement this change had not been introduced as of 1 March 2024.

Deductions for certain business entertainment expenses are limited to 50% of the expenses incurred. Capital expenditures are generally not deductible.

Exempt income. The only major categories of exempt income are dividends received from a wholly owned subsidiary resident in New Zealand, certain dividends received from nonresident companies and certain dividends paid out of capital gains derived from arm's-length sales of fixed assets and investments on winding up.

A specific exemption applies until 31 December 2024 for income derived by nonresident companies from certain oil and gas drilling and related seismic or electromagnetic survey vessel activities in New Zealand's offshore permit areas. There is a proposal to extend this exemption until 31 December 2029 contained in draft tax legislation (unenacted as of 1 March 2024).

Inventories. Stock in trade must generally be valued at cost. Market selling value may be used (but not for shares or "excepted financial arrangements") if it is lower than cost. Cost is determined by reference to generally accepted accounting principles, adjusted for variances between budgeted and actual costs incurred. Simplified rules apply to "small taxpayers," which are those with annual turnover of NZD3 million or less. A further concession applies to taxpayers with annual turnover of NZD1,300,000 or less and closing inventory of less than NZD10,000.

Depreciation. The depreciation regime generally allows a deduction for depreciation of property, including certain intangible property, used in the production of assessable income. Most assets can be depreciated using the straight-line or the diminishing-value methods. A taxpayer may elect to apply the pool-depreciation method for assets valued at less than NZD5,000. Under the pool-depreciation method, the lowest diminishing-value rate applicable to any asset in the pool is used to depreciate all assets in the pool. A taxpayer may have more than one pool of assets. Assets in a pool must be used for business purposes only or be subject to Fringe Benefit Tax (FBT; see Section D) to the extent the assets are not used for business purposes. Buildings may not be pooled.

Property acquired on or after 17 March 2021 may generally be expensed immediately if the cost of the property does not exceed NZD1,000. Different thresholds for immediate deductions apply to property acquired prior to this date.

From the 2020-21 income year onward, depreciation is reintroduced for nonresidential buildings. From the 2011-12 income year until the 2019-20 income year, depreciation could be claimed on commercial building fitouts, certain depreciable land improvements and structures other than structures with an estimated useful life greater than 50 years. The New Zealand government has signaled that depreciation for nonresidential buildings will be removed again starting from the 2024-25 income year, but legislation for this change had not yet been introduced as of 1 March 2024.

The rates for plant and machinery vary depending on the particular industry and type of plant and machinery.

Tax depreciation is generally subject to recapture on the sale of an asset to the extent the sales proceeds exceed the tax value after depreciation. Amounts recaptured are generally included in assessable income in the earliest year in which the disposal consideration can be reasonably estimated. If sales proceeds are less than the tax value after depreciation, the difference may generally be deducted as a loss in the year of disposal. However, such losses on buildings are deductible only if they occur as a result of natural disasters or other events outside the taxpayer's control.

Special deductions. A few special deductions designed to achieve specific government objectives are available, such as certain deductions relating to petroleum, mining, forestry and agricultural activities.

Research and development tax incentives. Certain unlisted New Zealand resident companies carrying out R&D activities in New Zealand may convert current year R&D business tax losses to refundable cash tax credits at the current company tax rate of 28%. The maximum annual losses that a company can "cash out" from the 2020-21 income year onwards is NZD2 million (a cash credit of NZD560,000 at the current company tax rate of 28%). Credits received may be repayable (and tax losses may then be reinstated) in certain circumstances, such as the sale of R&D assets, cessation of New Zealand tax residence, liquidation or the breach of a 10% shareholder continuity test. The extent of R&D credit repayments may be reduced by the amounts of income tax liabilities in intervening income years.

All businesses with a fixed establishment in New Zealand may be eligible to claim the R&D tax credit, including industry research cooperatives, state-owned enterprises and mixed-ownership model companies. The key features of the scheme include the following:

- A tax credit of 15% on eligible R&D expenditure. The definition for R&D is similar to other global schemes. Eligible expenditure encompasses a broad range of actual R&D costs, but some activity and expenditure exclusions apply.
- A minimum R&D expenditure threshold of NZD50,000 per year with an NZD120 million cap per year on eligible R&D expenditure (with a mechanism to go beyond the cap).
- An overseas R&D expenditure cap of 10% of total eligible expenditure per year.

Certain businesses are eligible to receive a refund of their tax credits if they satisfy additional corporate and R&D intensity requirements. Alternatively, tax credits not refunded may be able to be carried forward.

The R&D credit for tax losses regime and the R&D tax credit regime are not mutually exclusive but have different R&D definitions and eligibility criteria.

Trading losses. Trading losses may generally be carried forward and offset against future taxable income if, at all times from the beginning of the year of loss to the end of the year of offset, a group of persons held aggregate minimum voting interests in the company and, in certain circumstances, minimum market value interests of at least 49%.

A "business continuity test" applies to determine whether a business that has breached the 49% threshold is able to carry forward its tax losses. Under the business continuity test, losses arising from the 2013-14 income year onwards may generally be carried forward provided there has been no "major change" in the nature of the company's business activities. Most companies will be required to maintain the business continuity test from the time of the ownership change until the earliest of the end of the income year in which the losses are utilized or five years after the breach.

Sales of residential property (that is not the main home) purchased between 1 October 2015 and 28 March 2018 may be taxable if they occur within a two-year "bright-line" period. For agreements to purchase residential property entered into between 29 March 2018 and 26 March 2021, the "bright-line" period is five years. For agreements to purchase residential property entered into on or after 27 March 2021, the "bright-line" period is generally extended to 10 years. Legislation enacted in 2022 retains the five-year period for "new builds" acquired on or after 27 March 2021. The New Zealand government has signaled that the "bright-line" period will be returned to a two-year period from 1 July 2024, but legislation for this change had not yet been introduced as of 1 March 2024.

The offsetting of losses on "bright-line" transactions against other types of income may be limited. For "close companies" (generally if five or fewer people own more than half of the company), additional limitations exist to restrict the offset of losses generated from rental properties (in cases in which rental expenditure exceeds rental income) against income from other sources.

Taxpayers are unable to carry back tax losses to offset against prior years taxable income. An exception applied for the 2019-20 and 2020-21 income years, when taxpayers that met certain requirements had the option of carrying back tax losses incurred in either of those years to the immediately preceding year.

Group losses. Losses incurred within a group of companies may be offset against other group company profits either by election or subvention payments, provided certain requirements are met.

Subvention payments are intercorporate payments specifically made to effect the transfer of company losses. They are treated as deductions to the paying (profit) company and as taxable income to the recipient (loss) company. The loss company and the profit-making company must be in the same group of companies throughout the relevant period. The required common ownership is 66%.

Wholly owned corporate groups may elect to be consolidated for income tax purposes.

Elective regime for closely held companies. Certain closely held companies can elect to become look-through companies (LTCs) if they have five or fewer shareholders and be taxed similarly to partnerships. The eligibility and membership criteria for this regime include restrictions on the type of shareholder and some restrictions on the earning of foreign income.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Goods and Services Tax (GST), similar to a value-added tax, levied on the supply of goods and services and on imports	15
Fringe Benefit Tax (FBT); paid by the employer on the value of fringe benefits provided to employees and shareholder employees;	

Nature of tax	Rate (%)
Standard rate	63.93
(If benefits are attributable to particular employees, employers may elect to calculate FBT on the attributed benefits at a range of rates between 11.73% and 63.93%. The rates vary depending on the employee's cash remuneration inclusive of the fringe benefits. Non-attributed benefits are subject to FBT at a rate of 49.25% [63.93% if provided to major shareholder employees]. As a further alternative, employers may pay FBT at a rate of 63.93% on attributed benefits and 49.25% on non-attributed benefits, [63.93% if provided to major shareholder-employees].)	
Accident compensation (ACC) levy on gross salaries and wages; includes an employer component and an employee component; the employer rate varies depending on several factors, such as industry class and whether certain work safety criteria are met	Various

E. Miscellaneous matters

Anti-avoidance legislation. Legislation permits the Inland Revenue Department to void any arrangement made or entered into if tax avoidance is one of the purposes or effects of the arrangement and is not merely incidental.

Imposition of penalties. Civil "shortfall penalties" (and criminal penalties) may be imposed in some situations where a taxpayer has breached a tax obligation. Examples of shortfall penalties include penalties for not taking reasonable care, taking an unacceptable tax position, gross carelessness, adopting an abusive tax position and evasion.

Controlled foreign companies. New Zealand residents that have an interest in a controlled foreign company (CFC) need to consider the application of the CFC rules. A CFC is a foreign company under the control of five or fewer New Zealand residents or a group of New Zealand resident directors. In general, for purposes of the CFC rules, control is more than 50% ownership. A New Zealand resident with an income interest in the CFC of 10% or more is required to calculate and include in income the attributed foreign income or loss of the CFC unless the CFC is resident in Australia and meets certain criteria or the active-income exemption applies.

Under the active-income exemption, no attribution is required if passive income is less than 5% of the CFC's or a relevant group's income. If the 5% threshold is exceeded, any attribution is limited to passive income. The rules defining passive income and calculating the percentage of a CFC's passive income in relation to total income are complex.

Foreign investment fund system. New Zealand has a foreign investment fund (FIF) system that aims to tax the change in value of a New Zealand resident's interest in the FIF over an income year. The change in value may include income, capital growth and any exchange fluctuation.

The FIF regime generally applies to all offshore investments that are not CFC interests, including interests in foreign companies, foreign unit trusts, foreign life insurance, and foreign savings and superannuation funds.

The FIF rules do not apply to individuals owning FIF interests that cost NZD50,000 or less. Exemptions are also provided for certain employment-related foreign superannuation schemes and foreign private annuities and pensions as well as for the first four years that individuals who become resident in New Zealand hold interests in foreign life insurance funds and superannuation schemes, if the individuals held these interests before they became resident in New Zealand. Superannuation scheme interests acquired by individuals before becoming resident in New Zealand have generally been removed from the FIF regime.

Interests in certain Australian listed companies and unit trusts, certain venture capital investments in grey list country companies and shares held under certain employee share schemes may be excluded from the FIF rules if statutory criteria are met. The grey list countries are Australia, Canada, Germany, Japan, Norway, Spain, the United Kingdom (including Northern Ireland) and the United States.

The most common methods for calculating FIF income are the 5% fair dividend rate method and the comparative value method. The comparative value method involves a comparison of opening and closing values. Other methods include the attributable FIF income method, which includes an "active business" and "active income" exemption for FIF interests in companies of at least 10% (similar to the exemption that applies under the CFC rules [see *Controlled foreign companies*]), a deemed rate of return method and the cost method. The choice of method is limited by legislative criteria.

Portfolio investment entities. Certain collective-investment entities that elect to be in the Portfolio Investment Entity (PIE) regime are not taxable on gains on the disposal of New Zealand and certain Australian shares. In addition, their income may generally be taxed at the corporate tax rate or at rates approximating their individual investors' marginal tax rates (which may be 0% for non-resident investors in certain types of PIEs that invest wholly or partly in assets outside New Zealand).

Transfer pricing. The transfer-pricing regime in New Zealand is aimed primarily at cross-border arrangements between associated parties. Taxpayers can adopt the method that produces the most reliable measure of arm's-length consideration. The allowable methods are the comparable uncontrolled price method, the resale price method, the cost-plus method, the profit-split method and the transactional net margin method. Binding rulings with respect to transfer-pricing issues are available from the Commissioner of Inland Revenue. New Zealand and countries with which New Zealand has concluded tax treaties may enter into multilateral advance pricing agreements under the transfer-pricing regime.

Other key components of New Zealand's transfer-pricing regime include the following:

- The New Zealand transfer pricing rules are aligned with the Organisation for Economic Co-operation and Development

(OECD) transfer-pricing guidelines and Australian transfer-pricing rules. The legal form can be disregarded if it does not align with the actual economic substance of the transaction.
- The ability of the Inland Revenue Department to reconstruct an arrangement for transfer-pricing purposes is based on the corresponding test in the OECD's transfer pricing guidelines.
- The onus of proof on transfer-pricing matters lies with the taxpayer.
- The Inland Revenue Department has certain powers to access multinationals' information and documents held offshore, including information about other nonresident group companies.

Debt-to-equity ratios. In conjunction with the transfer-pricing regime (see *Transfer pricing*), a thin-capitalization regime applies to New Zealand entities that are at least 50% owned or controlled by a single nonresident (however, interests held by persons associated with a nonresident may be included for the purpose of determining the nonresident's level of control). These inbound thin-capitalization rules also apply to the following:
- New Zealand companies that are at least 50% owned or controlled by two or more non-associated nonresident investors if they are regarded as acting together with respect to the debt funding of the New Zealand entities
- Certain trusts and trust-controlled companies if at least 50% of the value of trust settlements have been made by a nonresident or by nonresidents acting together or if entities otherwise subject to the rules have general powers to appoint or remove trustees

The inbound thin-capitalization regime generally denies interest deductions to the extent that the New Zealand entity's level of interest-bearing debt exceeds both a safe harbor debt to total assets ratio of 60% and 110% of the ratio of interest-bearing debt to total assets of the entity's worldwide group. A netting rule generally excludes borrowings that are in turn loaned to the following:
- Nonresidents that are not carrying on business in New Zealand through a fixed establishment
- Non-associated persons
- Associates that are subject to the thin-capitalization regime but are not in the lender's New Zealand group

Other significant aspects of the thin-capitalization regime include the following:
- Complex New Zealand and worldwide group membership rules need to be considered.
- Specific rules and thresholds apply to registered banks.
- Certain stapled debt securities and fixed-rate shares are included as debt. Investments in CFCs and interests of at least 10% in FIFs may be excluded from assets.
- Dividend amounts paid on certain fixed-rate shares may also be added back if interest deductions are limited under the thin-capitalization rules.
- Asset revaluation amounts that arise from associated party transactions are generally excluded from asset values in calculating New Zealand group debt percentages unless the revaluations could have been recognized, without a transaction, under generally accepted accounting practices or unless the revaluations arise from a restructuring following acquisition of the company by a nonassociated party.

- Certain related-party debt is excluded from the debt amounts used in calculating worldwide group debt percentages in inbound situations.

Similar thin-capitalization rules (often referred to as the outbound thin-capitalization rules) apply to New Zealand residents with income interests in CFCs or with interests in FIFs of at least 10% that are subject to the "active income" method or Australian exemptions from FIF income attribution.

Under safe harbor rules, the outbound thin-capitalization rules do not limit interest deductions on outbound investment if the New Zealand group debt percentage does not exceed 75% and 110% of the worldwide group debt percentage. Additional exemptions with respect to outbound investment may apply in certain circumstances, including situations in which New Zealand group assets (generally excluding CFC investments and certain interests of at least 10% in FIFs) are at least 90% of the worldwide group assets. An alternative safe harbor threshold calculation based on an interest-to-net income ratio may be used in limited outbound circumstances. The apportionment calculation provides an effective de minimis exemption with respect to outbound investment by eliminating any adjustment if annual New Zealand group finance costs do not exceed NZD1 million and provides relief on a tapering basis if those annual finance costs are between NZD1 million and NZD2 million. This de minimis relief may also apply to the inbound thin-capitalization rules in certain circumstances.

A restricted transfer-pricing rule also applies to potentially limit the interest rate that can be applied for tax purposes on cross-border loans (over NZD10 million in total). This rule applies in addition to the thin-capitalization rules. The restricted transfer-pricing rule for pricing inbound related-party loans determines the credit rating of New Zealand borrowers at a high risk of base erosion and profit shifting, typically no more than two notches below the ultimate parent's credit rating. The rules remove any features not typically found in third-party debt to restrict the level of deductible interest. Some of the more common features that may be affected include loans with terms of more than five years and the subordination of a loan to other obligations.

Hybrid and branch mismatch rules. Complex hybrid and branch mismatch rules apply in certain situations to prevent the exploitation of differences between countries' tax rules to create tax advantages. For example, one of the hybrid mismatch rules operates to deny a deduction for a payment made by a New Zealand taxpayer to the extent that the payment funds a hybrid mismatch occurring outside New Zealand if certain requirements are met. New Zealand's hybrid rules largely follow the OECD recommendations.

OECD Base Erosion and Profit Shifting Pillars One and Two. Draft legislation has been proposed to implement the OECD's Base Erosion and Profit Shifting (BEPS) Pillar Two rules in New Zealand. As of 1 March 2024, this legislation had not yet been enacted.

In relation to Pillar One, New Zealand will not be adopting the OECD's simplified and streamlined approach to in-country

baseline marketing and distribution activities (formerly referred to as Amount B under the OECD's BEPS Pillar One initiative). Existing New Zealand transfer pricing rules and practice will continue to apply to determine arm's-length outcomes for foreign-owned distributors operating in New Zealand. Small foreign-owned wholesale distributors with revenue under NZD30 million may continue to apply an existing domestic simplification measure. New Zealand-owned distributors operating in foreign jurisdictions will equally need to continue to apply New Zealand transfer pricing rules with respect to their New Zealand tax obligations, regardless of whether the foreign jurisdiction has opted to apply the simplified and streamlined approach.

F. Treaty withholding tax rates

These rates reflect the lower of the treaty rate and the rate under domestic tax law.

	Dividends %	Interest %	Royalties %
Australia	0/5/15 (i)	10 (j)	5
Austria	15	10 (a)	10
Belgium	15	10	10
Canada	0/5/15 (b)	0/10 (r)	5/10 (s)
Chile	15	15 (e)	5
China Mainland	0/5/15 (t)	10 (a)	10
Czech Republic	15	10 (a)	10
Denmark	15	10	10
Fiji	15	10/15 (h)	15
Finland	15	10	10
France	15	10 (a)	10
Germany	15	10 (a)	10
Hong Kong	0/5/15 (k)	10 (j)	5
India	15	10 (a)	10
Indonesia	15	10 (a)	15
Ireland	15	10	10
Italy	15	10 (a)	10
Japan	0/15 (q)	10 (j)	5
Korea (South)	15	10 (a)	10
Malaysia	15	15 (p)	15
Mexico	0/5/15 (i)	10 (a)	10
Netherlands	15	10 (a)	10
Norway	15	10 (a)	10
Papua New Guinea	15	10 (m)	10
Philippines	15	10 (m)	15
Poland	15	10	10
Russian Federation	15	10	10
Samoa	5/15 (l)	10	10
Singapore	5/15 (l)	10 (m)	5
South Africa	15	10 (a)	10
Spain	15	10 (m)	10
Sweden	15	10	10
Switzerland	15	10	10
Taiwan	15	10	10
Thailand	15	15 (f)	10/15 (g)
Türkiye	5/15 (o)	10/15 (c)	10
United Arab Emirates	15	10 (a)	10

	Dividends %	Interest %	Royalties %
United Kingdom	15	10 (a)	10
United States	0/5/15 (i)	10 (j)	5
Vietnam	5/15 (n)	10	10
Non-treaty jurisdictions (d)	30	15	15

(a) Interest paid to a contracting state or subdivision, to certain state financial institutions or with respect to certain state-guaranteed loans may be exempt.
(b) The following are the tax rates applicable to dividends:
- 0% for certain government bodies if the competent authorities so agree
- 5% if paid to companies holding at least 10% of the voting power
- 15% in all other cases

(c) The rate is reduced to 10% for bank interest. Interest paid to certain government bodies or central banks may be exempt.
(d) See applicable footnotes to Section A.
(e) The rate is 10% for interest paid to banks and insurance companies.
(f) The rate is 10% for interest paid to financial institutions, including insurance companies, or if the interest relates to arm's-length sales on credit of equipment, merchandise or services. Interest paid to certain institutions of the government or the central bank is exempt.
(g) The 10% rate applies to payments for the use of copyrights, industrial, scientific or commercial equipment, films, tapes or other broadcast matter. The 15% rate applies to other royalties.
(h) A minimum rate of 15% applies to interest paid to certain associated persons. No tax applies to interest paid to the other country's reserve bank.
(i) The rate may be reduced to 5% or 0% for company shareholders, depending on their level of ownership and certain other criteria.
(j) No tax applies to interest paid to government bodies or to unrelated financial institutions in certain circumstances.
(k) The rate may be reduced to 5% or 0% for company shareholders, depending on their level of ownership and certain other criteria. Dividends paid to certain government institutions are exempt.
(l) The rate may be reduced to 5% for dividends paid to companies that have an interest of at least 10% in the payer.
(m) Interest paid to certain government institutions may be exempt.
(n) The 5% rate applies if the dividends are paid to companies that directly hold at least 50% of the voting power in the payer.
(o) The rate may be reduced to 5% if the dividends are paid to companies that have an interest of at least 25% in the payer and if the dividends are exempt in the recipient's country.
(p) The 15% rate is a minimum rate for interest paid to certain associated persons.
(q) The rate may be reduced to 0% for dividends paid to company shareholders, depending on the shareholders' level of ownership and certain other criteria.
(r) The following are the tax rates applicable to interest:
- 0% for loans made by certain export development bodies or unrelated financial institutions
- 10% in all other cases

(s) The following are the tax rates applicable to royalties:
- 5% on certain copyright, cultural, software and patent royalties
- 10% in all other cases

(t) The following are the tax rates applicable to dividends:
- 0% for dividends paid to certain government bodies in some situations
- 5% if the beneficial owner is a company that holds directly at least 25% of the capital of the company paying the dividends throughout a 365-day period
- 15% in all other cases

New Zealand has signed protocols to its tax treaties with Austria and Belgium. However, these protocols had not entered into force as of 1 March 2024. New Zealand has also signed a tax treaty with the Slovak Republic which had not entered into force as of 1 March 2024.

New Zealand has signed and ratified the multilateral Convention on Mutual Administrative Assistance in Tax Matters.

New Zealand has entered into an intergovernmental agreement with the United States and related competent authority arrangements with respect to reporting requirements for financial institutions under the US Foreign Account Tax Compliance Act (FATCA).

New Zealand has implemented the G20/OECD Automatic Exchange of Information initiative and the Common Reporting Standard (CRS) for financial institutions.

New Zealand has signed the Multilateral Competent Authority Agreement on the Exchange of Country-by-Country (CbC) Reports. These CbC reporting requirements apply to corporate groups headquartered in New Zealand with annual consolidated group revenue over EUR750 million.

New Zealand has ratified the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (commonly referred to as the Multilateral Instrument, or MLI), with the MLI entering into force on 1 October 2018. New Zealand's treaties have begun to be modified from 2019.

New Zealand has entered into tax information exchange agreements with Anguilla, Bahamas, British Virgin Islands, Cayman Islands, Cook Islands, Curaçao, Dominica, Gibraltar, Guernsey, Isle of Man, Jersey, Marshall Islands, Netherlands Antilles, Niue, St. Kitts and Nevis, St. Vincent and the Grenadines, San Marino, Sint Maarten, Turks and Caicos Islands, and Vanuatu.

A tax information exchange agreement with Bermuda was signed in 2009 but has not entered into force.

No new tax information exchange agreements are currently being negotiated as these are no longer needed with the signing of the MLI.

Nicaragua

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A. At a glance

Corporate Income Tax Rate (%)	30
Capital Gains Tax Rate (%)	15 (a)
Branch Tax Rate (%)	30
Withholding Tax (%)	
Dividends	15 (a)(b)
Interest	15 (a)(b)
Royalties from Patents, Know-how, etc.	15 (a)(b)
Payments for Movies, Films, Radio and Television	15 (b)
Income Derived from Leasing of Real Estate	2/12 (b)(c)
Air and Maritime Transportation	3 (d)
International Telecommunications	3 (d)
Insurance and Bail Premiums	3 (d)
Reinsurance	1.5 (d)
Musical and Artistic Public Spectacles	0/15 (e)
Compensation for Services	2/10/20 (a)(d)(f)
Other Service Activities	20 (a)(d)
Branch Remittance Tax	15 (a)
Net Operating Losses (Years)	
Carryback	0
Carryforward	3

(a) Transactions with tax havens are subject to a 30% withholding tax. However, the list identifying such tax havens has not yet been issued.

(b) The 15% rate applies to residents and nonresidents (also, see footnote (c) regarding the tax base for the tax on income derived from the leasing of real estate). A 10% rate applies to interest paid to foreign investment banks.

(c) For income derived from real estate property when the leasing of real estate is not the main activity of the taxpayer, the tax base equals the net income after applying a deduction of 20% of the gross income. As a result, the effective general rate for residents and nonresidents is 12% and this withholding tax is the final tax. The 2% rate applies if the economic activity of the resident taxpayer is real estate or the leasing of real estate, and this 2% withholding tax is creditable against income tax.

(d) This withholding tax applies to nonresidents. It is a final tax for nonresidents.

(e) The 0% rate applies to payments related to filming movies that will be transmitted abroad and promote tourism in Nicaragua and to payments related to non-professional spectacles.

(f) The 20% rate applies to nonresidents. The 10% applies to residents who are individuals. The 2% rate applies to residents that are legal entities. The withholding tax is creditable against income tax for residents and is final for nonresidents.

B. Taxes on corporate income and gains

Corporate income tax. The Nicaraguan tax system is based on an extended territorial principle. The following items are subject to corporate income tax:
- Income from business activities
- Income from capital income, capital gains and capital losses

Corporate income tax rates. The standard corporate tax rate for resident companies and branches of foreign companies is 30% of taxable income. A company is deemed to be resident for tax purposes if it is incorporated in Nicaragua.

Companies operating under certain special incentive regimes, such as Free Trade Zone companies, are exempt from income tax.

After the third year of operations, companies are subject to tax on their Nicaraguan-source income, which equals the higher of the following:
- 30% of net taxable income
- A percentage of gross taxable income which is the following:
  - 3% for large taxpayers (that is, income of NIO160 million or higher in the preceding fiscal year), except for taxpayers dedicated to fishing in the Caribbean coast of Nicaragua for which a reduced rate of 2% applies
  - 2% for main taxpayers (that is, income of NIO60 million or higher but below NIO160 million in the preceding fiscal year)
  - 1% for the other taxpayers (that is, income below NIO60 million in the preceding fiscal year)

Certain exceptions may be stated in the law.

Capital gains. Capital gains are realized gains resulting from the transfer of immovable and movable assets, goods and rights of the taxpayer. The following are the capital gain tax rates:
- Transfer of assets held in a trust: 5%
- Other capital gains derived by residents and nonresidents: 15%

A definitive withholding tax payment is required on the transfer of property subject to public registration. This payment ranges from 1% to 7% of the transfer value.

Administration. The statutory tax year runs from 1 January through 31 December. However, taxpayers may request a special fiscal year.

Annual income tax returns must be filed within two months after the end of the tax year.

Companies must make monthly advance payments for purposes of income tax equal to 1%, 2% or 3% of their monthly gross income. The advance payments are applied to the annual income tax liability. In addition, for large collectors of the excise tax and financial institutions supervised by the Superintendent of Banks and Other Financial Institutions, the minimum monthly payment is the greater of 30% of monthly profits and 1% of gross monthly income. The advance payments are applied to the annual income tax liability.

The 3% rate applies to large taxpayers (that is, income over NIO160 million in the preceding fiscal year), except for taxpayers dedicated to fishing in the Caribbean coast of Nicaragua for

which a reduced rate of 2% applies. The 2% applies to main taxpayers (that is, income over NIO60 million but below NIO160 million in the preceding fiscal year). The 1% rate applies to the other taxpayers (that is, income below NIO60 million in the preceding fiscal year).

Dividends. A 15% withholding tax is imposed on dividends paid to resident individuals and business entities. For dividends paid to nonresident individuals and business entities, the withholding tax rate is 15%.

Foreign tax relief. A direct tax credit for foreign taxes against corporate income tax is not provided in Nicaragua. However, foreign taxes may be deducted from taxable income if the deductibility requirements are met.

C. Determination of trading income

General. Taxable income is calculated in accordance with generally accepted accounting principles (GAAP) or International Financial Reporting Standards (IFRS), subject to adjustments required by the Nicaraguan income tax law.

In general, taxable income includes Nicaraguan-source income derived from goods, services, assets, rights and any other economic activity in Nicaragua, even if such income is accrued or realized abroad, and regardless of whether the taxpayer has physical presence in the country.

Allowable deductions generally include all expenses necessary to generate taxable income. The deduction must be taken in the year in which the expense was incurred and the corresponding tax is withheld (if applicable).

Expenses paid or credited by a resident taxpayer or a permanent establishment of a nonresident to a person or entity resident in a tax haven are subject to a final withholding tax rate of 30%.

Inventories. If inventories are a significant element in the determination of a company's taxable income, the company must value each item based on the lower of the acquisition cost or market price. The law allows companies to use the weighted average cost, first-in, first-out (FIFO) or last-in, first-out (LIFO) methods to determine the cost of merchandise sold. The tax authorities may authorize other methods.

Provisions. In general, companies may deduct 2% of the balance of accounts receivable from customers.

Two percent of the provisions for severance payments can also be deducted.

Banks may deduct increases in minimum reserves for debtors in accordance with the standards of the Superintendent of Banks in Nicaragua.

Tax depreciation. Regulations under the income tax law allow the use of the straight-line method to calculate depreciation. However, the tax authorities may authorize certain exporters to use accelerated depreciation methods. The regulations containing the applicable straight-line rates are pending.

Relief for losses. Companies may carry forward their net operating losses for three years to offset all types of income. Net operating losses may not be carried back.

Groups of companies. Nicaraguan law does not allow consolidated income tax returns or provide any other tax relief to consolidated groups of companies. The tax authorities may require information about a group for purposes of transfer-pricing rules.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; the 0% rate applies to exports of goods produced in Nicaragua and exports of services	0/15
Municipal taxes	
Monthly tax on gross income	1
Annual municipal registration tax; tax base equals one-third of the gross income for the last three months of the preceding tax year	2
Real estate tax; imposed on 80% of the appraised value of the property	1
Payroll taxes; paid by employers (average rate)	
Companies with less than 50 employees	21.5
Companies with 50 employees or more	22.5

E. Foreign-exchange controls

The Nicaraguan currency is the córdoba (NIO). Effective from 30 January 2024, the official exchange and current rate for the córdoba against the US dollar is NIO36.6243 = USD1. The official rate is in effect from January to December 2024, according to the Central Bank of Nicaragua.

No restrictions apply to foreign-trade operations or to foreign-currency transactions.

F. Tax treaties

Nicaragua has not entered into any income tax treaties with other foreign countries.

Nigeria

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A. At a glance

Corporate Income Tax Rate (%)	
Large Companies	30 (a)
Medium Companies	20 (b)
Small Companies	0 (c)
Capital Gains Tax Rate (%)	10
Withholding Tax (%) (d)	
Investment Income	
Dividends	10 (e)
Interest	10 (f)
Rent	10
Royalties	10
Building, Construction and Related Activities	2.5
Contract for Supplies	5
Consulting, Management and Technical Services	10 (g)
Commissions	10
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (h)

(a) Large companies are companies with annual gross turnover over NGN100 million.
(b) Medium companies are companies with annual gross turnover between NGN25 million and NGN100 million.
(c) Small companies are companies with annual gross turnover of NGN25 million and below.
(d) The withholding taxes are applicable to residents and nonresidents.
(e) Certain dividends are exempt (see Section B).
(f) Certain interest is exempt (see Section C).
(g) The rate is 5% for private businesses (sole proprietorships) and partnerships.
(h) Insurance companies may carry forward losses indefinitely.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to tax on their worldwide profits. Nonresident companies are taxed only on the profits of their operations attributable to Nigeria through a fixed base or permanent establishment. However, if a nonresident company performs a single contract for survey, deliveries, installation or construction for a customer in Nigeria, the entire contract sum should be taxable in Nigeria, regardless of whether a portion of the contract is performed outside Nigeria.

Taxable income derived by foreign companies includes income from digital services if such foreign companies have significant economic presence in Nigeria. In addition, profits arising from

consultancy or professional services, including technical and management services, with respect to offshore services rendered by a person outside Nigeria to a person resident in Nigeria is subject to tax if such foreign companies have significant economic presence in Nigeria.

A company is deemed to be resident in Nigeria if it is incorporated in Nigeria. A resident company is subject to tax in Nigeria. This does not preclude nonresident companies from being subject to tax in Nigeria based on relevant tax laws.

Assessable profits from all sources accruing in the accounting period are aggregated for tax purposes. Total profit on which tax is assessed is calculated by deducting capital allowances (tax depreciation) from the aggregate of assessable profits.

Rates of corporate tax

Corporate income tax. The corporate income tax rate due from a company is dependent on the company's turnover. Large companies with turnover greater than NGN100 million are taxed at a rate of 30%. Medium companies with turnover between NGN25 million and NGN100 million are taxed at a rate of 20%. Small companies with turnover of less than NGN25 million are exempt from corporate income tax.

Tax holidays. Limited liability companies that are registered in Nigeria and that perform activities that qualify for pioneer status may apply for pioneer status, which is granted to companies in industries that are considered vital to Nigeria's economic development. A company with pioneer status is granted a tax holiday of up to three years, with a possible extension for two years.

Approved enterprises operating in export free-trade zones are exempt from all federal, state and local government taxes, levies and rates. Export-oriented companies located outside free-trade zones may qualify for income tax exemptions if certain conditions are met. Nonetheless, these enterprises are now required to prepare and file their tax returns with the Federal Inland Revenue Service (FIRS).

New companies engaged in the mining of solid minerals also benefit from a tax holiday during their first three years of operations. Under the Mining and Minerals Act 2007, the tax holiday can be extended for two years.

Oil and gas companies. Companies engaged in the marketing and distribution of gas for domestic and industrial use (downstream operations) are subject to the Companies Income Tax Act.

Beginning from the date on which they begin production, companies engaged in gas utilization (downstream operations) should benefit from an initial three-year tax holiday. This tax holiday is renewable for an additional two years after the tax holiday expires if the company is performing satisfactorily. The companies also benefit from an accelerated capital allowance after the tax-holiday period. This allowance is an annual allowance of 90% with a 10% retention for investment in plant and machinery.

However, these incentives do not apply if the company has claimed or wishes to claim pioneer status incentives for the same qualifying investment.

Companies engaged in the exploration and production of oil and gas are deemed to be in the upstream sector of the oil and gas sector and are subject to tax under the Petroleum Profits Tax Act. The applicable Petroleum Profits Tax rate is 85%. A reduced rate of 65.75% applies to companies for their first five years of petroleum operations. However, for petroleum operations carried out under the production-sharing contract regime, the applicable rate is 50%.

A gas-flaring penalty is imposed on oil companies for wasteful disposals of gases through burning in oil fields and refineries.

Minimum tax. Companies are required to pay minimum corporate tax if the minimum tax is greater than their actual tax liability. The minimum tax is levied at 0.5% of the gross turnover of the company less franked investment income (in this context, franked investment income refers to dividend income received by a company on which withholding tax has already been paid).

The minimum tax does not apply to companies until the fifth year after the commencement of business. Companies that earn gross turnover of less than NGN25 million and companies engaged in an agricultural trade or business are exempt from the minimum tax requirement.

Withholding tax. The withholding tax rate on dividends, interest, rent and royalties for residents and for recipients in non-treaty countries is generally 10%. However, certain dividends are exempt from tax (see *Dividends*). Taxable interest income includes interest on all time deposits with banks and on savings passbook accounts of NGN50,000 and above. Certain types of interest income are exempt from tax (see Section C). Tax withheld from dividends and interest accruing to nonresident companies is regarded as a final tax provided that the company does not have a taxable presence in Nigeria. For resident companies, the withholding tax from dividends is also regarded as a final tax, but they must account for other investment income in their tax returns and claim credit for tax withheld. Both resident and nonresident companies must include in their tax returns earned income subject to withholding and claim the tax withheld as a credit.

Exemption of convertible currencies derived from tourists. Twenty-five percent of income in convertible currencies derived from hotel guests is exempt from tax, provided that such income is put in a reserve fund to be used within five years for the building and expansion of hotels, conference centers and facilities for the purpose of tourism development.

Capital gains. Capital gains tax is chargeable on the gains accruing from the disposal of all types of assets, including the following:

- Land and buildings
- Options, debts and other property rights
- Any currency other than Nigerian currency
- Any form of property created by the person disposing of it or otherwise coming to be owned without being acquired
- Movable assets (motor vehicles)

The 2021 Finance Act further expanded the list of items subject to capital gains tax to include the following:
- Gains on digital assets, including cryptocurrency, are now specifically chargeable to tax under the Capital Gains Tax Act at a rate of 10%.
- The disposal of shares is now subject to capital gains tax at 10% if the proceeds are NGN100 million or more in any 12 consecutive months.

For nonresident companies, the location of the assets and whether the proceeds from the sale are brought into or received in Nigeria are important considerations in determining whether the relevant gain is subject to capital gains tax in Nigeria.

The taxable gain is the difference between the consideration accruing on the disposal of an asset and its original cost together with expenses incurred on its disposal.

Any loss incurred on a disposal may not be offset against the gains accruing from the disposal of another asset for the purpose of calculating capital gains tax. However, if assets are sold under a single agreement comprising two or more transactions, the transactions may be treated as a single disposal for the purpose of calculating capital gains. Taxable gains are assessed in the year of disposal of an asset. The capital gains tax rate is 10%.

A company may claim rollover relief if the proceeds from the disposal of an asset used in a trade or business are applied within a year before or after the disposal toward the acquisition of a similar asset to be used in the same trade or business.

The 2023 Finance Act 2023 introduced the following changes:
- Capital losses arising from the disposal of chargeable assets can now be deducted from capital gains on the same type of asset (including shares) and may be carried forward for a maximum of five years from the year the loss was incurred.
- Shares and stocks are included in the list of assets that can enjoy rollover relief on disposal. However, this is subject to the reinvestment of the proceeds in the acquisition of eligible shares in the same or other Nigerian companies within the same tax year.

Dividends. Dividends are generally subject to a final 10% withholding tax.

Dividends distributed from pioneer profit and by small companies (see *Rates of corporate tax*) are exempt from tax.

Dividends paid out of retained earnings of a company are exempt from income tax if the dividends are paid out of profits that have been subject to tax under the Company Income Tax Act, Petroleum Profits Tax Act or the Capital Gains Tax Act.

Also, dividends paid out of the profits that are exempt under the Income Tax Act, Petroleum Profits Tax Act or Industrial Development (Income Relief) Act are exempt from tax.

Administration

Tax authority. The Federal Inland Revenue Service (Establishment) Act, which was enacted in 2007, established the Federal Inland Revenue Service (FIRS). The FIRS is responsible for assessing, collecting and accounting for tax revenue accruable to the federal government of Nigeria.

Filing and tax payment. The FIRS is responsible for administering and collecting companies' income tax, petroleum profits tax (see Section D) and capital gains tax imposed on companies.

The tax year is from 1 January to 31 December. Under the self-assessment regime modified by the government in December 2011, all companies subject to tax must compute their tax liability, make payment and file their tax return with the FIRS on or before the due date. The due date for filing of the company income tax return is six months after the end of its accounting year or within 18 months after its date of incorporation. A penalty of NGN25,000 is imposed for the first month of lateness in filing a return and NGN5,000 for each subsequent month.

A taxpayer must apply to the tax authority to make installment tax payments. The final installment must be paid not later than the due date.

A 10% penalty and interest at the prevailing bank lending rate are imposed for late payment of assessed tax.

There is a tax credit of 2% (medium companies) and 1% (large companies) of tax payable for the early payment of tax liability up to 90 days before the due date. Such credit should be utilized in the subsequent year.

Tax refunds. The reforms to the tax system in Nigeria included the introduction of a tax refund system. After auditing a company's documents, the FIRS determines whether an overpayment was made.

Excess dividend tax. If dividends are distributed from profits on which no tax is payable as a result of no taxable profits or taxable profits that are less than the amount of dividends paid, the company paying the dividends is charged to tax on the dividends as if such dividends are the taxable profits of the company for the relevant tax year. The following types of income are excluded from the application of excess dividend tax:

- Dividends paid out of retained earnings, provided that the dividends are paid out of profits that have been subject to tax under the relevant tax legislation
- Dividends paid out of tax-exempt income under the relevant tax legislation
- All franked investment income
- Distributions made by a real estate investment company to its shareholders from rental income and dividend income received on behalf of its shareholders

Foreign tax relief. Foreign tax relief for the avoidance of double taxation is governed by tax treaties with other countries. If foreign tax is paid to a country that does not have a tax treaty with Nigeria, resident companies may claim the foreign tax paid as a tax-deductible expense.

C. Determination of trading profit

General. Taxable income is based on financial statements prepared on commercial principles (that is, International Financial Reporting Standards [IFRS], adopted in 2012). Trading profit is adjusted for deductions not allowed for tax purposes and for profits or gains not subject to tax.

Investment income earned abroad is tax-exempt if it is brought into Nigeria through the Central Bank of Nigeria or through any bank or other corporate body appointed by the Minister of Finance as an authorized dealer.

Interest received by banks on loans with a moratorium of at least 18 months and with an interest rate that is not more than the base lending rate at the time the loan was granted is exempt from tax if the following circumstances exist:
- The loans are granted to agricultural trades or businesses.
- The loans are granted to companies or individuals engaged in the manufacturing of plant and machinery in Nigeria.
- The loans are granted for working capital for any cottage industry established by the company.

Interest on bank loans granted for the manufacturing of goods for export are exempt from tax if certain specified conditions are met.

Interest on foreign loans is exempt from tax in accordance with the following percentages.

Repayment period including moratorium	Grace period	Tax exemption allowed (%)
More than 7 years	Not less than 2 years	70
5 to 7 years	Not less than 18 months	40
2 to 4 years	Not less than 12 months	10
Less than 2 years	None	0

Interest earned by a nonresident company on a deposit account consisting entirely of foreign-currency transfers is exempt from tax. In addition, interest on foreign-currency accounts maintained or operated in Nigeria is exempt from tax.

Income derived from bonds issued by the federal government of Nigeria is exempt from income tax.

Expenses must be wholly, reasonably, exclusively and necessarily incurred for the purpose of the trade or business to be deductible for tax purposes.

Deductions are not allowed for the following:
- Losses reimbursable under an insurance contract or a contract of indemnity
- Donations made to bodies and institutions not specified in Schedule 5 of the Companies Income Tax Act
- Subscriptions to social organizations

Limitations apply to the deductibility of the following:
- Interest on loans from foreign related parties
- Donations to approved bodies and institutions
- Donations made to any fund set up by the federal or any state government, to any agency designated by the federal government or to any similar fund or purpose in consultation with any ministry, department or agency of the federal government, with respect to any pandemic, natural disaster or other exigency

- Research and development
- Royalties

Inventory. The tax law does not prescribe any basis for the valuation of inventory, provided a method is used consistently from year to year. However, subject to certain exceptions stated in the IFRS issued by the International Accounting Standards Board, stocks must be valued at the lower of cost and net realizable value.

Tax depreciation (capital allowances)

Initial and annual allowances. Annual allowances are granted under the straight-line method. The company deducts the initial allowance from the asset's cost once in the life of an asset and then applies the annual allowance rate to the balance. The following are rates of initial and annual allowances.

Qualifying expenditure	Initial allowance (%)	Annual allowance (%)
Buildings (industrial and non-industrial)	15	10
Mining	95	Nil
Plant		
Agricultural production	95	Nil
Others	50	25
Furniture and fittings	25	20
Motor vehicles		
Public transportation	95	Nil
Others	50	25
Plantation equipment	95	Nil
Housing estate	50	25
Ranching and plantation	30	50
Research and development	95	Nil

Investment allowances. An investment allowance at a rate of 10% is granted for expenditure incurred on plant and equipment (however, see the next paragraph). If the expenditure is for replacement of obsolete industrial plant and equipment, an investment tax credit of 15% is granted. The investment allowance is not considered in determining the tax written-down value of the asset. It is granted in addition to the initial allowance.

Under 2023 Finance Act, an investment allowance will no longer be enjoyed on qualifying plant and equipment bought from 1 September 2023.

Initial and annual allowances are recaptured on the sale of an asset if the sales price exceeds the tax written-down value. The amount recaptured may not exceed the initial and capital allowances granted. Amounts recaptured are taxed as ordinary income at the regular corporate tax rates.

Investment tax relief. Investment tax relief is similar to the rural investment allowance. It is granted for expenditures on certain infrastructural facilities by companies established at least 20 kilometers (12.4 miles) from such facilities. The following are the types of facilities and the applicable percentages of the relief:

- Electricity: 50%
- Water: 30%
- Tarred road: 15%

The investment tax relief may be claimed for three years. A company that has enjoyed or is enjoying pioneer status (see Section B) may not claim the relief.

Companies engaged in research and development activities may claim a tax credit of 20% of their qualifying capital expenditure.

Relief for losses. Trade and business losses may be carried forward to offset profits of the same trade or business for an unlimited number of years. Losses may not be carried back.

Groups of companies. Each company must file a separate tax return. No provisions exist for filing consolidated returns or offsetting losses and capital allowances against profits within a group of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, levied on specified goods and services, including goods manufactured or assembled in Nigeria, imported goods, certain bank services and services performed by professionals	7.5
Education tax, on assessable income; the tax is deductible for purposes of the petroleum profits tax	3
Pension contributions, on monthly gross salary (for pension purposes, gross salary consists of basic pay, housing and transport allowances); paid by	
Employer	10
Employee	8
(Expatriates covered by a plan in their home country may qualify for exclusion.)	
Information technology levy; imposed on before-tax profits of specified companies and enterprises with annual turnover of NGN100 million or more	1
National Agency for Science and Engineering Infrastructure Act (NASENI) levy, on profit before tax of companies and firms in the banking, mobile telecommunication, information and communication technology, aviation, maritime, and oil and gas sectors with annual turnover of NGN100 million or more	0.25
Police Trust Fund Levy, on profit before tax	0.005

E. Miscellaneous matters

Foreign-exchange controls. Foreign investors that intend to set up businesses in Nigeria must register with the Nigeria Investment Promotion Commission and obtain a Certificate of Capital Importation from authorized foreign-exchange dealers through whom foreign currency is imported. This certificate, which serves as documentary evidence of the importation of the currency, guarantees the unconditional transferability of dividends and interest and the repatriation of capital through authorized dealers.

Companies are free to determine the amount of dividends distributed. The application to remit dividends must be submitted with the Certificate of Capital Importation and a tax clearance certificate, which establishes that tax was paid or that no tax is due with respect to the dividends to be remitted. If the appropriate amount of tax is withheld from dividends and interest paid to nonresidents, no additional tax clearance is required.

Remittances of royalties and technical fees payable to foreign companies require the approval of the underlying agreements by the National Office for Technology Acquisition and Promotion. Permission is granted if the royalties and fees are within certain prescribed limits.

Importation and exportation of the naira (NGN), the Nigerian currency, are regulated.

Exporters must open a local domiciliary bank account marked "Export Proceeds" and must credit their foreign-currency export earnings to this account.

Anti-avoidance provisions. Under the general anti-avoidance provisions, if the tax authority determines that a disposition has not in fact had an effect or that a transaction that reduces or would reduce the amount of any tax payable is artificial or fictitious, it may disregard any such disposition or transaction or direct that appropriate adjustments be made to the tax liability. These actions are designed to counteract the reduction of the tax liability that would otherwise result from the transaction. Any company concerned is then assessed accordingly. For this purpose, a disposition includes a trust, grant, covenant, agreement or arrangement.

Transfer pricing. The Transfer Pricing Regulations, which took effect on 2 August 2012, apply to transactions between connected taxable persons (related parties, as defined in the regulations). Connected taxable persons entering into transactions to which the regulations apply must determine the taxable profits resulting from such transactions in a manner that is consistent with the arm's-length principle. For purposes of the regulations, a permanent establishment is treated as a separate entity, and a transaction between a permanent establishment and its head office or other connected taxable persons is considered a controlled transaction subject to the regulations. Key provisions of the regulations include those pertaining to the following:

- Entities and transactions to which the regulations apply
- Methods that may be used to determine arm's-length prices
- Documentation that must be maintained to support the arm's-length price and advance pricing agreements

The regulations must be applied in a manner consistent with the arm's-length principle in Article 9 of the United Nations (UN) and Organisation for Economic Co-operation and Development (OECD) Model Tax Conventions on Income and Capital, the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations, and the UN Transfer Pricing Manual.

Country-by-Country Reporting. The federal government of Nigeria formally released the Income Tax (Country-by-Country Reporting) Regulations, 2018, with an effective date of 1 January 2018. The regulations provide the framework for the automatic

exchange of Country-by-Country Reports in accordance with the Multilateral Competent Authority Agreement signed by Nigeria in January 2016 and ratified by the Federal Executive Council in August 2016.

Debt-to-equity rules. The interest deduction with respect to loans obtained from foreign connected persons is restricted to 30% of earnings before interest, tax, depreciation and amortization (EBITDA). The excess interest expense may be carried forward for a period of not more than the five subsequent years. This restriction does not apply to Nigerian subsidiaries of foreign companies engaged in banking and insurance business.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %
Belgium	10	10	10
Canada	10	10	10
China Mainland	7.5	7.5	7.5
Czech Republic	10	10	10
France	10	10	10
Italy*	10	10	10
Netherlands	10	10	10
Pakistan	10	10	10
Philippines	10	10	10
Romania	10	10	10
Singapore	7.5	7.5	7.5
Slovak Republic	10	10	10
South Africa	7.5	7.5	7.5
Spain	7.5	7.5	7.5
United Kingdom	10	10	10
Non-treaty jurisdictions	10	10	10

* The treaty with Italy applies to air and shipping only.

Nigeria has signed double tax treaties with Bulgaria, Korea (South), Mauritius, Poland, Qatar Sweden and the United Arab Emirates, but these treaties have not yet been ratified.

Nigeria has concluded negotiations on double tax treaties with Cameroon and Ghana.

Nigeria has begun tax treaty negotiations with Algeria and Tunisia.

North Macedonia

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North Macedonia, which was a republic of the former Yugoslavia, gained its independence in 1991. The country changed its name to North Macedonia in 2019. Because of the rapidly changing economic situation in North Macedonia, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	10
Capital Gains Tax Rate (%)	10
Branch Tax Rate (%)	10
Withholding Tax (%)	
Dividends	10
Interest	10
Royalties from Patents and Know-how	10
Fees from Entertainment and Sports Activities	10
Fees for Management, Consulting, Financial, Research and Development Services	10
Rent and Payments under Leases of Immovable Property	10
Insurance Premiums	10
Payments for Telecommunication Services	10
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	3/5

B. Taxes on corporate income and gains

Corporate income tax. North Macedonian companies are subject to corporate tax on their worldwide income. North Macedonian companies are companies incorporated in North Macedonia. Foreign companies are taxed in North Macedonia on their profits generated from activities conducted through a permanent

establishment in the country and on income from North Macedonian sources.

Rate of corporate income tax. The corporate income tax rate is 10%.

Tax incentives. Tax incentives available in North Macedonia are described below.

Tax relief for reinvested profits. As of January 2015, companies may claim tax relief for the amount of profits reinvested in business-related tangible and intangible assets, including investments in tangible assets procured through financial leasing. No relief is available for profits reinvested in cars, furniture, carpets, audiovisual devices and other decorative objects used to equip administrative premises. Assets acquired or leased under the tax relief may not be sold or otherwise disposed of within the five-year period beginning with the year in which the investment is made. If this condition is not satisfied, the company must pay the tax saved.

Technological Industrial Development Zones. Companies are exempt from income tax for the first 10 years of their activities in a Technological Industrial Development Zone, subject to the conditions and procedures established in the Law on Technological Industrial Development Zones.

Capital gains and losses. Capital gains are included in taxable income and are subject to tax at the regular corporate income tax rate of 10%.

Administration. The tax year is the calendar year.

Companies must make advance monthly payments of corporate income tax by the 15th day of each month. The tax base for the monthly payments equals 1/12 of the tax determined for the preceding year adjusted by the percentage of the cumulative growth of retail prices in the country in the preceding year.

Companies must file annual tax returns by 15 March of the year following the tax year. Filing of monthly tax returns is not required. If the tax determined in an annual tax return is more than the amount of advance tax paid, the company must pay the difference within 30 days after the filing due date. Any overpaid amount must be refunded within 60 days following the request of the taxpayer.

Dividends. Dividends paid to foreign companies are subject to withholding tax at a rate of 10% on the net amount of the distributed dividends (that is, after deduction of the 10% corporate tax), unless tax treaty relief applies. Remittances of profits by branches to their home countries are not subject to withholding tax.

Dividends distributed to resident companies are exempt from corporate tax.

Foreign tax relief. Resident companies may claim a tax credit for foreign income tax paid, but the amount of the credit may not exceed the 10% profit tax imposed in North Macedonia on the foreign-source income.

C. Determination of trading income

General. Companies pay income tax on the profit realized in the year, increased by the amount of the nondeductible expenses and less declared income.

Inventories. Inventories are valued at cost, but the value for tax purposes may not exceed the sales value on the date when taxable income is determined.

Provisions. Provisions booked for current liabilities are deductible for tax purposes. Write-offs of receivables are not tax-deductible, unless such receivables are from companies in liquidation or bankruptcy and are confirmed by the bankruptcy trustee.

Tax depreciation. Tax depreciation is a tax-deductible expense as long as the depreciation is in line with the rates determined by the authorities. Depreciation costs of revaluated assets are deemed a nondeductible expense. Written-off assets with remaining value can be depreciated in full and the relevant costs are deemed deductible, provided that the taxpayer has approval from the tax authorities for treating the depreciation costs as deductible expenses.

Relief for losses. As of 1 January 2015, losses may be carried forward for three years. Losses may not be carried back. As a result of the economic crisis related to the COVID-19 pandemic, losses realized in 2020 and 2021 can be carried forward for a period of five years.

Groups of companies. Group registration is not permitted in North Macedonia.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax; imposed on goods sold and services rendered in North Macedonia, on sales of real property in North Macedonia and on imports; certain items are exempt, such as banking, insurance and other financial activities	
Standard rate	18%
Reduced rate (for basic food products for human use, drinking water from public water supply systems, books, (electronic) brochures and newspapers, certain materials and fixed assets for agriculture, drugs and medicine products for human use, computers, printers and accessories, software, equipment that is used for the production of solar electricity and passenger transport)	5%
Reduced rate (for services with respect to on-site consummation of food and beverage, and catering services, excluding alcoholic beverages and other products for human consumption different from the basic products for human consumption)	10%
Exports	0%

Nature of tax	Rate
Excise tax on sales in North Macedonia and on imports of various items; tax is imposed at ad valorem rates, which are applied to the sales or import price, or at specific rates, which are expressed in North Macedonian denars per unit of goods; for petrol, Diesel D-1 and gas, the rates are subject to change every two weeks	
Petrol	MKD21.692 to MKD24.396 per liter
Diesel D-1 (petrol for use in motor cars)	MKD15.5 per liter
Heating oil	MKD15.5 per liter
Fuel oil	MKD0.10 per kilogram
Alcoholic beverages	MKD340 per liter of pure alcohol
Beer	MKD4 per percentage of alcohol in a liter
Cigars and cigarillos	
Cigars	MKD21.37 per piece
Cigarillos	MKD10 per piece
Cigarettes	MKD3.253 per piece plus 9% of the retail price
Taxes contained in Property Tax Law	
Property tax; annual tax on owners of immovable property, including non-rural land, residential buildings or apartments, industrial, business and administrative buildings, and garages and other structures; tax base is the market value of the real estate or movable property; tax return must be filed by 31 January (only if changes have occurred since the previous period)	0.1% to 0.2%
Tax on sales and other transfers of real estate and rights to real estate; tax base is the market value of the real estate or right at the time of the sale; for exchanges, the tax base is the difference between the market values of the items being exchanged; tax payable by transferor; tax return must be filed within 15 days after the transfer of the property	2% to 4%
Inheritance and endowment tax, on the inheritance or endowment of immovable or movable property; tax applies regardless of whether inheritance or endowment is granted in a will or is acquired under the inheritance law or under an endowment agreement; tax base is the market value of the inheritance and endowment, reduced by debts and expenses; tax is paid by resident and nonresident recipients, including companies; tax return must be filed within 15 days after the transfer of the property	
Individuals in first line of heritage	0%
Individuals in second line of heritage	2% to 3%
All others	4% to 5%

E. Miscellaneous matters

Foreign-exchange controls. The currency in North Macedonia is the denar (MKD). All transactions in North Macedonia must be made in denars.

The National Bank of the Republic of North Macedonia, which is the central bank, is exempt from income tax.

Residents and nonresidents may maintain foreign-currency accounts at commercial banks.

Registration with the central bank is required for the following transactions:
- Obtaining or granting loans
- Paying or receiving cash
- Opening bank accounts abroad

Transfer pricing. North Macedonia has transfer-pricing rules. Under these rules, the tax authorities may adjust the taxable income of taxpayers derived from transactions with related companies if they deem prices paid (or charged) to related companies for various types of items to be excessive. In such circumstances, the difference between prices stated in financial statements and arm's-length prices is subject to tax. Taxpayers whose total annual turnover exceeds MKD300 million (approximately EUR4.8 million) that are engaged in related-party transactions with nonresident entities must prepare an annual transfer-pricing report. Taxpayers whose volume of related-party transactions does not exceed MKD10 million (approximately EUR163,000) per year are required to prepare a "short" transfer-pricing report with the corporate income tax return.

The taxpayers will have the obligation for submission of the transfer-pricing documentation only on request from the tax authorities.

Debt-to-equity ratios. Under thin-capitalization rules, interest on loans received from shareholders owning at least 20% of the capital of the borrower or on loans guaranteed by such shareholders is subject to tax to the extent that such interest corresponds to the excess of the loan balance over three times the shareholders' share in the equity of the borrower.

The thin-capitalization restrictions apply only to loans provided by direct shareholders that are nonresidents. In addition, the 20% participation threshold is alternatively measured by reference to voting rights. Loans provided from financial institutions are excluded from the thin-capitalization restrictions. Newly established entities are excluded in their first three years of operations, including the year of incorporation.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %
Albania	10	10	10
Austria	0/15 (i)	0	0
Azerbaijan	8	0/8 (b)	8
Belarus	5/15 (a)	10	10
Belgium	0/5/15 (ff)	10	10

	Dividends %	Interest %	Royalties %
Bosnia and Herzegovina	5/15 (aa)	10	10
Bulgaria	5/15 (a)	0/10 (b)	10
China Mainland	5	0/10 (cc)	10
Croatia	5/15 (a)	0/10 (e)	10
Czech Republic	5/15 (a)	0	10
Denmark	0/5/15 (f)	0	10
Egypt (w)	10	10	10
Estonia	0/5 (a)	0/5 (k)	5
Finland	0/15 (g)	0/10 (h)	0
France	0/15 (d)	0	0
Germany	5/15 (q)	0/5 (z)	5
Hungary	5/15 (a)	0	0
India	10	0/10 (b)	10
Iran	10	10	10
Ireland	0/5/10 (r)	0	0
Italy	5/15 (a)	0/10 (j)	0
Kazakhstan	5/15 (aa)	0/10 (e)	10
Kosovo	0/5 (aa)	10	10
Kuwait	0	0	15
Latvia	5/10 (q)	0/5 (t)	5/10 (u)
Lithuania	0/10 (i)	0/10 (e)	10
Luxembourg	5/15 (a)	0	5
Moldova	5/10 (a)	5	10
Morocco	10	10	10
Netherlands	0/15 (i)	0	0
Norway	0/10/15 (x)	0/5 (y)	5
Poland	5/15 (a)	0/10 (k)	10
Qatar	0	0	5
Romania	5	0/10 (l)	10
Russian Federation	10	10	10
Saudi Arabia	5	0/5 (dd)	10
Serbia and Montenegro	5/15 (a)	10	10
Slovak Republic	5	10	10
Slovenia	5/15 (a)	10	10
Spain	5/15 (q)	0/5 (p)	5
Sweden	0/15 (a)	0/10 (m)	0
Switzerland	5/15 (a)	0/10 (n)	0
Taiwan	10	0/10 (c)	10
Türkiye	5/10 (a)	0/10 (o)	10
Ukraine	5/15 (a)	0/10 (e)	10
United Arab Emirates	5	0/5 (ee)	5
United Kingdom	0/5/15 (v)	0/10 (s)	0
Vietnam (w)	5/10/15 (bb)	10	10
Non-treaty jurisdictions	10	10	10

(a) The lower rate applies if the recipient of the dividend is a company (other than a partnership) that holds at least 25% of the equity of the payer of the dividends.

(b) The 0% rate applies if the beneficial owner of the interest is the government or the central bank.

(c) The 0% rate applies if the beneficial owner of the interest is the government, a municipality, the central bank or an agency fully owned and controlled by the government or a municipality (debts indirectly financed by the government, a local authority or the central bank).

(d) The 0% rate applies if the recipient of the dividend is a company that holds directly or indirectly at least 10% of the equity of the payer of the dividends.

(e) The 0% rate applies if the beneficial owner of the interest is the government, municipalities, the central bank, other financial institutions fully owned by the

government or municipalities, or other legal entities that are directly financed by the government, the central bank or municipalities.

(f) The 0% rate applies if the beneficial owner of the dividends is a pension fund or other similar institution providing pension schemes in which individuals may participate to secure retirement benefits. The 5% rate applies if the recipient of the dividend is a company (other than a partnership) that holds at least 25% of the equity of the payer of the dividends and if such holding is maintained for an uninterrupted period of at least one year and the dividends are declared within that period.

(g) The 0% rate applies if the recipient of the dividend is a company (other than a partnership) that holds at least 10% of the voting power of the payer of the dividends.

(h) The 0% rate applies if the beneficial owner of the interest is the State of Finland, Bank of Finland, Finnish Fund for Industrial Co-operation or if the interest is from loans supported by the government of Finland.

(i) The 0% rate applies if the recipient of the dividend is a company (other than a partnership) that holds at least 10% of the equity of the payer of the dividends.

(j) The 0% rate applies if the beneficial owner of the interest is the government, municipalities or their fully owned entities or if the interest payments arise from loans of other agencies or instrumentalities (including financial institutions) based on agreements between the governments.

(k) The 0% rate applies if the beneficial owner of the interest is the government including municipalities, the central bank and financial institutions controlled by the government or if the interest is derived from loans guaranteed by the government.

(l) The 0% rate applies if the beneficial owner of the interest is the government including municipalities, agencies or banks of the government or municipalities or if the interest is derived from loans warranted, insured or financed by the government.

(m) The 0% rate applies if any of the following circumstances exist:
- The beneficial owner of the interest is the state, a statutory body or the central bank.
- The interest is paid on loans approved by the government of the country of the interest payer.
- The interest is paid on loans granted by the SWEDCORP, Swedfund International AB, the Swedish Export Credits Guarantee Board or any other public institution with the objective of promoting exports or development.
- The interest is paid on bank loans.

(n) The 0% rate applies if the beneficial owner obtained the interest with respect to sales on credit of industrial, commercial or scientific equipment or with respect to sales on credit of merchandise between enterprises or if the interest is paid on bank loans.

(o) The 0% rate applies if the beneficial owner of the interest is the government, municipalities or the central bank.

(p) The 0% rate applies if the beneficial owner obtained the interest with respect to sales on credit of industrial, commercial or scientific equipment or with respect to sales on credit of merchandise between enterprises or if the interest is paid on long-term bank loans (over five years).

(q) The lower rate applies if the recipient of the dividend is a company (other than a partnership) that holds at least 10% of the equity of the payer of the dividends.

(r) The 0% rate applies if the beneficial owner of the dividends owns at least 25% of the equity of the payer of the dividends for the entire 12-month period ending on the date of payment of the dividend or if the beneficial owner of the dividends is a pension scheme. The 5% rate applies if the beneficial owner of the dividends is a company that holds at least 10% of the voting power of the payer of the dividends.

(s) The 0% rate applies to interest paid with respect to a loan granted or credit extended by an enterprise to another enterprise and to interest paid to political subdivisions, local authorities or public entities.

(t) The 0% rate applies to interest paid with respect to a loan granted or credit extended for the sale of industrial, commercial or scientific equipment (unless the sale or loan is between related persons), and to interest paid to the government including local authorities, the central bank and financial institutions wholly owned by the government.

(u) The higher rate applies to royalties paid for the use of, or the right to use, movies or tapes for radio and television broadcasting.

(v) The 0% rate applies if the beneficial owner of the dividends owns at least 25% of the equity of the payer of the dividends for the entire 12-month period ending on the date of payment of the dividend or if the beneficial owner of the dividends is a pension scheme. The 5% rate applies if the recipient of

the dividend is a company (other than a partnership) that holds at least 10% of the equity of the payer of the dividends.

(w) This treaty is not yet in force.

(x) The 0% rate applies if the beneficial owner of the dividends is the central bank of Norway, the government pension plan of Norway or Norfund or, in case of North Macedonia, the central bank of North Macedonia. The 10% rate applies if the recipient of the dividend is a company (other than a partnership) that holds at least 25% of the equity of the payer of the dividends.

(y) The 0% rate applies to the following:
- Interest paid to the government of a contracting state, a political subdivision or local authority thereof, the central bank of a contracting state or an institution wholly owned by the government of a contracting state
- Interest paid on a loan insured or guaranteed by a governmental institution for the purpose of promoting exports
- Interest paid with respect to the sale on credit of industrial, commercial or scientific equipment

(z) The 0% rate applies to the following:
- Interest paid with respect to the sale of commercial or scientific equipment on credit
- Interest paid with respect to the sale of goods by an enterprise to another enterprise on credit
- Interest paid on a loan guaranteed by the Federal Republic of Germany with respect to the export of foreign direct investment
- Interest paid to the government of the Federal Republic of Germany, the Deutsche Bundesbank, the Kreditanstalt fur Wiederaufba, the Deutsche Investitions-und Entwicklungsesellschaft or the North Macedonian government

(aa) The lower rate applies if the recipient of the dividend is a company that holds directly at least 25% of the equity of the payer of the dividends.

(bb) The 5% rate applies if the recipient of the dividend is a company that holds directly at least 70% of the equity of the payer of the dividends. The 10% rate applies if the recipient of the company holds at least 25%, but no more that 70%, of the equity of the payer of the dividends.

(cc) The 0% rate applies if the beneficial owner of the interest is the government, municipalities, the central bank, other financial institutions fully owned by the government or other legal entities that are indirectly financed by the government, the central bank or municipalities.

(dd) The 0% rate applies if the payer or the beneficial owner of the interest is the government, including municipalities, the central bank and financial institutions fully owned by the government.

(ee) The 0% rate applies if the beneficial owner of the interest is the state, a local government, the central bank, the Abu Dhabi Investment Authority, the Abu Dhabi Office, the International Petroleum Investment Company, the Abu Dhabi Investment Council, the Dubai Investment Company, the Mubadala Development Company, the United Arab Emirates Investment Authority, the Al Dafra Holding Company or any other institution created by the government or a local authority or local government, other than the state, that is recognized as an integral part of that government.

(ff) The 0% rate applies if the recipient of the dividend is a company that holds at least 25% of the equity of the payer of the dividends. The 5% rate applies if the recipient of the dividend is a company that holds directly at least 10% of the equity of the payer of the dividends.

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A. At a glance

Corporate Income Tax Rate (%)	21 (a)
Capital Gains Tax Rate (%)	21 (a)
Branch Income Tax Rate (%)	21 (a)
Withholding Tax (%)	
Dividends	30 (a)(b)
Interest	30 (a)(b)(c)
Royalties from Patents, Know-how, etc.	30 (a)(b)
Branch Profits Tax	30 (a)(d)
Net Operating Losses (Years)(e)	
Carryback	0
Carryforward	Unlimited

(a) Income tax on income sourced within the Northern Marianas that exceeds gross revenue tax on the same income is subject to a rebate. For details, see Section B.
(b) This tax is imposed on payments to nonresidents. See Section E.
(c) Bank deposit interest not effectively connected with a trade or business in the Northern Marianas and interest on certain portfolio debt obligations are exempt from withholding tax.
(d) This is the branch profits tax, imposed on the earnings of a foreign corporation attributable to its branch, reduced by earnings reinvested in the branch and increased by reinvested earnings withdrawn.
(e) This is applicable to losses generated after the 2017 tax year. No deduction is available for net operating losses arising before 1 January 1985. A net operating loss deduction is generally limited to 80% of taxable income. Special rules apply to certain types of losses and entities.

B. Taxes on corporate income and gains

Corporate income tax. Corporations are subject to a gross revenue tax. In addition, the Commonwealth of the Northern Mariana Islands (CNMI) has adopted the US Internal Revenue Code (IRC) as its income tax law. For a description of the income taxation of resident corporations doing business in CNMI, refer to the chapter in this book on the United States and substitute "CNMI" for each reference to the "United States."

To avoid double taxation, a credit against income tax is given for gross revenue tax paid or accrued on income earned within the Northern Marianas. If income tax on Northern Marianas income exceeds the gross revenue tax, the company is entitled to a rebate of specified percentages of the excess. The following are the rebate percentages:

- 90% of the excess up to USD20,000
- 70% of the next USD80,000
- 50% of the excess over USD100,000

Income earned by residents from foreign sources is subject to the full amount of tax under the IRC. A special rule prevents US residents from taking advantage of the rebate by changing their residence to report gains on the sale of US property or stock in US companies on their Northern Marianas tax return.

Gross revenue tax. A gross revenue tax is imposed on the gross income of businesses from their activities and investments in the CNMI. The gross revenue tax rates are shown in the following table.

Gross revenue		Rate on
Exceeding USD	Not exceeding USD	total gross income %
0	5,000	0
5,000	50,000	1.5
50,000	100,000	2
100,000	250,000	2.5
250,000	500,000	3
500,000	750,000	4
750,000	–	5

These rates apply to total gross income and are not progressive.

Tax incentives. The CNMI, through the Commonwealth Development Authority, is authorized by law to grant tax rebates to qualified investors. The Commonwealth Development Authority grants Qualifying Certificates (QCs) for tax incentives to businesses engaged in activities that are deemed to be beneficial to the development of the CNMI economy. The incentives are aimed primarily at franchise restaurants, water parks, aquariums, cultural centers, theme parks, resort hotels, golf courses, convention centers, dinner theaters, special events, CNMI-based airlines, manufacturing of high-technology products and internet-related businesses.

Basis of qualified fresh-start assets. Under the Northern Marianas Territorial Income Tax, effective 1 January 1985, income from pre-1985 appreciation of Northern Marianas property is not subject to income tax. For the purposes of determining gain and allowances for depreciation and amortization, the basis of the Northern Marianas real and personal property is the greater of the basis determined under the IRC or the fair-market value as of 1 January 1985. Fair-market value can be established either by independent appraisal or by discounting the ultimate sales price back to 1 January 1985, using the discount factors specified by regulation. Currently, rates published by the US Internal Revenue Service are used.

Administration. Income taxes are paid to the government of the Northern Marianas, which administers its tax system. In general,

the administration of the Northern Marianas tax is the same as in the United States, but estimated taxes are due on the last day of the month following the end of each quarter of the tax year. The income tax rebate is not available to reduce estimated tax payments.

Foreign tax relief. Foreign tax credits are available in the Northern Marianas to reduce income tax in the same manner as foreign tax credits in the United States. The credits do not reduce gross revenue tax, which is imposed on CNMI-source income only.

C. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Hotel occupancy tax	15%
Bar tax	10%
Excise taxes on all property except school and library books and machinery and raw materials used in manufacturing	Various
Liquid fuel taxes	
Gasoline, diesel and other liquid fuels (refunded if used by commercial vessels outside CNMI)	15 cents a gallon
Aviation fuel (reduced depending on flight schedule)	3%
Social security contributions (including 1.45% Medicare tax); imposed on	
Wages up to USD168,800 (for 2024); paid by	
Employer	6.2%
Employee	6.2%
All covered wages (for 2024; Medicare tax); paid by	
Employer	1.45%
Employee	1.45%
(Effective from 1 January 2013, an additional Medicare tax of 0.9% applies to wages, tips, other compensation and self-employment income in excess of USD200,000 for taxpayers who file as single or head of household. For married taxpayers filing jointly and surviving spouses, the additional 0.9% Medicare tax applies to the couple's combined wages in excess of USD250,000. The additional tax applies only to the amount owed by the employee; the employer does not pay the additional tax. Employers withhold tax only on wages in excess of USD200,000.)	
Miscellaneous license fees	Various

D. Miscellaneous matters

Foreign-exchange controls. CNMI does not impose foreign-exchange controls, but large currency transfers must be reported to the US Treasury Department.

Transfer pricing. The US transfer-pricing rules apply in CNMI.

Debt-to-equity rules. The US debt-to-equity rules apply in CNMI.

E. Treaties and withholding taxes

CNMI does not participate in the US income tax treaties and has not entered into any treaties with other countries. The withholding tax rate for dividend, interest and royalty payments to nonresidents is 30%, but the rebate discussed in Section B is available if a recipient files a CNMI income tax return. In general, no withholding tax is imposed on payments between CNMI and the United States or Guam, unless the recipient exceeds certain foreign ownership and income limitations.

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Unless otherwise indicated, the rates and thresholds stated in the chapter are applicable as of 1 January 2024.

A. At a glance

Corporate Income Tax Rate (%)	22 (a)
Capital Gains Tax Rate (%)	22 (a)
Branch Tax Rate (%)	22 (a)
Withholding Tax (%)	
Dividends	25 (b)
Interest	0/15 (c)
Royalties from Patents, Know-how, etc.	0/15 (c)
Certain Lease Payments	0/15 (c)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0 (d)
Carryforward	Unlimited

(a) A 25% rate applies to companies in the financial sector (see Section B).
(b) This tax applies to dividends paid to nonresident shareholders. Dividends paid to corporate shareholders that are tax residents and genuinely established in Member States of the European Economic Area (EEA) (including the European Union [EU], Iceland and Liechtenstein) are exempt from withholding tax.
(c) A 15% withholding tax on interest, royalties and certain lease payments to related entities resident in a low-tax jurisdiction has been introduced. The rules entered into force on 1 July 2021 for interest and royalties and on 1 October 2021 for certain lease payments. The withholding tax may be reduced or exempt under the provisions of a tax treaty entered into by Norway or when the recipient is a company that is actually established and carrying on genuine economic activities within the EEA. For the purpose of the rules, a company is considered a "related party" if the payer and the recipient are directly or indirectly under the same ownership and control by at least 50%. The term "low-tax jurisdiction" is to be interpreted in line with the controlled foreign company rules (see Section E).
(d) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. In general, resident companies are subject to corporate income tax on worldwide income. However, profits and losses on upstream petroleum activities in other jurisdictions are exempt from Norwegian taxation. Nonresident companies are subject to corporate income tax on income attributable to Norwegian business operations. Effective from the 2024 income year, foreign companies operating in mineral exploitation, renewable energy or carbon management within the Norwegian 200-nautical-mile zone and on the Norwegian continental shelf are subject to tax.

A company is tax resident in Norway if it is legally incorporated according to Norwegian corporate law or if its effective management is carried out in Norway.

Rates of corporate tax. The corporate tax rate is currently 22%.

In addition to the general income tax of 22%, a special petroleum tax of 56% applies to income from oil and gas production and from pipeline transportation. A special power production tax of 45% applies on top of the general income tax of 22% for the generation of hydroelectric power.

Effective from 1 January 2024, a special resource rent tax at an effective rate of 25% applies to onshore wind farms comprising of more than five turbines, or with a total capacity of one megawatt or more.

Effective from the 2023 income year, a similar resource rent tax of 25%, applies to aquaculture income exceeding a tax-free allowance (standard deduction) determined by the parliament on an annual basis. For the 2023 income year, the tax-free allowance is set to NOK70 million.

For companies in the financial sector, a 25% rate applies if they are within the scope of the financial tax rules (see *Financial tax*).

Qualifying shipping companies may elect to be taxed under the Norwegian tonnage tax regime instead of the ordinary tax regime. Under the tonnage tax regime, profits derived from qualifying shipping activities are exempt from income tax. However, companies electing the shipping tax regime must pay an insignificant tonnage excise tax. Financial income derived by shipping companies is taxed at a rate of 22%. Breach of the requirements under the regime generally leads to forced exit from the regime. A tax committee has proposed to abolish the tonnage tax regime in its report presented to the government on 19 December 2022, but it is uncertain whether the government will move forward with this proposal.

Norway has adopted Pillar Two measures; see the *BEPS 2.0 – Pillar Two Developments Tracker*.

Financial tax. A financial tax for companies in the financial sector was introduced from 1 January 2017. The main purpose of the financial tax is to serve as a form of substitute tax for financial businesses that are value-added tax (VAT)-exempt (that is, they benefit from the Norwegian VAT exemption for the sale and mediation of financial services). The financial tax consists of the following two elements:

- The application of a 25% rate on the income of companies covered by the financial tax, instead of the 22% rate, which applies to companies in all other sectors
- A 5% tax on wage costs

The main rule is that all companies that conduct activities that are covered by Group K "Financial and insurance activities" (Codes 64-66) in SN2007 (the European system NACE rev. 2) are subject to the financial tax. These types of activities are referred to as financial activities. The financial tax applies only to companies with employees.

The following businesses are typically subject to the financial tax:

- Businesses engaged in banking
- Businesses engaged in insurance (both life and general insurance)
- Securities funds
- Investment companies
- Holding companies
- Pension funds
- Businesses performing services related to finance business, including administration of financial markets and mediation of securities

The 5% tax on wage cost is calculated based on the yearly payments to all of the company's employees who perform financial

activities as defined in Group K in SN2007. The same base applicable to the calculation of the employer's social insurance contribution is used for the calculation of the 5% tax on wage costs.

The following exemptions apply:
- An entity that has less than 30% of its total payroll cost relating to financial activities is exempt from the 5% part of the financial tax.
- An entity that has more than 70% of its total payroll cost relating to VAT-liable financial activities is exempt from the 5% part of the financial tax.

All companies covered by the financial tax can deduct the 5% financial tax on wage cost in calculating their taxable income for corporate income tax purposes.

Capital gains. In general, capital gains derived from the disposal of business assets and shares are subject to normal corporate taxes. However, for corporate shareholders, capital gains derived from the sale of shares in limited liability companies, partnerships and certain other enterprises that are qualifying companies under the tax exemption system are exempt from tax. This tax exemption applies regardless of whether the exempted capital gain is derived from a Norwegian or a qualifying non-Norwegian company. In general, life insurance companies and pension funds are not covered by the tax exemption regime.

For shares in companies resident in another EEA Member State (the EEA includes the EU, Iceland, Liechtenstein and Norway), the exemption applies regardless of the ownership participation or holding period. However, if the EEA country is regarded as a low-tax jurisdiction (as defined in the Norwegian tax law regarding controlled foreign companies [CFCs]; see Section E), a condition for the exemption is that the EEA resident company be actually established and carrying out genuine economic activities in its home country.

For shares in non-EEA resident companies, the exemption does not apply to capital gains on the alienation of shares in the following companies:
- Companies resident in low-tax jurisdictions, as defined in the Norwegian tax law regarding CFCs; see Section E)
- Companies of which the corporate shareholder has not held at least 10% of the capital and the votes in the company for more than two years preceding the alienation

The right of companies to deduct capital losses on shares is basically eliminated to the same extent that a gain would be exempt from tax.

The exit from Norwegian tax jurisdiction of goods, merchandise, intellectual property, business assets and other items triggers capital gains taxation as if such items were sold at the fair market price on the day before the day of exit. The payment of the exit tax on business assets, financial assets (shares) and liabilities may be deferred if the taxpayer remains tax resident within the EEA. However, the deferred tax must be paid in equal installments over a period of seven years, calculated from the year of exit. Interest is calculated on the deferred tax amount. If a genuine risk of nonpayment of the deferred tax exists, the taxpayer must furnish

security or a guarantee for the outstanding tax payable. No deferral of the tax is available for intangible assets and inventory.

Administration. The annual tax return is due on 31 May for accounting years ending in the preceding calendar year and must be submitted electronically. Assessments are made in the year in which the return is submitted (not later than 1 December). Tax is paid in three installments. The first two are paid on 15 February and 15 April in the year after the income year, respectively, each based on one-half of the tax due from the previous assessment. The last installment represents the difference between the tax paid and the tax due, and is payable three weeks after the issuance of the assessment. Interest is charged on residual tax.

Dividends. An exemption regime with respect to dividends on shares is available to Norwegian companies if the distribution is not deductible for tax purposes at the level of the distributing entity. However, the 100% tax exemption is limited to 97% if the recipient of the dividends does not hold more than 90% of the shares in the distributing company and a corresponding part of the votes that may be given at the general meeting (that is, the companies do not constitute a tax group of companies). In such cases, the remaining 3% of the dividends is subject to 22% taxation, which results in an effective tax rate of 0.66%.

The tax exemption applies regardless of the ownership participation or holding period if the payer of the dividends is a resident in an EEA Member State. However, if the EEA country is regarded as a low-tax jurisdiction, the EEA resident company needs to qualify as actually established and carrying out genuine economic activities in its home country.

For non-EEA resident companies, the exemption does not apply to dividends paid by the following companies:

- Companies resident in low-tax jurisdictions as defined in the Norwegian tax law regarding CFCs (see Section E)
- Other companies of which the recipient of the dividends has not held at least 10% of the capital and the votes of the payer for a period of more than two years that includes the distribution date

Dividends paid to nonresident shareholders are subject to a 25% withholding tax. The withholding tax rate may be reduced by tax treaties. Dividends distributed by Norwegian companies to corporate shareholders resident in EEA Member States are exempt from withholding tax. This exemption applies regardless of the ownership participation or holding period. However, a condition for the exemption is that the EEA resident company be actually established and carrying out genuine economic activities in its home country.

Foreign tax relief. A tax credit is allowed for foreign tax paid by Norwegian companies, but it is limited to the proportion of the Norwegian tax that is levied on foreign-source income. Separate limitations must be calculated according to the Norwegian tax treatment of the following two different categories of foreign-source income:

- Income derived from low-tax jurisdictions and income taxable under the CFC rules
- Other foreign-source income

For dividend income taxable in Norway (that is, dividends that are not tax-exempt under the exemption regime), Norwegian companies holding at least 10% of the share capital and the voting rights of a foreign company for a period of more than two years that includes the distribution date may also claim a tax credit for the underlying foreign corporate tax paid by the foreign company, provided the Norwegian company includes an amount equal to the tax credit in taxable income. In addition, the credit is also available for tax paid by a second-tier subsidiary, provided that the Norwegian parent indirectly holds at least 25% of the second-tier subsidiary and that the second-tier subsidiary is a resident of the same country as the first-tier subsidiary. The regime also applies to dividends paid out of profits that have been retained by the first- or second-tier subsidiary for up to four years after the year the profits were earned. The tax credit applies only to tax paid to the country where the first- and second-tier subsidiaries are resident.

C. Determination of taxable income

General. In calculating taxable income, book income shown in the annual financial statements (which must be prepared in accordance with generally accepted accounting principles) is used as a starting point. However, the timing of income taxation is based on the realization principle. Consequently, the basic rules are that an income is taxable in the year in which the recipient obtains an unconditional right to receive the income, and an expense is deductible in the year in which the payer incurs an unconditional obligation to pay the expense. In general, all expenses, except gifts and entertainment expenses, are deductible.

Inventory. Inventory is valued at cost, which must be determined on a first-in, first-out (FIFO) basis.

Depreciation. Depreciation on fixed assets must be calculated using the declining-balance method at any rate up to a given maximum. Fixed assets (with a cost of more than NOK30,000 and with a useful life of at least three years) are allocated to one of the following 10 different groups.

	Group	Maximum depreciation rates (%)
A	Office equipment and similar items	30
B	Acquired goodwill	20
C	Specified vehicles	
	Trailers, trucks and buses	24
	Commercial vehicles, taxis and vehicles for the transportation of disabled persons	24
D	Cars, tractors, other movable machines, other machines, equipment, instruments, furniture, fixtures and similar items	20
E	Ships, vessels, drilling rigs and similar items	14
F	Aircraft and helicopters	12
G	Installations for transmission and distribution of electric power, electronic equipment in power stations and such production equipment used in other industries	5

	Group	Maximum depreciation rates (%)
H	Industrial buildings and industrial installations, hotels, rooming houses, restaurants and certain other structures	
	Useful life of 20 years or more	4
	Useful life of less than 20 years	10
	Livestock buildings in the agricultural sector	6
I	Office buildings	2
J	Technical installations in buildings	10

Assets in groups A, B, C and D are depreciated as whole units, while assets in groups E, F, G, H, I and J are depreciated individually.

If fixed assets in groups A, B, C and D are sold, the proceeds reduce the balance of the group of assets and consequently the basis for depreciation. If a negative balance results within groups A, C or D, part of the negative balance must be included in income. In general, the amount included in income is determined by multiplying the negative balance by the depreciation rate for the group. However, if the negative balance is less than NOK30,000, the entire negative balance must be included in taxable income.

A negative balance in one of the other groups (B, E, F, G, H, I and J) must be included in a gains and losses account. Twenty percent of a positive balance in this account must be included annually in taxable income.

Relief for losses. A company holding more than 90% of the shares in a subsidiary may form a group for tax purposes. To consolidate taxable income in a tax group, a company with net profits may transfer those profits to a loss-making company. The profits are required to be actually transferred between the group companies. Companies covered by the financial tax (see *Financial tax* in Section B) may only deduct 22/25 of intragroup contributions to companies not covered by the financial tax.

Effective from the 2021 income year, Norwegian companies may grant tax-deductible group contributions to subsidiaries that are resident in an EEA country, provided that certain conditions are fulfilled. The group contribution must cover a final loss in the subsidiary, in line with the principles established under EU case law.

Alternatively, losses may be carried forward indefinitely. Losses can only be carried back when a line of business has been terminated. Losses may be carried back to offset profits of the preceding two years.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on any supply of goods and services, other than zero-rated (0%) and exempt (without credit) supplies, in Norway	
General rate	25
Articles of food	15

Nature of tax	Rate (%)
Passenger transportation, cultural events and certain other supplies	12
Social security contributions, on all taxable salaries, wages and allowances, and on certain fringe benefits; paid by	
Employer	
General rates; lower in some municipalities and for employees aged 62 and over	14.1
On salaries above NOK850,000	19.1
Employee (expatriates liable unless exempt under a social security convention)	7.8
Professional income	11
Pensioners and persons under 17 years old	5.1

E. Miscellaneous matters

Anti-avoidance legislation. According to a general anti-avoidance provision in Norwegian legislation, tax authorities may disregard a transaction if its main purpose is to obtain a tax benefit and, after an overall assessment, it is determined that the transaction cannot be used as the basis for taxation. The determination of whether the main purpose is to obtain a tax benefit is dependent on an objective assessment (that is, an assessment of what a hypothetical rational taxpayer would have done in a similar situation instead of the specific taxpayer).

In addition, Norwegian legislation has a specific anti-avoidance rule. If a company with a general tax position (that is, a tax position not connected to any specific asset or debt, such as a tax loss carryforward) is involved in a transaction in which the use of that tax position is the main objective of the transaction, the tax authorities may disallow such a tax position. This rule has a narrower scope, but a lower threshold for application, than the general anti-avoidance provision described above.

Foreign-exchange controls. Norway does not impose foreign-exchange controls. However, foreign-exchange transactions must be carried out by approved foreign-exchange banks.

Debt-to-equity rules. Norway does not have statutory thin-capitalization rules. Based on the arm's-length principle (see *Transfer pricing*), the tax authorities may deny an interest deduction on a case-by-case basis if they find that the equity of the company is not sufficient (for example, the Norwegian debtor company is not able to meet its debt obligations). An allocation rule regulates the deductibility of interest expenses for income subject to petroleum tax.

Norway has interest limitation rules. Under these rules, interest payments that exceed 25% of tax earnings before interest, tax, depreciation and amortization (EBITDA), which is defined as "ordinary taxable income with tax depreciation and net interest expenses added back, are nondeductible (fixed ratio rule)."

These rules impose a general restriction on interest deductibility, which applies to corporations and transparent partnerships as well as Norwegian permanent establishments of foreign companies. The restriction applies to interest payments made in both domestic

and cross-border situations. With respect to companies that are not part of a group, only interest paid to related persons are covered by the fixed ratio rule. Companies that are part of a consolidated multinational group for financial accounting purposes or companies that can be part of such group (group companies) are subject to the fixed ratio rule on interest paid on both internal and external loans. Companies taxed under the tonnage tax regime and under the hydropower tax regime are also subject to the fixed ratio rule. However, entities subject to the Norwegian Petroleum Tax Act are not yet covered by the rules.

The fixed ratio rule applies only if net interest expenses exceed the threshold established by the law. For group companies, the threshold is NOK25 million, which is computed on a combined basis for all Norwegian entities in the global consolidated group. For companies that are not part of a group, the threshold is NOK5 million. If the applicable threshold is exceeded, all interest expenses must be assessed under the fixed ratio rule, including the first NOK25 million or NOK5 million.

There are two alternative equity escape rules that may apply to group companies if the threshold of NOK25 million is exceeded.

The first equity escape rule allows all interest expenses to be deducted if the Norwegian company can demonstrate that its adjusted equity over total assets ratio (equity ratio) is no more than two percentage units (points) lower than the equivalent equity ratio of the global group.

The second equity escape rule allows all interest expenses to be deducted if the combined Norwegian part of the group can demonstrate that its adjusted equity ratio is no more than two percentage units lower than the equivalent equity ratio of the global group.

Certain exceptions apply to interest expenses incurred by group companies on borrowing arrangements with related parties that are not part of the consolidated group. For such related-party interest, the equity escape rules do not apply and, if net interest expenses in the borrowing entity exceed NOK5 million, the net related-party interest can be deducted only to the extent both internal and external net interest expenses do not exceed 25% of tax EBITDA.

Under the rules, a related party is a person, company or entity if, at any point during the fiscal year, any of the following is true:
- It directly or indirectly controls at least 50% of the debtor.
- It is a company or entity of which the debtor directly or indirectly controls at least 50%.
- It is a company or entity that is at least 50% owned directly or indirectly by the same company or entity as the debtor.

Effective from the 2024 income year, net intra-group interest income is not included in the calculation of net interest expenses if the EBITDA rule between related parties applies to companies in a group. The provision will only have an impact on group companies that remit/owe interest expenses to related parties that are not part of the same group for the purpose of the interest limitation rules.

In general, interest expenses that cannot be deducted during the fiscal year can be carried forward for 10 years. However, the interest expenses carried forward cannot exceed 25% of the basis of the calculation to be made in any future year. Any carryforward of non-deducted interest expenses must be deducted before the current year's interest expenses.

Controlled foreign companies. Norwegian shareholders in controlled foreign companies (CFCs) resident in low-tax jurisdictions are subject to tax on their allocable shares of the profits of the CFCs, regardless of whether the profits are distributed as dividends. A CFC is a company of which 50% or more of its shares is directly or indirectly owned or controlled by Norwegian residents. A low-tax jurisdiction is a jurisdiction with an effective corporate tax rate for that kind of company that is less than two-thirds of the Norwegian effective tax rate that would have been imposed if the taxpayer had been resident for tax purposes in Norway. The CFC rules do not apply to the following CFCs:

- A CFC resident in a country with which Norway has entered into a tax treaty if the income of the CFC is not of a predominantly passive nature.
- A CFC resident in an EEA member country if such CFC is actually established and carries out genuine economic activities in its home country and if Norway and the home country have entered into a treaty containing exchange-of-information provisions. As of 2019, Norway has entered into such treaties with all EEA countries.

The losses of a CFC may not offset the non-CFC income of an owner of the CFC, but they may be carried forward to offset future profits of the CFC.

Transfer pricing. The arm's-length principle is stated in Section 13-1 of the Tax Act, and the transfer-pricing filing and documentation requirements are stated in Section 8-11 of the Tax Administration Act. Norway has not yet formally implemented the changes for transfer-pricing documentation set out in Chapter V of the 2017 Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines. However, the Norwegian Ministry of Finance and the tax administration in Norway have communicated that the new rules will be formally implemented. In practice, transfer-pricing documentation in line with Chapter V of the 2017 OECD Transfer Pricing Guidelines is accepted as long as it also fulfills the more specific Norwegian requirements set out in Section 8-11 of the Tax Administration Act. As an attachment to the annual tax return, Norwegian companies and Norwegian permanent establishments must report summary information about their business and their controlled transactions (Form RF-1123) with affiliated companies.

Norwegian companies and Norwegian permanent establishments must prepare and maintain annual written documentation describing their group, the Norwegian entities and their significant controlled transactions and dealings with related parties. To avoid a deemed tax assessment, such documentation must be presented to the tax authorities no later than 45 days after it has been requested. The statutory limitation for providing such documentation is 10 years.

Companies that meet the following criteria for the relevant tax year are exempt from the documentation requirements:

- The real value of the controlled (intercompany) transactions is less than NOK10 million during the fiscal year.
- At the end of the relevant tax year, the intercompany loans, debts, guarantees and receivables amount to less than NOK25 million.

In addition, Norwegian entities belonging to a group of companies with less than 250 employees may be exempted from the abovementioned documentation requirements if the group has consolidated sales revenue of less than NOK400 million or a consolidated total balance of less than NOK350 million. The exemption does not apply if the Norwegian entity has controlled transactions with related parties located in countries from which Norwegian tax authorities cannot request exchange of information under a treaty. The exemption also does not apply to companies subject to tax under the Norwegian Petroleum Tax Act.

Country-by-Country Reporting. Norway has introduced Country-by-Country Reporting (CbCR) requirements that mainly follow OECD BEPS Action 13 requirements. The CbCR requirements apply to Norwegian entities that are part of a multinational group of companies with consolidated turnover exceeding NOK6.5 billion. Any Norwegian entity that is part of such group of companies must notify the Norwegian tax authorities about the reporting entity for the group in the annual tax return (Form RF-1028) concerning the reporting year, at the latest. The requirements are stated in Section 8-12 of the Tax Administration Act.

F. Treaty withholding tax rates

In Norway, there is a 15% withholding tax on interest, royalties and certain lease payments to related parties resident in a low-tax jurisdiction. For the purpose of the rules, a company is considered a "related party" if the payer and the recipient are directly or indirectly under the same ownership and control by at least 50%. The term "low-tax jurisdiction" is to be interpreted in line with the controlled foreign company rules (see Section E). The treaty rates listed below for interest and royalties apply from 1 January 2024, subject to the fulfillment of requirements (if any) established in each treaty.

Many treaties provide exemptions for dividend, interest and royalties paid to certain entities (for example, to the state, local authorities, the central bank, export credit institutions or with respect to sales on credit). Such exemptions are not considered in the table below.

	Dividends %	Interest %	Royalties %
Albania	5/15 (c)	10	10
Argentina	10/15 (c)	12 (u)	3/5/10/15 (dd)
Australia	0/5/15 (n)	0/10 (v)	5
Austria (a)(b)	0/15 (o)	0	0
Azerbaijan	10/15 (k)	10	10
Bangladesh	10/15 (d)	10	10
Belgium (a)(b)	0/5/15 (d)	0/10 (uu)	0
Benin	18	25	0

	Dividends %	Interest %	Royalties %
Bosnia and Herzegovina (f)	15	0	10
Brazil (b)	25	15	15
Bulgaria	5/15 (d)	5	5
Canada (b)	5/15 (d)	10	0/10 (ee)
Chile	5/15 (c)	4/5/15 (w)	2/10 (ff)
China Mainland (b)(m)	15	10	10
Côte d'Ivoire	15	16	10
Croatia (f)	15	0	10
Cyprus (a)	0/15 (d)	0	0
Czech Republic (a)(e)	0/15 (d)	0	0/5/10 (gg)
Denmark (a) (Nordic Treaty)	0/15 (d)	0	0
Egypt (b)	15	0	15 (hh)
Estonia (a)	5/15 (c)	10	0 (ii)
Faroe Islands (Nordic Treaty)	0/15 (d)	0	0
Finland (a) (Nordic Treaty)	0/15 (d)	0	0
France (a)(b)	0/5/15 (i)	0	0
Gambia	5/15 (c)	15	12.5
Georgia	5/10 (d)	0	0
Germany (a)(b)	0/15 (c)	0	0
Greece (a)	20	10	10
Greenland	5/15 (d)	0	10
Hungary (a)	10	0	0
Iceland (a) (Nordic Treaty)	0/15 (d)	0	0
India	10	10	10
Indonesia	15	10	10/15 (jj)
Ireland (a)	5/15 (d)	0	0
Israel (b)	5/15 (g)	25	10
Italy (a)(b)	15	15	5
Japan	5/15 (c)	10	10
Kazakhstan	5/15 (d)	10	10 (kk)
Kenya	15/25 (c)	20	20
Korea (South) (b)	15	15	10/15 (ll)
Latvia (a)(b)	5/15 (c)	10	0/5/10 (mm)
Lithuania (a)	5/15 (c)	10	0/5/10 (mm)
Luxembourg (a)	5/15 (c)	0	0
Malawi	5/15 (d)	10	5
Malaysia (b)	0	0	0
Malta (a)	0/15 (r)	0	0
Mexico	0/15 (c)	10/15 (x)	10
Montenegro (f)	15	0	10
Morocco	15	10	10
Nepal	5/10/15 (h)	10/15 (y)	15 (kk)
Netherlands (a)	0/15 (d)	0	0
Netherlands Antilles	5/15 (c)	0	0
New Zealand (b)	15	10	10
North Macedonia	10/15 (c)	5	5
Pakistan	15	10	12
Philippines	15/25 (d)	15	10

	Dividends %	Interest %	Royalties %
Poland (a)	0/15 (d)	5	5
Portugal (a)	5/15 (s)	10	10
Qatar	5/15 (d)	0	5
Romania	5/10 (d)	5	5
Russian Federation	10	10	0
Senegal	16	16	16
Serbia	5/15 (c)	10 (vv)	5/10 (nn)
Singapore (b)	5/15 (c)	7	7
Slovak Republic (b)(e)	5/15 (c)	0	0/5 (oo)
Slovenia	0/15 (q)	5	5
South Africa	5/15 (c)	0	0
Spain (a)(b)	10/15 (c)	0/10 (z)	0/5 (ww)
Sri Lanka	15	10	10
Sweden (a) (Nordic Treaty)	0/15 (d)	0	0
Switzerland (b)	0/15 (d)	0	0
Tanzania	20	15	20
Thailand (b)	10/15 (d)	10/15 (aa)	5/10/15 (pp)
Tunisia	20	12	5/15/20 (qq)
Türkiye	5/15 (p)	5/10/15 (bb)	10
Uganda	10/15 (c)	10	10
Ukraine	5/15 (c)	10	5/10 (rr)
United Kingdom	0/15 (t)	0	0
United States (b)	15	0/10 (xx)	0 (ss)
Venezuela	5/10 (d)	5/15 (cc)	9/12 (tt)
Vietnam	5/10/15 (j)	10	10
Zambia	5/15 (l)	10	10
Zimbabwe	15/20 (c)	10	10
Non-treaty jurisdictions	25	0/15	0/15

(a) Dividends paid to corporate residents of EEA Member States are exempt from withholding tax if the EEA resident company is really established in its home country.

(b) A revision of this treaty (or a new protocol) is currently being negotiated. Also, see the first paragraph after the footnotes.

(c) The treaty withholding rate is increased if the recipient is not a company owning at least 25% of the distributing company. For Serbia and South Africa, in order to be entitled to this reduced rate, the recipient must also fulfill a holding period in accordance with the provisions of Article 8 of the Multilateral Instrument to Implement Tax Treaty Measures to Prevent Base Erosion and Profit Shifting (MLI). The holding period applies to dividend payments in the case of Serbia from 1 January 2020, and in the case of South Africa from 1 January 2023. For Kenya, the withholding rate is increased if the recipient is not a company owning at least 25% of the distributing company during the period of six months immediately preceding the date of payment of the dividends.

(d) The treaty withholding rate is increased if the recipient is not a company owning at least 10% of the distributing company. For Ireland and the Netherlands, in order to be entitled to this reduced rate, the recipient must also fulfill a holding period in accordance with the provisions of Article 8 of the MLI. The holding period applies to dividend payments from 1 January 2020. For Poland, the 0% rate applies if the Polish company owns directly at least 10% of the capital in the Norwegian company for an uninterrupted period of at least 24 months. For Belgium, the 5% rate applies if the beneficial owner is a pension fund that satisfies additional conditions established in the treaty. The 0% rate applies if the beneficial owner of the dividends owns directly at least 10% of the capital in the Norwegian company for an uninterrupted period of at least 12 months.

(e) Norway honors the Czechoslovakia treaty with respect to the Slovak Republic. Norway has entered into a tax treaty with the Czech Republic. The withholding tax rates under the Czech Republic treaty are shown in the above table.

(f) Norway honors the suspended Yugoslavia treaty with respect to Bosnia and Herzegovina, Croatia and Montenegro.

(g) The treaty withholding rate is increased if the recipient is not a company holding at least 50% of the voting power of the distributing corporation.

(h) The 5% rate applies if the recipient is a company owning at least 25% of the distributing company. The rate is increased to 10% if the recipient is a company owning at least 10%, but less than 25%, of the distributing company. For other dividends, the rate is 15%.

(i) The 0% rate applies if the recipient company owns at least 25% of the capital in the Norwegian company. The 5% rate applies if it owns at least 10% of the capital in the Norwegian company but less than 25%. The 15% rate applies if the beneficial owner owns less than 10% of the capital in the Norwegian company.

(j) The 5% rate applies if the recipient of the dividends owns at least 70% of the capital of the Norwegian payer. The rate is increased to 10% if the recipient owns at least 25%, but less than 70%, of the Norwegian payer. For other dividends, the rate is 15%.

(k) The treaty withholding rate is increased to 15% if the recipient is not a company that satisfies both of the following conditions:
- It owns at least 30% of the capital of the distributing company.
- It has invested more than USD100,000 in the payer.

(l) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 25% of the capital of the distributing company.

(m) The Hong Kong and Macau Special Administrative Regions (SARs) are not covered by the China Mainland treaty.

(n) The 5% rate applies if the Australian company holds at least 10% of the voting power in the Norwegian company and fulfills the required holding period in accordance with the provisions of Article 8 of the MLI. The holding period applies to dividend payments from 1 January 2020. The 0% rate applies if more than 80% of the voting power is held, subject to several conditions.

(o) The 0% rate applies if the recipient is a company.

(p) The 5% rate applies if the dividends are exempt in Norway and if they are derived by either of the following:
- A beneficial owner (other than a partnership) who holds directly at least 20% of the capital in the Norwegian company
- The Government Social Security Fund (Sosyal Güvenlik Fonu)

(q) The treaty withholding rate is increased if the recipient is not a company owning at least 15% of the distributing company and/or does not fulfill the required holding period in accordance with the provisions of Article 8 of the MLI. The holding period applies to dividend payments from 1 January 2020. The 0% rate applies if more than 80% of the voting power is held, subject to several conditions.

(r) The 0% rate applies if the beneficial owner is one of the following:
- A company (other than a partnership) that directly holds at least 10% of the capital of the company paying the dividends on the date on which the dividends are paid if it has maintained that holding for an uninterrupted 24-month period or if it will maintain that holding for an uninterrupted 24-month period in which that date falls
- A statutory body or an institution wholly or mainly owned by the government of Malta or the Central Bank of Malta

(s) The treaty withholding tax rate is increased if the recipient is not a company directly owning at least 10% of the distributing company for the last 12 months. If the distributing company has existed for less than 12 months, the recipient must satisfy the 10% condition since the date on which the distributing company was established.

(t) The treaty withholding tax rate is increased if the recipient is not a company owning, directly or indirectly, at least 10% of the distributing company or is a pension scheme.

(u) The rate under the treaty is 12.5%. However, as a result of a most-favored-nation clause, the rate is reduced to 12%.

(v) The 0% rate applies to interest is derived from the investment of official reserve assets by the government of a contracting state, its monetary institutions or a bank performing central banking functions in that state or interest derived by a financial institution that is unrelated to and dealing wholly independently with the payer. However, a 10% rate applies if the interest is paid as part of an arrangement involving back-to-back loans, or other arrangements that are economically equivalent and intended to have a similar effect. The 10% rate applies in all other cases.

(w) The 5% rate applies to interest derived from bonds or securities that are regularly and substantially traded on a recognized securities market. The 4% rate applies if the beneficial owner is one of the following:
- A bank
- An insurance company
- An enterprise substantially deriving its gross income from the active and regular conduct of a lending or finance business involving transactions with unrelated persons if the enterprise is unrelated to the payer of the interest
- An enterprise that sold machinery or equipment if interest is paid with respect to indebtedness that arises as part of the sale on credit of such machinery or equipment
- Any other enterprise, provided that in the three tax years preceding the tax year in which the interest is paid, the enterprise derives more than 50% of its liabilities from the issuance of bonds in the financial markets or from the taking of deposits at interest, and more than 50% of the assets of the enterprise consist of debt-claims against unrelated persons

The 15% rate applies in all other cases.

(x) The 10% rate applies to interest paid to banks.

(y) The 10% rate applies to interest paid to banks carrying on bona fide banking business.

(z) The 0% rate applies to interest on certain qualifying loans.

(aa) The 10% rate applies to interest paid to financial institutions (including insurance companies). A most-favored-nation clause may apply with respect to interest payments.

(bb) The 5% rate applies to certain credit institutions providing export credits or a government pension or social security fund. The 10% rate applies to interest paid to banks. The 15% rate applies in all other cases.

(cc) The 5% rate applies to interest paid to banks.

(dd) The 3% rate applies to news-related royalties. The 5% rate applies to copyright royalties other than royalties related to films or tapes. The 10% rate applies to patents, trademarks, know-how, certain lease-related royalties and technical assistance. The 15% rate applies in all other cases. A most-favored-nation clause may apply with respect to royalty payments.

(ee) The 0% rate applies to copyright royalties (excluding films), computer software, patents and know-how.

(ff) The royalties' rates under the treaty are 5% for equipment leasing and 15% in all other cases. However, as a result of a most-favored-nation clause, the rates are reduced to 2% for equipment leasing and 10% in all other cases.

(gg) The 0% rate applies to copyrights of literary, artistic or scientific works except for computer software and including cinematographic films, and films or tapes for television or radio broadcasting. The 5% rate applies to industrial, commercial or scientific equipment. The 10% rate applies to patents, trademarks, designs or models, plans, secret formulas or processes and computer software, or for information concerning industrial, commercial or scientific experience.

(hh) The reduced rate does not apply to royalties with respect to cinematographic films.

(ii) The rates for royalties under the treaty are 5% for equipment rentals and 10% in all other cases. However, as a result of a most-favored-nation clause, royalties are exempt from withholding tax.

(jj) The 10% rate applies for the use of any patents, trademarks, designs or models, plans, secret formulas or processes, and for the supply of commercial, industrial or scientific equipment or information. The 15% rate applies for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films or films or tapes for radio or television broadcasting.

(kk) A most-favored-nation clause may apply with respect to royalties.

(ll) The 10% rate applies for the use of any patents, trademarks, designs or models, plans, secret formulas or processes, and for the supply of commercial, industrial or scientific equipment or information. The 15% rate applies for the use of, or the right to use copyrights of literary, artistic or scientific works, including cinematographic films.

(mm) The 5% rate applies to royalties paid for the use of industrial, commercial or scientific equipment. The 10% rate applies to all other cases. A most-favored-nation clause may apply with respect to royalties, reducing the rate to 0%.

(nn) The 5% rate applies to royalties paid for the use of, or the right to use copyrights of literary, artistic or scientific works, including cinematographic films or films or tapes used for radio or television broadcasting. The 10% rate applies to royalties paid for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, or for the use of, or

the right to use, industrial, commercial, or scientific equipment, or for information concerning industrial, commercial or scientific experience. A most-favored-nation clause may apply with respect to interest payments.

(oo) The 5% rate applies for the use of or the right to use patents, trademarks, designs or models, plans, secret formulas or processes, or industrial, commercial, or scientific equipment, or for information concerning industrial, commercial, or scientific experience. The 0% rate applies to royalties paid for the use of or the right to use copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for television or radio broadcasting.

(pp) The 5% rate applies for the use of, or the right to use, copyrights of literary, artistic or scientific works. The 10% rate applies to royalties for the use of or the right to use industrial, commercial or scientific equipment. The 15% rate applies in all other cases.

(qq) The 5% rate applies for the use of, or the right to use, copyrights of literary, artistic or scientific works, excluding cinematographic films or films for television broadcasting. The 15% rate applies for the use of patents, models, secret formulas or processes, or for information concerning industrial, commercial or scientific experience. The 20% rate applies for the use of, or the right to use, licensing rights, manufacturing rights or trademarks, cinematographic films or films for television broadcasting and equipment used in agricultural, industrial or scientific research.

(rr) The 5% rate applies for the use of patents, plans, secret formulas or processes, or for information (know-how) concerning industrial, commercial or scientific experience. The 10% rate applies in all other cases.

(ss) The reduced rate does not apply to royalties for copyrights of motion picture films or films or tapes used for radio or television broadcasting.

(tt) The 9% rate applies to payments for technical assistance. The 12% rate applies in all other cases.

(uu) The 0% rate applies if one of the following conditions are met:
- The interest is paid by a purchaser to a seller in connection with a commercial credit resulting from deferred payments for goods, merchandise, equipment or services.
- The interest is paid with respect to loans of any nature granted by a banking enterprise, except when such loans are represented by bearer instruments.
- The interest is paid with respect to a credit or loan of any nature granted or extended by an enterprise to another enterprise.
- The interest is paid to a pension fund, provided that the debt-claim with respect to which such interest is paid is held for the purpose of certain activities.

(vv) A most-favored-nation clause may apply with respect to interest payments.

(ww) The 0% rate applies to royalties received in consideration for the use of, or the right to use, ships or aircraft on a bareboat basis, or containers, in international traffic. The 5% rate applies in all other cases.

(xx) The 0% rate applies to interest paid by a purchaser to a seller in connection with commercial credit resulting from deferred payments for goods, merchandise or services and interest paid with respect to a loan of any nature made by a bank.

Norway signed a tax treaty with Ghana on 20 November 2020, but the treaty is not yet in force. Norway renegotiated its tax treaty with Brazil on 4 November 2022, but the new treaty is not yet in force. Norway signed a new tax treaty with China Mainland, but the new treaty is not yet in force. Norway signed a protocol amending the current tax treaty with Belgium on 8 September 2021, but the protocol is not yet in force.

Norway is currently renegotiating its existing tax treaties with France, Korea (South), Pakistan, Singapore, Spain, Thailand and the United States, It is also negotiating a new tax treaty with the Hong Kong SAR and protocols amending the current tax treaties with Albania, Austria, Canada, Germany, Greenland, Kazakhstan, Malaysia, North Macedonia, Qatar, Vietnam and Zambia, but it is unknown when the negotiations will be completed.

The tax treaties with Barbados, Curacao, Jamaica, Sierra Leone, and Trinidad and Tobago were terminated by royal resolution on 9 June 2023 and the terminations took effect on 1 January 2024.

As a result of the OECD's MLI, Norway has signed updated treaties with 28 jurisdictions (Argentina, Australia, Bulgaria, Chile, China Mainland, Cyprus, Czech Republic, Estonia, Georgia, Greece, India, Ireland, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Poland, Portugal, Romania, Russia, Serbia, Slovenia, South Africa, Türkiye and the United Kingdom). The MLI agreement that Norway signed with China Mainland entered into force on 1 September 2022. The MLI agreement that Norway signed with Bulgaria and South Africa entered both into force 1 January 2023. The MLI agreements with Argentina and Türkiye are not yet in force.

Norway has entered into exchange-of-information tax treaties with Andorra, Anguilla, Antigua and Barbuda, Aruba, Bahamas, Bahrain, Belize, Bermuda, Botswana, British Virgin Islands, Brunei Darussalam, Cayman Islands, Cook Islands, Costa Rica, Denmark (Nordic Treaty), Dominica, Faroe Islands (Nordic Treaty), Finland (Nordic Treaty), Gibraltar, Grenada, Guernsey, the Hong Kong SAR, Iceland (Nordic Treaty), Isle of Man, Jersey, Liberia, Lichtenstein, the Macau SAR, Marshall Islands, Mauritius, Monaco, Montserrat, Niue, Panama, Samoa, San Marino, Seychelles, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, the Turks and Caicos Islands, the United Arab Emirates, the United States, Uruguay and Vanuatu.

In addition, Norway signed an exchange-of-information tax treaty with Guatemala on 15 May 2012, but the agreement is not yet in force.

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The Income Tax Law (ITL), which is effective from the tax year beginning on 1 January 2010, was published in the Official Gazette on 1 June 2009. The Executive Regulations (ERs), which provide clarifications to certain provisions of the ITL, were issued on 28 January 2012 through Ministerial Decision (MD) 30/2012.

Royal Decree (RD) 9/2017 published in the Official Gazette on 26 February 2017 amended certain provisions of the ITL. In September 2020, the ITL was further amended by RD 118/2020.

MD 14/2019, amending the ERs to the ITL, was published on 10 February 2019. The amendments include clarifications on the withholding tax regime, administrative procedures, tax exemptions, deductibility of expenses, on-site inspection procedures and taxability of enterprises. They generally apply from 11 February 2019, but some amendments apply retroactively to tax years beginning on or after 1 January 2018.

A. At a glance

Corporate Income Tax Rate (%)	15 (a)
Capital Gains Tax Rate (%)	15
Branch Tax Rate (%)	15
Withholding Tax (%)	10 (b)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (c)

(a) The rate for Small and Medium-Sized Enterprises is 3%. For further information regarding corporate income tax rates, see Section B.

(b) This tax is imposed on certain payments to nonresident persons that do not have a permanent establishment in Oman or have a permanent establishment in Oman but such payments do not form part of the gross income of that permanent establishment in Oman. Companies or permanent establishments in Oman that make specified payments on which withholding tax is applicable must deduct the tax at source and remit it to the Oman Tax Authority (OTA) (for a listing of these items, see Section B).

(c) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Companies, which include Omani companies, partnerships, joint ventures and sole proprietorships, and permanent establishments of foreign companies are subject to Omani income tax. A permanent establishment, which is defined in the law, also includes a building site, a place of construction or an assembly project if it lasts for a period of more than 90 days. In addition, a permanent establishment is created for a foreign person providing consultancy or other services in Oman through employees or designated agents visiting Oman for at least 90 days in any 12-month period.

Omani companies and Omani sole proprietorships are subject to tax on overseas income (income accrued from a source outside Oman). However, a foreign tax credit limited to Oman's tax rate of 15% is available against the tax payable in Oman.

Under amendments contained in RD 9/2017, taxability of Gulf Co-operation Council (GCC) country citizens or a GCC-owned company is based on a 2001 economic agreement between the GCC Member States.

Rates of corporate income tax. Companies registered in Oman, regardless of the extent of foreign participation, and permanent establishments of foreign companies are subject to tax at a rate of 15% on their taxable income. RD 9/2017 removed the statutory exemption limit of OMR30,000.

Oil exploration and production companies are taxed at a rate of 55% and are usually covered by special rules contained in concession agreements. Exploration and production sharing agreements (EPSAs) signed between the government of Oman and concession partners provide detailed procedures for computing taxable

income and settlement of tax due. Under an EPSA, the government of Oman generally settles tax due on behalf of the concession partner out of the government's share of production.

Foreign shipping and aviation companies are exempt from tax in Oman if the Omani shipping and aviation companies enjoy similar reciprocal treatment in the respective foreign countries. Omani companies and sole proprietorships engaged in shipping are exempt from tax.

Income derived by investment funds established in Oman and by funds established outside Oman dealing in Omani securities listed in the Muscat Securities Market (MSM) is exempt from tax. These exemptions are for indefinite periods.

Tax holidays are available to companies engaged in industrial activities. The exemption is restricted to five years, subject to the fulfillment of certain conditions.

No income can be exempt from tax unless provided by a law or Royal Decree.

Small and Medium-Sized Enterprises. Under RD 9/2017, Small and Medium-Sized Enterprises (SMEs) are now taxed at 3%, effective from 1 January 2017. For an entity to be considered as an SME, certain prescribed criteria must be fulfilled.

MD 14/2019 amended the criteria on capital, revenue and number of employees for enterprises to benefit from the applicability of reduced tax rates of 0% and 3%. SMEs must submit a final return of income within three months after the end of the accounting period, together with a statement of income on a cash basis. The amendments introduced by MD 14/2019 clarify that the general rules for deductibility of expenses for enterprises are similar to those for other local taxpayers.

SMEs that do not keep accounts of expenses are required to submit an annual application together with the tax return and details of revenue during the year. The OTA will determine the deductibility of deemed expenses based on the application.

Capital gains. No special rules apply to capital gains. Capital gains are taxed as part of regular business income at the rates set out in *Rates of corporate income tax*.

The tax law provides that profits and gains derived from disposals of all assets, including disposals of goodwill, trade names or trademarks with respect to all or part of a business, are included as deemed income.

Gains derived from the sale of investments and securities listed on the MSM are exempt from tax. Whether this exemption is also extended to companies listed on the MSM but not actively traded (Societe Anonyme Omanaise Close [SAOC] companies) remains to be clarified.

Withholding tax. Withholding tax at a rate of 10% of gross payments is imposed on certain gross payments made to foreign companies, including the following (also, see below):
- Dividends
- Interest
- Royalties (see below)

- Consideration for research and development
- Fees for management or performance of services
- Consideration for the use of or right to use computer software

Entities in Oman, including permanent establishments, are responsible for deducting and remitting tax to the government. The tax is final. Nonresident persons do not have any further filing or other obligations with respect to such income.

If a nonresident person has a permanent establishment in Oman, but the permanent establishment in Oman is unconnected to the receipt of income that is subject to withholding tax, withholding tax applies to such payments.

A Royal Assent has suspended the application of the provisions of the ITL relating to withholding tax on dividends and interest for a period of three years from 6 May 2019. This suspension period was further increased to five years from the 2020 tax year (until 31 December 2024) under the Economic Stimulus Plan introduced by the Ministry of Finance. This suspension of withholding tax on dividend and interest has been extended indefinitely under a Royal Directive. Announcements and clarifications to clarify the period of such extension are awaited.

Further details regarding the withholding taxes are provided below.

Withholding tax on performance of services. The term "services" is not defined in the ITL or the regulations. However, ERs provide that the following are excluded from the applicability of withholding tax:

- Participation in organizations, conferences, seminars or exhibitions
- Training
- Transporting, shipping and insurance of goods
- Air tickets and accommodation expenses abroad
- Board meeting fees
- Reinsurance payments
- Any services related to an activity or property outside Oman

Withholding tax on royalties. Royalties include payments for the use of or right to use software, intellectual property rights, patents, trademarks, drawings, equipment rentals, consideration for information concerning industrial, commercial or scientific experience, and concessions involving minerals.

Withholding tax on dividends. Under RD 9/2017, dividends paid to foreign persons on publicly listed shares are subject to withholding tax at 10% of gross payments, effective from 27 February 2017. The amendments introduced by MD 14/2019 clarify that the term "dividends" includes dividends distributed by joint stock companies and distributions by investment funds.

Withholding tax on interest. Amendments introduced by MD 14/2019 define the term "interest" for withholding tax purposes and clarify the treatment of returns generated by certain Islamic Finance products. MD 14/2019 excludes certain payments from withholding tax, including the following:

- Interest paid on amounts deposited in banks located in Oman
- Returns on bonds and *sukuk* issued by the government or banks located in Oman

- The benefits of transactions and facilities between banks for the purpose of providing and managing liquidity or financing, if the term for repayment of the debt does not exceed five years

Other. The applicability of withholding tax on interest and payments for services is an evolving issue for which taxpayers should seek advice before making decisions. Effective from 27 February 2017, responsibility to deduct withholding tax is extended to ministries, public establishments and other government administrative bodies.

Administration

General. A taxpayer is required to register with the OTA by filing a declaration of details related to the entity (Income Tax Forms Nos. 2 to 5) within a period of 60 days after the date of incorporation or commencement of activities, whichever is earlier. Any changes to the registration information must be communicated within 30 days by updating such information in the OTA's portal.

Tax card. Under an amendment contained in RD 9/2017, a request for a tax card must be submitted to the OTA within two months after the date of incorporation or commencement of business or within one month after the date of any change in data of an entity. The allotted card number and date must be included in all the invoices, contracts and correspondence. The tax card system came into effect on 1 July 2020. Taxpayers are required to apply for renewal at least one month before the expiration of the tax card. Application and issuance of the tax card are processed through the OTA portal. Fines that may be imposed on taxpayers in case of noncompliance with this requirement have been stipulated.

Accounting period. The accounting period begins on the date of commencement of business for joint ventures and permanent establishments. For companies, the start date is the date of registration or incorporation. The first accounting period may be less than 12 months but cannot exceed 18 months. The accounting period may be changed with the approval of the OTA.

Books of accounts. Books of accounts are required to be maintained for a period of 10 years. Permission is required for maintaining books of accounts in a foreign currency. In such a case, income must be converted at exchange rates prevailing on the last day of the accounting year, as published by the Central Bank of Oman. The accrual method of accounting must be used.

Principal Officer. The term "Principal Officer" is defined for various entities. If a permanent establishment carries on an activity in Oman through a dependent agent, the agent is treated as Principal Officer. If a sole proprietor or owner of a permanent establishment is outside Oman, the individual or permanent establishment must designate a Principal Officer to comply with the obligations under the law. Such Principal Officer may not be absent from Oman for more than 90 days in a tax year.

Partners of joint ventures are jointly and severally liable for taxes of the joint venture.

Returns: The previous requirement to submit two tax returns (the provisional and final returns of income) has been replaced. An

income tax return is now required to be submitted within four months from the end of the relevant tax year or accounting period for which the return is prepared. This requirement is effective for tax years commencing on or after 1 January 2020.

Electronic filing of returns. Amendments contained in RD 9/2017 introduced a system of electronic filing of tax returns. Tax returns (both corporate income tax and withholding tax) are required to be filed electronically via the tax online portal.

Tax residency. RD 118/2020 introduced a new concept of tax residency as follows:

- A natural person is a resident if he or she spends 183 days or more (consecutive or intermittent) in Oman during the tax year.
- A legal person is a tax resident if it has been established in accordance with the laws and RDs in force in Oman, or if its head office or headquarters is in Oman.

The reference to foreign persons in the charging section for withholding tax in the ITL has been amended to apply to nonresident persons (that is, a person not fulfilling the above criteria).

Financial institutions and other businesses operating in Oman. On 14 September 2020, Oman ratified the automatic exchange of information (AEOI) through RD 118/2020 to support the implementation of the Common Reporting Standard and Country-by-Country Reporting Standards developed by the Organisation for Economic Co-operation and Development (OECD). The Chairman of the OTA has also issued announcements related to relevant administrative rules. Reporting financial institutions and other multinational businesses should assess their compliance requirements, if any, under the AEOI regime.

Assessments. Assessments must be issued within three years from the end of the year in which tax returns are filed. If no assessment is issued within a period of three years, such assessments are deemed to have been issued (that is, tax returns are accepted as filed).

Rectification, revision or additional assessment may be carried out by the OTA within three years after the date of the original assessment. However, in a case of fraud or deception, the statutory timeline for assessment is extended up to five years. If a tax return is not submitted for a tax year, the time limit for making an assessment is five years from the end of the tax year for which the tax return is due.

Assessed tax, reduced by tax already paid, must generally be paid within 30 days after the date of issuance of the assessment. A delay results in a fine of 1% per month on taxes due for the period of delay. If excess tax is paid for a particular year, a refund must be claimed within five years from the end of the year in which such refund is due. The excess tax paid for a particular year may also be used as a setoff against future tax payable.

Assessments are made with respect to withholding tax. Under an amendment contained in RD 9/2017, assessments can be issued in cases in which withholding tax is not paid by the taxpayer.

RD 9/2017 introduced a system of sample basis selection for investigation before the issuance of an assessment. However,

regulations on sampling and other procedures have not yet been issued.

Statute of limitations. For the period of limitation related to assessments, see *Assessments*.

The government's right to collect taxes expires after seven years from the date taxes became due and payable, unless the OTA initiates action to recover taxes.

Appellate processes. An objection against an assessment order must be filed with the OTA. Other appellate procedures are an appeal with the Tax Grievance Committee (a special committee recently formed to address taxpayers' grievances), a tax suit filed in the primary court, an appeal to the appellate court, and finally a case before the Supreme Court.

An objection against an assessment must be filed within 45 days from the date of serving of the assessment order. An appeal must be submitted within 45 days from the date of the decision on the objection or the date of expiration of the specified period for deciding on the objection if no decision is issued.

The time limit for consideration of the objection is five months, with an extension of an additional three months. If no decision is issued, an implied rejection of the objection is deemed to occur.

A taxpayer can seek an extension of time for the payment of disputed tax. However, the undisputed tax must be paid within a period specified in the assessment order, which is normally 30 days after the date of assessment.

Stringent penalties are imposed for noncompliance with the procedural requirements and any understatement of income or profits.

Dividends. Dividends received by Omani companies, permanent establishments of foreign companies or Omani sole proprietorships from Omani companies are exempt from tax.

Foreign tax relief. A foreign tax credit limited to Oman's tax rate of 15% is available against the tax payable in Oman on overseas income of Omani companies and sole proprietors.

C. Determination of trading income

General. Tax is levied on the taxable income earned by Omani companies, permanent establishments of foreign companies and Omani sole proprietorships. Financial accounts must be prepared using the accrual basis of accounting and in accordance with international accounting standards.

Gains on the disposal of goodwill and trademarks are deemed to be taxable income.

Income arising before registration or incorporation is considered to be taxable income in the first year after registration. The market value of assets received in exchange for other assets is considered to be the disposal value, suggesting that mergers may give rise to a taxable event.

Other types of income such as payments on insurance claims, debts recovered in subsequent periods, balancing charges and reversals of liabilities, are treated as income subject to tax.

Expenses are deductible only if they are incurred wholly and exclusively for the purpose of production of gross income. If only a portion of the expense is incurred for the purpose of income generation, the proportionate expense attributable to the income generated is allowed as a deduction. Expenses incurred before registration, incorporation or the commencement of business are deemed to be incurred on the day on which business commences and are deductible in the first year of commencement of operations.

Expenses that are incurred in generating tax-exempt income are not allowed as deductions.

Special rules apply to allowances, such as depreciation, bad debts, donations, remuneration of shareholders, proprietors and directors, rent, head-office overhead allocated to branches, interest paid to related parties and sponsorship fees. Exchange differences relating to head-office or related-party balances are normally disregarded.

Donations made "in kind" to approved organizations are allowed as deductible payments. The amendments introduced by MD 14/2019 provide specific rules for deduction of in-kind donations, effective for tax years beginning on or after 1 January 2018.

MD 14/2019 has increased the limit for deduction of remuneration paid to owners or partners of a company from RO3,000 to RO3,500 per month for companies carrying on professional activities, and from RO1,000 to RO1,500 per month for all other companies. In addition, the annual limit on deductible remuneration paid to all owners or partners of a company has increased to 35% of the taxable income for the year (calculated before deducting such remuneration) for companies carrying on professional activities and 25% for all other companies. These amendments are effective for tax years beginning on or after 1 January 2018.

Foreign taxes are not deductible for tax purposes. However, foreign taxes can be set off against taxes due on the same income in Oman (see Section B).

Inventories. The ITL does not stipulate a required method of accounting for inventories. In general, inventories are valued at the lower of cost or net realizable value, with cost determined using the weighted average or first-in, first-out (FIFO) method. Provisions to reduce the value to net realizable value are not allowed for tax purposes.

Provisions. In general, provisions are not allowed as deductible expenses when created. However, they are allowed as deductions when they are written off or utilized. Exceptions to this rule include the following:

- Provisions for loan losses are deductible for tax purposes for banks and other financial companies regulated by the central bank.

- Provisions for unexpired risks, unsettled claims and contributions to contingency funds are deductible for tax purposes for insurance companies.

To claim a deduction for bad debts written off, taxpayers are required to prove that legal steps and other required recovery procedures, including court proceedings, were carried out before writing off such debt.

Tax depreciation. Buildings, ships, aircraft, quays, jetties, pipelines, road, railways and intangible assets are depreciated using the straight-line method. All other assets must be calculated using the pooling (or block) of assets method where each pool's asset base is calculated with reference to the written-down value plus additions minus sale proceeds from disposals.

The following annual depreciation rates are set out under the tax law.

Assets	Rate (%)
Permanent buildings (selected materials)	4*
Building (other than selected materials)	15*
Quays, jetties, pipelines, road, railways	10*
Ships and aircraft	15*
Drilling rigs	10
Other machinery and equipment	15
Tractors, cranes and other heavy equipment	33⅓
Computers, vehicles, self-propelling machines	33⅓
Furniture and fixtures (including computer software and copyrights)	33⅓
Hospital buildings and educational establishments	100

* These assets are depreciated using the straight-line method.

Intangible assets are depreciated equally over the productive life of the asset as determined by the OTA.

Relief for losses. Losses may be carried forward for five years. Losses of an earlier year must be set off first before using losses of a later year.

Companies that are exempt from tax because they carry on activities set out in Section B may carry forward net losses incurred during the first five years of exemption for an indefinite period.

No carryback of losses is permitted.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Valued-added tax (VAT); applicable to the supply of goods and services; the Law and Executive Regulations have clarified key matters such as VAT registration requirements and supplies that are exempt or zero-rated, such as basic food items	
Standard rate	5

Nature of tax	Rate
Excise tax; on carbonated drinks, energy drinks, tobacco-related products, pork products and alcohol under MD 34/2020; the excise tax has subsequently been expanded to include a wider range of products, such as sugary drinks	50% and 100%
Social security contributions, on "monthly wage" of Omani employees only; "monthly wage" is defined as "all amounts paid to the insured in cash or in kind or periodically or regularly for his work whatever the method used for its determination, or is the sum of basic wages plus allowances, which shall be determined by a decision of the Minister after the approval of the Board of Directors"; the amount (wage) is capped at OMR3,000 per month	
Pension fund; paid by	
Employer	10.5%
Employee	7%
Government	5.5%
Occupational injuries and diseases; payable by employer	1%
Contribution to job security fund; paid by	
Employer	1%
Employee	1%
End-of-service benefit; payable to expatriate staff on the termination of service	15 days of basic salary for each of the first three years and 30 days' basic salary for years of service in excess of three years

E. Miscellaneous matters

Anti-avoidance legislation. If a company carries out a transaction with a related party that is intended to reduce the company's taxable income, income arising from such transaction is deemed to be the income that would have arisen had the parties been dealing at arm's length.

For transactions between related parties that are not at arm's length, certain arrangements and terms may be ignored by the OTA if such arrangements or terms result in lower taxable income or greater losses.

The OTA may make adjustments if the principal purpose of a transaction is to avoid taxation even if the transaction is between unrelated parties.

Thin-capitalization rules. Under the ITL, interest payable by Omani companies other than banks and insurance companies may be deducted from taxable income, subject to the satisfaction of certain conditions prescribed by the ERs.

The ERs provide that interest on loans from related parties paid by Omani companies other than banks and insurance companies may be deductible if total loans do not exceed twice the value of the shareholder's equity.

The above provision introduces the concept of thin capitalization requiring Omani companies to comply with a minimum capital requirement, which is that loans may not exceed a debt-to-equity ratio of 2:1. If the debt-to-equity ratio exceeds 2:1, the deduction of related-party interest costs may be partially or completely disallowed.

Head office overhead. Allocations of overhead by the head office to a branch are capped at the lower of 3% of revenue or actual charges. If the head office has only a supervisory role with respect to a branch, no overhead deduction is allowed. A recent circular issued by the OTA states that withholding tax of 10% applies to head office overheads recorded by a branch as an expense.

Islamic financial transactions. The taxation of Islamic financial transactions and its exclusions are now covered by the ITL. However, regulations regarding Islamic financial transactions have not yet been issued.

Transfer pricing. The tax law has introduced the concept of transfer pricing. It seeks to restrict any measures that may be taken by related parties for the avoidance of tax through transactions entered into between them.

Oman is part of the Base Erosion and Profit Shifting (BEPS) Inclusive Framework. By joining this framework, Oman has committed to implementing the four minimum standards of the BEPS package, relating to Actions 5, 6, 13 and 14. Action 13 requires all multinational enterprises (MNEs) to comply with Country-by-Country Reporting (CbCR) requirements. Oman has implemented CbCR regulations, which are effective for fiscal years commencing on or after 1 January 2020. Oman has not yet implemented requirements for the submission of the Local File and Master File. There are currently no other transfer-pricing documentation requirements in Oman.

Common Reporting Standard. On 14 September 2020, Oman issued RD 118/2020 to support the implementation of the Common Reporting Standard (CRS) developed by the OECD. On 17 September 2020, the Chairman of the OTA issued Decision No. 78/2020 outlining related administrative rules for CRS compliance. The effective date for the CRS in Oman was 1 July 2019 and the first reporting was due by 31 October 2020. The deadline for CRS reporting for following years is five months from the calendar year end (that is 31 May). As of January 2024, Oman has 64 reportable jurisdictions for the purposes of CRS.

Reporting Financial Institutions (such as banks, funds, brokers, custodians and insurance companies offering cash value or annuity products) need to have processes and procedures in place to meet their compliance requirements. Individuals and entities that are not Reporting Financial Institutions should be prepared to

provide relevant documentation to reporting financial institutions to support their tax residency status.

Country-by-Country Reporting. On 27 September 2020, Oman introduced, through OTA Decision 79/2020, CbCR requirements. The requirements affect all businesses that have a legal entity or branch in Oman and are members of a multinational enterprise (MNE) group with annual turnover above OMR300 million (approximately USD780 million or EUR670 million).

Covered businesses are required to submit a notification no later than the last day of the reporting fiscal year of such MNE group. This notification should identify whether the Constituent Entity (the covered business) is the Ultimate Parent Entity (UPE) or the Surrogate Parent Entity (SPE) of the MNE group. If the Constituent Entity is neither the UPE nor the SPE, the notification must include the identity and tax residence of the Reporting Entity. An Omani Reporting Entity (UPE or SPE) must file its Country-by-Country (CbC) report no later than 12 months after the last day of the reporting fiscal year of the MNE group.

On 7 July 2021, the OTA announced suspension of the local filing requirement under the existing CbCR legislation (that is, Ministerial Decision 79 of 2020).

Accordingly, the Omani Constituent Entities of Multinational Groups headquartered outside Oman will not be required to submit the CbC report in Oman until further notice. However, the other obligations (that is, CbCR notification requirements) will continue to apply.

In April 2024, the OTA issued an announcement in relation to CbCR with respect to the following:
- Re-registration: All affected entities are required to re-register on the OTA portal before any CbC filings can be undertaken including CbC reports for 2022.
- CbC notification fiscal year 23: The OTA has advised that there is no requirement for filing of CbC notifications for fsical year 23.
- CbC notification fiscal year 24: All affected entities will be required to submit CbC notifications for fiscal year 24 and onward post re-registration.

Others. Oman does not have any rules relating to foreign-exchange controls or controlled foreign companies.

F. Tax treaties

The table below provides the withholding tax rates based on the provisions of the double tax treaties that Oman has concluded with 38 jurisdictions. The lower of the withholding tax rate of 10% under the domestic tax law and the withholding tax rate under the double tax treaty shall be applied.

	Dividend (a)(d)	Interest (b)(d)	Royalties (c)(d)
	%	%	%
Algeria	5/10	5	10
Belarus	0/5	5	10
Brunei Darussalam	5	10	10
Canada	5/15	10	10

	Dividend (a)(d) %	Interest (b)(d) %	Royalties (c)(d) %
China Mainland	5	10	10
Croatia	0	5	10
France	0	0	7
Hungary	0/10	0	8
India	10/12.5	10	15
Iran	0/10	10	10
Italy	5/10	5	10
Japan	5/10	10	10
Korea (South)	5/10	5	8
Lebanon	5/10	10	10
Mauritius	0	0	0
Moldova	5	5	10
Morocco	5/10	10	10
Netherlands	0/10	0	8
Pakistan	10/12.5	10	12.5
Portugal	5/10/15	10	8
Qatar	0/5	0	8
Russian Federation	10/15	10	10
Seychelles	0/5	5	10
Singapore	0/5	7	8
Slovak Republic	0	10	10
South Africa	5/10	0	8
Spain	0/10	5	8
Sri Lanka	7.5/10	10	10
Sudan	5/15	15	10
Switzerland	0/5/15	0/5	8
Syria	5/7.5	10	18
Thailand	10	10/15	15
Tunisia	0	10	5
Türkiye	10/15	10	10
United Kingdom	0/15	0	8
Uzbekistan	0/7	7	10
Vietnam	5/10/15	10	10
Yemen	5	10	10

(a) Some treaties provide for a lower tax rate if the beneficial owner of the dividends holds a specified percentage of shares or capital in the company paying the dividends. Under some treaties, a reduced tax rate is based on a specified percentage of the voting power/shares of the payer. If dividends are paid to the government of the other contracting state, an exemption is available under some treaties.

(b) Some treaties provide a reduced withholding tax rate for interest payments. Under some treaties, interest is taxable only in the other contracting state. Other treaties provide an exemption if interest is paid to the government of the other contracting state.

(c) The reduced withholding tax rate on royalties is applicable only to specific payments that are covered by the definition of royalties under the treaty. While most of the treaties generally follow the definition of royalties under the OECD Model Tax Convention, there are certain treaties that provide specific exceptions.

(d) Depending on the terms of the treaty, specific conditions and exceptions may apply with respect to dividends, interest and royalties. Accordingly, each provision of the treaty should be carefully analyzed before considering the possibility of obtaining tax relief against withholding tax on these payments.

Certain double tax treaties are not yet in force, including treaties with Austria, Bangladesh, Belgium, Bulgaria, the Czech Republic, Egypt, Estonia, Germany, Ireland, Kyrgyzstan, Libya, Lithuania, Malta, Nepal, Serbia and Sweden.

The applicability of reduced tax rates under the provisions of a double tax treaty is not automatic. Companies must apply to obtain the benefit of reduced treaty tax rates. Withholding tax relief is available under double tax treaties with certain jurisdictions subject to satisfying certain conditions or requirements.

Oman has also entered into treaties with some jurisdictions, including the Netherlands, Singapore and Sri Lanka, with respect to the avoidance of double taxation on income generated from international air transport.

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The Pakistan chapter is updated as of 1 March 2024. However, there may be changes in the applicable law and tax rates based on the upcoming Finance Bill, as enacted by the parliament. At the time of writing, the bill was anticipated to be announced by Jun 2024. The changes brought about in the Finance Act will generally be effective from 1 July 2024.

A. At a glance

Corporate Income Tax Rate (%)	
Companies Other than Banking Companies	29
Banking Companies	39
Small Companies	20
Capital Gains Tax Rate (%)	— (a)
Branch Tax Rate (%)	29

Withholding Tax (%) (b)	
Dividends	0/7.5/15/25/35 (c)
Interest	10/15/20 (d)
Royalties from Patents, Know-how, etc.	15/20 (e)
Fees for Technical Services	9/11/15 (f)
Offshore Digital Services, Money Transfer Operations, Card Network Services, Payment Gateway Services and Interbank Financial Telecommunication Services	9/10/11 (g)
Branch Remittance Tax	15 (h)
Net Operating Losses (Years)	
Carryback	0
Carryforward	6

(a) Capital gains are taxed at various rates. For details, see Section B.

(b) See Section B for a listing of additional withholding taxes.

(c) The 15% rate is the general tax rate for dividends. The 7.5% rate applies to dividends paid by independent power producers if such dividend is a pass-through item under the implementation agreement, power purchase agreement or energy purchase agreement and is required to be reimbursed by the Central Power Purchasing Agency or its predecessor or successor entity. The 25% tax rate applies to a person receiving a dividend from a company if no tax is payable by such company as a result of specified reasons. The rate is 0% on dividends received by real estate investment trust (REIT) schemes from special purpose vehicles (SPVs) and 35% on dividend received by others from SPVs. The withholding tax is imposed on the gross amount of the dividend. The withholding tax on dividends is considered a final discharge of the tax liability on such income (except for banks). The withholding tax rate is doubled for persons not appearing in the active taxpayers list (ATL; for details, see *Withholding taxes* in Section B).

(d) The withholding tax on interest is considered to be an advance payment of tax, which may be credited against the eventual tax liability for the year. Interest paid on loans and overdrafts to resident banks and Pakistani branches of nonresident banks and financial institutions is not subject to withholding tax. The withholding tax rate is 15% of the gross amount of interest paid to resident persons. Interest paid to nonresident persons without a permanent establishment (PE) in Pakistan is subject to withholding tax at a rate of 10%, while the rate is 20% for nonresidents with a PE in Pakistan. The withholding tax rate is doubled for resident persons not appearing in the ATL (for details, see *Withholding taxes* in Section B). Interest earned on investments by foreign portfolio investors (not having a PE in Pakistan) through a Special Convertible Rupee Account (SCRA) is subject to withholding tax at 10%. The tax collected is treated as final tax on such income.

(e) The general withholding tax rate for royalties is 15%. This tax is considered to be a final tax for nonresident recipients of royalties. However, if royalties are derived with respect to properties or rights effectively connected with a PE of a nonresident, a 20% withholding tax rate is imposed, unless a non-deduction certificate is obtained by the PE. The 20% withholding tax is credited against the eventual tax liability (for details, see *Withholding taxes* in Section B).

(f) Fees for technical services do not include consideration for construction, assembly or similar projects of the recipient (such consideration is subject to various withholding tax rates) or consideration that is taxable as salary. The general withholding tax rate is 15% of the gross amount of the payment. This withholding tax is considered to be a final tax for nonresident recipients. However, if technical services are rendered through a PE in Pakistan, the withholding tax rate is 9% in the case of companies and 11% in other cases. The withholding tax is considered to be an advance payment of tax by the nonresident recipient of such technical service fees and may be credited against their eventual tax liability (for details, see *Withholding taxes* in Section B).

(g) The withholding tax rate for all the listed services is 10%. This tax is considered to be a final tax for nonresident recipients. However, if such services are rendered with respect to properties or rights effectively connected with a PE of a nonresident, the rate is 9% in the case of companies and 11% in other cases (for details, see *Withholding taxes* in Section B).

(h) Remittances of after-tax profits by branches of nonresident petroleum exploration and production companies are not taxable.

B. Taxes on corporate income and gains

Corporate income tax. Companies that are resident in Pakistan are subject to corporation tax on their worldwide income. Tax is levied on the total amount of income earned from all sources in the company's accounting period, including dividends and taxable capital gains. Branches of foreign companies and nonresident companies are taxed only on Pakistan-source income. A company is resident in Pakistan if it is incorporated in Pakistan or if its control and management are exercised wholly or almost wholly in Pakistan during the tax year. Company is defined to include the following:

- A company as defined in the Companies Act, 2017 (formerly the Companies Ordinance, 1984)
- A body corporate formed by or under any law in force in Pakistan
- An entity incorporated by or under the corporation law of a country other than Pakistan
- The government of a province
- A local government in Pakistan
- A foreign association that the Federal Board of Revenue declares to be a company
- A modaraba, cooperative society, finance society or other society
- A nonprofit organization
- A trust, an entity or a body of persons established or constituted by or under any law that is in force
- A small company

Tax rates. For the 2024 tax year (income year ending on any day between 1 July 2023 and 30 June 2024), the tax rate is 29%. However, for banking companies, the tax rate is 39%.

Small companies are subject to tax at a rate of 20% for the 2023 tax year.

Small companies are companies incorporated after 1 July 2005 that meet the following conditions:

- They have paid-up capital and undistributed reserves of not exceeding PKR50 million.
- They have no more than 250 employees at any time during the year.
- They have annual turnover not exceeding PKR250 million.
- They were not formed as a result of a restructuring involving the splitting up or reorganization of an already existing business.
- They are not a small or medium-sized enterprise, which is an enterprise not engaged in manufacturing that has business turnover in a tax year not exceeding PKR250 million.

The gross revenue of nonresidents' air transportation and shipping businesses is taxed at 3% and 8%, respectively. This income is not subject to any other tax.

The shipping business of resident persons is taxed on the basis of registered tonnage per year.

Builders and developers are subject to tax at varying rates depending on the area and size of the property.

Certain types of income are subject to final withholding taxes. For information regarding these taxes, see Section A and *Withholding taxes*.

Super tax. The 2022 Finance Act introduced a super tax on high-earning persons. The tax rate varies from 0% to 10% depending on the income.

The following are the tax rates under Section 4C for high-earning persons:

- Where income does not exceed PKR150 million, 0% of the income
- Where income exceeds PKR150 million but does not exceed PKR200 million, 1% of the income
- Where income exceeds PKR200 million but does not exceed PKR250 million, 2% of the income
- Where income exceeds PKR250 million but does not exceed PKR300 million, 3% of the income
- Where income exceeds PKR300 million but does not exceed PKR350 million, 4% of the income
- Where income exceeds PKR350 million but does not exceed PKR400 million, 6% of the income
- Where income exceeds PKR400 million but does not exceed PKR500 million, 8% of the income
- Where income exceeds PKR500 million, 10% of the income

However, the tax rate for banking companies is 10% if the income exceeds PKR300 million.

Tax on deemed income. The 2022 Finance Act introduced a new Section 7E to the Ordinance for the 2022 tax year and onward to tax deemed income as specified under this section at the rate of 20% in the hands of resident persons. The income chargeable to tax under this section will be an amount equal to 5% of the fair market value of capital assets situated in Pakistan held on the last day of the tax year with certain exceptions.

Alternative corporate tax. The 2014 Finance Act introduced an alternate corporate tax, which is effective from the 2014 tax year. If the corporate tax is less than 17% of the accounting income (excluding certain types of income and related expenses), alternative corporate tax is required to be paid as minimum tax. The difference between the corporate tax and alternative corporate tax can be carried forward to offset corporate tax for a maximum period of 10 years.

Tax incentives. Some of the significant tax incentives available in Pakistan are described in the following paragraphs.

Private sector projects engaged in the generation of electricity are exempt from tax. However, this exemption is not available to oil-fired electricity generation plants set up during the period of 22 October 2002 through 30 June 2006.

Income (other than capital gain on securities held for less than 12 months) derived from instruments of redeemable capital, as defined in the Companies Ordinance, 1984, by the National Investment (Unit) Trust of Pakistan established by the National Investment Trust Limited or by mutual funds, investment companies, collective-investment schemes, REIT schemes or the Private Equity and Venture Capital Fund established by the National Investment Trust Limited is exempt from tax if such enterprises distribute at least 90% of their profits to their unit holders.

Income derived by a collective-investment scheme or real estate investment trust scheme is exempt from tax if at least 90% of the scheme's accounting income for the year, reduced by realized and unrealized capital gains, is distributed among the unit or certificate holders or shareholders.

A tax credit is allowed to a company that is set up in Pakistan before 1 July 2011 if it invests at least 70% new equity raised through issuance of new shares in the purchase and installation of plant and machinery for an industrial undertaking, for the expansion of plant or machinery already installed or for the undertaking of a new project. The credit is allowed against the tax payable for a period of five years. The credit is calculated by applying the proportion of new equity to total equity including new equity against the tax payable.

A tax credit is available for 10 years to a company formed to establish and operate a new manufacturing unit set up between 1 July 2015 and 30 June 2019. The tax credit equals 2% of the tax payable for every 50 employees registered with the social security institutions of the federal and provincial governments. The total tax credit is restricted to 10% of the total tax payable.

Profits and gains derived by a taxpayer from a bagasse or biomass-based cogeneration power project having one or more boilers of not less than 60 bar (kg/CM3) pressure each, commissioned after 1 January 2013, are exempt from tax.

Profits and gains derived by a refinery from new deep conversion refining of at least 100,000 barrels per day for which approval is given by the federal government before 31 December 2021, or for the purpose of upgradation, modernization or expansion project of an existing refinery, which makes an undertaking to the federal government in writing before 31 December 2021 in this regard, are exempt from tax. This exemption is available for a period of 20 years beginning from the date of commencement of commercial production in the case of a new refinery and 10 years from the date of completion of upgradation, modernization or expansion project of an existing refinery. The exemption under this clause is only available to refineries whose products fulfill Euro 5 standards.

A tax credit is allowed to the following persons and income equal to 100% of the tax payable under any provisions of the Tax Ordinance, 2001, including minimum, alternate corporate tax and final taxes for the period, if either of the following specified conditions are met:

- Persons engaged in coal mining projects in Sindh, supplying coal exclusively to power generation projects.
- A startup for the tax year in which the startup is certified by the Pakistan Software Export Board and for the following two tax years.

A 20% tax credit is available on investment in the purchase and installation of new machinery, buildings, equipment, hardware and software, except self-created software and used capital

goods, against tax payable (including minimum and final taxes) in the following situations:

- Greenfield industrial undertaking engaged in manufacturing of goods or shipbuilding, subject to the condition that the person is incorporated between 30 June 2019 and 30 June 2024, is not formed by the splitting up or reconstitution of an undertaking already in existence or by transfer of machinery, plant or building from an undertaking established in Pakistan prior to commencement of the new business and is not part of an expansion project
- Industrial undertaking set up by 30 June 2023 and engaged in the manufacturing of plant, machinery, equipment and items with dedicated use for generation of renewable energy from sources such as solar and wind, for a period of five years beginning from the date such industrial undertaking is set up.

Unadjusted credit, if any, in the year of investment can be carried forward to the following two tax years.

Capital gains. Capital gains on shares of public companies, vouchers of the Pakistan Telecommunication Corporation, modaraba certificates, instruments of redeemable capital, debt securities and derivative products are taxable. The tax rates for the 2023 tax year for capital gains on securities acquired on or after 1 July 2022 are shown in the following table.

Holding period	Rate (%)
The holding period does not exceed one year	15
The holding period exceeds one year but does not exceed two years	12.5
The holding period exceeds two years but does not exceed three years	10
The holding period exceeds three years but does not exceed four years	7.5
The holding period exceeds four years but does not exceed five years	5
The holding period exceeds five years but does not exceed six years	2.5
The holding period exceeds six years	0

The tax rate for capital gains on securities acquired on or before 30 June 2022 is 12.5%, regardless of the holding period of the securities.

For capital gains on future commodity contracts entered into by members of the Pakistan Mercantile Exchange, the rate is 5%.

Capital gains earned on disposals of debt instruments and government securities purchased by foreign portfolio investors (not having a PE in Pakistan) through an SCRA is subject to deduction of tax at 10% by the banking companies maintaining the SCRAs of such investors. The tax collected by the banks is treated as a final tax on capital gains earned by such nonresident investors.

Capital gains on other assets (including non-public securities) are taxable at the corporate rate.

Capital gains on the disposal of listed securities and the tax payable on the gains are computed, determined, collected and deposited on behalf of a taxpayer by the National Clearing Company of

Pakistan Limited (NCCPL), which is licensed as a clearing house by the Securities and Exchange Commission of Pakistan. However, the NCCPL does not collect tax from the following categories of the taxpayers:

- Mutual funds
- Banking companies, nonbanking finance companies and insurance companies
- Modarabas
- Companies, with respect to debt securities only
- Other persons or classes of persons notified by the Federal Board of Revenue

The investors listed above are required to self-pay their capital gain tax obligation on a quarterly basis at a rate of 1.5% or 2% of the amount of gain, depending on the holding period of the securities. They must file a statement of advance tax and pay the tax within 21 days after the end of each quarter.

Capital gains on immovable property are calculated as consideration less cost.

The gain on immovable property is subject to tax at the following rates:

Holding period	Gain
Where the holding period does not exceed one year	15% on open plots, constructed property and flats
Where the holding period exceeds one year but does not exceed two years	12.5% on open plots, 10% on constructed property and 7.5% on flats
Where the holding period exceeds two years but does not exceed three years	10% on open plots, 7.5% on constructed property and 0% on flats
Where the holding period exceeds three years but does not exceed four years	7.5% on open plots and 5% on constructed property
Where the holding period exceeds four years but does not exceed five years	5% on open plots and 0% on constructed property
Where the holding period exceeds five years but does not exceed six years	2.5% on open plots
Where the holding period exceeds six years	0% on open plots

Capital losses can be offset only against capital gains. Capital losses can be carried forward for six years. Capital losses on disposals of securities (shares of public companies, vouchers of the Pakistan Telecommunication Corporation, Modaraba Certificates, instruments of redeemable capital and derivative products) in the 2019 tax year and onward that have not been set off against capital gains on the disposal of securities chargeable to tax can be carried forward up to the three tax years immediately following the tax year in which loss was first computed.

Administration

Business license. Every person engaged in a business, profession or vocation is required to obtain and display a business license as prescribed by the Federal Board of Revenue. The Commissioner of Inland Revenue may impose a fine on a person who fails to

obtain such license. The amount of the fine is PKR20,000 in the case of persons deriving taxable income and PKR5,000 in other cases if income is exempt from tax or below the tax limit. The Commissioner also may cancel the business license of a person if the person fails to notify the change in particulars of the business license to the Commissioner within 30 days of such change or if the person is convicted of any offense under any federal tax law.

Filing requirements. The tax year commences on 1 July and ends on 30 June. Companies are required to end their fiscal years on 30 June. Special permission is required from the Commissioner of Inland Revenue to use a different year-end. The Federal Board of Revenue has specified 30 September as the year-end for certain industries, such as sugar and textiles, and 31 December as the year-end for insurance companies.

An income tax return must be filed by 30 September of the following year if the company's year-end is from 1 July through 31 December and by the following 31 December if the year-end is from 1 January through 30 June. Any balance due after deducting advance payments and withholding taxes must be paid when the tax return is filed.

Advance tax payments. In general, advance tax is payable quarterly based on the tax to turnover ratio of the latest tax year. However, banking companies must pay advance tax on a monthly basis. If the tax liability is estimated to be more or less than the tax charged for the prior tax year, an estimate of tax liability can be filed and advance tax liability can be paid in accordance with such estimate, subject to certain conditions. For taxpayers other than banking companies, the due dates for the advance tax payments are 25 September, 25 December, 25 March and 15 June. Banking companies must pay advance tax by the 15th day of each month.

Adjustable quarterly advance tax on capital gains from the sale of securities is payable on the capital gains derived during the quarter by companies within 21 days after the end of each quarter at a rate of 2% if the holding period is less than 6 months and 1.5% if the holding period is between 6 and 12 months.

Minimum tax. Resident companies, PEs of nonresident companies and resident banking companies are subject to a minimum income tax equal to 1.25% of gross receipts from sales of goods, services rendered and the execution of contracts, if the corporate tax liability is less than the amount of the minimum tax. The excess of the minimum tax over the corporate tax liability may be carried forward and used to offset the corporate tax liability of the following three tax years. Reduced rates are applicable on certain taxpayers, including the following:

Taxpayer	Rate of minimum tax applied to a taxpayer's turnover (%)
Sui Southern Gas Company Limited and Sui Northern Gas Pipelines Limited (with annual turnover exceeding PKR1 billion), Pakistani airlines and the poultry industry	0.75
Oil refineries, motorcycle dealers registered under the Sales Tax Act, 1990 and oil marketing companies	0.5

Taxpayer	Rate of minimum tax applied to a taxpayer's turnover (%)
Distributors of pharmaceutical products, fast-moving consumer goods and cigarettes, petroleum agents and distributors registered under the Sales Tax Act, 1990; rice mills and dealers, flour mills, Tier-1 retailers of fast-moving consumer goods who are integrated with the Federal Board of Revenue or its computerized system for real-time reporting of sales and receipts; persons' turnover from supplies through e-commerce, including from running an online marketplace, and persons engaged in the sale and purchase of used vehicles	0.25

Withholding taxes. Withholding tax is an interim tax payment that may or may not be the final tax liability. Amounts withheld that are not final taxes are credited to the final tax liability of the taxpayer for the relevant year.

In addition to the withholding taxes listed in Section A, payments by corporations and companies are subject to the taxes listed below that are deducted or collected at source. The withholding tax rates are increased by 100% (doubled) for persons not appearing in the ATL with certain exceptions as provided in the Tenth Schedule to the Income Tax Ordinance, 2001. The ATL is a list that includes the names and registration numbers of persons who have filed income tax returns for the latest tax year by the due date. Those who have not filed income tax returns by the due date may be included in the ATL on the filing of a return after the due date and the payment of a penalty for the late filing. The tax deducted from persons not appearing in the ATL may be credited against the eventual tax liability of such persons if the return is filed within the specified time period. The following are the tax rates.

Tax	Rate
Foreign-exchange proceeds from	
Export of goods	1% (a)
Export of services	0.25%/1% (a)
Rent for immovable property	Various (b)
Payments for goods	
Specified goods (rice, cotton seeds and edible oil)	1.5%/3%
Sales by distributors of cigarettes and pharmaceutical products	1%/2%
Other goods	
Payments to companies	5%/10% (c)
Payments to PEs of nonresidents	
Payments to companies	5% (c)
Payments to others	5.5% (c)
Payments to others	5.5%/11% (c)
Imports of goods; rates depend on the classification of goods in the Twelfth Schedule to the Income Tax Ordinance, 2001	1% to 5.5%/2% to 11% (d)

Tax	Rate
Payments under executed contracts for construction, assembly and similar projects by nonresident contractors	7% (e)
Payments under executed contracts (other than contracts for the sale of goods or rendering of services)	
By nonresidents having a PE	
Sports persons	10% (e)
Other persons	8% (e)
Payments for services	
Rendered by residents	
Services in specified services sectors	4%/8% (f)
Electronic and print media advertising services	1.5%/3% (f)
Other services	
By companies	9%/18% (f)
By other taxpayers	11%/22% (f)
Rendered by nonresidents through PEs	
Services in specified service sectors	4% (f)
Other services	
By companies	9%/18% (f)
By other taxpayers	11%/22% (f)
Brokerage and commission	
Indenting commission	1% (a)(g)
Advertising agents	10%/20% (a)(g)
Life insurance agents whose commission is less than PKR500,000 per year	8%/16% (a)(g)
Other commission and brokerage	12%/24% (a)(f)
Advertisement services by a nonresident person relaying from outside Pakistan (broadcasting an advertisement into Pakistan from outside the country)	10%/20% (e)
Advertisement services performed by nonresident media persons	20%/40% (a)
Payments to employees	– (g)(h)
Payments to distributors, dealers and wholesalers for specified goods	0.1%/0.2%/0.25% 0.7%/1.4% (i)
Transfers of immovable property	3%/6% (j)
Sales to retailers	0.5%/1% (k)
Purchase of motor vehicles	Various (l)
Registration of motor vehicles	Various (l)
Electricity consumption	0%-12% (m)
Telephone use, including internet and mobile	Various
Auction of property or goods	5%/10%/20% (n)
Foreign-produced television drama serial or play	PKR1,000,000 per episode (o)
Foreign-produced TV play (single episode)	PKR3,000,000 (o)
Advertisement starring foreign actor	PKR100,000 per second (o)

(a) This tax is a final tax. For the export of services, the rate of 0.25% of proceeds applies to the export of computer software or information technology or information technology-enabled services by persons registered with Pakistan software board. The rate is 1% on the export of other services.

(b) Property income is subject to bottom-line profit taxation. The tax deducted at source may be credited against the eventual tax liability. The rate is 15% for payments made to companies. For payments made to individuals or associations of persons, the rate ranges from 0% to 35%, depending on the amount of rent. The rate is doubled for persons not appearing in the ATL.

(c) Tax deducted on the sale of goods is a minimum tax for resident companies as well as for PEs of nonresidents in Pakistan. The tax deduction is an advance tax adjustable against the eventual tax liability for listed companies and companies engaged in the manufacturing of goods. No withholding is required on imported goods sold by an importer if tax at the import stage has been paid. The tax rate is doubled for persons (including PEs of nonresidents) not appearing in the ATL.

(d) This tax is a minimum tax for entities engaged in the trading of imported goods. The tax paid may be credited against the eventual tax liability of the taxpayer calculated at the corporate tax rate on total income relating to such imports if such tax liability is higher than the amount of tax paid at import stage. Lower rates may apply to importers or manufacturers of specific goods. The tax rate is doubled for persons not appearing in the ATL. The tax is an advance tax on imports of goods by industrial undertakings for their own use. The tax rate on such imports is 1% or 2%.

(e) The tax withheld is treated as a minimum tax if the tax liability computed on a bottom-line profit basis is less than the amount of the tax withheld.The tax rate is doubled for persons (including PEs of nonresidents) not appearing in the ATL.

(f) The tax withheld is treated as a minimum tax if the tax liability computed on a bottom-line profit basis is less than the amount of the tax withheld. Specified services sectors include transportation services, freight forwarding services, air cargo services, courier services, manpower outsourcing services, hotel services, security guard services, software development services, information technology services and information technology-enabled services, tracking services, advertising services (other than print and electronic media), share registrar services, engineering services, car rental services, building maintenance services, services rendered by Pakistan Stock Exchange Limited and Pakistan Mercantile Exchange Limited, inspection, certification, testing, training, warehousing services, services rendered by asset management companies, data services provided under a license issued by the Pakistan Telecommunication Authority, telecommunication infrastructure (tower) services, oilfield services, telecommunication services, collateral management services, travel and tour services, REIT management services, services rendered by NCCPL, subject to fulfillment to certain conditions. The tax rate is doubled for persons not appearing in the ATL.

(g) This tax is imposed on residents and nonresidents.

(h) The applicable rate depends on the income earned by the employee for the year.

(i) The tax is collected by manufacturers and commercial importers at the time of the sale of goods in specified sectors. The tax collected is an advance tax for distributors, dealers and wholesalers. The 0.1% rate applies to sales of goods other than fertilizers. The 0.7% rate applies to fertilizer sales. The rate for fertilizers is 0.25% for persons appearing in the ATLs for both income tax and sales tax. The tax rate is doubled for persons not appearing in the ATL.

(j) A person responsible for registering or attesting the transfer of immovable property must collect the tax from the person selling or transferring the property (other than certain persons specified as exempt). The tax collected is an advance tax. A 2% rate applies to the gross amount of consideration received on the sale of property. The tax rate is doubled for persons not appearing in the ATL.

(k) The tax is collected by manufacturers, distributors, dealers, wholesalers or commercial importers at the time of the sale of goods in specified sectors to retailers. The tax collected may be credited against the eventual tax liability. The tax rate is doubled for persons not appearing in the ATL.

(l) This advance tax is collected by the motor vehicle registration authorities at the time of registration of the vehicle. The rates vary according to the engine capacity of the relevant motor vehicles. The tax rate is doubled for persons not appearing in the ATL.

(m) This advance tax is collected by electric companies at the time of issuance of invoices to consumers. Progressive rates ranging from 0% to 12% applies to industrial and commercial consumers.

(n) Specified persons making sales through public auction or auction by tender are required to collect advance tax at a rate of 5% on immovable property and 10% on goods. Tax collected on leases of the right to collect tolls is a final tax. The tax rate is doubled for persons not appearing in the ATL.

(o) Any licensing authority certifying any foreign television drama serial or a play dubbed in any language for screening and viewing on any landing rights channel must collect advance tax at the specified rate. Similarly, any licensing authority certifying any commercial for advertisement starring a foreign actor for screening and viewing on any landing rights channel must collect advance tax at the specified rate. The tax collected will be a minimum tax with respect to income arising from such drama serial or play or advertisement. The tax rate is doubled for persons not appearing in the ATL.

In general, for payments not listed in the above tables or in Section A, withholding tax is imposed at a rate of 20% on payments to nonresidents subject to tax in Pakistan.

Interest and penalties. For a failure to file an income tax return by the due date, a penalty equal to higher of 0.1% of the gross tax payable or PKR1,000 for each day of default is imposed, subject to a minimum penalty of PKR50,000. The penalty shall not exceed 200% of the gross tax payable. The penalty shall be reduced by 75%, 50% and 25% if the return is filed within one, two or three months, respectively, after the due date or extended due date for the filing of the return.

The 2018 Finance Act introduced a new Section 182A of Income Tax Ordinance, 2001, which provides that if an income tax return of a person has not been filed by the due date or extended due date, the name of the person is not included in the ATL for the tax year for which the return was not filed by the due date. The person is also not allowed to carry forward any losses for that tax year or adjust a refund for that tax year during the period that the person is not included in the ATL, and not entitled to additional payment for a delayed refund. The 2020 Finance Act inserted a new subsection in the above section, which provides that if a person fails to furnish or update a taxpayer's profile by the due date, the person's name shall not be included in the ATL for the latest tax year ending prior to the due date. However, the person can be included in the ATL by filing an income tax return after the due date and paying a surcharge of PKR20,000.

In addition, interest and penalties are imposed in the following circumstances:

- Interest at a rate equal to 12% per year is charged if tax payments, including advance tax payments, are not made or are partially paid.
- For non-payment or underpayment of tax, a penalty equal to 5% of the amount of tax in default is imposed. For a second default, a penalty equaling an additional 25% of the amount of tax in default is imposed. For any subsequent defaults, an additional penalty equal to 50% of the amount of tax in default is imposed.
- If income is concealed, a penalty equal to the amount of tax sought to be evaded or PKR100,000, whichever is higher, is levied in addition to the normal tax payable.

The income tax department is required to pay compensation at the Karachi Interbank Offered Rate (KIBOR) plus 0.5% per year on refunds due that have not been paid within three months after the due date, from the expiration of the three months until the date on which the refund is paid.

Dividends. Dividends, including remittances of profits by a Pakistan branch to its head office (other than remittances of profits by a Pakistan branch engaged in exploration and production of

petroleum), are subject to withholding tax at a general rate of 15%. The withholding tax is considered to be a final discharge of the tax liability. A 7.5% rate is imposed on certain dividends (also, see footnote [c] to Section A). Intercorporate dividends paid within a wholly owned group are exempt from tax, provided that a group return has been filed for the tax year.

Foreign tax relief. A foreign tax credit is granted to resident companies with respect to foreign-source income at the average rate of Pakistani income tax or the actual foreign tax paid, whichever is less. If foreign income is derived under different heads (categories) of income, the amount of the allowable credit is applied separately to each head of income. However, income derived under a particular head of income from different locations is pooled together. A credit is allowed only if the foreign income tax is paid within two years after the end of the tax year in which the foreign-source income is derived.

C. Determination of taxable income

General. The determination of taxable income is generally based on the audited financial statements, subject to certain adjustments. Any income accruing or arising, whether directly or indirectly, through or from a PE or any other business connection in Pakistan, through or from any asset, property or source of income in Pakistan, or through the transfer of a capital asset located in Pakistan, is subject to tax.

Expenses incurred to derive income from business that is subject to tax are allowed as deductions to arrive at taxable income. For branches of foreign companies, allocated head-office expenses may be deducted, up to an amount calculated by applying the ratio of Pakistani turnover to worldwide turnover.

Inventories. Inventory for a tax year is valued at the lower of cost or net realizable value of the inventory on hand at the end of the year. If a particular item of inventory is not readily identifiable, the first-in, first-out (FIFO) or weighted-average methods may be used. The valuation method should be applied consistently from year to year, but the method may be changed with the prior approval of the tax authorities.

Provisions. General provisions for bad debts are not allowed as deductions from income. However, a charge for specific bad debts may be allowed if the debt is accepted by the income tax officer as irrecoverable.

Nonbanking finance companies and the House Building Finance Corporation may claim a deduction equal to 3% of the income from consumer loans for the maintenance of a reserve for bad debts resulting from such loans. In this context, a consumer loan is a loan obtained for personal, family or household purposes and includes debts resulting from the use of a credit card or insurance premium financing.

For advances and off-balance sheet items, banking companies are allowed a provision not exceeding 1% of their total advances. This percentage is increased to 5% with respect to consumers and small and medium-sized enterprises. The provision is allowed if a certificate from the external auditor is furnished by the banking

company to the effect that such provisions are based on and are in line with the Prudential Regulations issued by the State Bank of Pakistan. The amount in a provision in excess of the allowable percentage may be carried over to succeeding years.

Tax depreciation. Depreciation recorded in the financial statements is not allowed for tax purposes. Tax depreciation allowances are given on assets, such as buildings, plant and machinery, computers and furniture owned by the company and used for business purposes.

Depreciation is calculated using the declining-balance method. The following depreciation rates are generally used.

Assets	Annual allowance %
Buildings	10
Furniture and fixtures	15
Machinery and plant, technical or professional books, ships and motor vehicles	15
Computer hardware including printers, machinery and equipment used in the manufacturing of information technology products, aircraft and aero engines	30
Below-ground installations (including offshore) of mineral oil enterprises	100
Offshore platform and production installations of mineral oil enterprises	20

To promote industrial development in Pakistan, certain other allowances relating to capital expenditure have been introduced. These allowances are summarized below.

Initial allowance. An initial depreciation allowance is available at a rate of 25% for plant and machinery placed in service in Pakistan. The allowance is granted in the tax year in which the assets are first placed in service in Pakistan and used in the taxpayer's business for the first time, or in the tax year in which commercial production begins, whichever is later.

A first-year depreciation allowance at a rate of 90% is granted for plant machinery and equipment installed for generation of alternate energy. This allowance is available to an industrial undertaking set up anywhere in Pakistan and owned and managed by a company. The allowance is granted instead of the initial allowance.

Amortization of intangibles. Amortization of intangibles is allowed over the normal useful life of intangibles. If an intangible does not have an ascertainable useful life, for purposes of calculating annual amortization, the normal useful life is considered to be 25 years for the purposes of calculating amortization.

Amortization of expenses incurred before the commencement of business. The amortization of expenses incurred before the commencement of business is allowed on a straight-line basis at an annual rate of 20%.

Relief for losses. Business losses, other than capital losses and losses arising out of speculative transactions, may be carried forward to offset profit in subsequent years for a period not exceeding six years. Unabsorbed depreciation may be carried forward indefinitely.

The 2018 Finance Act restricted offsetting of prior year losses representing depreciation and amortization to the extent of 50% of the balance income for the year after adjustment of business loss, if any. However, such loss is offset against 100% of such balance income if the taxable income for the year is less than PKR10 million.

Foreign losses can only offset foreign-source income and may be carried forward for a period not exceeding six years.

Groups of companies. A group of companies comprising holding companies and subsidiaries in a 100%-owned group can file its tax returns as one fiscal unit, subject to the satisfaction of certain conditions.

In addition, on the satisfaction of certain conditions, group companies can surrender their assessed losses (excluding capital losses and losses brought forward) for the tax year to other group companies. The amount of loss to be surrendered is calculated in the ratio of the percentage of shareholding of the holding company in the subsidiary company.

The option of group taxation is available to group companies that comply with the corporate governance requirement and group designation rules or regulations, as specified by the Securities and Exchange Commission of Pakistan.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Sales tax, on the supply of goods, on the cost of imported goods and on certain services; certain items and classes of persons are exempt	Various
Excise duties, on specified goods imported or manufactured in Pakistan and on specified services provided or rendered in Pakistan (the government may declare any goods or services or class of goods or services exempt)	Various
State and local taxes; an annual trade tax on companies, including branches of foreign companies	Various
Net assets tax (*zakat*, a religious levy), on certain assets of companies having a majority of Muslim shareholders who are citizens of Pakistan	2.5
Social security contributions, on salaries of employees (maximum of PKR1,800 per month)	6
Employees' old-age benefits; based on minimum wages of employees under law of PKR25,000 per month; payable by	
Employer	5
Employee	1

E. Miscellaneous matters

Foreign-exchange controls. In general, remittances in foreign currency are regulated, and all remittances are subject to clearance by the State Bank of Pakistan. However, foreign currency may be remitted through the secondary market.

Debt-to-equity rules. Under the thin-capitalization rules, if the foreign debt-to-equity ratio of a foreign-controlled company (other than a financial institution, a banking company or a branch of a foreign company operating in Pakistan) exceeds 3:1, interest paid on foreign debt in excess of the 3:1 ratio is not deductible.

The State Bank of Pakistan prescribes that borrowers from financial institutions have a debt-to-equity ratio of 60:40. This may be increased for small projects costing up to PKR50 million or by special government permission.

Loans and overdrafts to companies (other than banking companies), controlled directly or indirectly by persons resident outside Pakistan, and to branches of foreign companies are generally restricted to certain specified percentages of the entities' paid-up capital, reserves or head-office investment in Pakistan. The percentage varies, depending on whether the entities are manufacturing companies, semi-manufacturing companies, trading companies or branches of foreign companies operating in Pakistan.

To meet their working capital requirements, foreign controlled companies and branches of foreign companies may contract working capital loans in foreign currency that can be repatriated. The State Bank of Pakistan also permits foreign controlled companies to take out additional matching loans and overdrafts in rupees equal to the amount of the loans that may be repatriated. Other loans in rupees are permitted in special circumstances. Certain guarantees issued on behalf of foreign controlled companies are treated as debt for purposes of the company's borrowing entitlement.

F. Treaty withholding tax rates

The maximum withholding rates provided in the treaties are shown in the following table.

	Dividends %	Interest %	Royalties %
Austria	10/20 (d)	– (b)(g)	20
Azerbaijan	10	10	10
Bahrain	10	10 (b)	10
Bangladesh	15	15 (b)	15
Belarus	10/15 (d)	10 (b)	15
Belgium	10/15 (d)	15 (b)	20 (m)
Bosnia and Herzegovina	10	20	15
Brunei Darussalam	10	15 (b)	15
Bulgaria	12.5	10 (b)	12.5
Canada	15/20 (d)	25	20 (c)
China Mainland	10	10	12.5
Czech Republic	5/15 (p)	10 (b)	10
Denmark	15	15 (b)(f)	12
Egypt	15/30 (q)	15 (t)	15
Finland	12/15/20 (s)	15 (i)	10

	Dividends %	Interest %	Royalties %
France	10/15 (o)	10 (t)	10
Germany	10/15 (v)	20 (b)(i)	10
Hong Kong SAR	10	10 (b)	10
Hungary	15/20 (p)	15 (b)	15
Indonesia	10/15 (p)	15	15
Iran	5	10	10
Ireland	10 (h)	– (b)(g)	– (e)
Italy	15/25 (r)	30 (t)	30
Japan	5/7.5/10 (a)	10 (b)	10
Jordan	10	10 (b)	10
Kazakhstan	12.5/15 (o)	12.5 (t)	15
Korea (South)	10/12.5 (d)	12.5 (b)	10
Kuwait	10	10 (t)	10
Kyrgyzstan	10	10	10
Lebanon	10	10 (b)	7.5
Libya	15	– (g)	– (g)
Malaysia	15/20 (d)	15 (b)(f)	15
Malta	15 (a)	10 (b)	10
Mauritius	10	10 (b)	12.5
Morocco	10	10 (b)	10
Nepal	10/15 (a)	10/15 (f)(i)	15
Netherlands	10/20 (p)	20 (b)(l)	5/15 (j)
Nigeria	12.5/15 (o)	15	15
Norway	15	10 (b)	12
Oman	10/12.5 (o)	10 (t)	12.5
Philippines	15/25 (p)	15 (b)	25 (k)
Poland	15 (d)	– (b)(g)	20 (c)
Portugal	10/15 (a)	10 (f)	10
Qatar	5/10 (o)	10 (t)	10
Romania	10	10 (f)	12.5
Saudi Arabia	5/10 (a)	10 (f)	10
Serbia	10	10 (b)	10
Singapore	10/12.5/15 (u)	12.5	10
South Africa	10/15 (o)	10 (t)	10
Spain	5/7.5/10 (a)	10	7.5
Sri Lanka	15	10 (b)	20
Sweden	15	15 (b)	10
Switzerland	10/20 (a)	10 (f)	10
Syria	10	10	10/15/18 (w)
Tajikistan	5/10 (p)	10 (x)(y)	10 (x)
Thailand	15/25 (d)	25 (i)	10/20 (j)
Tunisia	10	13	10
Türkiye	10/15 (d)	10	10
Turkmenistan	10	10	10
Ukraine	10/15 (a)	10	10
United Arab Emirates	10/15 (v)	10 (b)	12
United Kingdom	10/15/20 (n)	15 (b)	12.5
United States	8.75 (h)	– (g)	– (e)
Uzbekistan	10	10 (b)	15
Vietnam	15	15 (y)	15
Yemen	10	10 (y)	10
Non-treaty jurisdictions (z)	0/7.5/15/25/35	10/15/20	15/20

(a) Treaty-determined percentage holding required.
(b) Interest paid to the government or, in certain circumstances, to a financial institution owned or controlled by the government is exempt.
(c) Fifteen percent for industrial, commercial or scientific know-how.
(d) Treaty-determined percentage holding required, and payer must be engaged in an industrial undertaking; otherwise, higher rate or normal rate applies.
(e) Royalties are exempt from withholding tax to the extent they represent a fair and reasonable consideration.
(f) Certain approved loans are exempt.
(g) Normal rates apply.
(h) Treaty-determined percentage holding by a public company required and the profits out of which the dividends are paid must be derived from an industrial undertaking; otherwise, normal rates apply.
(i) Ten percent if the recipient is a financial institution.
(j) Lower amount for literary, artistic or scientific royalties.
(k) Fifteen percent if payer is an enterprise engaged in preferred activities.
(l) Rate reduced to 10% if recipient is a bank or financial institution or if certain types of contracts apply. Rate reduced to 15% if recipient holds 25% of the capital of the paying company.
(m) Copyright royalties and other similar payments for literary, dramatic, musical or artistic work are exempt.
(n) Fifteen percent if the recipient is a company. Further reduced to 10% if the treaty-determined percentage is held by the recipient and the industrial undertaking is set up in Pakistan after 8 December 1987. Twenty percent in other cases.
(o) Lower rate applies if the recipient is a company that controls, directly or indirectly, 10% of the voting power in the company paying the dividend.
(p) Lower rate applies if recipient is a company that owns directly at least 25% of the capital of the paying company.
(q) The 15% rate applies to dividends paid to companies. The 30% rate applies to other dividends.
(r) The 15% rate applies if the recipient is a company that owns directly at least 25% of the capital of the payer and is engaged in an industrial undertaking.
(s) The 12% rate applies if the recipient is a company that owns directly at least 25% of the capital of the payer; the 15% rate applies to dividends paid to other companies; and the 20% rate applies to other dividends.
(t) Interest paid to the government or to an agency of or an instrumentality owned by the government is exempt from tax.
(u) The 10% rate applies if the payer is engaged in an industrial undertaking and if the recipient is a company; the 12.5% rate applies if the recipient is a company; the 15% rate applies in all other cases.
(v) The lower rate applies if the beneficial owner of the dividends is a company that owns at least 20% of the shares of the payer.
(w) The 10% rate applies to royalties for cinematographic films and to tapes for television or radio broadcasting. The 15% rate applies to royalties for literary, artistic or scientific works.
(x) The treaty rate applies to the extent the amount represents a fair and reasonable consideration.
(y) Interest paid to the government or to the central bank is exempt.
(z) For details regarding these rates, please see the relevant footnotes in Section A.

Pakistan has also entered into treaties that cover only shipping and air transport. These treaties are not included in the above table.

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A. At a glance

Corporate Income Tax Rate (%)	15 (a)
Capital Gains Tax Rate (%)	15 (a)
Branch Tax Rate (%)	15 (a)(b)
Withholding Tax (%) (c)	
Dividends	0 (d)
Interest	10 (e)
Royalties from Patents, Know-how, etc.	5

Payments for Services and Goods	10 (f)
Other Payments to Nonresidents	10
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) This is the standard corporate income tax rate. For other rates, see Section B.
(b) Foreign branches operating in Palestine are taxed like Palestinian companies.
(c) In general, the withholding taxes may be credited against income tax due.
(d) See Section B.
(e) No withholding tax is imposed on interest received from banks. Withholding tax applies to interest payments to nonresidents.
(f) This withholding tax applies to resident and nonresident companies. It applies to payments of higher than ILS2,500 if the vendor does not provide a deduction-at-source certificate.

B. Taxes on corporate income and gains

Corporate income tax. Palestinian companies and branches of foreign companies carrying on business in Palestine are subject to corporate income tax. A company is considered Palestinian if it is incorporated in Palestine. A branch of a foreign company registered in Palestine is treated like a Palestinian company.

Rates of corporate income tax. The standard rate of corporate income tax is 15% of taxable income. Telecommunication companies, franchises and monopoly companies are taxed at a rate of 20%. The tax rate on life insurance companies is 5% of the total life insurance premiums owed to the company. Interest income derived by banks from small and medium-sized entities' finance programs is subject to income tax at a rate of 10%.

Under the Law for Encouragement of Investments, as amended in 2014, approved companies may pay income tax at the following rates:

- 0% for agricultural projects that realize income from the cultivation of land or livestock
- 5% for a period of five years beginning on the date of realization of profit but not exceeding four years from the beginning of the company's operations
- 10% for a period of three years after the end of the first phase
- The standard rate after the end of the three-year period

Under Decree No. 14 for 2016, income up to ILS300,000 from agriculture projects is subject to a 0% income tax rate; the remaining income is subject to the standard rate.

An application must be filed with the Palestinian Investment Promotion Agency to obtain approval for these tax benefits.

Capital gains. Capital gains are taxable at the standard corporate income tax rate. However, gains arising from the sale of shares and bonds from an investment portfolio are exempted. The expenses related to these exempted gains are not deductible for tax purposes. These nondeductible expenses are calculated according to a formula in the law and subtracted from the total expenses of the entity.

Administration. Companies must file a corporate tax return by the end of the fourth month after their year-end. All companies must use the calendar year as their tax year, unless the tax authorities approve a different tax year. As a result, tax returns are

generally due on 30 April. Any balance of tax due must be paid by the due date of filing the annual tax return.

Payment of income tax on account must be made in accordance with instructions issued by the Minister of Finance. The tax regulations provide incentives for advance tax payments made during the tax year. The incentive rates are announced at the beginning of the tax year.

Special incentives are granted for companies who file and pay within a certain period after the tax year-end. For filing and paying during the first and second months after the year-end, the discount is 4%. The discount is 2% for the third month.

Dividends. Under the Income Tax Law amendments in 2014, dividends are subject to withholding tax. Dividends distributed by companies resident in Palestine are subject to withholding tax at a rate of 10%. However, in January 2015, the Ministry of Finance put the application of this withholding tax on hold. As a result, dividends from resident companies are currently exempted from income tax. The related expenses are not deductible for tax purposes; these nondeductible expenses represent 20% of the total exempted dividends.

Interest. Interest income is subject to income tax at the applicable income tax rate. No withholding tax applies on interest paid to residents. Interest paid to nonresidents is subject to a 10% withholding tax.

C. Determination of trading income

General. Taxable income is the income reported in the companies' financial statements, subject to certain adjustments.

All types of income are taxable, unless otherwise stated in the law.

All business expenses incurred to generate income may be deducted, with limitations on certain items, such as entertainment and donations. A certain percentage of entertainment expenses is deductible. Head-office charges are limited to 2% of a branch's net taxable income.

Inventories. The tax law does not specify a particular method for determining the cost of inventory.

Provisions. In general, provisions are not deductible for tax purposes, except for banks and insurance companies. Banks can deduct bad debt provisions that were established in accordance with the instructions of the Palestine Monetary Authority, and insurance companies can deduct part of its unexpired risks and outstanding claims' provisions.

Depreciation. The Palestinian tax law provides straight-line tax depreciation rates for various types of assets. These rates are applied to the purchase prices for the assets. If the rates for accounting purposes are greater than the tax depreciation rates, the excess is disallowed but may be used for tax purposes at a later date. The following are the straight-line rates for certain assets.

Asset	Rate (%)
Industrial buildings	4
Transportation	
Land transportation	
Cars, trains, buses, trucks and trailers	10
Cars and buses for public transportation and for driving schools	12
Air transportation	
Aircraft	8
Cable cars	5
Sea transportation	
Ships for transportation, cargo and freezing	5
Boats and yachts	8
Sport and racing boats	15
Other ships or boats that work over or under the water	15
Office equipment	7 to 10
Equipment used in industrial activities	5 to 10
Equipment used in agricultural activities	7 to 25
Technological equipment	20 to 25
Office furniture and decoration	10 to 15
Computers	20

Groups of companies. Companies must file separate financial statements for tax purposes.

Relief for losses. Companies may carry forward losses to the following five tax years.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT)	
Standard rate	16
Wages and profit tax; imposed on financial institutions instead of VAT and in addition to corporate income tax	16
Property tax; based on 80% of the assessed rental value	17

E. Foreign-exchange controls

The Palestinian Authority does not have a national currency. Major currencies used in Palestine include the Israeli shekel (ILS), Jordanian dinar (JOD) and the US dollar (USD).

F. Tax treaties

The Palestinian Authority has entered into double tax treaties with Ethiopia, Jordan, Serbia, Sri Lanka, Sudan, Türkiye, the United Arab Emirates, Venezuela and Vietnam.

The Palestinian Authority has signed a tax treaty with Egypt. In addition, tax treaties with Oman and Turkmenistan are in various stages of negotiation, signature, ratification or entry into force.

The Palestinian Authority has also entered into tax treaties related to customs with the European Union, Japan, Türkiye, the United States and certain Arab countries. Under these treaties, goods

imported from the treaty countries have either full or limited customs exemption, depending on the type of goods imported.

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A. At a glance

Corporate Income Tax Rate (%)	25 (a)
Capital Gains Tax Rate (%)	10
Branch Tax Rate (%)	25 (a)
Withholding Tax (%) (b)	
Dividends (a)	
On Nominative Shares	10
On Bearer Shares	20
Interest	12.5 (c)
Royalties from Patents, Know-how, etc.	12.5
Payments on Leases	12.5
Payments for Professional Services	12.5
Branch Remittance Tax	10
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (d)

(a) For details, see Section B.
(b) The withholding taxes apply only to nonresidents. Nonresident companies are entities not incorporated in Panama.
(c) Certain interest is exempt from tax. See Section B.
(d) For details, see Section C.

B. Taxes on corporate income and gains

Corporate income tax. Corporations, partnerships, branches of foreign corporations, limited liability companies and any other entity considered a legal entity by law are subject to income tax on any profits or income generated in or derived from Panama.

Income that does not arise in Panama or is not derived from Panama is not subject to tax in Panama. However, dividends arising from foreign income that are distributed by Panamanian companies holding a Notice of Operation (formerly Commercial License) are subject to tax (for further details, see *Dividends*).

Corporate income tax rates. Income tax is assessed at a flat rate of 25% on net taxable income. For details regarding net taxable income, see Section C.

Taxpayers with annual taxable income greater than PAB1,500,000 are required by law to calculate the tax using two methods and pay the higher of the amounts calculated under these methods. This calculation must be included in their annual taxable income tax return. The following are the two methods:
- Applying the corresponding tax rate to the net taxable income
- Applying the corresponding tax rate to 4.67% of the total income

Headquarters Law. The Headquarters Law contains a special tax-incentive regime for multinational companies that establish their headquarters in Panama (Multinational Headquarters [MHQ] regime; Sedes de Empresas Multinacionales (SEM) in Spanish).

Under the Headquarters Law, a headquarters is the office that renders services to its related parties.

Under the law, a headquarters may provide only specified services, including the following:
- Technical, financial and/or administrative assistance
- Financial and accounting services
- Logistics or warehousing services to the multinational group
- Marketing and publicity
- Plot or construction design
- Administration for operations in a specific or global geographic area of a business group company
- Electronic processing of any activity, including consolidations of business group operations

Under the Headquarters Law, the headquarters must belong to a multinational company with either regional or international operations or significant operations in the country of origin. To operate under the Headquarters Law, a license granted by the Commission of Licenses of the Multinational Companies of the Ministry of Commerce and Industry must be obtained.

Law No. 57, published on 24 October 2018, amended the MHQ regime. Companies granted a license must pay income tax in Panama on the net taxable income derived from the services provided at a rate of 5%. Panamanian taxpayers benefiting from services or acts rendered by MHQ companies must withhold 5% from the total sum to be paid if these services or acts were related to the generation of local income or the conservation of its source and if the payment is considered a deductible expense for the taxpayer.

Also, MHQ companies can claim a tax credit for the amounts withheld by the Panamanian taxpayers, as well as the tax effectively paid abroad for services rendered to nonresidents. However, the company must pay at least 2% of the net taxable income generated in Panama as a minimum income tax.

Likewise, MHQ companies must withhold 5% on 50% of the payments remitted abroad for services and acts received by nonresidents. The company also must withhold 5% on 50% of the interest, commissions and other charges generated by loans granted by a nonresident and used in Panama.

In addition to obtaining an MHQ license, companies must maintain an adequate number of full-time employees and incur an adequate amount of annual operational expenses, both of which must be adequate with respect to the type of business carried out by the companies, in order to apply the corporate income tax incentive. Also, companies must submit an annual report (within six months following the closing of the fiscal period of the MHQ company). Companies granted a license to operate under this regime are exempt from value-added tax (VAT). However, the VAT exemption applies only to the export of services. The VAT exemption does not apply to imports made by the headquarters or the sale or purchase of goods or services rendered in Panama.

The Headquarters Law also includes immigration aspects. For example, it clarifies that the salary received by an employee with an MHQ Permanent Personnel Visa is exempt from income tax, social security contributions and educational insurance in Panama. Employees with an MHQ Permanent Personnel Visa can opt for a permanent residence in Panama and keep working for a company with an MHQ license. However, these employees would be subject to income tax, social security contributions and educational insurance on the salary received by them.

Transfer-pricing rules apply under the regime.

Panama-Pacifico regime. Panama has established certain free-trade zones, which provide for an exemption from the general income tax (with the exception of certain rental income), as well as other imposts and duties, such as sales taxes, import duties, export taxes, and selective consumption taxes related to royalties on exports and re-export activities.

Law No. 41 of 2004 created the Panama-Pacifico (PP) Special Economic Zone. The law's purpose was to create a special legal, tax, customs, labor, immigration and business regime, designed to encourage and ensure the free flow and movement of goods, services and funds in order to attract and promote investments and the generation of jobs and to make Panama more competitive in the global economy.

Law No. 66 of 2018 included relevant amendments to the PP regime by adding requirements for the recognition of income tax benefits for some activities. Also, companies under the PP regime dedicated to the categories listed below must comply with the following substance requirements:

- They must maintain an adequate number of full-time employees.
- They must incur an adequate amount of annual operational expenses.

Both of these requirements must be adequate with respect to the type of business carried out by the companies.

These companies must file an annual report within six months following the closing of the fiscal period of the company.

The following are the categories referred to in the above paragraph:

- Radio, television, audio, video and data signal linking
- Office administrative services
- Call centers

- Capturing, processing, storage, switching, transmitting and retransmitting data and digital information
- Logistic and multimodal services
- Research and development of resources and digital applications for use in networks

Companies that provide office administration services are subject to a 5% income tax rate on the related net taxable income, as long as they comply with the substance requirements mentioned above. Panamanian recipients benefiting from these services must withhold 5% from the total service payment if these services were related to the generation of local income or the conservation of its source and if the payment is considered a deductible expense by the recipient.

An amendment to the Panamanian Fiscal Code provides that transfer-pricing rules apply to individuals or companies established under a preferential tax regime (which includes the PP regime) for their operations with related parties that are in Panama or that are under any other preferential tax regime in Panama or abroad.

Special Regime for the Establishment and Operation of Multinational Enterprises that Render Manufacturing Services. On 1 September 2020, Panama enacted Law 159 of 2020 to establish the Special Regime for the Establishment and Operation of Multinational Enterprises that Render Manufacturing Services (EMMA for its Spanish acronym). The law took effect on 1 December 2020. The EMMA regime seeks to promote foreign investment, create new job opportunities for both locals and foreigners, and contribute to the transfer of technology knowledge in Panama. To be eligible to EMMA regime, the companies should perform services related to the following:

- The manufacturing of products, machinery and equipment
- The assembly of products, machinery and equipment
- The maintenance and repair of products, machinery and equipment
- The remanufacturing of products, machinery and equipment
- The conditioning of products
- Product or existing process development, investigation or innovation
- Analysis, lab work, tests or other activities related to manufacturing services
- Logistics, such as storage, deployment and distribution of components or parts, required for the supply of manufacturing services

Entities can only provide these services to the multinational group to which they belong.

EMMA companies that are granted a license pay income tax in Panama on their net taxable income at a rate of 5%, as long as they comply with substance requirements. Net taxable income is calculated by deducting from taxable income special discounts granted by certain investment promotion regimes and carryforwards of legally authorized net operating losses. Panamanian taxpayers benefiting from services rendered by EMMA companies must withhold 5% from the total amount to be paid if these services or acts are related to the generation of local income or

the conservation of its source and if the payment is considered a deductible expense for the taxpayer.

Also, EMMA companies can claim a tax credit for the amounts withheld by the Panamanian taxpayers, as well as the tax effectively paid abroad. However, a company must pay at least 2% of the net taxable income generated in Panama as a minimum income tax.

Capital gains

Shares and quotas. Under Section 701(e) of the Panamanian Fiscal Code, capital gains derived from the transfer of shares or quotas are subject to capital gains tax if the shares or quotas were issued by a company that has operations or assets located in Panama. The tax applies regardless of the place where the transaction takes place. Capital gains are taxed in accordance with the following rules:

- Capital gains derived from the transfer of shares in Panama that constitute taxable income are subject to income tax at a rate of 10%.
- The buyer must withhold 5% from the purchase price as an advance income tax payment and remit the withholding tax to the tax authorities within 10 days following the date on which the payment was made according to the transaction documents. For a failure to comply with this obligation, both the buyer and the issuer of the shares become jointly liable to the Panamanian tax authorities.
- The 5% tax withheld by the buyer can be credited against the final 10% capital gain tax. However, the seller may elect to consider the 5% tax to be the final income tax payment.
- If the 5% tax withheld by the buyer is higher than the 10% income tax on the capital gain, the taxpayer may claim a cash refund or credit the excess against other tax liabilities. The tax credit may also be transferred to another taxpayer.
- Income derived from capital gains is not included in the seller's ordinary income for the fiscal year, because the tax due is paid through withholding.
- The amount of the capital gain equals the purchase price minus the value of the investment made by the seller at the moment the shares were acquired. The costs related to the transaction (for example, lawyer's fees, commissions, notary fees and broker fees) are taken into account.

Indirect transfers of shares "economically invested in Panama" are also subject to Panamanian capital gains tax, even if the seller and buyer are nonresidents. Specific rules apply to compute the gain if one or several entities that are being transferred generate both Panamanian-source income and foreign-source income. In this case, the tax base is the proportion of Panamanian-source income determined by using the greater amount resulting from the following two methods:

- The equity amount of the entities that earn taxable income in Panama divided by the total equity of the transaction
- The proportion of assets economically invested in Panama divided by the total assets of the transaction

The above result is subject to a 5% withholding tax, which is an advance income tax payment.

Movable assets. Capital gains derived from transfers of movable assets are subject to income tax at a reduced rate of 10%.

Real estate transfer tax. The sale of real estate located in Panama is subject to a 2% property transfer tax. The 2% property transfer tax rate is applied to the higher of the following amounts:
- Sales price set forth in the public deed of transfer
- The cadastral value of the property on the date of the acquisition, plus any increase in value derived from improvements, plus 5% per year computed on the sum of the cadastral value and the improvements

To execute the deed of transfer before a Notary Public, the seller of real estate must submit evidence to demonstrate that the corresponding transfer tax and capital gains tax have been paid.

The real estate transfer tax is not imposed on the first transfer of new houses and commercial establishments if the transfer occurs within the two-year period after the occupation permit is issued.

Sales of homes and business premises by taxpayers engaged in real estate business. For the sale of home properties by taxpayers in the real estate business, the following rates are applied to the higher of the total value of the transfer or the land value.

Higher of transfer or land value	Rate %
PAB0 to PAB35,000	0.5
PAB35,000 to PAB80,000	1.5
Over PAB80,000	2.5

The rate imposed on taxpayers in the real estate business for sales of new business premises is 4.5%.

The above rates apply if building permits are issued on or after 1 January 2010.

Ordinary taxpayers that are not engaged in the trade or business of the purchase and sale of real estate. For ordinary taxpayers that are not engaged in the trade or business of the purchase and sale of real estate, tax is calculated at a rate of 10% on taxable income. This income is not taken into account in determining the taxpayer's taxable income, and the taxpayer may not deduct the transfer tax or transfer fees incurred.

Advance income tax of 3% must be paid on the greater of the total value of the transfer or cadastral value.

The above tax can be considered as final payment or the surplus can be reimbursed if the amount of the tax exceeds 10% of taxable income.

Administration. The calendar year is the fiscal year. However, under certain circumstances, a special fiscal year may be requested from the Panamanian tax authorities. Businesses earning income subject to Panamanian tax must file annual income tax returns even if the net result for the period is a loss. Corporations having no Panamanian taxable income or loss are not required to file income tax returns. Tax returns are due 90 days after the end of the fiscal year. The regulations provide for an extension of time of up to one month to file an income tax return if the corporation pays the estimated tax due. For corporations, the late filing

of an income tax return generates a penalty of 0.3% over the taxable income declared for each missed period.

Monthly interest is charged for late payments. The interest charges are calculated based on rates established periodically by the tax authorities. These rates equal the local reference banking annual interest rate for commercial financing as defined by the Panamanian Banking Superintendence plus two percentage points. If an extension is obtained, any tax that is due when the return is filed is subject to the abovementioned interest rate. Late payments of taxes made after 1 January 2015 are subject to a 10% surcharge. This 10% surcharge is imposed in addition to the late payment interest.

Tax returns must be filed on electronic forms provided by the Panamanian tax authorities. The taxpayer must file an estimated tax return for the following year together with the income tax return. The total amount of estimated tax for the following year, which normally cannot be lower than the income declared in the current-year return, must be paid in full or in three equal installments by 30 June, 30 September and 31 December. Late payment of this estimated tax generates a 10% surcharge (calculated on the unpaid amount) plus applicable interest.

Dividends. All companies that have a Notice of Operations or Commercial License (the prior name of the Notice of Operations) or that generate taxable income in Panama must pay dividend tax at a fixed rate of 10% for nominative shares and 20% for bearer shares. Dividends distributed from foreign-source income, export operations and certain types of exempt income are subject to a final 5% withholding tax. Subsequent distributions of these dividends are not taxed if they arise from dividends that already have been subject to the abovementioned withholding.

Dividends distributed by Real Estate Investment Companies (Sociedades de Inversión Inmobiliaria) are subject to a 10% withholding tax.

Dividends distributed by entities in free-trade zones from local-source income, foreign-source income, export activities and certain types of exempt income are subject to a final 5% withholding tax.

The following are exempt dividends:
- Dividends distributed by Panamanian companies that do not require a Notice of Operations or Commercial License and that do not produce any taxable income in Panama
- Dividends distributed by entities under the tax-incentive system for multinational companies that establish headquarters in Panama (MHQ regime; see *Headquarters Law*)

Dividends distributed to individuals or legal entities from states included in the List of States that Discriminate against the Republic of Panama (this list has not yet been issued by the Republic of Panama) are subject to the following withholding tax rates:
- 20% for nominative shares
- 40% for bearer shares

Exemptions from withholding tax granted by special laws on dividend distributions from Panamanian entities to entities or

individuals located abroad apply only if the recipients cannot claim a tax credit in their country of residence for such dividend distributions. To prove that that no tax credit is available in the recipient's country of residence for a dividend, the beneficial owner must submit a formal tax opinion issued by an independent tax expert of such country, which indicates that a tax credit cannot be claimed.

If a tax treaty applies, the treaty measures prevail over the domestic rules.

Withholding taxes. The effective withholding tax rate is 12.5% for interest and royalties paid to nonresident companies.

Payments to nonresidents for professional services rendered in Panama or from abroad are subject to a withholding tax at an effective rate of 12.5% if certain requirements are met. In principle, the withholding obligation applies if the following requirements are met:

- The payments made to nonresident beneficiaries must be related to the generation of Panamanian-source income for the payer.
- The payment made to the nonresident beneficiaries must be considered and reported as deductible expenses by the Panamanian payer (except in case of interest).

However, a tax reform established several exceptions to these requirements. As a result, payments made by public entities (entities that are not income taxpayers) and taxpayers with losses are subject to the withholding tax at an effective rate of 12.5% even if those entities have not deducted the payments as expenses. In addition, taxpayers that have several sources of income are required to apply an effective 12.5% withholding tax rate if they are in a loss situation even though they did not claim a deduction for the payments.

No withholding tax obligation applies to entities that generate foreign-source income only and entities or individuals exempt from income tax in accordance with an international treaty or special law.

In addition, exemptions granted by special laws from withholding taxes on interest, royalties, professional fees and similar payments from Panamanian entities or individuals to entities or individuals located abroad apply only if the recipient cannot claim a tax credit in their country of residence for withholding taxes on such income. To prove that no tax credit is available in the recipient's country of residence for such withholding taxes, the beneficial owner must submit a formal tax opinion issued by an independent tax expert of such country, which indicates that the tax paid in Panama would not be credited such country.

Interest, royalties, commissions and fees paid to nonresidents from states included in the List of States that Discriminate against the Republic of Panama are subject to a 25% withholding tax.

The tax must be withheld by the Panamanian enterprise that receives the benefits of the loans, leases or professional services, and must be remitted to the government within 10 days after the tax is withheld or the account is credited, whichever occurs first.

Interest income derived from the following investments is exempt from withholding tax:
- Savings and time deposits held in Panamanian banks
- Panamanian government securities
- Securities issued by companies registered with the National Securities Commission, if the securities were acquired through a securities exchange established to operate in Panama
- Interest and commissions paid by banking institutions in Panama to international banks or financial institutions established abroad, in connection with loans, bankers' acceptances and other debt instruments
- Interest paid to official or semiofficial institutions of international bodies or foreign governments
- Interest paid to foreign investors, if the capital on which such interest is paid is exclusively intended for housing projects for people of low income

For a loan granted by a domestic bank or related Panamanian party, no withholding tax is applicable, because the financial services payment is taxed in the lender's annual income tax return.

Except in the case of financing, if a local company does not take a deduction for an expense, no withholding tax applies.

Foreign tax relief. Because Panama taxes only income sourced in Panama, regardless of where payment is received or the residence of the taxpayer, no credit or deduction is available for any foreign taxes paid, except in international transport activities.

C. Determination of trading income

General. Taxable income or revenue includes all income derived from business activities in Panama less expenses incurred wholly and exclusively in the production of taxable income or the conservation of its source.

Net taxable income is the difference or balance that results on deducting the following from gross income or general earnings:
- Foreign income
- Exempt income
- Deductible costs and expenses

Revenues must be recognized in the year in which they are earned. Construction companies may recognize long-term contract revenues either by the percentage-of-completion method, percentage-of-invoicing method or the completed-contract method. The installment-sales method of recognizing revenue is not permitted by the Panamanian Fiscal Code.

Earnings derived from the following activities are not considered to be Panamanian source:
- Invoicing by an office established in Panama for sales of merchandise or goods for amounts greater than cost, provided the merchandise never enters Panama
- Directing by an office established in Panama of transactions that are completed, consummated or take effect outside Panama
- Distributing dividends or profits derived from income not generated in Panama, including income derived from the two activities noted above, to the extent that the company distributing dividends does not hold a Notice of Operation

All expenses incurred wholly and exclusively in the production of taxable income or in the conservation of its source are allowed as deductions for income tax purposes, regardless of where the expense is incurred, provided that the corresponding tax is withheld (if applicable). Expenses of one tax year may not be deducted the following year, except those which, by their nature, cannot be determined precisely in the current tax year.

Interest is a deductible expense if it is incurred on loans or credits necessary for the production of taxable income. If non-taxable interest income from savings accounts or certificates of deposit is earned, the only interest deductible is the excess of the interest expense over the non-taxable interest income. Royalties are deductible, except for those paid abroad by free-zone companies.

Inventories. Inventories may be valued by using the first-in, first-out (FIFO), last-in, first-out (LIFO) or average-cost methods. However, the Panamanian tax authorities may allow other methods. After a system of valuation is adopted, it may not be changed for five years.

Provisions. The only deductible reserves are those for depreciation, bad debts (1% of credit sales, up to 10% of total receivables) of entities other than banks and financial institutions and certain fringe benefits. Reserves for personal insurance and contingencies are not deductible.

Tax depreciation and amortization allowances. Depreciation allowances are permitted for capital expenditures incurred in the production of taxable income. Depreciation may be computed by using the straight-line, declining-balance or sum-of-the-years' digits methods. Depreciation is computed over the useful life of an asset. The minimum useful lives are three years for movable assets and 30 years for buildings.

Startup expenses may be amortized over a period of five years. Improvements to leased properties must be amortized over the period of the lease. Purchasers of intangible assets, such as patents and goodwill, may claim straight-line amortization deductions for such assets when they derive income from such assets.

Relief for losses. Tax-loss carrybacks are not recognized under Panamanian law. Carryforwards of net operating losses are allowed. Taxpayers can deduct net operating losses over a period of five years following the year in which the loss is incurred. The maximum annual deduction is 20% of the relevant loss, but the amount of the deduction may not exceed 50% of the taxable income for the year.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; tax on the sale or transfer of any chattel, services and imports of goods; certain goods and services are specifically exempt, such as medical services and fixed telephony that is not for commercial use	7

Nature of tax	Rate (%)
Notice of Operation (formerly Commercial and Industrial Licenses); paid annually on corporate capital (up to a maximum amount of PAB60,000)	2
Notice of Operation for companies operating under a free-trade zone regime; paid annually on corporate capital (up to a maximum tax of PAB50,000)	0.5
Municipal tax; based on the nature of the business activity and the amount of sales (up to a maximum tax of PAB3,000 a month)	Various
Social security contributions and education tax, based on wages or salaries; paid by	
Employer	12.5
Employee	9.75
Excise taxes	
Imports and sales of alcoholic beverages	10
Imports and sales of tobacco and cigarettes	15
Imports of jewels, cars, motorcycles, jet skis, boats (including sailboats), noncommercial airplanes, cable and microwave television services and mobile phones	Various
Public accommodations and lodging services	10

E. Miscellaneous matters

Foreign-exchange controls. Panama does not impose foreign-exchange controls.

Transfer pricing. Cross-border intercompany transactions conducted by Panamanian taxpayers are subject to transfer-pricing obligations if the transactions result in income, costs or expenses that are taken into account in the determination of taxable income.

The transfer-pricing rules are based on the arm's-length principle established in the Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations.

An annual statement of transactions (Form 930) with related parties must be submitted to the tax authorities within six months after the end of the fiscal year (if the fiscal year coincides with the calendar year, the deadline is 30 June). In addition, taxpayers must prepare a transfer-pricing study and make it available to the tax authorities.

Resolution No. 201-1937 of 2 April 2018 modified Form 930, "Transfer Pricing Information Return" (Version 1.0). The new form is Form 930, Version 2.0.

The changes include the following:

- The addition of new cells in the main tab of Form 930 related to the adjustments made in the related-party transactions analyses
- The addition of an "Intangible Annex" for reporting intangible transactions

- The addition of a "Comparable Companies Annex" for reporting the name, type, location and country of the comparables, as well as the selected profit level indicator and the financial information for each one of them
- A new section with "Questions related to the taxpayer" and "Questions related to the multinational enterprise," in which some of the questions are related to the information required by Article 11 of Executive Decree 390, published on 24 October 2016

If Form 930 is not filed, a 1% fine capped at PAB1 million applies to the gross amount of the transactions with related parties.

Law No. 57 of 2018 contains provisions regarding the application of the transfer-pricing rules to transactions conducted by entities with an MHQ license. The law establishes that the transfer-pricing rules apply, starting with the 2019 tax year, to any related-party transaction that an individual or entity conducts with an MHQ license.

The transfer-pricing rules also apply to transactions conducted by companies with related parties that meet the following conditions:
- They are established in Panama.
- They are tax residents of other jurisdictions.
- They are established in the Colon Free Zone.

In addition, the transfer-pricing rules apply if the related parties operate in or under any of the following:
- The Oil Free Zone under Cabinet Decree 36 of 2003
- The PP Special Economic Zone
- The MHQ regime
- The City of Knowledge regime
- Any other current or future free zones or special-economic areas

Law No. 52 of 2018 contains provisions on the activities that individuals or entities with a call center concession may conduct. The law also includes provisions on applying transfer-pricing rules to transactions conducted by those entities.

The law establishes that, starting with the 2019 tax year, the transfer-pricing rules apply to any related-party transactions conducted by individuals or entities with individuals or entities that have a concession to provide call center services.

Although individuals and entities with a concession to provide call center services are exempt from income tax, the transfer-pricing rules also apply to transactions conducted by those individuals or entities with related parties that meet the following conditions:
- They are established in Panama.
- They are tax residents of other jurisdictions.
- They are established in the Colon Free Zone.

In addition, the transfer-pricing rules apply if the related parties operate in or under any of the following:
- The Oil Free Zone under Cabinet Decree 36 of 2003
- The PP Special Economic Zone
- The MHQ regime
- The City of Knowledge regime

- Any other current or future free zones or special economic areas

Also, an amendment to the Panamanian Fiscal Code established that transfer-pricing rules apply to individuals or companies established under a preferential tax regime, for their operations with related parties that are in Panama or that are under any other preferential tax regime in Panama or abroad.

Law 159 of 2020 establishes that entities under the EMMA regime (see *Special Regime for the Establishment and Operation of Multinational Enterprises that Render Manufacturing Services* in Section B) must apply the transfer pricing principle established in the Panamanian Fiscal Code to all transactions carried out with related parties in Panama, those that are tax residents abroad and those that are registered under the Panama Pacific Regime, MHQ regime, Colon Free Zone, Fuel Free Zone, City of Knowledge regime or any other free zone or special-economic area regime currently existing or that may be created in the future.

In all cases, the application of the transfer-pricing rules must be in accordance with the provisions of the Fiscal Code, except for the provisions of Article 762-D of the Fiscal Code.

Multilateral Competent Authority Agreement for Country-by-Country Reporting. On 24 January 2019, Panama's tax authorities signed the Multilateral Competent Authority Agreement for Country-by-Country (CbC) Reporting, which is a multilateral framework agreement that provides a standardized and efficient mechanism to facilitate the bilateral automatic exchange of CbC reporting, is one of the four minimum standards of the OECD/G20 Base Erosion and Profit Shifting (BEPS) Project.

On 27 May 2019, Panama's government published in the *Official Gazette* Executive Decree No. 46, which addresses the disclosure of information in the CbC report by tax resident companies in Panama for purposes of the automatic exchange of information.

Any ultimate parent entity of a multinational group must file the CbC report on an annual basis if it has consolidated revenues that are higher than EUR750 million or its equivalent in balboas at the exchange rate as of January 2015 during a tax year and if it is tax resident in Panama.

A reporting entity is any entity of a group or multinational group that must file the CbC report in its tax jurisdiction on behalf of the multinational group. The reporting entity is the ultimate parent entity.

A company that is part of a multinational group that is tax resident in Panama must notify the Panamanian tax administration of the identity and tax residence of the reporting entity, as well as the fiscal period used by the multinational group. The entity doing the reporting must submit the notification using the format and terms and conditions established by the Panamanian tax administration.

On 27 December 2019, Panama published in the *Official Gazette* Resolution No. 201-9117 of 2019, regulating the notification obligation included in Article 3 of Executive Decree 46 of 2019,

which establishes the regulatory framework of the CbC report in Panama.

F. Treaty withholding tax rates

Panama has entered into tax treaties with Barbados, the Czech Republic, France, Ireland, Israel, Italy, Korea (South), Luxembourg, Mexico, the Netherlands, Portugal, Qatar, Singapore, Spain, the United Arab Emirates, the United Kingdom and Vietnam. Panama has concluded treaty negotiations with Austria and Bahrain.

With the additions implemented by the Multilateral Instrument (MLI) that entered into force on 1 March 2021 in Panama, the Principal Purpose Test (PPT) is implemented. This is a test under the BEPS Project to prevent treaty abuse. The test establishes that the benefits of a treaty may be denied if, based on the relevant facts and circumstances, the principal purpose of a structure is to benefit from the treaty.

The following are withholding tax rates under Panama's tax treaties.

	Dividends %	Interest %	Royalties %
Barbados	7.5 (a)	0/5/7.5 (j)(k)	0/7.5 (t)
Czech Republic	10	0/5/10 (w)(x)	10
France	5/15 (b)	0/5 (l)	5
Ireland	5	0/5 (y)	5
Israel	5/15/20 (ee)	0/15 (ff)	15
Italy	5/10	0/5	10
Korea (South)	5/15 (c)	0/5 (m)	0/10 (u)
Luxembourg	5/15 (b)	0/5 (l)	5
Mexico	5/7.5 (c)	0/5/10 (n)(o)	10
Netherlands	0/15 (d)	0/5 (p)	5
Portugal	10/15 (e)	10 (q)	10
Qatar	6 (f)	6 (r)	6
Singapore	5 (g)	5 (s)	5
Spain	0/5/10 (h)(i)	5 (v)	5
United Arab Emirates	5 (aa)	0/5 (bb)	5
United Kingdom	0/15 (cc)	0/5 (dd)	5
Vietnam	5/7/12.5	0/10	10
Non-treaty jurisdictions	10/20 (z)	12.5 (z)	12.5

(a) The rate equals 75% of the statutory nominal rate applicable at the time of dividend distribution. The rate is reduced to 5% if the beneficial owner of the dividends is a company that owns at least 25% of the capital of the payer of the dividends. The rates do not apply to dividends paid on bearer shares.

(b) The rate is reduced to 5% if the beneficial owner of the dividends is a company (other than a partnership) that owns at least 10% of the capital of the payer of the dividends.

(c) The rate is reduced to 5% if the beneficial owner of the dividends is a company (other than a partnership) that owns at least 25% of the capital of the payer of the dividends.

(d) The rate is reduced to 0% if the beneficial owner of the dividends is a company that owns at least 15% of the capital of the payer of the dividends (additional specific conditions apply).

(e) The rate is reduced to 10% if the beneficial owner of the dividends is a company that owns at least 10% of the capital of the payer of the dividends.

(f) The rate is reduced to 0% if the beneficial owner of the dividends is the other state, a political subdivision, a local authority or the central bank of the other

state, a pension fund, an investment authority or any other institution or fund that is recognized as an integral part of the other state, political subdivision or local authority, as mutually agreed.

(g) The rate is reduced to 4% if the beneficial owner of the dividends is a company (other than a partnership) that owns at least 10% of the capital of the payer of the dividends.

(h) The rate is reduced to 5% if the beneficial owner of the dividends is a company (other than a partnership) that owns at least 40% of the capital of the payer of the dividends.

(i) The rate is reduced to 0% if the beneficial owner of the dividends is a company that owns at least 80% of the capital of the payer of the dividends (additional specific conditions apply).

(j) The rate is reduced to 5% if the interest is derived by a bank that is a resident of Barbados.

(k) The rate is reduced to 0% if the beneficial owner of the interest is a contracting state, the central bank of a contracting state, or a political subdivision or local entity of the contracting state or if the interest is paid to another entity or body (including a financial institution) as a result of financing provided by such institution or body in connection with an agreement concluded between the governments of the states.

(l) The rate is reduced to 0% with respect to the following:
- Interest paid to or by the state, a local authority or central bank
- Interest paid on sales on credit
- Interest paid by a financial institution to another financial institution
- Interest paid to the state as a result of financing provided in relation to an agreement between the governments of the states

(m) The rate is reduced to 0% with respect to the following:
- Interest paid to the state, a local authority, central bank or a public financial institution
- Interest paid on sales on credit
- Interest paid to entities (including financial institutions) as a result of financing provided in relation to an agreement between the governments of the states

(n) The rate is reduced to 5% if the interest is derived by a bank that is a resident of Mexico.

(o) The rate is reduced to 0% with respect to interest paid to the state, a political subdivision or local entity of the state, the central bank or specific credit institutions.

(p) The rate is reduced to 0% with respect to the following:
- Interest paid to the state, a local authority or the central bank
- Interest paid on sales on credit
- Interest paid to the state as a result of financing provided in relation to an agreement between the governments of the states
- Interest paid to pension funds

(q) The rate is reduced to 0% with respect to interest paid to the state, a political subdivision or local entity, or the central bank.

(r) The rate is reduced to 0% with respect to the following:
- Interest paid to the state or a political subdivision or local authority of the state
- Interest paid to specific credit institutions
- Interest paid on sales on credit
- Interest paid by a financial institution to another financial institution
- Interest paid as a result of financing provided in relation to an agreement between the governments of the states

(s) The rate is reduced to 0% with respect to interest paid to the government or to banks.

(t) The rate is reduced to 0% with respect to royalties including royalties for scientific works related to biotechnology industry.

(u) The rate is reduced to 3% with respect to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment.

(v) The rate is reduced to 0% with respect to the following:
- Interest paid to or by the state, a local authority or central bank
- Interest paid on sales on credit
- Interest paid by a financial institution to another financial institution
- Interest paid to the state as a result of financing provided in relation to an agreement between the governments of the states
- Interest paid to pension funds

(w) The rate is 5% if the beneficial owner is a bank that is a resident of the other contracting state.

(x) The rate is reduced to 0% if any of the following circumstances exists:
- Interest arises in a contracting state and is paid to a resident of the other contracting state that is the beneficial owner thereof, and such interest is paid in connection with the sale on credit of merchandise or equipment.
- Interest is paid to the government of the other contracting state, including a political subdivision or local authority thereof, the central bank or a financial institution owned or controlled by such government.
- Interest is paid to a resident of the other state in connection with a loan or credit guaranteed by the government of the other state, including a political subdivision or local authority thereof, the central bank, or a financial institution owned or controlled by such government, if the loan or credit is granted for a period of not less than four years.

(y) The rate is reduced to 0% if any of the following circumstances exists:
- The beneficial owner of the interest is a contracting state, the central bank of a contracting state, or a political subdivision or local authority of such state.
- Interest is paid with respect to the sale on credit of merchandise or equipment to an enterprise of a contracting state.
- Interest is paid to other entities or bodies (including financial institutions) as a result of financing provided by such institutions or bodies in connection with agreements concluded between the governments of the states.
- Interest is paid to a pension fund established in the other contracting state to provide benefits under pension arrangements recognized for tax purposes in that other contracting state.

(z) See Section A.

(aa) The rate is reduced to 5% if the beneficial owner of the dividends is a resident of the other contracting state.

(bb) The rate is reduced to 5% if the beneficial owner of the interest is a resident of the other contracting state. The rate is reduced at 0% if any of the following circumstances exists:
- The beneficial owner of the interest is the government, a political subdivision or a local authority of the other contracting state.
- The interest is paid with respect to the sale on credit of merchandise or equipment to an enterprise of a contracting state.
- The interest is paid to financial institutions and other bodies as a result of financing provided by such institutions or bodies in connection with agreements concluded between the governments of the contracting states.

(cc) The rate is 15% if the beneficial owner of the dividends is a resident of the other contracting state. The withholding tax rate is reduced to 0% if either of the following circumstances exists:
- The beneficial owner of the dividends is a company that is a resident of the other contracting state and that holds directly at least 15% of the capital of the entity paying the dividends, and other requirements are satisfied.
- The beneficial owner of the dividends is a contracting state, a political subdivision or local authority thereof, or a pension scheme.

(dd) The rate is reduced to 5% if the beneficial owner of the interest is one of the following persons:
- An individual
- A company whose principal class of shares is regularly traded on a recognized stock exchange
- A financial institution that is unrelated to, and dealing wholly independently with, the payer
- A company other than those mentioned above, subject to conditions

The rate is also reduced to 5% if the beneficial owner of the interest is a resident of the other contracting state and any of the following circumstances exists:
- The interest is paid by a contracting state or a political subdivision or local authority thereof.
- The interest is paid by a bank in the ordinary course of its banking business.
- The interest is paid on a quoted Eurobond.

The rate is reduced to 0% if any of the following circumstances exists:
- The beneficial owner of the interest is a central bank of the contracting state or any of its political subdivisions or local authorities.
- The interest is paid with respect to the sale on credit of merchandise or equipment to an enterprise of a contracting state.
- The interest is paid to other entities or bodies (including financial institutions) as a result of financing provided by such entities or bodies in connection with agreements concluded between the governments of the contracting states.
- The beneficial owner of the interest is a pension scheme.

(ee) The rate is reduced to 15% if the beneficial owner of the dividends is a resident of the other contracting state. The rate is reduced to 5% if the beneficial owner is a pension fund that is a resident of the other contracting state. A 20% withholding tax rate applies if dividends are distributed by a Real Estate Investment Company and if the beneficial owner holds less than 10% of the capital of the Real Estate Investment Company.

(ff) The standard rate is 15%. Interest payments to specific entities and interest paid on traded corporate bonds are exempt (0% rate).

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A. At a glance

Corporate Income Tax Rate (%)	30
Capital Gains Tax Rate (%)	0
Branch Income Tax Rate (%)	48 (a)
Withholding Tax (%)	
Dividends	0/10/15 (b)
Interest	15
Royalties	
Associates	30
Non-associates	– (c)
Foreign contractors	15
Management fees	17
Net Operating Losses (Years)	
Carryback	0
Carryforward	7 (d)

(a) See Section B.
(b) Effective from 1 January 2017, the dividend withholding tax rate is 15%, unless a fiscal stability agreement is in place. If such agreement is in place, a 0% rate would continue to apply to dividends paid out of oil or gas profits, and the 10% rate would continue to apply to dividends paid out of mining profits.
(c) For payments to non-associates, the amount of tax equals the lesser of 10% of assessable income or 48% of taxable income. Assessable income is the amount assessable under the provisions of the Income Tax Act. Taxable income is the amount remaining after deducting from assessable income all allowable deductions.
(d) Resource (mining, oil and gas) and primary production taxpayers may carry forward losses for 20 years.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to income tax on worldwide assessable income. Nonresident companies carrying on business through a branch pay tax only on Papua New Guinea (PNG)-source income. A resident company is a company incorporated in PNG. A company not incorporated in PNG is

considered a resident company if it carries on business in PNG and it has either its central management and control in PNG or its voting power controlled by shareholders who are residents of PNG.

Tax rates. Resident companies are subject to tax at a rate of 30%. Branches of nonresident companies (other than those engaged in mining, petroleum or gas operations) are subject to tax at a rate of 48%. Nonresident companies deriving "prescribed income" are subject to the foreign contractor provisions (see *Foreign Contractor Withholding Tax*).

For resident and nonresident companies engaged in mining, petroleum or gas operations, the tax rate is 30%.

In addition to any tax liability determined in accordance with the above rate, an Additional Profits Tax may be levied with respect to gas projects in certain circumstances and, from 1 January 2017, with respect to mining and petroleum projects.

The Market Concentration Levy applicable to the commercial banking and telecommunications sectors from 1 January 2022 was repealed from 24 March 2022. From 1 January 2023, the company tax rate applicable to commercial banks is 45%.

Foreign Contractor Withholding Tax. Most activities conducted by nonresidents in PNG (including PNG branches), other than individuals deriving employment income, fall under the foreign contractor and management fee (see *Management Fee Withholding Tax*) provisions of the domestic law. The Foreign Contractor Withholding Tax (FCWT) applies if income is derived by nonresidents (usually referred to as "foreign contractors") from contracts for "prescribed purposes," including installation and construction projects, consultancy services, lease of equipment and charter agreements.

Effective from 1 January 2017, payments to foreign contractors are subject to 15% withholding tax, which is a final PNG tax on the PNG income. Before 1 January 2017, the rate was 12% and foreign contractors had the option of electing to file an annual PNG corporate tax return and pay tax at the nonresident rate on actual taxable income.

Management Fee Withholding Tax. Subject to the availability of treaty relief, Management Fee Withholding Tax (MFWT) at a rate of 17% must be withheld from management fees paid or credited to nonresidents.

The definition of "management fee" is very broad and includes "a payment of any kind to any person, other than to an employee of the person making the payment and other than in the way of royalty, in consideration for any services of a technical or managerial nature and includes payment for consultancy services, to the extent the Commissioner General of Internal Revenue is satisfied those consultancy services are of a managerial nature."

In practice, MFWT generally applies to services rendered outside PNG, and FCWT (see *Foreign Contractor Withholding Tax*) applies to fees for services rendered in PNG.

The deduction for management fees paid by a PNG resident company to a nonresident associate cannot exceed the greater of 2%

of assessable income derived from PNG sources or 2% of allowable deductions excluding management fees paid. In addition, for resource companies, to the extent that management fees exceed 2% of the allowable exploration or capital expenditure (other than management fees) incurred during the year, the excess is not allowable exploration or capital expenditure, respectively. However, a full deduction is allowed if the management fee can be supported as an arm's-length transaction. The above limit does not apply with respect to payments made to non-associates.

Incentives. Several specific incentives are available with respect to taxpayers operating in certain industries, including resource taxpayers (mining, oil and gas) and taxpayers engaged in primary production. These incentives range from general concessions with respect to the calculation of taxable income to concessions with respect to specific types of expenditure. Although some investors have been able to negotiate specific incentives for particular projects, the government now aims to include all tax concessions in the domestic legislation and make any concessions available on an industry basis with the goal of developing a more neutral and equitable treatment of projects.

Capital gains. Capital gains are not subject to tax in PNG. The disposal of a capital asset may be subject to tax to the extent the disposal takes place as part of a profit-making scheme or is part of the ordinary business activities of a taxpayer.

Although capital gains on the disposal of depreciable plant and equipment are generally not subject to tax, a calculation of any gain or loss on disposal must be performed. If the amount received exceeds the tax written-down value, an amount of income may be derived (up to the amount of depreciation deductions previously claimed). Alternatively, if the amount received on disposal is less than the tax written-down value, the taxpayer may be able to claim a deduction.

Administration. The PNG tax year is the calendar year. However, for most companies, a substituted accounting period is permitted on written request to the Commissioner General of Internal Revenue. Tax for any fiscal year is payable in three installments on a provisional tax assessment basis according to the following schedule:

- First installment: 120 days after the end of the preceding tax year
- Second installment: 210 days after the end of the preceding tax year
- Third installment: 300 days after the end of the preceding tax year

Provisional tax is generally assessed by the Commissioner General of Internal Revenue based on the latest information available. Accordingly, provisional tax does not generally become payable until after a taxpayer has filed its first tax return, and installments may be revised following the filing of returns.

Any balance must be paid within 30 days after the assessment is issued and served on the taxpayer. Any overpayment of provisional tax is refundable to the taxpayer. The Commissioner General of Internal Revenue does not pay interest on overpaid tax. Penalties apply for underestimation of provisional tax.

Companies are required to file tax returns within two months after the end of the fiscal year (that is, by the end of February of the following year). However, for returns filed by registered tax agents, extensions of an additional four, six or eight months are possible, depending on the level of taxable income. The income and expenses of taxpayers must be expressed in Papua New Guinea currency, unless permission is granted by the Commissioner General of Internal Revenue to report in a currency other than Papua New Guinea currency.

Companies carrying on business in PNG, or deriving income in PNG, must appoint a public officer to act as the representative of the company in all dealings with the IRC. The public officer need not be an employee or shareholder of the company but must be tax resident in PNG.

Dividends. Dividends received by resident companies from other resident companies are fully rebatable; that is, although dividends received by corporate taxpayers from other PNG corporations are fully assessable, the taxpayers may claim a credit of 30% (corporate tax rate), thereby reducing the effective tax rate to nil. Dividends paid out of profits arising from the sale or revaluation of assets that were acquired for purposes other than resale at a profit are exempt if the dividend is distributed through the issuance of non-redeemable shares. Effective from 1 January 2017, dividends paid out of profits derived from petroleum or gas operations are no longer exempt unless a fiscal stability agreement applies.

Effective from 1 January 2017, dividends paid or credited by resident companies to nonresident shareholders (other than superannuation funds) are generally subject to a final 15% dividend withholding tax, which is deducted at source from the gross amount of the dividend.

Foreign tax relief. A resident deriving foreign-source income that has been subject to foreign tax is entitled to a credit equal to the lesser of the following:
- The foreign tax paid
- The amount of PNG tax payable on that income

For purposes of the foreign tax credit, no distinction is made between income derived from treaty and non-treaty countries.

C. Determination of taxable income

General. Income is defined as the aggregate of all sources of income, including annual net profit from a trade, commercial, financial or of other business. Expenses are deductible to the extent that they are incurred in producing assessable income, and are not capital or of a capital nature or incurred in producing exempt income. Deductions are allowable for certain capital expenditures incurred in the agriculture and fishing industries.

Foreign-exchange gains and losses. Realized exchange gains and losses from debts incurred or borrowings made on or after 11 November 1986 (at any time with respect to reforestation activities) in a foreign currency are generally assessable and deductible, respectively, as well as any realized gains or losses made on amounts of income or deductions. Unrealized gains are not assessable, and unrealized losses are not deductible.

Inventories. Trading stock must be valued at the end of an income year either at cost, market selling price, or replacement price. Any change in the method of valuing trading stock must be approved by the Commissioner General of Internal Revenue. The Commissioner General of Internal Revenue has the discretion to make adjustments if the trading stock is sold or otherwise disposed of other than at market value.

Provisions. Provisions are not deductible until payments are made or, in the case of doubtful debts, until the debts are considered totally irrecoverable and are written off.

Tax depreciation. Depreciation of fixed assets that are used in the production of taxable income is calculated using either the prime-cost (straight-line) method or the diminishing-value method. The default method is the diminishing-value method with taxpayers having the option by notice in writing to use the prime-cost method for any or all units of property. Any change in the method of depreciation must be approved by the Commissioner General of Internal Revenue.

The IRC publishes depreciation rates for certain items of plant and equipment. The following are some of the applicable rates published by the IRC.

	Method	
Item	**Prime-cost (%)**	**Diminishing-value (%)**
Manufacturing		
Cement, pipe and tile manufacturing plant	10	15
Chemical manufacturing plant	10	15
Primary industries, farmers and so forth		
Cocoa and coffee industry plant	10	15
Copra industry plant	5	7.5
Other industries		
Aircraft	10	15
Building industries	20	30
Buildings		
Residential buildings	2	3
Storage buildings (steel framed)	4	6
Transportation		
Aircraft	12.5	18.75
Motor vehicles (other motor vehicles, including buses, lorries and trucks)	20	30
Wharves	5	7.5
Ships and steamers	7.5	11.25
Mining		
Development works	Nil	Nil
Dragline	13	20
Plant and machinery		
General plant and equipment	10	15
Drills	17	25
Earthmoving plant and heavy equipment	20	30
Motor trucks	20	30
Shovels	20	30
Oil		
Exploration	20	30

Item	Method	
	Prime-cost (%)	Diminishing-value (%)
Oil companies		
Aircraft	25	37.5
Aircraft refueling equipment	15	22.5
Drilling plant	20	30
Seismic geophysical survey equipment	20	30
Oil rigs (offshore) and ancillary plant	10	15
Petroleum		
Drilling and down hole (specialized drilling) equipment	20	30
Earthmoving plant and heavy equipment	20	30
General plant and equipment	17	25
Onshore production plant	13	18
Offshore production plant	13	20
Refining plant	13	20
Wharves and jetties	5	7.5
Vehicles	20	30

The amortization deduction for allowable exploration expenditure (AEE) incurred by resource taxpayers is determined by dividing the undeducted expenditure by the lesser of the number of years in the remaining life of the project or four.

The deduction allowable for short-life allowable capital expenditure (ACE; effective life of less than 10 years) incurred by resource taxpayers is calculated by dividing the undeducted balance of ACE by the lesser of the number of years in the remaining life of project or 4. For long-life ACE (effective life of 10 years or more) incurred by resource taxpayers, depreciation must be calculated at a rate of 10% under the straight-line method.

The order of deductions for AEE and ACE amortization is AEE, long-life ACE and short-life ACE. The deductions may not create a loss and any excess deductions are carried forward to future years.

Environmental protection and cleanup costs. A specific deduction is available to taxpayers for certain expenditure incurred with respect to environmental-protection activities and cleanup costs incurred when pollution occurs. This measure is available to taxpayers in all industries. It was introduced to encourage taxpayers to safeguard the environment.

Several specific exclusions exist, including capital expenditure incurred to acquire land and buildings. Expenditure incurred for environmental impact studies is deductible under a separate measure (see *Environmental impact studies*).

Depreciation deductions are also available for plant and equipment used in environmental-protection activities.

Environmental impact studies. A deduction is allowed for environmental impact studies. For this purpose, an environmental impact study is the study of the environmental impact of an assessable

income-producing activity or business that is carried on or proposed to be carried on in PNG by the taxpayer.

The expenditure incurred is apportioned over the life of the project or 10 years, whichever is less. If the taxpayer is in the resources industry, the cost of the environmental impact is not allowable under this measure, but is available under the specific resources taxation provisions.

Depreciation deductions are also available for plant and equipment used for environmental impact studies.

Rehabilitation costs of resource taxpayers. For resource projects that begin on or after 1 January 2012, at the end of a project, a resource taxpayer may transfer losses incurred on environmental rehabilitation to other projects owned by it. PNG uses ring-fencing provisions and calculates the profits of resource projects on a project-by-project basis. Historically, losses incurred were effectively lost if no further income was produced.

Research and development. On 1 January 2014, the extended deduction of 50% was phased out for research and development (R&D) expenditure. Previously, a 150% deduction was available for "prescribed" R&D expenditure. To claim the R&D concession, taxpayers needed to complete and submit an application annually to the Research and Development Expenses Approval Committee (within the PNG IRC) for approval before the start of the fiscal year. However, any expenditure on scientific research incurred before 1 January 2014 will continue to be eligible. In addition, although the additional deduction (50%) for eligible R&D expenditure has been abolished, such expenditure will continue to be deductible on a 100% basis even if such expenditure might otherwise be capital in nature and not deductible under general provisions.

The following payments and expenditure incurred by a taxpayer carrying on business for the purpose of obtaining assessable income may be allowable R&D deductions:

- Payments to an approved research institute for scientific research related to the business of the taxpayer and payments to an approved research institute for the purpose of undertaking research related to the business of the taxpayer
- Capital expenditure on scientific research related to the business of the taxpayer (except expenditure on plant, machinery, land or buildings, or alterations, additions or extensions to buildings)
- Expenditure on plant and equipment used solely for R&D purposes (depreciable at a rate of 33% per year)
- Expenditure on buildings and additions to buildings used solely for R&D purposes (deductible in equal installments over three years)

For purposes of the R&D concession, scientific research includes any activities in the fields of natural or applied science for the extension of knowledge.

Relief for losses. Losses incurred may generally be carried forward for seven years. However, losses incurred by resource taxpayers and primary production taxpayers can be carried forward 20 years. Losses incurred by a company are allowed as a

deduction only if the taxpayer passes either the continuity of ownership test or the same business test.

For entities in the resources sector, losses may also be quarantined on a project basis.

Losses may not be carried back.

No provisions exist for grouping losses with associated companies (with the specific exception of certain company amalgamations).

Groups of companies. No provisions exist in PNG for the grouping of income or losses of associated companies or for other group relief. Companies are assessed on an individual basis.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Goods and services tax (GST); imposed on virtually all goods and services unless the goods or services are exempt (for example, financial services and gambling) or the supply is zero-rated (for example, exports); any entity undertaking taxable activity in PNG must register and charge GST if taxable supplies exceed, or are expected to exceed, PGK250,000 in any 12-month period; entities that are registered must account for GST collected (output tax) and GST paid (input tax) during each month with any excess of GST collected to be remitted to the IRC by the 21st day of the following month; entities may generally claim a refund for most GST input tax paid on importations or local purchases of goods and services; effective from 1 January 2016, a deferral scheme applies with respect to GST on imports	10
Customs and excise duty; imposed on all goods imported into PNG, unless the goods are duty-free or exempt from duty; duty is imposed on the total value including cost, insurance and freight; the rate of duty depends on the nature of the goods; a zero rate often applies to goods imported into PNG if the goods are not available in PNG, but a specific analysis must be undertaken in each instance	Various
Stamp duty; imposed on dutiable instruments such as deeds, share transfers and a wide range of other documents at varying rates; may also apply to documents executed outside PNG under provisions that impose an obligation to file documents for assessment for stamp duty with respect to property or activities in PNG	Various

E. Miscellaneous matters

Foreign-exchange controls. The currency in PNG is the kina (PGK).

A tax-clearance certificate is required if certain cumulative remittances of foreign currency exceed PGK500,000 in a calendar year. For a remittance to a tax haven, a tax clearance is always required, regardless of the amount being remitted.

PNG resident companies are generally not permitted to receive payment for goods or services in a foreign currency. Consequently, if a contract is entered into between two PNG resident companies in a foreign currency (for example, US dollars), the settlement of the invoice must be made in Papua New Guinea currency. For exchange-control purposes, a resident includes a foreign company operating actively in PNG as a branch.

Debt-to-equity ratios. Previously, the thin-capitalization rules applied only to taxpayers operating in the resources sector. Effective from 2013, PNG's thin-capitalization rules apply to PNG companies in all industries. The 3:1 debt-to-equity ratio that previously applied for resource companies has been adjusted to 2:1 from 1 January 2020. Projects that are covered by a fiscal stability agreement are not affected by this change. All other companies are subject to a 2:1 ratio (with the exception of approved financial institutions, which are not subject to any ratio). If the applicable ratio is breached, a proportion of the interest on foreign debt is denied as a tax deduction.

Anti-avoidance legislation. Contracts, agreements or arrangements that have the effect of avoiding any tax may be rendered void by the tax authorities.

Transfer pricing. Related-party transactions are accepted by the tax authorities if they are carried out at arm's length. However, a taxpayer's taxable income can be adjusted if transactions are not conducted on an arm's-length basis (that is, if the transaction would not have been conducted on the same basis between independent parties). Specific provisions also exist with respect to management or technical fees paid to international related parties. Documentation of the appropriate methodology and calculation of pricing must be maintained. Country-by-Country Reporting rules are effective from 1 January 2017.

Controlled foreign companies. The PNG tax legislation does not currently contain any controlled foreign company (CFC) rules. Consequently, any income derived by foreign subsidiaries of a PNG entity is typically taxed on a receipts basis only.

F. Treaty withholding tax rates

Taxpayers self-assess any treaty reductions of withholding taxes.

The following table lists the effective treaty withholding tax rates for dividends, interest, royalties, management fees and payments to foreign contractors with respect to prescribed services.

	Dividends %	Interest %	Royalties %	Management fees (a) %	Payments to foreign contractors %
Australia	15	10	10	0 (b)	15 (c)
Canada	15	10	10	0 (b)	15 (c)
China Mainland	15	10 (f)	10	0 (b)	15 (c)
Fiji	15	10 (f)	15	15	15 (c)

	Dividends %	Interest %	Royalties %	Management fees (a) %	Payments to foreign contractors %
Germany (g)	15	10 (f)	10	0 (b)	15 (c)
Indonesia	15	10 (f)	10	10	15 (c)(d)
Korea (South)	15	10 (f)	10	0 (b)	15 (c)
Malaysia	15	15 (f)	10	10	15 (c)(d)
New Zealand	15	10 (f)	10	0 (b)	15 (c)
Singapore	15	10 (f)	10	0 (b)	15 (c)(d)
United Kingdom	15	10 (f)	10	10	15 (c)(d)
Non-treaty jurisdictions	15	15	– (e)	17	15

(a) For the purposes of this table, management fees include technical fees.
(b) Management services, including services of a technical nature rendered from sources outside of PNG for a resident of PNG are subject to MFWT at a rate of 17%. For services provided by a resident of a country with which PNG has entered into a double tax treaty that does not have a specific technical services article, the payment is not subject to withholding tax in PNG if all of the services were performed outside PNG.
(c) Nonresident entities deriving income from "prescribed contracts" are subject to FCWT at a rate of 15% of the gross receipts. The income of residents of countries with which PNG has entered into a double tax treaty is subject to the FCWT provisions if the nonresident is conducting business in PNG through a permanent establishment.
(d) Until recently, a reduced FCWT rate may have applied to foreign contractors from these countries in accordance with the non-discrimination article in the relevant treaty. However, the PNG tax authorities now apply the 15% rate to foreign contractors from all countries.
(e) The rate is 30% for payments to associates. For payments to non-associates, the amount of the tax equals the lesser of 10% of assessable income or 48% of taxable income.
(f) The rate is 0% for interest paid to the government or the central bank.
(g) This treaty has not been ratified.

Paraguay

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A. At a glance

Business Income Tax Rate (%)	10
Capital Gains Tax Rate (%)	10/15 (a)
Withholding Tax (%)	
Dividends	15 (b)
Interest Paid to Foreign Financial Institutions	4.5
Royalties from Patents, Know-how, etc.	15
Insurance and Reinsurance	4.5
Personal Transportation Fares, Telephone Charges and Internet Charges Paid from Paraguay	4.5
International News Agencies	4.5
Freight Charges	4.5
Other Payments Not Specified Above	15
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) The Paraguayan tax law does not have a separate capital gains tax. Capital gains are subject to the general regime for business income tax and accordingly are taxed at the same rate of 10%. A 15% withholding tax rate applies to capital gains earned by nonresidents in Paraguay.

(b) The 15% withholding tax rate applies to dividends paid abroad from Paraguay to nonresident entities.

B. Taxes on corporate income and gains

Business income tax. Tax is levied on Paraguay-source income of corporations and commercial enterprises. Income is considered to be from a source in Paraguay if it is derived from capital, property or rights in Paraguay or from a business in Paraguay. For companies domiciled in Paraguay, income derived from capital invested abroad is considered Paraguay-source income and, accordingly, subject to business income tax.

Income earned from farming activities in Paraguay is also subject to business income tax under the rules established by Law 6380/19.

Rate of business income tax. Under Law 6380/19, the business income tax rate is 10%.

The incentive tax law provides an exemption from the 15% withholding tax mentioned above if an investment of greater than USD13 million is made in industrial activities through a specific Bi-Ministerial Tax Resolution.

Capital gains. The Paraguayan tax law does not have a separate capital gains tax. Capital gains are subject to the general regime for business income tax and accordingly are taxed at the business income tax rate of 10%.

Administration. The tax year is the calendar year. Returns must be filed within four months after the end of the financial year. Penalties are imposed for failure to comply with these rules.

Dividends. The distribution of dividends is subject to dividend tax of 15% for non-Paraguayan entities and 8% for local entities.

C. Determination of trading income

General. Taxable income is based on profits from the financial statements after tax adjustments. Expenses are generally deductible if they are incurred for the purposes of the business and in the production of taxable income.

Inventories. Inventory is valued at the cost of production or acquisition. The cost may be calculated under the average-cost or first-in, first-out (FIFO) methods. After choosing a method, a corporation may not change it without prior authorization.

Tax depreciation. Depreciation must be calculated using the straight-line method with a fixed percentage of residual value depending on asset categories established by tax law and regulations. Other depreciation methods may be applied with the prior authorization of the Paraguayan tax authority.

Relief for losses. The tax law allows losses to be carried forward for a five-year-period.

Groups of companies. Paraguayan law does not contain any measures for filing consolidated returns or for relieving losses within a group.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; imposed on goods sold, including imports, and services rendered in Paraguay; exports are exempt	
Standard rate	10
Basic consumer food items, pharmaceutical products, and the leasing of residential housing and sale of real estate	5
Excise tax on certain manufactured and imported goods, such as cigarettes, liquor and petroleum products, among others	1 to 50
Social security contributions for nonbank institutions, on payroll; paid by	
Employer	16.5
Employee	9

E. Foreign-exchange controls

The central bank does not control the foreign-exchange market. A free-market rate of exchange prevails.

F. Tax treaties

Paraguay has entered into double tax treaties with Chile, Qatar, Taiwan, the United Arab Emirates and Uruguay. It has also entered into a tax treaty on international freight with Argentina and tax treaties on international air freight with Belgium and Germany.

Peru

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A. At a glance

Corporate Income Tax Rate (%)	29.5 (a)
Capital Gains Tax Rate (%)	5/30 (b)
Branch Tax Rate (%)	29.5 (c)
Withholding Tax (%)	
Dividends	5 (d)
Interest	4.99/30 (e)(f)
Royalties	30 (e)
Technical Assistance	15 (e)
Digital Services	30 (e)
Branch Remittance Tax	5 (c)
Net Operating Losses (Years)	
Carryback	0
Carryforward	4/5/Unlimited (g)

(a) Mining companies are subject to an additional Special Mining Tax or to "voluntary" payments. For further details, see Section B.
(b) Capital gains derived by nonresident entities are subject to income tax at a rate of 5% if the transfer is made within the Lima Stock Exchange. Otherwise, the rate is 30%, with the necessity of requesting a basis certification from the Peruvian tax authority. For further details regarding the applicable tax rates, see *Capital gains* in Section B. Capital gains derived by resident entities are subject to income tax at a rate of 29.5%.
(c) Branches and permanent establishments of foreign companies are subject to the same corporate income tax rate as domiciled companies.
(d) The Dividend Tax, which is imposed at a rate of 5% and is generally withheld at source, is imposed on profits distributed to nonresidents and individuals. For further details regarding the Dividend Tax, see Section B.
(e) This tax applies to payments to nonresidents.
(f) A reduced rate of 4.99% applies to certain interest payments. For further details, see Section B.
(g) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to income tax on their worldwide taxable income. Resident companies are those incorporated in Peru. Branches, permanent establishments of foreign companies that are located in Peru and nonresident entities are taxed on income from Peruvian sources only.

Tax rates. The corporate income tax rate is 29.5%.

A Dividend Tax at a rate of 5% is imposed on distributions of profits to nonresidents and individuals by resident companies and by branches, permanent establishments and agencies of foreign companies. This tax is generally withheld at source. However, in certain circumstances, the company must pay the tax directly. For details regarding the Dividends Tax, see *Dividends*.

Mining tax. Mining companies are subject to an additional Special Mining Tax based on a sliding scale, with progressive marginal rates ranging from 2% to 8.4%. The tax is imposed on a quarterly basis on the operating profits derived from sales of metallic mineral resources, regardless of whether the mineral producer owns or leases the mining concession.

In addition, mining companies that have signed stability agreements with the state are subject to "voluntary" payments, which are calculated based on a sliding scale with progressive marginal rates ranging from 4% to 13.12%. These rates are applied on a quarterly basis to the operating profits derived from sales of metallic mineral resources, regardless of whether the mineral producer owns or leases the mining concession. Higher tax rates apply to higher amounts of operating profits.

Tax incentives. Various significant tax incentives are available for investments in the following:
- Mining enterprises
- Oil and gas licenses
- Certain agriculture, aquaculture and forestry activities
- Capital markets
- Infrastructure
- Textiles

Special Development Zone (SDZ) and preferential tax regimes. By way of exception, Peru applies special regimes that consider the place where activities are carried out. Such regimes comprise, among others, the following:
- Tacna Free Trade Zone
- Special Development Zone (SDZ) Paita
- SDZ Matarani
- SDZ Illo

Incentives include exemption from income tax, value-added tax (VAT), selective consumption tax, municipal promotion tax and all taxes created or to be created by the three levels of government, with the exception of EsSalud contributions (health contribution for payroll purposes made by employers that is equal to 9% of the worker's monthly remuneration) and fees.

Law 31110, published in December 2020 and effective since 1 January 2021, enacted a new agribusiness preferential tax regime, establishing new corporate income tax rates for companies engaged in agribusiness. For companies whose income does not exceed 1,700 tax units (approximately USD2,304,553), a 15% rate applies from 2021 to 2030. For companies whose income exceeds 1,700 tax units (approximately USD2,304,553.79), the following gradual reduction of the benefit of the reduced corporate income tax rate is established:
- 2021–2022: 15%

- 2023–2024: 20%
- 2025–2027: 25%
- 2028 onward: general regime (29.5%)

Legislative Decrees 1517 establish that, as of 1 January 2022, taxpayers engaged in aquaculture and forestry activities have the same tax benefits as those applicable to the agribusiness tax regime. For companies whose income does not exceed 1,700 tax units, a 15% rate applies from 2022 to 2030. For companies whose income exceeds 1,700 tax units, the following gradual reduction of the corporate income tax rate is established:
- 2022: 15%
- 2023–2024: 20%
- 2025–2027: 25%
- 2028 onward: general regime (29.5%)

Capital gains. Peru taxes both the direct and indirect transfers of Peruvian shares.

Capital gains resulting from the direct transfer of Peruvian shares, which are defined as any disposal of shares issued by companies incorporated in Peru, are subject to Peruvian taxation. Transactions are subject to transfer pricing regulations. The tax also applies in the case of cross-border intragroup reorganizations.

Capital gains derived from the disposal of bonds issued by the government as well as by Peruvian corporations before 10 March 2007, through public offerings, are exempt from Peruvian income tax.

An indirect transfer of Peruvian shares is deemed to occur if the following conditions are met:

- Within the 12-month period before the transfer, the fair market value of the shares issued by the Peruvian entity represents at least 50% or more of the fair market value of the total shares of the nonresident entity.
- At least 10% of the shares of the nonresident entity are transferred within a 12-month period.

In addition, effective from 1 January 2019, an indirect transfer of Peruvian shares is always triggered if the amount paid for the shares of the nonresident entity that corresponds to the Peruvian shares is equal to or higher than 40,000 Tax Units (approximately USD54 million).

In April 2020, Peru's executive power enacted Supreme Decree 085-2020-EF, amending the Peruvian Income Tax Law regulations and establishing a new procedure for the determination of the market value of indirect disposals. The procedure determines the market value of the shares of resident entities and nonresident entities in cases of indirect disposals with related parties or unrelated parties and establishes that one of the following methods should be used:
- Quotation value. This method applies to shares listed on the stock market. The market value is the highest listed value.
- Discounted cash flow method. This method applies if the shares that are not listed on the stock exchange.

- Equity participation value (EPV) method. If the methods indicated above are not complied with, the EPV is calculated based on the last audited balance sheet.
- Residual method. This method applies if the above methods are not applicable.

From 1 January 2023, the fair market value for the direct transfer of shares is the following:

- For securities listed on the Lima Stock Exchange, the market value is not necessarily the quotation value, as this will be used only if such value corresponds to similar or comparable conditions.
- For other cases, the discounted cash flow method applies.

Capital gains derived by nonresident entities are subject to income tax at a rate of 5% if the transfer is made in Peru. Otherwise, the rate is 30%. The regulations provide that a transaction is made in Peru if the securities are transferred through the Lima Stock Exchange. The transaction takes place abroad if securities are not registered with the Lima Stock Exchange or if registered securities are not transferred through the Lima Stock Exchange. The Central Securities and Settlements Registry (Registro Central de Valores y Liquidaciones, or CAVALI) withholds tax on capital gains in transactions concluded on the Lima Stock Exchange. As a result, nonresidents are not required to pay their income tax liability to the Peruvian tax authorities in transactions executed within the Lima Stock Exchange.

Tax basis certification. For both direct and indirect transfer of shares, to be able to deduct the tax basis, the basis must be certified by the Peruvian tax authority before the transaction is carried out or any payment is made. Otherwise, the tax basis is zero, and the income tax is imposed on the gross revenue and not on the net gain. The tax basis of shares corresponds to the historical cost (for example, acquisition price, capital contribution and capitalizations, and is reduced by, among others, capital reductions).

Administration. The fiscal year mandatory closing date for business enterprises is 31 December. Tax returns must be filed by the end of March or beginning of April, depending on the Tax Identification Number.

Companies must make monthly advance payments of income tax. Such payments can be used as a credit against the annual income tax obligation, or they can be refunded at the end of the fiscal year if requested by the taxpayer.

The monthly advance payments equal the higher of the following amounts:

- The amount obtained by applying to the monthly net income the ratio obtained by dividing the amount of tax calculated for the preceding tax year by the total net income for that year. For the January and February payments, the ratio is determined by dividing the amount of tax calculated for the year before the preceding tax year by the net income for that year.
- The amount obtained by applying a 1.5% rate to the net income for the month.

Companies in a startup process or in a net operating loss position make monthly advance payments equal to 1.5% of their monthly net income.

Monthly advance payments are due on the 9th to the 15th business day, according to a schedule. Taxes and related penalties not paid by due dates are subject to interest charges, which are not deductible for tax purposes.

Interest rates for tax refunds and tax debts. Beginning 1 April 2021, the monthly interest rate for tax debts in national currency was reduced from 1% to 0.9%. The monthly interest rate for tax refunds in national currency is 0.42%. Tax fines are also adjusted by interest for late payments. However, from 1 January 2024, interest on fines is accrued from the date on which the fine resolution is notified. The interest rate applicable to fines will be fixed by the Central Reserve Bank of Peru, as opposed to the monthly interest rate of 0.9% which had previously applied.

Beginning 1 April 2020, the monthly interest rate for tax debts in foreign currency was reduced from 0.6% to 0.5%, and the monthly interest rates for tax refunds in foreign currency was reduced from 0.3% to 0.25% per month.

Dividends. Effective from 1 January 2017, the dividend withholding tax rate is 5%. This rate applies to dividends that correspond to profits generated since such date. Profits generated up to 31 December 2014 are subject to a withholding tax rate of 4.1%, and profits generated between 1 January 2015 and 31 December 2016 are subject to a withholding tax rate at a rate of 6.8%, even if the relevant profits are distributed in 2017 or future years. For these purposes, first-in, first-out (FIFO) rules apply.

The Dividend Tax applies to profits distributed to nonresidents and individuals.

The Dividend Tax applies to distributions by Peruvian companies, as well as to distributions by Peruvian branches, permanent establishments and agencies of foreign companies. The Peruvian Income Tax Law specifies various transactions that are considered profits distributions by resident entities for purposes of the Dividend Tax. These transactions include the distribution of cash or assets, other than shares of the distributing company, and, under certain circumstances, a capital reduction, a loan to a shareholder or a liquidation of the company. For permanent establishments, branches, and agencies of foreign companies, a distribution of profits is deemed to occur on the deadline for filing their annual corporate income tax return (usually at the end of March or the beginning of April of the following tax year).

The law also provides that if a resident company, or a branch, permanent establishment or agency of a foreign company, pays expenses that are not subject to further tax control, the amount of the payment or income is subject to the Dividend Tax. Dividend Tax for these items is paid directly by the resident entity or the branch or permanent establishment. In this case, the tax rate is 5%.

The capitalization of equity accounts, such as profits and reserves, is not subject to the Dividend Tax, unless these items are further distributed.

Interest. Interest paid to nonresidents is generally subject to withholding tax at a rate of 30%. For interest paid to unrelated foreign lenders, the rate is reduced to 4.99% if all of the following conditions are satisfied:

- For loans in cash, the proceeds of the loan are brought into Peru as foreign currency through local banks or are used to finance the import of goods.
- The proceeds of the loan are used for business purposes in Peru.
- The participation of the foreign bank is not primarily intended to cover a transaction between related parties (back-to-back loans).
- The interest rate does not exceed the Secured Overnight Financing Rate (SOFR) plus seven points. For this purpose, interest includes expenses, commissions, premiums and any other amounts in addition to the interest paid. Supreme Decree 137-2023-EF, effective from 30 June 2023, officially established the use of SOFR as a reference for the interest rate.

If the first three conditions described above are satisfied and the interest rate exceeds the SOFR plus seven points, only the excess interest is subject to withholding tax at the regular rate of 30%.

Interest arising from loans granted by international banks to Peruvian banks and financial institutions is subject to a 4.99% withholding tax.

In general, interest derived from bonds and other debt instruments is also subject to a withholding tax rate of 4.99%, unless the holder of the bonds or other debt instruments is related to the issuer or its participation is primarily intended to avoid transactions between related parties (back-to-back transactions).

Interest earned on bonds issued by the government is exempt from tax. Effective from 1 January 2010, interest on bonds issued by Peruvian corporations before 11 March 2007, in general through public offerings, is exempt from tax. Interest from deposits in Peruvian banks is subject to a 4.99% withholding tax if the beneficiary is a foreign entity.

Other withholding taxes. Payments for technical assistance used in Peru are subject to withholding tax at a rate of 15%. If the consideration exceeds 140 tax units (approximately USD189,786), the local user must obtain and provide to the Peruvian tax authorities a report from an audit company confirming that the technical assistance services were actually rendered.

Payments for digital services that are provided through the internet and used in Peru are subject to withholding tax at a rate of 30%.

Payments for non-technical services provided in Peru are subject to withholding tax at a rate of 30%.

Foreign tax relief. Tax credits are permitted, within certain limits, for taxes paid abroad on foreign-source income.

Under domestic law, a direct tax credit is allowed. In addition, effective from 1 January 2019, an indirect tax credit is established for foreign tax credit purposes. A Peruvian entity receiving

foreign income as dividends or profits from nonresident entities are able to deduct the following:
- The income tax withheld from the dividends or profits distributed (direct credit)
- The income tax paid by the first-tier nonresident entity (indirect credit)

To qualify for the indirect foreign tax credit, the Peruvian entity must directly own at least 10% of the shares of the nonresident entity for a period of 12 months before the date on which the dividends are paid.

The indirect foreign tax credit may be claimed for the income tax paid by the second-tier nonresident entity if the following conditions are met:
- The Peruvian entity indirectly owns at least 10% of the shares of the nonresident entity for a period of 12 months before the date in which the dividends are paid.
- The second-tier nonresident entity is a resident of a country that has an exchange-of-information agreement with Peru or is a resident of the same country of residence as the first-tier nonresident entity.

In addition, taxpayers must communicate to the Peruvian authorities equity participation in foreign companies, the profits obtained by the first- and second-tier nonresident companies, and the dividends distributed by them.

Resolution 059-2020, effective 21 March 2020, establishes that taxpayers should communicate the following information through the tax authority's online platform in Excel format:
- Equity participation in foreign companies
- Profits obtained by the first- and second-tier nonresident companies and the dividends distributed by them

An indirect tax credit is also allowed under certain treaties.

C. Determination of trading income

General. Taxable income of business enterprises is generally computed by reducing gross revenue by the cost of goods sold and all expenses necessary to produce the income or to maintain the source of income. However, certain types of revenue must be computed as specified in the tax law, and some expenses are not fully deductible for tax purposes. Business transactions must be recorded in legally authorized accounting records that are in full compliance with International Financial Reporting Standards (IFRS). The accounting records must be maintained in Spanish and must be expressed in Peruvian currency. However, under certain circumstances, foreign investors who invest in foreign currency may enter into an agreement with the state or with state-owned corporations that allows them to keep their accounting books in foreign currency.

Research and development expenses. Law 31659 increased the deduction rates for Scientific Research, Technological Development, and Technological Innovation (R&D) expenses applicable from 1 January 2023 until 31 December 2025. The following are the increased deduction rates:
- Taxpayers whose net income does not exceed 2,300 tax units (approximately USD3.1 million) are entitled to deduct 240% if

the R&D project is carried out directly by the taxpayer or through a Peruvian R&D center, or 190% if the R&D project is carried out through non-Peruvian R&D centers.
- Taxpayers whose net income exceeds 2,300 tax units are entitled to deduct 190% if the R&D project is executed by the taxpayer itself or by a Peruvian R&D center, or 160% if the R&D project is executed by a non-Peruvian R&D center.

This deduction is applicable for Peruvian taxpayers whose R&D projects began in 2016 and subsequent years.

Inflation adjustments. For tax and accounting purposes, inflation adjustments apply only until 31 December 2004. Consequently, beginning 1 January 2005, transactions are recognized and recorded in local books at their historical value.

Special activities. Nonresident corporations, including their branches and agencies, engaged in certain specified activities provided partially in Peru are subject to tax on a percentage of their gross income derived from such activities. This tax is withheld at source. The following are the applicable percentages for some of these specified activities.

Activity	Applicable percentage (%)
Air transportation	1 (a)(b)
Marine transportation	2 (a)(b)
Leasing of aircraft	60 (c)
Leasing of ships	80 (c)
International news agencies	10 (a)
Sale of highly migratory hydrobiological resources	9 (a)

(a) The withholding tax rate is 30%. As a result, the effective tax rates are 0.3% for air transportation, 0.6% for marine transportation and 3% for international news agencies. As of 1 January 2022, an effective tax rate of 3.7% applies to income from the sale of highly migratory hydrobiological resources.
(b) This percentage applies to services rendered partly in Peru and partly abroad.
(c) The withholding tax rate is 10%. As a result, the effective tax rates are 6% for leasing of aircraft and 8% for leasing of ships.

Law 31557, which applies to Peruvian legal entities, nonresident entities and their branches engaged in the business of online gaming and sports betting conducted on digital platforms, sets a 12% rate that applies over the difference between the net monthly income and the digital platform's maintenance expenses.

Inventories. Inventories must be carried at cost. Cost may be determined specifically or by the first-in, first-out (FIFO), average, retail or basic inventory method. The last-in, first-out (LIFO) method is not permitted.

Provisions. Provisions for bad debts, bonuses, vacations, employees' severance indemnities and other expenses are allowed if made in accordance with certain tax regulations.

Tax depreciation. Depreciation rates are applied to the acquisition cost of fixed assets. The following are some of the maximum annual depreciation rates allowed by law.

Asset	Maximum rate (%)
Buildings and construction	5/33.33 (a)
Cattle and fishing nets	25
Vehicles	20

Asset	Maximum rate (%)
Machinery and equipment for construction, mining and oil activities	20
Machinery and equipment for other activities	10
Data processing equipment	25 (b)
Other fixed assets	10 (b)

(a) The 5% rate is a fixed rate established in the Peruvian Income Tax Law. However, a new optional rate of 33.33% was introduced. Also, see below.
(b) See below.

Taxpayers may apply any depreciation method for their fixed assets other than buildings and structures, taking into account the characteristics of the business as long as the resulting depreciation rate does not exceed the maximum rates stated above.

In general, except for buildings and structures, tax depreciation must match financial depreciation.

Law 31652 establishes optional special depreciation rules under which taxpayers may claim 33.33% depreciation for buildings and constructions if the following conditions are met:
- Construction is started on or after 1 January 2023.
- At least 80% of the construction is completed as of 31 December 2024.

The 33.33% depreciation rate also may apply to buildings acquired by taxpayers in the 2022, 2023 and 2024 tax years, provided the assets meet certain requirements.

In addition, Law 31652 entitles taxpayers to use a maximum depreciation annual rate of 50% for hybrid and electric vehicles acquired in 2023 and 2024.

Legislative Decree 1488 also establishes the following annual depreciation percentages for assets acquired in the 2020 and 2021 tax years:
- Data processing equipment: 50%
- Machinery and equipment: 20%
- Ground transportation vehicles (except railways) used by authorized companies that provide transportation service to people and/or goods at the provincial, regional and national level: 33.3%
- Hybrid or electric ground transportation vehicles (except railways): 50%

Relief for losses. Taxpayers may select from the following two systems to obtain relief for their losses:
- System A: Carrying forward losses to the four consecutive years beginning with the year following the year in which the loss is generated
- System B: Carrying forward losses indefinitely, subject to an annual deductible limit equal to 50% of the taxpayer's taxable income in each year

Loss carrybacks are not allowed.

On 8 May 2020, Legislative Decree 1481 was issued, establishing a special rule for carrying forward losses incurred during the 2020 tax year. According to the decree, companies that opt for System A may carry forward losses incurred in the 2020 tax year for five years instead of four, counting from the 2021 fiscal year.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Temporal net assets tax; imposed on companies, and on agencies, branches and permanent establishments of foreign entities; the tax base equals the value of the net assets of the taxpayer as of 31 December of the preceding year that exceeds PEN1 million (approximately USD263,157); the tax payments may offset the advance payments required under the general income tax regime or may be claimed as a credit against the income tax payable for the tax year; a refund may be requested for any balance of tax payment that is not used in the current year; the tax does not apply to certain companies; tax is payable beginning in the year following the first year of productive activities (Law 31104, published in January 2021, authorizes the refund of the temporary tax on net assets corresponding to the 2020 tax year to mitigate the impact of the COVID-19 pandemic on the national economy.)	0.4
Value-added tax (VAT), on the sale of goods, services and the import of most products and services; tax that is levied on the importation of services (including interest arising on loans granted by nonfinancial institutions) must be paid under a reverse mechanism by the importer or borrower; VAT paid might be used as an input VAT credit if certain conditions are met	18
Excise tax, on goods and imports; the tax is either a fixed amount or an amount determined by applying a percentage rate	Various
Social security contributions to the Peruvian Health Social Security Office, on salaries and legal bonuses; paid by employer	9
Pension Fund; paid by employee (Alternatively, employees may contribute approximately 11.8% of their salaries to the Private Pension Funds Trustee [AFP].)	13
Employees' profit sharing; calculated on pretax income and deductible as an expense in determining taxable income; rate varies depending on companies' activities (mining, fishing, manufacturing, telecommunications and other activities)	5 to 10
Tax on Financial Transactions; imposed on debits and credits in Peruvian bank accounts	0.005

E. Miscellaneous matters

Foreign-exchange controls. Peru does not impose foreign-currency controls. Exchange rates are determined by supply and demand.

Means of payment. Any payment in excess of PEN1,500 or USD500 must be made through the Peruvian banking system using the so-called "Means of Payment," which include bank deposits, wire transfers, pay orders, credit and debit cards and nonnegotiable checks. Noncompliance with this measure results in the disallowance of the corresponding expense or cost for income tax purposes. In addition, any VAT (see Section D) related to the acquisition of goods and services is not creditable.

Related-party transactions. Expenses incurred abroad by a nonresident parent company, affiliates or the home office of a Peruvian subsidiary or branch (or prorated allocations of administrative expenses incurred by those entities) are deemed by law to be related to the generation of foreign revenue and, accordingly, nondeductible, unless the taxpayer can prove the contrary.

Transfer pricing. Peru's transfer-pricing rules apply to cross-border and domestic transactions between related parties and to all transactions with residents in tax-haven jurisdictions. Effective from 2019, the transfer-pricing rules also apply to transactions with residents in non-cooperating jurisdictions, as well as transactions with residents whose revenue or income is subject to a preferential tax regime.

The transfer-pricing rules are consistent with the Organisation for Economic Co-operation and Development (OECD) guidelines. Intercompany charges must be determined at arm's length. Regardless of the relationship between the parties involved, the fair market value (FMV) must be used in various types of transactions, such as the following:
- Sales
- Contributions of property
- Transfers of property
- Provision of services

For the sale of merchandise (inventory), the FMV is the price typically charged to third parties in profit-making transactions. For frequent transactions involving fixed assets, the FMV is the value used in such frequent transactions by other taxpayers or parties. For sporadic transactions involving fixed assets, the FMV is the appraisal value.

In the event that the transactions are performed without using the FMV, the tax authorities will make the appropriate adjustments for the parties to the transaction.

The FMV of transactions between related parties is the value used by the taxpayer in identical or similar transactions with unrelated parties. The tax authorities may apply the most appropriate of the following transfer pricing methods to reflect the economic reality of the transactions:
- Comparable uncontrolled price method
- Cost-plus method
- Resale price method
- Profit-based method

Transfer-pricing aspects of cross-border commodity transactions. Effective from 1 January 2019, specific rules are introduced for applying the comparable uncontrolled price method to

the exportation and importation of commodities and other products, with prices set by reference to commodity prices.

The tax regulations provide lists of export and import products whose prices are set by reference to quoted prices. The following is the list of export products:
- Copper
- Gold
- Silver
- Zinc
- Fishmeal

The following is the list of import products:
- Corn
- Soy
- Wheat

Advance pricing agreements. The transfer-pricing rules provide for advance pricing agreements between taxpayers and the Peruvian tax authorities.

Intragroup services. To deduct amounts paid for services provided between related parties, taxpayers must comply with the benefit test and provide the documentation and information requested by the tax authorities.

The benefit test is met if the services rendered provide economic or commercial value to the recipient of the service or improves or maintains the commercial position of the recipient. This can be established if independent parties would be satisfied as to the need for the service, whether they perform the services themselves or through a third party. In this regard, the information and documentation provided must evidence the actual performance of the service, the nature of the service, the actual necessity for the service, and the cost and expenses incurred by the service provider.

Regarding low value-adding services, the service provider must apply a profit markup of no more than 5% to the relevant costs incurred in performing the services. Low value-adding services for purposes of this approach are services performed by one member or more than one member of a multinational enterprise group on behalf of one or more other group members. The services must satisfy all of the following conditions:
- They must be of a supportive nature.
- They must not be part of the core business of the multinational enterprise group.
- They must not require the use of unique and valuable intangibles and must not lead to the creation of unique and valuable intangibles.
- They must not involve the assumption or control of substantial risk by the service provider and must not give rise to the creation of significant risk for the service provider.

Under tax regulations, the following do not qualify as low value-adding services, unless they meet the above characteristics:
- Research and development services
- Manufacturing and production services
- Purchase activities related to raw materials or other materials that are used in the manufacturing or production process

- Sales, distribution and marketing activities
- Financial transactions
- Extraction, exploration or transformation of natural resources
- Insurance and reinsurance
- Senior management services

Transfer pricing documentation and Country-by-Country reporting. From 1 January 2017, taxpayers must file with the Peruvian tax authorities the following reports:

- Local File: this file is required if the accrued revenues exceed 2,300 Tax Units (approximately USD3.1 million for the 2024 fiscal year). This report provides detailed information on intercompany transactions (both domestic and cross-border) and transactions between the local taxpayer and residents in tax-haven jurisdictions. In addition, information with respect to the benefit test must be included in the Local File with respect to services. The information required in the Local File helps ensure that the taxpayer has complied with the arm's-length principle in its transfer-pricing positions. The Local File focuses on information relevant to the transfer-pricing analysis for transactions taking place between a local taxpayer and associated enterprises. Such information includes relevant financial information regarding those specific transactions, a comparability analysis, and the selection and application of the most appropriate transfer-pricing method.
- Master File: the requirements for this file apply only to taxpayers that are members of a domestic or multinational group of companies whose annual revenue for the fiscal year exceeds 20,000 Tax Units (approximately USD27 million for the 2024 fiscal year). Taxpayers exceeding the annual revenue threshold are only required to prepare and submit the Master File if aggregate annual related-party transactions equal or exceed 400 Tax Units (approximately USD542,247 for the 2024 fiscal year) during the relevant year. The Master File provides high-level information on the group's business operations, its transfer-pricing policies and its global allocation of income and economic activity. Specifically, the information required in the Master File provides a "blueprint" of the group and contains relevant information that is grouped in the following five categories:
  - The group's organizational structure
  - A description of its business or businesses
  - The group's intangibles
  - The group's intercompany financial activities
  - The group's financial and tax positions

  In general, the Master File is intended to assist the tax authorities in evaluating the presence of significant transfer-pricing risks and provide an overview of the group to place its transfer-pricing practices in their global, economic, legal, financial and tax contexts.
- Country-by-Country Report (CbCR): this report is required for taxpayers forming part of multinational groups, in accordance with Action 13 of the Base Erosion and Profit Shifting (BEPS) Action Plan of the OECD. The CbCR must include aggregate worldwide tax jurisdiction information relating to the global allocation of the revenue, profits (or losses), income taxes paid (and accrued) and certain indicators of the location of economic activity among tax jurisdictions in which the multinational

group operates. The CbCR also must contain a listing of all of the constituent entities of the group. This listing must include the tax jurisdictions of incorporation, as well as the nature of the main business activities carried out by the constituent entities. Under BEPS Action 13, the CbCR should be filed in the jurisdiction of tax residence of the ultimate parent entity of a multinational enterprise group and is shared between jurisdictions through the automatic exchange of information, by a government mechanism under the Multilateral Convention on Mutual Administrative Assistance in Tax Matters, bilateral tax treaties or tax information exchange agreements.

The requirements regarding the submission of the Local File apply from the 2017 fiscal year, while the Master File and the CbCR requirements are mandatory from the 2018 fiscal year.

Debt-to-equity rules. As of 1 January 2021, a new set of thin capitalization rules is applicable. Under these rules, the interest that exceeds 30% of Earnings before Interest, Taxes, Depreciation and Amortization (EBITDA) of the preceding year will not be deductible. Interest that is not deducted may be carried forward for up to four years, but will always be subject to the 30% of EBITDA limitation.

Supreme Decree 432-2020-EF, which was issued on 31 December 2020, provides that, as a result of the COVID-19 pandemic, with respect to the limit on the deduction of interest expenses applicable as of 2021, taxpayers who establish or begin activities in 2021 consider the EBITDA of that year and not of the preceding year (2020) as established in the rule above.

Supreme Decree 402-2021-EF, effective from 31 December 2021, establishes that for taxpayers not having net income in a tax year or for taxpayers that have losses equal to or higher than their net income, the EBITDA is the sum of net interest, depreciation and amortization. It is also established that if, as a result of a reorganization, a new company (NewCo) is created, the NewCo must take into account the EBITDA for the year in which the reorganization takes place. If no NewCo is created as a result of a reorganization, the EBITDA of the previous tax year must be taken into account.

Transactions with residents in tax havens and entities subject to preferential tax regimes. Expenses incurred in transactions with residents in low-tax jurisdictions and noncooperative jurisdictions (tax havens) as well as entities subject to preferential tax regimes, are not deductible for tax purposes, except for the following:

- Toll payments for the right to pass across the Panama Channel
- Expenses related to credit operations, insurance or reinsurance, leasing of ships or aircraft and freight services to and from Peru

The following jurisdictions are considered to be low-tax jurisdictions or noncooperative jurisdictions.

American Samoa	Dominica	Panama
Andorra	Gibraltar	St. Kitts and Nevis
Anguilla	Guam	St. Lucia
Antigua and Barbuda	Guernsey	St. Vincent and the Grenadines
Aruba	Grenada	Samoa
	Hong Kong SAR	

Bahamas	Isle of Man	Seychelles
Bahrain	Jersey	Sint Maarten
Barbados	Labuan	Tonga
Belize	Liberia	Trinidad and Tobago
Bermuda	Liechtenstein	Turks and Caicos Islands
British Virgin Islands	Maldives	US Virgin Islands
Cayman Islands	Marshall Islands	Vanuatu
Cook Islands	Monaco	
Curaçao	Montserrat	
Cyprus	Nauru	
	Niue	

A country or jurisdiction may be included in the above list if one of the following requirements is met:
- There is no information exchange agreement or double tax treaty including a clause for the exchange of information in force with Peru.
- There is no transparency at a legal, regulatory or administrative level.
- The corporate income tax rate is 0% or lower than 17.7% (60% of the current corporate income tax rate in Peru, which is 29.5%).

A country or jurisdiction may be excluded from the list if one of the following requirements is met:
- The country is member of the OECD.
- There is a double tax treaty in force with Peru that includes a clause for the exchange of information.
- The country effectively exchanges information with Peru without limitation based on domestic legislation or administrative practice.

Inclusions or exclusions are applicable as of 1 January of the year following the inclusion or exclusion.

In addition to the jurisdictions mentioned above, a jurisdiction is deemed to be a preferential tax regime if at least two of the following requirements are met:
- An information exchange agreement or double tax treaty including a clause for the exchange of information is not in force with Peru.
- There is no transparency at a legal, regulatory or administrative level.
- The corporate income tax rate is 0% or lower than 17.7% (60% of the current corporate income tax rate in Peru, which is 29.5%).
- Tax benefits are available for nonresidents, but not residents.
- The jurisdiction has been qualified by the OECD as a harmful jurisdiction as a result of the lack of a requirement that there be a substantive local presence, real activities or economic substance.

The same tax consequences apply for low-tax jurisdictions, noncooperative jurisdictions and jurisdictions deemed to be preferential tax regimes.

Controlled foreign corporations. The Peruvian Income Tax Law contains the International Fiscal Transparency System, which applies to Peruvian residents who own a controlled foreign corporation (CFC). The law provides requirements for a foreign

company to be qualified as a CFC. For these purposes, the ownership threshold is set at more than 50% of the equity, economic value or voting rights of a nonresident entity.

In addition, to be considered a CFC, a nonresident entity must be a resident of either of the following:
- A tax-haven jurisdiction
- A country in which passive income is either not subject to income tax or subject to an income tax that is equal to or less than 75% of the income tax that would have applied in Peru

The law also provides a list of the types of passive income that must be recognized by the Peruvian resident (such as dividends, interest, royalties and capital gains).

The revenues are allocated based on the participation that the Peruvian entity owns in a CFC as of 31 December.

General anti-avoidance rule. The Peruvian general anti-avoidance rule (GAAR) is applicable since 19 July 2012.

Under the GAAR, to determine the true nature of a taxable event, the Peruvian tax authorities take into account the events, situations and economic relationships that are actually carried out by the taxpayers.

If the Peruvian tax authorities identify a tax-avoidance case, it may demand payment of the omitted tax debt or decrease the amount of any credits, net operating losses or other tax benefits obtained by the taxpayer.

In addition, the rule establishes specific requirements to determine whether a taxpayer intended to avoid all or part of a taxable event or reduce the tax base or tax liability.

Also, if the Peruvian tax authorities determine that the taxpayer executed sham transactions, it applies the appropriate tax rules to such acts.

The GAAR is applicable for tax audits reviewing facts, acts and situations from 19 July 2012 and thereafter. The regulations establish the following non-exhaustive list of situations in which a tax auditor can apply the Peruvian GAAR:
- Acts, situations and business relationships in which there is no connection between the benefits and associated risks, or low or no profitability
- Transactions conducted that are not at fair market value or have no economic rationale
- Acts, situations and business relationships that are not related to the ordinary operations in achieving the desired legal, economic or financial effects
- The use of "non-business structures" to conduct business activities, instead of business structures
- Corporate restructures or corporate reorganizations with no economic substance
- Acts or operations with countries and jurisdictions that are considered tax havens or noncooperative jurisdictions
- Zero-value or low-cost transactions or the use of structures that minimize costs or nontaxable profits for the parties involved

- The use of unusual legal and business structures, acts or contracts that contribute to the deferral of profits and income or the anticipation of expenses, costs or losses

Legal representatives will be jointly liable for the tax debt when the GAAR is applied, provided that the legal representatives have collaborated with the design or implementation of the acts challenged by the Peruvian tax authorities using the GAAR.

For entities having a board of directors, the board of directors will be responsible for approving the entity's tax planning; this obligation cannot be delegated.

To apply the GAAR in tax audits, the Peruvian tax authorities must follow a special procedure that requires the auditor to send the case to the Revision Committee, which will notify the taxpayer of a hearing; the Revision Committee's opinion is issued within 30 days after the hearing, and the opinion is binding for the Peruvian tax authorities.

On 11 October 2022, the Peruvian tax authority published on its official website an updated version of the list of high-risk schemes for tax planning that could be challenged under the Peruvian GAAR. The updated list includes the following 13 high-risk schemes that could be challenged under the Peruvian GAAR:

- Deduction of payment of royalties in a brand or trademark use assignment scenario
- Transfer of a Peruvian company using a trust or similar entity
- Re-domiciliation of a company and use of double tax treaties
- Assignment of trademarks and capitalization of credits
- Management contracts and management fees
- Assignment of a concession of an extractive industry (mining) with hidden payments for transfer of shares
- Sale and further repurchase of an automobile vehicle under a cancellation of contract scenario
- Direct transfer of Peruvian shares via capital contribution and subsequent capital reduction structure
- Artificial use of preferential tax regimes
- Loan via financial leasing structure
- Intermediation in the sale of minerals through an entity without economic substance
- Nonprofit entity making payments to an overseas supplier
- Transfer of real estate to the shareholder and further lease of the real estate by the shareholder to the company

Domestic reorganizations. Under the existing Peruvian Income Tax Law, domestic reorganizations are subject to a tax-free regime, to the extent that the basis of the assets included in the reorganization is kept at historical value. A law, which is effective from 1 January 2013, maintains this regime but establishes a minimum holding period in cases of spin-off reorganizations. The law states that the shareholders of the company being spun off that receive shares in the company to which the assets are contributed must keep the shares of the latter company until the closing of the next fiscal year following the reorganization. If the shares are transferred before that time, the underlying assets are deemed to be transferred by the acquiring company at market value. The tax is determined by the difference between the historic tax basis

and the market value. In addition, the shareholder selling the shares is subject to the ordinary capital gains tax.

Ultimate beneficial ownership. Peruvian entities and nonresidents are required to disclose the individuals who are the ultimate beneficial owners to the Peruvian tax authorities.

The following entities are required to report and identify their ultimate beneficial owners:
- Peruvian entities incorporated in Peru
- Legal entities, such as Peruvian trusts, foreign trusts and partnerships
- Nonresident entities provided one of the following requirements is met:
  - — The foreign entity has a branch or permanent establishment in Peru.
  - — The foreign fund or foreign trust is managed by a Peruvian administrator, either an entity or an individual.
  - — One party of a consortium is a Peruvian resident.

Ultimate beneficial owners are determined by the following criteria:
- Property: an individual holds a minimum of 10% of an entity's capital directly or indirectly
- Control: an individual who, directly or indirectly, has the ability to appoint or remove the majority of the administrative, management or supervisory organs of the legal entity and has the decision-making capacity with respect to the financial, operational and/or commercial agreements of the legal entity

If it is not possible to determine the ultimate beneficial owner based on the criteria, the ultimate beneficial owner is deemed to be the individual occupying the higher administrative position, such as the general manager or a member of the board of directors.

F. Tax treaties

Peru has entered into double tax treaties with Brazil, Canada, Chile, Japan, Korea (South), Mexico, Portugal and Switzerland. It has also signed an agreement to avoid double taxation with the other members of the Andean Community (Bolivia, Colombia and Ecuador) under which the exclusive right to tax is granted to the source country. The following is a table of treaty maximum withholding tax rates.

	Dividends %	Interest %	Royalties %
Brazil	10/15 (a)	15	15
Canada	10/15 (a)	10 (d)	15
Chile	10/15 (a)	15	15
Japan (b)	10	10	15
Korea (South)	10	10 (d)	10/15
Mexico	10 (a)(d)	10	15
Portugal	10/15 (a)	10 (d)	10/15
Switzerland	10 (a)(d)	10 (d)	10/15
Non-treaty jurisdictions	5 (c)	4.99/30 (c)	30

(a) The dividends tax rate may vary depending on the percentage of the direct or indirect ownership of the beneficiary in the payer company.
(b) The tax treaty with Japan is effective from 1 January 2022.
(c) See Section B.
(d) The reduced tax rate is applicable from the entry into force of the double tax treaty between Peru and Japan, based on the Most Favored Nation clause.

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A. At a glance

Corporate Income Tax Rate (%)	20/25 (a)
Capital Gains Tax Rate (%)	
Real Property	6 (a)
Shares	15 (b)
Branch Income Tax Rate (%)	25 (c)
Withholding Tax (%)	
Dividends	
Nonresident Foreign Corporations	15/25 (d)
Domestic Corporations and Resident Foreign Corporations	0 (e)
Interest on Peso Deposits	20 (f)
Royalties from Patents, Know-how, etc.	20 (g)
Branch Profits Remittance Tax	15
Net Operating Losses (Years)	
Carryback	0
Carryforward	3/5 (h)

(a) See Section B.
(b) A uniform 15% rate is imposed on net capital gains derived from the sale, exchange or other disposition of shares of stock in domestic corporations not traded on a local stock exchange. See *Capital gains* in Section B for further details and for the rates applicable to gains derived from sales of shares traded on a local stock exchange.
(c) Certain types of Philippine-source income of foreign corporations are taxed at preferential rates (see Section B).
(d) As a general rule, the withholding tax rate on dividends paid to nonresident foreign corporations is 25%, which can be reduced to 15% under certain conditions.
(e) Dividends paid by domestic corporations to another domestic corporation or a resident foreign corporation are not subject to tax.
(f) The final withholding tax rate for interest on peso deposits derived by domestic corporations and resident foreign corporations is 20%. For preferential rates under tax treaties for nonresident foreign corporations, see Section F. For preferential rates on interest income derived from foreign-currency deposits, see Section B. Final withholding tax rates on interest income on foreign loans or peso deposits or yields on deposit substitutes can range from 0% to 20%. The creditable withholding tax rate on interest income derived by domestic corporations or resident foreign corporations from a debt instrument that is not a deposit substitute is 15%.
(g) The final withholding tax rate on royalties received by nonresident foreign corporations is 25%. For reduced rates under tax treaties for nonresident foreign corporations, see Section F.
(h) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Domestic corporations are taxed on their worldwide net taxable income. Domestic corporations are corporations incorporated under the laws of the Philippines. Resident foreign corporations are taxed on net taxable income derived from the Philippines, and nonresident foreign corporations are taxed on gross income derived from the Philippines. A resident foreign corporation (a branch) is one created under foreign laws and engaged in trade or business in the Philippines. Any other foreign corporation is considered a nonresident.

Rates of corporate tax. Republic Act No. 11534, otherwise known as the "Corporate Recovery and Tax Incentives for Enterprises

Act" or CREATE subjects domestic corporations and resident foreign corporations to regular corporate income tax (RCIT) at a rate of 25% beginning 1 July 2020. For domestic corporations with net taxable income not exceeding PHP5 million and total assets (excluding land on which plant and offices are located) not exceeding PHP100 million, the RCIT rate is 20%. In general, nonresident foreign corporations are subject to a 25% tax on income from Philippine sources beginning 1 January 2021.

Subject to certain exceptions, a Minimum Corporate Income Tax (MCIT) may be imposed on domestic corporations and resident foreign corporations beginning with the fourth tax year following the year of commencement of business operations. The MCIT must be paid if the corporation has zero or negative taxable income or if the MCIT is greater than the regular corporate income tax liability. CREATE imposes a 1% MCIT from 1 July 2020 until 30 June 2023. After such period, the MCIT rate reverts to 2%, which was the rate applicable prior to 1 July 2020.

Philippine-source income of foreign corporations taxed at preferential rates includes the following.

Type of income	Rate (%)
Interest income of domestic corporations and resident foreign corporations from peso bank deposits and yields or other monetary benefits from deposit substitutes and from trust funds or similar arrangements	20
Interest income of domestic corporations and resident foreign corporations from depository banks under the expanded foreign-currency deposit system	15
Income of nonresidents from transactions with depository banks under the expanded foreign-currency deposit system	0
Royalties derived by resident foreign corporations from sources in the Philippines	20
Gross Philippine billings of international carriers doing business in the Philippines	2.5
Taxable income of regional operating headquarters (ROHQs) of multinational companies (also see next paragraph)	25
Rentals, charter fees and other fees derived by nonresident owners or lessors of vessels chartered by Philippine nationals	4.5
Rentals, charter fees and other fees derived by nonresident lessors of aircraft, machinery and other equipment	7.5
Gross income of nonresident cinematographic film owners, lessors or distributors	25
Interest on foreign loans	20

CREATE eliminated the preferential tax rates applicable to Offshore Banking Units (OBUs) and their transactions. ROHQs are subject to the RCIT of 25% beginning 1 January 2022. ROHQs were subject to 10% income tax prior to such date. ROHQs are branch offices of multinational corporations engaged in the following:

- General administration and planning services

- Business planning and coordination
- Sourcing and procurement of raw materials and components
- Corporate finance and advisory services
- Marketing control and sales promotion
- Training and personnel management
- Logistic services
- Research and development (R&D) services and product development
- Technical support and maintenance
- Data processing and communication
- Business development

Under CREATE, qualified domestic market and export enterprises may be registered with Investment Promotion Agencies, and in general, these may be granted an income tax holiday for a period not longer than seven years. Thereafter, the registered enterprise may enjoy either of the following incentives:

- 5% special corporate income tax based on gross income earned in lieu of national and local taxes for a period not longer than 10 years
- Enhanced deductions for corporate income tax for a period not longer than five years for domestic market enterprises or 10 years for export enterprises.

In addition, the registered enterprise may enjoy duty-free exemption on importation of capital equipment and raw materials, and/or value-added tax (VAT) exemption on importation, and zero-rated VAT on local purchases. Enterprises with incentives prior to the effectivity of CREATE can opt to avail of a sunset period of 10 years subject to certain conditions or to apply for CREATE incentives.

Profits remitted by a branch to its head office are subject to a 15% tax. This tax is imposed on the total profits remitted, or earmarked for remittance, without deduction of tax. The tax does not apply to profits from activities registered with the Philippine Economic Zone Authority (PEZA). Dividends, interest, royalties, rent and similar income received by a foreign corporation from sources in the Philippines are not treated as branch profits unless they are effectively connected with the conduct of a trade or business in the Philippines.

Capital gains. A 6% tax is imposed on capital gains presumed to have been derived from the sale, exchange or disposition of land or buildings classified as capital assets for domestic corporations. The tax is applied to the gross selling price or the fair market value, whichever is higher.

Net capital gains derived from the sale, exchange or other disposition of shares in domestic corporations not traded on the Philippine Stock Exchange are subject to 15% capital gains tax.

If the shares are listed and traded through the facilities of the Philippine Stock Exchange, the tax is 0.6% of the gross selling price.

There is no longer any tax imposed on the sale, barter, exchange or other disposition through an initial public offering of shares of stock (IPO Tax) pursuant to Republic Act No. 11494 (Bayanihan to Recover as One Act).

Administration. A corporation may use the calendar year or a fiscal year as its tax year.

Corporations must file quarterly returns within 60 days from the close of each of the first three quarters of the tax year, and a final or adjusted return on or before the 15th day of the fourth month following the close of the tax year. The corresponding tax is paid at the time the return is filed.

Dividends. Dividends received by domestic corporations or resident foreign corporations from a domestic corporation are not subject to tax. If the recipient is a nonresident foreign corporation, the 25% tax under CREATE may be reduced to 15% if any of the following circumstances exists:

- The country of domicile of the recipient does not impose any tax on offshore or foreign-source income.
- The country of domicile of the recipient allows a credit for taxes deemed paid in the Philippines equal to 10%, which represents the difference between the corporate income tax rate and the 15% preferential tax on dividends.
- The dividend is not taxed in the recipient's country of domicile.

Under CREATE, dividends received by domestic corporations from a foreign corporation are exempt from income tax if these are reinvested in the domestic corporation's business operations in the Philippines to fund working capital requirements, capital expenditures, dividends, investment in domestic subsidiaries and infrastructure projects, within the next tax year from the receipt of the dividends. The domestic corporation must have directly held at least 20% of the outstanding shares of the foreign corporation for at least two years at the time of the dividend distribution.

Foreign tax relief. For domestic corporations, tax credits are allowed for income taxes paid or accrued to any foreign country, subject to certain limitations. Alternatively, such income taxes may be claimed as a deduction from taxable income. Resident foreign corporations are not allowed to credit tax paid to foreign countries against Philippine income.

C. Determination of trading income

General. The computation of income for income tax purposes must be in accordance with the accounting method regularly employed in maintaining the taxpayer's books of account, provided that method clearly reflects income.

Other allowable deductions include the usual, ordinary and necessary business expenses, such as interest, taxes, losses, bad debts, charitable and other contributions, and contributions to a pension trust. All of these expenses are required to be directly attributable to the development, management, operation or conduct of a trade or business in the Philippines.

The deduction for interest expense is reduced by an amount equal to 20% of interest income that has been subject to final tax under CREATE. Interest incurred to acquire property used in a trade or business may be claimed as a deduction or treated as a capital expenditure.

R&D expenses that are paid or incurred during the tax year in connection with a trade or business and that are not chargeable to a capital account or treated as deferred expenses may be claimed as deductible expenses.

Inventories. Inventory valuation must conform as nearly as possible to the best accounting practice in the trade or business and must clearly reflect income. The most commonly used methods of inventory valuation are cost and the lower of cost or market.

Tax depreciation. Taxpayers may deduct a reasonable allowance for exhaustion and wear and tear (including obsolescence) of property used in a trade or business. The depreciation method used must be reasonable and generally accepted in the particular industry. Depreciation methods that are generally acceptable include the straight-line method, declining-balance method, the sum-of-the-years' digits method or any other method that may be prescribed by the Secretary of Finance. Resident foreign corporations may claim depreciation only on property located in the Philippines.

Relief for losses. Net operating losses may be carried forward three years to offset future income in those years. Net operating losses incurred during the 2020 and 2021 tax years may be carried forward five years to offset future income pursuant to Republic Act No. 11494. A net operating loss is defined as the excess of allowable deductions over gross income in a tax year. Net losses may not be carried forward if the losses are incurred in a year in which a corporation is exempt from income tax or if a substantial change of ownership occurs.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT); imposed on all persons who, in the course of their trade or business, sell, barter, exchange or lease goods or properties (including intangible personal properties and real properties), render services or import goods; services rendered in the Philippines by nonresident foreign persons are deemed to be rendered in the course of trade or business; specific goods and transactions are exempt; in general, exports of goods and services are subject to a 0% rate	12%
Fringe benefit tax; applied to the grossed-up monetary value of fringe benefits received by managerial and supervisory employees; the grossed-up monetary value is determined by dividing the monetary value of the benefit by 65%; the employer must withhold the tax and pay it to the tax authorities; the tax does not apply if the benefit is required for or is necessary to the trade or business of the employer or if the benefit is granted for the	

Nature of tax	Rate
convenience of the employer; this tax is considered to be a final tax	
General rate	35%
Benefits paid to nonresident alien individuals who are not engaged in a trade or business in the Philippines (monetary value of benefit is divided by 75%)	25%
Documentary stamp tax	
Original issue of all debt instruments; imposed on issue price	PHP1.50 per PHP200
Original issue of stock certificates; imposed on the par value or the consideration if no par value	PHP2 per PHP200
Transfer that is not made through a local stock exchange	PHP1.50 per PHP200
Bills of exchange or drafts; imposed on the face value	PHP0.60 per PHP200
Other specified transactions and documents	Various

E. Miscellaneous matters

Foreign-exchange controls. The Philippines has adopted liberal foreign-exchange policies. In general, no restrictions are imposed on the repatriation of capital, profits or income earned in the Philippines. Foreign loans and foreign investments may be registered with the Philippine Central Bank (BSP). Only loans registered with the BSP are eligible for servicing through the use of foreign exchange purchased from the banking system. However, the registration of a foreign investment is required only if the foreign exchange needed to service the repatriation of capital and the remittance of dividends, profits and earnings is sourced in the banking system.

Transfer pricing. The method used by a corporation to fix prices must be consistent worldwide.

The Bureau of Internal Revenue (BIR) issued Revenue Regulations No. 2-2013 on Transfer Pricing (TP Regulations) in January 2013. These regulations are largely based on the arm's-length methodologies prescribed by the Transfer Pricing Guidelines of the Organisation for Economic Co-operation and Development (OECD). The following are significant aspects of the TP Regulations:

- They implement the authority of the Commissioner of Internal Revenue under Section 50 of the National Internal Revenue Code to review controlled transactions among associated enterprises and to allocate or distribute their income and deductions to determine their appropriate revenues and taxable income.
- They provide the methods of establishing an arm's-length price.
- They require the maintenance and safekeeping of the documents necessary for the taxpayer to prove that efforts were exerted to determine the arm's-length price. The TP Regulations apply to both cross-border and domestic transactions between associated enterprises.

In relation to the TP Regulations, the BIR issued Revenue Regulations No. 19-2020, as amended by Revenue Regulations No. 34-2020, which requires the submission of a Related Party Transaction form with the annual income tax return. Relevant transfer-pricing documentation and other supporting documents must be submitted to the BIR on request during the course of a tax audit.

Related-party transactions. Related-party transactions must comply with the arm's-length standard. Under certain conditions, a deduction may not be claimed for losses on sales or exchanges of properties or for interest incurred on transactions between related parties. The BIR Commissioner may reallocate gross income or deductions among related entities to prevent manipulation of reported income.

F. Treaty withholding tax rates

The table below lists the maximum withholding rates for dividends, interest and royalties provided under the treaties. Most of the treaties require that the recipient be the beneficial owner of the income for the preferential rates to apply. To avail of tax treaty rates, the Philippine payer must file a Request for Confirmation (RFC) of entitlement to tax treaty benefits with the BIR. If the Philippine payer applies the regular tax rates, the nonresident income recipient may file a Tax Treaty Relief Application (TTRA) with the BIR. In general, one RFC or TTRA must be filed for each transaction except for long-term contracts (for example, contracts for services, loan agreements and license agreements), which are effective for more than a year, for which an annual updating shall be made until the termination of the contract.

	Dividends (v) %	Interest (w) %	Royalties %
Australia	25 (a)	15 (b)	25 (c)
Austria	25 (d)	15 (b)	15 (c)(e)
Bahrain	15 (f)	10	15 (t)
Bangladesh	15 (k)	15	15
Belgium	15 (f)	10	15
Brazil	25 (i)	15 (b)	25 (g)
Brunei Darussalam (z)	10 (f)	10 (b)	10
Canada	25 (d)	15 (b)(h)	25 (e)(h)
China Mainland	15 (f)	10	15 (s)
Czech Republic	15 (f)	10	15 (u)
Denmark	15 (k)	10	15
Finland	15 (r)	15 (b)	25 (c)
France	15 (r)	15 (b)	15
Germany	15 (k)	10 (l)	10 (m)
Hungary	20 (k)	15	15 (e)
India	20 (o)	15 (b)	15 (p)
Indonesia	20 (k)	15 (b)	25 (c)
Israel	15 (f)	10	15 (e)
Italy	15	15 (b)	25 (c)
Japan	15 (d)	10 (b)	10 (c)
Korea (South)	25 (k)	15 (b)	15 (c)
Kuwait	15 (f)	10 (q)	20
Malaysia	25 (i)	15	25 (c)
Mexico	15 (k)	12.5	15

	Dividends (v) %	Interest (w) %	Royalties %
Netherlands	15 (f)	15 (l)	15 (c)
New Zealand	15	10	15
Nigeria	15 (x)	15 (q)	20
Norway	25 (d)	15	25 (e)(p)
Pakistan	25 (n)	15 (b)	25 (c)
Poland	15 (k)	10	15
Qatar	15 (f)	10	15
Romania	15 (d)	15 (q)	25 (j)
Russian Federation	15	15	15
Singapore	25 (r)	15 (b)	25 (c)
Spain	15 (d)	15 (l)	15 (c)
Sri Lanka	15 (i)	15	15 (g)
Sweden	15 (k)	10	15
Switzerland	15 (f)	10	15
Thailand	10 (o)	15 (b)	15 (c)
Türkiye	15 (k)	10	10 (c)
United Arab Emirates	15 (f)	10 (q)	10
United Kingdom	25 (d)	15 (b)	25 (c)
United States	25 (r)	15 (b)	25 (c)(e)
Vietnam	15 (k)	15	15
Non-treaty jurisdictions	15/25 (y)	20/25 (y)	20/25 (y)

(a) The rate is 15% if a rebate or credit is granted to the recipient.

(b) The rate is 10% if the interest is paid with respect to public issues of bonds, debentures or similar obligations (under the United States treaty, with respect to public issues of bonded indebtedness). Under the Austria, Japan and Korea (South) treaties, the 10% rate also applies to interest paid by a Board of Investments (BOI)-registered preferred pioneer enterprise. Under the India treaty, the 10% rate also applies to interest paid to financial institutions, including insurance companies. Under the new treaty with Thailand, the rate is 10% if the interest is received by a financial institution (including an insurance company) and 15% in all other cases.

(c) The rate is 10% (Austria, Japan, Korea (South), Netherlands and Spain) or 15% (Australia, Finland, Indonesia, Italy, Malaysia, New Zealand, Pakistan, Singapore, the United Kingdom and the United States) for royalties paid by a BOI-registered preferred enterprise (under the Austria, Japan and Korea (South) treaties, the enterprise must be a pioneer enterprise). The 15% rate also applies to royalties paid with respect to cinematographic films or tapes for television or broadcasting under the treaties with Finland, Italy, Japan, Malaysia, Singapore, Türkiye and the United Kingdom. Under the Spain treaty, the rate is 20% for such royalties. Under the Finland treaty, the rate is also 15% for royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works. Under the new treaty with Thailand, the rate is 15% for the alienation of or the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, or films or tapes used for radio or television broadcasting, patents, trademarks, designs or models, plans or secret formulas or processes, for the use of, or the right to use, industrial, commercial or scientific equipment or for information concerning industrial, commercial or scientific experience.

(d) The rate is 10% (Canada, Japan, Norway, and the United Kingdom, 15%) if the recipient holds 10% (Romania, 25%) of the voting shares of the payer corporation. Under the treaties with Austria and Japan, the rate is also 10% if the payer holds 10% (Japan, 25%) of the total shares issued by the payer during the six months immediately preceding the dividend payment date. Under the Japan treaty, the rate is also 10% if the dividends are paid by a BOI-registered pioneer enterprise. Under the Romania and Spain treaties, the 10% rate does not apply to partnerships. Under the treaty with Romania, the shares must have been owned for at least two years preceding the date of the dividend payment.

(e) This rate is subject to the "most-favored-nation" provision of the treaty.

(f) The rate is 10% if the recipient of the dividends holds directly at least 10% of the capital of the payer. Under the treaties with Bahrain, Israel, Kuwait,

Qatar, Switzerland and the United Arab Emirates, partnerships do not qualify for the 10% rate. Under the treaty with the United Arab Emirates, the dividends are exempt from tax if the beneficial owner of the dividends is the government of a contracting state, a local government, a political subdivision, a local authority or any of their governmental institutions or entities.

(g) The 25% rate applies to royalties paid for the use of, or the right to use, trademarks, cinematographic films, or films or tapes for television or radio broadcasting. A 15% rate applies to other royalties. Under the treaty with Sri Lanka, the rate is 15% if the royalties are paid by an enterprise registered with and engaged in preferred areas of activities in the Philippines, and 25% in all other cases.

(h) This rate applies if the interest payments or royalties are taxable in Canada.

(i) A 15% rate applies if the recipient is a company (under the Brazil treaty, a partnership also qualifies). The 25% rate applies in all other cases. Under the Malaysia treaty, the recipient must be subject to tax in Malaysia. Under the treaty with Sri Lanka, the rate is 15% if the beneficial owner is a company (excluding partnerships), and 25% in all other cases.

(j) The rate is 15% for royalties paid with respect to cinematographic films and tapes for television or broadcasting. The rate is 10% if the payer is registered with the BOI as a preferred pioneer enterprise.

(k) The rate is 10% (Hungary and Indonesia, 15%) if the recipient holds directly at least 25% of the capital of the payer. Under the treaties with Bangladesh, Denmark, Germany, Korea (South), Poland, Sweden, Türkiye and Vietnam, a partnership does not qualify for the 10% rate. Under the Korea (South) treaty, the 10% rate also applies if the dividends are paid by a BOI-registered preferred pioneer enterprise. The new treaty with Germany provides for a withholding tax of 15% on dividends, which is reduced to 10% or 5% if the beneficial owner is a company other than a partnership and if the following additional condition is satisfied:
   - The beneficial owner holds directly at least 25% of the capital of the company paying the dividends (rate reduced to 10%).
   - The beneficial owner holds directly at least 70% of the capital of the company paying the dividends (rate reduced to 5%). Under the treaty with Mexico, the withholding tax on dividends is 15%, which is reduced to 5% or 10% if the beneficial owner is a company (other than a partnership) and if the following additional conditions are satisfied:
     - The beneficial owner holds directly at least 70% of the capital of the company paying the dividends (rate reduced to 5%).
     - The beneficial owner holds directly at least 10% of the capital of the company paying the dividends (rate reduced to 10%).

(l) The rate is 10% for interest paid with respect to sales on credit of industrial, commercial or scientific equipment or with respect to public issues of bonds, debentures or similar obligations. Under the Netherlands treaty, the 10% rate also applies to interest on bank loans. Under the new Germany treaty, the withholding tax rate on interest is 10%, but no withholding tax applies if any of the following circumstances exist:
   - The interest is paid in connection with the sale of commercial or scientific equipment on credit.
   - The interest is paid in connection with the sale of goods by an enterprise to another enterprise on credit.
   - The interest is paid in consideration of a loan guaranteed by the Federal Republic of Germany with respect to an export or foreign direct investment or it is paid to the government of the Federal Republic of Germany, the Deutsche Bundesbank, the Kreditanstalt fur Wiederaufbau or the DEG mbH.

(m) Under the new treaty with Germany, the withholding tax on royalties is 10%, and the term "royalties" means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematographic film, any patent, trademark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience. The term "royalties" also includes payments of any kind for the use of or the right to use a person's name, picture, or any other similar personality rights and payments received as consideration for the registration of entertainers' or sportspersons' performances by radio or television.

(n) The rate is 15% if the recipient held 25% of the capital of the payer during the two tax years preceding the year of the dividend payment. Partnerships do not qualify for the 15% rate.

(o) The rate is 15% if the beneficiary of the dividends owns at least 10% of the shares of the payer. Under the new treaty with Thailand, the rate is 10% if the beneficial owner is a company (excluding partnerships) that holds directly at least 25% of the capital of the paying company, and 15% in all other cases.

(p) The rate is 10% (India, 15%) if the Philippine payer is registered with the BOI (under the Norway treaty, the enterprise must be a preferred pioneer enterprise). Under the Norway treaty, the rate is 7.5% for payments for the use of containers.

(q) Under the treaty with Romania, the rate is 10% for interest paid with respect to sales on credit of industrial, commercial or scientific machines or equipment; bank loans; or public issues of bonds, debentures or similar obligations. Under the treaty with the United Arab Emirates, interest is exempt from tax if it is derived with respect to a loan made, guaranteed or insured by the government of the other contracting state or a political subdivision, local authority or local government, including financial institutions wholly owned by the government or any other instrumentality, as agreed by the contracting states. Under the treaty with Nigeria, interest is exempt if it is derived and beneficially owned by the government of the other contracting state or a local authority thereof or an agency or instrumentality of that government or local authority. Under the treaty with Kuwait, the interest is exempt in the following circumstances:
- It is derived by the government of the other contracting state or a governmental institution or other entity thereof as defined in Paragraph 2 of Article 4 of the treaty.
- It is derived by an institution or company that is a resident of the other contracting state, and the institution or company's capital is wholly owned by the government or a governmental institution or other entity thereof, as defined in Paragraph 2 of Article 4 of the treaty and as agreed to by the competent authorities of the two governments.
- It is paid on loans guaranteed by the government of the other contracting state or a governmental institution or other entity thereof, as defined in paragraph 2 of Article 4 of the treaty.

(r) The 15% rate (France, 10%; United States, 20%) applies if the recipient holds at least 10% (Singapore, 15%) of the voting shares of the payer. Under the Finland and France treaties, partnerships do not qualify for the 10% rate. Under the Singapore and United States treaties, the shares must have been owned for at least two tax years preceding the year of the dividend payment.

(s) The 15% rate applies to royalties for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films or tapes for television or broadcasting. A 10% rate applies to royalties paid for the following:
- The use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes
- The use of, or the right to use, industrial, commercial or scientific equipment
- Information concerning industrial, commercial or scientific experience

(t) This rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films or tapes for television or broadcasting. The rate is 10% for other royalties.

(u) The 15% rate applies to royalties paid for the use of, or the right to use, copyrights of cinematographic films, and films or tapes for television or radio broadcasting. A 10% rate applies to royalties paid for the following:
- The use of, or the right to use, copyrights of literary, artistic or scientific works, with certain exceptions
- The use of, or the right to use, patents, trademarks, designs or models, plans, or secret formulas or processes
- The use of, or the right to use, industrial, commercial or scientific equipment
- Information concerning industrial, commercial or scientific experience

(v) A preferential rate of 15% under the National Internal Revenue Code may apply if the recipient's country of domicile allows a credit for taxes deemed paid in the Philippines equal to 15%. This credit represents the difference between the RCIT of 25% and the 15% preferential rate. The 15% rate also applies if the dividend is not taxed in the recipient's country of domicile.

(w) Under Philippine domestic law, interest on foreign-currency deposits of nonresidents is exempt from tax.

(x) The rate is 12.5% if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the paying company.

(y) See Section A.

(z) This treaty will be effective from 1 January 2025.

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Because of the rapidly changing regulatory framework in Poland, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	5/9/19 (a)
Capital Gains Tax Rate (%)	19
Branch Tax Rate (%)	19
Withholding Tax (%)	
Dividends	19 (b)(c)
Interest	20 (d)(e)
Royalties	20 (d)(e)
Services	20 (f)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (g)

(a) The preferential 5% tax rate applies to "qualified income" obtained from the qualifying intellectual property (IP) created, developed or improved by a taxpayer as part of its research and development (R&D) activity. The reduced 9% corporate income tax rate on income other than income from capital gains applies to small taxpayers whose revenue from sales did not exceed the zloty (PLN) equivalent of EUR2 million in the preceding year (gross, including value-added tax [VAT]) and in the current year (net, excluding VAT).
(b) This tax is imposed on dividends paid to residents and nonresidents.
(c) This rate may be reduced by a tax treaty, or under domestic law, if certain conditions are met (see Section B).
(d) This rate applies only to interest and royalties paid to nonresidents.
(e) The tax rate may be reduced by a tax treaty or under domestic law if certain conditions are met (see Section B).
(f) This withholding tax applies only to service payments made to nonresidents.
(g) No more than 50% of the original loss can be deducted in one year unless the loss is below PLN5 million. Tax losses can reduce taxable income only from the same income source.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies (including companies in the process of incorporating or registering) are subject to corporate tax on their worldwide income and capital gains. Nonresident companies are taxed only on income earned in Poland. For corporate income tax purposes, Polish-source income includes income (revenue) from, among others, the following:

- Activities conducted in Poland, including activities of foreign permanent establishments located in Poland
- Real estate located in Poland or rights resulting from such real estate (including sales of real estate or related rights)
- Transfers of shares (stocks), participation rights in partnership profits, investment fund certificates as well as receivables connected with those rights, if real estate located in Poland, directly or indirectly, accounts for at least 50% of the total value of the assets
- Transfer of ownership of shares (stocks), all rights and obligations, participation titles or rights of a similar nature in a real estate company
- Securities and derivatives listed on a stock exchange in Poland, including income (revenue) from the sales or execution of resulting rights
- Receivables settled by Polish taxpayers, regardless of the place where the agreement was concluded or where the agreed action was performed

A company is resident in Poland for tax purposes if it is incorporated in Poland or managed in Poland. For this purpose, the concept of management is broadly equivalent to the effective management test in many treaties. The definition of management was amended as of 1 January 2022. A branch of a nonresident company is generally taxed according to the same rules as a Polish company. Partnerships (civil law partnerships and general partnerships with some exceptions) are tax transparent except for foreign partnerships that are treated in their countries as taxpayers subject to corporate income tax. Polish limited joint-stock partnerships are treated as corporate income tax taxpayers. From 1 January 2021, limited partnerships are treated as corporate income taxpayers. In a similar manner, general partnerships are subject to corporate income tax in Poland if partners (who are not exclusively natural persons) in such a partnership are not disclosed to the tax authorities.

Income from an overseas permanent establishment of a Polish resident company is taxable in Poland, subject to tax treaties.

Tax rates. The general corporate income tax rate is 19%. In the limited cases mentioned below, the rate is 5% or 9%.

5% tax rate for qualifying IP activity. Effective from 1 January 2019, an Innovation Box Regime (IBR) is introduced. The IBR is aimed at incentivizing innovative R&D activities by taxing profits from qualifying IP rights at a preferential 5% tax rate.

The preferential 5% tax rate applies to the "qualified income" derived from qualifying IP created, developed or improved by a taxpayer as part of its R&D activity covering the following:

- Patents

- Extensions of patent protection
- Protected utility models
- Registered industrial designs
- Registered topographies of integrated circuits
- Extensions of patent protection for medicinal products and plant protection products
- Registered medicinal and veterinary products admitted to trading
- Registered new varieties of plants and animal breeds
- Rights to computer programs protected under national or international law

The amount that is subject to the preferential 5% tax rate (the qualified income amount) corresponds to the amount calculated as the income obtained from the qualifying IP right multiplied by a ratio established in accordance with a particular formula based on the Organisation for Economic Co-operation and Development (OECD) recommendations. From 1 January 2022, it is possible to apply both the IP Box Regime and R&D credit.

Nine percent tax rate for small entities. Effective from 1 January 2019, a reduced 9% corporate income tax rate on income other than income from capital gains has been introduced, replacing the prior reduced 15% tax rate. Broadly, the reduced rate applies on the condition that an entity is a small taxpayer (its revenues in a given and preceding year do not exceed the equivalent of EUR2 million).

The 9% corporate income tax rate does not apply to taxpayers that were created as a result of certain restructuring activities, including, among others, mergers, spin-offs (demergers), transformations (except transformations that do not change the status for corporate income tax purposes; that is, both prior and after the transformation the entity remains a corporate income tax taxpayer) and contributions in-kind (including contributions of an organized part of an enterprise; that is, a going concern).

New tax incentives package. From 1 January 2022, a new tax incentives package entered into force. It includes the following measures:

- Significant enhancement of the existing (R&D) relief and IP Box regime: a possible deduction of additional 200% employment costs for those involved in an R&D activity
- Relief for innovative employees: reduction of monthly personal income tax advances by a portion of a non-utilized R&D relief deduction, for companies whose low or lack of operating income prohibits them from fully applying the R&D relief
- Relief for "robotization:" deduction of additional 50% of costs of brand new industrial robots, their machines and peripheral devices, and intangible assets to use these robots, including related training services
- Relief for prototypes: deduction of 30% of costs of trial production of a new product and of introducing it to the market (up to 10% of operating income)
- Relief for business expansion and consolidation (deduction of up to PLN250,000 annually) and initial public offerings (including advisory costs to some extent)

Minimum tax on corporate taxpayers. The domestic minimum income tax was introduced to the Corporate Income Tax Act as part of the Polish Deal. However, its entry into force was deferred until the end of 2023. As a result, 2024 is the first year covered by the (amended) regulations on the domestic minimum tax.

The taxpayers of the minimum tax are companies, tax capital groups and permanent establishments of foreign entities that in the given tax year incurred a loss from sources of income other than capital gains or achieved profitability (the share of income from sources of income other than capital gains in revenues from the same source) not higher than 2%.

For the purposes of establishing the amount of loss or level of profitability, special rules provided in the regulations must be applied, such as the exclusion for depreciation write-offs.

The tax amounts to 10% of the tax base, which includes the following elements:
- 1.5% of revenues from sources of income other than capital gains
- Part of cost of debt financing incurred toward related entities
- Part of cost of intangible services and license fees incurred toward related entities or entities from tax havens

Alternatively, the taxpayer can choose a simplified method of determining the tax base in the amount of 3% of revenues from sources of income other than capital gains.

However, the legislator has provided several exclusions, according to which the provisions on minimum tax do not apply. These exclusions include, among others, entities commencing their business activity, entities with revenues lower by at least 30% than in the previous year and entities carrying out a specified business activity listed in the regulations.

The due date for payment of this tax coincides with the deadline for settling the regular corporate income tax (CIT-8 return). The minimum tax is reduced by the corporate income tax due for a given year, and there is also a mechanism for deducting the paid minimum tax from the corporate income tax in subsequent years.

Capital gains. Effective from 1 January 2018, capital gains constitute a separate revenue "basket" from other sources of revenue. As a rule, capital gains include, among others, the following:
- Revenues from sharing in profits of legal entities, including, among others, the following:
  - — Dividends
  - — Revenues from redemption of shares (stock)
  - — Proceeds from liquidation of a company
  - — Profits of a company designated to increase its share capital as well as amounts transferred from other capital of a company to increase its share capital
  - — Additional payments received in connection with a merger or demerger of a company by entities that have the right to share in profits of that company
  - — Revenues derived by a shareholder of a demerged company, if property taken over as a result of the demerger or a property remaining at the level of a demerged company does not constitute an organized part of the business

  - — Additional payments received in connection with an exchange of shares
  - — Undivided profits and profits designated to capital other than share capital in a transformed company in the case of its transformation into a partnership
  - — Interest from certain profit-participation loans
  - — Revenues from transformations, mergers or demergers
  - — Revenues derived as a result of liquidation of a partnership, exiting such an entity or decreasing the interest in it, if Poland loses the right to tax income from the disposal of the acquired assets
- Revenues from a contribution in kind to a company
- Revenues from shares in a company other than those mentioned above, including the following:
  - — Revenues from the disposal of shares (including disposal of shares as a part of a redemption process)
  - — Revenues from an exchange of shares
- Revenues from the disposal of an interest in a partnership
- Revenues from the disposal of receivables acquired by a taxpayer and receivables connected with revenues treated as capital gains
- Revenues from the following:
  - — Certain property rights (including copyrights, licenses, industrial property rights and know-how), excluding revenues from licenses directly connected with revenues not treated as capital gains
  - — Securities and derivatives, excluding derivatives hedging revenues or costs that are not treated as capital gains
  - — Participations in investment funds or institutions for common investments
  - — Renting or disposal of the above rights

In general, taxable income from a given source should be calculated as the difference between taxable revenues from that source and tax-deductible costs connected with that source of income. Taxable income or loss should be calculated separately for capital gains and for other sources of income. Capital losses do not offset income from other sources and vice versa.

Capital gains derived by nonresidents from sales and other disposals of state bonds issued on foreign markets may be effectively exempt from tax in Poland under domestic regulations if certain conditions are satisfied.

Administration. The Polish tax year must last 12 consecutive months, and it is usually the calendar year. However, a company can choose a different period of 12 consecutive months as its tax year by notifying the relevant tax office by certain deadlines. The first tax year after a change must extend for at least 12 months, but no longer than 23 months. If a company incorporated in the first half of a calendar year chooses the calendar year as its tax year, its first tax year is shorter than 12 months. A company incorporated in the second half of a calendar year may elect a period of up to 18 months for its first tax year (that is, a period covering the second half of the year of incorporation and the subsequent year).

In general, companies must pay monthly advances based on preliminary income statements. Monthly declarations do not need to

be filed. In certain circumstances, a company may benefit from a simplified advance tax payment procedure.

Companies must file an annual income tax return within three months after the end of the company's tax year. They must pay any balance of tax due at that time.

An overpayment declared in an annual tax return is refunded within three months. However, before the overpayment is refunded, it is credited against any past and current tax liability of the company. If the company has no tax liability, it may request that the tax office credit the overpayment against future tax liabilities or refund the overpayment in cash. Overpayments earn interest at the same rate that is charged on late payments. Under the tax code, the rate of penalty interest on unpaid taxes varies according to the fluctuation of the Lombard credit rate. The interest rate on tax arrears is 200% of the Lombard credit rate, plus 2%. It cannot be lower than 8%. The penalty interest rate was 14.5% on 1 January 2024.

Dividends. A 19% withholding tax is imposed on dividends and other profit distributions (other revenues from sharing in profits of legal entities) paid to residents and nonresidents, subject to provisions of double tax treaties and the European Union (EU) Parent-Subsidiary Directive. Resident recipients do not aggregate domestic dividends received with their taxable income subject to the regular rate. For nonresident recipients, the withholding tax is considered a final tax and, accordingly, the recipient is not subject in Poland to any further tax on the dividend received.

Polish companies (joint-stock partnerships, effective from 1 January 2014 and limited partnerships, effective from 1 January 2021), other European Economic Area (EEA; the EEA consists of the EU countries and Iceland, Liechtenstein and Norway) companies and Swiss companies are exempt from tax on dividends received from Polish subsidiaries, profits of a subsidiary (or amounts from certain capital) designated to increase its share capital and undivided profits of a subsidiary and profits designated to capital other than share capital on transformation of the subsidiary into a partnership, if they satisfy all of the following conditions:

- They are subject to income tax in Poland, an EU/EEA Member State or Switzerland on their total income, regardless of the source of the income (the exemption applies also to dividends or other profit distributions paid to permanent establishments, located in EU/EEA Member States or in Switzerland, of such companies).
- They do not benefit from income tax exemption on their total income (which should be documented with their written statement).
- For at least two years, they hold directly at least 10% (25% for Swiss recipients) of the capital of the company paying the dividend. The two-year holding period can be met after payment is made. If the two-year holding period is eventually not met (for example, the shareholder disposes of the shares before the two-year holding requirement is met), the shareholder must pay the withholding tax and penalty interest. Broadly, except for some specific cases, full ownership of the shares is required.

- The Polish payer documents the tax residency of the recipient with a certificate of residency issued by the competent foreign tax authorities (if payments are received by a permanent establishment, some other documents may be needed).
- A legal basis exists for a tax authority to request information from the tax administration of the country where the taxpayer is established, under a double tax treaty or other ratified international treaty to which Poland is a party.
- The dividend payer is provided with a written statement confirming that the recipient of the dividend does not benefit from exemption from income tax on its worldwide income, regardless of the source from which such income is derived.

The above exemption does not apply to revenues earned by a general partner from its share in the profits of a limited partnership or a general partner from its share in the profits of a limited joint-stock partnership.

The tax exemption for inbound dividends and the exemption from withholding tax on outbound dividends do not apply if the dividends are connected with an agreement, other legal action or a series of related actions and if the main purpose or one of the main purposes is to benefit from these tax exemptions (see Section E).

The application of exemptions from withholding tax or reduced treaty rates (above certain thresholds) may be subject to a pay and refund mechanism (see *Withholding tax collection mechanism*).

More specific rules exist regarding the corporate income taxation of partners of a limited partnership and limited joint-stock partnership.

The income (revenue) allocated to a Polish branch is subject to regular taxation in Poland. Withholding tax is not imposed on transfers of profits from such branch to its head office because from a legal perspective, a branch is regarded as an organizational unit of the foreign enterprise.

Interest, royalties and service fees. Under the domestic tax law in Poland, a 20% withholding tax is imposed on interest, royalties and fees for certain services paid to nonresidents.

Under most of Poland's tax treaties, the withholding tax on fees for services may not be imposed in Poland.

The full exemption applies to interest and royalties paid to qualifying entities if the following conditions are met:

- The payer is a company that is a Polish corporate income taxpayer (the exemption does not apply to limited partnerships and joint-stock partnerships) with a place of management or registered office in Poland (the exemption applies also to payments made by permanent establishments located in Poland of entities subject to income tax in the EU on their total income, regardless of the source of the income, provided that such payments qualify as tax-deductible costs in computing the taxable income subject to tax in Poland).
- The entity earning the income is a recipient of such income and is a company subject to income tax in an EU/EEA Member State (other than Poland) on its total income, regardless of the source of the income (the exemption applies also to payments

made to permanent establishments of such companies if the income earned as a result of such a payment is subject to income tax in the EU Member State in which the permanent establishment is located). In addition, the company must not benefit from income tax exemption on its total income.

- For at least two years, the recipient of the payments holds directly at least 25% of the share capital of the payer or the payer holds directly at least 25% of the share capital of the recipient of the payments. This condition is also met if the same entity holds directly at least 25% of both the share capital of the payer and the share capital of the recipient of the payments and such entity is subject to income tax in an EU/EEA Member State on its total income, regardless of the source of the income. The two-year holding period can be met after payment is made. If the two-year holding period is eventually not met (for example, the shareholder disposes of the shares before the two-year holding requirement is met), the shareholder must pay the withholding tax together with the penalty interest. Full ownership of the shares is required.
- The Polish payer documents the tax residency of the recipients of the payments with a certificate of tax residency issued by the competent foreign tax authorities (if payments are received by a permanent establishment, some other documents may be needed).
- A legal basis exists for a tax authority to request information from the tax administration of the country where the taxpayer is established, under a double tax treaty or other ratified international treaty to which Poland is a party.
- The recipient of the payments provides a written statement confirming that it does not benefit from exemption from income tax on its total income, regardless of the source of the income, and that it is the "beneficial owner" (see below) of the payments received.

The application of exemptions from withholding tax or reduced treaty rates (above certain thresholds) may be subject to the pay and refund mechanism described below.

Withholding tax collection mechanism. Effective from 1 January 2022, a significant tax reform entered into force, including a revision of the rules regarding withholding tax on dividends, interest and royalty payments. The new measures provide for a replacement of the prior direct application of withholding tax exemptions or treaty rates with a "pay and refund" system. There are two regimes depending on whether the total amount of dividend, interest and royalty payments paid to a foreign taxpayer in one tax year exceeds PLN2 million (approximately USD500,000). If the annual total amount of qualified payments does not exceed PLN2 million, the formal conditions required for application of a treaty rate or an exemption by the payer are limited, including obtaining a valid certificate of residency of the recipient and verification of whether it meets a new, quite stringent beneficial owner definition. It is now explicitly stated that when determining whether treaty rate or exemption conditions are met, the tax remitter is obliged to assure due diligence, which should take into account the nature and scale of the remitter's business activity.

In cases in which the total qualified payments to a single recipient exceed PLN2 million annually, the general rule is that a payer should remit withholding tax on the excess over PLN2 million annually at standard rates (19% for dividends and 20% for interest and royalty payments). In such cases, tax treaty rates or exemptions, as well as those provided for by domestic provisions implementing the EU Parent-Subsidiary Directive and Interest-Royalties Directive, do not apply at source and standard rates should apply. The following are two exceptions to this rule:

- The tax remitter provides to the tax authorities a specific statement confirming fulfillment of all conditions required for the withholding tax exemption or treaty rate.
- An opinion on application of the reduced rate/exemption is issued by the tax office on request of the payer or of the recipient.

If the tax authorities find out that the above statement is not true, a sanction may be imposed corresponding to 10% of the payment made or 20% for payments in excess of PLN15 million (USD3.8 million). The same penalties apply if the remitter (Polish company) did not carry out the required verification of substance/beneficial owner test, or the due diligence was not adequate for the nature and scale of the remitter's business.

Pay and refund mechanism. If neither of the above measures is applied (tax remitter's statement or a tax office's opinion), withholding tax must paid at the statutory rates. In such a case, the tax could be claimed back provided that the conditions were met. The refund could be claimed either by the taxpayer or tax remitter (if it incurred the economic burden of tax).

Beneficial ownership definition. As of 1 January 2019, the definition of "beneficial owner" was changed to require proof that the recipient conducts real business activity in the country of its seat, taking into account certain criteria, such as premises, sufficient local staff, broad business rationale and local board members. The rules were amended again in January 2022 and do not include a direct reference to the substance criteria (the controlled foreign company [CFC] test); nevertheless, in practice the approach remains the same. Other conditions that need to be satisfied include the following:

- The recipient receives a payment for its own benefit, can decide how the received payment should be utilized, and bears economic risk associated with the loss of all or a portion of this receivable.
- The recipient is not an intermediary, agent, trustee or any other entity that is obliged to transfer all or part of the payment to another entity.

Foreign tax relief. Under its tax treaties, Poland exempts foreign-source income from tax or grants a tax credit (usually with respect to dividends, interest and royalties). Broadly, foreign taxes are creditable against Polish tax only up to the amount of Polish tax attributable to the foreign income.

In addition to a credit for tax on dividends (that is, a deduction of withholding tax; direct tax credit), Polish companies (or Polish permanent establishments of EU/EEA resident companies) may also claim a credit for the tax on profits generated by their subsidiaries in other treaty countries (indirect or underlying tax credit).

A Polish company receiving a dividend from a subsidiary that is not resident in the EU, EEA or Switzerland may deduct from its tax the amount of income tax paid by the subsidiary on that part of the profit from which the dividend was paid if the Polish parent company has held directly at least 75% of the foreign subsidiary's shares for an uninterrupted period of at least two years. The total deduction is limited to the amount of Polish tax attributable to the foreign income.

Foreign-source dividends are added to other profits of a Polish taxpayer and are taxed at the standard 19% rate.

Dividends from companies resident in EU/EEA states or in Switzerland may be exempt in Poland if the Polish recipient holds directly at least 10% (25% in the case of Switzerland) of the share capital of the foreign subsidiary for an uninterrupted period of at least two years. The shareholding period requirement does not have to be met as of the payment date. The exemption does not apply if the dividends (or dividend-like income) are deductible for tax purposes in any form.

The tax exemption for inbound dividends does not apply if the dividends are connected with an agreement or other legal action or a series of related actions and if the main purpose or one of the main purposes is to benefit from this exemption (see Section E).

The above exemption also does not apply if income from the participation, including redemption proceeds, is received as a result of the liquidation of the legal entity making the payments.

The domestic exemption or tax credit can be applied if a legal basis exists for a tax authority to request information from the tax administration of the country from which the income was derived, under a double tax treaty or other ratified international treaty to which Poland is a party.

Broadly, except for some specific cases, full ownership of the shares is required to claim the credits and exemptions discussed above.

C. Determination of trading income

General. Taxable income is calculated as the sum of taxable income from the capital gains basket (source) and taxable income from other sources of revenues. Taxable income from a given source of revenue equals the difference between taxable revenues and tax-deductible costs related to that source in a given tax year. If tax-deductible costs are higher than revenues, the difference constitutes a tax loss from a given source of revenue. Taxable income or loss should be calculated separately for capital gains and for other sources of revenue. Capital losses do not offset income from other sources and vice versa.

In general, taxable revenues of corporate entities carrying out business activities are recognized on an accrual basis. Revenues are generally recognized on the date of disposal of goods or property rights or the date on which services are supplied (or supplied in part), but no later than the following:

- Date of issuance of the invoice
- Date of receipt of payment

If the parties agree that services of a continuous nature are accounted for over more than one reporting period, revenue is recognized on the last day of the reporting period set out in the contract or on the invoice (however, not less frequently than once a year).

The definition of revenues includes free and partially free benefits.

Expenses are generally allowed as deductions if they relate to taxable revenues derived in Poland, but certain expenses are specifically disallowed. Payments in the amount of at least PLN15,000 should be made through a bank account; otherwise, such expenses might not be allowed as deductions for tax purposes. Additionally, payments exceeding PLN15,000 need to be made to a bank account listed on a so-called approved list if the invoice is issued by an active VAT payer. Otherwise, unless the tax office is informed on time, the cost needs to be treated as a non-tax-deductible cost.

Branches and permanent establishments of foreign companies are taxed on income determined on the basis of the accounting records. However, regulations provide coefficients for specific revenue categories, which may be applied if the tax base for foreign companies cannot be determined from the accounting records.

Limitation on the deductibility of costs of intangible services and royalties. Effective from 1 January 2018 until the end of 2021, fees for certain intangible services and royalties in part exceeding the limit of the sum of 5% of the adjusted tax base (broadly, 5% of taxable earnings before interest, taxes, depreciation and amortization [EBITDA]) and PLN3 million were not deductible for tax purposes. In particular, the limit applies to the following:

- Services such as advisory, market research, advertising, management, data processing, insurance, providing guarantees and other similar services
- Payments for the use of licenses, trademarks and certain other rights
- Payments for credit-risk instruments or derivatives regarding non-banking loans, made directly or indirectly to related parties or entities in a prohibited list territory or state

Certain exceptions existed, including direct costs of goods or services sold and transactions for which a taxpayer obtains an Advanced Pricing Agreement (APA) from the Polish Ministry of Finance.

A carryforward mechanism of five years for non-deducted costs was provided, with certain restrictions.

The limitation mentioned above was abolished, starting from 1 January 2022. There are, however, other new rules that may potentially impact deductibility or taxation of such items.

Depreciation. For tax purposes, depreciation calculated in accordance with the statutory rates is deductible. Depreciation is computed using the straight-line method. However, in certain circumstances, the reducing-balance method may be allowed. The following are some of the applicable annual straight-line rates.

Asset	Rate (%)
Buildings	1.5 to 10*
Office equipment	14
Office furniture	20
Computers	30
Motor vehicles	20
Plant and machinery	4.5 to 20

* For used buildings, an individual depreciation rate may be applied (the minimum depreciation period is calculated as a difference between 40 years and the time of use of the building).

For certain types of assets, depreciation rates may be increased. Companies may also apply reduced depreciation rates.

Intangibles are amortized over a minimum period, which usually ranges from 12 months (for example, development costs) to 60 months (for example, goodwill).

Certain limitations with respect to the tax depreciation of real property and residential properties have been introduced from 1 January 2022.

Relief for losses. Losses from the capital gains basket may not offset income from another basket (source) and vice versa. Losses from a given basket (source) may be carried forward to the following five tax years to offset profits from that source of income that are derived in those years. Up to 50% of the original loss may offset profits in any of the five tax years, with an exception to tax losses not exceeding PLN5 million. Losses from capital gains cannot offset profits from another source and vice versa. Losses may not be carried back. Certain restructurings may cause premature expiration of tax losses.

Groups of companies. Groups of related companies (only limited-liability companies, joint-stock companies and simple joint-stock companies) may report combined taxable income and pay one combined tax for all companies belonging to the group. To qualify as a tax group, related companies must satisfy several conditions, including the following:

- The average share capital per each company is not lower than PLN250,000.
- The parent company in the tax group must directly own 75% of the shares of the subsidiary companies.
- The agreement on setting up a tax group must be concluded for a period of at least three years. It must be concluded in written form and registered with the tax office.
- The members of the group may not benefit from any corporate income tax exemptions based on laws other than the Corporate Income Tax Act.

In practice, the applicability of the rules for tax groups were previously limited, primarily as a result of the profitability requirement and certain other restrictive conditions. However, because the profitability requirement has been abolished, it is expected that tax grouping will become more common.

From 2023, there is also a possibility to establish VAT groups in Poland, subject to certain conditions. VAT groups can be created by entities with financial, economic and organizational links that make an appropriate agreement, select the VAT group's

representative and file their VAT group registration form together with the VAT group agreement with the tax office. VAT groups are available not only to taxable persons that are members of tax capital groups. Transactions between VAT group members remain beyond the scope of VAT (no requirement to charge and deduct VAT). A VAT group files a single JPK-V7M in the name of the whole group. A VAT group must continue in effect for not less than three years (with a renewal option).

D. Other significant taxes

The following table discusses other significant taxes.

Nature of tax	Rate
Value-added tax (VAT); imposed on goods sold and services rendered in Poland, exports, imports, and acquisitions and supplies of goods within the EU; Poland has adopted most of the EU VAT rules; certain goods and services are exempt	
Standard rate	23%
Reduced rates (applicable to specified goods and services indicated in the VAT Act, such as food, agricultural products and medical equipment)	5%/8%
Exports and supplies of goods within the EU	0%
Tax on retail sales; imposed on revenues earned on retail sales; for purposes of this tax, revenues from retail sales are revenues earned on sales of goods to consumers (that is, individuals not engaged in economic activity) in Poland that are connected with the taxpayer's business activity (effective from 1 January 2021)	
Monthly revenues between PLN17 million and PLN170 million	0.8%
Monthly revenues exceeding PLN170 million	1.4%
Tax on certain financial institutions; monthly tax on assets of selected financial institutions (domestic banks, consumer loan lending institutions and insurance companies as well as branches of foreign banks and insurance companies; tax base is the excess of total assets of the taxpayer over PLN4 billion (in some cases, lower thresholds may apply); tax is due monthly; taxpayers must file self-assessment declarations by the 25th day of the following month; tax is not deductible for corporate income tax purposes in Poland	0.0366%
Tax on leased real estate property (buildings such as malls, office buildings or warehouses); tax base is initial value of such buildings less PLN10 million safe harbor (per taxpayer); if only part of a building has been leased, tax is calculated proportionally only with respect to the leased part or is not due if less than 5% of total area	

Nature of tax	Rate
is leased; the tax is payable monthly and is creditable against the corporate income tax; if not credited, this tax can still be refunded at the year-end based on a specific application	0.035%
Sugar tax; relates to the supply of beverages with the addition of sugar, other sweeteners and/or caffeine and taurine; the entity required to settle the tax is usually the producer/wholesaler supplying the beverages to the entity conducting retail sales, but also possibly the producer or entity that purchases the beverages from outside Poland conducts retail sales	
Content of sugars in an amount equal to or less than 5g in 100ml of drink, or for the content in any amount of at least one sweetener referred to in the specific regulation	PLN0.5
For each gram of sugar over 5g in 100ml of drink per liter of drink	PLN0.05
Beverages containing addition of caffeine or taurine per liter of drink	PLN0.1

E. Miscellaneous matters

Foreign-exchange controls. Polish-based companies may open foreign-exchange accounts. All export proceeds received in convertible currencies and receipts from most foreign sources may be deposited in these accounts. Businesses may open foreign currency accounts abroad. However, restrictions apply to the opening of accounts in countries that are not members of the EU, EEA or the OECD. No permit is required for most loans obtained by Polish-based companies from abroad, including loans from foreign shareholders. Reporting requirements are imposed for certain loans and credits granted from abroad.

Anti-avoidance legislation. In applying the tax law, the tax authorities refer to the substance of a transaction in addition to its form.

If under the name (legal form) of the transaction, the parties have hidden some other transaction, the tax authorities may disregard the name (legal form) used by the parties and determine the tax implications of the transaction on the basis of actual intent of the parties.

If the tax authorities have doubts about the existence or the substance of the legal relationship between the parties, they refer the case to the common court to establish the type of the actual legal relationship.

Polish anti-avoidance rules implementing EU Council Directive 2015/121 of 27 January 2015 are effective from 1 January 2016. These rules were amended, effective from 1 January 2019, and now also include interest and royalties paid from Poland. Under these rules, the tax exemption for inbound dividends as well as the exemption from withholding tax on outbound dividends, interest and royalties do not apply in the following cases:

- If the benefit from the exemption would contradict the purpose and nature of the regulations
- If the benefit from the exemption was the main or one of the main purposes of the transaction(s) or another action(s)
- If the mode of action is artificial

For purposes of the above rule, the mode of action is not artificial if it is reasonable that it would have been applied by a lawful entity primarily for justified economic reasons.

The above anti-abuse rule applies only to entities that can benefit from a withholding tax exemption based on the Polish domestic rules implementing the EU Parent Subsidiary Directive.

Certain anti-avoidance rules relate to the neutrality of a merger, demerger and a share-for-share exchange with the conditions of neutrality stricter than those formulated in the Directive.

The General Anti-Abuse Rule (GAAR) entered into force on 15 July 2016. The GAAR was amended, effective 1 January 2019. Broadly, under the GAAR provisions, tax authorities shall disregard an arrangement or a series of arrangements that have been put into place for the main purpose or one of the main purposes of obtaining a tax advantage that defeats the object or purpose of the applicable tax law and accordingly is not genuine (artificial). In such a case, the tax implications of a transaction are determined by reference to the facts that would have been generated if a suitable transaction (or, if suitable, no transaction) had been carried out. The GAAR does not apply if an entity receives a securing opinion issued by the head of the National Tax Administration (Krajowa Administracja Skarbowa, or KAS). A separate procedure, which costs PLN20,000 (approximately EUR4,500), exists for obtaining such a securing opinion. GAAR regulations do not apply to VAT (a separate regulation exists) and non-tax budget revenues. If GAAR is applied, additional tax of up to 30% of the additional tax base (for corporate income tax) can be imposed.

Mandatory Disclosure Regime. Effective from 1 January 2019, Poland introduced a Mandatory Disclosure Regime requiring certain intermediaries (including non-Polish tax consultants, banks and lawyers) and, in some situations, taxpayers to report certain arrangements (reportable arrangements) to the relevant tax authority.

Arrangements are reportable if they contain certain features (hallmarks). The Polish legislation extends the scope of the reporting required under the Council of the EU Directive 2018/822 of 25 May 2018, amending Directive 2011/16/EU, to include the following:

- The definition of reportable tax arrangements is extended to comprise not only cross-border but also domestic tax arrangements.
- The definition of covered taxes is widened to include VAT.
- Additional hallmarks are added.
- Like the directive, reporting applies to cross-border arrangements for which the first step of implementation takes place after 25 June 2018. In addition, reporting applies to tax arrangements defined by domestic law for which the first step of implementation occurs after 1 November 2018.

Broadly, tax arrangements commencing on or after 1 January 2019 are reportable within 30 days after earliest of the following dates:
- The scheme is available for the client.
- The scheme is ready for implementation.
- The scheme is started.

In the event of failure to meet the above obligation, the tax authorities may impose financial penalties.

Thin-capitalization rules. The Polish thin-capitalization rules limit deductibility of the excess of financing costs over interest income to 30% of the adjusted tax base (broadly, 30% of taxable EBITDA). The limitation applies also to financing provided by third parties. A safe harbor for financing costs up to PLN3 million per year is provided. Deduction is explicitly limited to one of the parameters set by the higher of a PLN3 million annual threshold or 30% of taxable EBITDA. Nondeductible costs can be carried forward up to five consecutive years, within a relevant basket of income. The rules do not apply to certain financing institutions.

In addition, in certain events, rules limit deductibility of interest when the acquisition of shares was debt financed (so-called "debt push-down" scenarios).

Intragroup financing costs, used (directly or indirectly) for "capital transactions," including share acquisitions, equity contributions or buy back of own shares, are nondeductible.

Controlled foreign companies. Certain income or gains derived by foreign subsidiaries of Polish taxpayers that fulfill the definition of a CFC are subject to tax in Poland.

According to current provisions, there are five CFC definitions, two of which were introduced as of 1 January 2022. Each definition has to be examined to determine if a given entity is a CFC. The first two definitions are based on the location of the foreign entity. The other three contain a few conditions that, if met jointly, trigger a CFC status.

Under the rules in effect from 1 January 2022, the following foreign companies are considered CFCs:
- A foreign company that has its registered office or management or is registered or located in a prohibited list territory or state
- A foreign company that has its registered office or management or is registered or located in a state with which Poland or the EU has not concluded an agreement containing an exchange-of-information clause
- A foreign company that fulfills all of the following criteria:
  - A Polish taxpayer holds individually or together with related parties or other taxpayers having their place of residence or management in Poland, directly or indirectly, more than 50% of the shares, voting rights or profit participation rights in this company or exercises factual control over a foreign entity.
  - At least 33% of this company's revenues is derived from dividends and other revenues from sharing in the profits of legal persons, disposals of shares in companies, all rights and obligations in partnership companies, titles of participation in investment funds, joint investment institutions or

other legal persons and rights of a similar nature, receivables, consulting, accounting, market research, legal services, advertising, management and control data processing, employee recruitment and acquisition services and similar services, leases, subleases, tenancies, subtenancies and other contracts of a similar nature, interest and benefits from loans, interest part of lease installments, guarantees, copyrights or industrial property rights, including the sale of such rights, copyrights or industrial property rights included in the sale price of a product or service, the sale and execution of rights from financial instruments, insurance, banking or other financial activities and transactions with related parties if the entity does not generate economic value added in connection with these transactions or if the value is insignificant (qualified revenues).

— The tax paid by this company is at least 25% lower than the corporate income tax that would have been due at the rate of 19% if that entity was a Polish tax resident, whereby the tax actually paid will be understood as a tax that is nonrefundable or nondeductible in any form, also to another entity.

• A foreign company that fulfills all of the following criteria:

— A Polish taxpayer holds individually or together with related parties or other taxpayers having their place of residence or management in Poland, directly or indirectly, more than 50% of the shares, voting rights or profit participation rights in this company or exercises factual control over a foreign entity.

— The tax paid by this company is at least 25% lower than the corporate income tax that would have been due at the rate of 19% if that entity was a Polish tax resident, whereby the tax actually paid will be understood as a tax that is nonrefundable or nondeductible in any form, also to another entity.

— The qualified revenues of the entity are less than 30% of the sum of the values of shares in another company, all rights and obligations in a company that is not a legal person, shares in an investment fund, a collective investment institution or another legal person, receivables resulting from the holding of these shares and rights of a similar nature, immovable or movable property owned or co-owned by the taxpayer or used by the taxpayer under a leasing contract, intangible assets and receivables from the qualified revenues to related parties.

— The assets referred to above represent at least 50% of the value of the assets of that entity, but in determining that proportion of the assets referred to above, shares in another company are not taken into account if the other company does not have its registered office or management board in the territory of Poland and does not hold, directly or indirectly, shares in a company having its registered office or management board in the territory of Poland.

• A foreign company that fulfills all of the following criteria:

— A Polish taxpayer holds individually or together with related parties or other taxpayers having their place of residence or management in Poland, directly or indirectly, more than 50% of the shares, voting rights or profit participation rights in this company or exercises factual control over the foreign entity.

— The foreign entity's income exceeds the income calculated according to a formula, which is (carrying amount of the entity's assets + annual personnel costs of the entity + accumulated depreciation to date within the meaning of the accounting regulations) × 20%.
— Less than 75% of the foreign entity's revenue is derived from transactions with unrelated parties that are resident, established, managed, registered or located in the same country as that entity.
— The tax paid by this company is at least 25% lower than the corporate income tax that would have been due at the rate of 19% if that entity was a Polish tax resident, whereby the tax actually paid will be understood as a tax that is nonrefundable or nondeductible in any form, also to another entity.

If the entity meets one of the above definitions, an additional income tax at 19% is imposed on shareholders (Polish tax residents) of this entity. The shareholder is taxed on the part of the profits of the CFC in which the shareholder participates after deducting dividends received from the CFC and gains on disposals of shares in the CFC, if they are included in the shareholder's tax base (these amounts may be deducted in the following five tax years). The tax payable in Poland may be decreased by the relevant proportion of corporate income tax paid by the CFC.

In addition, meeting the CFC definition triggers reporting obligations, such as filing returns, which have to be fulfilled by the CFC shareholders.

CFCs in prohibited list territories or states (and to some extent, CFCs in non-treaty countries) are subject to more restrictive rules.

Taxation under the CFC rules does not apply if the CFC is subject to tax on its worldwide income in an EU/EEA Member State and carries a "substantial genuine business activity" in that state.

The CFC rules also apply to taxpayers carrying on business activity through a permanent establishment located outside of Poland, with certain exceptions, as well as to non-Polish tax residents carrying out its activities through a permanent establishment located in Poland to the extent that such activities are connected with activities carried out by the permanent establishment located outside Poland.

Effective from 1 January 2019, certain anti-abuse provisions have been introduced. Under these provisions, artificial relationships that distort the relations or status of a foreign entity for CFC purposes are disregarded.

Taxation of "shifted profits." The taxation of "shifted profits" (also referred to as taxation of undertaxed payments) imposes tax of 19% on certain qualified payments made directly or indirectly to related entities if effective taxation at the recipient level is lower than 14.25%. Additional tests and exceptions could apply. Burden of proof has been explicitly allocated to the payer (Polish taxpayer); therefore, even if tax is not due, evidence confirming it (that is, that tests have not been passed) must be kept.

Polish holding regime. From 1 January 2022, the concept of a Polish holding company is introduced. A Polish holding company may enjoy an exemption for dividends received from qualified subsidiaries and a capital gains tax exemption on sales of shares of such qualified subsidiaries, subject to certain conditions. The status of "holding company" will depend on, among other things, conducting real economic activity (assessed based on CFC regulations).

Investment agreement with Ministry of Finance. The Polish government has introduced the concept of an investment agreement for strategic investors who would like to agree regarding a variety of tax consequences related to their investment.

The agreement (commonly referred to as Interpretation 590) concluded with the Ministry of Finance will set forth certain tax consequences of the investment that a given investor intends to carry out in Poland. It will be binding on the tax administration and should enable the business to obtain comprehensive tax clearance regarding its investment in Poland.

It is generally available to investors planning an investment in Poland worth at least PLN100 million (approximately USD26 million) and, from 2025 onward, PLN50 million (approximately USD13 million). Separate applications to various tax authorities (for example, individual tax rulings, APAs, GAAR clearance) are not required, as all of these matters would be covered with one investment agreement.

Standard audit file for tax purposes. The standard audit file for tax (SAF-T) is a standardized form for providing accounting books to the tax authorities. The format in which SAF-T files are prepared is XML.

The scope of information that should be transferred to the tax authorities in the form of SAF-T covers the following:
- Account books
- Tax revenue and expense ledger
- Revenue records
- Bank account statements
- Warehouse movements
- Sales invoices
- VAT evidence

The above items should generally be provided to the tax authorities at their request. However, the SAF-T for the VAT evidence (from October 2020 so-called "JPK_V7M" that combines VAT evidence and VAT return) needs to be provided to the Ministry of Finance on a monthly/quarterly basis automatically (that is, no summons of the tax authorities is required in the case of this item).

For "large enterprises," a requirement to submit all of the SAF-T structures on demand of the tax authorities has applied since 1 July 2016. From that date, "large enterprises" are required to submit the SAF-T files for the VAT register on a monthly basis. For this purpose, "large enterprises" are entities that have met in at least one of the last two financial years either of the following criteria:
- Annual headcount of not less than 250 (on a yearly average)

- Annual volume of sales of at least EUR50 million and assets amounting to at least EUR43 million

Other entities (medium, small and micro enterprises) must submit the on-demand SAF-T structures to the tax authorities from 1 July 2018. However, they must submit the SAF-T files for the VAT register on a monthly/quarterly basis from the following dates:
- Medium and small enterprises: 1 January 2017
- Micro enterprises: 1 January 2018

The tax authorities conduct automatic controls of SAF-T reports submitted by taxpayers.

In 2020, a new SAF-T for VAT was implemented. A new structure (Form JPK_V7M [submitted monthly] or JPK_V7K [submitted quarterly]) replaced the existing SAF-T for VAT registers and VAT returns (VAT-7, VAT-7K, VAT-27, VAT-ZT, VAT-ZZ and VAT-ZD). The scope of information reportable under the new SAF-T is broader than the scope of information reported under the previous version. The new JPK_V7 consists of the following two sections:
- Evidence section of JPK_V7, which covers the data relating to the sales and purchases that took place in a given period. In addition, detailed information can be split into obligatory and optional data. The evidence section as a rule includes the information presented previously in the JPK VAT registers submitted.
- Declarative section of JPK_V7, which covers the data from the VAT return but in a different format.

JPK_V7 also introduces additional requirements for the enterprises and accountants, including the following:
- The use of GTU codes for the goods and services
- The use of procedural transaction codes
- The use of document classification codes

The new SAF-T scheme entered into force on 1 October 2020 and applies to all taxpayers (large, medium, small and micro-enterprises).

In addition, the Polish Ministry of Finance plans to implement SAF-T for personal income tax and corporate income tax (Polish: JPK_PIT and JPK_CIT).

According to the current state of legislation, PIT taxpayers will be obliged to send JPK_PIT for accounting periods starting after the following dates:
- 31 December 2025 in the case of entities that are active VAT taxpayers
- 31 December 2026 in in the case of other entities

JPK_CIT will be sent for the first time on a mandatory basis for the tax year beginning after the following dates:
- 31 December 2024 in the cases of tax capital groups, and taxpayers whose revenue in the previous tax year exceeded the equivalent of EUR50 million, converted into PLN at the average exchange rate of the euro published by the National Bank of Poland on the last working day of the preceding tax year

- 31 December 2025 in the case of active VAT taxpayers
- 31 December 2026 for other taxpayers

According to the latest amendment, JPK_PIT and JPK_CIT will be sent after the end of the year rather than monthly or quarterly.

E-invoices in the National e-Invoices System. From 1 January 2022, entrepreneurs are able to use the e-invoice system voluntarily. The supplier can issue an e-invoice through the National e-Invoices System (KSeF), but an invoice of that type will require the recipient's consent to be sent in the system. According to the planned amendment of the VAT Act, the obligation to issue e-Invoices using KSeF will come into force in 2025). E-invoices should be issued in the XML format (similar to that of the SAF-T; see *Standard audit file for tax purposes*). The system assumes real-time reporting.

As a rule, all taxpayers with a registered business or a fixed establishment in Poland will be required to issue structured invoices via KSeF, although certain subjective exclusions apply to the following entities:

- Taxpayers without a fixed place of business in Poland who have a fixed establishment there. However, this fixed establishment is not involved in the supply of goods or services for which the invoice is issued
- Taxable persons making use of the special procedures described in Chapters 7, 7a and 9 of Part XII of the Polish VAT Act, documenting the activities settled under those procedures
- Other entities listed in the Regulation of the Minister of Finance

Certain types of invoices will be entirely exempt from the obligation to issue them via KSeF. These will include the following:

- Business-to-consumer (B2C) invoices
- Tickets that function as invoices (including toll motorway receipts)
- Invoices issues under One Stop Shop (OSS) and Import One Stop Shop (IOSS) procedures

Exit tax. As required by the EU, Poland has introduced an exit tax, effective from 1 January 2019. This is an income tax on unrealized profits (hidden reserves) that are embedded in a taxpayer's property and that are potentially transferred together with such property outside of Poland in the following actions:

- The property is transferred within the same taxpayer (for example, a transfer by a Polish resident to its permanent establishment located abroad or a transfer by a nonresident operating through a Polish permanent establishment to its home country or to another country in which it operates).
- The taxpayer's residence is changed.

Exit tax on unrealized profits is calculated as the difference between the fair market value of the property transferred (established based on separate rules) and its tax book value (that would have applied had the given property been disposed of) as of the date of the transfer.

Transfer pricing. The Polish tax law includes specific rules on transfer pricing. Effective from 2017, fundamental changes were introduced regarding the obligations and scope with respect to transfer-pricing documentation, followed by changes effective

from 2019 and 2022 tax years. The main rules, which are based on the OECD guidelines, are contained in the Corporate Income Tax Act and the Personal Income Tax Law. Several Decrees of the Ministry of Finance and official announcements of the Ministry of Finance were published to provide details regarding the wording of the law.

Effective from 2019 tax year, the definition of related parties is changed significantly. The amended law broadens the scope of entities that may fall within this definition and incorporates additional anti-abuse rules. The amended law has removed the relations resulting from employment from the definition.

Under the Corporate Income Tax Act, the following entities are considered to be related parties:
- An entity and at least one other entity over which it exercises significant influence
- A natural person, including a spouse or a relative to the second degree of relation and an entity, and an entity over which he or she exercises significant influence
- An entity that exercises significant influence over a company without legal personality and such company and its partners
- The taxpayer and its permanent establishment, and in the case of a tax capital group, a capital company belonging to the group and its permanent establishment

Under the amended law, parties whose relations are held or established without business justification, including relations aimed at the manipulation of the ownership structure or the creation of circular ownership structures, are treated as related parties.

The following is considered to be significant influence:
- Owning directly or indirectly at least 25% of shares in capital, the voting rights for the control of the managing authorities of the company or shares or rights for participation in profits, property or expectative, including participation units and investment certificates
- The actual ability of a natural person to influence the key business decisions undertaken by a legal person or an organizational unit without legal personality
- Being married or being a relative to the second degree

In the 2019 tax year, the catalog of the transfer-pricing methods was revised and all the methods are now considered equal, without any preference on application. The tax law provides for the following transfer-pricing methods:
- The comparable uncontrolled price method
- The resale-price method
- The cost-plus method (significant change of the definition aligning it with the OECD definition)
- The transactional net margin method
- The profit-split method

If none of the above methods can be used, other methods may be applied, including valuation techniques. A Decree of the Ministry of Finance provides further details on the application of the valuation techniques for transfer-pricing purposes.

The revised Corporate Income Tax Act also incorporates new rights of the tax authorities to reclassify or not recognize a transaction under several conditions. Proper alignment of the

transaction nature and character is an element of the arm's-length principle. Compliance with this principle is confirmed by a Management Board statement or TPR-C form as described below.

The Polish Decrees on transfer pricing also provide detailed rules regarding the preparation of comparability analyses as well as business restructurings.

Effective from the 2017 tax year, an obligation to prepare a three-tiered standardized transfer-pricing documentation was introduced. It is amended from the 2019 tax year (and to a small extent from the 2022 tax year). The following are key rules:

- Since the 2019 tax year, depending on the type of transaction, the thresholds are PLN2 million or PLN10 million.
- For transactions concluded with entities located in a tax haven beginning from the 2022 tax year (applicability for the tax year beginning in 2021), the thresholds are PLN2.5 million for financial transactions and PLN500,000 for any other transaction. In the previous years there was a unified threshold for all transactions amounting to PLN100,000.
- The threshold requiring entities to have Master File documentation was changed. The Master File should be provided within 12 months after the end of the tax year, provided that consolidated financial statements are prepared by the group (and the group is consolidated by using full or proportional method), that the group has generated consolidated revenues exceeding PLN200 million in the previous tax year and that the Polish entity is required to prepare Local File documentation.
- The threshold for the preparation of benchmarking analyses was removed. Since the 2019 tax year, economic analysis is, in principle, obligatory. It is not limited to a benchmarking study as such but could be any study aimed at the test of arm's-length results. Economic analyses as well as benchmarking studies covering comparable data and selection process should also be available in electronic form. They need to be revised every three years, or earlier, in the case of significant change of the market conditions. Starting from the 2022 tax year, regulations introducing the possibility to waive the preparation of economic analysis/benchmarking analysis were introduced for the following:
  - — Controlled transactions concluded by taxpayers that are micro or small businesses (applicability for the tax year beginning in 2021)
  - — Transactions other than controlled transactions concluded with tax havens, covered by the documentation obligation (applicability for the tax year beginning in 2021)
- Some types of controlled transactions are excluded from the documentation requirement. The relief from the compliance obligation covers the following:
  - — Transactions concluded between Polish taxpayers in case none of the parties incurs tax loses in a tax year in question and do not benefit from tax relief resulting from operations in a special economic zone or concluded investment agreement
  - — Transactions with transfer prices resulting from specific laws and regulations

  - From the 2022 tax year, transactions concluded according to safe harbor principles determined in the Polish Corporate Income Tax Law
- Safe harbors for selected service transactions and loans are introduced.
- The scope of Local File and Master File documentation was revised.
- A tax return on transfer pricing (TPR-C) is introduced, replacing the CIT TP return. It requires taxpayers to report a significant amount of information regarding intragroup relations, including the categories of transfer-pricing methods and the profitability achieved on the transactions and how it corresponds to the benchmarking results. As from the 2022 tax year, the TP Statement (statement confirming that the transfer-pricing documentation was prepared and the prices are of arm's length) has been combined with the TPR-C form.

The Local File documentation must be prepared in Polish and in electronic form. However, the Master File may be provided in English (during a tax audit, the tax authorities may request that the taxpayer translate the Master File within 30 days). From tax year 2022, local transfer-pricing documentation must be prepared by the end of the 10th month after the end of the entity's tax year, and TPR-C transfer-pricing information must be filed by the end of the 11th month after the end of the entity's tax year.

Until the end of the 2021 tax year, taxpayers must submit a signed declaration confirming that local transfer-pricing documentation is in place and that the transfer-pricing policy used conforms with the arm's-length principle within nine months after the end of the tax year. The statement needs to be signed by members of the management board and cannot be provided by the proxy. Lack of declaration or the filing of an untrue declaration is penalized based on the Penal Fiscal Code.

The regular documentation obligation covers restructuring processes if they exceed the above thresholds. Restructuring is defined as reorganization considering significant changes of trade or financial arrangements, agreements or their parts that result in shift of functions, assets or risks.

If the restructuring results in changes of taxable earnings before interest and taxes, amounting to 20% in comparison with pre-restructuring conditions, special economic analysis in the Local File is obligatory. This special analysis follows Chapter IX of the OECD guidelines and must cover the following elements:
- Detailed description of business relations in pre- and post-restructuring model, including Function, Assets and Risk (FAR) analysis, business justification of the restructuring, description of expected benefits and options realistically available (for all parties to the restructuring)
- Determination of tax consequences of delineated transactions constituting the restructuring
- Determination of whether the restructuring resulted in profit potential transfer (for example, through transfer of valuable assets or intangibles, changes to the agreements, and transfer of organized part of the enterprise)

- Verification of whether the exit fee is due and determination of its value (including verification of relation between the exit fee and expected benefits)

If the Local File does not include such special economic analysis, the Local File may be found incomplete and penalties may be imposed on the taxpayer and individuals.

The Master File needs to be prepared (not provided) within 12 months from year-end.

Taxpayers must present transfer-pricing documentation within seven days after the date of the request of the tax authorities. However, from the 2022 tax year, the deadline for submitting local transfer-pricing documentation at the request of the tax authorities has been extended from 7 to 14 days.

If the tax authorities assess additional income to a taxpayer realizing intragroup transactions, the additional tax liability is calculated by the tax authorities to be a value of 10% of the additional income reassessed. The value of the additional tax liability is doubled if a taxpayer does not provide the transfer-pricing documentation required by the law or provides documentation that is incomplete or if the additional income reassessed exceeds a value of PLN15 million. If both of these conditions are fulfilled, the additional tax liability is tripled.

Penalties from the Penal Fiscal Code may be applied. For individuals, they may reach PLN40.7 million.

The APA regulations entered into force on 1 January 2006 and were changed in 2019. An APA concluded for a particular transaction is binding on the tax authorities with respect to the method selected by the taxpayer. APAs may apply to transactions that have not yet been executed or transactions that are in progress when the taxpayer submits an application for an APA.

In June 2006, Poland ratified the EU convention on the elimination of double taxation in connection with the adjustment of profits of associated enterprises (90/436/EEC).

Effective from 2015, it is possible to eliminate double taxation in domestic transactions.

Polish headquarters with consolidated revenues (as defined in the Accounting Act) in Poland and outside of Poland that exceeded in the previous tax year the equivalent of EUR750 million must file a CbCR report within 12 months after the end of the reporting year of the group. The first reporting year was 2016. In addition, Polish law includes a secondary filling mechanism (under this mechanism, if no agreement on the exchange of tax information exists between two given countries and if no other entity from the group is responsible for the preparation of a CbCR report, the Polish tax authorities may request the Polish entity to prepare a CbCR report).

Polish subsidiaries are required to file with the Head of Tax Administration a notification on which entity within the group is responsible for CbCR preparation. Such notification should be filed within three months after the end of the tax year (the exceptional deadline for the 2016 tax year was 10 months from the year-end).

Financial penalties up to an amount of PLN1 million can be imposed for not fulfilling reporting obligations. These penalties can be imposed on the entities belonging to the group that, despite the obligation to submit the CbCR report, failed to do so, provided incomplete information or did not send a notification. Under the Fiscal Penal Code, a fine of up to 240 daily rates (the daily rate is calculated based on the minimum wage in force in Poland on the day on which a penalty is imposed) may be imposed on entities acting on behalf of or in the taxpayer's interest that submit false information about entities that are part of a group.

F. Treaty withholding tax rates

The standard withholding tax rates are 19% for dividends and 20% for interest and royalties. The rate may be reduced under a double tax treaty on presentation of a certificate of tax residence or, in some cases, under domestic regulations. Poland ratified the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (Multilateral Instrument or "MLI"), which may modify the application of Polish double tax treaties starting from 1 January 2019. The following table shows the withholding tax rates under Polish double tax treaties without taking into account the impact of the MLI.

	Dividends %	Interest %	Royalties %
Albania	5/10 (d)(ss)	10	5
Algeria (gg)	5/15 (d)	0/10 (k)	10
Armenia	10	5	10
Australia	15	10	10
Austria	5/15 (a)	0/5 (k)	5
Azerbaijan	10	10	10
Bangladesh	10/15 (a)	0/10 (k)	10
Belarus	10/15 (e)	10	0
Belgium	0/10 (cc)	0/5 (k)	5
Bosnia and Herzegovina	5/15 (r)	0/10 (k)	10
Brazil (gg)	10/15 (ss)(tt)	10/15 (uu)	10/15 (vv)
Bulgaria	10	0/10 (k)	5
Canada	5/15 (a)(ss)	0/10 (pp)	5/10 (qq)
Chile	5/15 (c)	4/5/10 (dd)(ee)	2/10 (h)(ee)
China Mainland	10	0/10 (k)	7/10 (h)
Croatia	5/15 (d)	0/10 (k)	10
Cyprus	0/5 (oo)	0/5 (k)	5
Czech Republic	5	0/5 (k)	10
Denmark	0/5/15 (s)	0/5 (k)	5
Egypt	12	0/12 (k)	12
Estonia	5/15 (d)	0/10 (k)	10
Ethiopia	10	10	10
Finland	5/15 (y)	0/5 (k)	5
France	5/15 (a)(ss)	0	0/10 (p)
Georgia	5	0/5 (k)	5
Germany	5/15 (jj)	0/5 (k)	5
Greece	19	10	10
Hungary	10	0/10 (k)	10
Iceland	5/15 (y)	0/10 (k)	10
India	10	0/10 (k)	15
Indonesia	10/15 (c)	0/10 (k)	15

	Dividends %	Interest %	Royalties %
Iran	7	0/10 (k)	10
Ireland	0/15 (kk)	0/10 (k)	0/10 (v)
Israel	5/10 (b)(ss)	5	5/10 (h)
Italy	10	0/10 (k)	10
Japan	10	0/10 (k)	0/10 (i)
Jordan	10	0/10 (k)	10
Kazakhstan	10/15 (c)(ss)	0/10 (k)	10
Korea (South)	5/10 (a)	0/10 (k)	5
Kuwait	0/5 (z)	0/5 (k)	15
Kyrgyzstan	10	0/10 (k)	10
Latvia	5/15 (d)	0/10 (k)	10
Lebanon	5	0/5 (k)	5
Lithuania	5/15 (d)	0/10 (k)	10
Luxembourg	0/15 (oo)	0/5 (k)	5
Malaysia	5	0/10 (k)	8
Malta	0/10 (hh)	0/4 (k)	5 (w)
Mexico (w)	5/15 (d)	0/10/15 (k)(aa)	10
Moldova	5/15 (d)	0/10 (k)	10
Mongolia	10	0/10 (k)	5
Morocco	7/15 (d)	10	10
Netherlands	0/5/15 (ww)	0/5 (k)	5
New Zealand	15	10	10
Nigeria (gg)	10	0/10 (k)	10
North Macedonia	5/15 (d)	0/10 (k)	10
Norway	0/15 (hh)	0/5 (k)	5
Pakistan	15 (j)(ss)	0/20 (k)	15/20 (n)
Philippines	10/15 (d)	0/10 (k)	15
Portugal	10/15 (o)	0/10 (k)	10
Qatar	5	0/5 (k)	5
Romania	5/15 (d)(ss)	0/10 (k)	10
Russian Federation	10	0/10 (k)	10 (w)
Saudi Arabia	5	0/5 (k)	10
Singapore	0/5/10 (bb)(oo)	0/5 (k)	2/5 (h)
Slovak Republic	0/5 (oo)	0/5 (k)	5
Slovenia	5/15 (d)(ss)	0/10 (k)	10
South Africa	5/15 (d)(ss)	0/10 (k)	10
Spain	5/15 (d)(ss)	0	0/10 (f)
Sri Lanka	10	0/10 (k)	0/10 (l)
Sweden	5/15 (d)	0	5
Switzerland	0/15 (ll)	0/5/10 (mm)	0/5/10 (nn)
Syria	10	0/10 (k)	18
Tajikistan	5/15 (d)	10	10
Thailand	19 (t)	0/10/20 (k)(m)	5/15 (f)
Tunisia	5/10 (d)	12	12
Türkiye	10/15 (d)	0/10 (k)	10
Ukraine	5/15 (d)	0/10 (k)	10
United Arab Emirates	0/5 (z)	0/5 (k)	5
United Kingdom	0/10 (ff)	0/5 (k)	5
United States (rr)	5/15 (g)	0	10
Uruguay (gg)	15	0/15 (k)	10/15 (v)
Uzbekistan	5/15 (c)	0/10 (k)	10
Vietnam	10/15 (d)	10	10/15 (q)
Yugoslavia (u)	5/15 (y)(ss)	10	10
Zambia (gg)	10/15 (d)	10	10

	Dividends %	Interest %	Royalties %
Zimbabwe	10/15 (d)	10	10
Non-treaty jurisdictions	19	20	20 (x)

(a) The lower rate applies if the recipient of the dividends is a company that owns at least 10% of the payer.
(b) The lower rate applies if the recipient of the dividends is a company that owns at least 15% of the payer.
(c) The lower rate applies if the recipient of the dividends is a company that owns at least 20% of the payer.
(d) The lower rate applies if the recipient of the dividends is a company that owns at least 25% of the payer.
(e) The lower rate applies if the recipient of the dividends is a company that owns more than 30% of the payer.
(f) The lower rate applies to royalties paid for copyrights, among other items; the higher rate applies to royalties for patents, trademarks and industrial, commercial or scientific equipment or information.
(g) The lower rate applies if the recipient of the dividends is a company that owns at least 10% of the voting shares of the payer.
(h) The lower rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment.
(i) The lower rate applies to copyright royalties.
(j) This rate applies if the recipient of the dividends is a company that owns at least one-third of the payer.
(k) The 0% rate applies to among other items, interest paid to government units, local authorities, central banks and retirement funds. In the case of certain countries, the rate also applies to banks (the list of exempt or preferred recipients varies by country). The relevant treaty should be consulted in all cases.
(l) The 0% rate applies to royalties paid for, among other items, copyrights. The 10% rate applies to royalties paid for patents, trademarks and for industrial, commercial or scientific equipment or information.
(m) The 20% rate applies if the recipient of the interest is not a financial or insurance institution or government unit.
(n) The lower rate applies to know-how; the higher rate applies to copyrights, patents and trademarks.
(o) The 10% rate applies if, on the date of the payment of dividends, the recipient of the dividends has owned at least 25% of the share capital of the payer for an uninterrupted period of at least two years. The 15% rate applies to other dividends.
(p) The lower rate applies to royalties paid for the following:
- Copyrights
- The use of or the right to use industrial, commercial and scientific equipment
- Services comprising scientific or technical studies
- Research and advisory, supervisory or management services

The treaty should be checked in all cases.
(q) The lower rate applies to know-how, patents and trademarks.
(r) The 5% rate applies if the recipient is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends.
(s) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the capital of the payer of the dividends for at least one year and if the dividends are declared within such holding period. The 5% rate applies to dividends paid to pension funds or other similar institutions operating in the field of pension systems. The 15% rate applies to other dividends.
(t) Because the rate under the domestic law of Poland is 19%, the treaty rate of 20% does not apply.
(u) The treaty with the former Federal Republic of Yugoslavia that applied to the Union of Serbia and Montenegro should apply to the Republics of Montenegro and Serbia.
(v) The lower rate applies to fees for technical services.
(w) The rate also applies to fees for technical services.
(x) The 20% rate also applies to certain services (for example advisory, accounting, market research, legal assistance, advertising, management and control, data processing, search and selection services, guarantees and pledges and similar services).

(y) The lower rate applies if the beneficial owner is a company (other than a partnership) that controls directly at least 25% of the capital of the company paying the dividends.

(z) The lower rate applies if the owner of the dividends is the government or a government institution. Under the United Arab Emirates treaty, the 0% rate also applies if the beneficial owner of the dividends is a company that is owned directly or indirectly by the government or governmental institutions.

(aa) The 10% rate applies to interest paid to banks and insurance companies that are beneficial owners of this interest and to interest on bonds that are regularly and substantially traded.

(bb) The 0% rate applies to certain dividends paid to government units or companies.

(cc) The lower rate applies if the recipient of the dividends is a company that owns at least 10% of the payer for at least 24 months or is a retirement fund.

(dd) The 4% rate applies if the interest is paid to a beneficial owner that is one of the following:
- Bank
- Insurance company
- Enterprise substantially deriving its gross income from the active and regular conduct of a lending or finance business involving transactions with unrelated persons
- Enterprise that sold machinery or equipment if the interest is paid with respect to indebtedness arising as part of the sale on credit of such machinery or equipment
- Any other enterprise, provided that in the three tax years preceding the tax year in which interest is paid, the enterprise derived more than 50% of its liabilities from the issuance of bonds in the financial markets or from taking deposits at interest, and more than 50% of the assets of the enterprise consisted of debt-claims against unrelated persons

The 5% rate applies to interest derived from bonds or securities that are regularly and substantially traded on a recognized securities market. The 10% rate applies in all other cases.

(ee) Under a most-favored-nation clause in a protocol to the treaty, the interest or royalties treaty rates are replaced by any more beneficial rate or exemption agreed to by Chile for interest or royalties in a treaty entered into with another jurisdiction that is a Member State of the OECD.

(ff) The 0% rate applies if the beneficial owner of the dividends is a company that holds at least 10% of the share capital of the payer of the dividends for an uninterrupted period of at least two years.

(gg) The treaty has not yet entered into force.

(hh) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the capital of the company paying the dividends on the date on which the dividends are paid and has held the capital or will hold the capital for an uninterrupted 24-month period that includes the date of payment of the dividends.

(ii) The rate is 10% if Switzerland imposes a withholding tax on royalties paid to nonresidents.

(jj) The lower rate applies if the recipient of the dividends is a company (other than a partnership) that owns directly at least 10% of the payer. Certain limitations to the application of the preferential rates may apply.

(kk) The lower rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the voting power of the payer.

(ll) The 0% rate applies to dividends paid to a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends on the date the dividends are paid and has done so or will have done so for an uninterrupted 24-month period in which that date falls. The 0% rate may also apply to dividends paid to certain pension funds.

(mm) The 10% rate applies to interest paid before 1 July 2013. For interest paid on or after 1 July 2013, the 5% rate applies unless an exemption applies. The 0% rate applies to such interest if any of the following conditions is satisfied:
- The beneficial owner of the interest is a company (other than a partnership) that holds directly at least 25% of the share capital of the payer of the interest.
- The payer of the interest holds directly at least 25% of the share capital of the beneficial owner of the interest.
- An EU/EEA company holds directly at least 25% of the share capital of both the beneficial owner of the interest and the payer of the interest.

(nn) For royalties paid before 1 July 2013, the 10% rate applies if Switzerland imposes in its local provisions a withholding tax on royalties paid to nonresidents. Otherwise, a 0% rate applies. For royalties paid on or after 1 July

2013, a 5% rate applies unless an exemption applies. The 0% rate applies to such royalties if any of the following conditions is satisfied:

- The beneficial owner of the royalties is a company (other than a partnership) that holds directly at least 25% of the share capital of the payer of the royalties.
- The payer of the royalties holds directly at least 25% of the share capital of the beneficial owner of the royalties.
- An EU/EEA company holds directly at least 25% of the share capital of both the beneficial owner of the royalties and the payer of the royalties.

Furthermore, If Poland enters into an agreement with an EU or EEA country that allows it to apply a rate that is lower than 5%, such lower rate will also apply to royalties paid between Poland and Switzerland.

(oo) The lower rate (5% rate under the Singapore treaty) applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends for an uninterrupted period of 24 months.

(pp) The 0% rate applies to the following:

- Interest arising in Poland and paid to a resident of Canada with respect to a loan made, guaranteed or insured by Export Development Canada or to a credit extended, guaranteed or insured by Export Development Canada
- Interest arising in Canada and paid to a resident of Poland with respect to a loan made, guaranteed or insured by an export financing organization that is wholly owned by the state of Poland or to a credit extended, guaranteed or insured by an export financing organization that is wholly owned by the state of Poland
- Interest arising in Poland or Canada and paid to a resident of the other contracting state with respect to indebtedness arising as a result of the sale by a resident of the other contracting state of equipment, merchandise or services (unless the sale or indebtedness is between related persons or unless the beneficial owner of the interest is a person other than the vendor or a person related to the vendor)

(qq) The lower rate applies to copyright royalties and similar payments with respect to the production or reproduction of literary, dramatic, musical or artistic works and royalties for the use of, or the right to use, patents or information concerning industrial, commercial or scientific experience (with some exceptions).

(rr) The protocol to the double tax treaty or a new double tax treaty changing certain rates has not yet entered into force. The implementation process will be observed.

(ss) The lower rate applies if the ownership conditions described therein are met throughout a 365-day period that includes the day of the payment of the dividends. Under the Yugoslavia treaty, this condition applies only to the Republic of Serbia.

(tt) The lower rate applies if the beneficial owner is a company (other than a partnership) that holds 25% of the capital of the company paying the dividends.

(uu) The lower rate applies if the beneficial owner is a bank and the loan or credit has been granted for at least five years for the financing of the purchase of equipment or of investment projects as well as for the financing of public works.

(vv) The lower rate applies to royalties arising from the use or the right to use trademarks.

(ww) The 0% rate applies if the beneficial owner is a certain pension fund. The 5% rate applies if the beneficial owner is a company (other than partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 15% rate applies in all other cases.

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A. At a glance

Corporate Income Tax Rate (%)	
Corporate Income Tax	21 (a)
Municipal Surcharge	1.5 (b)
State Surcharge	3/5/9 (c)
Branch Tax Rate (%)	21 (a)
Capital Gains Tax Rate (%)	21 (d)
Withholding Tax (%)	
Dividends	
Paid to Residents	25 (e)(f)
Paid to Nonresidents	25 (f)(g)
Interest	

Shareholders' Loans	
Resident Shareholders	25 (e)
Nonresident Shareholders	25 (f)(g)
Bonds Issued by Companies	
Resident Holders	25 (e)(f)
Nonresident Holders	25 (f)(g)(h)(i)(j)
Government Bonds	25 (f)(j)
Bank Deposits	
Resident Depositors	25 (e)(f)
Nonresident Depositors	25 (f)(g)
Royalties	
Paid to Residents	25 (e)
Paid to Nonresidents	25 (f)(g)
Payments for Services and Commissions	
Paid to Residents	0
Paid to Nonresidents	25 (k)
Rental Income	
Paid to Residents	25 (e)
Paid to Nonresidents	25 (e)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (l)

(a) Corporate income tax (Imposto sobre o Rendimento das Pessoas Colectivas, or IRC) applies to resident companies and nonresident companies with permanent establishments (PEs) in Portugal. The rate is 14.7% in Azores and in Madeira. Small and medium-sized companies, as well as small- and mid-cap companies, can benefit from a 17% reduced rate (11.9% in Azores and in Madeira) for the first EUR50,000 of taxable income. Micro, small and medium-sized companies, as well as small- and mid-cap companies, located in the interior of Portugal can benefit from a 12.5% reduced rate for the first EUR50,000 of taxable income (8.75% in Azores and in Madeira). See Section B for details of other rates. Startups can benefit from a 12.5% reduced rate for the first EUR50,000 of taxable income, subject to the State Aid de minimis limitations.

(b) A municipal surcharge of 1.5% is generally imposed on the taxable profit determined for IRC purposes. Certain municipalities do not levy the surcharge. For further details, see Section B.

(c) A state surcharge of 3% is imposed on the taxable profit determined for IRC purposes between EUR1,500,000 and EUR7,500,000. If the taxable profit for IRC purposes exceeds EUR7,500,000, the state surcharge is levied at a rate of 5% on the excess up to EUR35 million. If the taxable profit for IRC purposes exceeds EUR35 million, the state surcharge is levied at a rate of 9% on the excess. Reduced rates apply in Azores and Madeira.

(d) See Section B.

(e) Income must be declared and is subject to the normal tax rates. Amounts withheld may be credited against the IRC due. See Section B.

(f) Investment income paid to tax-haven entities is subject to a 35% withholding tax. The same tax applies if the beneficial owner of the income paid into a bank account is not properly disclosed.

(g) These rates may be reduced by tax treaties or by European Union (EU) Directives. Under the EU Parent-Subsidiary Directive (also applicable to dividends paid to Swiss parent companies), the rate on dividends may be reduced to 0%. The rate may also be reduced to 0% if the beneficiary is resident in a tax treaty country and if certain other conditions are met. Under the EU Interest and Royalties Directive, the rate on interest or royalties may be reduced to 0% if the interest or royalties are paid between EU associated companies.

(h) This tax applies to interest from private and public company bonds.

(i) This tax applies to interest on bonds issued after 15 October 1994. A 25% withholding tax applies to interest on bonds issued on or before that date.

(j) Interest on certain bonds traded on the stock exchange and paid to nonresidents not operating in Portugal through a PE may in certain circumstances be exempt from tax. The same exemption may also apply to capital gains derived from disposals of such bonds. The exemption does not apply to entities resident in tax havens (except central banks and other government agencies),

unless an applicable tax treaty or an exchange of information agreement with Portugal exists.

(k) The 25% rate applies to most services and commissions. The 25% rate applies to services performed by artists and sportspersons and to fees paid to board members. This tax does not apply to communication, financial and transportation services. The tax is eliminated by most tax treaties, but this may not be the case for income derived from the performance of artists and sportspersons.

(l) Tax losses can be carried forward with no time limit. For tax losses carried forward, the amount deductible each year is capped by 65% of the taxable profit for the year. For tax losses incurred in 2020 and 2021, the losses can be used up to 75% of the taxable profit.

B. Taxes on corporate income and gains

Corporate income tax. Corporate income tax (Imposto sobre o Rendimento das Pessoas Colectivas, or IRC) is levied on resident and nonresident entities.

Resident entities. Companies and other entities, including non-legal entities, whose principal activity is commercial, industrial or agricultural, are subject to IRC on worldwide profits, but a foreign tax credit may reduce the amount of IRC payable (see *Foreign tax relief*).

Companies and other entities, including non-legal entities, that do not carry out commercial, industrial or agricultural activities, are generally subject to tax on their worldwide income (for details regarding the calculation of the taxable profit of these entities, see Section C).

Nonresident entities. Companies or other entities that operate in Portugal through a PE are subject to IRC on the profits attributable to the PEs.

Companies or other entities without a PE in Portugal are subject to IRC on income deemed to be obtained in Portugal.

For tax purposes, companies or other entities are considered to have a PE in Portugal if they have a fixed installation or a permanent representation in Portugal through which they engage in a commercial, industrial or agricultural activity. Under rules that generally conform to the Organisation for Economic Co-operation and Development (OECD) model convention, a PE may arise from a building site or installation project that lasts for more than six months (90 days for facilities, platforms and ships used in prospecting or exploiting natural resources or for the existence of a dependent agent). Under these rules, commissionaire structures, dependent agents and services rendered in Portugal are more likely to result in a PE for IRC purposes. From 1 January 2021, the PE concept is amended to include a service PE rule (triggered when the presence in Portugal exceeds 183 days in a 12-month period), enlarge the dependent agent concept and exclude the deposit of stock for delivery from the ancillary or preparatory activities.

Double tax treaties may further limit the scope of a PE in Portugal.

Tax rates. For 2024, IRC is levied at the following rates.

Type of enterprise	Rate (%)
Companies or other entities with a head office or effective management control in Portugal, whose principal activity is commercial, industrial or agricultural	21

Type of enterprise	Rate (%)
Companies or other entities with a head office or effective management control in the autonomous region of the Azores, or with a branch, office, premises or other representation there	14.7
Companies or other entities with a head office or effective management control in the autonomous region of the Madeira, or with a branch, office, premises or other representation there	14.7
Entities other than companies with a head office or effective management control in Portugal, whose principal activity is not commercial, industrial or agricultural	21
PEs	21
Nonresident companies or other entities without a head office, effective management control or a PE in Portugal	
Standard rate	25
Rental income	25

Certain types of income earned by companies in the last category of companies listed above are subject to the following withholding taxes.

Type of income	Rate (%)
Copyrights and royalties	25
Technical assistance	25
Income from shares	25
Income from government bonds	25
Revenues derived from the use of, or the right to use, equipment	25
Other revenues from the application of capital	25
Payments for services rendered or used in Portugal, and all types of commissions	25*

* This tax does not apply to communications, financial and transportation services. It is eliminated under most tax treaties.

Applicable double tax treaties, EU directives or the agreement entered into between the EU and Switzerland may reduce the above withholding tax rates.

A 35% final withholding tax rate applies if income is paid or made available in a bank account and if the beneficial owner is not identified. A 35% final withholding tax rate also applies to investment income obtained by an entity located in a tax haven.

A municipal surcharge (*derrama municipal*) is imposed on resident companies and nonresident companies with a PE in Portugal. The rate of the municipal surcharge, which may be up to 1.5%, is set by the respective municipalities. The rate is applied to the taxable profit determined for IRC purposes. Consequently, the maximum combined rate of the IRC and the municipal surcharge on companies is 22.5%. Municipalities may apply an exemption or a reduced rate, including whenever the turnover in the preceding year was below EUR150,000.

A state surcharge (*derrama estadual*) is also imposed on resident companies and nonresident companies with a PE in Portugal. The rate of the state surcharge, which is 3%, is applied to the taxable profit determined for IRC purposes between EUR1,500,000 and EUR7,500,000. For taxable profits exceeding EUR7,500,000, a 5% rate of state surcharge is levied on the excess up to EUR35 million. For taxable profits exceeding EUR35 million, a 9% rate of state surcharge is levied on the excess. Consequently, the maximum combined rate of the IRC and the surcharges on companies is 31.5%. Reductions of the state surcharge rates apply in Azores and Madeira.

Companies established in the free zones of Madeira and the Azores enjoyed a tax holiday until 2011. The more important of the two, Madeira, is internationally known as the Madeira Free Zone (Zona Franca da Madeira). An extended regime has been approved for companies licensed between 2007 and 2013 (extended to 31 December 2014). Under this extended regime, the reduced rate is 5% for 2013 through 2020. This rate applies to taxable income, subject to a cap, which is generally based on the existing number of jobs. Requirements and limitations apply to the issuance of licenses for the Madeira Free Zone. This regime is also available for companies licensed before 2007. However, it was subject to a formal option that should have been elected on or before 30 December 2011. A new regime has been approved for companies licensed between 2015 and 2024. Under the new regime, the reduced rate is 5% for 2015 through 2028. This rate applies to taxable income, subject to a cap, which is generally based on the existing number of jobs as well as other criteria (annual gross value-added, employment costs or turnover). New requirements and limitations apply to the issuance of licenses for the Madeira Free Zone. The new regime is also available for companies licensed before 2015. In addition to the benefits that previously been available, the new regime provides for exemptions regarding dividends and interest paid to nonresident shareholders, provided certain conditions are met.

Significant incentives are also available for qualifying new investment projects established before 31 December 2027. To qualify for the incentives, the projects must satisfy the following requirements:

- They must have a value exceeding EUR3 million.
- They must develop sectors considered to be of strategic importance to the Portuguese economy.
- They must be designed to reduce regional economic imbalances, create jobs and stimulate technological innovation and scientific research in Portugal.

Qualifying projects may enjoy the following tax benefits for up to 10 years:

- A tax credit of 10% to 25% of amounts invested in plant, equipment and intangibles used in the project. However, buildings and furniture qualify only if they are directly connected to the development of the activity.
- An exemption from, or a reduction of, the municipal real estate holding tax for buildings used in the project.
- An exemption from, or a reduction of, the property transfer tax (see Section D) for buildings used in the project.

- An exemption from, or a reduction of, the stamp duty for acts and contracts necessary to complete the project, including finance agreements.
- A special income tax rate of 20% for certain employees.

Portuguese tax law also provides for significant tax credits and deductions concerning research and development (R&D) investments, fixed-asset investments and creation of jobs (grants and temporary exemption from the employer's social security contribution are available). A notional interest deduction based on the monthly average Euribor 12-month rate plus a 1.5% spread (2% for micro, small, medium-sized and small- and mid-cap companies) is available concerning certain net equity increases that occurred during the concerned year and the previous six years. This deduction is capped on the higher of EUR4 million and 30% of the earnings before interest, taxes, depreciation and amortization (EBITDA). The deduction is increased by 50% in 2024, 30% in 2025 and 20% in 2026, but is still subject to the same caps. This benefit does not apply to financial entities.

Certain incentives are also available to land transportation of passengers and stock activities. Incentives are also available for cinema production activity and urban rehabilitation. For 2024, there is also an incentive concerning the increase of costs with electricity and gas, as well as with agricultural production.

Undertakings for Collective Investment. Effective from 1 July 2015, a special tax regime is introduced for Undertakings for Collective Investment (UCIs) incorporated and operating in accordance with Portuguese law. UCIs can take the form of a fund or a company. UCIs are subject to IRC but benefit from a tax exemption for investment income, rental income and capital gains, unless the income or gains originated from a tax haven. UCIs are exempt from municipal and state surcharges.

UCIs are liable to stamp duty on net assets, which is payable quarterly. The rate of tax is 0.0025% for UCIs investing in securities and 0.0125% in the remaining cases.

Resident participants in UCIs are subject to tax at IRC rates and surcharges (legal entities) or 28% (individuals).

Nonresident participants benefit from a tax exemption regarding securities' UCIs, while a 10% rate applies with respect to real estate UCIs. A 25% to 35% rate, depending on the nature of the income and the type of UCI, applies to the following nonresident entities:

- Entities controlled more than 25% by resident entities, unless the nonresident entity is located in the EU, in an EEA Member State that has entered into cooperation agreement on tax matters or in a country that has entered into a tax treaty with Portugal that includes an exchange of tax information clause
- Entities located in tax havens
- Other entities if the income is paid into a bank account for which the beneficial owner is not identified

Simplified regime of taxation. Resident companies that have annual turnover not exceeding EUR200,000 and total assets not exceeding EUR500,000 and that meet certain other conditions may

opt to be taxed under a simplified regime of taxation. The taxable income corresponds to a percentage ranging between 4% and 100% of gross income, depending on the nature of the income.

Special regime for maritime transportation. Resident companies carrying out a maritime transportation business may opt for a special regime if certain conditions and requirements are met. Under the special regime, the taxable income of eligible activities is computed based on the ship's tonnage. Crew members may benefit from a personal income tax exemption if certain conditions are met. The company and the crew members may also benefit from reduced social security contribution rates if certain conditions are met.

Capital gains. Capital gains derived from the sale of fixed assets and from the sale of financial assets are included in taxable income subject to IRC. The capital gain on fixed assets is equal to the difference between the sales value and the acquisition value, adjusted by depreciation and by an official index. The tax authorities may determine the sales value for real estate to be an amount other than the amount provided in the sales contract.

Fifty percent of the capital gains derived from disposals of tangible fixed assets, intangibles assets and non-consumable biological assets held for more than one year may be exempt if the sales proceeds are invested in similar assets during the period beginning one year before the year of the disposal and ending two years after the year of the disposal. A statement of the intention to reinvest the gains must be included in the annual tax return for the year of disposal. The remaining 50% of the net gains derived from the disposal is subject to tax in the year of the disposal.

If only a portion of the proceeds is reinvested, the exemption is reduced proportionally. If by the end of the second year following the disposal no reinvestment is made, the net capital gains remaining untaxed (50%) are added to taxable profit for that year, increased by 15%.

A full participation exemption regime is available for capital gains and losses on shareholdings held for at least 12 months if the remaining conditions for the dividends participation exemption regime are met. The regime does not apply if the main assets of the company that issued the shares being transferred are composed, directly or indirectly, of Portuguese real estate (except real estate allocated to an agricultural, industrial or commercial activity [other than real estate trading activities]). This applies to gains and losses from onerous transfers of shares and other equity instruments (namely, supplementary contributions), capital reductions, restructuring transactions and liquidations.

Losses from the onerous transfer of shareholdings in tax-haven entities are not allowed as deductions. Losses resulting from shares and equity instruments are not deductible in the portion corresponding to the amount of dividends and capital gains that were excluded from tax during the previous four years under the participation regime or the underlying foreign tax credit relief.

Liquidation proceeds are treated as capital gains or losses. The losses from the liquidation of subsidiaries are deductible only if the shares have been held for at least four years. If within the

four-year period after the liquidation of the subsidiary, its activity is transferred so that it is carried out by a shareholder or a related party, 115% of any loss deducted by the shareholder on liquidation of the subsidiary is added back.

Tax credits are available for a venture capital company (*sociedade de capital de risco*, or SCR) as a result of investments made in certain types of companies.

Nonresident companies that do not have a head office, effective management control or a PE in Portugal are subject to IRC on capital gains derived from sales of corporate participations, securities and financial instruments if any of the following apply:

- More than 25% of the nonresident entities is held, directly or indirectly, by resident entities (unless the seller is resident in an EU, EEA or double tax treaty jurisdiction and certain requirements are met).
- The nonresident entities are resident in territories listed on a prohibited list contained in a Ministerial Order issued by the Finance Minister.
- The capital gains arise from the transfer of shares held in a Portuguese property company in which more than 50% of the assets comprise Portuguese real estate or in a holding company that controls such a company.

Nonresident entities are also subject to IRC on capital gains derived from the transfer of shares and other rights in a foreign entity if, at any moment during the previous 365 days, more than 50% of the respective value of the shares derived, directly or indirectly, from Portuguese real estate (except real estate allocated to an agricultural, industrial or commercial activity [other than real estate trading activities]).

Nonresident companies that do not have a head office, effective management control or a PE in Portugal are taxed at a 25% rate on taxable capital gains derived from disposals of real estate, shares and other securities. For this purpose, nonresident entities must file a tax return. A tax treaty may override this taxation.

Exit taxes. The IRC Code provides that the transfer abroad of the legal seat and place of effective management of a Portuguese company, without the company being liquidated, results in a taxable gain or loss equal to the difference between the market value of the assets and the tax basis of assets as of the date of the deemed closing of the activity. This rule does not apply to assets and liabilities remaining in Portugal as part of the property of a Portuguese PE of the transferor company if certain requirements are met.

The exit tax also applies to a PE of a nonresident company on the closing of an activity in Portugal or on the transfer of the company's assets abroad.

Following the European Court of Justice decision in Case C-38/10, significant changes to the existing exit tax rules were made. Under the revised rules, on a change of residency to an EU or EEA Member State, the taxpayer may now opt for either of the following alternatives:

- Immediate payment of the full tax amount
- Payment of the full tax amount in equal installments during a five-year period

The deferral of the tax payment triggers late payment interest. In addition, a bank guarantee may be requested. This guarantee equals the tax due plus 25%. In addition, annual tax returns are required if the tax is deferred.

The deferral of tax payment stops if any of the following events occur:

- The assets become extinct, are transferred or are no longer used in the activity, in the portion of the tax related to those assets.
- The assets are subsequently transferred, with any title, to a third country, in the portion of the tax related to those assets.
- The tax residency of the entity is transferred to a third country.
- The entity enters into insolvency or liquidation.

Administration. Companies with a head office, effective management control or a PE in Portugal are required to make estimated payments with respect to the current financial year. The payments are due in July, September and December. For companies with turnover of up to EUR500,000, the total of the estimated payments must equal at least 80% of the preceding year's tax. For companies with turnover exceeding EUR500,000, the total of the estimated payments must equal at least 95% of the preceding year's tax. The first payment is mandatory. However, the obligation to pay the other installments depends on the tax situation of the company. For example, a company may be excused from making the third installment if it establishes by adequate evidence that it is suffering losses in the current year. However, if a company ceases making installment payments and if the balance due exceeds by 20% or more the tax due for that year under normal conditions, compensatory interest is charged. Companies must file a tax return by 31 May of the following year. Companies must pay any balance due when they file their annual tax return.

Companies with a head office, effective management control or a PE in Portugal that have adopted a financial year other than the calendar year must make estimated payments as outlined above, but in the 7th, 9th and 12th months of their financial year. They must file a tax return by the end of the 5th month following the end of that year.

Advance payments concerning the state surcharge are also required in the 7th, 9th and 12th months of the tax year.

A nonresident company without a PE in Portugal must appoint an individual or company, resident in Portugal, to represent it concerning any tax liabilities. The representative must sign and file the tax return using the general tax return form. IRC on capital gains derived from the sale of real estate must be paid within 30 days from the date of sale. IRC on rents from leasing buildings must be paid by 31 May of the following year.

Binding rulings. A general time frame of 150 days exists in the tax law to obtain a binding ruling. This period can be reduced to 75 days if the taxpayer pays a fee between EUR2,550 and EUR25,500 and if the ruling petition with respect to an already executed transaction contains the proposed tax treatment of the transaction as understood by the taxpayer. This tax treatment is deemed to be tacitly accepted by the tax authorities if an answer is not given within the 90-day period.

Dividends. Dividends paid by companies to residents and nonresidents are generally subject to withholding tax at a rate of 25%.

On distributions to resident parent companies, the 25% withholding tax is treated as a payment on account of the final IRC due.

A resident company subject to IRC may deduct 100% of dividends received from another resident company if all of the following conditions apply:
- The recipient company owns directly or directly and indirectly at least 10% of the capital or voting rights of the payer.
- The recipient company holds the interest described above for an uninterrupted period of at least one year that includes the date of distribution of the dividends, or it makes a commitment to hold the interest until the one-year holding period is complete.
- The payer of the dividends is a Portuguese resident company that is also subject to, and not exempt from, IRC or Game Tax (tax imposed on income from gambling derived by entities such as casinos).

A 100% dividends-received deduction is granted for dividends paid by entities from EU member countries to Portuguese entities (or Portuguese PEs of EU entities) if the above conditions are satisfied and if both the payer and recipient of the dividends qualify under the EU Parent-Subsidiary Directive. The same regime is also available for dividends received from European Economic Area (EEA) subsidiaries. The participation exemption regime also applies to dividends from subsidiaries in other countries, except tax havens, if the subsidiary is subject to corporate tax at a rate not lower than 60% of the standard IRC rate (this requirement can be waived in certain situations).

The participation exemption regime does not apply in certain circumstances, including among others, the following:
- The dividends are tax deductible for the entity making the distribution.
- The dividends are distributed by an entity not subject to or exempt from income tax, or if applicable, the dividends are paid out of profits not subject to or exempt from income tax at the level of sub-affiliates, unless the entity making the distribution is resident of an EU or an EEA Member State that is bound to administrative cooperation in tax matters equivalent to that established within the EU.

If a recipient qualifies for the 100% deduction, the payer of the dividends does not need to withhold tax. This requires the satisfaction of a one-year holding period requirement before distribution.

A withholding tax exemption applies to dividends distributed to EU and EEA parent companies and to companies resident in treaty countries that have entered into tax treaties with Portugal that includes an exchange of tax information clause, owning (directly or directly and indirectly through eligible companies) at least 10% of a Portuguese subsidiary for more than one year. Companies outside the EU and EEA must be subject to corporate tax at a rate not lower than 60% of the standard IRC rate. A full or partial refund of the withholding tax may be available under certain conditions. A withholding tax exemption is also available for dividends paid to a Swiss parent company, but the minimum holding percentage is increased to 25%.

The participation exemption on dividends received and the withholding tax on distributed dividends does not apply if an arrangement or a series of arrangements are performed with the primary purpose, or with one of the principal purposes, to obtain a tax advantage that frustrates the goal of eliminating double taxation on the income and if the arrangement or series of arrangements is not deemed genuine, taking into account all of the relevant facts and circumstances. For this purpose, an arrangement or series of arrangements is deemed not to be genuine if it is not performed for sound and valid economic reasons and does not reflect economic substance.

The withholding tax exemption on dividends distributed to nonresident entities is also not available if the Portuguese distributing company does not comply with the legal disclosure requirements regarding its ultimate beneficial owners or if any of the reported ultimate beneficial owners is located in a tax haven (unless it is proven that the parent company did not integrate an arrangement or series of arrangements deemed not to be genuine).

Foreign PE profits. Resident taxpayers may opt for an exemption regime for foreign PE profits. The regime is available if all of the following circumstances exist:

- The PE is subject to one of the taxes listed in the EU Parent-Subsidiary Directive or to corporate tax at a rate not lower than 60% of the standard IRC rate.
- The PE is not located in a tax-haven territory.
- The PE's effective tax rate is not lower than 50% of the tax that would have been paid in Portugal, except when the controlled foreign entities (CFE) imputation exclusion rule may apply (see *Controlled foreign entities* in Section E).

Transactions between the head office and the foreign PE must respect the arm's-length principle, and the costs related to the PE are not deductible for the head office.

The following are recapture rules:

- PE profits are not exempt up to the amount of PE losses deducted by the head office in the 12 preceding years.
- If the PE is incorporated, subsequent dividends and capital gains from shares are not exempt up to the amount of PE losses deducted by the head office in the 12 preceding years.
- If the exemption regime ceases to apply, the PE losses as well as the dividends and capital gains from shares (if the PE was previously incorporated) are not deductible or exempt, respectively, up to the amount of the PE profits that were exempt from tax during the preceding 12 years.

Foreign tax relief. Foreign-source income is taxable in Portugal. However, direct foreign tax may be credited against the Portuguese tax liability up to the amount of IRC attributable to the net foreign-source income. The foreign tax credit can be carried forward for five years.

In addition, taxpayers may opt to apply an underlying foreign tax credit with respect to foreign-source dividends that are not eligible for the participation exemption regime. Several conditions must be met, including the following:

- The minimum holding percentage is 10% for at least 12 months.

- The entity distributing the dividends is not located in a tax-haven territory, and indirect subsidiaries are not held through a tax-haven entity.

C. Determination of trading income

General. Taxable profit is determined according to the following rules:

- For companies with a head office or effective management control in Portugal that are principally engaged in commercial, agricultural or industrial activities, the taxable profit is the net accounting profit calculated in accordance with Portuguese generally accepted accounting principles (GAAP), as adjusted by the IRC Code.
- For companies with a head office or effective management control in Portugal that do not principally engage in commercial, industrial or agricultural activities, the taxable profit is the net total of revenues from various categories of income as described in the Personal Tax (IRS) Code, less expenses.
- For PEs, the taxable profit is determined as outlined in the first item. In calculating taxable profit, general administrative expenses that are attributable to the PE may be deducted as a cost if justified and acceptable to the fiscal authorities.

Effective from 2010, Portuguese GAAP is similar to International Financial Reporting Standards (IFRS). In addition, the tax law has been adapted to the new GAAP, but several adjustments are still required between net accounting profit and taxable profit.

An intellectual property (IP) regime provides for an 85% exclusion from the tax base with respect to income derived from contracts for the transfer or temporary use of patents and industrial designs or models as well as software copyrights. To benefit from the IP regime, several conditions must be satisfied, and the regime is very much connected to the underlying R&D expenses.

Expenses that are considered essential for the generation or maintenance of profits are deductible. However, certain expenses are not deductible including, but not limited to, the following:

- The tax depreciation of private cars, on the amount of the acquisition price exceeding EUR25,000 but not exceeding EUR62,500 (depending on the acquisition date and type of vehicle), as well as all expenses concerning pleasure boats and tourism airplanes, except for those allocated to public transportation companies or used for rental purposes as part of the company's normal activities
- Daily allowances and compensation for costs incurred in traveling in the employees' own vehicles at the service of the employer that are not charged to clients if the company does not maintain a control map of the expenses, allowing it to identify the place, length and purpose of the displacements, except for the amounts on which the beneficiary is subject to IRS
- Expenses shown on documents issued by entities without a valid taxpayer number
- Improperly documented expenses
- IRC and surcharges (see Section B)
- Penalties and interest charges
- Contribution on banking sector (see Section D)
- Contribution on energy sector (see Section D)
- Contribution on pharmaceutical industry (see Section D)

Assets under financial leases are deemed to be owned by the lessee, and consequently the lessee may deduct only applicable tax depreciation and any interest included in the rent payments. Special rules apply to sale and leaseback transactions.

Although representation expenses and expenses related to private cars are deductible with some limits, they are subject to a special stand-alone tax at a rate of 8.5%. This rate is increased to 25.5% for expenses related to private cars if the acquisition price of the car is between EUR27,500 and EUR35,000, or to 32.5% if the acquisition price of the car exceeds EUR35,000. The rates applicable to expenses related to private cars may be significantly reduced, depending on the type of car (electric or natural gas powered and hybrid plug-in). Electric cars are also subject to this stand-alone tax at a rate of 10% if the acquisition cost exceeds EUR62,500.

The 5% tax also applies to daily allowances and compensation for costs incurred in traveling in the employees' own vehicles at the service of the employer that is not charged to clients and not subject to IRS.

Undocumented expenses are not deductible. In addition, these expenses are subject to a special stand-alone rate of 50% (70% with respect to entities partially or totally exempt from IRC, not principally engaged in commercial, industrial or agricultural activities or subject to the Game Tax). The tax authorities may classify an expense as undocumented if insufficient supporting documentation exists.

Certain indemnities and compensation paid to board members and managers (including "golden parachutes") are subject to a special stand-alone tax at a rate of 35%.

A special stand-alone tax at a rate of 35% applies to bonuses and other variable compensation paid to board members and managers, if such compensation exceeds 25% of the annual remuneration and EUR27,500. This tax does not apply if at least 50% of the payment is deferred over a period of at least three years and conditioned on the positive performance of the company during such period.

A "Robin Hood" tax is levied on both oil production and distribution companies and is charged based on the rise in value of the oil stocks held. For tax purposes, the first-in, first-out (FIFO) method or the weighted average cost method is deemed to be used for the valuation of oil stocks. The positive difference between the gross margin determined based on these methods and the gross margin determined under the accounting method used by the company is subject to a stand-alone tax at a flat rate of 25%. This tax is not deductible for IRC purposes and cannot be reflected in the purchase price paid by the final consumer.

The above stand-alone taxes are imposed regardless of whether the company earns a taxable profit or suffers a tax loss in the year in which it incurs the expenses. In addition, all stand-alone rates are increased by 10 percentage points if the taxpayer incurs a tax loss in the relevant year.

Inventories. Inventories must be consistently valued by any of the following criteria:
- Effective cost of acquisition or production
- Standard costs in accordance with adequate technical and accounting principles
- Cost of sales less the normal profit margin
- Cost of sales of products cropped from biological assets, which is determined at the time of cropping, less the estimated costs at the point of sale, excluding transportation and other costs required to place the products in the market
- Any other special valuation considered basic or normal, provided that it has the prior approval of the tax authorities

Changes in the method of valuation must be justifiable and acceptable to the tax authorities.

Provisions. The following provisions, among others, are deductible:
- Bad and doubtful debts, based on a judicial claim or on an analysis of the accounts receivable
- Inventory losses (inventory values in excess of market value)
- Warranty expenditures
- Technical provisions imposed by the Bank of Portugal or the Portuguese Insurance Institute

Depreciation. In general, depreciation is calculated using the straight-line method. The declining-balance method may be used for new tangible fixed assets other than buildings, office furniture and automobiles not used for public transport or rental. Maximum depreciation rates are established by law for general purposes and for certain specific industries. If rates that are less than 50% of the official rates are used, total depreciation will not be achieved over the life of the asset. The following are the principal official straight-line rates.

Asset	Rate (%)
Commercial buildings	2
Industrial buildings	5
Office equipment	12.5 to 25
Motor vehicles	12.5 to 25
Plant and machinery	5 to 33.33

Companies may request the prior approval of the tax authorities for the use of depreciation methods other than straight-line or declining-balance or rates up to double the official rates. Approval is granted only if the request is justified by the company's business activities.

For tax purposes, the maximum depreciable cost of private motor cars is between EUR25,000 and EUR62,500, depending on the acquisition date and type of vehicle.

Intangibles (excluding patents and goodwill from shares) that are acquired on or after 1 January 2014 for consideration and that do not have a defined economic life can be amortized over 20 years. Investment properties and non-consumable biological assets that are subsequently measured at fair value can also be depreciated during the remaining period of their maximum economic life. From 1 January 2019, the deduction is not available with respect

to intangibles acquired from related parties. Goodwill recognized from 1 January 2024 can be amortized over 15 years.

Relief for losses. Tax losses may be carried forward without any time limit. For tax losses carried forward, the deductible amount each year is capped at 65% of the taxable profit for the year. Loss carrybacks are not allowed. Tax losses computed in 2020 and 2021 can be used up to 75% of the taxable profit. A change of at least 50% of the shareholders or voting rights can trigger the cancellation of tax losses, unless it is derived from certain situations or there are valid economic reasons.

Groups of companies. Resident groups of companies may elect to be taxed on their consolidated profit. To qualify for tax consolidation, a group must satisfy certain conditions, including the following:

- The parent company must hold, directly or indirectly, at least 75% of the subsidiaries' registered capital, provided that the holding accounts for more than 50% of the voting rights.
- The parent company may not be deemed to be dominated by the other resident company.
- All companies belonging to the group must have their head office and place of effective management in Portugal.
- The parent company must hold the participation in the subsidiary for more than one year beginning from the date the regime begins to be applied.
- All group companies must be subject to IRC at the standard rate of 21%.

Tax grouping is also available for groups where all the companies are located in the same autonomous region, although subject to an IRC rate below 21%, provided that none of them have any taxable presence outside the autonomous region.

Effective from 2015, tax grouping is also allowed if the parent entity of the Portuguese resident companies is a local branch of an EU or EEA resident company or if Portuguese resident companies are under common control by the same EU or EEA resident company.

Applications for consolidated reporting must be filed with the Ministry of Finance before the end of the third month of the year for which the application is intended to take effect.

Losses of individual group companies may be offset against taxable profit within the consolidated group, in accordance with the following rules:

- Losses of individual group companies incurred in years before the consolidation can only be offset up to the amount of the taxable profit derived by the company that incurred such losses.
- Consolidated losses may be offset against consolidated profits only.
- Consolidated losses may not be offset against profits generated by companies after they leave the group.
- The consolidated group may not deduct losses incurred by companies after they leave the group.

The cap of 65% of the taxable profit with respect to deductible losses also applies for tax group purposes.

The consolidated taxable profit equals the sum of the group's companies' taxable profits or losses, as shown in each of the respective tax returns.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (IVA), levied on goods and services, other than exempt services	
General rates	
Portugal	23%
Madeira	22%
Azores	16%
Intermediate rates	
Portugal	13%
Madeira	12%
Azores	9%
Reduced rates	
Portugal	6%
Madeira	5%
Azores	4%
Social security contributions, on salaries, wages and regular bonuses but excluding meal subsidies, up to a specified amount; paid by	
Employer	23.75%
Employee	11%
Property transfer tax; payable by purchaser	
Buildings	6.5%
Farm land	5%
Offshore companies or companies controlled, directly or indirectly, by offshore companies	10%
Municipal real estate holding tax; local tax imposed annually on the assessed tax value of the property on 31 December; tax payable by the owner of the property; tax rate for urban property established by the Municipal Assembly in the location of the property	
Offshore companies or companies controlled, directly or indirectly, by offshore companies	7.5%
Other entities	0.3% to 0.45%
Additional municipal real estate holding tax; local tax imposed annually on the assessed tax value of urban property (for residential purposes and land for construction) on 1 January; tax payable by the owner of the property (for individuals, the tax is due only if the value of all properties owned exceeds EUR600,000)	
Collective persons	
General rate	0.4%
Certain situations	0.7%/1%/1.5%
Individuals	
Tax value up to EUR1 million	0.7%
Tax value from EUR1 million to EUR2 million	1%
Tax value exceeding EUR2 million	1.5%
Offshore entities	7.5%

Nature of tax	Rate
Stamp duty	
Loans and mortgages (maximum rate)	0.6%
Interest on bank loans	4%
Bank commissions and services	3%/4%
Transfer of real estate	0.8%
Insurance premiums	3% to 9%
Transfer of business as a going concern	5%
Commissions charged by or with the intermediation of crypto assets service providers	4%
Contribution on banking sector; imposed on Portuguese resident credit institutions and branches of foreign credit institutions	
Debt deducted by own funds (Tier 1 and Tier 2; own funds are computed based on the regulations of the Bank of Portugal) and deposits covered by the Deposits Guarantee Fund	0.01% to 0.11%
Notional value of derivate financial instruments not stated in the balance sheet	0.0001% to 0.0003%
Additional solidarity surcharge for the banking sector; imposed on Portuguese resident credit institutions and branches of foreign credit institutions	
Debt deducted by own funds (Tier 1 and Tier 2; own funds are computed based on the regulations of the Bank of Portugal) and deposits covered by the Deposits Guarantee Fund	0.02%
Notional value of derivate financial instruments not stated in the balance sheet	0.00005%
Contribution on energy sector that is applicable to entities that integrate the national energy sector and that have their domicile, legal seat, effective management or PE in Portugal; the tax base is the sum of the value of the tangible fixed assets, intangible fixed assets (except industrial property) and financial assets allocated to concessions or licensed activities; for regulated activities, the tax base is the value of the regulated assets, if higher	0.285% to 0.85%
Contribution on energy sector; applicable to long-term provisioning contracts under a take-or-pay regime (long-term contracts for the supply of gas)	
On the equivalent economic value (the fair market value of the contract, taking into consideration several factors)	1.45%
On the excess of the equivalent economic value, taking into account the real value (positive difference between the equivalent economic value described above and the initial equivalent economic value calculated based on a regulation issued in May 2015)	1.77%

Nature of tax	Rate
Contribution on pharmaceutical industry; applicable to entities that commercialize medicines; tax base is the turnover for each quarter	2.5% to 14.3%
Contribution on the suppliers of the medical devices industry; applicable to entities that invoice medical devices to the Health National Service; tax base is the turnover for each quarter	1.5% to 4%
Contribution on light and very light plastic bags; applicable to entities that produce, import or acquire light or very light plastic bags from outside mainland Portugal; tax base is each light and very light plastic bag	EUR0.04 or EUR0.08
Contribution on single-use packaging used in ready-to-eat meals; applicable to single-use packaging purchased for ready-to-eat meals or ready-to-eat or home delivery, as well as single-use packaging for ready-to-eat meals at the point of sale to the final consumer; the tax base is each packaging	EUR0.10 + EUR0.20
Contribution for the conservation of forestry resources; applicable to entities that incorporate or transform, on an intensive basis, forestry resources; the tax base is the turnover and some deductions are allowed	0.2%

E. Miscellaneous matters

Foreign-exchange controls. Portugal does not impose foreign-exchange controls. No restrictions are imposed on inbound or outbound investments.

Mergers and reorganizations. Mergers and other types of corporate reorganizations may be tax-neutral in Portugal if certain conditions are met. Property transfer tax and stamp duty exemptions on the transfer of immovable property, as well as on the transfer of a business as a going concern, may also be available.

Entities deemed to be subject to a clearly more favorable tax regime. A nonresident entity is deemed to be subject to a clearly more favorable tax regime if any of the following circumstances exist:

- The entity is not subject to corporate income tax.
- It is subject to tax at a rate of tax equal to or lower than 60% of the IRC standard rate.
- Its place of business is included in a prohibited list of tax-haven territories provided in a Ministerial Order of the Finance Minister.

The first two above criteria should only be relevant if the nonresident is related to the Portuguese entity. An entity resident in the EU or in an EEA Member State that has entered into cooperation agreement on tax matters is not deemed to be subject to a clearly more favorable tax regime.

In general, payments made by Portuguese residents to nonresidents subject to a clearly more favorable tax regime, including payments made to bank accounts in financial institutions in the home countries of the nonresidents, are not deductible for tax purposes and the payers are subject to a stand-alone tax rate of 35% (55% for entities partially or fully exempt from IRC or not principally engaged in commercial, industrial or agricultural activities). However, these payments may be deducted and are not subject to stand-alone taxation if the payer establishes the following:
- The payments were made in real transactions.
- The payments are normal.
- The amounts of the payments are not unreasonable.

The nondeductibility of payments to nonresidents subject to a clearly more favorable tax regime also applies if the payments are made indirectly to those entities; that is, the payer knew or should have known of the final destination of such payments. This is deemed to occur if special relations exist between the payer and the nonresident entity subject to a clearly more favorable tax regime or between the payer and the intermediary that makes the payment to the nonresident entity subject to a clearly more favorable tax regime.

Controlled foreign entities. The rules described below apply to CFEs deemed to be subject to a clearly more favorable tax regime (that is, its place of business is included in a prohibited list of tax-haven territories provided in a Ministerial Order of the Finance Minister or the effectively paid tax is lower than 50% of the tax that would be due in Portugal).

A Portuguese resident owning directly or indirectly at least 25% in the capital, voting rights, or rights to income or estate of a CFE is subject to tax on its allocable share of the CFE's net profit or income. For computing the 25% threshold, the capital and rights owned directly or indirectly by related parties are also considered.

Notwithstanding the above, foreign entities should be excluded from the CFE imputation rules if the sum of certain types of income does not exceed 25% of their total income. These types of income include the following:
- Royalties or other intellectual property income
- Dividends and capital gains from shares
- Income from financial leasing
- Income derived from banking and insurance activities carried out with related parties
- Income derived from goods and services resulting from goods and services acquired and supplied to related parties while adding no or small economic value
- Interest or income derived from financial assets

The CFE rules do not apply to entities resident in the EU or in the EEA if the EEA entity has entered into a cooperation agreement on tax matters and if the taxpayer proves that the incorporation and functioning of the nonresident entity is based on valid economic reasons and that the entity carries out an agricultural, commercial, industrial or service activity. This exclusion from the CFE rules requires that the business activity be carried out with proper personnel, equipment, assets and premises.

Related-party transactions. For related-party transactions (transactions between parties with a special relationship), the tax authorities may make adjustments to taxable profit that are necessary to reflect transactions on an arm's-length basis. The IRC Code contains transfer-pricing rules, which are applied on the basis of the OECD guidelines. In addition, recent legislation had provided details regarding these rules.

A special relationship is deemed to exist if one entity has the capacity, directly or indirectly, to influence in a decisive manner the management decisions of another entity. This capacity is deemed to exist in the following relationships:

- Between one entity and its shareholders, or their spouses, ascendants or descendants, if they possess, directly or indirectly, 20% of the capital or voting rights of the entity
- Between one entity and the members of its board, administration, management or fiscal bodies, as well as the members' spouses, ascendants and descendants
- Between any entities bound by group relations
- Between any entities bound by dominance relations
- Between one entity and the other if the first entity's business activities depend on the other entity as a result of a commercial, financial, professional or legal relationship
- Between a resident entity and an entity located in a prohibited list territory

The IRC Code provides for Advance Pricing Agreements. It now also provides for Country-by-Country Reporting.

Debt-to-equity rules. The previous thin-capitalization rules contained in the IRC Code are abolished, effective from 2013.

A limitation to the deduction of interest expenses (net of interest revenues) applies, effective from 2013. The tax deduction for net financial expenses is capped by the higher of the following amounts:

- EUR1 million
- 30% of the earnings before interest, taxes, depreciation and amortization (EBITDA)

The nondeductible excess, as well as the unused fraction of the 30% threshold, may be carried forward to the following five years.

The relevant EBITDA is calculated by adding to the taxable profit the deductible net interest expenses and depreciation and amortization.

It is possible to consider the EBITDA on a group basis if tax grouping is being applied.

Anti-hybrid rules. Portugal fully implemented the Anti-Tax Avoidance Directive (ATAD) 2, which applies from 1 January 2020, but certain rules will not enter into force until 2022 or 2023.

Mandatory disclosure regime. Portugal implemented the mandatory disclosure regime stated in the EU Directive on Administrative Cooperation 6 (DAC 6), which entered into force on 1 July 2020, but also covers a transitional period between 25 June 2018 and 30 June 2020. As a result of the COVID-19 pandemic, the reporting obligation was deferred for six months commencing on

1 January 2021. Under Portuguese law, both cross-border and domestic arrangements are reportable and IVA is also a covered tax for domestic arrangements. Penalties apply for lack of reporting.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %
Algeria	10/15 (d)	15	10
Andorra	5/15 (w)	10	5
Angola	8/15 (ee)	10	8
Austria	15 (b)	10	5/10 (a)
Bahrain	10/15 (c)	10	5
Barbados	5/15 (j)	10	5
Belgium	15 (b)	15	10
Brazil	10/15 (d)	15	15
Bulgaria	10/15 (d)	10	10
Canada	10/15 (d)	10	10
Cape Verde	10	10	10
Chile	10/15 (c)	5/10/15 (n)	5/10 (o)
China Mainland	10	10	10
Colombia	10	10	10
Côte d'Ivoire	10	10	5
Croatia	5/10 (p)	10	10
Cuba	5/10 (j)	10	5
Cyprus	10	10	10
Czech Republic	10/15 (b)(d)	10	10
Denmark	10 (b)	10	10
Estonia	10 (b)	10	10
Ethiopia	5/10 (j)	10	5
France	15 (b)	10/12 (g)	5
Georgia	5/10 (j)	10	5
Germany	15 (b)	10/15 (e)	10
Greece	15 (b)	15	10
Guinea-Bissau	10	10	10
Hong Kong SAR	5/10 (p)	10	5
Hungary	10/15 (b)(d)	10	10
Iceland	10/15 (d)	10	10
India	10/15 (d)	10	10
Indonesia	10	10	10
Ireland	15 (b)	15	10
Israel	5/10/15 (j)(l)	10	10
Italy	15 (b)	15	12
Japan	5/10 (p)	5/10 (r)	5
Korea (South)	10/15 (d)	15	10
Kuwait	5/10 (p)	10	10
Latvia	10 (b)	10	10
Lithuania	10 (b)	10	10
Luxembourg	15 (b)	10/15 (h)	10
Macau SAR	10	10	10
Malta	10/15 (b)(d)	10	10
Mexico	10	10	10
Moldova	5/10 (j)	10	8
Montenegro	5/10 (cc)	10	5/10 (dd)
Morocco	10/15 (d)	12	10
Mozambique	10	10	10

	Dividends %	Interest %	Royalties %
Netherlands	10 (b)	10	10
Norway	5/15 (p)	10	10
Oman	5/10/15 (z)	10	8
Pakistan	10/15 (d)	10	10
Panama	10/15 (q)	10	10
Peru	10/15 (u)	10/15 (v)	10/15 (x)
Poland	10/15 (b)(d)	10	10
Qatar	5/10 (y)	10	10
Romania	10/15 (d)	10	10
Russian Federation	10/15 (d)	10	10
San Marino	10/15 (c)	10	10
São Tomé and Príncipe	10/15 (c)	10	10
Saudi Arabia	5/10 (y)	10	8
Senegal	5/10 (j)	10	10
Singapore	10	10	10
Slovak Republic	10/15 (b)(d)	10	10
Slovenia	5/15 (b)(j)	10	5
South Africa	10/15 (d)	10	10
Spain	10/15 (b)(c)	15	5
Switzerland	0/5/15 (s)	0/10 (t)	0/5 (t)
Timor-Leste	5/10 (j)	10	10
Tunisia	15	15	10
Türkiye	5/15 (j)	10/15 (k)	10
Ukraine	10/15 (d)	10	10
United Arab Emirates	5/15 (p)	10	5
United Kingdom	10/15 (b)(c)	10	5
United States	5/15 (i)	10	10
Uruguay	5/10 (j)	10	10
Venezuela	10	10	10/12 (f)
Vietnam	5/10/15 (aa)	10	7.5/10 (bb)
Non-treaty jurisdictions (m)	25 (b)	25	25

(a) The 10% rate applies if the recipient holds directly more than 50% of the capital of the payer. For other royalties, the rate is 5%.

(b) See Section B for details regarding a 0% rate for distributions to parent companies in EU Member States.

(c) The 10% rate applies if the recipient holds directly at least 25% of the capital of the payer. The 15% rate applies to other dividends.

(d) The 10% rate applies if, at the date of payment of the dividend, the recipient has owned directly at least 25% of the payer for an uninterrupted period of at least two years. The 15% rate applies to other dividends.

(e) The 10% rate applies to interest on loans considered to be of economic or social interest by the Portuguese government. The 15% rate applies to other interest.

(f) The rate is 10% for technical assistance fees.

(g) The 10% rate applies to interest on bonds issued in France after 1965. The 12% rate applies to other interest payments.

(h) The 10% rate applies to interest paid by an enterprise of a contracting state if a financial establishment resident in the other contracting state may deduct such interest. The 15% rate applies to other interest payments.

(i) If the beneficial owner of the dividends is a company that owns 25% or more of the capital of the payer, and if, at the date of the distribution of the dividends, the participation has been held for at least two years, the withholding tax rate is 5%. For other dividends, the rate is 15%.

(j) The 5% rate applies if the recipient holds directly at least 25% of the capital of the payer. The higher rate applies to other dividends.

(k) The 10% rate applies to interest on loans with a duration of more than two years. The 15% rate applies in all other cases.

(l) The 10% rate applies to dividends paid by a company resident in Israel if the beneficial owner is a company that holds directly at least 25% of the capital of the payer of the dividends and if the dividends are paid out of profits that are subject to tax in Israel at a rate lower than the normal rate of Israeli company tax.
(m) See Sections A and B for details.
(n) The 5% rate applies to interest on bonds and other titles regularly and substantially traded on a recognized market. The 10% rate applies to interest on loans granted by banks and insurance companies as well as to interest from credit sales of machinery and equipment. The 15% rate applies in all other cases.
(o) The 5% rate applies to the leases of equipment. The 10% rate applies in all other cases.
(p) The 5% rate applies if the recipient holds directly at least 10% of the capital of the payer. The higher rate applies to other dividends.
(q) The 10% rate applies if the recipient holds directly at least 10% of the capital of the payer. The higher rate applies to other dividends.
(r) The 5% rate applies if the recipient is a bank resident in the other contracting state.
(s) The 0% rate applies if the recipient holds directly at least 25% of the capital of the payer for at least two years and if both companies comply with certain requirements. The 5% rate applies if the recipient holds directly at least 25% of the capital of the payer. The higher rate applies to other dividends.
(t) The 0% rate applies if the recipient and the payer are associated companies that comply with certain requirements. The higher rate applies to other interest and royalties.
(u) The 10% rate applies if the recipient holds directly at least 10% of the capital or of the voting rights of the payer. The 15% rate applies to other dividends.
(v) The 10% rate applies if the recipient is a bank resident in the other contracting state.
(w) The 5% rate applies if the recipient is a company that holds directly during a period of 12 months before the dividend distribution at least 10% of the capital of the payer. The 15% rate applies to other dividends.
(x) The rate is 10% for technical assistance fees associated with copyrights or know-how.
(y) The 5% rate applies if the recipient holds directly at least 10% of the capital of the payer or the beneficiary is the state. The 10% rate applies to other dividends.
(z) The 5% rate applies if the recipient is the state of Portugal, the Bank of Portugal, the state of Oman, the Oman Central Bank, the Oman State General Reserve Fund or the Omani Investment Fund (as well as other entities). The 10% rate applies if the recipient is a company that holds directly at least 10% of the payer. The 15% rate applies to other dividends.
(aa) The 5% rate applies if the recipient is a company that holds directly at least 70% of the payer. The 10% rate applies if the recipient is a company that holds directly at least 25% of the payer. The 15% rate applies to other dividends.
(bb) The 7.5% applies to technical services.
(cc) The 5% rate applies if the recipient holds directly at least 5% of the capital of the payer. The 10% rate applies to other dividends.
(dd) The 5% rate applies to copyrights of literary, artistic or scientific works, including cinematographic films and recordings on tape or other media used for radio or television broadcasting or other means of reproduction or transmission or computer software. The 10% rate applies to patents, trademarks, designs or models, plans, secret formulas or processes, or for information concerning industrial, commercial or scientific experience.
(ee) The 8% rate applies if the recipient held at least 25% of the capital in the payer during the last 365 days. The 15% rate applies to other dividends.

Portugal has also signed a double tax treaties with Australia and Kenya, but these treaties are not yet in force.

Puerto Rico

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A. At a glance

Corporate Income Tax Rate (%)	37.5 (a)
Capital Gains Tax Rate (%)	20 (b)
Branch Income Tax Rate (%)	37.5 (a)
Withholding Tax (%)	
Dividends	10
Interest	0 (c)
Royalties	2 to 29
Services Rendered	10 to 29
Branch Remittance Tax	10
Net Operating Losses (Years)	
Carryback	2 (d)
Carryforward	7/10/12 (e)

(a) This is the maximum tax rate (see Section B). An alternative minimum tax (AMT) may apply instead of the regular tax. For details regarding the AMT, see Section B.

(b) Under Act 77-2014, this rate applies to long-term capital gains realized after 30 June 2014.

(c) A 29% withholding tax is imposed on interest paid to foreign corporations on related-party loans.

(d) Losses caused by the COVID-19 pandemic during the 2020 tax year can be carried back up to two tax years under certain conditions.

(e) Net operating losses incurred during tax years beginning after 31 December 2004 and before 1 January 2013 may be carried forward for 12 years. For net operating losses incurred during tax years beginning after 31 December 2012, the carryforward period is 10 years. For years beginning before 1 January 2005, the carryforward period was seven years.

B. Taxes on corporate income and gains

Corporate income tax. Companies organized in Puerto Rico are subject to Puerto Rico income tax on worldwide income. Foreign companies engaged in trade or business in Puerto Rico are taxed on income sourced to Puerto Rico and on income that is effectively connected with their Puerto Rico operation. Partnerships are treated as pass-through entities. Accordingly, their partners (both residents and nonresidents) are taxed on their distributive shares of the income and expenses of the partnership.

Limited liability companies (LLCs) are subject to tax in the same manner as regular corporations. Both LLCs and corporations can elect to be taxed as pass-through entities under certain conditions. If a non-Puerto Rico limited liability company is treated as a partnership or a disregarded entity (DRE) for federal tax purposes or in a foreign jurisdiction, it is treated as a pass-through entity for Puerto Rico tax purposes, or DRE when it has one sole member, and will not be eligible to be taxed as a corporation. However, a limited liability company that is treated as a partnership for federal tax purposes or in a foreign jurisdiction does not have to be treated as a partnership for Puerto Rico tax purposes if the entity was operating under any of the tax incentive laws (a private contract between the Commonwealth of Puerto Rico and the grantee whereby the tax benefits and responsibilities of the grantee are established) before 1 January 2011.

Puerto Rico's Act 52 of 30 June 2022 (Act 52-2022) introduced the DRE concept for income tax purposes. Under the general definition of LLCs, the legislation states that DRE treatment is available for one-member LLCs owned by Puerto Rico resident individuals for tax years beginning after 31 December 2021.

For tax years beginning after 31 December 2022, non-Puerto Rico LLCs with one member that are taxed as DREs in the United States or in their place of organization outside Puerto Rico can elect to be treated as a DRE in Puerto Rico in lieu of pass-through entity taxation.

Rates of corporate income tax. The corporate income tax rates range from 18.5% to 37.5% under the Puerto Rico Internal Revenue Code of 2011, as amended (Code).

A segment of companies doing business in Puerto Rico operates under the benefits of tax exemptions available under various incentives acts. In July 2019, the Puerto Rico Incentives Code was enacted (Act 60-2019) to consolidate dozens of incentives laws currently active in Puerto Rico. A regulation clarifying various aspects of Act 60-2019 was published in September 2020.

The Incentives Code generally allows for a 15-year period of tax exemption. As a general rule, exempt businesses are subject to a flat income tax rate of 4% on their exempt income, their dividends are not subject to withholding tax, their royalties paid to nonresidents are subject to a 12% withholding tax rate, real and personal property have a 75% exemption, and municipal license tax has a 50% exemption. Starting in 2022, certain exempt businesses with manufacturing operations can elect to be subject to an income tax rate of 10.5% on their exempt income instead of another tax. Also, the Incentives Code provides for a flexible tax exemption in which the exempt business has the option to select the tax years in which the tax exemption is applicable.

The Incentives Code includes subchapters for the different economic development incentives, which include, among others, the following:

- General incentives for small and medium businesses and certain businesses located in the municipalities of Vieques and Culebra

- Other incentives for the following:
  - — Individual resident investors
  - — Exports of goods and services
  - — Financial and insurance services
  - — Visitors' economy (for example, tourism)
  - — Manufacturing
  - — Infrastructure
  - — Agriculture
  - — Creative industries
  - — Entrepreneurship

Each subchapter includes certain incentives specific to the corresponding activities detailed above. Depending on the eligible activity, certain exceptions to the general rules may apply.

Alternative minimum tax. The alternative minimum tax (AMT) is designed to prevent corporations with substantial economic income from using preferential deductions, exclusions and credits to substantially reduce or eliminate their tax liability. After 31 December 2018, the AMT rate is 18.5% for taxpayers with a volume of business of less than USD3 million and applies to the extent that the AMT exceeds the regular tax liability. If a taxpayer's volume of business is USD10 million or more, then the applicable AMT rate is 23%. A USD500 minimum AMT may apply instead of the AMT rates.

Alternative minimum taxable income is determined by adding back certain tax preferential deductions to the taxable income computed for regular income tax purposes. For purposes of the AMT calculation, the net operating loss deduction is limited to 70% of the alternative minimum taxable income. In addition, the following deductions are allowed in determining net income subject to the AMT:

- 125% of salaries paid and reported on PR-W2 forms
- Payments for services directly related to the trade or business of the corporation if such payments were reported on the informative returns
- Rent payments if such payments are reported on the informative returns
- Contributions to health and accident plans of the employees
- Utility expenses directly related to the trade or business
- Publicity expenses directly related to the trade or business of the corporation if such payments were reported on the informative returns
- Property, public liability and malpractice insurance directly related to the trade or business of the corporation if such payments were reported on the informative returns
- Straight-line depreciation method
- Interest paid
- Taxes, bad debts, contributions to employee trusts, annuities or compensation, charitable donations and agriculture income, directly related to the operation of a trade or business

In accordance with the Code, informative returns (Form 480.7F) related to advertisements, insurance premiums, telecommunications services, internet access and cable or satellite television must be prepared by the service provider and a copy of the filed form provided to the payer (commercial client) no later than

28 February of the following calendar year for which the declaration was filed.

In addition, 60% of adjusted financial statement income in excess of adjusted taxable income is included in determining the amount subject to tax. Any AMT paid may be recovered in subsequent years as a credit to the regular tax when the regular tax is in excess of that year's AMT. The allowable credit may not exceed 25% of the excess of the net regular tax over the net AMT.

Capital gains. The holding period for long-term capital transactions is one year for sales or exchanges occurring after 30 June 2014, and the special applicable tax rate is 20%.

Losses from the sale or exchange of capital assets are allowed only to the extent of 80% of the gains from the sale or exchange of such assets for tax years beginning after 31 December 2014 and before 1 January 2019. For tax years commencing after 31 December 2018, losses from the sale or exchange of capital assets are allowed to the extent of 90% of the gains from sale or exchange of such assets.

Capital losses can be carried forward for seven years to offset capital gains for tax periods after 31 December 2012.

Business assets that are not part of inventory are generally accorded capital gain treatment in the case of a gain and ordinary loss treatment in the case of a loss.

Administration. Corporate tax returns are due on the 15th day of the fourth month after the close of the taxable year. For corporations operating under any of the tax incentive laws, the tax returns are due on the 15th day of the sixth month after the close of the tax year. Extensions are available for up to six months for tax years commencing after 31 December 2016; however, the tax must be fully paid by the original due date. Estimated tax payments are required on a quarterly basis. There are special rules for the timing of the payment of estimated taxes in the case of corporations under the Incentives Code or similar incentives legislation. Estimated tax equals the lesser of the following:

- 90% of the tax for the tax year
- The greater of the following:
  - 100% of the total tax liability of the prior year
  - The tax liability determined using current tax rates and applicable law based on the taxable income from the preceding year's tax return

Tax returns of pass-through entities are due on the 15th day of the third month after the close of the tax year. Extensions are also available for up to six months; however, tax must be fully paid by the original due date.

The PR Code grants the Puerto Rico Treasury Department (PRTD) the authority to establish the form, manner and place in which "large taxpayers" must file their income tax returns for those still required to file paper forms. For this purpose, a "large taxpayer" is a taxpayer engaged in a trade or business in Puerto Rico that meets at least one of the following requirements:

- It is a commercial bank or trust company.
- It is a private bank.

- It is a securities or brokerage house.
- It is an insurance company, including an international insurer.
- It is an entity engaged in the business of telecommunications.
- It is an entity that had a volume of business of USD50 million or more in the preceding tax year.

Starting 10 December 2018, the Code allows large taxpayers to request an administrative determination from the Secretary of the Treasury to be removed from the large taxpayer category for subsequent tax years. The petition must be made through the filing of a formal ruling request.

Dividends. Corporations engaged in a trade or business in Puerto Rico may deduct 85% of the dividends they receive from domestic (Puerto Rican) corporations, subject to limitations. Dividends received by domestic corporations from controlled domestic corporations are 100% deductible.

Dividends paid to nonresident corporations and partnerships are subject to a 10% withholding tax.

Foreign corporations operating as a branch in Puerto Rico are subject to a 10% branch profit tax on their dividend equivalent amount.

A 10% tax is imposed on implicit dividends. This tax, which is essentially a prepayment of a tax on dividends, is imposed on the implicit dividend received by a foreign owner from an entity taxed as a corporation. A foreign owner is defined as a nonresident person who owns directly or indirectly 50% or more of the interests in an entity. For these purposes, an implicit dividend is defined as the lesser of the following:

- The average value of certain assets held outside Puerto Rico
- Accumulated earnings and profits of the corporation at the end of the year

The following entities are excluded from this tax:

- Not-for-profit organizations
- International insurers
- International financial entities
- Foreign corporations taxed under PR Code Section 1092.02 (that is, branch profit tax)
- Corporations operating under certain tax incentive laws with respect to the earnings and profits attributable to the exempt operations.

Foreign tax relief. A tax credit is allowed for foreign taxes incurred, but is limited to the equivalent Puerto Rican tax on the foreign-source portion of taxable income. A foreign tax credit is also allowable under the AMT system, subject to limitations.

C. Determination of income

General. Income for tax purposes is computed in accordance with generally accepted accounting principles, as adjusted for certain statutory provisions. Consequently, taxable income frequently does not equal income for financial reporting purposes.

Interest income derived from certain instruments issued by the governments of the United States or Puerto Rico is exempt from tax. Expenses related to the generation of this type of income are not deductible.

For expenses to be deductible, they must be incurred wholly and exclusively for the production of income. Also, sales and use tax must have been paid (including the self-assessment), if applicable, for an expense to be deductible. Statutory provisions limit the amounts of certain deductible expenses.

A disallowance of 51% of payments made to related parties not engaged in trade or business in Puerto Rico, including the allocation of expenses between a branch and its home office, applies in the calculation of taxable income for regular income tax purposes unless the taxpayer provides a transfer-pricing study prepared under Section 482 of the United States Internal Revenue Code. This adjustment does not apply to entities operating with tax grants under tax incentive laws with respect to their operations covered under the grant.

The following noteworthy changes with respect to tax deductions were introduced in recent years:

- Meals and entertainment expense: The 50% disallowance for deductions related to meals and entertainment expenses is increased to 75% and is further limited to a maximum of 25% of gross income for the tax year.
- Travel and lodging expense: Travel and lodging expenses are limited to 50% of the amount paid or incurred.
- Settlement payments in sexual harassment cases. A deduction is not allowed for settlement payments in sexual harassment cases that include a nondisclosure clause.
- Charitable contributions: The deduction for charitable contributions made by corporations is allowed only if the contributions are made to nonprofit entities certified by the PRTD that provide services to Puerto Rico residents.
- Automobile expenses: Taxpayers may deduct actual expenses incurred for the use and maintenance of automobiles or utilize a standard mileage rate, subject to the limits established by the Secretary of the PRTD.
- College students' deduction: Commencing after 31 December 2018, an employer may claim a 150% to 200% deduction for salaries paid to each college student and recently graduated individual who is hired to work at least 20 hours per week for nine months or a minimum 800 hours and makes at least USD10 per hour. To claim the deduction, the employer must report the salaries in the annual wage statement, Form 499R-2/W-2PR.

Inventories. Inventory is valued for tax purposes at either cost or the lower of cost or market value. In determining the cost of goods sold, the two most commonly used methods are first-in, first-out (FIFO) and last-in, first-out (LIFO). The method chosen must be applied consistently.

Tax depreciation. A depreciation deduction is available for most property (except land) used in a trade or business. The time period over which an asset is depreciated is based on the asset classification. The following three depreciation methods are allowed in Puerto Rico:

- Straight-line
- A method similar to the US ACRS method
- Flexible depreciation

Deductions for ACRS depreciation are allowed only for assets acquired in tax years beginning on or after 1 July 1995. Deductions for flexible depreciation are allowed only for assets acquired in tax years beginning before 1 July 1995. The flexible method is limited to the following types of businesses:

- Construction
- Agriculture
- Selling or leasing of buildings
- Manufacturing
- Tourism
- Shipping

Businesses enjoying tax exemption (see Section B) may not use the flexible depreciation method. The amount of the flexible depreciation deduction is limited to a percentage of taxable income.

Depreciation computed under the straight-line depreciation method is not recaptured on the sale of an asset, but depreciation computed under the flexible depreciation and ACRS methods is subject to recapture.

Intangible property (other than goodwill) acquired by purchase or developed after 1 September 2010 is depreciated using the straight-line method over the lesser of 15 years or the useful life of the property. Goodwill acquired by purchase after 30 June 1995 is depreciated using the straight-line method over a useful life of 15 years. Limitations on intangibles acquired from related parties may apply under certain conditions.

A business with USD3 million or less in volume of business may elect to depreciate, amortize or deplete certain machinery, equipment, personal property, appliances or any other fixed assets over a useful life of two years.

Relief for losses. Net operating losses incurred during tax years beginning after 31 December 2004 and before 1 January 2013 may be carried forward for 12 years. For net operating losses incurred during tax years beginning after 31 December 2012, the carryforward period is 10 years. For years beginning before 1 January 2005, the carryforward period was seven years.

The deduction for net operating losses is limited to 90% (rather than 80% under past law) of the net income.

In June 2020, Puerto Rico enacted legislation that provides, among other COVID-19 relief measures, a two-year carryback period for net operating losses generated as a direct result of the COVID-19 pandemic. Large taxpayers, as defined in the Code, are excluded from the net operating loss carryback provisions as well as taxpayers whose volume of business exceeds USD10 million. In addition, regarding the carryforward provisions, there is a waiver of the 90% limitation on the net operating loss deduction for both regular and AMT tax purposes generated during the 2020 tax year, subject to certain limitations.

Groups of companies. Affiliated corporations doing business in Puerto Rico may not elect to file a single income tax return on a consolidated basis.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Special excise tax; imposed on the acquisition from a related party of personal property manufactured in Puerto Rico and related services by a nonresident foreign corporation or partnership; if the provider has gross receipts in excess of USD75 million for any of the three preceding taxable years and if certain other requirements are met (the tax was set to expire in 2027, but a change in the statute makes it permanently available to companies meeting certain conditions), certain companies can elect to pay a higher income tax rate of 10.5% instead of the special excise tax.	4
Sales and use tax imposed on tangible personal property, taxable services, digital products, admission rights and bundled transactions; specific exemptions and exclusions are provided	10.5
Municipal sales and use tax; imposed by municipalities on taxable items; specific exemptions and exclusions are provided	1
Sales and use tax; imposed on certain business-to-business (B2B) services and designated professional services (DPS) (effective from 1 July 2020, B2B and DPS services provided by merchants with gross sales equal to or less than USD300,000 are exempt from the 4% sales and use tax); B2B services and DPS are not subject to the 1% municipal sales and use tax	4
Excise taxes on specified items, such as imports of cigarettes, gasoline and other fuels, vehicles, heavy equipment and alcoholic beverages	Various
Payroll taxes	
Federal unemployment insurance (FUTA), imposed on first USD7,000 of wages (a credit of 5.4% is given for Puerto Rican unemployment tax; the overall rate can be less than 6%)	6
Workmen's compensation insurance, varies depending on nature of employee's activities	Various
Social security contributions; subject to the same limitations as in the United States; imposed on	
Wages up to USD168,600 (for 2024); paid by	
Employer	6.2
Employee	6.2
Medicare portion (hospital insurance; for 2024); paid by	
Employer	1.45
Employee (subject to an additional 0.9% of Medicare tax for wages in excess of USD200,000; no employer matching contribution for Medicare Tax)	1.45

Nature of tax	Rate (%)
Municipal license tax; on gross sales volume (if volume exceeds USD3 million, a financial statement certified by a certified public accountant [CPA] licensed in Puerto Rico must accompany the business volume declaration); rate varies by municipality; payable by	
Financial institutions	1 to 1.5
Other businesses	0.2 to 0.5
Property taxes (for tax years beginning before 1 January 2023, if volume exceeds USD3 million, a financial statement certified by a CPA licensed in Puerto Rico must accompany the tax return); rate varies by municipality	
Personal property	5.80 to 10.33
Real property	8.03 to 12.33
Additional special tax on insurance premiums; imposed on premiums earned by insurance companies; tax must be paid on or before 31 March of the following year (exemption is provided for domestic insurers maintaining a home office in Puerto Rico)	1

E. Miscellaneous matters

Financial statements requirements. All entities engaged in trade or business in Puerto Rico must submit financial statements with their income tax returns.

Audited financial statements are required if the volume of business is equal to or greater than USD10 million. As a general rule, not-for-profit corporations and entities with a volume of business of less than USD3 million are not required to file audited financial statements.

Entities with volume of business less than USD1 million are not required to submit audited financial statements. However, for years after 31 December 2018, if Agreed Upon Procedures (AUP) prepared by a CPA licensed to practice in Puerto Rico are voluntarily submitted, certain limitations related to claiming deductions for purposes of AMT and the basic alternative tax (BAT) do not apply. Entities may also decide to prepare audited financial statements instead; in this case, AMT and BAT do not apply.

If the volume of business is equal or greater than USD3 million but less than USD10 million, audited financial statements are required but may be replaced with AUP issued by a CPA licensed to practice in Puerto Rico. In this case, any of the reports, the audited financial statements or the AUP should suffice for the entity not to be limited on the deductibility of the expenses for AMT and BAT.

Related-party entities are generally required to submit combined or consolidated audited financial statements. However, individual audited financial statements are allowed in certain instances. For a group of related-party entities with USD10 million or more

in aggregate, for tax years beginning prior to 1 January 2020, each entity with volume of USD1 million or more was required to submit audited financial statements separately. For tax years beginning after 31 December 2019, each entity with volume of USD3 million or more is required to submit audited financial statements separately. For those with a volume of less than USD1 million or USD3 million, as applicable, AUP must accompany the income tax return as necessary as part of their alternative minimum tax calculation.

Financial statements must be prepared in accordance with US generally accepted accounting principles. Other detailed rules apply to the preparation of financial statements, including rules regarding foreign corporations and related entities, such as the requirement to submit supplemental information schedules for tax years beginning after 31 December 2012 but prior to 1 January 2023. Certain companies (for example, financial businesses) must still submit supplemental information schedules for periods beginning after 31 December 2022.

For years starting after 31 December 2018, every entity required to submit audited financial statements is required to include an uncertain tax position (UTP) schedule. The schedule must include details about the UTPs as provided under accounting for income tax guidance (US Accounting Standards Codification 740). This relatively new reporting requirement is similar to the existing requirement in place at the US federal level.

Entities engaged in a trade or business in Puerto Rico that have a volume of business in excess of USD10 million must submit, together with their property and volume of business declaration tax returns, audited financial statements certified by a CPA licensed to practice in Puerto Rico. For property and volume of business declaration tax returns, if the volume of business is equal or greater than USD3 million but less than USD10 million, the company may opt between audited financial statements or AUP issued by a CPA licensed to practice in Puerto Rico. For tax years beginning after 31 December 2022, the audited financial statement requirements do not apply to personal property tax returns.

In addition, for corporations with a volume of business equal or greater than USD3 million, audited financial statements are required to be attached to the annual report filed with the Secretary of the Puerto Rico Department of State. For corporations with a volume of business of less than USD3 million, a balance sheet with relevant footnotes prepared in accordance with generally accepted accounting principles must accompany the annual report filed with the Secretary of State. The rules vary for entities that are part of a controlled group in the case of domestic corporations.

If foreign corporations do not keep available books of account and supporting documents in Puerto Rico, all of their tax deductions may be denied. A foreign corporation is deemed to be in compliance with this requirement if it can physically produce its books and records in Puerto Rico within 30 days. An extension of 15 days may be granted.

F. Tax treaties

Puerto Rico does not participate in US income tax treaties and has not entered into any treaties with other jurisdictions.

Qatar

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Qatar has two tax regimes, which are the state tax regime administered by the General Tax Authority (GTA) and the Qatar Financial Centre (QFC) regime administered by the QFC Tax Department. Unless specifically stated otherwise, the information in this chapter relates to the state tax regime. On 2 February 2023, Qatar published amendments to Law No. 24 of 2018 by way of Law No. 11 of 2022 in the Official Gazette. This publication includes the amendments introduced in Law No. 11 of 2022.

A. At a glance

Corporate Income Tax Rate (%)	10
Capital Gains Tax Rate (%)	0/10
Branch Tax Rate (%)	10
Withholding Tax (%)	5
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

B. Taxes on corporate income and gains

Corporate income tax. Qatar has two independent taxation frameworks. State-registered entities are subject to the State Income Laws, while entities registered in the QFC are subject to QFC regulations.

The basis of taxation in Qatar is generally territorial with some exceptions. Persons carrying on business activities in Qatar are subject to tax on profits arising from sources in Qatar. Income from outside Qatar is generally not subject to tax except for certain income earned from abroad by Qatar resident persons.

Gross income of companies are exempt from tax to the extent they are owned by Qatari shareholders and to the extent of the profits that are attributable to citizens of the other Gulf Cooperation Council (GCC) countries (Bahrain, Kuwait, Oman, Saudi Arabia and the United Arab Emirates) who are tax resident in Qatar.

Rates of corporate income tax. The standard corporate tax rate is 10%. Measures are expected to be introduced to achieve a minimum tax rate of 15% to align with the Organisation for Economic Co-operation and Development (OECD) Base Erosion and Profit Shifting (BEPS) 2.0 Pillar Two project.

Companies engaged in petrochemical industries and petroleum operations are taxed at the rates specified in their agreements, provided that the tax rate is not less than 35% on their taxable income. Taxable income is determined in accordance with the provisions of the underlying production-sharing contract or development and fiscal agreement. Petroleum operations are defined by law as the exploration for petroleum, improving oil fields, drilling, well repair and completion, the production, processing and refining of petroleum, and the storage, transport loading and shipping of crude oil and natural gas. Oilfield service companies contracting with petroleum and petrochemical companies are subject to the standard 10% tax rate.

Foreign international shipping and aviation companies are exempt from tax in Qatar if Qatari shipping and aviation companies enjoy similar reciprocal treatment in the respective foreign countries.

Not-for-profit entities that are registered in Qatar or in another country are within the scope of the Qatar Income Tax Law, although they are exempt from income tax. However, they must comply with withholding tax and contract tax retention requirements as well as other requirements of the Income Tax Law, if applicable.

The income of businesses registered and operating in the QFC is subject to a standard rate of tax of 10%. Regulated and non-regulated activities may be carried on from the QFC. Regulated activities include the following:

- International banking
- Insurance and reinsurance
- Fund management
- Brokerage and dealer operations
- Treasury management
- Funds administration and pension funds
- Financial advice and back-office operations

Non-regulated activities include the following:

- Professional and business services (including, but not limited to audit, legal, consultancy, tax advisory, media and public relations, project management, architecture and engineering)
- Holding company activities
- Special-purpose company
- Single-family office
- Ship brokering and agency services
- Trust and trust services

Tax incentives. Taxpayers may seek approval for an exemption or preferential tax rate for projects based on criteria related to the nature of a project or its location. The Ministry of Finance may grant exemptions for up to five years. The Council of Ministers may approve exemptions for longer periods or approve a preferential tax rate.

Taxpayers enjoying tax exemptions are required to submit their annual corporate tax return showing the amount of income that would have been taxable without the exemption, and the amount of tax exempted. Failure by a tax-exempt entity to file exemption documents together with the tax return results in a penalty of QAR10,000.

The income of businesses operating at the Qatar Science and Technology Park (QSTP) is exempt from tax. However, such businesses must file annual tax returns, together with audited financial statements, with the GTA. QSTP-registered entities must also withhold tax if applicable.

Activities that may be carried out at the QSTP include the following:

- Research and development of new products
- Technology development and development of new processes
- Low-volume, high-value-added specialist manufacturing
- Technology-related consulting services, technology training and promotion of academic developments in the technology fields
- Incubating new businesses with advanced learning

To support financing and investment activities carried on by QFC entities, the QFC tax regulations provide for the establishment of tax-exempt vehicles. A QFC entity that is one of the following exempt vehicles may elect for special tax-exempt status, subject to meeting certain conditions:

- Registered Fund (QFC Scheme or a Private Placement Scheme)
- Special Investment Fund (permitted activities are private equity investments, venture capital investments, investments in property and investments on behalf of a single family)

- Special Funding Company (includes holding company and special-purpose company)
- Alternative Risk Vehicle

QFC firms whose shares are listed on the Qatar Stock Exchange may elect for a special tax exemption, subject to meeting certain conditions.

QFC firms that are engaged in captive insurance or reinsurance business, and of which at least 90% of their ordinary capital, profit and asset entitlement is beneficially, directly or indirectly owned by Qatari nationals (and are licensed to engage in unregulated activities), and investment managers meeting certain conditions may elect a 0% concessionary tax rate for their chargeable profits.

In addition, a newly registered and incorporated QFC company may be able to claim reimbursement in the form of a tax credit with respect to tax losses incurred in the first two accounting periods, subject to meeting all criteria. If a QFC company receives a reimbursement of tax losses, it is automatically precluded for the following three accounting periods from electing the special exemption status or the concessionary 0% tax rate.

Law No. 24 of 2018, as amended, provides a tax exemption for non-Qatari investors holding shares of companies or units in investment funds listed on the Qatar Stock Exchange (non-QFC entities). This exemption also extends to profits realized on the sale, transfer or exchange of listed shares or investment fund units.

Capital gains. Capital gains are aggregated with other income and are subject to tax at the regular corporate income tax rate. The sale by foreign nationals and nonresident GCC nationals of shares in Qatar tax resident companies is taxable at a rate of 10%. However, gains from the sale of shares (and the share of profits) in listed companies is exempt from tax.

Gains resulting from the revaluation of assets that are used as in-kind contributions to the capital of another resident stockholding company are exempt, provided that the shares of that company are not sold within five years.

Capital gains derived by a QFC taxpayer may be exempt from tax in the QFC if they are considered non-local source or meet the conditions of the QFC participation exemption regime.

Administration. A taxpayer must register with the GTA via the GTA tax administration portal, Dhareeba, and obtain a Tax Card and Tax Identification Number within 60 days after commencing a taxable activity in Qatar after obtaining a license from the Ministry of Economy and Commerce, whichever is earlier. Failure to register for tax results in a penalty of QAR20,000.

The tax year runs from 1 January to 31 December, and a taxpayer must use this accounting period unless approval is obtained from the GTA for the use of a different tax year. Approval to use an alternative accounting period is granted in exceptional cases only.

In general, all companies, including tax-exempt companies (see *Tax incentives*), must file corporate income tax declarations,

denominated in Qatari riyals, within four months after the end of the accounting period. The due date may be extended at the discretion of the GTA, but the length of the extension may not exceed four months.

Tax is payable on the due date for filing the tax declaration. The due date for payment of taxes may be extended if the filing date is extended and if the taxpayer provides reasons acceptable to the GTA. Alternatively, the GTA may allow taxes to be paid in installments during the extension period. Tax is payable in Qatari riyals.

Penalties for late filing are levied at a rate of QAR500 per day, subject to a maximum of QAR180,000. The penalty for late payment equals 2% of the tax due for each month or part of a month for which the payment is late, up to the amount of the tax due.

The GTA may issue tax assessments on a presumptive basis or adjust certain related-party transactions in certain circumstances. The tax law provides for a structured appeals process with respect to such tax assessments. Correspondence for all appeals must be in Arabic. The appeals procedure consists of the following three stages:
- Objection correspondence and negotiations with the GTA
- Formal appeal to an Appeal Committee
- The commencement of a case in judicial courts

The GTA may inspect a taxpayer's books and records, which should be maintained in Qatar. The books and records are not required to be maintained in Arabic. The accounting books and records must be maintained for 10 years following the year to which the books, registers and documents are related.

Tax return submissions and communications from the GTA to the taxpayer with respect to inquiries, assessments and appeals are communicated via the Dhareeba online portal.

For QFC entities, including tax-exempt entities, an annual income tax declaration must be submitted and the corresponding tax due must be paid within six months after the end of the accounting period.

Financial sanctions for the late submission of the annual QFC tax declaration are levied based on when the delayed filing is submitted. In addition, a delay payment charge on unpaid tax, which is currently 5% per year, is imposed. An additional financial penalty up to the amount of assessed tax due may be levied by the QFC Tax Department.

Withholding taxes. Payments with respect to royalties, interest, commission and services conducted wholly or partially in Qatar made to nonresident entities for activities not connected with a permanent establishment (PE) in Qatar (essentially, those without a Tax Card issued by the GTA) are subject to a 5% withholding tax. Services are deemed to be conducted in Qatar to the extent that they are used, consumed or exploited in Qatar, even if rendered wholly or partially outside Qatar.

Companies or PEs in Qatar that make the above payments must deduct tax at source and remit it to the GTA by the 15th day of the month following the month in which the payment is made.

The penalty for a failure to deduct withholding tax equals 100% of the withholding tax amount. Penalties for late remittance to the GTA of the amount withheld are levied at a rate of 2% per month, up to a maximum of 100% of the withholding tax due.

There is currently no withholding tax regime in the QFC. QFC taxpayers are not required to withhold tax.

Dividends. Dividends paid by a Qatar tax resident company are not subject to withholding tax. Income distributed from profits that have already been subject to Qatar taxation are not subject to further taxation in the hands of the recipient. Dividends paid by an entity that has a tax exemption are exempt from tax.

Dividends paid to a QFC taxpayer are not subject to tax in the QFC.

Foreign tax relief. A deduction is allowed for income taxes incurred by the taxpayer abroad if the revenues related to the foreign taxes are taxable in Qatar, subject to other deductibility requirements. In addition, foreign tax relief is available under the tax treaties with the countries listed in Section E.

In the QFC, tax resident taxpayers may credit foreign taxes imposed on income that is also taxed in the QFC either through a double tax treaty or unilateral relief, or they may elect to treat such taxes as deductible expenses.

C. Determination of trading income

General. The following are some of the items that are included in taxable income:

- Revenues earned from an activity performed in Qatar, including trading, contracting and the provision of services
- Revenues earned from the partial or total performance of a contract in Qatar
- Service fee income received by head offices, branches or related companies
- Certain dividend income and capital gains on real estate located in Qatar
- Interest on loans obtained in Qatar
- Income derived by a Qatari project (a project managed by a resident in Qatar) that participates directly or indirectly in management or capital of a foreign project or vice versa when the transactions are not at arm's length
- Income derived by a Qatari project from immovable properties situated outside Qatar, including gain on the sale of such properties
- Share in income of a Qatari project from profits of a company abroad, including interest and royalties earned abroad, subject to certain conditions
- Technical fees arising from abroad and received by a Qatari project, subject to certain conditions
- Income of a Qatari project from real estate abroad, including income arising from direct use or rental of immovable property or the use thereof in any form if not attributable to a foreign PE of the Qatari project

In addition, the following income earned abroad is also subject to tax in Qatar:

- Income from rights to distribute products or services

- Payments for marketing, procurement, financial mediation, agency and other mediation services
- Fees for receiving warranties or similar financial support
- Provision of telecommunication and broadcast services

Normal business expenses are allowable and must be determined under the accrual method of accounting. Branches are limited in the deduction of head office expenses (see *Head office overhead*). Self-employed individuals engaged in a professional activity may choose to deduct a notional expense equal to 30% of their total income instead of all of the expenses and costs that are allowed to be deducted. Expenses for entertainment, hospitality, meals, holidays, club subscriptions and client gifts are subject to restrictions. Guidance contained in the Executive Regulations specifies that these expenses are subject to an allowable ceiling of 2% of net income, up to a maximum of QAR500,000.

Inventories. Inventories must be valued using international accounting standards.

Provisions. General provisions, such as bad debts and inventory obsolescence, are generally not allowed. Specific bad debts that are written off are deductible to the extent that they satisfy conditions set by the GTA. Deductions by banks for loan-loss provisions are the subject of periodic instructions from the Qatar Central Bank and, in general, provisions are allowable up to a ceiling of 10% of net profits.

Head office overhead. In general, charges of a general or administrative nature imposed by a head office on its Qatar branch are allowed as deductions, provided that they are incurred for the purposes of the business of the Qatar branch. However, no such deduction is allowed with respect to amounts paid by the Qatar branch to the head office or any of its other offices with respect to the following:

- By way of royalties, fees or other similar payments in return for the use of patents or other rights
- By way of commission for specific services performed or for management
- Except in the case of a banking project, by way of interest on money loaned to the Qatar branch

Tax depreciation. Under the Executive Regulations relating to the Qatar Income Tax Law, assets should be depreciated on a straight-line basis using the following annual depreciation rates:

Asset	Rate (%)
Buildings and facilities	
Buildings and durable facilities	5
Prefabricated light buildings	10
Roads, bridges, railways, and electrified railways	5
Pipelines, tanks and platforms	5
Pipelines and refining equipment within the refinery and small tanks	10
Networks and channels	5
Transportation	
Cargo and passenger means of transportation, including cars, vehicles, tractors, trailers, cranes and motorcycles	20

Asset	Rate (%)
Ships and boats	10
Airplanes and helicopters	20
Rail transport and electrical rail transport	10
Intangible assets	
Pre-establishment expenses	50
Trademarks, patents and similar items	15
Capitalized research and development expenses	20
Machinery and equipment	
Computer hardware, software and accessories	33.33
Machinery, equipment and electrical appliances	20
Industrial machinery and equipment	20
Machinery and public works and construction equipment	20
Drilling tools	15
Air conditioners	25
Passenger and cargo elevators and escalators	15
Furniture and office equipment	15
Gas fixture, transportation and distribution equipment	5
Electricity and water production, transmission and distribution equipment	5
Machinery, equipment and other fixtures	15
Hotels, hostels, resorts, restaurants and cafes	
Cooking and washing machines	20
Glass utensils	50
Other utensils	25
Furniture, furnishings and décor works	25
Swimming pools and accessories thereof	15

Approval of the Minister of Finance is required for departure from the tax depreciation rates noted above. Departures from these rates are normally allowed only for new startup projects if the project owner requests permission to adopt different depreciation rates based on the presentation of appropriate justifications to the Minister. Companies engaged in petrochemical industries and petroleum operations may have alternative depreciation rates specified in their respective production-sharing contract or development and fiscal agreement.

The Executive Regulations limit the deductibility of depreciation to the amount reflected in the financial statements.

In the QFC, tax depreciation should be in line with the depreciation in the financial accounts, subject to additional requirements of the QFC tax regulations.

Relief for losses. Losses may be carried forward for five years. The carryback of losses is not allowed.

In the QFC, losses may be carried forward indefinitely, and the carryback of losses is not allowed.

Groups of companies. No tax regulations cover groups of companies in the Qatar Income Tax Law.

In the QFC, companies that are members of the same group may apply for a group relief (offset of taxable profits and losses).

D. Other significant taxes

Qatar has signed and ratified the GCC Value-Added Tax (VAT) Framework Agreement. However, VAT has not yet been implemented.

When implemented, the standard rate of VAT in Qatar is expected to be 5%.

Qatar has also signed and ratified the GCC Common Excise Tax Agreement and has introduced excise tax on tobacco and tobacco derivatives, carbonated drinks, energy drinks, and special-purpose goods as of 1 January 2019.

E. Miscellaneous matters

Qatar Free Zones. The Qatar Free Zone Authority (QFZA) was created in 2018 as an independent authority to regulate and develop the Qatar Free Zones (QFZs). The QFZs are situated in geographically strategic areas to provide investors with direct access to Qatar's airports and seaports and connect them with global markets. Foreign investors may establish a wholly owned company or branch in these QFZs. In addition, entities licensed in the QFZs are entitled to a 20-year income tax exemption from the establishment of the QFZA and customs exemption on goods imported into them, renewable for similar or more periods.

Foreign-exchange controls. Qatar does not impose foreign-exchange controls. Equity capital, loan capital, interest, dividends, branch profits, royalties and management fees are freely remittable.

Transfer pricing and anti-avoidance legislation. The Qatar Income Tax Law contains anti-avoidance provisions. The GTA may nullify or alter the tax consequences of any transaction that it has reasonable cause to believe was entered into to avoid or reduce a tax liability.

If a company carries out a transaction with a related party that was intended to reduce the company's taxable income, the income arising from the transaction is deemed to be the income that would have arisen had the parties been dealing at arm's length.

There is no distinction between domestic and international transactions under the current transfer-pricing regulations. Therefore, it is expected that all related-party transactions should comply with the law and regulations, which are based on the arm's-length standard.

Under Qatar's tax regime, in determining the arm's-length value, the GTA requires the use of the comparable uncontrolled price (CUP) method. Under this method, the price of the service or goods is deemed to be the price that would have been applied if the transaction had been between unrelated parties. If the information required to apply the CUP method is not available, an application to apply a different transfer-pricing method approved by the OECD must be submitted to the GTA. Transfer-pricing documentation prepared in English is currently accepted by the GTA. However, in practice, and in the event of a preapproval application to use an OECD method other than the CUP method, a summary memorandum should be prepared in Arabic and submitted to the GTA for its approval.

Transfer-pricing documentation prepared in English is currently accepted by the GTA. However, in practice, and in the event of a pre-approval application to use an OECD method other than the CUP method, a summary memorandum should be prepared in Arabic and submitted to the GTA for its approval.

Under the QFC tax regime, transfer pricing may be determined using any of the OECD accepted transfer-pricing methods, and there is no requirement to seek pre-approval to use the OECD recognized method other than the CUP method.

A group Master File and Qatar Local File should be submitted via the GTA's Dhareeba portal if one of the group's entities is resident outside Qatar and if the local entity or permanent establishment's annual revenue or total assets meets or exceeds the statutory threshold of QAR50 million in the reporting year.

In addition to the transfer-pricing documentation, there is an additional transfer-pricing compliance requirement in Qatar. A transfer-pricing statement (together with the annual tax declaration) should be completed and submitted by the Qatar entity via the GTA's Dhareeba portal if the local entity or permanent establishment's annual revenue or total assets meets or exceeds the statutory threshold of QAR10 million in the reporting year.

In June 2022, the GTA confirmed that the transfer-pricing documentation filing deadline is 60 days from the tax return filing due date. For taxpayers with a 31 December financial year-end, the Master and Local File transfer-pricing reports should be filed by 30 June of the following year. Late filing penalties apply at a rate of QAR500 per day capped at QAR180,000.

There is currently no formal advance pricing agreement (APA) regime in Qatar. However, APA regulations are expected to be issued by the local tax authority soon.

Under the QFC tax regime, a taxpayer's presentation to the QFC Tax Department of a Qatar local file or a local transfer-pricing documentation report (including functional analysis and benchmarking study) is generally required in the event of a tax or transfer-pricing inquiry.

Country-by-Country Reporting. On 14 November 2017, Qatar joined the Inclusive Framework (IF) for the global implementation of the Base Erosion and Profit Shifting (BEPS) Project. As a BEPS Associate, Qatar is committed to implementing four minimum standards under the BEPS Project, one of which is Action 13 on transfer-pricing documentation.

On 19 December 2017, Qatar signed the Multilateral Competent Authority Agreement on the Exchange of Country-by-Country (CbC) Reports. The signing of this agreement enables Qatar to efficiently establish a wide network of exchange relationships for the automatic exchange of CbC Reports. As of the end of 2020, Qatar has activated its (non-reciprocal) exchange relationship with approximately 60 countries.

As part of the proposed implementation of Action 13 of the BEPS Project, Qatar published Ministerial Decision No. 16 of 2019, which outlines CbC Reporting requirements in Qatar that are applicable for tax years beginning on or after 1 January 2018.

The CbC Reporting rules are aligned with the model legislation set out in the OECD's BEPS Action 13 Final Report on CbC Reporting. These requirements also apply to entities that are registered in the QFC.

An ultimate parent entity that is tax resident in Qatar is required to submit a CbC Reporting notification and file a CbC Report in Qatar if it is a member of a multinational enterprise group that had consolidated group revenue of at least QAR3 billion in the preceding fiscal year. The annual CbC Reporting notification must be submitted by the end of the reporting tax year. CbC Reports should be filed with Qatar's Tabadol Portal within 12 months after the end of the reporting tax year.

Noncompliance with CbC Reporting notification is subject to a penalty of QAR100 per day for delay of filing or submission of false or incorrect information in the notification. Failure to comply with the CbC Reporting requirements is subject to a penalty of QAR500 per day for delay of filing or submission of false or incorrect information in the report.

Currently, Qatar's CbC Reporting requirements do not apply to entities of a foreign company that operates in Qatar in the form of a subsidiary or a PE.

Thin-capitalization rules. The Executive Regulations indicate that for tax residents, the amount of an intercompany loan should not exceed the debt-equity ratio of 3:1 for interest deductibility purposes.

Interest paid by a PE to its head office or a related entity is not deductible.

However, under the QFC tax regime, the following are safe harbor debt-to-equity ratios:
- 2:1 for nonfinancial institutions
- 4:1 for financial institutions

Although the above ratios are non-statutory and are non-binding on taxpayers and the QFC Tax Department, they are expected to be accepted as default thresholds by the QFC Tax Department. The safe-harbor guidance applies for accounting periods beginning on or after 1 January 2012. A higher debt-to-equity ratio may be accepted by the QFC Tax Department.

Supply and installation contracts. Profits from "supply only" operations in Qatar are exempt from tax because the supplier trades "with" but not "in" Qatar. If a contract includes work elements that are performed partially outside Qatar and partially in Qatar, and if these activities are clearly separated in the contract, only the revenues from the activity performed in Qatar are taxable in Qatar.

Contract retention. All ministries, government departments, public and semipublic establishments and other payers must retain the final contract payment or 3% of the contract value (after deducting the value of supplies and work done abroad), whichever is greater, due to foreign branches that have a commercial registration linked to a specific project with a duration of at least one year. The contract retention payable to the contractor or subcontractor must be retained until the contractor or subcontractor

presents a tax clearance from the GTA confirming that all tax liabilities have been settled.

Contract retention does not apply to QFC taxpayers.

Contract reporting. Ministries and other government bodies, public corporations and establishments, and companies are required to report to the GTA on contracts concluded with nonresidents without a PE in Qatar, regardless of their value. In addition, contracts concluded with residents or with nonresidents that have a PE in Qatar must also be reported to the GTA if the contract value amounts to QAR200,000 for service contracts, or to QAR500,000 for contracting, supply, and supply and service contracts. Copies of the contracts must also be submitted together with the statement, except for contracts concluded with nonresidents with no PE in Qatar that have a contract value not exceeding QAR100,000. A failure to comply results in a penalty of QAR10,000 per contract.

Contract reporting does not apply to QFC taxpayers.

Multilateral Instrument. On 4 December 2018, Qatar signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS (Multilateral Instrument, or MLI). The MLI seeks to facilitate the efficient updating of existing tax treaties to incorporate treaty-related measures recommended by the OECD to counter base erosion and profit shifting, without the need for jurisdictions to bilaterally renegotiate each tax treaty.

Qatar deposited its instrument of ratification for the MLI with the OECD on 23 December 2019. The MLI entered into force on 1 April 2020.

At the point of the MLI ratification, Qatar indicated that it wants to amend its double tax treaties with 76 countries by using the MLI.

Minimum tax rate to align with BEPS 2.0 Pillar Two. On 22 December 2022, Qatar issued Law No. 11 of 2022 to amend some of the provisions of the ITL. The legislation amending the ITL was published in the *Official Gazette* on 2 February 2023. Article 34 of the ITL amending legislation notes that regulations will be issued that will include provisions necessary to address the requirements arising from the digitization of the economy and will set a minimum tax for entities located in Qatar on the basis of their excess profits determined in a manner equivalent to the global rules for combating the erosion of the tax base, provided that it is not less than 15%. The regulations on how Qatar will implement the Global Anti-Base Erosion Rules (Income Inclusion Rule [IIR] only or both IIR and the Undertaxed Payment Rule) and/or a Qualifying Domestic Minimum Top-up Tax is expected to follow in the future. Currently, no official date exists for when the further detailed regulations will be released.

Common Reporting Standard. Qatar is one of the jurisdictions that has committed to implement the Common Reporting Standard (CRS). The CRS is a standard developed by the OECD relating to automatic exchange of financial account information and requires jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis. On 10 November 2017,

Qatar signed the CRS Multilateral Competent Authority Agreement (CRS MCAA). The signing of the CRS MCAA enables Qatar to efficiently establish a wide network of exchange relationships for the automatic exchange of information under CRS.

The effective date for the CRS in Qatar was 1 July 2017. Reporting Financial Institutions (such as banks, funds, brokers, custodians and insurance companies offering cash value or annuity products) must have processes and procedures in place to meet their compliance requirements.

Individuals and entities that are not Reporting Financial Institutions should be prepared to provide relevant documentation to Reporting Financial Institutions to support their tax residency status.

The annual reporting deadline is 31 July following the year to which the data relates (subject to change by the GTA).

Economic substance rules. On 17 October 2021, Qatar introduced economic substance rules via the Resolution of the Minister of Finance No. 20 of 2021 for companies that are engaged in relevant activities and intellectual property activities and that benefit from a Preferential Tax System (Qualified Entities). The rules will enter into force on 31 December 2023.

The Preferential Tax System is defined as any system that provides a preferential tax benefit that is not available under the general tax system of the state, regardless of its form, nature of benefit or its amount. Therefore, entities established under the QSTP, the Qatar Free Zone and the QFC (together referred to as Licensed Authorities) that are benefitting from the Preferential Tax System would be covered under these regulations.

The following are the relevant activities under the regulations:
- Head office
- Center for distribution and other services
- Finance acquisition of assets and leasing of assets
- Treasury funds management
- Banking
- Insurance
- Shipping
- Holding companies
- Technical consulting
- Technical training

To continue benefiting from the Preferential Tax System, Qualified Entities should meet certain requirements, such as conducting of a core income-generating activity in Qatar, having adequate number of full-time employees in Qatar, incurring an adequate amount of operational expenses to carry out activities and meeting the other requirements set by the Licensed Authorities.

The Resolution does not provide for reporting compliance requirements but requires Qualified Entities to maintain certain information to be provided to the Licensed Authorities and competent authorities on request.

Law No. 11 of 2022 introduces a penalty of 15% of net income when the "substance" tests are not met.

Ultimate beneficial ownership. Qatar introduced new requirements to report ultimate beneficial owners in line with other existing laws in Qatar concerning beneficial ownership reporting requirements. Further details of the reporting requirement are expected to be addressed when the amended Executive Regulations are issued.

F. Tax treaty withholding tax rates

The following table shows the withholding tax rates for dividends, interests and royalties provided under Qatar double treaties that are in force and effective as of 1 January 2023.

	Dividends			
	A	B	Interest (a)	Royalties
	%	%	%	%
Albania	0/5 (ll)	0/5 (ll)	0/5 (ll)	6
Algeria	— (b)	—	— (c)	5
Argentina (ss)	15	5/10 (tt)	0/12 (uu)	10
Armenia	10	5 (d)	5	5
Austria	— (c)	— (c)	— (f)	5
Azerbaijan	7	7	7	5
Barbados	— (c)	— (c)	— (c)	5
Belarus	5	5	5	5
Bermuda	—	—	—	5
Bosnia and Herzegovina (vv)	— (c)	— (c)	7	7
Brunei Darussalam	— (c)	— (c)	— (c)	5
Bulgaria	— (c)	—	3	5
China Mainland	10	10	10	10
Croatia	— (c)	—	— (c)	10
Cuba	10	5 (e)	10	5
Cyprus	— (c)	—	— (c)	5
Czech Republic (vv)	10	5 (m)	—	10
Ecuador	5/10 (p)	0/5 (p)	10 (ll)	10
France	— (f)	—	— (f)	— (f)
Georgia	— (c)	—	— (c)	— (g)
Greece	5	5	5	5
Guernsey	—	—	—	5
Hong Kong SAR	—	—	—	5
Hungary	0/5 (bb)	0 (bb)	— (c)	5
India	10	5 (h)	10	10
Indonesia	10	10	10	5
Iran	7.5	5 (ff)	10	5
Ireland	—	—	—	5
Isle of Man	— (c)	— (c)	— (c)	5
Italy	15	5 (i)	5	5
Japan	10	5 (hh)	0/10 (ii)	5
Jersey	— (c)	— (c)	— (c)	5
Jordan	10	10	5	10
Kazakhstan	5/10 (m)	5 (m)	10 (ll)	10
Kenya	10	0/5 (jj)	10	10
Korea (South)	10	10	10	5
Kyrgyzstan	—	—	—	5

	Dividends		Interest (a)	Royalties
	A %	B %	%	%
Latvia	0/5 (gg)	0 (gg)	0/5 (gg)	5
Lebanon	— (j)	—	— (j)	— (j)
Luxembourg	5/10 (k)	0 (h)	— (c)	5
Malaysia	5/10 (l)	5 (l)	5	8
Malta	— (c)	—	— (c)	5
Mauritius	— (c)	—	— (c)	5
Mexico	—	—	5/10 (ee)	10
Monaco	— (c)	—	— (c)	5
Morocco	10	5 (m)	10	10
Nepal	10	10	10	15
Netherlands	10	0 (n)	— (c)	5
North Macedonia	— (c)	—	— (c)	5
Norway	15	5 (aa)	— (c)	5
Oman (vv)	5	0 (ww)	—	8
Pakistan	10	5 (h)	10	10
Panama	6	0/6 (mm)	6	6
Philippines	15	10 (aa)	10	15
Poland	5	5	5	5
Portugal	10	5 (dd)	10 (a)	10
Romania	3	3	3	5
Russian Federation	5	5	5	— (c)
Rwanda	10	5 (xx)	0/10 (yy)	10
San Marino	— (c)	— (c)	— (c)	5
Senegal	— (j)	—	— (j)	— (j)
Serbia	10	5 (e)	10	10
Seychelles	— (c)	—	— (c)	5
Singapore	— (c)	—	5	10
Slovenia	5	5	5	5
South Africa	10	0/5 (jj)	0/10 (kk)	5
Spain	5	0 (nn)	0	0
Sri Lanka	10	10	10	10
Sudan	— (b)	—	— (c)	— (z)
Switzerland	10/15 (o)	0/5 (rr)	— (c)	— (c)
Syria	5	5	10	18
Tunisia	0 (q)	0	— (r)	5
Türkiye	10	5 (s)	10 (t)	10
Ukraine	10	0/5 (oo)	5/10 (pp)	5/10 (qq)
United Kingdom	0/15 (u)	0/15 (u)	0 (v)	5
Venezuela	10	5 (h)	5	5
Vietnam	12.5	5 (w)	10	5/10 (x)
Yemen	— (c)	—	— (c)	— (y)
Non-treaty jurisdictions	0	0	5 (cc)	5 (cc)

A Individuals and companies
B Qualifying companies

(a) Some treaties provide for an exemption for certain types of interest, such as interest paid to public bodies and institutions. Such exemptions are not considered in this column.

(b) Income may be taxed in the residence state at the rate provided under its domestic law.

(c) Income is taxable only in the residence state at the rate provided under its domestic law.

(d) The 5% rate applies if the beneficial owner has invested capital of more than USD100,000.

(e) The 5% rate applies if the beneficial owner holds at least 25% of the capital of the company paying the dividends.
(f) Dividends, interest and royalties are taxable only in the residence state at the rates provided under its domestic law if the recipient is the beneficial owner of the income.
(g) Royalties are taxable only in the residence state at the rates provided under its domestic law if the recipient is the beneficial owner of the income.
(h) This rate applies if the beneficial owner holds at least 10% of the capital of the company paying the dividends.
(i) The 5% rate applies if the beneficial owner has owned directly or indirectly at least 25% of the capital of the company paying the dividends for a period of at least 12 months preceding the date on which the dividends are declared.
(j) Dividends, interest and royalties are taxable in the residence state at the rates provided under its domestic law.
(k) The 5% rate applies if the beneficial owner is an individual who holds directly at least 10% of the capital of the company paying the dividends and who has been a resident of the other contracting state for a period of 48 months immediately preceding the year in which the dividends are paid.
(l) The 5% rate applies if the beneficial owner is an individual or a company that holds directly at least 10% the capital of the company paying the dividends. Otherwise, a 10% rate applies.
(m) The 5% rate applies if the beneficial owner holds directly at least 10% of the capital of the company paying the dividends.
(n) The 0% rate applies if the beneficial owner is a company that has its capital wholly or partly divided into shares and that holds directly at least 7.5% of the capital of the company paying the dividends.
(o) The 10% rate applies if the individual holds at least 10% of the capital of the distributing company. Otherwise, the 15% rate applies.
(p) The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the voting stock of the company paying the dividends. The 0% rate applies to dividends distributed to certain state-owned entities.
(q) The income is not taxable in either state.
(r) The income may be taxed in the source state at the rate provided under its domestic law.
(s) This rate applies if the beneficial owner is the government or a public institution that is wholly owned by the government or its political subdivisions or local authorities, of the other contracting state or a company (other than a partnership) that holds directly at least 20% of the capital of the company paying the dividends. Otherwise, the 10% rate applies.
(t) The income is exempt from tax if it is beneficially owned by the government of the contracting state or a political subdivision or a local authority thereof or by the central bank of the other contacting state.
(u) Dividends distributed by real estate investment trusts are subject to a 15% withholding tax, unless the beneficial owner is a pension scheme, in which case an exemption applies.
(v) The treaty provides for several alternative conditions relating to the beneficial owner or the payer of the interest for the application of the 0% rate. This rate applies if one of these conditions is met. Otherwise, the domestic rate in the source state applies.
(w) The 5% rate applies if the beneficial owner is a company that holds directly or indirectly at least 50% of the capital of the company paying the dividends or that has invested more than USD10 million or the equivalent in Qatari or Vietnamese currency in the capital of the company paying the dividends.
(x) The 5% rate applies to royalties paid for the following:
- The use of, or the right to use, patents, designs or models, plans, or secret formulas or processes
- The use of, or the right to use, industrial, commercial or scientific equipment
- Information concerning industrial, commercial or scientific experience

The 10% rate applies in other cases.
(y) The income is taxable only in the source state at the rate provided under its domestic law.
(z) The income may be taxed in the source state at the rate provided for under its domestic law.
(aa) This rate applies if the beneficial owner is a company (other than a partnership) that holds at least 10% of the capital of the company paying the dividends.
(bb) The 0% rate applies if the beneficial owner of the dividends is a company resident in the other contracting state. The 5% rate applies to all other beneficial owners of dividends resident in the other contracting state.
(cc) See Section B.

(dd) This rate applies if the beneficial owner of the dividends holds at least 10% of the capital of the company paying the dividends or if the beneficial owner is the state of Portugal, a political or administrative subdivision or a local authority thereof, or the central bank of Portugal.

(ee) The 5% rate applies if the beneficial owner of the interest is a bank. A 10% rate applies in all other cases.

(ff) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 20% of the capital of the company paying the dividends.

(gg) The rate is 0% if the beneficial owner is a company (other than a partnership). The rate is 5% of the gross amount of the dividends or interest in all other cases.

(hh) The 5% rate applies if, for the six-month period ending on the date on which entitlement to the dividends is determined, the beneficial owner of the dividends owned at least 10% of the voting power or the total issued shares of the company paying the dividends, and if the company paying the dividends is not allowed a tax deduction for the dividends.

(ii) The 0% rate applies if the interest is derived from government debt or if the beneficial owner is one of the following:
- A government entity
- A bank
- An insurance company
- A securities dealer
- A pension fund (conditions apply)
- Any other enterprise, provided that in the three tax years preceding the tax year in which the interest is paid, the enterprise derives more than 50% of its liabilities from the issuance of bonds in the financial markets or from taking deposits for interest and more than 50% of the assets of the enterprise consist of debt-claims against persons not associated with the enterprise

(jj) The 5% rate applies if the beneficial owner holds at least 10% of the capital of the company paying the dividends. The 0% rate applies to dividends paid to the other contracting state or a local authority, political subdivision or statutory body thereof.

(kk) The 0% rate applies if the interest arises with respect to a government debt or debt listed on a recognized stock exchange.

(ll) Exemptions apply to certain specified state-owned entities.

(mm) The 0% rate applies to dividends beneficially owned by a contracting state, a political subdivision, a local authority, an investment authority, the central bank or a pension fund thereof or any other entity or institution that is recognized, by mutual agreement, as an integral part of the state and is exempt from tax in the source state.

(nn) The exemption applies if the recipient company holds directly at least the following percentage of the capital of the company paying the dividends:
- 1% if the dividends are paid by a company, the shares of which are substantially and regularly traded on a stock exchange
- 5% if the beneficial owner of the dividends is a public body
- 10% in other cases

(oo) The 0% rate applies to dividends beneficially owned by a contracting state, a political subdivision, a local authority, an investment authority, the central bank or a pension fund thereof or any other institution or fund that is recognized, by mutual agreement, as an integral part of the state, political subdivision or local authority. The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends.

(pp) The 5% rate applies to sales on credit of industrial, commercial or scientific equipment, and on loans granted by banks. The 10% rate applies in all other cases.

(qq) The 5% rate applies to payments of royalties regarding copyrights of scientific works, patents, trademarks, secret formulas, processes or information concerning industrial, commercial or scientific experience.

(rr) The 5% rate applies if the beneficial owner is a company that holds directly at least 10% of the capital of the company paying the dividends. The 0% rate applies to dividends beneficially owned by a contracting state, a political subdivision, a local authority, an investment authority, the central bank or a pension fund thereof or any other institution or fund that is recognized as an integral part of that state, political subdivision or local authority, as shall be agreed by mutual agreement of the competent authorities of the contracting states.

(ss) This treaty is effective from 1 January 2022.

(tt) The 5% rate applies if the beneficial owner is the "government," as defined below, of a contracting state. The 10% rate applies if the beneficial owner is a company that holds at least 25% of the capital of the distributing company. Otherwise, the 15% rate applies.
For the purposes of Article 10 "Dividends", Article 11 "Interest" and Article 13 "Capital gains" of the double tax treaty, the term "government" means the following:
- Political subdivision
- Local authorities
- Central bank
- Any other institution resident in that contracting state performing financial functions of a governmental nature and the capital of which is wholly owned directly or indirectly by that contracting state

In the case of Qatar, the institutions referred to above are the following:
- Qatar Investment Authority
- Qatar Holding
- Qatar Development Bank
- Qatar Energy (formerly known as Qatar Petroleum)
- Qatar Retirement Funds

(uu) The 0% rate applies if the beneficial owner is the "government" of the other contracting state. The term "government" has the same meaning as defined in footnote (tt) above.

(vv) This treaty is effective from 1 January 2023.

(ww) The 0% rate applies if the beneficial owner is a company that holds at least 20% of the capital of the company paying the dividends or if the beneficial owner is a Qatar national, a pension fund, Qatar or a company held directly or indirectly by Qatar.

(xx) The 5% rate applies if one of the following conditions apply:
- The beneficial owner is a company that holds directly at least 15% of the capital of the company paying the dividends throughout a 365-day period that includes the day of the payment of the dividend.
- The beneficial owner is Qatar or any of its political subdivisions or local authorities, or any of their statutory bodies, agencies or instrumentalities or its central bank.
- The beneficial owner is one of the following entities that is wholly owned, directly or indirectly, by Qatar, its political subdivisions or local authorities: Qatar Investment Authority, Qatar Holding LLC, Qatar civil retirement fund, Qatar military retirement fund, Qatar Development Bank, Qatar Ports Management Company (Mwani Qatar), Qatar Petroleum or Qatar Petroleum International Limited.

(yy) The 0% rate applies if one of the following conditions is met:
- The beneficial owner is Qatar or any of its political subdivisions or local authorities, or any of their statutory bodies, agencies or instrumentalities or its central bank
- The beneficial owners is one of the following entities that is wholly owned, directly or indirectly, by Qatar, its political subdivisions or local authorities: Qatar Investment Authority, Qatar Holding LLC, Qatar civil retirement fund, Qatar military retirement fund, Qatar Development Bank, Qatar Ports Management Company (Mwani Qatar), Qatar Petroleum or Qatar Petroleum International Limited.

Qatar has ratified tax treaties with Belgium, Eritrea, Fiji, Gambia, Mauritania, Nigeria and Paraguay. The entry into force dates of these treaties is unknown at this stage.

Qatar is in the process of negotiating, signing and ratifying tax treaties with Benin, Bangladesh, Congo, Côte d'Ivoire, Egypt, Ethiopia, Estonia, Eswatini, Gabon, Ghana, Germany, Iceland, Libya, Lithuania, Montenegro, Peru, Somalia, Tajikistan, Thailand, Turkmenistan and Uzbekistan.

Qatar is renegotiating its tax treaties with India, Morocco and Pakistan.

Romania

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A. At a glance

Corporate Income Tax Rate (%)	16 (a)
Capital Gains Tax Rate (%)	16 (a)
Branch Tax Rate (%)	16 (a)
Withholding Tax (%) (b)	
Dividends	8 (c)
Interest	16 (d)(e)(f)(g)
Royalties	16 (d)(f)(g)
Commissions	16 (d)(g)
Certain Services Rendered Abroad	16 (d)(g)(h)
Services Rendered in Romania	16 (d)(g)
Gambling	3 (i)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (j)

(a) See Section B.

(b) These withholding tax rates are standard and final. They can be reduced under double tax treaties or European Union (EU) directives.

(c) This tax may be reduced to nil for dividends paid to a legal entity residing in another EU Member State or to a permanent establishment of an entity residing in an EU Member State, if certain conditions relating to the dividend recipient and dividend payer are satisfied. These conditions are described in *Dividends* in Section B. Dividends paid by Romanian legal entities to pension funds, as defined by the law of an EU Member State or of one of the European Economic Area (EEA) countries, as long as there is an exchange of information instrument in place, are exempt from withholding tax in Romania.

(d) This withholding tax applies only if the income is not attributable to a permanent establishment in Romania.

(e) The following types of interest derived by nonresidents are not subject to withholding tax:
- Interest from public debt instruments in national and foreign currency
- Interest related to instruments issued by the National Bank of Romania to carry out monetary policy
- Interest paid by Romanian legal entities to pension funds, as defined by the law of an EU Member State or of one of the EEA countries, as long as there is an exchange of information instrument in place
- Interest paid on instruments issued by Romanian legal entities based on a prospectus approved by the competent regulatory authority, provided that the interest is not paid to related parties

(f) The withholding tax rate is 0% for interest and royalties if certain conditions are satisfied, including the following principal conditions:
- The beneficial owner of the interest or royalties is a legal person resident in an EU Member State or a permanent establishment of an entity resident in such a state.
- The beneficial owner of the interest or royalties holds at least 25% of the value or number of participation titles in the Romanian entity for an uninterrupted period of at least two years that ends on the date of payment of the interest or royalties.

(g) The rate is 10% for income derived by nonresident individuals who are resident in another EU Member State or in a country that has entered into a double tax treaty with Romania.

(h) This withholding tax applies only to management and consultancy services rendered abroad. International transport and supplies of services ancillary to such transport are not subject to withholding tax.

(i) Income from gambling derived by individuals is taxed at source. The tax due is determined on each payment by applying the following scale of taxation to each gross income received by a participant from an organizer or payer of gambling income:
- 3% for income up to and including RON10,000
- RON300 + 20% of the amount exceeding RON10,000 if the gross income is between RON10,000 and RON66,750
- RON11,650 + 40% of the amount exceeding RON66,750 if the gross income is over RON66,750

(j) Annual tax losses are not adjusted for inflation. The annual tax loss realized starting with 2024 or the amended tax year starting in 2024, is recovered at a rate of 70% of taxable profits obtained in the next five consecutive years. Annual tax losses related to the years prior to 2024, remaining to be recovered on 31 December 2023, will be recovered within a limit of 70% of the related taxable profits, during the remaining period of recovery from the seven consecutive years following the year of recording the respective losses.

B. Taxes on corporate income and gains

Corporate income tax. Resident entities are subject to tax on their worldwide income. An entity is resident in Romania if it satisfies any of the following conditions:
- It is incorporated in Romania.
- Its place of effective management and control is located in Romania.
- It is a legal entity that has its headquarters in Romania and that is incorporated in accordance with the European legislation.

Associations or consortia, which are not considered separate legal persons in Romania, are tax transparent. Different tax rules apply depending on the members of the associations or consortia (for example, whether the members are Romanian, nonresident, individuals or companies).

Nonresident companies that do not have an effective place of management in Romania are subject to tax on their Romanian-source income only, including capital gains derived from specified transactions (see *Capital gains*).

Rates of corporate income tax. The standard rate of income tax for Romanian companies is 16%, regardless of whether the companies have foreign participation. Income derived by companies from night bars, nightclubs, discos and casinos directly or in association is also normally taxable at a rate of 16%, but the amount of the tax payable may not be less than 5% of the gross income derived from such activities.

Nonresident companies that do not have their place of effective management in Romania are taxed in Romania at the standard rate of 16% on earnings derived from their operations in Romania through branches, permanent establishments or certain consortia.

A permanent establishment of a foreign company in Romania may be constituted in certain forms, including the following:

- A place of management
- An office
- A branch
- A factory
- A mine, an oil or gas well, a quarry, or any other place of extraction of natural resources
- A building site that exists for a period exceeding six months
- The place in which an activity continues to be carried out with the assets and liabilities of a Romanian legal person subject to a cross-border reorganization

Foreign companies are also normally taxable in Romania at the standard corporate income tax rate on profits derived in Romania from real estate located in Romania and the exploitation of natural resources, as well as on certain capital gains (see *Capital gains*).

Representative offices are subject to an annual tax equal to RON18,000 (approximately EUR4,000).

Minimum Tax on turnover. Starting 1 January 2024, a minimum tax on turnover (MTT) is introduced for taxpayers (other than credit institutions and legal persons carrying out activities in oil and gas sectors for which special rules are applied, as detailed below) that record a turnover higher than EUR50 million during the previous year.

Specifically, taxpayers that, for the reporting year, compute a corporate income tax cumulated from the beginning of the fiscal year or modified fiscal year to the end of the quarter/year of calculation, lower than the MTT established according to the formula below, are obliged to pay the corporate income tax at the level of the MTT.

The MTT is computed according to this formula:

$$MTT = 1\% \text{ of } (VT - Vs - I - A)$$

The letters in the formula represent the following:

- VT: the total revenues, calculated cumulatively from the beginning of the fiscal year/modified fiscal year to the end of the quarter/year of calculation.
- Vs: the amounts to be deducted, calculated cumulatively from the beginning of the fiscal year or modified fiscal year to the end of the quarter/year of calculation, and include the following:
  - Nontaxable revenues provided at Articles 23 and 24 from the Fiscal Code
  - Revenues related to the cost of stock of products
  - Revenues related to the cost of services in execution
  - Revenues from the production of tangible and intangible assets
  - Revenues from subsidies
  - Revenues from compensation from insurance/reinsurance companies, for damages caused to goods representing stocks or own tangible assets
  - Revenues from excise duties that have been simultaneously reflected as expenses

- I: the value of acquisition or production of assets in progress performed during the trimester/year of calculation, starting with the 2024 fiscal year or the modified fiscal year beginning in 2024.
- A: the accounting depreciation of assets purchased or produced starting 1 January 2024/first day of modified fiscal year beginning in 2024. It does not include the accounting depreciation of assets incorporated in the value of indicator I.

Taxpayers performing sponsorships and/or patronage actions can deduct the related expenses from the minimum tax due. This tax credit is capped at the minimum of the following:
- 0.75% of the company's turnover
- 20% of the company's corporate income tax.

However, if the MTT is due, the amounts representing corporate income tax exempt or reduced or other amounts that are deducted from the corporate income tax according to special laws, cannot be deducted, and neither can the reduction of corporate income tax due to equity maintenance/increase criteria according to Government Emergency Ordinance (GEO) nr. 153/2020.

Economic operators exclusively carrying out activities of distribution, supply and transportation of electricity or natural gas and that are regulated/licensed by the National Energy Regulatory Authority (ANRE) are specifically exempt by the MTT.

Additional tax for credit institutions and companies operating in the oil and gas industry. Special regulations are applied to credit institutions and legal entities operating in the oil and gas sectors, as an exemption from the MTT, as described below.

Starting 1 January 2024, an additional tax is established for credit institutions, including Romanian legal entities and Romanian branches of credit institutions and foreign legal entities. Credit institutions owe, in addition to the corporate income tax, an MTT computed by applying the following rates on the turnover (which is specifically defined):
- 2% for the period of 1 January 2024 to 31 December 2025 inclusively
- 1% starting with 1 January 2026

Starting 1 January 2024, an additional tax is established for companies operating in the oil and gas sectors and that recorded during the previous year a turnover higher than EUR50 million.

Additional to the corporate income tax, the specific tax on turnover is computed according to the formula:

$$ICAS = 0.5\%*(VT - Vs - I - A)$$

Microenterprises. Romanian legal persons fulfilling certain conditions may opt to pay microenterprise tax, which is calculated by applying a 1% or 3% tax rate to the taxable revenues with exemptions for certain revenues.

Starting 1 January 2023, the conditions for a Romanian legal entity to qualify as a microenterprise taxpayer are the following:
- It derives revenue lower than EUR500,000.

- It derives revenue other than consultancy and/or management revenues (except tax consultancy) that is more than 80% of total revenue.
- It has at least one employee (full-time or part-time if the fractions of the norm provided in the part-time agreements, added up, represent the equivalent of a full norm).
- It has shareholders that own more than 25% of the value or number of shares or voting rights, and these shareholders do not have this level of ownership in any other Romanian legal entity that is also taxed under the microenterprise income tax regime.
- It has submitted the financial statements in due time, if required under the law.
- Its share capital is owned by persons other than the state and administrative-territorial units.
- It is not in dissolution, followed by liquidation, registered in the commercial register or in the courts, according to the law.

The microenterprise regime is optional. An entity that opted to be a microenterprise taxpayer must switch to the corporate income tax regime during a tax year if one of the first two conditions mentioned above are met.

The microenterprise regime is optional starting 1 January 2023; it will no longer be automatically applied at the setup of a Romanian legal entity. An entity must switch to the corporate income tax regime during a tax year if one of the first two conditions mentioned above are met.

A tax loss incurred by the taxpayer in the period in which the microenterprise income tax is applied is not taken into account (the taxpayer's tax result is not calculated).

Tax losses incurred by legal persons before applying the microenterprise tax regime can be carried forward until the legal entity applies the corporate income tax regime again, but only within the standard five-year period stated by the law.

Tax incentives. Romania offers certain tax incentives, which are summarized below.

Corporate income tax. The Tax Code contains measures allowing companies to claim accelerated depreciation in certain circumstances.

The Tax Code allows "sponsorship" expenses to be claimed as a credit against corporate income tax due, subject to certain limitations. Under the Sponsorship Law, "sponsorship" is defined as "the juridical deed by which two persons agree upon the transfer of the ownership right upon certain material goods or financial means, in order to support the activity without lucrative scope, carried out by one of them." The tax credit for sponsorship expenses is limited to the lower of the following:
- 0.75% of the company's turnover
- 20% of the corporate income tax due

Sponsorship expenses incurred up to 31 December 2021 that were not used for obtaining a tax credit can be carried forward for seven consecutive years.

Starting with 1 January 2022, it is not possible anymore to carry forward sponsorship expenses incurred for which the tax

credit could not be claimed. Instead, it is possible to redirect the corporate income tax up to the unused sponsorship tax credit limit, by the date of submission of the annual corporate income tax return.

Reinvested profit. The profit invested in the production and/or acquisition of certain technological equipment, assets used in production or processing, assets representing refurbishment, computers and peripherals, tax registers, control and billing machines, as well as software and the right to use software, is exempt from tax. The reinvested profit represents the balance in the profit-and-loss account, which is the difference between the total income and total expenses booked in the trial balance of the company from the beginning of the year in which such assets are commissioned. The assets must be retained for at least half of their useful economic life, but no longer than five years, with certain exceptions (for example, cases in which the assets are destroyed, lost or stolen). In addition, the accelerated depreciated method cannot be used for the respective assets.

Innovation and research and development, as well as ancillary activities. Effective from 1 January 2017, a new exemption from corporate income tax was introduced. It applies for the first 10 years of activities to taxpayers that exclusively undertake innovation and research and development (R&D), as well as ancillary activities. Application norms for this incentive are still to be issued by the Romanian authorities.

R&D costs super-deduction. An additional allowance granted for R&D activities equals 50% of eligible costs under certain conditions. Also, accelerated depreciation can be applied for the equipment and machinery used in the R&D activities. To be eligible for this incentive, the R&D activities must qualify as applicative research and/or experimental development.

The procedure for applying the R&D incentives was amended; as of 1 January 2023, a certification by an expert registered in the National Register of Experts for the certification of R&D activity is required for large taxpayers.

Industrial parks. Companies that own buildings and land located inside industrial parks are exempt from building tax and land tax.

Petroleum companies. Incentives are available to titleholders of oil and gas concessions. Titleholders are granted the concessions by the government in exchange for the payment of a royalty. The following are the incentives:

- For rehabilitation projects, a deductible provision equal to 10% of the annual offshore exploitation profits derived by titleholders of oil and gas licenses that relate to offshore areas with water deeper than 100 meters (328 feet).
- Provisions set up for equipment decommissioning and environmental rehabilitation are deductible up to a limit of 1%, which is applied to the accounting result of the exploitation and production of natural resources, except for the result related to the offshore activities and other activities of the legal entity.
- Reserves for the development and modernization of oil and gas production and for oil refining and infrastructure are deductible. These are included in taxable income on the depreciation

of the assets and their write-off, respectively, over the period in which the expenses financed from these reserves are incurred.

Free-trade zones. The following tax benefits are available to companies performing activities in free-trade zones:
- Value-added tax (VAT) exemption applies to supplies of non-Community goods to be placed in a free-trade zone and to supplies of the respective goods performed in a free-trade zone.
- Non-Community goods introduced into free-trade zones for storage purposes are not subject to customs duties.
- State aid is available for investments performed in free-trade zones.

Property taxes. Local councils may grant building and land tax exemptions to legal entities, subject to the state-aid regulations.

Tax reduction for capitalized entities. Tax reductions of up to 15% are granted for taxpayers paying corporate income tax, microenterprise tax or specific tax in the period of 2021 to 2025 for the increase of equity, under certain conditions. The following are the percentages of the reductions:
- 2%, if the value of accounting equity in the year for which the tax is due is positive and at least half of the value of the subscribed share capital
- Between 5% and 10% for annual increases in adjusted equity, depending on the increase percentage
- 3%, starting with 2022, if the taxpayer registers an increase of the adjusted equity compared to 2020 by a certain targeted percentage

Capital gains. Capital gains are included in taxable income and taxed at the normal corporate income tax rate. Capital gains derived by nonresident companies are also subject to the standard 16% tax rate if they are derived from the disposal of the following:
- Immovable property located in Romania
- Participation titles (shares) in a Romanian resident company

Income derived by nonresident collective placement bodies without corporate status from the transfer of value titles (securities participation titles in open funds, and other financial instruments, such as derivatives) and participation titles held directly or indirectly in Romanian resident companies, as well as income derived by nonresidents from the transfer on a foreign capital market of participation titles held in a Romanian resident company and of value titles, is not taxable in Romania.

Income derived from the sale or assignment of shares held in Romanian resident legal entities or in legal entities from countries with which Romania has entered into a double tax treaty is not included in taxable income if the taxpayer holds for an uninterrupted period of one year at least 10% of the share capital of the legal entity that issued the shares.

Administration. In general, the tax year is the calendar year. However, certain companies may opt for a tax year other than the calendar year.

Under the corporate income tax law, payers of corporate income tax (for example, companies, branches and permanent establishments) must file tax returns and pay corporate income tax quarterly (computed based on actual numbers) by the 25th

day of the first month following the first, second and third quarters.

As an exception to the general rule, payments made by banks are advance payments based on the corporate income tax for the preceding year, adjusted by the inflation rate. These payments must be made quarterly by the 25th day of the first month following the first, second and third quarters, as well on 21 December, of the respective year for the fourth quarter. This rule does not apply to newly established banks and banks that recorded a tax loss in the preceding year. These banks apply the 16% rate to the accounting profit of the current quarter.

All other payers of corporate income tax may opt for reporting and paying the annual corporate income tax through advance payments made on a quarterly basis, provided that certain conditions are met.

The annual corporate income tax return must be filed and any balance of annual corporate income tax must be paid by 25 March of the following year (as an exception, for the period of 2021 through 2025, this will be changed to 25 June for most taxpayers). For the taxpayers using a non-calendar tax year, the annual corporate income tax return must be filed and any balance of annual corporate income tax must be paid by the 25th day of the third month (as an exception, for the period 2021 through 2025, this will be changed to the 25th day of the sixth month for most taxpayers) following the tax year-end.

Certain taxpayers, such as nonprofit organizations or taxpayers deriving most of their revenues from cereals and technical plants, must submit the annual corporate income tax return and pay the related tax by 25 February of the following year.

Payers of corporate income tax that cease to exist must submit a final tax return and pay the corporate income tax based on special rules.

The annual financial statements must be submitted within specified time periods after the year-end. The following are the time periods:
- Companies (in general), national companies and R&D institutes: 150 days
- Certain specified legal persons, individuals and bodies: 120 days
- Companies not performing any activities after their formation: 60 days

The failure of a company to file tax returns by the deadline may result in a fine ranging usually from RON500 to RON5,000. Companies are liable for the payment of the fines for late filing of returns even if they pay the tax due. For the late payment of tax liabilities, the following late payment interest and late payment penalties are due (except as otherwise provided):
- Late payment interest, computed at 0.02% per day of delay
- Late payment penalties, computed at 0.01% per day of delay
- Penalties for unreported or inaccurately reported obligations, computed at 0.08% per day of delay
- Late payment penalties for local tax liabilities, computed at 1% per month or part of a month of delay

Dividends. The tax rate for dividends is 8% for all dividend beneficiaries (individuals and legal entities, from Romania and abroad).

Dividends paid by Romanian resident companies to resident companies are subject to an 8% withholding tax. The 8% tax is considered a final tax and, accordingly, the dividends are not included in the taxable income of the recipient. However, as a result of Romania's accession to the EU, no tax is imposed on dividends paid by a Romanian resident company to resident companies that held at least 10% of the shares of the payer for an uninterrupted period of at least one year that ended on the date of payment of the dividend.

Dividends paid by Romanian resident companies to resident individuals and nonresident companies and individuals are generally subject to an 8% withholding tax. However, dividends paid by a Romanian resident legal entity to a legal entity resident in another EU Member State or to a permanent establishment of an entity residing in an EU Member State are not subject to withholding tax if certain conditions relating to the legal entity receiving the dividends and to the Romanian income payer are satisfied. These conditions are described below.

The following conditions must be satisfied with respect to the legal entity receiving the dividends:

- The legal entity or permanent establishment receiving the dividends must be established in one of the legal forms provided by the law and must be resident in the respective EU Member State and, according to the double tax treaties entered into with third countries, may not be resident outside the EU from a tax perspective.
- The legal entity or permanent establishment receiving the dividends must be liable to pay corporate income tax or other similar tax under the tax law in its state of residence without the possibility of exemption or choice of the tax treatment or a tax that substitutes for such tax.
- The beneficiary of the dividends must own at least 10% of the participation titles in the Romanian legal entity for an uninterrupted period of at least one year ending on the date of the payment of the dividends.

The Romanian resident entity paying the dividends must satisfy the following conditions:

- It must be a joint stock company, limited stock partnership (*societate in comandita pe actiuni*), limited liability company, general partnership (*societate in nume colectiv*) or limited partnership (*societate in comandita simpla*).
- It must be liable to pay corporate income tax without the possibility of exemption or choice of the tax treatment, or a tax that substitutes for corporate income tax as per the domestic legislation.

The deadline for payment of dividend withholding tax is the 25th day of the month following the month in which the dividends are paid. However, if the dividends are distributed but not paid to shareholders by the end of the year in which the annual financial statements are approved, the tax is due on 25 January of the following year (the 25th day of the first month following the end of

the tax year for taxpayers that apply a tax year different than the calendar year).

Foreign tax relief. Foreign taxes may be credited against Romanian taxes based on the provisions of a double tax treaty between Romania and the foreign state.

Permanent establishments. Romanian permanent establishments of foreign legal entities resident in an EU or EEA Member State that derive income from another EU or EEA Member State benefit under certain conditions from a tax credit for the tax paid in the state from which the permanent establishment from Romania derived the income.

C. Determination of trading income

General. In general, all income that is booked as revenue is included in taxable income for corporate income tax purposes. However, the following items, among others, are not included in taxable income:

- Dividends received by a Romanian resident company from another Romanian resident company
- Dividends received by a Romanian resident company from a foreign legal entity subject to corporate income tax or a similar tax located in a state with which Romania entered into a double tax treaty, dividends received from an EU resident subsidiary and dividends received by a Romanian permanent establishment of an EU company, if certain conditions are satisfied
- The value of new shares or increases in the value of existing shares held in other companies, resulting from the incorporation of reserves, premiums, profits and similar items
- Revenues from the reversal, recovery and recharge of expenses and provisions that were previously considered to be nondeductible
- Income derived from the liquidation of other Romanian resident legal entities or foreign legal entities located in countries with which Romania has entered into a double tax treaty, if certain conditions are met
- Income from the revaluation of fixed assets, land and intangibles, which offsets the previous decreases incurred with respect to the same assets
- Income derived from a permanent establishment in a country with which Romania has entered into a double tax treaty that provides the exemption method for the elimination of double taxation

The second and fifth items above apply if the taxpayer holds for an uninterrupted period of one year at least 10% of the share capital of the legal entity distributing the dividends or the legal entity subject to liquidation.

In general, expenses are deductible for tax purposes if they are incurred for the purpose of carrying out business activities. However, the following items, among others, are deductible within specified limits:

- Protocol and entertainment expenses (for example, gifts to clients and business lunches), up to 2% of the sum of the accounting profit, corporate income tax, and protocol and entertainment expenses

- Employee-related expenses (social expenses), up to 5% of the total salary cost
- Contributions to the legal reserve fund, generally up to 5% of the accounting profit before tax, until the reserve fund reaches 20% of share capital
- Expenses with respect to shrinkage of goods and to perishable goods (goods on which a company might incur losses for various reasons, such as from damage suffered during the transport of the goods), which are deductible within the limits set by a government decision
- Provisions expenses and contributions to reserve funds within specified limits (see *Provisions*)
- Borrowing costs (see Section E)
- Depreciation expenses (see *Tax depreciation*)
- Net losses from the transfer of receivables, which are deductible within a limit of 30% of such losses

The following expenses, among others, are not deductible for tax purposes:

- Service expenses, including management, assistance and consultancy expenses, if they are provided by a person located in a state with which Romania does not have a legal instrument for information exchange and if such transactions are considered to be artificial.
- Expenses relating to insurance, other than insurance relating to assets owned by the company and risks related to the company's activity.
- Penalties and fines paid to Romanian or foreign authorities.
- Losses from the reduction in the value of inventory that cannot be recovered and uninsured assets, as well as the related VAT. However, these losses are deductible under certain conditions, such as losses regarding goods that exceeded their validity term or passed their expiration date according to the law or that were qualitatively degraded, if their destruction can be proved accordingly.
- Romanian and foreign corporate income tax (however, a tax credit is allowed for taxes paid in other countries based on the provisions of a double tax treaty between Romania and the foreign state).
- Sponsorship expenses (a tax credit is allowed for sponsorship expenses on meeting certain conditions [see Section B]).
- Expenses incurred for the benefit of shareholders or associates, other than payments for goods and services at market value.
- Expenses related to non-taxable income.

The deductibility of car expenses not falling under the full deductibility criteria provided under the Romanian tax law is limited to 50% for certain cars not exclusively used for business purposes.

Taxpayers applying International Financial Reporting Standards. Taxpayers applying International Financial Reporting Standards (IFRS), such as banks and listed companies, must also take specific tax rules into consideration in determining the corporate income tax.

Inventories. Under Romanian law, inventories of raw materials and merchandise are valued at purchase cost, while inventories of finished goods and work-in-progress are valued at production cost. On the write-off of the inventories, the valuation is calculated

using the first-in, first-out (FIFO), weighted average or last-in, first-out (LIFO) methods.

Provisions. Under Romanian law, the following provisions, among others, are deductible for corporate income tax purposes:
- Bad debt provisions under specified conditions
- Provisions for performance guarantees granted to clients
- Mandatory credit risk provisions, if established by banks, credit institutions or nonbanking financial institutions (leasing companies)
- Special provisions for titleholders of oil and gas concessions

Tax depreciation. The following are the permissible depreciation methods:
- Buildings: straight-line depreciation
- Equipment: straight-line, degressive or accelerated depreciation
- Other depreciable assets: straight-line or degressive depreciation

The depreciation method must be applied consistently. Land may not be depreciated.

Under the accelerated depreciation method, the assets are depreciated at a maximum rate of 50% in the first year of use, and the balance of the value is deducted using the straight-line method during the remaining useful life of the asset. Assets financed from reinvested profit cannot be depreciated using the accelerated depreciation method (see Section B).

Patents, licenses, know-how, manufacturers' brands, trademarks and service marks, as well as other similar industrial and commercial property rights, are depreciated during the contract period or during the period in which the purchaser intends to use the rights.

Expenses for the production or purchase of software programs are deductible on a straight-line or degressive basis over three years. The degressive and accelerated depreciation methods may be used for patents.

Goodwill, as well as intangibles with an undetermined operational life according to the accounting regulations, cannot be depreciated for tax purposes.

The deductibility of the tax depreciation of certain vehicles is limited to RON1,500 per month per vehicle.

For tax depreciation purposes, useful lives are prescribed by law. The following are the useful lives that are generally applicable to major categories of assets.

Asset	Years
Buildings and constructions (for example, roads and fences)	8 to 60
Machinery and equipment	2 to 24
Furniture and fittings	2 to 15
Motor vehicles	3 to 9

Reserves from the revaluation of fixed assets, carried out after 1 January 2004, which are deducted as tax depreciation or expenses when assets are sold or written off are taxed simultaneously with the deduction of the tax depreciation or expenses (that is, when the assets are sold or written off).

Relief for losses. The annual tax loss realized starting with 2024, or amended tax year starting in 2024, is recovered at a rate of 70% of taxable profits obtained in the next five consecutive years. Annual tax losses related to the years prior to 2024, remaining to be recovered on 31 December 2023, will be recovered within a limit of 70% of the related taxable profits, during the remaining period of recovery from the seven consecutive years following the year of recording the respective losses.

Losses may not be carried back.

Groups of companies. The Romanian law provides financial accounting rules for the consolidation of companies under certain circumstances. In addition, a tax consolidation system for corporate income tax has been established and can be applied starting with the 2022 fiscal year, provided that certain conditions are met (among others, a direct or indirect holding of at least 75%).

Tax consolidation is also available for foreign legal entities that have several permanent establishments in Romania. As a result, the taxable profits of one permanent establishment may be offset against the tax losses of another permanent establishment.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; certain enterprises, products and services are exempt, including banks, financial intermediaries and insurance companies	
Standard rate	19
Special rates for certain goods and services	5/9
Special consumption (excise) taxes; imposed, for example, on energy products, beverages, cigarettes and coffee; taxes are imposed at specified amounts per unit on certain products (for example, alcohol) and at percentage rates for other products	Various
Local taxes on land, buildings, cars, certain authorizations and other items	Various

E. Miscellaneous matters

Foreign-exchange controls. The Romanian currency is the leu (RON). Regulation 4/2005, as amended, governs the foreign-exchange regime in Romania.

In Romania, transactions between resident companies or between resident companies and resident individuals must be made in local currency, with certain exceptions. Transactions between residents and nonresidents can be made in domestic as well as in foreign currency. In the free-trade zones (see Section B), transactions between residents can also be performed in foreign currency.

Residents and nonresidents may open foreign-currency accounts in Romanian banks or foreign banks authorized to operate in Romania. Residents are allowed to open accounts in banks located abroad. Romanian legal entities may hold and use hard currency deposited with authorized banks.

Romanian legal entities may make payments in foreign currency to nonresidents without prior approval. Current-account transactions include, among others, imports of goods and services, payments of dividends and repatriation of profits.

Romanian and foreign entities may freely buy and sell hard currency on the interbank foreign-exchange market, but specified documentation is usually required.

Transfer pricing. Under the provisions of the Romanian Tax Code, for transactions between related parties, the tax authorities may adjust the amount of income or expenses of either party to reflect the market value of the goods or services provided in the transaction. Such reassessment affects only the tax position of the Romanian entity. It does not affect the entity's financial statements.

The law indicates that in applying the domestic transfer-pricing measures, the Romanian tax authorities must also take into account the Organisation for Economic Co-operation and Development (OECD) Transfer-Pricing Guidelines.

On request, Romanian entities performing transactions with related parties must make available to the tax authorities a file containing specified transfer-pricing documentation.

Country-by-Country Reporting (CbCR) notification requirements were introduced, starting with transactions performed during 2016. They apply to all Romanian entities that are part of multinational enterprise groups that have a total consolidated turnover of at least EUR750 million.

Anti-Tax Avoidance Directive. The provisions of the EU Anti-Tax Avoidance Directive (ATAD; EU Council Directive 2016/1164 of 12 July 2016), which provides rules against tax avoidance practices that directly affect the functioning of the internal market were transposed into the Romanian Tax Code, applying from 1 January 2018.

The following provisions were introduced:
- Limitation on the deductibility of interest and of other costs economically equivalent to interest (see *Borrowing costs*)
- Exit taxation rules
- Controlled foreign company rules

Anti-Tax Avoidance Directive II. The provisions of the EU Anti-Tax Avoidance Directive II (ATAD II; EU Council Directive 2017/952 of 29 May 2017) regarding hybrid mismatches with third countries were transposed into the Romanian Tax Code (together with the provisions on hybrid mismatches included in the ATAD, which had not been implemented previously). The provisions apply from 3 February 2020.

BEPS 2.0 - Pillar Two. In early January 2024, Romania enacted the Pillar Two measures, including Qualified Domestic Minimum Top-up Tax, which are generally computed based on local Romanian generally accepted accounting principles. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://www.ey.com/content/dam/ey-unified-site/ey-com/en-gl/services/tax/documents/beps-2-0-pillar-two-developments-tracker.pdf).

Borrowing costs. As a result of the transposition of ATAD, the limitation on the deductibility of interest and other costs economically equivalent to interest were introduced, replacing the previous limitations applicable to interest and foreign-exchange differences.

The limitation applies also to banks and nonbanking financial entities, as well to borrowing costs owed to them.

Borrowing costs also include, for example, interest capitalized in the accounting value of an asset and arrangement fees.

Taxpayers can deduct during a tax period the exceeding borrowing costs (the amount by which the borrowing costs exceed the interest revenues) up to the deductible limit of the Romanian lei equivalent of EUR1 million, out of which not more than EUR500,000 is for transactions or operations with related parties that do not finance the acquisition or production of certain assets in progress.

The exceeding borrowing costs exceeding the abovementioned limit have limited deductibility in the tax period in which they are incurred, up to 30% from the basis of calculation.

The basis of calculation of the deductible exceeding borrowing costs is calculated as follows:

Total revenues – total expenses – nontaxable revenues + corporate income tax expense + exceeding borrowing costs + deductible tax depreciation (adjusted earnings before interest, taxes, depreciation and amortization [EBITDA])

If the basis of calculation is negative or is equal to zero, the exceeding borrowing costs (the costs exceeding the abovementioned thresholds) are nondeductible in the tax period in which they are incurred, and they are carried forward for an unlimited period of time under the same deduction conditions.

As an exception, taxpayers that are independent entities, are not part of a consolidated group from a financial accounting perspective and have no affiliated entities or permanent establishments can fully deduct the exceeding borrowing costs in the tax period in which the costs are incurred.

These provisions apply also to interest expenses and net foreign-exchange losses carried forward in relation to periods before 2018, according to the previously applicable legislation.

The nondeductible exceeding borrowing costs carried forward recorded by entities that cease to exist as a result of a spin-off or merger can be carried forward by the new taxpayers or taxpayers that take over the assets and liabilities of the merged or spun-off entity.

F. Treaty withholding tax rates

The table below shows the applicable withholding rates under Romania's bilateral tax treaties. This table does not reflect the potential effect that the Multilateral Instrument (MLI) might have over the impacted bilateral tax treaties.

	Dividends (gg) %	Interest (hh) %	Royalties (hh) %
Albania	10/15 (a)	10	15
Algeria	15	15	15
Armenia	5/10 (a)	10	10
Australia	5/15 (b)	10	10
Austria	0/5 (a)	0/3 (n)	3
Azerbaijan	5/10 (a)	8	10
Bangladesh	10/15 (b)	10	10
Belarus	10	10	15
Belgium	5/15 (a)	10	5
Bosnia and Herzegovina	5/10 (a)	7	5
Bulgaria	5	0/5 (aa)	5
Canada	5/15 (b)	10	5/10 (r)
China Mainland	0/3 (yy)	0/3 (zz)	3
Costa Rica (dd)	5/15 (a)	10	10
Croatia	5	10	10
Cyprus	10	10	0/5 (e)
Czech Republic	10	7	10
Denmark	10/15 (a)	10	10
Ecuador	15	10	10
Egypt	10	15	15
Estonia	10	0/10	10
Ethiopia	10	15	15
Finland	5	0/5	2.5/5 (f)
France	10	10	10
Georgia	8	10	5
Germany	5/15 (b)	0/3 (g)	3
Greece	25/45 (h)	10	5/7 (i)
Hong Kong SAR	0/3/5 (rr)	0/3 (ss)	3
Hungary	5/15 (j)	15	10
Iceland	5/10 (a)	3	5
India	10	0/10 (pp)	10
Indonesia	12.5/15 (a)	12.5	12.5/15 (k)
Iran	10	8	10
Ireland	3	0/3 (l)	0/3 (i)
Israel	15	0/5/10 (m)	10
Italy	0/5 (ww)	0/5 (xx)	5
Japan	10	10	10/15 (i)
Jordan	15	12.5	15
Kazakhstan	10	10	10
Korea (North)	10	10	10
Korea (South)	7/10 (a)	0/10 (x)	7/10 (k)
Kuwait	0/1 (ii)	1	20
Latvia	10	10	10
Lebanon	5	5	5
Liechtenstein (ccc)	0/10 (ddd)	5	5
Lithuania	10	10	10
Luxembourg	5/15 (a)	0/10 (c)	10
Malaysia	0/10 (o)	0/15 (p)	0/12 (q)
Malta	5/30 (h)	5	5
Mexico	10	15	15
Moldova	10	10	10/15 (k)
Morocco	10	10	10
Namibia	15	15	15

	Dividends (gg) %	Interest (hh) %	Royalties (hh) %
Netherlands	0/5/15 (s)	0/3 (t)	0/3 (t)
Nigeria	12.5	12.5	12.5
North Macedonia	5	10	10
Norway	0/5/10 (tt)	0/5 (uu)	5
Pakistan	10	10	12.5
Philippines	10/15 (a)	10/15 (u)	10/15/25 (v)
Poland	5/15 (a)	10	10
Portugal	10/15 (w)	10	10
Qatar	3	3	5
Russian Federation	15	15	10
San Marino	0/5/10 (ee)	3	3
Saudi Arabia	0/5 (jj)	0/5 (kk)	10
Singapore	0/5 (ff)	5	5
Slovak Republic	10	10	10/15 (k)
Slovenia	5	5	5
South Africa	15	15	15
Spain	0/5 (aaa)	0/3 (bbb)	3
Sri Lanka	12.5	10	10
Sudan	5/10 (a)	0/5	5
Sweden	10	10	10
Switzerland	0/15 (ll)	0/5 (mm)	0/10 (y)
Syria	5/15 (a)	10	12
Tajikistan	5/10 (a)	10	10
Thailand	15/20 (a)	10/20/25 (z)	15
Tunisia	12	10	12
Türkiye	15	10	10
Turkmenistan	10	10	15
Ukraine	10/15 (a)	10	10/15 (k)
United Arab Emirates	0/3 (vv)	0/3 (qq)	3
United Kingdom	10/15 (a)	10	10/15 (i)
United States	10	10	10/15 (i)
Uruguay	5/10 (a)	0/10 (nn)	10
Uzbekistan	10	0/10 (bb)	10
Vietnam	15	10	15
Yugoslavia (Federal Republic of) (oo)	10	10	10
Zambia	10	10	15
Non-treaty jurisdictions	5	0/16 (cc)	16

(a) The lower rate applies if the beneficiary of dividends is a company owning at least 25% of the capital of the payer.

(b) The lower rate applies if the beneficiary of dividends is a company owning at least 10% of the capital of the payer.

(c) The rate is 0% if the indebtedness on which the interest is paid is guaranteed, insured, or financed by the other state or by a financial institution that is a resident of the other state.

(d) The 0% rate applies if the beneficial owner of the dividends is one of the following:
- The government of a contracting state
- The governmental institution or entity of a contracting state
- A company that is resident in a contracting state and that has at least 25% of its capital owned directly or indirectly by the government or governmental institutions of either contracting state

(e) The 5% rate applies to royalties paid for patents, brands, designs and models and know-how.

(f) The 2.5% rate applies to royalties relating to computer software or industrial equipment.

(g) The 0% applies to interest paid to the German government, Deutsche Bundesbank Kreditanstalt fur Wiederaufbau or Deutsche Investitions und Entwicklungsgesellschaft (DEG) and to interest paid on a loan guaranteed by Hermes-Deckung. The 0% rate also applies to interest paid to the Romanian government if it is derived and beneficially owned by certain types of institutions (for example, the Romanian government, an administrative-territorial unit, a local authority, or an agency, bank unit or institution of the Romanian government) or if the debt claims of Romanian residents are warranted, insured or financed by a financial institution wholly owned by the Romanian government. In addition, as long as Germany does not impose taxes on interest, Romania may not tax interest. The protocol to the treaty provides that the following types of interest are taxed only in the state where the interest arises and according to the law of that state, provided that they are deductible in the determination of profits of the interest payer:
- Interest derived from rights or debt claims carrying a right to participate in profits
- Interest linked to the borrower's profits
- Interest derived from profit-sharing bonds

(h) The lower rate applies to dividends paid by companies resident in Romania.

(i) The lower rate applies to cultural royalties.

(j) The lower rate applies if the beneficiary of dividends is a company owning at least 40% of the capital of the payer.

(k) The lower rate applies to payments received for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas and processes, or industrial, commercial or scientific equipment, and for information concerning industrial, commercial or scientific experience.

(l) The 0% rate applies to the following types of interest:
- Interest paid in connection with sales on credit of industrial, commercial or scientific equipment
- Interest on loans granted by banks or other financial institutions (including insurance companies)
- Interest on loans with a term greater than two years
- Interest on debt-claims guaranteed, insured or directly or indirectly financed by or on behalf of the government of either contracting state

(m) The 0% rate applies to interest arising in one contracting state with respect to debentures, public funds or similar instruments of the government that is paid to residents of the other contracting state and to interest on loans granted or guaranteed by the National Bank of Romania or by the Bank of Israel. The 5% rate applies to interest paid with respect to sales on credit of merchandise or industrial, commercial or scientific equipment and to interest on loans granted by banks. The 10% rate applies to other interest.

(n) As long as Austria, under its national law, does not levy withholding tax on interest paid to Romanian residents, the withholding tax rate is 0%. An exemption also applies if any of the following circumstances exist:
- The payer or the recipient of the interest is the government of a contracting state, a local authority or an administrative or territorial unit thereof or the central bank of a contracting state.
- The interest is paid with respect to a loan granted, approved, guaranteed or insured by the government of a contracting state, the central bank of a contracting state or a financial institution owned or controlled by the government of a contracting state.
- The interest is paid with respect to a loan granted by a bank or other financial institution (including an insurance company).
- The interest is paid on a loan made for a period of more than two years.
- The interest is paid in connection with the sale on credit of industrial, commercial or scientific equipment.

(o) The 0% rate applies to dividends paid by a company resident in Malaysia to a Romanian resident; the 10% rate applies to dividends paid by a company resident in Romania to a Malaysian resident.

(p) The 0% rate applies to interest paid to Romanian residents on long-term loans.

(q) The 0% rate applies to industrial royalties received from Malaysia by Romanian residents.

(r) The 5% rate applies to the following:
- Copyright royalties and similar payments with respect to the production or reproduction of literary, dramatic, musical or other artistic works (but not including royalties with respect to motion picture films or works on film or videotape or other means of reproduction for use in connection with television broadcasting)
- Royalties for the use of, or the right to use, computer software, patents or information concerning industrial, commercial or scientific experience (but not including royalties paid with respect to a rental or franchise agreement)

(s) The 0% rate applies if the beneficiary of the dividends is a company owning at least 25% of the capital of the payer. The 5% rate applies if the beneficiary of the dividends is a company owning at least 10% of the capital of the payer. The 15% rate applies to other dividends.

(t) Romania will not impose withholding tax on interest and royalties paid to Dutch residents as long as Dutch domestic law does not impose withholding tax on these types of payments. An exemption also applies if any of the following circumstances exist:
- The payer or the recipient of the interest is the government of a contracting state, a public body, a political subdivision, an administrative-territorial unit or a local authority thereof or the central bank of a contracting state.
- The interest is paid with respect to a loan granted, approved, guaranteed or insured by the government of a contracting state, the central bank of a contracting state or any agency or instrumentality (including a financial institution) owned or controlled by the government of a contracting state.
- The interest is paid with respect to a loan granted, approved, guaranteed or insured by the government of a contracting state, the central bank of a contracting state or any agency or instrumentality (including a financial institution) owned or controlled by the government of a contracting state.
- The interest is paid on a loan made for a period of more than two years.
- The interest is paid in connection with the sale on credit of industrial, commercial or scientific equipment.

(u) The lower rate applies to interest related to sales on credit of equipment, loans granted by a bank or to public issues of bonds and debentures.

(v) The 10% rate applies to royalties paid by a company that is registered as a foreign investor and is engaged in an activity in a priority economic field. The 15% rate applies to royalties related to film or television production. The 25% rate applies to other royalties.

(w) The 10% rate applies if the beneficiary of dividends is a company owning at least 25% of the capital of the payer for an uninterrupted period of two years.

(x) The 0% rate applies to interest related to sales on credit of industrial and scientific equipment.

(y) Romania will not impose withholding tax on royalties paid to Swiss residents as long as Swiss domestic law does not impose withholding tax on royalties.

(z) The 10% rate applies if the beneficiary of the interest is a financial company, including an insurance company. The 20% rate applies to interest with respect to sales on credit. The 25% rate applies to other interest payments.

(aa) The 0% rate applies if the interest is beneficially owned by the other contracting state or an administrative-territorial unit or a local authority thereof, the central bank of that other state, or an agency, bank or institution of that other state or administrative-territorial unit or local authority thereof or if the debt-claims of a resident of the other contracting state are warranted, insured or financed by a financial institution wholly owned by that other state.

(bb) The 0% rate applies if either of the following circumstances exist:
- The interest is derived and beneficially owned by the government of the other state, a local authority or an administrative-territorial unit thereof or an agency or bank unit or institution of that government, local authority or administrative-territorial unit.
- The debt claims of a resident of the other state are warranted, insured, or directly or indirectly financed by a financial institution wholly owned by the government of the other state.

(cc) The 0% rate applies to the following types of interest:
- Interest related to public debt instruments or to instruments issued by the National Bank of Romania with the purposes of reaching monetary policy objectives
- Interest paid to EU pension funds

The 16% rate applies to other interest payments.

(dd) This treaty is not yet in force.

(ee) The 0% rate applies if the beneficiary of the dividends is a company owning at least 50% of the capital of the payer. The 5% rate applies if the beneficiary of the dividends is a company owning at least 10% of the capital of the payer. The 10% rate applies to all other dividends.

(ff) The 0% rate applies to dividends paid to the government of the other contracting state.

(gg) In accordance with an EU directive, the following rules apply to dividends paid to companies residing in the EU:
- The withholding tax rate in Romania is 0% if certain conditions are met, such as the beneficiary of the dividends owns at least 10% of the capital of the payer for an uninterrupted period of one year before the payment of the dividends.
- The withholding tax rate in Romania is 5% if the conditions mentioned in the preceding bullet are not satisfied.

(hh) The withholding tax rate is 0% for interest and royalties if both of the following conditions are satisfied:
- The beneficial owner of the interest or royalties is a legal person resident in an EU Member State or a permanent establishment of an entity resident in such a state.
- The beneficial owner of the interest or royalties holds at least 25% of the value or number of participation titles in the Romanian entity for an uninterrupted period of at least two years that ends on the date of payment of the interest or royalties.

(ii) The 0% rate applies to dividends paid to the government or political subdivisions, local authorities or administrative territorial units. The 0% rate also applies to majority state-owned companies (at least 51%) if the minority shareholders are residents of that state.

(jj) The 0% rate applies if the beneficial owner of the dividends is one of the following:
- The government of a contracting state
- A governmental institution or entity of a contracting state

(kk) The 0% rate applies if any of the following circumstances exists:
- The payer of the income from debt-claims is the government of a contracting state or an administrative-territorial unit or an administrative subdivision or a local authority thereof.
- The income from debt-claims is paid to the government of the other contracting state or administrative-territorial unit, or an administrative subdivision or local authority thereof, or an agency or instrumentality (including a financial institution) wholly owned by the other contracting state or administrative-territorial unit, or an administrative subdivision or local authority thereof.
- The income from debt-claims is paid to any other agency or instrumentality (including a financial institution) with respect to loans made in application of an agreement between the governments of the contracting states.
- The income from debt-claims is paid on loans granted, insured or guaranteed by a public institution for purposes of promoting exports.

(ll) A withholding tax exemption for dividends applies if either of the following circumstances exists:
- The dividends are paid to a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends.
- The beneficial owner of the dividends is the government of the contracting state or a governmental institution or entity of a contracting state.

(mm) The withholding tax exemption for interest applies if either of the following circumstances exists:
- The interest is paid to related parties (that is, direct parent or sister companies) that have a shareholding of 25% or more.
- The loan is secured by a governmental institution.

(nn) The 0% rate applies if any of the following circumstances exist:
- The beneficial owner is the government, an administrative subdivision, a local authority or an administrative-territorial unit.
- The beneficial owner is a bank owned by the government, an administrative subdivision, a local authority or an administrative-territorial unit.
- The loan is guaranteed, assured or financed by a bank entirely owned by the government.

(oo) This treaty currently applies to Montenegro and Serbia.

(pp) The 0% rate applies if the interest is derived and beneficially owned by the following:
- The government, an administrative territorial unit, a political subdivision, a local authority or an administrative-territorial unit
- In the case of Romania, by the National Bank of Romania or the Export-Import Bank of Romania
- In the case of India, by the Reserve Bank of India, the Export-Import Bank of India or the National Housing Bank
- Any other institution that may be agreed to through an exchange of letters between the competent authorities

(qq) The treaty provides for an exemption for interest in the following circumstances:
- Interest arising in the United Arab Emirates and paid to the Government of Romania or to any of its financial institutions is exempt from United Arab Emirates tax.
- Interest arising in Romania and paid to the government of the United Arab Emirates or its financial institutions is exempt from Romanian tax.
- Interest arising from institutions the capital of which is wholly or partially owned by the Government of Romania or the Government of the United Arab Emirates exempt from tax in the respective contracting states.

(rr) In the case of the Hong Kong Special Administrative Region (SAR), the 0% rate applies if the beneficiary is one of the following:
- The Government of the Hong Kong SAR
- The Hong Kong Monetary Authority
- The Exchange Fund
- A financial institution wholly or mainly owned by the Government of the Hong Kong SAR and mutually agreed on by the competent authorities of the contracting parties

In the case of Romania, the 0% rate applies if the beneficiary is one of the following:
- Romania or an administrative-territorial unit thereof
- The National Bank of Romania
- The Export-Import Bank of Romania (EXIMBANK)
- A financial institution wholly or mainly owned by Romania and mutually agreed on by the competent authorities of the contracting parties

Otherwise, the following are the rates:
- 3% if the beneficial owner is a company (other than a partnership) that holds directly at least 15% of the capital of the company paying the dividends
- 5% in all other cases

(ss) The 0% rate applies if and as long as the Hong Kong SAR, under its internal legislation, levies no withholding tax on interest. In the case of the Hong Kong SAR, an exemption is also available if the interest is beneficially owned by one of the following:
- The Government of the Hong Kong SAR
- The Hong Kong Monetary Authority
- The Exchange Fund
- A financial institution wholly or mainly owned by the Government of the Hong Kong SAR and mutually agreed on by the competent authorities of the contracting parties

In the case of Romania, an exemption is also available if the interest is beneficially owned by one of the following:
- Romania or an administrative-territorial unit thereof
- The National Bank of Romania
- The EXIMBANK
- A financial institution wholly or mainly owned by Romania and mutually agreed upon by the competent authorities of the contracting states

(tt) In the case of Norway, the 0% rate applies to dividends paid to the following:
- The Central Bank of Norway
- The Government Pension Fund Global
- A statutory body or any entity wholly or mainly owned by Norway as may be agreed from time to time between the competent authorities of the contracting states

In the case of Romania, the 0% rate applies to dividends paid to the following:
- The National Bank of Romania
- The EXIMBANK
- A statutory body or any entity wholly or mainly owned by Romania as may be agreed from time to time between the competent authorities of the contracting states

The 5% rate applies if the beneficiary of the dividends is a company owning at least 10% of the capital of the payer. The 10% rate applies to all other dividends.

(uu) The 0% rate applies if the interest is derived and beneficially owned by the government of the other contracting state or a political subdivision, local authority or administrative-territorial unit thereof or an agency, bank unit or institution of that government or political subdivision, local authority or administrative-territorial unit or if the debt-claims of a resident of the other contracting state are warranted, insured or financed by a financial institution wholly owned by the government of the other contracting state.

(vv) The 0% rate applies to dividends paid to the government of a contracting state or a governmental institution or entity thereof and to companies that are resident of either contracting state and that have at least 25% of their capital owned directly or indirectly by the government or a governmental institution of a contracting state.

(ww) The 0% rate applies if the beneficiary of the dividends is a company owning at least 10% of the capital of the payer for an uninterrupted period of two years.

(xx) The 0% rate applies if any of the following circumstances exists:
- The payer of the interest is the government of a contracting state or a local organization thereof.
- The interest is paid to the government of the other contracting state or local organization thereof or to a body or an agency (including a financial institution) wholly owned by that contracting state or local authority thereof.
- The interest is paid to other bodies or agencies (including a financial institution) dependent for their funds on the entities mentioned above under agreements concluded between the governments of the contracting states.

(yy) The 0% rate applies to dividends paid to the government or political subdivisions, local authorities or administrative territorial units. The 0% rate also applies to dividends paid to majority state-owned companies (at least 51%) if the minority shareholders are residents of that state.

(zz) The 0% rate applies to the following types of interest:
- Interest paid in connection with sale on credit of equipment, merchandise or services
- Interest on loans granted by financial institutions of the other state
- Interest paid to the other state or a political subdivision, local authority or administrative-territorial unit thereof, or any entity wholly or mainly owned by the other state (more than 50%)

(aaa) The 0% rate applies if the beneficiary of the dividends is a company owning, directly or indirectly, at least 10% of the capital of the payer for more than one year or is a pension scheme that is a resident of the other state.

(bbb) The 0% rate applies if either of the following circumstances exist:
- The interest is derived and beneficially owned by the other contracting state or a political subdivision or administrative-territorial unit thereof or an agency, bank unit or institution of that state, political subdivision or administrative-territorial unit.
- The debt claims of a resident of the other contracting state are warranted, insured or financed by a financial institution wholly or mainly owned by that other state.

In addition, under a protocol to the double tax treaty, as long as, according to its internal legislation, interest arising in a contracting state is exempt from tax in that state, the withholding tax rate is reduced to 0%.

(ccc) The double tax treaty between Romania and Liechtenstein will be effective from 1 January 2025.

(ddd) The 0% rate applies if the beneficiary of the dividends is a company owning at least 10% of the capital of the payer for an uninterrupted period of one year.

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A. At a glance

Corporate Income Tax Rate (%)	28
Capital Gains Tax Rate (%)	5
Branch Tax Rate (%)	28
Withholding Tax (%)	
Dividends	5/15 (a)(b)
Interest	5/15 (a)(b)(c)
Royalties	15
Management Fees	15
Technical Fees	15
Service Fees	15
Sports and Entertainment Fees	15
Lottery and Gambling Proceeds	15
Imports	5 (d)
Public Procurement	3 (e)
Net Operating Losses (Years)	
Carryback	0 (f)
Carryforward	5

(a) This tax is a final tax.
(b) A reduced 5% rate applies to dividends and interest received by Rwandan and East African Community resident taxpayers from entities listed on the Rwanda Stock Exchange.
(c) A reduced 5% rate applies to interest derived from treasury bonds with a maturity of at least three years.
(d) This is a recoverable advance tax that applies to taxpayers without a tax clearance certificate issued by the Rwanda Revenue Authority.
(e) This is a recoverable advance tax that applies to suppliers of goods and services to public institutions.
(f) Rwanda does not have a provision for the carrying back of losses.

B. Taxes on corporate income and gains

Corporate income tax. Corporate income tax is payable by companies, cooperative societies, foreign companies or their branches, autonomous public enterprises, associations and any other business entities that engage in for-profit business activities. Resident entities are subject to corporate income tax on worldwide income. Nonresident entities are subject to corporate income tax on income derived through a permanent establishment. Nonresident entities without a permanent establishment in Rwanda are not subject to corporate income tax, but they may be subject to other taxes in Rwanda.

An entity is considered to be resident in Rwanda during a tax year if it satisfies either of the following conditions:
- It is a company or an association established according to Rwandan laws.
- It has its place of effective management in Rwanda at any time during the tax year.

Rates of corporate tax. The corporate tax rate is 28%.

Capital gains. Rwanda imposes a separate tax on capital gains of 5% arising from the transfer of shares (direct or indirect). Gains from the disposal of shares listed on the Rwanda Stock Exchange or units of a collective-investment scheme are exempt from capital gains tax.

Capital gains derived from the transfer of assets other than shares are included in taxable income and taxed at the normal corporate income tax rate.

Administration. A company's year of assessment (tax year) is the calendar year. A company wishing to maintain a tax year other than the calendar year must obtain prior approval from the Minister of Finance.

Companies must make installment payments, which are calculated by multiplying the current annual turnover by a fraction that has the tax paid for the previous annual tax period as the numerator and the turnover of the same tax period as the denominator. The payment dates are 30 June, 30 September and 31 December. The installment payments are subtracted from tax due at the end of the financial year. Any overpayment is generally treated as a prepayment of future income tax liabilities or other tax liabilities and may only be offset on obtaining the prior approval of the Rwanda Revenue Authority. However, a company may seek a refund of the overpayment by a written request to the Commissioner General of Rwanda Revenue Authority.

Companies must file a final tax return accompanied by proof of payment of tax provided by the tax administration within three months after the end of the tax year (31 March for calendar-year taxpayers). The company calculates the tax payable on the tax return form. The tax due equals the tax payable minus installments and recoverable withholding tax paid. Any tax due must be paid with the return.

Dividends. Dividends are subject to a final withholding tax at a rate of 15%. However, a reduced 5% rate applies to dividends

received by Rwandan and East African Community resident taxpayers from securities listed on the Rwanda Stock Exchange.

Foreign tax relief. Relief for foreign taxes paid is granted in accordance with tax treaties with other countries. If foreign tax is paid to a country that does not have a tax treaty with Rwanda, the tax paid may be subtracted from tax payable in Rwanda, subject to a maximum cap of the Rwandan income tax payable on that foreign-source income.

C. Determination of trading income

General. Taxable income is accounting income adjusted for nontaxable income and for nondeductible expenses. Expenses are deductible if they are incurred wholly and exclusively in the production of income.

Provisions. General and specific provisions, which are reflected in the computation of financial accounting income, are generally not deductible for tax purposes. However, banks and financial institutions may deduct any increase in the mandatory reserve for non-performing loans determined by the National Bank of Rwanda.

Tax depreciation. Depreciation charged in the financial statements is nondeductible for tax purposes, subject to limits that are set forth in the tax law or are determined by the Minister of Finance from time to time. The following are the current allowable tax depreciation rates:

Asset class	Rate (%)
Buildings (excluding land) including equipment and machinery	5
Intangible assets including goodwill	10
Information and communication systems with a life of more than 10 years	10
Computer equipment and accessories with a life of less than 10 years	50
All other business assets	25

Groups of companies. The income tax law does not allow the filing of consolidated returns, the combining of profits and losses of affiliated companies or the transfer of losses from loss companies to profitable members of the same group of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax, on the supply of goods and services in Rwanda and on imports of goods and services	
Standard rate	18%
Other rate	0%
Social security contributions; paid by	
Employer	5%
Employee	3%

Nature of tax	Rate
Maternity Leave Benefits Scheme contributions	
Employer	0.3%
Employee	0.3%
Community-based health insurance; paid by employee	0.5%
Trade licenses; the fee is based on the turnover of the prior period (tax year); maximum fee	RWF2,000,000

E. Miscellaneous matters

Foreign-exchange controls. The currency in Rwanda is the Rwandan franc (RWF). Rwanda does not impose foreign-exchange controls.

Debt-to-equity rules. Interest and realized foreign-exchange losses arising from related-party loans exceeding four times equity does not qualify as a deductible expense for companies other than commercial banks, insurance companies and other financial institutions.

Transfer pricing. The transfer-pricing (TP) rules apply to controlled transactions between a resident person with its related parties both in and outside Rwanda or a permanent establishment of a foreign entity in Rwanda engaging directly or indirectly in a controlled transaction with a related person not resident in Rwanda.

The guidelines provide that taxpayer's should have their TP documentation in place before the income tax declaration deadline for the tax period. The TP documentation must be submitted on request by the tax administration within seven days from the date of receipt of the written request. However, a schedule of the controlled transactions must be submitted in a prescribed form to the tax administration together with the income tax declaration.

F. Tax treaties

Rwanda has entered into double tax treaties with Barbados, Belgium, China Mainland, Congo (Republic of), Jersey, Luxembourg, Mauritius, Morocco, Qatar, Singapore, South Africa, Türkiye and the United Arab Emirates.

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St. Lucia is a member country of the Organisation for Economic Co-operation and Development (OECD)/G20 Inclusive Framework on Base Erosion and Profit Shifting (BEPS) to tackle tax avoidance, improve the coherence of international tax rules, ensure a more transparent tax environment, and address the tax challenges arising from the digitalization of the economy. As part of the new two-pillar plan to reform international taxation rules, which includes the proposal of a global minimum tax of 15% to address the incentives to shift profits to lower tax regimes and ensure that multinational enterprises pay a fair share of tax wherever they operate, St. Lucia is in the process of formulating its position. In view of the potential changes to the local law, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	30 (a)
Capital Gains Tax Rate (%)	0
Branch of Nonresident Corporation Tax Rate (%)	30 (a)
Withholding Tax (%)	

Payments to Nonresidents	
Dividends	0
Interest	15 (b)
Royalties	25 (b)
Rents	0
Management and Technical Services Fees	25 (b)
Any Other Payments of Income	25 (b)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	6

(a) This rate applies only to companies that are in good standing with the Inland Revenue Department. Otherwise, the rate is 33.3%.
(b) This is a final tax.

B. Taxes on corporate income and gains

Corporate income tax. All resident and nonresident companies in St. Lucia are subject to corporate tax on income that is sourced in St. Lucia. Income sourced outside of St. Lucia falls outside the scope of taxation.

Detailed legislation has been passed specifying what is considered local and foreign-source income. Nonresident companies that derive income from St. Lucia (other than by carrying on business through a permanent establishment) are not subject to tax in St. Lucia. However, such income earned by nonresident companies may be subject to withholding tax.

A company is considered to be tax resident in St. Lucia if it is incorporated in St. Lucia. A company incorporated outside of St. Lucia is also considered resident in St. Lucia if its management and control are located in St. Lucia.

Rates of corporate tax. All domestic companies that are in good standing with the Inland Revenue Department, including branches of nonresident companies, are subject to tax at a basic rate of 30%. Companies that are not in good standing are subject to tax at a rate of 33.3%.

Foreign-source income is not subject to tax in St. Lucia. Expenses incurred in connection with foreign-source income are not tax-deductible. Any such expenses paid to nonresidents are not subject to withholding tax in St. Lucia.

International Business Companies. International Business Companies (IBCs) registered before 1 December 2018 are no longer able to utilize preferential tax rates (tax-exempt or a 1% rate) and withholding tax exemptions. Effective 1 July 2021, all IBCs are subject to tax on income from sources in St. Lucia at the standard corporate tax rate of 30%.

IBCs must fulfill certain substance requirements, based on their core economic activity, including the following:
- Employment of an adequate number of employees with the necessary level of qualifications and experience
- Demonstration of an adequate amount of operating expenditure
- Adequate investment and capital commensurate with the type and level of activity

IBCs are also required to do the following:
- File annual tax returns based on annual audited financial statements
- Comply with the monitoring requirement as prescribed by the guidelines and regulations made by the competent authority
- Provide other documents required by the competent authority

Capital gains. Capital gains are not taxed in St. Lucia.

Administration. The fiscal (income) year is the period for which the accounts of the business are normally prepared.

A corporation is required to determine its own tax liability and to prepare and file a corporation tax return within three months after the end of its fiscal year. If a return is not filed on time, the Comptroller of Inland Revenue may levy a penalty of 5% of the tax payable for that income year.

Corporations must prepay tax in three installments. These installments must be paid by 25 March, 25 June and 25 September in each year, and each tax prepayment must equal one-third of the preceding year's tax. Any balance of tax due is paid when the return is filed. Failure to pay an installment of tax is subject to a penalty of 10% of the amount of unpaid tax as well as interest at a rate of 1.04% per month. Any balance of tax not paid by the due date incurs interest at a rate of 1.04% per year for the period during which it remains unpaid.

Dividends. Dividends paid by companies resident in St. Lucia to nonresidents are not subject to withholding tax in St. Lucia. Dividends received by companies resident in St. Lucia from domestic and foreign companies are not included in the companies' taxable income.

C. Determination of trading income

General. Taxable income is determined on the basis of accounts prepared in accordance with International Financial Reporting Standards, subject to specific adjustments identified in the Income Tax Act.

Management fees' restriction. Management fees allowable as a deduction are restricted to 10% of all allowable deductions (excluding the management charge and cost of sales).

Inventories. The authorities generally accept a method of valuation of inventory that conforms to standard accounting practice in the trade or business, provided it is applied consistently. Average cost or first-in, first-out (FIFO) are the generally accepted methods.

Provisions. Reserves or provisions of a general nature for doubtful accounts receivable, inventory shrinkage, inventory obsolescence and other items are not allowable. However, write-offs of specific amounts or balances are generally allowed if these amounts are calculated in accordance with the guidelines issued by the Inland Revenue Department.

Tax depreciation. Depreciation and amortization reported in the financial statements are not allowed as deductions in calculating taxable income. However, a company may claim capital allowances. Annual allowances of between 2.5% and 33.3% are granted

on the original cost of fixed assets, calculated on a declining balance. An initial allowance of 20% is also granted with respect to capital expenditure.

Relief for losses. Losses may be carried forward six years to offset income derived in those years. However, for any year, the deduction with respect to the prior year losses may not exceed one-half of the taxable income for that year. Losses may not be carried back.

Groups of companies. A member of a group of companies (the surrendering company) may surrender current trading losses to another member of the group (the claimant company). The claimant company may then claim a deduction for the losses in calculating its taxable income. This deduction may not exceed half of the taxable income of the claimant company.

To qualify for group relief, the surrendering company and the claimant company must be tax resident in St. Lucia and must be members of the same group throughout the fiscal year for which group relief is claimed. Two companies are members of the same group if one is a 51% subsidiary of the other or both are 51% subsidiaries of a third company. In determining whether a company is a 51% subsidiary of another company, share capital is excluded if profits from sales of such shares would be trading receipts of the direct owner of the shares. Share capital is also excluded if it is owned directly or indirectly in a company not resident in St. Lucia. In addition, the parent company must be beneficially entitled to at least 51% of the profits available for distribution to shareholders of the subsidiary and to at least 51% of the subsidiary's assets available for distribution to shareholders of the subsidiary on a winding up.

Trading losses may not be surrendered to the extent that they include the following:

- The surrendering company's capital allowances
- Expenses payable to a group member that are claimed as deductions but are not included in the income of that group member for the same fiscal year

Group relief is available only if the claimant company has used its capital allowances and offset its loss carryforwards against its current profits. A claim for group relief must be made within two years after the end of the surrendering company's fiscal year, and the surrendering company must consent to the relief. Group relief is not available to IBCs, International Banks and other companies granted special tax concessions.

Consolidated group returns may not be filed with the tax authorities.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on the supply of goods and services in St. Lucia and on goods imported into St. Lucia	
Standard rate	12.5

Nature of tax	Rate (%)
Supply of tourism accommodation services	7
Basic food items	0
Excise tax, on imports of vehicles; this tax is imposed in addition to the VAT	15 to 85
Import duty	5 to 45
National insurance contributions, on monthly insurable earnings up to XCD5,000; paid by	
Employer	5
Employee	5
Self-employed individual	10
Health and Citizen Security Levy; St. Lucia enacted the Health and Citizen Security Levy (HCSL) Act in July 2023 and then suspended the implementation of the HCSL until October 2023; the HCSL is imposed on the importation of goods, services provided by VAT-registered taxpayers, services provided by nonresident entities to VAT-registered taxpayers in St. Lucia and services provided by a business established and carrying on business from outside St. Lucia to the local branch of the business in St. Lucia; services falling outside the purview of Schedule 2 in the HCSL, as well as all exempt and zero-rated services listed in the VAT Act, are not subject to the HCSL	2.5

E. Miscellaneous matters

Foreign-exchange controls. St. Lucia does not impose foreign-exchange controls.

Debt-to-equity rules. St. Lucia does not impose thin-capitalization rules.

Anti-avoidance legislation. Anti-avoidance provisions may be applied to transactions effected for the main purpose of avoidance or reduction of tax liability.

Economic substance. Under the Economic Substance Act, a St. Lucia entity must satisfy certain economic substance requirements for each year of income in which it derives income from a relevant sector. The following are the requirements:

- The company must be directed and managed in St. Lucia.
- The company must have an adequate number of qualified employees in St. Lucia.
- The company has adequate operating expenditure proportionate to the level of activity carried on in St. Lucia.
- The company has an adequate physical presence.
- The company conducts core income-generating activities.

The activities conducted by a company for which economic substance is required include the following:

- Banking business
- Insurance business
- Shipping
- International mutual funds business

- Financing and leasing
- Headquartering
- Activities of a company holding tangible assets
- Activities of a company holding intangible assets
- Activities of a pure equity holding company
- Distribution and service center business
- Carrying on of a combination of businesses or activities listed above

Examples of a core income-generating activity in the banking business sector include, but are not limited to, the following:
- Raising funds
- Managing risk, including credit, currency and interest risk
- Taking hedging positions

If an entity fails to comply with the prescribed economic substance requirements, the entity may no longer qualify for the tax exemption on income that has accrued from a source outside St. Lucia.

Also, see *International Business Companies* in Section B.

Global minimum tax. St. Lucia has joined the two-pillar plan to reform international taxation rules. Under Pillar Two, the inclusive framework members have agreed to introduce a global minimum corporate tax rate of 15%. Global Anti-Base Erosion (GloBE) rules provide for a coordinated system of taxation intended to ensure that multinational enterprises (MNEs) with global revenue exceeding EUR750 million pay a fair share of tax in each of the jurisdictions where they operate. They do so by imposing a top-up tax on profits arising in a jurisdiction whenever the effective tax rate, determined on a jurisdictional basis, is below the minimum rate. The GloBE rules are not mandatory but have been agreed as a "common approach." This means that jurisdictions are not required to adopt the GloBE rules, but if they choose to do so, they agree to implement and administer them in a way that is consistent with the agreed outcomes set out under those rules. Even if they do not implement the rules, agreement on a common approach means that one jurisdiction accepts the application of the GloBE rules by another with respect to MNEs operating in its jurisdiction. If St. Lucia agrees to apply the GloBE rules from 2023, they must first be implemented into domestic law.

F. Treaty withholding tax rates

The following treaty withholding tax rates apply to income received in St. Lucia.

	Dividends %	Interest %	Royalties %
Caribbean Community and Common Market (a)	0	15	15
Switzerland (b)	– (c)	– (d)	0

(a) This is the Caribbean Community and Common Market (CARICOM) double tax treaty. Income is taxed in the country of source only.
(b) This is the 1954 treaty between the United Kingdom and Switzerland, which was extended by exchange of notes to St. Lucia under Article XXI.
(c) The treaty does not contain a dividend article. Consequently, the normal Swiss withholding tax rate applies.
(d) The treaty does not contain an interest article. Consequently, the normal Swiss withholding tax rate applies.

For payments from St. Lucia, the following treaty withholding tax rates apply (however, see the paragraph after the footnotes).

	Dividends %	Interest %	Royalties %
Caribbean Community and Common Market (a)	0	15	15
Switzerland (b)	0 (c)	15 (d)	0
Non-treaty jurisdictions	0	15	25

(a) This is the CARICOM double tax treaty. Income is taxed in the country of source only.
(b) This is the 1954 treaty between the United Kingdom and Switzerland, which was extended by exchange of notes to St. Lucia under Article XXI.
(c) The treaty does not contain a dividend article. Consequently, the normal withholding tax rate applies.
(d) The treaty does not contain an interest article. Consequently, the normal withholding tax rate applies.

Expenses paid to nonresidents in the production of foreign-source income are not subject to withholding tax in St. Lucia.

Saint-Martin

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A. At a glance

Corporate Income Tax Rate (%)	20
Capital Gains Tax Rate (%)	20
Branch Tax Rate (%)	20
Withholding Tax (%)	0
Net Operating Losses (Years)	
Carryback	3
Carryforward	Unlimited

B. Taxes on corporate income and gains

Corporate income tax. The taxation of Saint-Martin companies is based on a territorial principle. As a result, Saint-Martin companies carrying on a trade or business outside Saint-Martin are generally not taxed in Saint-Martin on the related profits and can not take into account the related losses. However, under the Saint-Martin controlled foreign company (CFC) rules contained in Article 209 B of the Saint-Martin Tax Code, income earned by a Saint-Martin enterprise through a foreign enterprise may be taxed in Saint-Martin if such income is subject to an effective tax rate that is 50% lower than Saint-Martin's effective tax rate on similar income (for further details, see Section E).

Tax rates. The net profits earned by resident and nonresident entities, including branches of foreign entities, are taxed at a standard rate of 20%.

A reduced tax rate of 10% applies to the first EUR40,000 of the profits of small and medium-sized enterprises if certain conditions are met, including the following:

- The turnover of the company is less than EUR7,630,000.
- At least 75% of the shares is directly or indirectly held by private persons or by entities that meet the above condition.
- The capital is fully paid.

In addition, a 10% rate applies to the following:

- Royalties from the lease of property rights, such as patents, patentable inventions, brands and copyrights on artistic, intellectual or cinematographic works.
- Long-term capital gains on the transfer or assignment of patents, patentable inventions or improvement of patents and the granting of licenses to use the rights described in the above bullet.
- Interest derived from securities giving access to the company's capital. These securities include share purchase warrants (*obligations à bons de souscription d'actions*, or OBSAs), Oceane Bonds convertible into new or existing shares, bonds with redeemable share subscription warrants (*obligations à bons de souscription en actions remboursables*, or OBSARs) and certain other securities.

Tax incentives. Business enterprises engaged in, among other activities, hotel industry, transport industry, tourism and information technology services industries may apply for a tax holiday regime.

The mechanism of the tax assistance for these activities is a deduction for direct investments from taxable income. The mechanism allows a 50% tax allowance (that is, 50% of the investment is deductible). As a result, the company may not be taxable on its taxable income if the amount of total income is below 50% of the invested amount.

In addition, companies that subscribe to the capital of a company registered in Saint-Martin that invests in the industries listed above may benefit from this deduction.

In several cases, an approval procedure must be performed to benefit from the deduction.

The tax assistance for investment regime applies to investments realized before 31 December 2025.

Administration. In general, companies must file a tax return within three months following the end of their financial year.

Corporate income tax is prepaid in four installments. Companies with a financial year ending on 31 December must pay the installments on 15 March, 15 June, 15 September and 15 December. The balance of corporate tax is due by 15 May of the following year. Other companies must pay the balance of corporate tax due within four months following the end of their financial year.

In general, late payment and late filing are subject to a 10% penalty. If additional tax is payable as a result of a reassessment of tax, interest is charged at 0.4% per month (4.8% per year). Many exceptions and specific rules apply to interest and penalties.

Capital gains. Under the corporate income tax rules, in general, no distinction is made between the taxation of capital gains and the taxation of other income. In general, all income is taxed at the standard income tax rate of 20%.

Capital gains derived from the sale of qualifying participations are exempt from tax. Qualifying participations must satisfy both of the following conditions:

- They must be considered to be *titres de participation* (specific class of shares for accounting purposes that enables the shareholder to have a controlling interest) or be eligible for the dividend participation exemption regime (see *Dividends received* in Section C).
- They must have been held for at least two years before their sale.

However, corporate income tax applies to 5% of the gross capital gains (that is, not reduced by any related costs) realized on qualifying participations. As a result, the effective tax rate on such gains is 1%.

Corporate income tax applies to 10% of the gross capital gains derived from the sale of industrial property rights if they have been held for at least two years before their sale.

Dividends paid. Saint-Martin does not levy withholding tax on dividend distributions.

Foreign tax relief. Saint-Martin domestic law grants a tax credit with respect to tax on foreign-source income that has already been taxed in its source country, even in the absence of a double tax treaty. The tax credit equals the amount of tax paid in the source country, up to the corresponding amount of tax due in Saint-Martin for this income.

C. Determination of trading income

General. The assessment is based on financial statements prepared according to French generally accepted accounting principles, subject to certain adjustments.

All expenses incurred with respect to conducting a business are, in principle, deductible.

Dividends received. To compute taxable profit, favorable tax treatment may apply to dividends received by companies established in Saint-Martin that qualify as parent companies and receive dividends from companies established in Saint-Martin or abroad.

To qualify for this favorable treatment, the following conditions must be met:

- The parent company must be liable for corporate income tax.
- The parent company must hold a minimum of 5% of the distributing company's capital (financial rights and voting rights) or the amount paid for the shareholding is at least EUR1 million.
- The shares are held by the parent company for at least one year.

If the above conditions are met, 95% of the dividends received from the subsidiary are exempt from corporate income tax for the parent company. The remaining 5% that is still taxable may not exceed expenses and costs that the parent company incurred during the tax year.

Inventories. Inventory is normally valued at the lower of cost or market value. Cost must be determined under a weighted average

cost price method. A first-in, first-out (FIFO) basis is also generally acceptable, but a last-in, first-out (LIFO) basis is not permitted.

Reserves. In determining accounting profit, companies must book certain reserves, such as reserves for a decrease in the value of assets, risk of loss or expenses. These reserves are normally deductible for tax purposes. In addition, the law provides for the deduction of special reserves, including reserves for foreign investments and price increases.

Capital allowances. In general, assets are depreciated using the straight-line method. However, specific assets are generally depreciated using the declining-balance method.

Depreciable assets composed of various parts with different characteristics must be depreciated on a separate basis. These assets must be split into the following:
- A principal component or structure
- Additional components

The depreciable amount of each asset must be spread out over its likely useful life for the company, which corresponds to the time period during which the company may expect to derive a profit from it. The depreciation method applied to each asset (straight-line method or accelerated method) must also be consistent with the pace at which the company expects to derive a profit from the asset.

Periodic assessment of the residual value of each component must be conducted to establish a (non-tax deductible) provision for impairment if needed.

For tax purposes, the depreciation of assets that have not been split into components and the depreciation of the asset's principal component that has been split into components can be spread out over the useful life commonly accepted in business practices. This rule does not apply to buildings acquired by real estate investment companies. The following are some of the acceptable straight-line rates.

Asset	Rate (%)
Commercial buildings	2 to 5
Office buildings	4
Furniture	10

Certain specified assets may be depreciated using accelerated depreciation methods. For example, hotel investments (movable or immovable) may be fully depreciated over a 12-month period.

Relief for tax losses. Tax operating losses can be carried forward for an unlimited number of years. They may also be carried back to offset profits in the preceding three years. If losses are carried back, a credit is granted rather than a refund. The credit may be used in the following five years and is refundable in the sixth year if it is not used.

Groups of companies. Related companies subject to corporate tax may elect to form a tax-consolidated group. Under the tax-consolidation regime, the parent company files a consolidated

return, thereby allowing the offset of losses of one group entity against the profits of related companies. The parent company then pays tax based on the net taxable income of companies included in the consolidated group, after certain adjustments for intra-group provisions are made, such as the following:

- Intra-group asset or share transfers, as well as any subsequent depreciation related to these transfers, are neutralized.
- Waivers of debts and subsidies between members of the group are neutralized.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Business activity tax (*taxe générale sur le chiffre d'affaire*, or TGCA); levied in principle on all sales of goods and services provided in exchange for payment within the territory of Saint-Martin by persons acting independently as producers, traders or persons supplying services	4
Contribution des patentes; subject to certain exemptions that have a limited scope, the tax is payable each year by individuals and legal entities that regularly carry on a non-salaried business activity in Saint-Martin; a company may request a cap set at 3% of the value-added generated in the preceding year	
Companies in general; tax base is the cost of equipment and movable assets (such as furniture, vehicles and computers)	26.48%
Companies exercising a noncommercial activity (such as persons in the medical sector, lawyers, accountants, auditors, architects, consulting engineers, software designers and surveyors); the tax base is revenue	5

E. Miscellaneous matters

Foreign-exchange controls. Saint-Martin does not impose any specific foreign-exchange controls. The euro (EUR) is the official currency. The US dollar (USD) is used on a daily basis.

Payments to residents of tax havens or to uncooperative states or territories. Under Article 238 A of the Saint-Martin Tax Code, interest, royalties and other remuneration paid to a recipient established in a tax haven or on a bank account located in a tax haven are deemed to be fictitious and not at arm's length. As a result, to deduct the amount paid, the Saint-Martin entity must prove that the operation is effective (that it effectively compensates executed services) and is at arm's length.

For purposes of the above rules, a privileged tax regime is a regime under which the effective tax paid is 50% lower than the tax that would be paid in Saint-Martin in similar situations.

Controlled foreign companies. Under Section 209 B of the Saint-Martin Tax Code, if Saint-Martin companies subject to corporate income tax in Saint-Martin have a foreign branch or if they hold,

directly or indirectly, an interest (shareholding, voting rights or share in the profits) of at least 50% in any type of structure benefiting from a privileged tax regime in its home country (the shareholding threshold is reduced to 5% if more than 50% of the foreign entity is held by Saint-Martin companies acting in concert or by entities controlled by the Saint-Martin company), the profits of this foreign entity or enterprise are subject to corporate income tax in Saint-Martin. Such foreign entity is known as a CFC. If the foreign profits have been realized by a legal entity, these profits are taxed as a deemed distribution in the hands of the Saint-Martin company. If the profits have been realized by an enterprise (an establishment or a branch), these profits are taxed as profits of the Saint-Martin company.

For purposes of the above rules, a privileged tax regime is a regime under which the effective tax paid is 50% lower than the tax that would be paid in Saint-Martin in similar situations.

Tax paid by a CFC in its home country may be credited against Saint-Martin corporate income tax.

The CFC rules do not apply if the profits of the foreign entity are derived from an activity effectively performed in the country of establishment. However, this exception does not apply if either of the two following circumstances exists:
- More than 20% of the profits are derived from portfolio management activities (involving securities, shares and outstanding debts) and intangible rights management.
- The total profits derived from the items mentioned in the first bullet and from intercompany services represent more than 50% of the profits of the foreign entity.

In such circumstances, the Saint-Martin company may nevertheless try to establish that the principal effect from the use of the foreign entity is not the obtaining of an advantage from a privileged tax regime.

F. Tax treaties

A tax treaty between France and Saint-Martin entered into force in 2010. Saint-Martin has not signed any other tax treaty, and tax treaties signed by France do not apply in Saint-Martin.

Under the Saint-Martin-France tax treaty, the following are the general withholding tax rates:
- Dividends: 15%
- Interest: 10%
- Royalties: 0%

Withholding tax exemption applies under certain conditions.

Saint-Martin grants a tax credit with respect to tax on foreign-source income that has already been taxed in its source country, even in the absence of a double tax treaty. For details, see *Foreign tax relief* in Section B.

São Tomé and Príncipe

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At the time of writing, the General State Budget for Economic Year 2024 had been approved but not yet published. Consequently, this chapter does not include information on the budget. Readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	25 (a)(b)
Capital Gains Tax Rate (%)	25 (a)(c)
Branch Tax Rate (%)	25 (a)
Withholding Tax (%)	
Dividends	
Paid to Residents	20
Paid to Nonresidents	20 (b)
Interest	
Shareholders' Loans	
Resident Shareholders	20
Nonresident Shareholders	20 (b)
Royalties	
Paid to Residents	20
Paid to Nonresidents	20 (b)
Payments for Services and Commissions	
Paid to Residents	20
Paid to Nonresidents	20 (b)
Rental Income	
Paid to Residents	20
Paid to Nonresidents	20 (b)
Branch Remittance Tax	20 (b)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) The general tax rate of 25% applies to resident companies and nonresident companies with a permanent establishment (PE) in São Tomé and Príncipe. Income derived from oil activities is subject to a specific regime, which includes a tax rate of 30%. Companies exclusively engaged in the agricultural sector benefit from a 50% exemption regarding the respective taxable income.

(b) Nonresident companies without a PE in São Tomé and Príncipe are subject to a final withholding tax at a rate of 20% on certain types of income.
(c) Capital gains are taxed as business income.

B. Taxes on corporate income and gains

Corporate income tax. Corporate income tax (Imposto sobre o Rendimento das Pessoas Colectivas, or IRC) is levied on resident and nonresident entities.

Under São Tomé and Príncipe's General Tax Code, legal entities with a registered office and place of effective management in São Tomé and Príncipe are deemed to be resident for tax purposes.

Resident entities. Resident companies and other entities, including non-legal entities, whose principal activity is commercial, industrial or agricultural, are subject to IRC on worldwide profits, but a foreign tax credit may reduce the amount of IRC payable (see *Foreign tax relief*).

A 50% IRC exemption applies to entities exclusively engaged in agricultural activities.

Nonresident entities. Companies or other entities that operate in São Tomé and Príncipe through a PE are subject to IRC on their profits attributable to the PE. General administrative costs attributable to the PE may be deductible under certain conditions.

Income earned by companies or other entities without a PE in São Tomé and Príncipe are subject to IRC through a withholding tax mechanism.

A nonresident entity is deemed to have a PE in São Tomé and Príncipe if it has one of the following fixed places of business to carry out commercial, industrial, agricultural, forestry, livestock or fishing activities:
- A place of management
- A branch
- An office
- A factory
- A workshop
- A natural resources' extraction site

In addition, a building, installation or assembly yard qualifies for PE purposes if the activity is carried on for more than six months.

Installations, platforms and vessels rendering prospecting and exploration services with respect to natural resources may also attract a PE in São Tomé and Príncipe if the activity is carried out for more than six months.

Free-Zone Regime. São Tomé and Príncipe has implemented a Free-Zone Regime, which grants several tax incentives. Among other incentives, entities included in this regime are entitled to benefit from a tax exemption (covering all taxes for a period of 10 years), as well as exemptions on income of any kind paid to nonresidents. In addition, these entities are not subject to any foreign-exchange controls on their funds held in foreign currency.

Law 09/2023, which is a temporary law (valid from 8 September 2023 to 8 September 2027), provides legislative authorization for the government to create additional incentives to the Investment Code, including tax and non-tax incentives.

Taxation groups. The following taxation groups are established in the IRC Code:

- Group 1, which includes resident entities with an annual turnover (expected for the current year or based on the previous year), equal to or greater than STN500,000 (approximately USD23,161), as well as public undertakings, public companies, partnerships limited by shares and PEs of nonresident entities, regardless of whether their annual turnover exceeds the threshold
- Group 2, which, as a secondary legal regime, includes all companies not included in Group 1 (Group 1 is mandatory for companies that have annual turnover equal to or greater to STN500,000 [approximately USD23,161]), as well as other taxable persons that carry out commercial, industrial or agricultural activities or that provide services, even if on an occasional or temporary basis Entities in this group are subject to simplified bookkeeping or the simplified system for the calculation of taxable income.

Taxpayers subject to IRC and personal income tax (Imposto sobre o Rendimento das Pessoas Singulars [IRS] in Portuguese) with an annual turnover of STN1 million or above, as well as those who, regardless of the turnover volume, need to have accounting records duly organized as per the local domestic rules, must have an invoicing software, through which all the invoices issued must be processed under the scope of their economic activity (all actions, transactions and operations that a company carries out as part of its core business).

Tax rates. IRC is levied at the following rates:

Type of enterprise	Rate (%)
Companies or other entities with a head office or effective management control in São Tomé and Príncipe, whose principal activity is commercial, industrial or agricultural	25*
PEs	25
Nonresident companies or other entities without a head office, effective management control or a PE in São Tomé and Príncipe; income is subject to withholding tax	20

* Companies exclusively engaged in the agricultural sector benefit from a 50% exemption regarding the respective taxable income.

Certain types of income are subject to withholding tax at a rate of 20% if it is obtained in São Tomé and Príncipe and if the beneficiary is subject to IRC.

A participation exemption mechanism (full or partial) applies to domestic dividends (see *Dividends*). Dividends received from abroad are subject to IRC, but a foreign tax relief mechanism can be applied (see *Foreign tax relief*).

Simplified regime of taxation. Micro and small-sized resident companies that have annual turnover of less than STN500,000 (approximately USD23,161) and meet certain other conditions may opt to be taxed under the simplified regime of taxation established for companies included in Group 2.

Companies in Group 2 may choose one of the following regimes:

- Simplified accounting records for computing taxable profit.

- Simplified taxation regime, based on presumed margins over the turnover (ranging from 20% to 30%), with a minimum amount of taxable income equal to 18 minimum monthly salaries, as per Article 58 (9) of the São Tomé Corporate Income Tax Code. Under Decree Law No. 24/2015 of 23 December 2015, the minimum monthly salary varies as a function of the number of employees and total turnover, ranging from STN800 to STN1,600 (approximately USD36 and USD72, respectively).

Capital gains. Capital gains are taxed in São Tomé and Príncipe as business income and subject to the general rate of IRC. Capital gains correspond to the positive difference between the sales proceeds, net of expenses incurred on the sale, and the acquisition value, as adjusted by depreciation, impairment relevant for tax purposes and an official index.

Fifty percent of the capital gains derived from disposals of certain qualifying assets held for more than one year may be exempt if the corresponding sales proceeds are reinvested in tangible fixed assets during a four-year period, consisting of the year before the disposal, the year of the disposal and the two subsequent years after the disposal, and to the extent that such tangible fixed assets are not acquired from a related entity in secondhand condition. A statement of the intention to reinvest the sales proceeds must be included in the annual corporate income tax return in the year of disposal. The remaining 50% of the net gain derived from the disposal is subject to tax in the year of the disposal.

If only a portion of the proceeds is reinvested, the exemption is reduced proportionally. If no reinvestment is made by the end of the second year following the disposal, the net capital gain that remains untaxed (50%) is added to taxable profit for that year and compensatory interest is payable.

Administration. In general, the tax year is the calendar year. However, through a request to the tax authorities, nonresident entities with a PE may adopt a different tax year.

All companies engaged in activities in São Tomé and Príncipe must register with the tax department to obtain a taxpayer number.

Entities included in Group 1 and Group 2 (except for those subject to the simplified taxation regime) must file an annual corporate income tax return, together with their financial statements and other documentation. For entities in Group 1, the deadline is 30 April of the year following the tax year. For entities included in Group 2, the deadline is 20 February of such year.

Entities subject to the simplified taxation regime are not required to submit an annual tax return.

All companies must make three advance payments of IRC in June, September and December of the tax year, each equal to 25% of the IRC paid in the preceding year. These payments may be credited against the final tax assessment for the tax year and any remaining amount due must be paid with the submission of the year-end tax return. Excessive advance payments are refunded to taxpayers.

Penalties are imposed for the failure to file tax returns and satisfy other compliance obligations. If, on the final assessment, the

tax authorities determine that a further payment is required and that the taxpayer is at fault, interest is imposed on the amount of the additional payment. Fines, which are generally based on the amount of tax due, are also imposed. If the tax due is not paid, interest is imposed from the date of the tax authorities' notice that an additional payment is due.

Binding rulings. The General Tax Code grants the taxpayer the possibility of obtaining a binding ruling. The binding ruling is limited to a certain time period, which is determined on a case-by-case basis by the tax authorities.

Dividends. Dividends paid by companies to residents and non-residents are generally subject to withholding tax at a rate of 20%.

On distributions to resident parent companies, the 20% withholding tax is treated as a payment on account of the final IRC due.

Under a participation exemption mechanism, a resident company may deduct 100% of dividends received from another resident company if both of the following conditions are met:
- The recipient owns directly at least 20% of the capital.
- The recipient held the interest for an uninterrupted period of at least one year before the date of distribution of the dividends or will subsequently complete this holding period.

If the holding period or the minimum participation conditions are not met, the recipient may deduct 50% of the dividends received for purposes of computing taxable income.

Foreign tax relief. Foreign-source income is taxable in São Tomé and Príncipe. However, direct foreign tax may be credited against the local tax liability, limited to the lower of the following amounts:
- The amount of tax incurred in the foreign jurisdiction
- The amount of IRC attributable to the foreign-source income

C. Determination of trading income

General. Taxable profit is determined according to the following rules:
- For companies included in Group 1, the taxable profit is the net accounting profit computed in accordance with the generally accepted accounting principles, adjusted for positive and negative equity variations and adjusted or corrected by the provisions in the IRC Code. Positive or negative equity variations are considered capital gains or losses for tax purposes.
- For companies included in Group 2 subject to the regime of the simplified accounting records, the taxable profit is based on the specific accounting records required for this regime and equals the difference between the profits and costs (deemed necessary), pertaining to the tax year.
- For companies included in Group 2 subject to the simplified taxation regime, the taxable profit is computed by the application of different coefficients (depending on the activity of the company) to the turnover.

Expenses that are considered essential for the generation or maintenance of profits are deductible. However, certain expenses

are not deductible for IRC purposes. These include, but are not limited to, the following:

- Illicit expenses, which are expenses not in compliance with local law
- Financial lease rents incurred by the lessee that represent the part of the rent intended for financial amortization
- Provisions and impairments (except for those provided in the tax law)
- IRC and other income taxes, including payments on account and withholding tax
- Taxes and other costs of third parties that the company is not legally authorized to bear
- Penalties of any kind, including compensatory interest
- Payments to entities resident in a country, territory, or region with a privileged tax regime
- Confidential or improperly documented expenses
- Entertainment expenses to the extent that they exceed 2% of turnover
- Compensation or indemnities paid for insurable risk events
- 50% of the expenses incurred by employees when traveling in their own vehicles at the service of the employer if these amounts are not charged to clients, excluding the amounts subject to personal income tax
- 50% of the expenses incurred with respect to a travel allowance (travel bonuses and compensation, which differ from the expenses mentioned in the preceding bullet), excluding amounts subject to personal income tax
- Amounts due for the rental without a driver of light passenger or mixed vehicles, in the part corresponding to the value of the depreciation of these vehicles which, under the terms of the law, are not accepted as a cost
- Fuel expenses insofar as the taxable person does not prove that they relate to goods belonging to its assets (items that are owned by the company and recorded in its balance sheet as assets) or the taxable person uses the goods under a leasing regime and that the normal consumption related to the company's corporate purpose is not exceeded

Inventories. Inventories must be consistently valued by one of the following criteria:

- Effective cost of acquisition or production
- Standard costs in accordance with adequate technical and accounting principles
- Cost of sales less the normal profit margin, under certain conditions
- Other methods of valuation subject to prior authorization from the tax authorities

Changes in the method of valuation must be justifiable and acceptable to the tax authorities.

Provisions. The following provisions are deductible:

- Bad and doubtful debts, based on a judicial claim or on an analysis of the accounts receivable
- Inventory losses
- Litigation processes involving items that would represent costs of that year

- Technical provisions imposed on insurance companies and financial institutions by the regulatory authorities of São Tomé and Príncipe

Depreciation. In general, depreciation is calculated using the straight-line method.

Maximum depreciation rates are established by law. If rates that are less than 50% of the official rates are used, part of the depreciation costs will not be tax deductible in the future (that is, in the tax periods that go beyond the maximum period of useful life; this is determined by dividing 100 by the minimum official depreciation rate, which corresponds to half of the standard depreciation rate established by law).

The following depreciation or amortization costs are nondeductible:

- Depreciation or amortization of assets not subject to effective depreciation
- Depreciation of immovable property with respect to the component related to the value of the land or any other component not subject to effective depreciation
- Depreciation or amortization costs computed at rates greater than the maximum accepted rates
- Depreciation costs deriving from the use of rates of less than half of the maximum rates
- Depreciation of light passenger vehicles valued at more than STN200,000 (approximately USD9,265), leisure boats and airplanes (unless allocated for public transportation or to a leasing business)

Relief for tax losses. Tax losses may be carried forward for five years. The amount that may be deducted is not capped. Loss carrybacks are not allowed.

Companies included in Group 2 cannot deduct the tax losses of previous years.

Groups of companies. The law of São Tomé and Príncipe does not provide a special tax regime for groups of companies (that is, a tax-consolidation regime).

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Special Consumption Tax; imposed on the import and production of specific goods; the previous form of calculation of this tax was changed, in that previously a rate was applied to the purchase price of the product and, with the new wording of the law, for certain products a value in STN is applied to the unit, while for other products a rate is applied	
Alcoholic beverages	Up to STN50 per liter/ 10% over the factory selling price.
Soft drinks and carbonated beverages	STN2 per liter

Nature of tax	Rate
Tobacco products	Up to STN15 per pack/unit/gram
Firearms and fireworks	5% over the Cost, Insurance and Freight (CIF)
Jewelry	STN125 per gram
Airplanes, personal ships and motorbikes	Up to STN10,000 per unit
Firearms	STN5,000 per unit/10% over the CIF
Specific food products	STN8 per kilogram
Value added tax (VAT or Imposto sobre o Valor Acrescentado [IVA], in Portuguese); entered into force on the 1 June 2023 revoking the Consumption Tax and republishing the Special Consumption Tax previously in force; VAT is imposed on the transmissions, and importation of goods and services made within the national territory	
General rate	15%
Reduced rate	7.5%
Stamp duty; levied on financial transactions, corporate transactions, transfers of assets and documented legal acts; transactions subject to and not exempt from VAT remain outside the scope of stamp duty; stamp duty entered into force with VAT.	
Credit operations	0.75%
Interest, premiums, commissions or consideration for financial services	3.5%
Guarantees	0.5%
Insurance	0%
Life and occupational accident insurance	3.5%
Other insurances	6.5%
Bills, promissory notes, credit notes and money orders	0.5%
Corporate transactions	0.6%
Transfer of real estate	1%
Transfer of licenses	5%
Leasing and subleasing	10%
Property leasing	1%
Signature recognition	100%
Notarial acts	0%/15%
Registration, forensic and procedural acts	15%
Administrative acts (for each unit)	STN250
Contract deeds (on each sheet)	STN20
Social security contributions regime; the new social security contributions regime (total of 14%) was suspended, but did not revoke the previous regime in force, which provides for contributions payable on gross employee remuneration (6% for the employer and 4% withheld from employee remuneration)	10%

Nature of tax	Rate
Property transfer tax (SISA); levied on property value (acquisition value of the property declared by the contracting parties or the property tax value registered for tax purposes at the local tax office, whichever is higher)	
General rate	8%
Whenever the purchaser or the purchaser's partners are resident in a territory subject to a clearly more favorable tax regime	15%
Urban property tax; imposed annually on the assessed tax value of the property; payable by the owner of the property; several exemptions may apply on request to the tax authorities	0.1%
Tourism Tax; applicable to hotels and travel agents that operate cruise ships; burden of this tax falls on the hotel guests and the passengers of the cruises; the tax finances the National Tourism Fund	STN75 (approximately USD3.5) per night

E. Miscellaneous matters

Foreign-exchange controls. The currency in São Tomé and Príncipe is the dobra (STN).

São Tomé and Príncipe imposes foreign-exchange controls in certain situations.

Foreign PE profits. Transactions between the head office and a foreign PE must respect the arm's-length principle.

Mergers and reorganizations. Mergers and other type of corporate reorganizations may be neutral for tax purposes in São Tomé and Príncipe if certain conditions are met.

Controlled foreign companies. A resident shareholder in São Tomé and Príncipe is deemed is deemed to have a substantial holding in a controlled foreign company (CFC) if either of the following circumstances exist:

- The shareholder owns directly or indirectly, 25% or more in the capital of the foreign company.
- The shareholder owns 10% or more of the foreign company's capital, and more than 50% of the foreign company's capital is owned (directly or indirectly) by entities resident in São Tomé and Príncipe.

In the computation of its taxable profit, a shareholder resident in São Tomé and Príncipe must include the profits after taxes of the CFC in proportion to its total direct or indirect participation.

Under the IRC Code, payments made by a resident entity in São Tomé and Príncipe to nonresidents entities subject to a more favorable tax regime are not deductible for tax purposes, unless the taxpayers can demonstrate that such payments relate to an effective operation and have no abnormal character or are not excessive. However, the deduction of these expenses may be subject to further analysis of the tax authorities, particularly with respect to

the level of the payment of the respective taxes due (effective tax liability).

A company is considered an entity subject to a more favorable regime if it is not subject to tax on its income or if the amount of the tax effectively paid is lower than 60% of the tax that would be due if such entity was resident for tax purposes in São Tomé and Príncipe.

Related-party transactions. For related-party transactions (transactions between parties with a special relationship), the tax authorities may make adjustments to taxable profit that are necessary to reflect transactions on an arm's-length basis.

A special relationship is deemed to exist if one entity has the capacity, directly or indirectly, to influence in a decisive manner the management decisions of another entity. This capacity is deemed to exist in the following relationships:

- Between one entity, and its shareholders and their spouses, ascendants and descendants, if they possess, directly or indirectly, 20% of the capital or voting rights of the entity
- Between two entities in which the same shareholders and their spouses, ascendants and descendants hold, directly or indirectly, a participation of not less than 20% of the capital or voting rights
- Between two entities in which, as a result of their commercial, financial, professional or juridical relations, directly or indirectly established or practiced, a situation of dependence exists in the fiscal year

Debt-to-equity rules. A limitation to the deduction of interest expenses applies if the total amount of total debt of the taxpayer is excessive. The amount of debt includes all loans granted by shareholders, in cash or in kind, regardless of the agreed type of payment, and credits resulting from the commercial operation that are overdue for more than six months.

For purposes of the above rule, a loan is considered an excessive loan if either of the following circumstances exist:

- The total amount of debt of the taxpayer is higher than twice its equity at any time during the fiscal year.
- The total amount of debt of the taxpayer to any shareholder holding a participation of 20% or more is higher than twice the shareholder's equity participation.

Status of the emigrant investor. Law 13/2022 (Status of the Emigrant Investor) regulates the status of emigrants of São Tome and Príncipe. For purposes of the law, an investing emigrant is any person with São Tome and Príncipe nationality, with proof of the quality of the emigrant and with permanent residence abroad, who makes an investment in São Tomé and Príncipe, duly authorized under the terms of the law.

This law also provides the incentives and benefits for the eligible investments, which must adhere to the general incentives foreseen in the Investment Code and in other relevant legislation and applicable to the respective activity sectors, but it also provides the following special incentives:

- The dividends and profits distributed to the emigrant investor and originating from authorized foreign investment are exempt from taxation

- The purchase of construction or finishing materials for the emigrant investor to build, expand or upgrade his first home in São Tomé and Príncipe is exempt from customs duties
- An emigrant investor when importing a new vehicle may benefit from an 80% reduction in customs duties and taxes

These tax benefits are allowed during a period of five years. The benefits do not apply to financial sectors.

After the exemption period is over, the profits and dividends of the investing emigrant that is the holder of a company legally incorporated abroad with an established a branch in São Tomé and Príncipe are taxed at a flat rate of 10%, except for more favorable provisions contained in agreements entered into between São Tomé and Príncipe and the host country of the investing emigrant.

Creation of the Single State Collection Document. Decree No. 20/2023 created the Single State Collection Document as the document that expresses the pecuniary obligation arising from the relationship between the state and the taxpayer. It is applied throughout the national territory in a compulsory manner by all services responsible for collecting and delivering state revenue, as well as by all other entities that, by legal provision, must collect state revenue.

F. Tax treaties

São Tomé and Príncipe has double tax treaties currently in force with Cape Verde and Portugal. São Tomé and Príncipe has also ratified a tax treaty with Morocco, but this treaty is not yet in force.

Saudi Arabia

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A. At a glance

Corporate Income Tax Rate (%)	
Companies Engaged in Natural Gas Investment Activities	20
Oil and Hydrocarbon Production Companies	50 to 85 (a)
Other Companies	20
Capital Gains Tax Rate (%)	20
Withholding Tax (%) (b)	
Dividends	5
Interest	5
Royalties	15
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (c)

(a) For further details, see Section B.
(b) For further details and a complete listing of withholding taxes, see Section B. The withholding tax rates in Saudi Arabia range from 5% to 20%.
(c) For further details, see Section C.

B. Taxes on corporate income and gains

Income tax. Income tax is assessed on profits of the following:

- A resident capital company with respect to shares owned directly or indirectly by persons operating in oil and hydrocarbon production, with the exception of shares directly or indirectly owned by persons engaged in the production of oil and hydrocarbons in resident capital companies that are listed in the Saudi Stock Exchange (Tadawul) and the shares owned directly and indirectly by these companies in capital companies
- A resident capital company (only on profits attributable to shares owned by non-Saudi or non-Gulf Cooperation Council [GCC] shareholders; see below)
- A resident non-Saudi or non-GCC natural person who carries on a business in Saudi Arabia
- A nonresident company that carries on business in Saudi Arabia through a permanent establishment
- A nonresident without a permanent establishment in Saudi Arabia that has taxable income from sources in Saudi Arabia (tax is assessed through withholding tax)
- A person engaged in the field of natural gas investment
- A person engaged in the production of oil and hydrocarbon materials

Partners in partnerships (that is, general partnerships, unincorporated joint ventures and limited partnerships) are subject to tax rather than the partnerships themselves.

For income tax purposes, non-Saudis do not include citizens (nationals) of countries that are the members of the GCC. Members of the GCC are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. The share of profits attributable to interests owned by GCC nationals in a company is subject to Zakat (see Section D). The share of profits attributable to interests owned by non-GCC nationals in that company is subject to income tax.

Rates of tax. All companies, including companies engaged in the business of natural gas investment activity, are taxed at a rate of 20%.

Companies engaged in the production of oil and other hydrocarbons (upstream business; also, see next paragraph) are subject to tax on their net profit at rates ranging from 50% to 85%. The slab rate is determined based on the capital investment of the company. The following are the tax rates.

Total capital investment of company	Rate of income tax (%)
More than SAR375 billion (USD100 billion)	50
SAR300 billion to SAR375 billion (USD80 billion to USD100 billion)	65
SAR225 billion to SAR300 billion (USD60 billion to USD80 billion)	75
Not more than SAR225 billion (USD60 billion)	85

Companies engaged in the production of oil and other hydrocarbons should segregate the downstream businesses from the oil and hydrocarbons production activities by carrying out the downstream business through an independent legal entity within five years, effective from 1 January 2020 (period of segregation of activities). Downstream business is all works carried out after the production of oil and hydrocarbons, which includes, but is not limited to, refining, transportation and marketing of oil and hydrocarbons products. The income tax rate on the tax base from downstream business is 20%. Complex rules apply for the calculation of income tax of companies engaged in the production of oil and other hydrocarbons (due to segregation of upstream and downstream activities), and it is suggested that specific advice be obtained.

Saudi Regional Headquarters Program. On 5 December 2023, Saudi Arabia announced a 30-year corporate income tax and withholding tax holiday applicable to the regional headquarters (RHQ) of multinational companies in Saudi Arabia. Following this announcement, the Zakat, Tax and Customs Authority (ZATCA) published the RHQ Tax Rules on 16 February 2024 as well as more detailed guidelines on 15 April 2024, which clarify certain RHQ tax matters, including the following:

- RHQs will be eligible to benefit from tax incentives if the criteria set by the Ministry of Investment of Saudi Arabia (MISA) are met.
- RHQs need to comply with the economic substance requirements prescribed by the ZATCA. Otherwise, penalties and potential revocation of tax incentives may be imposed. RHQs shall submit an annual report using the form that will be prescribed by the ZATCA.

- If an RHQ engages in activities outside the scope of its RHQ license, these would be considered as ineligible activities, which should be separately recorded and subject to regular tax and Zakat rules.

Withholding tax. A Saudi resident entity, including a permanent establishment of a nonresident, is required to withhold tax from payments made to nonresidents that do not have a legal registration or a permanent establishment in Saudi Arabia with respect to income earned from a source in Saudi Arabia. This rule applies regardless of whether the payer is considered to be a taxpayer under the regulations and whether such payments are treated as a tax-deductible expense in the Saudi resident entity's tax declaration. The following are the withholding tax rates.

Type of payment	Rate (%)
Payments for technical or consultancy services, payments for services for international telecommunications, rental, airline tickets, air or sea freight charges, dividends distributed, returns on loans (see next paragraph) and insurance or reinsurance premiums	5
Royalties	15
Management fees	20
All other payments	15

Loan fees (interest expenses and commissions) on interbank deposits paid to nonresident banks are exempt from Saudi withholding tax if such deposits remain with the Saudi resident borrower banks for a maximum period of 90 days. Resident borrower banks are required to submit an annual statement attested by the Saudi Arabian Monetary Authority listing the names of the nonresident lending banks, their addresses, periods of lending and the amount of loan fees paid.

The party withholding the tax must register with the ZATCA before the settlement of the first tax payment. The party withholding the tax must deposit the tax withheld with the ZATCA within the first 10 days of the month following the month in which the taxable payment is made and issue a certificate to the nonresident party. A delay fine of 1% for each 30 days of delay is computed after the lapse of 30 days from the due date of tax until the date on which the tax is paid. An annual withholding tax return must be filed within 120 days following the end of the tax year.

Capital gains. In general, capital gains are treated as ordinary income, together with other income earned for the same period, at a rate of 20% if the individual is a person subject to tax in Saudi Arabia and if the gain is realized in connection with the person's business activities. However, capital gains arising on the sale of shares traded on the stock exchange are exempt from tax in accordance with the following rules:

- For the disposal of shares traded on the Saudi Stock Exchange (Tadawul), the disposal must be done in compliance with the Capital Market Law in Saudi Arabia.

- For the disposal of shares traded on a foreign stock exchange, the securities must also be traded on the Saudi Stock Exchange (Tadawul) for the tax exemption to apply.
- In all cases, the shares must have been acquired after 30 July 2004 (the date of enforcement of Saudi tax law).

Based on a Circular issued by the ZATCA, capital gains realized from sale of the following shares in a listed entity are also eligible for tax exemption (if the above conditions are met):
- Sale of founders' shares
- Sale of bonus shares (or stock dividends)
- Sale of shares through a privately negotiated transaction (pursuant to the Saudi Capital Market Authority Law and implementing regulations)

Gains on the sale of shares by a nonresident shareholder in a Saudi Arabian limited liability company is also subject to tax at a rate of 20%.

Administration. All persons subject to tax (excluding nonresidents who derive income from a source in Saudi Arabia and are subject to withholding tax) are required to register with the ZATCA before the end of their first fiscal year. Failure to register with the ZATCA results in the imposition of a fine ranging from SAR1,000 to SAR10,000.

A taxable entity that has a permanent establishment or commercial registration in Saudi Arabia must file its annual tax declaration with the ZATCA based on its accounting books and records within 120 days following the end of the tax year and pay the income tax due with the tax declaration. However, the ZATCA may also request audited financial statements before issuing the final tax assessments.

The Saudi Arabian Income Tax Regulations require certification of annual tax declarations reporting taxable revenue in excess of SAR1 million. A locally licensed chartered accountant is required to certify the validity of the information contained in the taxpayer's return and also certify the following:
- The information contained in the declaration is taken from the taxpayer's books and records (maintained in Arabic and in Saudi Arabia) and is in accordance with such records.
- The return is prepared according to the standards, requirements and provisions of the Saudi Arabian Income Tax Regulations.

The nonresident partners of partnerships are subject to tax, rather than the partnerships themselves. However, partnerships must file an information declaration within 60 days after the end of the tax year.

Fines for non-submission of tax declarations by the due date may be imposed at a rate of 1% of the total revenue, with a maximum fine of SAR20,000. A fine is also calculated based on a percentage of the underpaid tax. Such a fine is payable if it exceeds the amount of the fine based on total revenue. The following are the percentages applied to underpaid tax:
- 5% of the underpaid tax if the delay is up to 30 days from the due date

- 10% of the underpaid tax if the delay is more than 30 and not more than 90 days from the due date
- 20% of the underpaid tax if the delay is more than 90 and not more than 365 days from the due date
- 25% of the underpaid tax if the delay is more than 365 days from the due date

An advance payment on account of tax for the year is payable in three installments. The installments are due by the end of the sixth, ninth and 12th months of the tax year. Each installment of advance payment of tax is calculated in accordance with the following formula:

$$25\% \times (A - B)$$

For the purposes of the above calculation, "A" equals the taxpayer's liability as per the tax declaration for the preceding year and "B" equals tax withheld at source for the taxpayer in the preceding year.

A taxpayer is not required to make advance tax payments in a year if the tax liability for the preceding year was less than SAR2 million.

A delay fine of 1% for each 30 days of delay after the lapse of 30 days from the due date of tax until the date the tax is paid.

Dividends. Dividends paid to nonresident shareholders are subject to withholding tax at a rate of 5% (see *Withholding tax*). After-tax profit remittances of a branch (permanent establishment) are also considered dividends under the Saudi Income Tax Regulations.

Dividend income or bonus shares earned by a resident company on its investments in a resident or a nonresident capital company is exempt from tax if the ownership in the investee company is 10% or more and if the investment is held for a period of one year or more.

Foreign tax relief. Relief is not provided for foreign taxes paid (unless covered by a double tax treaty).

C. Determination of tax payable

Taxable profits. Tax liabilities are assessed by the ZATCA on the basis of the audited financial statements, as adjusted for tax purposes. In certain cases (for example, permanent establishments of nonresidents that do not maintain books of accounts in Saudi Arabia, foreign airlines, and foreign freight and land and marine transport companies operating in Saudi Arabia), tax may be assessed under the "presumptive basis." Under the presumptive basis, no financial statements are presented, and the tax liability is assessed on deemed profit calculated at rates specified in the tax regulations.

Nondeductible expenses. Certain expenses are not deductible in calculating taxable profit, including the following:

- Expenses not connected with the earning of income subject to tax
- Payments or benefits to a shareholder, a partner or their relatives if they constitute salaries, wages, bonuses or similar items or if they do not represent an arm's-length payment for property or services

- Entertainment expenses
- Expenses of a natural person for personal consumption
- Income tax paid in Saudi Arabia or another country
- Financial penalties and fines paid or payable to any party in Saudi Arabia except those paid for breach of contractual terms and obligations
- Payments of bribes and similar payments, which are considered criminal offenses under the laws of Saudi Arabia, even if paid abroad

Allocation of overhead and indirect expenses. A branch of a nonresident company cannot claim deductions for head office costs that are allocated to the branch on an estimated or allocation basis, including royalties and interest and commission charges from the head office. However, certain certifiable direct costs incurred abroad are deductible.

Technical costs. For tax purposes, in general, technical costs are expenses that relate to engineering, chemical, geological or industrial work and research even if incurred wholly abroad by the main office or other offices. These costs are generally allowed as deductions if they can be substantiated by certain documents, such as technical services agreements, head office auditors' certificates and invoices.

Under the new tax regulations, payments for technical and consultancy services are subject to withholding tax at a rate of 5%. For details regarding withholding taxes, see Section B.

Contributions to foreign social insurance, pension and savings plans. Contributions to a retirement fund, social insurance fund or any other fund established in or outside Saudi Arabia for the purpose of an employee's end-of-service benefits (retirement) or to meet the employee's medical expenses is deductible if all of the following conditions are satisfied:

- The fund has an independent legal status and has financial statements audited by an independent licensed auditor.
- The allowable deduction does not exceed the unfunded liabilities at the beginning of the year.
- The entitlement to the benefit is mentioned in the employment contract.
- The employer submits the fund's information to the ZATCA.

Contributions to Saudi social insurance with respect to an employee's share are not deductible from Saudi-source revenue.

Provisions and reserves. Provisions for doubtful debts, termination benefits and other similar items are not deductible. Specific write-offs and actual employment termination benefit payments that comply with Saudi Arabian labor laws are deductible. Provisions for doubtful debts are allowed as deductible expenses for banks if they are confirmed by the Saudi Arabian Monetary Agency.

Interest deductibility. Deductions may be claimed for loan fees (interest expenses and commissions) incurred with respect to the earning of income subject to tax. However, the maximum deduction for loan fees is restricted to the total of loan income plus 50% of tax-adjusted profits (excluding loan fees and loan income).

Loan fees exceeding this restriction are disallowed as a deduction and may not be carried forward to future years. Banks are excluded from the above limitation.

Saudi Arabian tax law does not contain any specific provisions on thin capitalization other than the limit on the interest deduction described above.

Depreciation. Depreciation is calculated for each group of fixed assets by applying the prescribed depreciation rate to the remaining value of each group at the fiscal year-end.

The remaining value for each group at the fiscal year-end is calculated as follows:

The total remaining value of the group at the end of the preceding fiscal year	X
+ 50% of the cost of assets added during the current year and the preceding year	X
– 50% of the proceeds from assets disposed of during the current year and the preceding year, provided that the balance is not negative	(X)
= Remaining value for the group	X

The tax law provides the following depreciation rates.

Asset	Rate (%)
Land (non-depreciable)	0
Fixed buildings	5
Industrial and agricultural movable buildings	10
Factories, plant, machinery, computer hardware and application programs (computer software) and equipment, including cars and cargo vehicles	25
Expenses for geological surveying, drilling, exploration expenses and other preliminary work to extract natural resources and develop their fields	20
All other tangible and intangible depreciable assets that are not included in the above groups, such as furniture, aircraft, ships, trains and goodwill	10

Assets acquired under build-operate-transfer (BOT) or build-operate-own-transfer (BOOT) contracts must be depreciated over the period of contract or the remaining period of contract.

Cost of repairs or improvements of fixed assets are deductible, but the deductible expense for each year may not exceed 4% of the remaining value of the related asset group at year-end. Excess amounts must be added to the remaining value of the asset group and depreciated.

Relief for losses. Losses may be carried forward indefinitely. However, the maximum loss that can be offset against a year's profit is 25% of the tax-adjusted profits for that year. Saudi tax regulations do not provide for the carryback of losses.

If a change of 50% or more occurs in the underlying ownership or control of a capital company, no deduction is allowed for the non-Saudi share of the losses incurred before the change in the tax

years following the change, unless the company continues with the same business activities.

D. Other significant taxes

The following table summarizes other significant taxes.

Other significant taxes	Rate (%)
Zakat; a religious levy imposed on Saudi/GCC shareholders' share in Saudi Arabian companies; Zakat is calculated and paid by a Saudi Arabian resident capital company with respect to the share of a Saudi/GCC individual or corporate shareholders; Zakat is levied on the Zakat base of a resident capital company; the Zakat base is broadly calculated as capital employed (for example, share capital and retained earnings) that is not invested in fixed assets, long-term investments and deferred costs, as adjusted by net results of operations for the year that is attributable to Saudi or GCC shareholders; complex rules apply to the calculation of Zakat liabilities, and it is therefore suggested that Zakat payers seek specific advice suited to their circumstances; in 2024, the New Zakat Regulation (NZR) was issued, which is applicable for years commencing from 1 January 2024; Zakat is assessed between a minimum and maximum range as defined in the NZR	Zakat is calculated at 2.578% of the net assessable funds or the Zakat base (in case the Zakat payer uses the Gregorian year to prepare its accounts)
Value-added tax	Exempt/0/15
Excise tax	50/100
Social security contributions	
Social insurance tax (GOSI)	
Annuity (pension) for Saudi nationals	
Employer share	9
Employee share	9
Occupational hazard; payable by employer; applicable to Saudi nationals and expatriates	2
Unemployment insurance (SANID); applicable to Saudi nationals only	
Employer share	0.75
Employee share	0.75

E. Miscellaneous matters

Foreign-exchange controls. Saudi Arabia does not impose foreign-exchange controls.

Supply and erection contracts. Profits from "supply only" operations to Saudi Arabia are exempt from income tax (whether the contract is made inside or outside Saudi Arabia) because the supplier trades "with" but not "in" Saudi Arabia. The net profits of operations that include supply, erection or maintenance are subject to tax, and the contractors are required to register with the ZATCA and submit a tax declaration in accordance with the tax regulations.

The following information must generally be submitted in support of the cost of imported materials and equipment:
- Invoices from the foreign supplier
- Customs clearance document
- If the supplying entity is the head office of the Saudi Arabian branch, a certificate from the external auditor of the head office confirming that the cost claimed is equal to the international market value of the equipment supplied (usually the contracted selling price)

Subcontractors. Payments to subcontractors, reported by a taxpayer in its tax return, are subject to closer scrutiny by the ZATCA. The taxpayer is required to withhold tax due on payments to nonresident subcontractors and to deposit it with the ZATCA unless the taxpayer can provide a tax file number or tax clearance certificate as evidence that such subcontractor is settling its tax liability.

Tax is not required to be withheld from payments to subcontractors resident in Saudi Arabia. However, government procurement regulations provide for the retention of 10% of the contract value until the completion of the statutory formalities including the submission of the certificate from the ZATCA.

Imports from head office and affiliates. A Saudi "mixed" entity (with Saudi/GCC shareholders and non-Saudi/non-GCC shareholders) is expected to deal on an arm's-length basis with its foreign shareholders or any company affiliated with its foreign shareholders. The company may be required to submit to the ZATCA a certificate from the seller's auditors confirming that the materials and goods supplied to the Saudi Arabian company were sold at the international market price prevailing at the date of dispatch. This requirement also applies to foreign branches importing materials and goods from the head office for the fulfillment of their Saudi contracts.

Transfer pricing. Transfer pricing (TP) bylaws, which were issued in February 2019, contain mandatory legislative provisions regarding transactions among related parties and documentation requirements following the Base Erosion and Profit Shifting (BEPS) Action 13 standard. They also prescribe TP methods and establish other administrative procedures, including the submission of related-party disclosure forms and TP affidavits.

The TP bylaws require Saudi Arabian entities and permanent establishments, including branches of foreign companies that are subject to the Corporate Income Tax Law, which includes mixed entities in Saudi Arabia (those that pay both corporate tax and Zakat), to maintain a TP Master File and Local File if the aggregate arm's-length value of the transactions between related parties exceed the minimum threshold of SAR6 million. The

taxpayers, including mixed entities, are also required to file the TP disclosure form together with the corporate income tax return and submit a TP affidavit issued by a licensed accountant in Saudi Arabia.

In addition, entities that are members of multinational enterprise groups (either Zakat or corporate income tax taxpayers) with consolidated group revenue exceeding SAR3.2 billion during the year immediately preceding the current reporting year must submit a Country-by-Country (CbC) report within 12 months after the end of the group's fiscal year. They can also submit the CbC report at the location of their headquarters instead of Saudi Arabia or other jurisdictions in which they operate if there is an active CbC exchange mechanism between Saudi Arabia and these countries. Moreover, these qualifying multinational enterprises also need to file a CbC reporting notification together with their annual tax return and in the Automatic Exchange of Information (AEOI) portal of the Saudi Arabian tax authority within 120 days after the end of the fiscal year.

On 7 April 2023, the ZATCA announced the issuance of the Decision of the Board of Directors of the Zakat, Tax and Customs, approving changes that will include Zakat payers within the scope of the Saudi Arabian TP bylaws. The new requirements for Zakat payers will be implemented in two phases in accordance with the amended TP bylaws, which have been recently published. Which of the two phases to apply will depend on the Zakat payers' aggregate value of related-party transactions during the year. Zakat payers are expected to comply with these TP requirements for the financial years starting on or after 1 January 2024, so that all related-party transactions are conducted on an arm's-length basis. Among the relevant changes, the amended TP bylaws will also include provisions for entering into advance pricing agreements (APAs) negotiated with the ZATCA if requested by income tax and Zakat payers.

Mutual agreement procedure. ZATCA published the Mutual Agreement Procedure (MAP) Taxpayer Guidance (MAP Guidance) under which taxpayers in Saudi Arabia may choose to initiate MAP requests to relieve double taxation or resolve treaty-based tax disputes in a timely manner, if they believe that tax was not applied in accordance with the relevant treaty.

The MAP Guidance was issued to facilitate access to the MAP and includes information on how a MAP request should be initiated, to whom it should be presented and what information should be included in the request. This is in line with Saudi Arabia's commitment to the BEPS Action 14 minimum standard as a member of the BEPS Inclusive Framework.

Electronic invoicing (e-invoicing). Saudi Arabia has begun implementing e-invoicing, which is intended to improve the efficiency of the filing process for taxpayers and increase compliance with tax laws and regulations. Businesses are required to implement the e-invoicing process in two phases. Phase 1, referred to as the generation phase, started on 4 December 2021, and is now live. Phase 1 mandates the generation of e-invoices and e-notes, including provisions related to their processing and recordkeeping. Phase 2, referred to as the

integration phase, is effective from 1 January 2023, and is being implemented in waves based on taxpayer revenues. Phase 2 mandates the integration of the taxpayer's system with the tax authority, along with the transmission of e-invoices and e-notes for validation.

F. Tax treaties

The table below shows the withholding rates for dividends, interest and royalties provided under Saudi Arabia's double tax treaties that are in force and effective as of May 2024.

Certain other tax-exempting provisions (for example, for sovereign wealth funds) are contained in certain protocols to Saudi tax treaties.

To benefit from the reduced rates or exemptions under double tax treaties, additional conditions should be met (for example, the recipient is required to be the beneficial owner of the related gain).

The treaty benefits are not applicable automatically and should be claimed from the ZATCA in each particular case by submitting the Q7-B form and other supporting documents (for example, a tax residence certificate). The taxpayer may claim the treaty benefit up front and follow double tax treaty rules, or the taxpayer may pay the tax under domestic income tax law and then claim a refund from the ZATCA.

	Dividends %	Interest %	Royalties %
Albania	5	6	5/8 (h)
Algeria	0	0	7
Austria	0/5 (a)	0/5 (a)(b)	10
Azerbaijan	5/7 (c)	0/7 (a)(d)	10
Bangladesh	0/10 (a)	0/7.5 (a)	0/10 (a)
Belarus	0/5 (a)	0/5 (a)	10
Bulgaria	0/5 (a)	0/5 (a)	5/10 (h)
China Mainland	0/5 (a)	0/10 (a)(e)	10
Cyprus	0/5 (a)(i)	0	5/8 (h)
Czech Republic	5	0	10
Egypt	0/5/10 (a)(f)	0/10 (a)	0/10 (a)
Ethiopia	5	0/5 (a)	7.5
France	0	0 (g)	0
Gabon	5	7.5	10
Georgia	0/5 (a)	0/5 (a)	5/8 (h)
Greece	0/5 (a)	0/5 (a)	0/10 (a)
Hong Kong	5	0	5/8 (h)
Hungary	5	0	5/8 (h)
India	5	0/10 (a)	10
Ireland	0/5 (a)(i)	0	5/8 (h)
Italy	5/10 (j)	0/5 (a)	10
Japan	5/10 (k)	0/10 (a)(e)	5/10 (h)
Jordan	5	0/5 (a)	7
Kazakhstan	0/5 (a)	0/10 (a)	0/10 (a)
Korea (South)	5/10 (j)	0/5 (a)(l)	5/10 (h)
Kosovo	0/5 (x)	0/5 (a)(l)	5/10 (h)
Kyrgyzstan	0	0	7.5
Latvia	0/5 (a)(i)	0/5 (a)	5/7 (h)

	Dividends %	Interest %	Royalties %
Luxembourg	5	0	5/7 (h)
Malaysia	5	0/5 (a)	8
Malta	5	0	5/7 (h)
Mexico	0/5 (a)	0/5/10 (a)(n)	10
Morocco	5/10 (o)	0/10 (a)	10
Netherlands	5/10 (o)	0/5 (a)	7
North Macedonia	5	0/5 (a)(m)	10
Pakistan	5/10 (p)	0/10 (a)	10
Poland	5	0/5 (a)(m)	10
Portugal	5/10 (q)	0/10 (a)(m)	8
Romania	0/5 (a)	0/5 (a)(b)	10
Russian Federation	0/5 (a)	0/5 (a)(m)	10
Singapore	0/5 (a)	0/5 (a)	8
South Africa	0/5/10 (a)(o)	0/5 (a)	0/10 (a)
Spain	0/5 (i)	0/5 (a)	8
Sweden	5/10 (r)	0	5/7 (h)
Switzerland	5/15	0/5	5/7
Syria	0	0/7.5 (a)	15
Taiwan	12.5	10	4/10 (y)
Tajikistan	0/5/10 (a)(j)	0/8 (a)	8
Tunisia	0/5 (a)	0/2.5/5 (a)(s)	0/5 (a)
Türkiye	5/10 (f)(t)	0/10 (a)	10
Turkmenistan	10	0/10 (a)	10
Ukraine	0/5/15 (a)(f)	0/10 (a)	10
United Arab Emirates	0/5 (a)	0	0/10 (a)
United Kingdom	515 (u)	0	5/8 (h)
Uzbekistan	0/7 (a)	0/7 (a)	0/10 (a)
Venezuela	5	0/5 (a)(l)	8
Vietnam	5/12.5 (v)	0/10 (a)	7.5/10 (w)
Non-treaty jurisdictions	5	5	15

(a) The 0% rate generally applies to payments to government bodies.

(b) The 0% rate applies to income from debt claims paid on loans granted, insured or guaranteed by a public institution for the purposes of promoting exports.

(c) The 5% rate applies to dividends if the beneficial owner is a government of the other contracting state, the central bank of the other contracting state or any entity that is wholly owned by the government of the other contracting state or that has invested in the capital of the company paying the dividends at least USD300,000 or its equivalent in any other currency.

(d) The 0% rate applies to income from debt claims if the loan agreements were approved by the government.

(e) The 0% rate applies to income from debt claims that are indirectly financed by government bodies.

(f) The 5% rate applies to dividends paid to a shareholder (other than the partnership) that is the beneficial owner and directly owns at least 20% of the shares of the company paying the dividends.

(g) The 0% rate applies to income from debt claims paid by a national of either contracting state to a bank or financial institution that has the nationality of either contracting state.

(h) The 5% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment.

(i) The 0% rate applies to dividends paid to a shareholder (other than the partnership) that is the beneficial owner and directly owns at least 25% of shares of the company paying the dividends.

(j) The 5% rate applies to dividends paid to a shareholder (other than the partnership) that is the beneficial owner and directly owns at least 25% of shares of the company paying the dividends.

(k) The 5% rate applies to dividends paid to a shareholder that is the beneficial owner and owns directly or indirectly, during the period of 183 days ending on the date on which entitlement to the dividends is determined, at least 10% of the voting shares or of the total issued shares of the company paying the dividends and the company paying the dividends is not entitled to a deduction for dividends paid to its beneficiaries in computing its taxable income in Japan.
(l) The 0% rate applies to income from debt claims that are guaranteed or financed by government bodies.
(m) The 0% rate applies to income from debt claims if the payer of such income is a government body.
(n) The 5% rate applies to income from debt claims paid to financial entities or pension funds.
(o) The 5% rate applies to dividends paid to a shareholder (other than the partnership) that is the beneficial owner and directly owns at least 10% of shares of the company paying the dividends.
(p) The 5% rate applies to dividends paid to either a company or an entity wholly owned by the government, if the recipient is the beneficial owner.
(q) The 5% rate applies to dividends if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends or if the beneficial owner is, in the case of Saudi Arabia, the state, a political or administrative subdivision or a local authority thereof (including the Saudi Arabian Monetary Agency), or a wholly owned state entity and, in the case of Portugal, the state, a political or administrative subdivision or a local authority thereof, or the Central Bank of Portugal.
(r) The 5% rate applies to dividends if the beneficial owner is a company (other than a partnership) that holds at least 10% of the voting power or voting shares of the company paying the dividends.
(s) The 2.5% rate applies to interest paid to banks.
(t) The 5% rate applies to dividends paid to government bodies.
(u) The 15% rate applies to dividends if qualifying dividends are paid by a property investment vehicle; in all other cases, the 5% rate applies to dividends.
(v) The 5% rate applies to dividends paid to a shareholder (other than a partnership) that is the beneficial owner and owns directly at least 50% of the capital of the company paying the dividends or has invested USD20 million or more or any equivalent currency in the capital of the company paying the dividends.
(w) The 7.5% rate applies to royalties paid for the rendering of services or assistance of a technical or managerial nature.
(x) The 0% rate applies if the payer of dividends is a resident of Kosovo.
(y) The 4% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment.

Saudi Arabia has signed tax treaties with Iraq, Mauritania, Gambia, the Slovak Republic and Sri Lanka. These treaties were not yet in force as of May 2024.

Saudi Arabia is negotiating tax treaties with Barbados, Belgium, Bosnia and Herzegovina, Botswana, Côte d'Ivoire, Croatia, Ghana, Guernsey, Guinea-Bissau, Jersey, Lebanon, Mauritius, Moldova, New Zealand, Nigeria, San Marino, Serbia, Seychelles and Sudan.

Saudi Arabia has also entered into limited tax treaties with the United Kingdom, the United States and certain other countries for the reciprocal exemption from tax on income derived from the international operation of aircraft and ships.

Saudi Arabia signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI) on 18 September 2018, submitting its preliminary list of reservations and notifications (MLI positions). Among these are the minimum standards that must be applied by all signatories of the MLI, including the following:

- Adoption of a new preamble that updates the objectives of tax treaties to state that a treaty should not be used to "create opportunities for non-taxation or reduced taxation through tax evasion or avoidance" (Article 6 of the MLI)

- Prevention of treaty abuse by including the principal purpose test clause or the limitation of benefits clause (Article 7 of the MLI)
- Inclusion of additional wording in the treaty to improve the dispute resolution process by allowing taxpayers to initiate the MAP to resolve treaty conflicts (Article 16 of the MLI)

On 23 January 2020, Saudi Arabia deposited its instrument of ratification, including its definitive MLI positions and the final list of covered tax agreements. Accordingly, the MLI entered into force on 1 May 2020. Modification of Saudi Arabia's tax treaties will depend on the final positions adopted by other jurisdictions.

Senegal

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A. At a glance

Corporate Income Tax Rate (%)	30 (a)
Capital Gains Tax Rate (%)	30 (b)
Branch Tax Rate (%)	30 (a)
Withholding Tax (%)	
Dividends and Nondeductible Expenses	10 (c)(d)
Directors' Fees	16
Interest	6/8/13/16/20 (d)(e)
Royalties from Patents, Know-how, etc.	20
Payments to Nonresidents for Services	20 (d)(f)
Payments to Resident Individuals for Services	5
Branch Remittance Tax	10 (d)
Net Operating Losses (Years)	
Carryback	0
Carryforward	3

(a) If the company does not derive a taxable profit in a given year, the minimum tax applies. The minimum tax equals 0.5% of the turnover for the preceding tax year. For example, the minimum tax payable in 2020 is determined based on the annual turnover of 2019. The minimum tax may not be more than XOF5 million. Under the 2020 Finance Law No. 2019-17 dated 20 December 2019, new companies not registered with the tax directorate in charge for large-size companies are not subject to the payment of the minimum tax during their first three years of activities, while large-size companies are only exempted for one year.

(b) In certain circumstances the tax is deferred or reduced (see Section B).

(c) See Section B for special rules applicable to certain dividends. See Section C for a list of nondeductible expenses.

(d) This rate may be modified by a tax treaty. See Section B.

(e) The 6% rate applies to interest on long-term (that is, a duration of at least five years) bonds. The 8% rate applies to bank interest. The 13% rate applies to interest on short-term bonds. The 20% rate applies to interest on deposit receipts. The 16% rate applies to other interest payments.

(f) This tax applies to technical assistance fees and other types of remuneration paid to nonresident companies and nonresident individuals that do not have a permanent establishment in Senegal. The tax is calculated by applying a rate of 25% to a base of 80% of the remuneration that is paid (that is, an effective withholding tax rate is 20%).

B. Taxes on corporate income and gains

Corporate income tax. Senegalese companies are taxed on the basis of the territoriality principle. As a result, companies carrying on a trade or business outside Senegal are not taxed in Senegal

on the related profits. Foreign companies developing activities in Senegal are subject to Senegalese corporate tax on Senegalese-source profits only.

Tax rates. The corporate income tax rate is 30%. The minimum tax (*impôt minimum forfaitaire*, or IMF) payable equals 0.5% of the turnover for the preceding tax year. The minimum tax cannot exceed XOF5 million.

Capital gains. Capital gains are generally taxed at the regular corporate tax rate. However, the tax can be deferred if the proceeds are used by a taxable company to acquire new fixed assets (other than financial immobilizations; this concept was introduced in a tax law, dated 30 March 2018) for its companies based in Senegal within three years or in the event of a merger (or similar corporate restructurings, such as a transfer of a business unit or a demerger).

If the business is partially transferred or discontinued or if the company's fixed assets are sold at the end of its operation, only one-half of the net capital gain is taxed if the event occurs less than five years after the startup or purchase of the business, and only one-third of the gain is taxed if the event occurs five years or more after the business was begun or purchased. This regime does not apply to a transfer of shares in an unlisted predominant real estate company. A company is considered a predominant real estate company if more than 50% of its assets consist of real estate.

Capital gains on sales or transfers of immovable property are also subject to land tax (see Section D). Rights relating to mining or hydrocarbon titles are considered immovable property. Such tax can be viewed as a corporate income tax prepayment because it can be claimed on the corporate income tax return as a deductible expense.

Administration. The tax year is the calendar year. Companies must file their tax returns by 30 April of the year following the tax year.

Corporate tax must be paid in two installments (each equal to one-third of the preceding year's tax) by 15 February and 30 April. The 15 February installment may not be less than the amount of the minimum tax. The balance must be paid by 15 June.

Late payments are subject to interest at a rate of 5% of the tax due. Each additional month of delay results in additional interest of 0.5%.

Dividends paid. Dividends paid are subject to a 10% withholding tax.

Dividends distributed by a Senegalese parent company that consist of dividends received from a Senegalese subsidiary that is at least 10% owned are not subject to dividend withholding tax on the second distribution.

Unless otherwise stipulated in a double tax treaty, the profits realized in Senegal by branches of foreign companies that have not been reinvested in Senegal are deemed to be distributed and are accordingly subject to a 10% withholding tax.

Foreign tax relief. In general, foreign tax credits are not allowed; income subject to foreign tax that is not exempt from Senegalese tax under the territoriality principle is taxable net of the foreign tax. However, the tax treaty with France provides a tax credit for French tax paid on dividends.

C. Determination of taxable income

General. Taxable income is based on financial statements prepared according to generally accepted accounting principles and the rules contained in the Accounting Plan of the Organization for the Harmonisation of Business Law in Africa (*Organisation pour l'Harmonisation en Afrique du Droit des Affaires*, or OHADA).

Business expenses are generally deductible unless specifically excluded by law. The following expenses are partially deductible or nondeductible:

- Foreign head-office expenses, based on the proportion of Senegal turnover to global turnover, of which the deduction is limited to 20% of Senegalese accounting profits before deduction of foreign head-office expenses (unless otherwise provided for by tax treaties).
- The following nondeductible amounts of interest:
  - The amount of interest paid to shareholders in excess of three percentage points above a standard annual rate set by the central bank
  - The amount of interest on loans in excess of 1.5 of the capital stock amount
  - The amount of interest on loans in excess of 1.5 of the capital stock amount if it simultaneously exceeds 15% of the profits derived from ordinary activities increased by the interest, depreciation and accruals taken into consideration for the determination of such profits
- Certain specific charges over specified limits.
- Certain taxes, penalties and gifts.

Reinstatement of expenses. Expenses and charges that are not allowed to be deducted from the corporate tax base, excluding depreciation and provisions, taxes, fines and penalties that are considered as irregular distributions, must be taxed at the withholding tax rate of 10/90 (11.11%). The deadline for the declaration and payment of distribution tax on reintegration is 30 April (same deadline for the filing of the corporate income tax return). The above filing deadline provisions were introduced into the Senegalese tax code by Law No. 2022-22, adopted and promulgated on 31 December 2022.

Inventories. Inventory is normally valued at the lower of cost or market value.

Provisions. In determining accounting profit, companies must establish certain provisions, such as a provision for a risk of loss or for certain expenses. These provisions are normally deductible for tax purposes if they are related to clearly specified losses or to expenses that are probably going to be incurred and if they appear in the financial statements and in a specific statement in the tax return.

Participation exemption. A parent company may exclude from its tax base for corporate income tax purposes 95% of the gross dividends received from a subsidiary if all of the following conditions are met:

- The parent company and the subsidiary are either joint stock companies or limited liability companies.
- The parent company has its registered office in Senegal and is subject to corporate income tax.
- The parent company holds at least 10% of the shares of the subsidiary.
- The shares of the subsidiary are subscribed to or allocated when the subsidiary is created, and they are registered in the name of the parent company or, alternatively, the parent company commits to holding the shares for two consecutive years in registered form. The letter containing such commitment must be annexed to the corporate income tax return.

The above participation exemption regime is extended to Senegalese holding companies incorporated in the form of joint stock companies or limited liability companies meeting the conditions mentioned above.

Tax depreciation. Land and intangible assets, such as goodwill, are not depreciable for tax purposes. Other fixed assets may be depreciated. The straight-line method is generally allowed. The following are some of the applicable straight-line rates.

Asset	Rate (%)
Commercial and industrial buildings	3 to 5
Office equipment	10 to 20
Motor vehicles	25 to 33
Plant and machinery	10 to 20

In certain circumstances, plant and machinery as well as other assets may be depreciated using the declining-balance method or an accelerated method.

Relief for tax losses. Losses may be carried forward three years; losses attributable to depreciation (deferred deemed amortization, which is amortization of assets reported during a loss year) may be carried forward indefinitely. Losses may not be carried back.

Groups of companies. No fiscal integration system equivalent to tax consolidation or fiscal unity exists in Senegal.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; on goods sold and services used or rendered in Senegal	
Standard rate	18
Rate for accommodation and catering services	10
Local Economic Contribution (LEC)	
LEC based on rental fees paid by the lessee	15
LEC based on the rental value of lands, installations, fittings and constructions included in the company's assets; the rental value equals 7% of the gross value of such items	20

Nature of tax	Rate (%)
LEC based on the value added in the year preceding the tax year	1
Registration duties, on transfers of real property or businesses	1 to 5
Land tax, on capital gains resulting from sales or transfers of immovable properties	10/15
Payroll tax paid by the employer with respect to both Senegalese and foreign employees	3
Social security contributions	
Paid monthly by the employer on each employee's monthly gross salary, up to XOF63,000	1/3/5
Regular pension, paid monthly on each employee's monthly gross salary, up to XOF432,000; paid by	
Employer	8.4
Employee	5.6
Additional pension, paid monthly on an executive's monthly gross salary, up to XOF1,296,000; paid by	
Employer	3.6
Employee	2.4

E. Miscellaneous matters

Foreign-exchange controls. Exchange-control regulations exist in Senegal for financial transfers outside the West African Economic and Monetary Union (WAEMU). The exchange-control regulations are contained in the WAEMU Regulation No. 09/2010 CM, together with its appendices and the Central Bank of West African States (La Banque Centrale des Etats de l'Afrique de l'Ouest, or BCEAO) application decrees.

Transfer pricing. The Senegalese tax law contains specific transfer-pricing documentation requirements. Transactions between associated enterprises must be documented. Such documentation must include at a minimum a description of the terms of the transactions, the entities involved, a functional analysis and a detailed description of the chosen methodology to determine the applied transfer prices. The documentation must establish how transfer prices were determined and whether the terms of the intercompany transactions would have been adopted if the parties were unrelated. Overall, in accordance with Ministerial Order No. 25840 of 1 August 2023 on the content of transfer-pricing documentation, this transfer-pricing documentation must include a Master File as well as a Local File. In practice, companies establish their transfer pricing documentation in accordance with the Organisation for Economic Co-operation and Development (OECD) Guidelines.

If such information is not available on request in an audit or a litigation, the tax authorities may assess the taxable income based on information at their disposal. The concerned companies do not have to automatically file the transfer-pricing documentation. They must make it available to the National Directorate of Taxes and Domains (Direction Générale des Impôts et Domaines), which is empowered to request such documentation within the framework of an account examination procedure (field audit of the company). Failure to provide such documentation triggers a penalty of 0.5% of the value of transactions for which supporting

documentation has not been provided to the National Directorate of Taxes and Domains or completed on its request.

The 2018 tax reform implemented the following two new transfer-pricing reporting obligations:

- Transfer pricing annual report
- Country-by-Country Report (CbCR)

Transfer pricing annual report. Companies meeting the conditions listed below should file by 30 April of the year following the tax year a transfer-pricing report containing general and specific information on the group of companies and the reporting entity, such as the following:

- Transaction values
- General description of the activities
- General description of the transfer-pricing policy of the group
- Information on loans, borrowings and other transactions realized with related entities

The filing is mandatory for entities meeting one of the following conditions:

- Turnover, excluding taxes or gross assets, equal to XOF5 billion or more
- Holding, at the end of the tax year, directly or indirectly, more than half of the share capital or voting rights of a company, located in Senegal or abroad, that generates turnover, excluding taxes, or holds gross assets equal to XOF5 billion or more
- More than half of its share capital or voting rights is held by a company generating turnover, excluding taxes, or holds gross assets equal to XOF5 billion or more

Failure to submit the transfer-pricing report triggers a fiscal fine of XOF10 million.

CBCR. Multinational enterprises (MNEs) meeting the reporting conditions must electronically submit a CbCR. Under the regulation, all Senegal tax resident constituent entities that are Ultimate Parent Entities (UPEs) of an MNE group with annual consolidated group revenue equal to or exceeding XOF492 billion (approximately EUR750 million) must prepare a CbCR for tax years starting on or after 1 January 2018.

Any legal entity established in Senegal that meets one of the following conditions is also required to file this declaration:

- It is directly or indirectly owned by a legal entity established in a state that does not require the filing of a CbCR but would be required to file such a declaration if it were established in Senegal.
- It is held, directly or indirectly, by a legal entity established in a state that is not on the list of states and territories that have concluded an agreement with Senegal authorizing the automatic exchange of CbCR but with which Senegal has concluded an agreement for the exchange of information on tax matters.

The CbCR must also be filed by any legal entity established in Senegal held, directly or indirectly, by a legal entity established in a state on the list of states and territories that have concluded an agreement with Senegal authorizing the automatic exchange

of CbCR and that is required to file a CbCR under the legislation in force in that state or that would be required to file such a declaration if it were established in Senegal, when it is informed by the tax authorities of a systemic failure in the state of tax residence of the legal entity which holds it directly or indirectly.

A legal entity established in Senegal, other than the UPEs of a MNE group, is not required to file the CbCR with respect to a tax year in the event of substitute filing in another jurisdiction by the MNE group, provided that the following cumulative conditions are met:

- The jurisdiction in which the reporting entity is resident requires the filing of CbCR like that provided for under Senegalese tax provisions.
- The jurisdiction in which the reporting entity is resident has concluded an agreement authorizing the automatic exchange of CbCR with Senegal that is in force on the date on which the CbCR is due to be filed.
- The tax jurisdiction of residence of the reporting entity has not informed Senegal of a systemic failure.
- The country-by-country declaration is exchanged by the jurisdiction of residence of the reporting entity with Senegal.
- The jurisdiction in which the reporting entity is resident has been informed by the constituent entity resident for tax purposes in its jurisdiction that the latter has been designated by the MNE group to file the CbCR on its behalf.
- A notification from the constituent entity resident for tax purposes in Senegal has been received by the tax authorities, indicating the identity and tax residence jurisdiction of the reporting entity.

If two or more legal entities established in Senegal belonging to the same multinational enterprise group meet one or more of the conditions referred to in paragraphs 2 and 3 of Article 31 Ter of the Senegalese tax code, one of them may be designated by the MNE group to file the CbCR, subject to informing the tax authorities that this filing is intended to fulfill the declaration obligation imposed on all the legal entities of this MNE group that are established in Senegal.

CbCR may be exchanged automatically with states and territories that have signed an agreement with Senegal to this effect.

A failure to comply with the CbCR rules and incomplete or inaccurate filing of the CbCR are punishable by a fine of XOF25 million (approximately USD27,700).

As of now, the application of the above-mentioned CbCR requirements remains uncertain due to the lack of publication of the ministerial decree that provides the list of countries that have adopted similar CbCR regulations and have an active tax information exchange agreement with Senegal. Although the Senegalese authorities have published Ministerial Order No. 1697 dated 22 January 2024 governing the content and format of the CbCR, this text does not specify the list of countries mentioned above.

F. Treaty withholding tax rates

Senegal has entered into a multilateral tax treaty with the other Member States of the WAEMU, which are Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger and Togo (this tax treaty took effect on 1 January 2010) and has also entered into a multilateral tax treaty with the other Member States of the Economic Community of West African States (ECOWAS), which are Benin, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Sierra Leone and Togo (this tax treaty took effect on 1 January 2022). Senegal has entered into bilateral tax treaties with Belgium, Canada, the Czech Republic, France, Iran, Italy, Kuwait, Lebanon, Luxembourg, Malaysia, Mauritania, Morocco, Norway, Portugal, Qatar, Spain, Taiwan, Tunisia, Türkiye, the United Arab Emirates and the United Kingdom.

The Senegal-Mauritius double tax treaty has been denounced by the Senegalese government, and its provisions are no longer applicable.

In addition, on 10 May 2022, Senegal ratified the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (BEPS), which entered into force on 1 September 2022.

The rates reflect the lower of the treaty rate and the rate under domestic tax law.

	Dividends %	Interest %	Royalties %
Belgium	10	16	10
Benin	10	15	15
Burkina Faso	10	15	15
Canada	10	16/20 (a)	15
Côte d'Ivoire	10	15	15
Czech Republic	5/10 (f)	10	10
ECOWAS (i) France	10	15	15
Gabon	10	16	0
Guinea-Bissau	10	15	15
Iran	5	5	8
Italy	10	15	15
Kuwait	10	10	20
Lebanon	10	10	10
Luxembourg	5/10 (b)	10	6/10 (c)
Malaysia	5/10 (g)	10	10
Mali	10	15	15
Mauritania	10	16	0
Morocco	10	10	10
Niger	10	15	15
Norway	10	16	16
Portugal	5/10 (d)	10	10
Qatar	0	0	0
Spain	10	10	10
Taiwan	10	15	12.5
Togo	10	15	15
Tunisia	10	16	0
Türkiye	5/10 (h)	10	10

	Dividends %	Interest %	Royalties %
United Arab Emirates	5	5	5
United Kingdom	5/8/10 (d)	10	6/10 (c)
Non-treaty jurisdictions	10	6/8/13/16/20 (e)	20

(a) The 20% rate applies to interest on deposit receipts. The 16% rate applies to other interest payments.
(b) The 5% rate applies if the beneficial owner of the dividends is a company that holds at least 20% of the share capital of the distributing company. The 10% rate applies to other dividends.
(c) The 6% rate applies to royalties paid for the use of industrial, commercial and scientific equipment. The 10% rate applies to other royalties.
(d) The 5% rate applies if the real beneficiary of the dividends is a company that holds at least 25% of the share capital of the distributing company. Under the United Kingdom treaty, the 8% rate applies if the beneficiary is a pension fund located in the other state. The 10% rate applies to other dividends.
(e) For details, see footnote (e) to Section A.
(f) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividend. The 10% rate applies to other dividends.
(g) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividend. The 10% rate applies to other dividends.
(h) The 5% rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 20% of the capital of the company paying the dividend. The 10% rate applies to other dividends.
(i) See the first paragraph of this section.

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The Union of Serbia and Montenegro ceased to exist on 25 May 2006. The following chapter provides information on taxation in the Republic of Serbia only.

A. At a glance

Corporate Income Tax Rate (%)	15
Capital Gains Tax Rate (%)	15
Branch Tax Rate (%)	15
Withholding Tax (%)	
Dividends	20 (a)
Interest	20 (a)
Royalties from Patents, Know-how, etc.	20 (b)
Leasing Fees for Lease and Sublease of Property Located in Serbia	20 (c)
Market Research Services, Accounting and Audit Services, and Other Legal and Business Advisory Services	20 (d)
Capital Gains	20 (e)
Payments to Listed Countries with Preferable Tax Regimes	
Interest	25
Royalties	25
Leasing Fees	25
Services	25
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) This tax applies to nonresident companies. Under the Personal Income Tax Law, dividends and interest paid to resident and nonresident individuals are taxed at a rate of 15%.

(b) This tax applies to nonresident companies. Under the Personal Income Tax Law, royalties paid to resident and nonresident individuals are taxed at a rate of 20%.

(c) This tax applies to nonresident companies. Under the Personal Income Tax Law, individuals are taxed at a rate of 20% on rent and service fees.
(d) As of 1 April 2018, only fee payments related to market research services, accounting and audit services, and other legal and business advisory services are subject to withholding tax regardless of the place where the services were provided or used.
(e) This tax applies to nonresident companies. Under the Personal Income Tax Law, individuals are taxed at a rate of 15% on capital gains.

B. Taxes on corporate income and gains

Corporate income tax. Companies resident in the Republic of Serbia (RS) are subject to tax on their worldwide income. A company is resident in the RS if it is incorporated in the RS or if its central management and control is actually exercised in the RS. Nonresident companies are subject to tax only on their income derived from the RS. Nonresident companies are companies registered in other countries that have a permanent place of business in the RS. Foreign representative offices may not derive profits from their activities in the RS. However, if they do derive such profits, the profits are subject to tax in the RS.

Rate of corporate income tax. The rate of corporate income tax in the RS is 15%.

Tax incentives. A company qualifies for a 10-year tax exemption if it invests RSD1 billion (approximately EUR8 million) in its own fixed assets and if it employs at least 100 new workers in the period of investment.

Double the amount of costs directly connected to research and development (R&D) activities that the taxpayer conducts in Serbia can be deducted.

Up to 80% of income accrued in connection with use of intellectual property rights may be excluded from the tax base if certain conditions are met. Also, 80% of capital gains derived from the transfer of intellectual property is excluded from the tax base.

Taxpayers that invest in newly formed companies conducting innovative business activity can be granted a tax credit of 30% of the investment in such companies if certain conditions are met.

A taxpayer's income deriving from the transfer of non-monetary assets without reimbursement under concession agreements is excluded from the tax base if the value of a concession agreement is more than EUR50 million. In this context, a concession agreement is an agreement between a competent state authority (including a publicly owned company) and a legal entity based on which the competent state authority gives to a domestic or foreign legal entity the commercial right to use natural resources or resources in general or public use or allows it to perform activities of general interest for the respective period under the conditions prescribed by law, with the payment of the concession fee.

The effects of the change of accounting policies caused by the first application of International Accounting Standards (IAS) or International Financial Reporting Standards (IFRS) for small and medium enterprises that cause changes of positions in the balance sheet are recognized as income or expense in the tax balance

sheet, starting from the tax period in which such corrections are implemented.

Under the Personal Income Tax Law and the Law on Compulsory Social Security Contributions, companies may be partially exempted from paying salary tax and employer social security contributions for newly employed individuals and disabled persons under the conditions specifically mentioned in the legislation.

An employer that is a legal entity and that within its activities conducts R&D in the RS may be exempt from the obligation to pay 70% of calculated and withheld tax from the salary of individuals directly engaged in R&D, proportionally for the time that such individuals spend on R&D in comparison to full-time work. Employers are also exempt from the obligation to pay 100% of the mandatory pension and disability insurance contributions for both the employee and employer parts.

Capital gains. Capital gains derived from the disposal of the following are included in taxable income and are subject to tax at the regular corporate income tax rate:

- Real estate that the taxpayer uses or used as a fixed asset in its business activities, including real estate under construction
- Intellectual property rights
- Capital participations and shares and other securities that are, according to IFRS and IAS, long-term financial investments (except certain bonds issued by government bodies or by the national bank)
- Investment units of an investment fund, in accordance with the law regulating investment funds
- Digital assets, unless the taxpayer, under the terms of the law governing digital assets, has a license to provide services related to digital assets and acquired digital assets solely for resale within the provision of services related to digital assets

Capital gains tax is also imposed on income derived by nonresident companies from disposals of the aforementioned assets (except intellectual property rights) and real estate in the RS that were not used as fixed assets in conducting business activities. These gains were previously subject to a 20% tax rate.

The possibility of claiming a tax credit has been introduced in cases in which a resident taxpayer realizes capital gains in another state and pays tax on such gains in that state.

Capital gains realized by resident companies may be offset against capital losses incurred in the same year, and net capital losses may be carried forward to offset capital gains in the following five years.

Administration. The tax year is the calendar year. Exceptionally, at the taxpayer's request, the tax period may be set within any 12 months, subject to the tax authorities' approval.

Companies must file annual tax returns within 180 days after the expiration of the period for which the tax liability is determined (usually by 30 June of the year following the tax year), except in cases of statutory changes (transactions resulting in the cessation of the legal entity), liquidation and bankruptcy. In such circumstances, companies must file returns within the following periods:

- Sixty days from the date on which the liquidation proceedings began or were completed (the companies must file two tax returns; one is related to the period before the beginning of the liquidation proceedings, while the second return covers the period during the liquidation proceedings)
- Sixty days from the date on which the bankruptcy proceedings began
- Sixty days from the date of the beginning of the implementation of the reorganization plan

Companies must make monthly advance payments of tax by the 15th day of the month following the month for which the payment is due. Companies determine advance payments based on their tax return for the preceding year. Under a self-assessment system, companies must correctly assess their tax liabilities to avoid the imposition of significant penalties.

Companies may submit an interim tax return during the tax year to increase or decrease their monthly advance payments of tax if significantly changed circumstances exist, such as changes to the company's activities or to the tax rules.

At the time of submission of the annual tax return, companies must pay any positive difference between the tax liability calculated by the company and the total of the advance payments. They may receive a refund of any overpayment, or the overpayment may be treated as a prepayment of future monthly payments.

Dividends. Resident companies include dividends received from its nonresident affiliates in taxable income.

Corporate and dividend taxes paid abroad may be claimed as a tax credit up to the amount of domestic tax payable on the dividends. Any unused amount can be carried forward for offset against corporate profit tax in the following five years. This tax credit applies only to dividends received by companies with a shareholding of 10% or more in the payer for at least one year before the tax return is submitted.

A 20% withholding tax is imposed on dividends paid to nonresidents.

An applicable double tax treaty may provide a reduced withholding tax rate for dividends (see Section F). To benefit from a double tax treaty, a nonresident must verify its tax residency status and prove that it is the true beneficiary of the income.

Foreign tax relief. Companies resident in the RS that perform business activities through permanent establishments outside the RS may claim a tax credit for corporate income tax paid in other jurisdictions, up to the amount of domestic tax payable on such income. In addition, resident companies are entitled to a tax credit for tax on interest income, income from lease fees, royalty income, dividend income (shareholding less than 10%) and service income that is withheld and paid by nonresident income payers in other jurisdictions. The tax credit is available up to the amount of domestic tax payable on a tax base equal to 40% of foreign-source income that is included in the total income of the resident company.

C. Determination of trading income

General. The assessment is based on the profit or loss shown in the financial statements prepared in accordance with International Accounting Standards and domestic accounting regulations, subject to certain adjustments for tax purposes.

Taxable income is the positive difference between income and expenses. For tax purposes, income consists of income from the following:
- Sales of products, goods and services
- Financial income
- Capital gains
- Income resulting from transfer-pricing adjustments

Tax-deductible expenses include expenses incurred in performing business activities. Expenses must be documented. Certain expenses, such as depreciation (see *Tax depreciation*), donations and entertainment expenses, are deductible up to specified limits. Impairment of assets may not be deducted unless the assets were alienated or damaged as a result of *force majeure*.

Inventories. Inventories must be valued using average prices or the first-in, first-out (FIFO) method.

Bad debt provisions and write-offs. Legal entities may deduct as expenses write-offs of receivables if such actions are in conformity with the Accounting Law. This conformity exists if the following conditions are satisfied:
- Receivables were included in the taxpayer's revenues.
- Receivables have been written off from the taxpayer's accounting books as uncollectible.
- The taxpayer has sued the debtor or claimed the debt in a liquidation or bankruptcy procedure, or the execution procedure has been initiated.

Write-offs of receivables that were not recorded as revenues in the taxpayer's accounting records are also tax-deductible expenses if the second and third conditions above are met.

Bad debt provisions are tax-deductible expenses in the period in which at least 60 days have elapsed since the due date for the payment of receivables.

Tax depreciation. Fixed assets are divided into five groups, with depreciation and amortization rates prescribed for each group. New rules for the calculation of tax amortization were introduced as of 1 January 2019 (the declining-balance method has been abandoned and the straight-line [linear] method has been introduced). Old assets, which were present at the beginning of the application of the new rules, are depreciated using the old rules until 2028. The new rulebook on amortization has been introduced.

The straight-line method must be used for all five groups. New depreciation rules also prescribe that if the depreciation calculated for accounting purposes is lower than the depreciation calculated in accordance with corporate income tax rules, the amount of accounting depreciation should also be used for tax purposes.

The following are the depreciation and amortization rates.

Group of assets	Rate (%)
I	2.5
II	10
III	15
IV	20
V	30

Group I includes immovable assets.

Starting from the 2018 tax year, tax depreciation of intangible assets should be equal to the accounting depreciation of such assets.

In addition, if the assets are acquired from a related party, the depreciation base is the lower of the following two amounts:
- Purchase price for the transfer of the fixed assets
- Acquisition price of fixed assets determined by applying the arm's-length principle

Relief for losses. Tax losses incurred in business operations may be carried forward for five years. Loss carrybacks are not allowed.

Groups of companies. Under group relief provisions, a group of companies consisting only of resident companies may offset profits and losses for tax purposes. The group relief provisions are available if a parent company holds directly or indirectly at least 75% of the shares in subsidiaries. To obtain group relief, a group must file a request with the tax authorities. If tax consolidation is allowed, the group companies must apply tax-consolidation rules for five years. Each group company files its own annual income tax return, and the parent company files a consolidated tax return based on the subsidiaries' tax returns. Any tax liability after consolidation is paid by the group companies with taxable profits on a proportional basis.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on supplies of goods and services in the RS and on imports of goods; certain tax exemptions with or without the right to deduct input VAT are granted; VAT taxpayers are legal entities and entrepreneurs who had turnover of goods and services in excess of RSD8 million (approximately EUR65,000) in the preceding 12 months or who expect to have annual turnover greater than the threshold	
Standard rate	20
Lower rate	10
Property tax, paid on ownership rights over immovable property in the RS (including residential and business buildings, apartments, garages and other underground and surface buildings) and on usage rights over city construction land; certain tax exemptions are prescribed; tax base equals the market	

Nature of tax	Rate (%)
value of the property; taxpayers that maintain accounting records self-assess and pay the tax quarterly; taxpayers that do not maintain accounting records pay tax quarterly based on a ruling issued by the local authority	
Tax rates applicable to taxpayers that are required to maintain accounting records	0.4
Tax rates applicable to taxpayers that are not required to maintain accounting records	0.4 to 2
Transfer tax; paid on transfers of ownership rights over immovable property, intellectual property rights, ownership rights over used motor vehicles (with certain exemptions) and usage rights over city construction land; certain transfers are exempt; tax base is the contract price, unless the market value is higher	2.5
Payroll taxes, on monthly gross salaries	
Tax on salary; paid by employee	10
Social security contributions (for health, pension and unemployment funds); paid by	
Employer	15.15
Employee	19.9

E. Miscellaneous matters

Foreign-exchange controls. In the RS, the local currency is the dinar (RSD).

In the RS, all payments, collections and transfers must generally be effected in dinars, but a "currency clause" may allow conversion from hard currency on the date of payment. In addition, the following transactions may be effected using foreign currencies:

- Sale and rental of immovable property
- Granting loans in the RS for the payment of imported goods and services and acquisition of immovable property
- Insurance premiums and transfers based on life insurance contracts
- Purchasing receivables and accepting payables specified in the law
- Payments of deposits representing collateral
- Donations for charitable, cultural and scientific purposes in accordance with the donation legislation
- Transactions involving guarantees specified by the law, if the underlying transaction is in foreign currency
- Allowances for business trips abroad
- Salary payments to resident individuals sent on temporary work abroad based on an agreement on investment projects, as well as to individuals employed at diplomatic and consular missions, United Nations organizations and international financial institutions in the RS
- Purchase of software and other digital products on the internet that are delivered exclusively through telecommunication, digital or information technology devices, provided that payment is made using a payment card or electronic money through a payment service provider that has its company seat in the RS

Residents and nonresidents may open foreign-currency accounts in RS banks or in foreign banks authorized to operate in the RS. Foreign currency may be held in such accounts and used for payments out of the RS, such as dividends and payments for purchases of imports, as well as for authorized foreign-currency payments in the RS.

Transfer pricing. Under general principles, transactions between related parties must be made on an arm's-length basis. The difference between the price determined by the arm's-length principle and the taxpayer's transfer price is included in the tax base for purposes of the computation of corporate income tax. Taxpayers must submit transfer-pricing documentation together with their corporate income tax return.

Country-by-Country reporting. Country-by-Country (CBC) reporting is applicable as of the 2020 fiscal year, with filing in the 2021 fiscal year. The Serbian resident ultimate parent legal entity of a multinational group with consolidated revenue above EUR750 million (in RSD equivalent) is subject to CBC reporting obligations.

Thin-capitalization rules. Related-party interest expenses and related expenses are limited to four times the value of the taxpayer's equity (10 times value for banks and financial-leasing organizations).

F. Treaty withholding tax rates

The following table lists the withholding tax rates under the treaties of the former Union of Serbia and Montenegro and under the treaties of the RS, the former Federal Republic of Yugoslavia and the former Yugoslavia that remain in force. It is suggested that taxpayers check with the tax authorities before relying on a particular tax treaty.

	Dividends %	Interest %	Royalties %
Albania	5/15	10	10
Armenia	8	8	8
Austria	5/15	10	5/10
Azerbaijan	10	10	10
Belarus	5/15	8	10
Belgium	10/15	15	10
Bosnia and Herzegovina	5/10	10	10
Bulgaria	5/15	10	10
Canada	5/15	10	10
China Mainland	5	10	10
Croatia	5/10	10	10
Cyprus	10	10	10
Czech Republic	10	10	5/10
Denmark	5/15	10	10
Egypt	5/15	15	15
Estonia	5/10	10	5/10
Finland	5/15	0	10
France	5/15	0	0
Georgia	5/10	10	10
Germany	15	0	10
Greece	5/15	10	10
Hong Kong SAR	5/10	10	5/10
Hungary	5/15	10	10

	Dividends %	Interest %	Royalties %
India	5/15	10	10
Indonesia	15	10	15
Iran	10	10	10
Ireland	5/10	10	5/10
Israel	5/15	10	5/10
Italy	10	10	10
Japan	5/10	10	5/10
Kazakhstan	10/15	10	10
Korea (North)	10	10	10
Korea (South)	5/10	10	5/10
Kuwait	5/10	10	10
Latvia	5/10	10	5/10
Libya	5/10	10	10
Lithuania	5/10	10	10
Luxembourg	5/10	10	5/10
Malta	5/10	10	5/10
Moldova	5/15	10	10
Montenegro	10	10	5/10
Morocco	10	10	10
Netherlands	5/15	0	10
North Macedonia	5/15	10	10
Norway	5/15	10	5/10
Pakistan	10	10	10
Poland	5/15	10	10
Qatar	5/10	10	10
Romania	10	10	10
Russian Federation	5/15	10	10
San Marino	5/10	10	10
Singapore	5/10	10	5/10
Slovak Republic	5/15	10	10
Slovenia	5/10	10	5/10
Spain	5/10	10	5/10
Sri Lanka	12.5	10	10
Sweden	5/15	0	0
Switzerland	5/15	10	0/10
Tunisia	10	10	10
Türkiye	5/15	10	10
Ukraine	5/10	10	10
United Arab Emirates	0/5/10	10	10
United Kingdom	5/15	10	10
Vietnam	10/15	10	10
Non-treaty jurisdictions	20	20	20

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A. At a glance

Corporate Income Tax Rate (%)	17 (a)
Capital Gains Tax Rate (%)	Not applicable
Branch Tax Rate (%)	17 (a)
Withholding Tax (%) (b)	
Dividends	0 (b)
Interest	15 (c)
Royalties from Patents, Know-how, etc.	10 (c)
Branch Remittance Tax	Not applicable

Net Operating Losses (Years)	
Carryback	1 (d)
Carryforward	Unlimited (d)

(a) Various tax exemptions and reductions are available (see Section B).
(b) See Section B.
(c) See Section F.
(d) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Income tax is imposed on all income derived from sources in Singapore, and on income from sources outside Singapore if received in Singapore. However, a nonresident company that is not operating in or from Singapore is generally not taxed on foreign-source income received in Singapore. A company is resident in Singapore if the control and management of its business is exercised in Singapore; the place of incorporation is not relevant.

Remittances of foreign income in the form of dividends, branch profits and services income (specified foreign income) into Singapore by companies resident in Singapore are exempt from tax if prescribed conditions are met. For remittances of specified foreign income that does not meet the prescribed conditions, companies may be granted tax exemption under specific scenarios or circumstances on an approval basis.

Rates of corporate income tax. The standard corporate income tax rate is 17%. Seventy-five percent of the first SGD10,000 of normal chargeable income is exempt from tax, and 50% of the next SGD190,000 is exempt from tax. The balance of chargeable income is fully taxable at the standard rate of 17%.

Tax incentives, exemptions and reductions. Singapore offers a wide range of tax incentives that are generally granted on an approval basis to promote investments in selected industry sectors, including the following:

- Pioneer companies and pioneer service companies. A pioneer enterprise is exempt from income tax on its qualifying profits for up to 15 years.
- Development and Expansion Incentive (DEI). DEI companies enjoy a concessionary tax rate of 5%, 10% or 15% on their incremental income derived from the performance of qualifying activities.
- Approved royalties, technical assistance fees and contributions to research and development (R&D) costs.
- Investment allowances.
- R&D incentives. An additional 150% tax deduction (effective from the 2019 year of assessment (YA) to the 2024 YA) is allowed for certain qualifying R&D expenditure. For the 2024 to 2028 YAs, an additional 300% tax deduction on the first SGD400,000 of qualifying R&D expenditure is allowed, while an additional 150% tax deduction on the balance of qualifying R&D expenditure in excess of SGD400,000 is allowed.
- Intellectual Property (IP) Development Incentive. The IP Development Incentive is effective from 1 July 2018 to 31 December 2028. This incentive incorporates the Base Erosion and Profit Shifting (BEPS)-compliant modified nexus approach.

- Finance and treasury center incentive. Income derived from the provision of qualifying services to approved network companies and from the carrying on of qualifying activities on own account is subject to tax at a rate of 8% or 10%.
- Financial sector incentive (FSI). The FSI is designed to encourage the development of high-growth and high value-added financial activities in Singapore. A 5%, 10%, 12% or 13.5% concessionary tax rate applies to income derived from carrying on qualifying activities by approved FSI companies in Singapore. The concessionary tax rates will be streamlined to two tiers of 10% and 13.5% for new and renewal awards approved on or after 1 January 2024.
- Maritime sector incentives. Ship operators, maritime lessors and providers of certain supporting shipping services may enjoy tax incentives under the Maritime Sector Incentive, which consists of the following three broad categories:
  — International shipping enterprise
  — Maritime (ship or container) leasing
  — Supporting shipping services

  An alternative basis of tax will be available from the 2024 YA for shipping companies enjoying certain maritime sector incentives. Under the alternative basis of tax, qualifying income is taxed by reference to the net tonnage of their ships.
- Global Trader Programme (GTP). Under the GTP, approved companies enjoy a concessionary tax rate of 5%, 10% or 15% on qualifying transactions conducted in prescribed commodities and products.
- Refundable Investment Credit (RIC). The RIC is awarded on qualifying expenditures incurred by the company with respect to a qualifying project during the qualifying period. The credits are to be offset against corporate income tax payable. Any unused credits will be refunded to the company in cash within four years from when the company satisfies the conditions for receiving the credits, consistent with the Global Anti-Base Erosion (GloBE) Model Rules for Qualified Refundable Tax Credits (QRTC).

Capital gains. Capital gains are not taxed in Singapore. However, in certain circumstances, the Inland Revenue Authority of Singapore (IRAS) considers transactions involving the acquisition and disposal of assets, such as real estate, stocks or shares to be the carrying on of a trade, and, as a result, gains arising from such transactions are taxable. The determination of whether such gains are taxable is based on a consideration of the facts and circumstances of each case.

Gains on sale or disposal of foreign assets. Under the new Section 10L of the Singapore Income Tax Act 1947 (SITA), gains from the sale or disposal of foreign assets on or other 1 January 2024 that are received in Singapore by an entity of a relevant group are treated as income chargeable to tax under Section 10(1)(g) of the SITA, unless exceptions apply. Section 10L applies even if the gains are capital in nature or tax-exempt under other sections of the SITA.

Administration. The tax year, known as YA, runs from 1 January to 31 December. The period for which profits are identified for assessment is called the basis year. Therefore, income earned

during the 2023 basis year is assessed to tax in the 2024 YA. For companies engaged in business in Singapore that adopt an accounting period other than the calendar year, the assessable profits are those for the 12-month accounting period ending in the year preceding the YA.

An estimate of the chargeable income (ECI) of a company must be filed within three months after the end of its accounting year. However, companies are not required to file an ECI if their annual revenue is not more than SGD5 million for the financial year and if their ECI is nil.

The statutory deadline for filing the income tax return is 30 November. No extension of time to file the return is allowed and e-filing is mandatory for all companies.

Income tax is due within one month after the date of issuance of the notice of assessment. In certain circumstances, companies may pay tax in monthly installments on the ECI, up to a maximum of 10, with the first installment payable one month after the end of the accounting period. No installments are allowed if the ECI is submitted more than three months after the end of the relevant accounting period.

A late payment penalty of 5% of the tax due is imposed if the tax is not paid by the due date. If the tax is not paid within 60 days of the imposition of the 5% penalty, an additional penalty of 1% of the tax is levied for each complete month that the tax remains outstanding, up to a maximum of 12%.

Dividends. Dividends paid by a Singapore tax-resident company are exempt from income tax in the hands of shareholders, regardless of whether the dividends are paid out of taxed income or tax-free gains. No withholding tax is imposed on dividends.

Foreign tax relief. Singapore has entered into double tax agreements with more than 90 countries, but notably not with the United States. Under Singapore rules, a foreign tax credit is limited to the lower of the foreign tax paid and the Singapore tax payable on that income. The foreign tax credit (FTC) is granted on a country-by-country, source-by-source basis unless the resident taxpayer elects to claim FTC under the pooling method, subject to meeting certain conditions.

A unilateral tax credit system, similar to FTC relief, is also available for income derived from countries that have not entered into double tax agreements with Singapore.

C. Determination of taxable income

General. In general, book profits reported in the financial statements prepared under the financial reporting standards in Singapore are adjusted in accordance with the Singapore tax rules to arrive at taxable income.

If a company maintains its financial accounts in a functional currency other than Singapore dollars, as required under the financial reporting standards in Singapore, it must furnish tax computations to the IRAS denominated in that functional currency in a manner as prescribed by the law.

For expenses to be deductible, they must meet all of the following conditions:
- They must be incurred wholly and exclusively in the production of income.
- They must be revenue in nature.
- They must not be specifically prohibited under the Singapore tax law.

To facilitate business start-ups, it is specifically provided that a person is treated as having commenced business on the first day of the accounting year in which the business earns its first dollar of business receipt. This is known as the deemed date of commencement, and businesses may deduct revenue expenses incurred in the accounting year (not exceeding a 12-month period) immediately preceding the deemed date of commencement.

Special rules govern the deductibility of expenses for investment holding companies.

Expenses attributable to foreign-source income are not deductible unless the foreign-source income is received in Singapore and subject to tax in Singapore. In general, offshore losses may not be offset against Singapore-source income.

No deduction is allowed for the book depreciation of fixed assets, but tax depreciation (capital allowances) is granted according to statutory rates (see *Capital allowances [tax depreciation]*).

Double deductions. Double deductions are available for certain expenses relating to approved trade fairs, exhibitions or trade missions, maintenance of overseas trade offices, overseas investment development and approved salary expenditure for employees posted overseas. A sunset clause of 31 December 2025 applies to the double deduction schemes for these expenses.

Renovation or refurbishment deduction. A tax deduction is allowable on due claim, for qualifying renovation or refurbishment (R&R) expenditure incurred for the purposes of a trade, profession or business. The allowable R&R costs are capped at SGD300,000 for every three-year period, beginning with the basis period in which the deduction is first allowed. All businesses will be transitioned to a fixed three-year period with the first three-year period being from the 2025 to 2027 YAs. An option is available to accelerate the deduction of qualifying expenditure incurred on renovation or refurbishment for the 2021, 2022 and 2024 YAs in one YA instead of over three consecutive YAs, subject to an expenditure cap of SGD300,000. This option will continue to be available from 2025 YA onward. Any unused R&R deduction is allowed as a loss carryback or loss carryforward (see *Relief for trading losses*) or for group relief (see *Groups of companies*).

Inventories. Trading inventory is normally valued at the lower of cost or net realizable value. Cost must be determined on a first-in, first-out (FIFO) basis; the last-in, first-out (LIFO) basis is not accepted.

Provisions. Under FRS 109 *Financial Instruments*, impairment losses that represent 12-month expected credit loss (ECL) or lifetime ECL are recognized if some risk of default exists or even

in the absence of loss events. Only impairment losses recognized in the profit and loss statement with respect to the credit-impaired financial instruments on revenue account are allowed for tax deduction, and any reversal amount subsequently recognized in the profit and loss statement will be taxable.

Capital allowances (tax depreciation)

Plant and machinery. Tax depreciation or capital allowances are given for capital expenditures incurred on the acquisition of plant and machinery used for the purposes of a trade or business. Qualifying plant and machinery are normally written off in equal amounts over three years when claimed. An option is available to accelerate the capital allowances claim for plant and machinery acquired for the 2021, 2022 and 2024 YAs over two years (that is, 75% of the cost in the first YA and the remaining 25% in the second YA). Alternatively, expenditures on such assets may be claimed in one year if each item costs no more than SGD5,000. However, the total claim for all such assets may not exceed SGD30,000 for a YA.

The cost of the following may be written off in one year:
- Computers or other prescribed automation equipment
- Websites
- Generators
- Robots
- Certain industrial noise- and chemical hazards-control equipment

Only expenditure on certain automobiles, such as commercial vehicles and cars registered outside Singapore and used exclusively outside Singapore, qualify for capital allowances.

Land intensification allowance incentive. The land intensification allowance (LIA) incentive grants an initial allowance of 25% and an annual allowance of 5% on qualifying capital expenditure incurred on or after 23 February 2010 by businesses on the construction or renovation of qualifying buildings or structures if certain conditions are met. The application window period for the LIA incentive is from 1 July 2010 through 31 December 2025.

Intellectual properties. Writing-down allowances (WDAs) are granted for capital expenditure incurred on the acquisition of specified categories of intellectual property (IP) on or before the last day of the basis period for the 2028 YA if the legal and economic ownership of the IP lies with Singapore companies. Companies may elect a 5-, 10- or 15-year amortization period. This election is irrevocable.

On application, the legal ownership requirement may be waived for IP rights acquired on or after 17 February 2006 if the Singapore company has substantial economic rights over the IP, while the foreign parent holds the legal title.

Disposal of plant and equipment. Allowances are generally subject to recapture on the sale of qualifying plant and equipment if the sales proceeds exceed the tax-depreciated value (to the extent of the excess but not more than the allowances claimed). If sales proceeds are less than the tax-depreciated value, an additional allowance may be given.

Relief for trading losses. Trading losses may be offset against all other chargeable income of the same year. Unused losses may be carried forward indefinitely, subject to the shareholding test (see below). Excess capital allowances can also be offset against other chargeable income of the same year and carried forward indefinitely subject to the shareholding test and to the requirement that the trade giving rise to the capital allowances continues to be carried on (same trade test).

A one-year carryback of up to an aggregate amount of SGD100,000 of current-year unused capital allowances and trade losses (collectively referred to as "qualifying deductions") may be allowed, subject to meeting certain conditions and compliance with specified administrative procedures.

The carryforward and carryback of losses and capital allowances are subject to the shareholders remaining substantially (50% or more) the same at the relevant comparison dates (shareholding test). If the shareholder of the loss company is itself another company, look-through provisions apply through the corporate chain to the final beneficial shareholder.

The carryback of capital allowances is subject to the same trade test that is applicable to the carryforward of unused capital allowances.

The IRAS has the authority to allow companies to deduct their unused tax losses and capital allowances, notwithstanding a substantial change in ownership at the relevant dates, if the change is not motivated by tax considerations. If allowed, these losses and capital allowances may be offset only against profits from the same business.

Groups of companies. Under group relief measures, current-year unused losses, capital allowances and donations may be transferred by one company to another within a group, subject to meeting certain qualifying conditions. A group generally consists of a Singapore-incorporated parent company and all of its Singapore-incorporated subsidiaries. Two Singapore-incorporated companies are members of the same group if one is 75% owned by the other, or both are 75% owned by a third Singapore-incorporated company.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Goods and Services Tax (GST); on any supply of goods and services, except an exempt supply or an excluded transaction, made in Singapore by a taxable person (a person whose annual taxable supplies exceed or are expected to exceed SGD1 million) in the course of or furtherance of business and on imports of goods into Singapore unless certain import reliefs or suspension schemes apply; effective from 1 January 2020, GST is also imposed	

Nature of tax	Rate (%)
on business-to-business (B2B) supplies of imported services by way of reverse charge and business-to-consumer (B2C) supplies of imported digital services via the Overseas Vendor Registration (OVR) regime; effective from 1 January 2023, GST is also imposed on the supplies of imported non-digital services and imports of low-value goods; the GST rate increased from 7% to 8% on 1 January 2023, and from 8% to 9% on 1 January 2024	0/9
Social security contributions (Central Provident Fund [CPF]); foreigners holding work passes are exempt	
CPF contributions are required on monthly "ordinary wages" from 1 January 2024 to 31 December 2024; the monthly salary ceiling for contributions is SGD6,800 per month for ordinary wages; contributions paid by	
Employer (limited to SGD1,156 a month)	17
Employee (limited to SGD1,360 a month)	20
(The above rates are applicable for employees aged 55 and below. Contributions on additional wages, such as bonuses are limited to the total annual wage cap of SGD102,000 less the total ordinary wages for the year. The employer's and employee's contribution rate for workers aged from above 55 to 60 is 15% and 16% respectively; lower contribution rates apply to individuals older than age 60. The government has announced that the CPF contribution rates for workers aged 55 to 70 will be gradually increased until 2030. For employees who earn total wages of less than SGD750 per month, different rates apply.)	
Skills development levy; payable by employer for all employees working in Singapore; based on the first SGD4,500 of total monthly gross remuneration or subject to a minimum of SGD2, whichever is higher; the maximum levy is SGD11.25 per month.	0.25

E. Miscellaneous matters

Foreign-exchange controls. Singapore does not impose any restrictions on the remittance or repatriation of funds in or out of Singapore.

Debt-to-equity ratios. In general, Singapore does not impose any specific debt-to-equity restrictions.

Anti-avoidance legislation. The domestic tax legislation allows the IRAS to disregard or vary any arrangement that has the purpose or effect of altering the incidence of taxation or reducing or avoiding Singapore tax liability. The IRAS may also tax profits of a nonresident in the name of a resident as if the latter is an agent of the nonresident, if the profits of the resident from

business dealings with the nonresident are viewed as lower than expected as a result of the close connection between the two parties.

The IRAS has introduced a 50% surcharge to be imposed on a taxpayer of the tax assessed on any adjustments that the IRAS has made pursuant to the anti-tax avoidance legislation. This surcharge will apply with effect from the 2023 YA. The Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI) entered into force on 1 April 2019. As of 1 March 2024, Singapore's tax treaties with 59 jurisdictions have been amended by the MLI.

Transfer pricing. Specific legislation governs the arm's-length principle to be applied to related-party transactions. The IRAS may make adjustments to the amount of income, deduction or loss of a taxpayer in cases in which the terms of commercial relations or financial relations between two related parties are not at arm's length. A 5% surcharge is imposed on transfer-pricing (TP) adjustments made for non-compliance with the arm's-length principle. A remission on the 5% surcharge may be granted under certain circumstances and subject to conditions.

The Singapore Transfer Pricing Guidelines provide guidance on the arm's-length principle and TP documentation requirements in Singapore. The guidelines on the application of the arm's-length principle are broadly consistent with the Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations, which endorse the arm's-length principle. Specific guidance, including a recommendation to adopt a three-step approach (conduct a comparability analysis, identify the most appropriate TP method and tested party, and determine the arm's-length results) to apply the arm's-length principle, is provided together with specific requirements relating to external benchmarking searches and the application of results.

The IRAS expects companies to maintain contemporaneous TP documentation. Effective from the 2019 YA, Singapore taxpayers are required to prepare contemporaneous TP documentation, if certain conditions are satisfied, to support their transactions with related parties, unless specifically exempted. The IRAS does not require TP documentation to be submitted together with the tax returns but taxpayers have 30 days to submit the documents on the IRAS's request. Failure to prepare contemporaneous documentation or the inability of taxpayers to substantiate transfer prices may result in the imposition of penalties for noncompliance, upward adjustment, ineligibility to invoke competent authority assistance, rejection of an Advance Pricing Arrangement (APA) application and disallowance of self-initiated adjustments. The TP documentation must be organized at the group level and entity level.

TP administration provides information and guidance on the TP audit process and the avoidance and resolution of TP disputes. The TP audit process involves the IRAS selecting taxpayers based on various risk indicators and reviewing and auditing their TP methods and documentation. The guidelines also provide

details on the step-by-step processes for the Mutual Agreement Procedure (MAP) and APAs, including sample documents for the MAP and APAs. Double tax agreements provide for the MAP to resolve instances of double taxation. MAP is a dispute-resolution process used by the competent tax authorities to resolve disputes arising under the application of double tax agreements.

Discussion and guidance are also provided with respect to TP adjustments, related-party loans, services and attribution of profits to permanent establishments (PEs).

Country-by-Country Reporting. On 21 June 2017, Singapore signed the Multilateral Competent Authority Agreement on exchange of Country-by-Country (CbC) Reports (CbCR MCAA), which enables Singapore to efficiently establish a wide network of exchange relationships for the automatic exchange of CbC Reports. As of 23 February 2024, the IRAS has activated bilateral Automatic Exchange of Information relationships for the exchange of CbC Reports with 92 jurisdictions; these facilitate the automatic exchange of CbC Reports for the Ultimate Parent Entity of Singapore multinational enterprise (MNE) groups.

Common Reporting Standard. Singapore has implemented the Common Reporting Standard (CRS), an internationally agreed standard for the automatic exchange of financial account information in tax matters. On 21 June 2017, Singapore signed the CRS Multilateral Competent Authority Agreement (CRS MCAA), which enables Singapore to efficiently establish a wide network of exchange relationships for the automatic exchange of information based on CRS. As of March 2024, there have been more than 120 signatories to the CRS MCAA, and the IRAS has also concluded more than 10 bilateral Competent Authority Agreements. The first exchange took place in September 2018.

Carbon tax. The Singapore government has implemented a carbon tax on the emission of greenhouse gases from 2019. The carbon tax is levied on facilities that directly emit at least 25,000 tons of carbon dioxide-equivalent of greenhouse gas emissions annually. The carbon tax rate is SGD5 per ton of carbon dioxide-equivalent (tCO2e) of emissions. The carbon tax rate will be increased to SGD25 per tCO2e in 2024 and 2025, SGD45 per tCO2e in 2026 and 2027, with a view to reach SGD50 to SGD80 per tCO2e by 2030. Companies may use high quality international carbon credits (ICCs) to offset up to 5% of their taxable emissions from 2024.

International Compliance Assurance Programme. The International Compliance Assurance Programme (ICAP) is an OECD initiative and is a voluntary risk assessment and assurance program to facilitate cooperative multilateral engagements between MNEs and tax administrations, which will provide MNEs with increased tax certainty on certain of their activities and transactions. The IRAS is a participating tax administration in the ICAP from 2021.

Foreign Account Tax Compliance Act. The Foreign Account Tax Compliance Act (FATCA) was enacted by the United Sates to target noncompliance with US tax laws by US persons using non-US accounts and requires financial institutions outside the United States to report on the assets held by their US account holders or be subject to 30% withholding tax on certain payments. Singapore

has entered into a Model 1 Intergovernmental Agreement (IGA) with the United States to facilitate the FATCA obligations of financial institutions in Singapore, and has been reporting financial account information to the United States since 2015.

BEPS 2.0 – Pillar Two. Singapore will implement the Income Inclusion Rule (IIR) and a Domestic Top-up Tax (DTT), which will impose a minimum effective tax rate of 15% on businesses' profits from financial years starting on or after 1 January 2025. This will apply to relevant multinational enterprise (MNE) groups that are within the scope of Pillar Two. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (https://www.ey.com/content/dam/ey-unified-site/ey-com/en-gl/services/tax/documents/beps-2-0-pillar-two-developments-tracker.pdf).

F. Domestic and treaty withholding tax rates

A 15% withholding tax, with certain exceptions, is imposed on interest and other payments with respect to loans or indebtedness paid to nonresidents.

A 15% withholding tax, with certain exceptions, is imposed on rent or other payments for the use of movable properties paid to nonresidents.

A 10% withholding tax, with certain exceptions, is imposed on the following types of payments to nonresidents:

- Royalties for the use of, or the right to use, movable property (for example, intellectual property)
- Payments for the use of, or the right to use, scientific, technical, industrial or commercial knowledge or information

A 17% withholding tax is imposed on payments to nonresident companies for assistance or services rendered in connection with the application or use of scientific, technical, industrial or commercial knowledge or information, and for management or assistance in the management of any trade, business or profession. If services are performed outside Singapore, payments for such services are not subject to withholding tax.

The rates of withholding tax on interest and royalties may be reduced under the terms of a double tax agreement, and details of the rates applicable to treaty jurisdictions are set out below.

	Interest %	Royalties (i) %
Albania	5 (a)	5 (cc)
Armenia (z)	5 (a)	5 (cc)
Australia	10	10 (gg)
Austria	5 (a)	5
Bahrain	5 (a)	5
Bangladesh	10	10
Barbados	12 (a)	8 (cc)
Belarus	5 (a)	5 (w)
Belgium	5 (a)	3/5 (p)
Brazil (ff)	10/15 (a)(ii)	10/15 (jj)
Brunei Darussalam	5/10 (a)(m)	10
Bulgaria	5 (a)	5

	Interest %	Royalties (i) %
Cambodia	10 (a)	10
Canada	15 (a)	15
China Mainland	7/10 (a)(b)	6/10 (p)
Cyprus	7/10 (a)(b)	10 (cc)
Czech Republic	0	0/5/10 (x)
Denmark	10 (a)	10
Ecuador	10 (a)	10
Egypt	15 (a)	15
Estonia	10 (a)	7.5
Ethiopia	5	5 (bb)(cc)
Fiji	10 (a)	10
Finland	5 (a)	5
France	10 (a)	0 (kk)
Georgia	0	0 (cc)
Germany	0	5 (cc)
Ghana	7 (a)	7 (cc)
Greece (uu)	7.5 (a)	7.5
Guernsey	12 (a)	8 (cc)
Hungary	5 (a)	5
India	10/15 (a)(c)	10
Indonesia	10 (a)	8/10 (ll)
Ireland	5 (a)	5 (cc)
Isle of Man	12 (a)	8 (cc)
Israel	7 (a)	5 (q)
Italy	12.5 (a)	15/20 (t)
Japan	10 (a)	10
Jersey	12 (a)	8 (cc)
Jordan (mm)	5 (a)	5
Kazakhstan (hh)	10 (a)	10
Korea (South)	10 (a)	5 (cc)
Kuwait	7 (a)	10
Laos	5 (a)	5 (cc)
Latvia	0/10 (aa)	5 (cc)
Libya	5 (a)	5 (cc)
Liechtenstein	12 (a)	8 (cc)
Lithuania	10 (a)	7.5
Luxembourg	0	7 (cc)
Malaysia	10 (a)	8
Malta	7/10 (a)(b)	10
Mauritius	0 (u)	0 (u)
Mexico	5/15 (a)(d)	10
Mongolia	5/10 (a)(m)	5
Morocco	10 (a)	10
Myanmar	8/10 (a)(e)	10/15 (j)
Netherlands	10 (a)	0
New Zealand	10 (a)	5
Nigeria (nn)	7.5 (a)	7.5 (cc)
Norway	7 (a)	7
Oman	7 (a)	8
Pakistan	12.5 (a)	10
Panama	5 (a)	5
Papua New Guinea	10	10
Philippines	10/15 (a)(r)	15/25 (k)(s)
Poland	5 (a)	2/5 (p)
Portugal	10 (a)	10

	Interest %	Royalties (i) %
Qatar	5 (a)	10
Romania	5 (a)	5
Russian Federation	0	5 (cc)
Rwanda	10 (a)	10 (cc)
San Marino	12 (a)	8 (cc)
Saudi Arabia	5	8
Serbia (oo)	10 (a)	5/10 (pp)
Seychelles	12 (a)	8 (cc)
Slovak Republic	0	10
Slovenia	5 (a)	5 (cc)
South Africa	7.5 (a)	5 (cc)
Spain	5 (a)	5 (cc)
Sri Lanka	10 (a)	10 (dd)
Sweden	10/15 (a)(f)	0 (qq)
Switzerland	5 (a)	5 (g)
Taiwan	— (n)	15
Thailand	10/15 (a)(v)	5/8/10 (y)
Tunisia	5/10 (a)(d)	5/10 (rr)
Türkiye	7.5/10 (a)(h)	10
Turkmenistan	10 (a)	10 (cc)
Ukraine	10 (a)	7.5
United Arab Emirates	0	5 (l)(cc)
United Kingdom	5 (a)	8 (cc)
Uruguay	10 (a)(ss)	5/10 (cc)(ee)
Uzbekistan	5	8 (cc)
Vietnam	10 (a)(tt)	5/10 (o)
Non-treaty jurisdictions	15	10

(a) Exempt under certain specified circumstances.
(b) The rate is 7% for interest paid to banks or financial institutions.
(c) The 10% rate applies to interest paid to financial institutions. The 15% rate applies to other interest.
(d) The rate is 5% for interest paid to banks or similar financial institutions..
(e) The rate is 8% for interest paid to banks or financial institutions.
(f) The rate is 10% for interest paid by enterprises engaging in industrial undertakings (manufacturing, assembling and processing, construction, civil engineering and shipbuilding, production of electricity, hydraulic power, gas or the supply or water, or fishing) to financial institutions.
(g) Payments received as consideration for the use of, or the right to use, industrial, commercial or scientific equipment constitute business profits (that is, not royalties).
(h) The rate is 7.5% for interest paid to financial institutions.
(i) In certain circumstances, the reduced rates or exemptions do not apply to royalties for copyrights of literary or artistic works, including cinematographic films and films or tapes for radio or television broadcasting. Reference should be made to the applicable tax treaty.
(j) The 10% rate applies to payments relating to patents, designs or models, plans, secret formulas or processes, or industrial, commercial or scientific equipment or information concerning industrial, commercial or scientific experience. The 15% rate applies in all other cases.
(k) In the case of Singapore, royalties approved under the Economic Expansion Incentives (Relief from Income Tax) Act are exempt.
(l) The term "royalties" excludes royalties with respect to the operation of mines or quarries or the exploitation of natural resources. A contracting state may exempt or reduce the tax on industrial royalties in accordance with its domestic laws.
(m) The 5% rate applies if the interest is received by a bank or financial institution.
(n) The double tax agreement between Singapore and Taiwan does not contain an interest article.

(o) The 5% rate applies to payments relating to patents, designs or models, plans, secret formulas or processes, or industrial, commercial or scientific equipment or information concerning industrial, commercial or scientific experience.The 10% rate applies in all other cases.

(p) The lower rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment.

(q) The tax rate on royalties in the recipient's country is limited to 20%.

(r) The 10% rate applies to interest arising in the Philippines with respect to the public issuance of bonds, debentures or similar obligations and paid by a company that is a resident of the Philippines.

(s) In the case of the Philippines, the 15% rate applies to royalties paid by enterprises registered with the Philippine Board of Investments (BOI) and engaged in preferred activities. It also applies to royalties paid with respect to cinematographic films or tapes for television or broadcasting. The 25% rate applies in all other cases, except for those covered by footnote (k).

(t) The 15% rate applies to payments relating to copyrights of scientific works, patents, trademarks, designs or models, plans, secret formulas or processes, industrial, commercial or scientific equipment or information concerning industrial or scientific experience. The 20% rate applies to copyrights of literary or artistic works, including cinematographic films or tapes for television or broadcasting.

(u) The 0% withholding tax rate does not apply to persons incorporated under the International Companies Act if their income or profits are not taxed at the normal rate of corporate income tax in Mauritius or any income tax comparable thereto.

(v) Under the protocol to the treaty that provides for a rate reduction on interest if a future treaty signed between Thailand and another state establishes a lower rate, the withholding tax rate applicable to interest is reduced to 10% (or exempt under certain specified circumstances).

(w) The rate also applies to payments for the use of, or the right to use, industrial, commercial or scientific equipment, which includes transport vehicles for cargo transportation.

(x) The rates are three-tiered, which vary according to the nature of the payment.

(y) The 5% rate applies to royalties paid for the use, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, or films or tapes used for radio or television broadcasting. The rate is 8% if the royalties are for the use of, or right to use, patents, trademarks, designs or models, plans, secret formulas or processes, or industrial, commercial or scientific equipment. The 10% rate applies in all other cases.

(z) This double tax treaty entered into force on 3 December 2021 and is effective from 1 January 2022.

(aa) The exemption applies to interest paid to the following:
- The government of the other contracting state that is the beneficial owner of the interest
- A financial institution of the other contracting state that is the beneficial owner of the interest
- A company (other than a partnership) that is a resident of the other contracting state and that is the beneficial owner of the interest, if the interest is paid by a company that is a resident of the first-mentioned contracting state
- A resident of the other contracting state that is the beneficial owner of the interest, if the interest is paid with respect to a loan, debt-claim or credit that is guaranteed or insured by the government of either contracting state

The 10% rate applies to other interest.

(bb) The term "royalties" excludes payments of any kind received as a consideration for the use of, or the right to use, the following:
- Computer software if the payments do not constitute payments for the right to commercially exploit such computer software by reproducing, modifying or adapting the computer software for the purpose of distribution or sale or by preparing derivative works based on the computer software for the purpose of distribution or sale
- Any digital content on any media for reproduction or transmission if the payments do not constitute payments for the right to commercially exploit such digital content by reproducing, modifying or adapting the digital content for the purpose of distribution or sale or by preparing derivative works based on the digital content for the purpose of distribution or sale

(cc) The term "royalties" does not include payments for the use of, or the right to use, industrial, commercial or scientific equipment.

(dd) Payments for computer software are royalties only if such payments are made for the right to use and exploit the copyright in the program.

(ee) The 5% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, or films or tapes used for radio or television broadcasting. The rate is 10% in all other cases.

(ff) This double tax treaty entered into force on 1 December 2021 and is effective from 1 January 2022.

(gg) The term "royalties" excludes royalties with respect to the operation of mines or quarries or the exploitation of natural resources, or for the use of, or the right to use, motion picture films, tapes for use in connection with radio broadcasting or films or video tapes for use in connection with television.

(hh) The protocol to the treaty provides for a rate reduction on interest and/or royalties if a future treaty between Kazakhstan and another state establishes lower rates.

(ii) The 10% rate applies if the beneficial owner is a bank and if the loan has been granted for at least five years for the financing of the purchase of equipment or of investment projects. The protocol to the treaty provides for a rate reduction on interest if a future treaty between Brazil and any other jurisdiction, excluding any jurisdiction in Latin America, establishes lower rates.

(jj) The 15% rate applies to royalties arising from the use or the right to use trademarks. The 10% rate applies to other royalties, which includes payments of any kind received as consideration for the rendering of technical assistance.

(kk) The exemption does not apply to royalties received as consideration for the use of, or the right to use, copyrights of literary or artistic works, including cinematographic films and tapes for television or broadcasting or for information concerning commercial experience.

(ll) The 8% rate applies to royalties received for the use of, or the right to use, industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience. The 10% rate applies to royalties received for the use of, or the right to use, copyright of literary, artistic or scientific works, including cinematographic films, films or tapes used for radio or television broadcasting, patents, trademarks, designs or models, plans, secret formulas or processes.

(mm) This double tax treaty entered into force on 30 December 2021 and is effective from 1 January 2022.

(nn) The protocol to the treaty provides for a rate reduction on interest and/or royalties if a future treaty between Nigeria and any other jurisdiction establishes lower rates.

(oo) This double tax treaty entered into force on 16 August 2021 and is effective from 1 January 2022.

(pp) The 5% rate applies to royalties received for the use of, or the right to use, copyrights of literary, artistic or scientific works, including software, cinematographic films, or films, tapes or recordings used for radio or television broadcasting. The 10% rate applies to royalties received for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, for the use of, or the right to use, industrial, commercial or scientific equipment or for information concerning industrial, commercial or scientific experience.

(qq) The term "royalties" excludes any royalties or other amounts paid with respect to literary or artistic copyrights, copyrights of motion picture films or of tapes for television or broadcasting or for the operation of a mine, oil well, quarry or any other place of extraction of natural resources.

(rr) The term "royalties" includes payments of any kind received in consideration for technical services. The 5% rate applies to payments of any kind received in consideration for technical services. The 10% rate applies to payments of any kind received in consideration for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films; films or tapes for radio or television broadcasting; computer software, patents, trademarks, designs or models, plans, secret formulas or processes, for the use of, or the right to use, industrial, commercial or scientific equipment or for information concerning industrial, commercial or scientific experience.

(ss) The protocol to the treaty provides for a rate reduction on interest if a future treaty between Uruguay and any other jurisdiction establishes lower rates.

(tt) The protocol to the treaty provides for a rate reduction on interest if a future treaty between Vietnam and any other state establishes lower rates.

(uu) This double tax treaty entered into force on 14 March 2022 and is effective from 1 January 2023.

Sint Maarten

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On 10 October 2010, the country Netherlands Antilles, which consisted of five island territories in the Caribbean Sea (Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten), was dissolved. On the dissolution of the Netherlands Antilles, the islands of Bonaire, Sint Eustatius and Saba (BES-Islands) became part of the Netherlands as extraordinary overseas municipalities. Curaçao and Sint Maarten have both become autonomous countries within the Kingdom of the Netherlands. The former Netherlands Antilles tax laws remain applicable to Sint Maarten, with the understanding that references in the laws to "the Netherlands Antilles" should now read "Sint Maarten." This chapter provides information on taxation in Sint Maarten only. Chapters on the BES-Islands and Curaçao also appear in this guide.

A. At a glance

Corporate Income Tax Rate (%)	34.5 (a)
Capital Gains Tax Rate (%)	34.5 (a)
Branch Tax Rate (%)	34.5 (a)
Withholding Tax (%)	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	10 (b)

(a) A surtax of 15% is levied on a rate of 30%, resulting in an effective tax rate of 34.5%.

(b) Losses incurred by certain companies during their first four years of business may be carried forward indefinitely. Losses incurred during the first six years by an entity that has the objective of engaging in a business in the shipping or aviation industry may be carried forward indefinitely.

B. Taxes on corporate income and gains

Profit tax. Profit tax is levied on resident and nonresident entities. Resident entities are those incorporated under former Netherlands Antilles or current Sint Maarten law, even if their management is located abroad, as well as entities incorporated under foreign law, but effectively managed in Sint Maarten. For resident entities, profit tax is, in principle, levied on the aggregate amount of net profits earned from all sources during the entity's accounting period. Nonresident entities are subject to tax on specific Sint Maarten income items, such as profits earned through a permanent establishment and income related to real estate property in Sint Maarten, including interest derived from a mortgage on such real estate property.

Tax rates. The net profits earned by resident and nonresident entities, including branches of foreign entities, are subject to the standard profit tax rate of 34.5%. However, other rates may apply to companies qualifying for tax holidays, E-zone companies, tax-exempt companies, and taxed private foundations and trusts.

Withholding taxes are not imposed on remittances of profits by branches to their foreign head offices.

Tax incentives. Reduced tax rates and other tax incentives (tax holidays) are available to new business enterprises that engage in certain activities, including tourism and land development.

Tax-exempt companies. Tax-exempt companies (TECs) are exempt from Sint Maarten profit tax. Only private limited liability companies incorporated under former Netherlands Antilles or current Sint Maarten law may qualify as TECs. TECs are only allowed to exclusively (100%) or almost exclusively (90% or more) engage in the extending of loans, investing in securities and deposits and licensing of intellectual and industrial property rights and similar property rights. To qualify as a TEC, a written request must be submitted to the Tax Inspector and certain conditions must be satisfied. TECs are not eligible for benefits under the Tax Arrangement between the Netherlands and Sint Maarten (effective as of 1 January 2017) or for benefits under any other double tax treaty of the former Netherlands Antilles or Sint Maarten. However, exchange-of-information provisions in this tax regulation, tax treaties and tax information exchange agreements apply to TECs. If a TEC loses its tax-exempt status, it is treated as a regularly taxed company subject to tax on its worldwide income, and it receives a tax-free step-up in basis. In November 2023, the Sint Maarten legislator announced that all requests for the TEC status filed on or after 3 November 2023 will not be taken into consideration in anticipation of a new legislative bill that intends to abolish the TEC regime.

Taxable private foundations and trusts. The profit tax legislation provides an option for private foundations and trusts to be subject to a reduced effective profit tax rate of 10% (including surtax). In principle, Sint Maarten private foundations and trusts are fully exempt from profit tax if they do not conduct an enterprise. After the option is exercised, the reduced effective rate of 10% applies for a period of at least three full fiscal years. After this three-year period, the private foundation can request that it no longer be subject to the reduced effective rate of 10%.

Ruling policy. Sint Maarten has an extensive advance tax ruling practice. These rulings include the following:
- Cost-plus rulings for intercompany support activities
- Minimum gross margin rulings for finance activities
- Participation exemption rulings for holding activities
- Informal capital (or cost-plus) rulings for intercompany trading activities

These rulings are usually valid for a three-year period, with an option for extension.

Other incentives. Sint Maarten also offers other incentives for specific activities, such as the international use of aircraft and ships and the insurance of risks outside Sint Maarten.

Capital gains. Under the current profit tax rules, in general, no distinction is made between the taxation of capital gains and the taxation of other income. All income is taxed at the applicable profit tax rate (34.5%). Taxation of capital gains on qualifying share interests (participation exemption) is discussed in Section C.

Administration. The standard tax year is the calendar year. However, on request and under certain conditions, a company may use a different financial accounting year as its tax year.

Taxpayers must file a provisional tax return within three months after the end of the financial year. In principle, this return must show a taxable profit that is at least equal to the taxable profit shown on the most recently filed final tax return. Any tax due must be paid at the time of filing of the provisional tax return. An extension for filing and payment with respect to the provisional tax return is not granted. On request of the taxpayer, the Tax Inspector may consent to the reporting of a lower taxable profit than the taxable profit shown on the most recently filed final tax return.

The final tax return must be filed within six months after the end of the financial year. Any difference between the tax due based on the provisional return and the tax due based on the final return must be settled at the time of the filing of the final return. On request, an extension for the filing of the final tax return can be obtained.

To ensure compliance with the rules described above, penalties may be imposed. The tax authorities may impose arbitrary assessments if the taxpayer fails to file a tax return. Additional assessments, including a penalty, may be imposed if insufficient tax is levied. A penalty of 100% of the additional tax due may be levied. Depending on the degree of wrongdoing, this penalty is normally 25% or 50%.

Dividends. Sint Maarten does not levy dividend withholding tax on dividend distributions.

Foreign tax relief. A 100% exemption from Sint Maarten profit tax is available for foreign business profits. For this purpose, foreign profits are profits earned in another country through a permanent establishment or a permanent representative in the other country, or profits earned from immovable property located in a foreign country, including the rights related to the property that is part of the business activities of the taxpayer but is deemed to be part of the foreign business. If the foreign profits are derived from a business that can be considered a low-taxed portfolio investment, a reduced exemption of 70% applies.

C. Determination of taxable income

General. Taxable profit must be calculated in accordance with the so-called principles of sound business practice.

All expenses incurred with respect to conducting a business are, in principle, deductible. However, if expenses exceed normal arm's-length charges and are incurred directly or indirectly for the benefit of shareholders or related companies, the excess is considered to be a nondeductible profit distribution (dividend). In addition, certain expenses, such as fines, penalties and expenses incurred with respect to crimes, are not deductible. Only 80% of representation expenses, as well as expenses incurred on meals, beverages, gifts, courses and seminars, is deductible.

In principle, interest expenses are deductible for tax purposes if the interest rate is determined on an arm's-length basis. However, certain restrictions apply to the deduction of interest on loans connected to certain tax-driven transactions and intragroup reorganizations. Under thin-capitalization rules, the deductibility of interest accrued or paid directly or indirectly to an affiliated TEC may be restricted.

Participation exemption. In principle, a 100% participation exemption applies for all qualifying share interests held by Sint Maarten corporate taxpayers.

In general, a shareholding qualifies for the participation exemption if it represents at least 5% of the share capital or voting power in a company or if the amount paid for the shareholding amounts to at least USD500,000. In addition, any member of a cooperative association can apply for the participation exemption.

For dividend income, additional requirements are imposed for a participation to be considered a qualifying participation. To apply the 100% exemption on dividends, either of the following conditions must be met:

- The qualifying participation is subject to a (nominal) profit tax rate of 10% (subject-to-tax clause).
- Dividends, interest or royalties received from other sources than the business of the participation do not account for 50% or more of the gross income of the participation (non-portfolio-investment clause).

The above conditions may be met on a consolidated basis. If neither of the above conditions is met, a lower participation exemption of 70% applies to dividends. The subject-to-tax clause and the non-portfolio-investment clause do not apply to the 100% participation exemption on capital gains and income received from participations that exclusively or almost exclusively hold immovable property.

Expenses that are connected with the participation, including financing expenses, are not deductible if the income is 100% tax-exempt.

Tax depreciation. In general, assets are depreciated using the straight-line method, with the residual value taken into consideration. The following are some of the applicable rates.

Asset	Rate (%)	Residual value (%)
Buildings	2 to 2.5	10
Office equipment	10 to 50	Nil
Motor vehicles	10 to 33	15
Plant and machinery	10	10

The rates listed above provide a general overview of the depreciation rates. The actual depreciation rate depends on the type of asset used by the company.

Fixed company assets acquired by taxpayers operating in Sint Maarten may qualify for accelerated depreciation at a one-time maximum annual rate of 33⅓% of the acquisition costs of the assets. Fixed company assets are assets used for a business

process for at least one business cycle, unless the assets are intended to be processed or sold.

An investment allowance deduction of 8% (12% for new buildings or restorations of buildings) is granted for acquisitions of fixed assets to the extent that the investment exceeds approximately USD2,800. The allowance is deducted from taxable income in the year of the investment and in the following year. The investment allowance deduction is recaptured in the year of sale and the subsequent year if the asset is sold within 6 years (15 years for buildings) of the date of the investment.

Groups of companies. On written request, Sint Maarten resident companies may form a fiscal unity (tax-consolidated group) for profit tax purposes. To qualify for a fiscal unity, the parent company must own at least 99% of the shares in the subsidiary. A fiscal unity may include, among others, a company incorporated under Dutch law that has its place of effective management in Sint Maarten. For profit tax purposes, the whole group is taxed as if it were one company and, as a result, the subsidiaries in the fiscal unity are no longer individually subject to profit tax.

The advantages of fiscal unity treatment for profit tax purposes include the following:

- Losses of one subsidiary may be offset against profits of other members of the fiscal unity.
- Reorganizations, including movements of assets with hidden reserves from one company to another, have no direct tax consequences for profit tax purposes.
- Intercompany profits may be fully deferred.

The fiscal unity does not apply for revenue tax purposes.

Relief for losses. Losses in a tax year may be carried forward for 10 years. No carryback is available. Losses incurred by certain companies during their first four years of business may be carried forward indefinitely. Losses incurred during the first six years by an entity that has the objective of engaging in a business in the shipping or aviation industry may be carried forward indefinitely.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Revenue tax; levied on turnover generated from goods sold and services rendered in Sint Maarten	
Standard rate	5
Real estate transfer tax	4
Import duties	0

E. Miscellaneous matters

Foreign-exchange controls. The currency in Sint Maarten is the Antillean guilder (ANG).

For foreign investors that obtain a foreign-exchange license from the Central Bank of Curaçao and Sint Maarten, no restrictions are imposed on the movement of funds into and out of Curaçao and Sint Maarten. In general, the Sint Maarten Central Bank automatically grants foreign-exchange licenses for remittances abroad. Residents are subject to several foreign-exchange

regulations imposed by the Sint Maarten Central Bank. However, residents may be granted nonresident status for foreign-exchange control purposes. Some reporting requirements exist for statistical purposes.

Transfer pricing. In general, intercompany charges should be determined on an arm's-length basis.

F. Tax treaties

Provisions for double tax relief are contained in the tax treaty with Norway and in the Tax Arrangement between the Netherlands and Sint Maarten (effective as of 1 January 2017). Under a measure in the Tax Arrangement between the Netherlands and Sint Maarten, dividend distributions by a Dutch subsidiary to its Sint Maarten parent company are, in principle, subject to 15% Dutch dividend withholding tax or to reduced 0% Dutch dividend withholding tax if certain conditions are fulfilled. Sint Maarten does not impose withholding tax on payments from Sint Maarten to residents of other countries.

The Netherlands Antilles has entered into tax information exchange agreements with Antigua and Barbuda, Australia, Bermuda, British Virgin Islands, Canada, Cayman Islands, Costa Rica, the Czech Republic, Denmark, Faroe Islands, Finland, France, Germany, Greenland, Iceland, Italy, Mexico, New Zealand, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Spain, Sweden, the United Kingdom and the United States. As a result of the constitutional reform of the Kingdom of the Netherlands, the tax treaties entered into by the Netherlands Antilles became automatically applicable to the surviving countries, which are the legal successors of the Netherlands Antilles.

Under the latest published Organisation for Economic Co-operation and Development (OECD) list, Sint Maarten qualifies as an approved-listed jurisdiction.

The government of the former Netherlands Antilles entered into bilateral agreements with the European Union (EU) Member States with respect to the application of the EU Council Directive on taxation of savings income. The Sint Maarten (former Netherlands Antilles) law to implement the directive took effect in July 2006.

The Kingdom of the Netherlands has entered into many bilateral investment treaties that also apply to Sint Maarten.

Sint Maarten also signed the OECD Convention on Mutual Administrative Assistance in Tax Matters.

The Tax Arrangement between the Netherlands and Sint Maarten, which entered into force on 1 March 2016 (effective as of 1 January 2017), replaced the Tax Regulation for the Kingdom of the Netherlands.

Slovak Republic

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The chapter below is based on the existing law in the Slovak Republic as of 1 March 2024. Because further changes to the 2024 tax rules are possible, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	15/21 (a)
Capital Gains Tax Rate (%)	15/21 (a)
Branch Tax Rate (%)	15/21 (a)
Withholding Tax (%)	
Dividends	0/7/10/35 (b)
Interest	19/35 (c)
Royalties	19/35 (d)
Income from Media	19/35 (e)
Net Operating Losses (Years)	
Carryback	0
Carryforward	4/5 (f)

(a) For tax years beginning on or after 1 January 2021, the 15% rate applies to so-called micro-entities whose taxable income does not exceed EUR60,000.

(b) The 7% rate applies to the dividend income of individuals paid rom profits generated in tax periods beginning on or after 1 January 2017 up to and including 2023. For profits generated in tax periods beginning on or after 1 January 2024, the dividend income of individuals will be taxed at a rate of 10%. The 35% rate applies if either of the following circumstances exists:

- The dividends are paid out from profits generated in tax periods beginning on or after 1 January 2017 and the dividends are paid to or received from a taxpayer of a non-cooperative state, that is, an entity having its registered seat or individual having permanent residence in a state not listed on the approved list published by the Ministry of Finance of the Slovak Republic
- The payer is not able to demonstrate who is the beneficial owner of the dividends.

(c) This tax applies to nonresidents only. For resident companies, interest is included in taxable income subject to corporate tax (an exception is, for example, interest on the funds of bank account). The higher rate of 35% applies if either of the following circumstances exists:

- The payments are made to taxpayers of a non-cooperative state.
- The payer is not able to demonstrate who is the beneficial owner of the interest payments (see Section B).

Exemption from or reduction of local withholding tax on the interest payments may be provided by the following:

- A relevant double tax treaty
- Provisions of the Income Tax Act implementing the European Union (EU) Interest-Royalty Directive.

(d) This tax applies to nonresidents only. For resident companies, royalties are included in taxable income subject to corporate tax. The higher rate of 35% applies if either of the following circumstances exists:

- The payments are made to taxpayers of a non-cooperative state.
- The payer is not able to demonstrate who is the beneficial owner of the royalties (see Section B).

Exemption from/reduction of local withholding tax on the interest payments may be provided by the following:

- A relevant double tax treaty
- Provisions of the Income Tax Act implementing the EU Interest-Royalty Directive

(e) This tax applies to income received by authors (individuals) for contributions to newspapers, radio and television. It is possible for the author and the payer of the income to agree that no withholding tax be applied; in such case, the income is taxed through the tax return of the author at tax rates of 15%, 19% and 25%. See Section B for details on when the 35% rate applies.

(f) A tax loss incurred in a tax year beginning before 1 January 2020 may be carried forward proportionally for a period of four consecutive years. The tax loss incurred in a tax year beginning on or after 1 January 2020 or later may be carried forward for a period of five consecutive years and a tax loss may be utilized up to 50% of the calculated tax base. Special rules apply to so-called micro-entities.

B. Taxes on corporate income and gains

Corporate income tax. Slovak (resident) companies are subject to corporate income tax on their worldwide income. Slovak companies are those incorporated or having their place of management in the Slovak Republic. Foreign (nonresident) companies are subject to corporate income tax only on their Slovak-source income, such as income attributable to a permanent establishment.

Under Slovak law, a permanent establishment is a fixed place or facility for nonresidents to carry out activities in the Slovak Republic. A permanent establishment includes an administrative location, branch, office, workshop, sales location, technical facility or location for research and extraction of natural resources. The fixed place or the facility is considered to be permanent if the activities are carried out continuously or repeatedly. Repeated intermediary services related to transportation and accommodation that are rendered through a digital platform (a hardware or

software platform required to create and administer applications) are also deemed to have their fixed place in the Slovak Republic. In the case of one-off activities, the place or facility is considered to be permanent if the duration of the activities exceeds six months, either continuously or divided into 2 or more periods in the course of 12 consecutive calendar months. A building site, construction site or assembly works site (as described in the Commentary to Article 5, Paragraph 3 of the Organisation for Economic Co-operation and Development [OECD] Model Tax Treaty) is regarded as a permanent establishment only if the duration of the activities performed by a tax nonresident and its related parties exceeds six months. The provision of services in the Slovak Republic by an enterprise through its employees or other personnel is considered to create a "service permanent establishment" if the provision of services exceeds 183 days in any consecutive 12-month period. A permanent establishment also includes the activity of an agent if both of the following conditions are satisfied:

- The agent negotiates, enters into agreements, acts as an intermediary in the conclusion of contracts or plays a principal role leading to the conclusion of contracts that are routinely concluded without material modification by the enterprises.
- These contracts are concluded in the name of the enterprise, or for the transfer of the ownership of, or for the granting of the right to use, property owned by that enterprise or that enterprise has the right to use, or for the provision of services by that enterprise.

Rates of corporate tax. The corporate income tax rate is 15% or 21%, except for withholding tax (see Section A). For tax years beginning on or after 1 January 2021, the 15% rate applies only to so called micro-entities whose taxable income does not exceed EUR60,000.

Incentives. To promote investments, the Slovak government provides potential local and foreign investors with investment incentives that are proportionate to their activities in the Slovak Republic. The maximum limits for state aid are determined by the EU regulations and are driven by the relative development of the country or region in which an investment project is located and the unemployment rate in that region. The limits are set as a percentage of eligible costs of an investment project.

Under the Slovak Regional Investment Aid Act, investment aid may be granted to support the realization of investments in manufacturing productions, technology centers and shared-service centers.

The Slovak Republic provides the following indirect forms of incentives:

- Tax relief
- Transfer of immovable assets owned by the state or municipality at a price lower than the market price

The Slovak Republic provides the following direct forms of incentives:

- Cash grants on acquisitions of fixed assets
- Cash grants on newly created jobs
- Cash grants on training

Tax relief. Under the Slovak Regional Investment Aid Act, companies may apply for a maximum of 50% tax reduction, which can be used for a maximum of 10 consecutive tax years.The tax relief can be provided for newly established companies (new production) and also for existing companies (extension of existing production).

Transfers of immovable assets owned by the state or municipality at a price lower than the market price. In exceptional circumstances, as part of regional aid, the government may award a financial grant or discount from the market price with respect to a transfer of immovable assets (usually land and buildings) to investors by the state or municipalities.

Cash grants for the acquisition of fixed assets. Cash grants can be made for the acquisition of tangible fixed assets (for example, land, buildings, and plant and machinery) and intangible fixed assets (for example, patents, licenses, know-how or unpatented technical knowledge).

Cash grants for newly created jobs. Cash grants for newly created jobs are made based on the anticipated wage costs related to newly created jobs and the regional location of the project (taking into account the regional unemployment rate).

Cash grants on training. The amounts of cash grants for training are expressed as a percentage of eligible training costs and vary according to region (grants for the Bratislava region are lower than grants for the rest of the country) and type of training (general or specific).

General conditions. To qualify for investment aid, applicants must meet the general and specific conditions under the Slovak Regional Investment Aid Act, the Regulation of the Slovak government and the European legislation.

The following are the general conditions:
- An applicant must submit its investment intention (plan) before the start of the projected works.
- The project must be completed within three years (five years in case of large investment projects).
- All subsidized job positions must be filled within three years after the completion of the projects and maintained for a period of three (five) years.
- The project operation must be maintained for a minimum period of five years from its completion without change of its location.

Specific conditions. The specific conditions under the Slovak Regional Investment Aid Act vary according to the type of project.

The following are the specific conditions for manufacturing projects under the Slovak Regional Investment Aid Act:
- The works on the investment project did not start before the submission of the application to the Ministry of the Economy.
- The long-term tangible assets (land, building and machinery) and the long-term intangible assets (patents, licenses and know-how) are acquired.
- The minimum amount of the new machinery intended for manufacturing production is acquired.

- The minimum amount of new jobs is created.
- The main area of the investment is realized.

The following are the specific conditions for technology centers under the Slovak Regional Investment Aid Act:

- The works on the investment project did not start before the submission of the application to the Ministry of the Economy.
- The long-term tangible assets (land, building and machinery) and the long-term intangible assets (patents, licenses and know-how) are acquired.
- The minimum multiple of the average monthly wage in the given region is paid to employees of the center during the three (five) years. The average wage is tested for the calendar year preceding the calendar year during which the job was created.
- The minimum amount of new jobs is created.
- The main area of the investment is realized.

The following are the specific conditions for shared-service centers under the Slovak Regional Investment Aid Act:

- The works on the investment project did not start before the submission of the application to the Ministry of the Economy.
- The long-term tangible assets (land, building and machinery) and the long-term intangible assets (patents, licenses and know-how) are acquired.
- The minimum multiple of the average monthly wage in the given region is paid to employees of the center during the three (five) years. The average wage is tested for the calendar year preceding the calendar year during which the job was created.
- The minimum amount of new jobs is created.
- The main area of the investment is realized.

The specific values for each type of the project are provided by the Regulation of the Slovak government. Conditions, such as the value of acquired assets, ratio of new assets, minimum amount of created jobs and minimum multiple of average wage are set differently depending on the type of the project, type of the requested aid, region (based on the unemployment rate) and area (priority or non-priority).

Approval of the aid. No legal entitlement to any investment aid exists. An applicant must submit an investment aid intent to the relevant authorities (that is, the Ministry of the Economy and other relevant aid providers), which review compliance with both the general and specific conditions under the Slovak Regional Investment Aid Act. An applicant can begin work on the project as soon as the investment aid intent is submitted to the respective authority. If the conditions are met, the Ministry of Economy may issue an official offer to the applicant. Following receipt of the official offer, the investor may submit an investment aid application. The investment aid application is submitted to the Slovak government for approval. Approval of the European Commission may also be required if the requested aid exceeds the thresholds stated in the EU General Block Exemption Regulation.

Other national and local incentives. Investors may benefit from infrastructure (for example, electricity, water, gas and sewage) fully or partially financed by the state and/or municipality. The municipality may also offer minor tax exemptions (real estate tax and other local taxes). In general, most of this support qualifies as regional state aid.

Municipalities are entitled to use state budget funding for the development of industrial parks. At the predevelopment stage, investors are typically requested to sign a letter of intent with the relevant municipality. Benefiting from advantages offered by industrial parks does not, in general, qualify as state aid.

Patent Box. Fifty percent of the income derived from the commercial use of certain intangible assets and embedded royalties is exempt from tax. This affects income from compensation for the use of software, patents and utility models as well as income from the sale of products that were manufactured using patents or technical solutions protected by a utility model. To apply the income exemption in both of these cases, the intangible assets (for example, software or patents) must be the result of an R&D activity of a resident or a nonresident legal person performing the activity in the Slovak Republic through a permanent establishment.

Capital gains. Capital gains are subject to income tax at a rate of 15% or 21%. For tax years beginning on or after 1 January 2021, the 15% rate applies only to so-called micro-entities whose taxable income does not exceed EUR60,000.

The income of legal entities, Slovak tax residents or nonresidents with a Slovak permanent establishment, arising from the sale of shares may be exempted from tax if the following conditions are satisfied:

- These persons perform substantial function and manage and bear risks connected to the ownership of these shares in the Slovak Republic.
- They possess the required personal and material equipment necessary to perform these functions.
- They have a direct shareholding of at least 10% in the company, the share capital of which is being sold.
- At least 24 consecutive calendar months have passed since the shareholding was acquired.

The exemption does not apply to income from the sale of securities and shares by securities dealers, as this represents their principal activity; nor is it available to taxpayers subject to liquidation proceedings. In addition, income arising from the sale of shares is not exempt if the company of which shares were sold has gone into liquidation, declared insolvency or had its restructuring approved.

Capital gains realized by Slovak tax nonresidents on the sale of shares of companies established in the Slovak Republic are considered Slovak-source income and are generally taxable unless the relevant double tax treaty stipulates otherwise.

Administration. The tax year is usually the calendar year. However, if a company informs the tax authorities in advance, it may change its tax (accounting) year.

Tax returns for each tax year must be filed within three months after the end of the tax year. The filing period may be extended by a maximum of three months based on a written announcement filed with the tax authority before the expiration of the regular filing deadline. Another extension of an additional three months is possible if the company received income from foreign sources.

In general, monthly or quarterly prepayments of tax are required, depending on the amount of tax liability for the preceding year.

Dividends. Profits distributed by companies to their holding companies are not subject to tax in the Slovak Republic unless either of the following circumstances exists:
- The distribution is deductible for tax purposes at the level of the subsidiary.
- The distribution is a transaction (or part of a series of transactions) that is (are) not business driven, and the purpose or one of the main purposes is to gain a tax advantage.

The 7% rate applies to the dividend income of individuals paid out from profits generated in tax periods beginning on or after 1 January 2017 up to and including 2023. For profits generated in tax periods beginning on or after 1 January 2024, the dividend income of individuals will be taxed at a rate of 10%. The 35% rate applies if the either of the following circumstances exists:
- The dividends are paid from profits generated in tax periods beginning on or after 1 January 2017 and the dividends are paid to or received from a taxpayer of a non-cooperative state.
- The payer is not able to demonstrate who is the beneficial owner of the dividends.

Special rules apply to dividends distributed out of profits realized before 2004.

Interest and royalties. Under Slovak law, interest and royalty payments satisfying the conditions contained in Council Directive No. 2003/49/EC are exempt from Slovak withholding tax.

Foreign tax relief. Under applicable double tax treaties, a foreign tax relief is available to Slovak residents for foreign tax paid on income earned abroad.

C. Determination of trading income

General. Corporate tax is based on the statutory accounting profit as adjusted for certain items prescribed by the tax law.

In general, dividends are not included in the tax base.

Items that are specifically deductible for tax purposes include, among others, tax depreciation (see *Tax depreciation*) and certain expenses relating to health and safety at work and environmental protection.

Nondeductible items include, among others, the following:
- Entertainment and travel allowances in excess of the statutory limits
- Taxes paid on behalf of other taxpayers
- Damages exceeding compensation received, unless the damage arose as a result of natural disaster, or it was caused by a person or persons unknown and this is confirmed by the police
- Most accruals and provisions (see *Provisions*)
- Write-offs of debts, unless specific conditions are met

Inventories. Inventories may be valued using the first-in, first-out (FIFO) or average-cost methods. Costs include all costs necessary to convert the inventory to its current condition and to transport

it to its current location. Shortages and damages are not tax deductible, unless the damage resulted from a natural disaster, or it was caused by a person or persons unknown and this is confirmed by the police.

Provisions. Accruals and provisions are generally not deductible, with certain exceptions specified by law.

Special rules apply to banks and insurance companies.

Tax depreciation. Under the Income Tax Act, tangible assets are divided into seven categories, each of which specifies a period (a specified number of years, which range from 2 to 40) over which all assets in the category are depreciated. Intangible assets are depreciated over their actual useful life. Effective from 1 January 2021, special rules apply to so-called micro-entities.

It is possible to split assets and depreciate separable parts of the assets. Each separable part must have an acquisition price higher than EUR1,700, and separate evidence must be maintained. Only parts of assets specified by the Income Tax Act can be depreciated based on separate parts (for example, specific buildings and machinery).

Tax depreciation may be calculated by using either the straight-line method or the accelerated method (allowed only in specific cases). A company chooses the method on an asset-by-asset basis and, after the method is chosen, it cannot be changed during the depreciation period.

Research and development. To support entities performing research and development (R&D), the Slovak Republic provides an allowance equal to 100% of R&D (for tax years beginning on or after 1 January 2022; previously, the allowance was 200%) costs and expenses that may be deducted from the tax base. This allowance may also include the cost of licenses for software used in performing R&D activities. In addition, the R&D allowance can be increased by 100% of the positive difference between the average of the total R&D costs for the current tax year and the preceding tax year and the average of total R&D costs for two tax years immediately preceding the current tax year.

Deduction of expenses (costs) for investments. Effective from 1 January 2022, taxpayers may claim an additional (super) deduction (15% to 55%) of investment expenses from the tax depreciation of the assets concerned. The amount of the percentage of the additional deduction in the relevant tax year depends on the following two factors:

- The reinvested average value of the investments in percentage terms, which represents the arithmetic average of the capitalized expenses on the acquisition of fixed assets, including technical improvements, made during the three tax years preceding the tax year in which the period of the investment plan begins. The investment plan needs to begin in the tax year starting in 2022 and last for four consecutive tax years (that is, it should end in 2025 for taxpayers whose tax year started 1 January 2022 and in 2026 for taxpayers whose tax year started later). The minimum reinvested average value of the investment is 700%.

- The total value of the planned amount of the reinvested average value of the investments. This is divided into three groups, with a minimum investment of EUR1 million.

This is a temporary measure aimed at supporting investments with higher added value (that is, productive investments with links to Industry 4.0). For purposes of the super deduction, Industry 4.0 refers to the process of optimalization of production processes using the latest technology in order to increase production. For the purposes of this deduction, the taxpayer must draw up an investment plan which declares when investments will be made. A qualifying investment is an investment in a production system and a logistics system consisting of several components such as equipment, machinery, ancillary equipment, automation and communication technology, including software for the management of a production and logistics process capable of real-time exchange, processing and archiving of digitalized data in order to identify and optimize the production and logistics process. The deduction can be applied during the depreciation period of the asset, up to a maximum of 10 immediately consecutive tax years.

Relief for losses. Companies may carry forward losses incurred in tax years beginning on or after 1 January 2020 and offset them against income during a period of five consecutive years. The tax loss may be utilized up to 50% of the calculated tax base, beginning with the first year of the tax loss carryforward. Effective from 1 January 2021, special rules apply to so-called micro-entities, which may offset losses up to the calculated tax base.

Companies may carry forward losses incurred in tax years beginning before 1 January 2020 and offset them against income proportionally during a period of four consecutive years following the tax year of the loss. If the tax period is shorter than 12 months (for example, if the company changes its financial year), the tax loss that would normally be deductible is fully deductible in that tax period.

Groups of companies. Slovak law does not contain any provisions regarding the corporate taxation of groups in the Slovak Republic.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	
Pharmaceutical products, books, accommodation services and selected food products, gastro sector and services provided in connection with sports	10
Supply of a building or parts of a building, including the land on which the building is constructed that is used for the purpose of aided rental housing (should also apply to redevelopment)	5
Other	20
Social security contributions for old age insurance, disability insurance, unemployment insurance, guarantee insurance and the	

Nature of tax	Rate (%)
solidarity reserve fund; imposed on monthly wages with a monthly cap on wages of EUR9,128; contributions are deductible for employers; paid by	
Employer	25.2
Employee	9.4
Social security contributions for accident insurance; imposed on monthly wages without a monthly cap; contributions are deductible for employers; paid by	
Employer	0.8
Health insurance contributions; imposed on monthly wages without a monthly cap; paid by	
Employer	11
Employee	4
Local taxes (tax on land, tax on buildings and apartments, and motor vehicle tax); rates vary depending on location	Various
Windfall tax from excess profits for taxpayers with relevant license in the energy industry	90
Windfall tax from excess profits for taxpayers in the oil and gas industry	70

E. Miscellaneous matters

Thin-capitalization rules. Thin-capitalization rules apply to domestic and foreign related parties, effective from 1 January 2015. The maximum amount of tax-deductible interest is set at 25% of earnings before interest costs, tax, depreciation and amortization. These rules also apply to contracts signed before 1 January 2015. They do not apply to financial institutions.

Interest limitation rule. As a result of transposition of the European Anti-Tax Avoidance Directive into the Slovak tax legislation, effective from 1 January 2024, a new interest limitation on deductibility of interest expenses will apply to all taxpayers, not only to related parties with a de minimis exception to a threshold of interest expenses up to EUR3 million. The rule will not apply to financial institutions. The new legislation will not result in the abolition of the current thin-capitalization rules, but the applicability of the new limitation on the deductibility of interest expenses will be applied as a matter of priority in determining the tax base.

Transfer pricing. If the price agreed between related parties differs from the usual market price and if this difference cannot be satisfactorily justified, the tax authorities may adjust the tax base to reflect the usual market price. Effective from 1 January 2023, if prices in controlled transactions do not comply with the arm's-length principle, the tax authorities may levy additional tax on the difference between the actual value of the transaction and the established median value during a tax audit. The tax authorities consider prices to be at market level when they are within the interquartile range determined by a comparability analysis. However, the taxpayer is given the option to adjust the difference to another value within the range if the circumstances make such an adjustment more appropriate.

The transfer-pricing rules apply to close family relatives (for example, direct family relatives, spouse and siblings) personally or economically related persons, as well as to other related persons.

Persons are economically or personally related if one person participates in the ownership, control or administration of another person, if such persons are under the control or administration of the same person or a close family relative of the person, or if the same person or a close family relative of the person has a direct or indirect equity interest in the persons. Participation in ownership or control exists if the direct or indirect participation in the basic capital of, or voting rights in, one company by another company is higher than 25%. Participation in the administration is a relationship between members of statutory bodies or supervisory boards of the companies. Other relationships are defined as relationships created for the purpose of decreasing the tax base or increasing the tax loss.

Under the Slovak transfer-pricing measures, an advance ruling on the transfer-pricing method may be obtained through an agreement with the tax authorities at least 60 days before the tax year in which the transfer-pricing method will be used. Effective from 1 January 2023, for bilateral and multilateral advanced ruling requests, the option of the Slovak tax authorities agreeing with another jurisdiction's tax authorities to issue a ruling for more than five tax years is added, even if the taxpayer has not requested it. Under the new rules, advanced ruling requests can also be applied retrospectively, for tax periods preceding the application.

The Slovak transfer-pricing measures specify the acceptable transfer-pricing methods, which conform to the methods included in the OECD Transfer-Pricing Guidelines. Effective from 1 January 2023, the OECD Transfer Pricing Guidelines are considered by law as the official technical guidelines in the field of transfer pricing and are officially translated.

Taxpayers must provide transfer-pricing documentation within 15 days after an official request by the tax authorities.

Tax regime for business combinations. The Slovak Income Tax Act addresses in detail the taxation of the sale of all or part of an enterprise, the taxation of non-monetary contributions to registered capital and the taxation of mergers and divisions of companies.

Effective from 1 March 2024, a spin-off has been introduced as a new type of business combination in the Slovak Republic.

In general, business combinations can be made only in real values for tax purposes, with the exception of certain cross-border business combinations meeting specific criteria.

Exit tax. Assets are subject to an exit tax at a rate of 21% if a taxpayer moves them, with no change of ownership, to a jurisdiction outside of the Slovak Republic or if the taxpayer changes its tax residence.

The exit tax base equals the difference between the fair market value of the moved assets and their tax residual value (that is, the fiction of the sale of these assets is applied, and this difference

must not be negative). The tax applies in the following circumstances, among others:

- Assets are moved from a head office in the Slovak Republic to a permanent establishment abroad.
- Assets are moved from a permanent establishment located in the Slovak Republic to a head office or other permanent establishment in another state.
- The tax residence of a taxpayer changes to a jurisdiction outside the Slovak Republic.
- A taxpayer moves an activity or part of an activity performed in Slovak Republic through a permanent establishment to another state, or a taxpayer with unlimited tax liability moves its business activity or its part of its activity to a permanent establishment abroad.

Hybrid mismatches. New rules against hybrid mismatches apply to tax years beginning on or after 1 January 2020 and replace previous rules applicable since 1 January 2018. These rules reflect the transposition of the EU Anti-Tax Avoidance Directive 2 and address the following situations:

- Hybrid financial instrument or payment: a financial instrument or payment of one related entity is considered a debt instrument and/or an interest expense that decreases the tax base, while for a payee it is considered a non-taxable equity instrument and/or dividend.
- Hybrid entity: an entity treated as a corporation by the state in which it was established as a separate taxpayer but treated as a fiscally transparent entity by the state of its founder. The converse situation may also occur, in which case the entity is referred to as a "reverse hybrid entity."
- Diverted payment: the state of a head office attributes the payment to a permanent establishment in another state, while the state in which the permanent establishment is located attributes the payment to the state of the head office. The income is not taxed in the state of the head office or the permanent establishment, while simultaneously giving rise to a tax expense.
- Disregarded permanent establishment: the state in which the permanent establishment is to be located fails to declare its existence and the state of the head office attributes a payment to a disregarded permanent establishment in such state. Accordingly, the income is not included in either the tax base of the head office or the permanent establishment, while simultaneously giving rise to a tax expense.
- Disregarded payment: a hybrid mismatch results from a payment made by a hybrid entity and from non-inclusion of income with respect to a related entity.
- Deemed payment: a notional payment is made by the permanent establishment to the head office (or vice versa), and this income is not included in the taxable income of the head office or the permanent establishment.
- Multiple deduction of expense (cost) without including multiple income (revenue) in taxable income: this most frequently relates to situations in which an expense (cost) is applied in a state where a company is established as well as in the state of its founder.
- Imported mismatch: although the mismatch occurs between the taxpayer's related entities rather than directly between the

taxpayer and its related entity, the taxpayer participates in financing this mismatch, either directly or indirectly.

Reverse hybrid entities. Effective from 1 January 2022, so-called reverse hybrid entities are transposed into Slovak tax legislation. A reverse hybrid entity is a company that is considered transparent in the state of establishment and that is considered a taxpayer in the state of the shareholder. Under the new rules for hybrid mismatches, income (revenues) attributable to foreign (nonresident) shareholders fulfilling the criteria of 50% or more participation in relation to transparent entities will be taxed at the level of a transparent entity (according to Slovak legislation this is a partnership, limited partnership or another subject with or without legal personality taxed at the level of shareholders). This applies if the income (revenues) of a nonresident entity cannot be taxed through a permanent establishment situated in the Slovak Republic and will not be taxed, either in the state of residence of the nonresident entity or abroad. Foreign shareholders of transparent entities also have additional reporting obligations. The rules should not apply to collective-investment subjects fulfilling specific conditions.

Controlled foreign companies

Controlled foreign companies rule applying to companies. A controlled foreign company (CFC) for Income Tax Act purposes is a legal person, entity or permanent establishment that satisfies both of the following conditions:

- A Slovak company or an entity has more than a 50% share of the assets, voting rights or profits of the controlled company (does not apply to a permanent establishment).
- Tax paid in the Slovak Republic on the income of this controlled company is lower than the difference between the corporate income tax that this controlled foreign company would have paid in the Slovak Republic after recalculating its tax base under Slovak law, and the tax paid by the company abroad.

If both of the above conditions are met, the company is considered a CFC and the taxpayer must carry out specific tax base arrangements.

Controlled foreign companies rule applying to individuals. Effective from 1 August 2023, the CFC rule applying to individuals is abolished in the Slovak Republic.

Mandatory Disclosure Regime. The Slovak transposition of the Mandatory Disclosure Regine, in principle, mirrors the EU DAC 6 Directive when it comes to hallmarks and other aspects of the reporting. Statutory tax advisors, auditors and lawyers are exempt from the requirement to disclose arrangements if legal professional privilege applies. However, they are required to notify other intermediaries or clients. If all the involved intermediaries are exempted, the reporting obligation should be placed on the client.

Pillar Two. On 8 December 2023, the National Council of the Slovak Republic approved an act on "top-up tax," which became effective on 31 December 2023. The new law is in reaction to Pillar Two and transposes the Council Directive 2022/2523 from 14 December 2022 on ensuring the global minimum level of taxation of multinational business groups and large domestic groups

in the EU. The purpose of the legislation is to ensure that large business groups are taxed globally at least at the 15% tax rate.

Top-up tax is applicable to companies that are part of the group whose consolidated revenues reach a minimum of EUR750 million in at least two out of the four accounting periods immediately preceding the period under analysis. Entities within the scope of the law are required to evaluate whether their effective tax rate is equal at least to 15%. In this case, the effective tax rate is calculated as the ratio of covered taxes (among others, deferred tax, withholding tax or a specific contribution in regulated sectors should be included within covered taxes) and the profit/loss in the given jurisdiction after the adjustment by specified items indicated in the legislative proposal. If, as a result of the calculation, the effective tax rate is lower than 15%, the taxpayer must pay a top-up tax corresponding to the relevant difference.

F. Treaty withholding tax rates

The Slovak Republic honors the bilateral tax treaties that were concluded by the former Czechoslovakia. The withholding rates under these treaties, and the treaties entered into by the Slovak Republic are listed in the table below.

In general, treaty rates apply if the recipient is the beneficial owner of the income. To obtain the benefit of the reduced treaty rates, the beneficial owner must be in a position to provide a tax residency certificate.

In general, dividends paid by Slovak companies to legal entities are exempt from tax. Consequently, the treaty rates do not apply to these dividends.

Multilateral Instrument. The Slovak Republic signed and ratified the Multilateral Instrument (MLI). It implemented "minimum standard" changes to existing treaties in the areas of treaty abuse, mutual agreement procedures and treaty preambles. In addition, depending on the reservations and notifications made by each party, the MLI facilitates optional changes to modify tax treaties with respect to permanent establishments, transparent entities, residence tiebreakers, double tax relief, minimum shareholding periods, capital gains derived from immovable property and a jurisdiction's right to tax its own residents.

For example, with respect to withholding tax rates for dividends, Paragraph 1 of Article 8 of the MLI introduced an additional condition that the tax rate limited by the treaty can be used if the company is a beneficial owner that holds at least a certain amount of the capital, shares, stock, voting power, voting rights or similar ownership interests of the company paying the dividends throughout a 365-day period that includes the day of the payment of the dividend.

	Dividends %	Interest %	Royalties %
Albania	5/8 (b)	0/10 (n)(v)	8 (ii)
Armenia	5/10 (b)	0/10 (n)(v)	5 (ii)
Australia	15	10 (v)	10
Azerbaijan	8/10 (a)	0/8 (n)(v)	5/10 (w)(ii)
Austria	10	0	0/5 (x)

	Dividends %	Interest %	Royalties %
Belarus	10/15 (a)	0/10 (n)(v)	5/10 (w)(dd)(ii)
Belgium	5/15 (a)(m)	0/10 (o)(v)	5 (ii)
Bosnia and Herzegovina	5/15 (a)	0	10
Brazil	15 (l)	0/10/15 (n)(p)(v)	15/25 (y)(ii)(cc)
Bulgaria	10 (l)	0/10 (n)(v)	10 (cc)(ii)
Canada	5/15 (b)(m)	0/10 (n)(v)	0/10 (x)(ii)
China Mainland	10 (l)	0/10 (n)(v)	10 (ii)
Croatia	5/10 (a)	10 (v)	10 (ii)
Cyprus	10	0/10 (n)(v)	0/5 (x)
Czech Republic	5/15 (b)	0 (v)	0/10 (x)(ii)
Denmark	15 (l)	0	0/5 (x)
Estonia	10 (l)	0/10 (n)(v)	10 (ii)
Ethiopia	5/10 (b)	0/5 (n)(v)	5 (ii)
Finland	5/15 (a)	0 (v)	0/1/5/10 (x)(aa)(ii)
France	10	0	0/5 (x)
Georgia	0 (l)	5 (v)	5 (ii)
Germany	5/15 (a)(e)	0	5
Greece	– (g)	0/10 (n)(v)	0/10 (x)
Hungary	5/15 (a)	0 (v)	10 (ii)
Iceland	5/10 (a)	0	10 (ii)
India	15/25 (a)(m)	0/15 (n)(q)(v)	30 (cc)(ii)
Indonesia	10 (l)	0/10 (n)(v)	10/15 (bb)(ii)
Iran	5 (l)	5 (v)	7.5
Ireland	0/10 (a)(m)	0 (v)	0/10 (x)(ii)
Israel	5/10 (b)(k)(m)	2/5/10 (r)	5 (ii)
Italy	15 (l)	0 (v)	0/5(x) (ii)
Japan	10/15 (a)	0/10 (n)	0/10 (x)
Kazakhstan	10/15 (f)(m)	0/10 (n)(v)	10 (ii)
Korea (South)	5/10 (a)	0/10 (n)(v)	0/10 (x)(ii)
Kuwait	0 (l)	0/10 (n)(v)	10 (ii)
Latvia	10	0/10 (n)(v)	10 (ii)
Libya	0 (l)	0/10 (n)(v)	5 (ii)
Lithuania	10 (l)	0/10 (n)(v)	10 (ii)
Luxembourg	5/15 (a)	0	0/10 (x)
Malaysia	0/5 (b)	0/10 (n)(v)	10 (cc)(ii)
Malta	5 (i)	0	5 (ii)
Mexico	0	0/10 (n)(v)	10 (ii)
Moldova	5/15 (a)	10 (v)	10 (ii)
Mongolia (jj)	0	0	0
Montenegro	5/15 (a)	10 (v)	10 (ii)
Netherlands	0/10 (a)	0	5
Nigeria	12.5/15 (b)	0/15 (n)(v)	15 (ii)
North Macedonia	5 (l)	10 (v)	10 (ii)
Norway	5/15 (a)	0	0/5 (x)
Oman	0 (l)	0/10 (n)(v)	10 (ii)
Poland	0/5 (b)	0/5 (n)(v)	5 (ii)
Portugal	10/15 (a)	10 (v)	10 (ii)
Romania	10	0/10 (n)(v)	10/15 (ee)(ii)
Russian Federation	10 (l)	0 (v)	10 (ii)
Serbia	5/15 (a)(m)	10 (v)	10 (ii)
Singapore	5/10 (b) (c)	0 (v)	10 (ii)
Slovenia	5/15 (a) (m)	10 (v)	10 (i)
South Africa	5/15 (a)(m)	0 (v)	10 (ii)

	Dividends %	Interest %	Royalties %
Spain	5/15 (a)(m)	0	0/5 (x)
Sri Lanka	0/6/15 (h)	0/10 (n)	0/10 (ff)
Sweden	0/10 (a)	0	0/5 (x)
Switzerland	0/15 (d)	0/5 (s)(v)	0/5/10 (hh)(ii)
Syria	5 (l)	0/10 (n)(v)	12 (ii)
Taiwan	10 (l)	0/10 (n)(v)	5/10 (w)(ii)
Tunisia	10/15 (a)(m)	0/12 (t)	5/15 (w)(ii)
Türkiye	5/10 (a)	0/10 (n)(v)	10 (ii)
Turkmenistan	10 (l)	0/10 (n)(v)	10 (ii)
Ukraine	10 (l)	10 (v)	10 (ii)
United Arab Emirates	0	0/10 (n)(v)	0/10 (gg)(ii)
United Kingdom	5/15 (a)	0 (v)	0/10 (x)(ii)
United States (u)	5/15 (b)	0	0/10 (x)(ii)
Uzbekistan	10 (l)	10 (v)	10 (ii)
Vietnam	5/10 (j)	0/10 (n)(v)	5/10/15 (z)(ii)
Non-treaty jurisdictions	0	19/35 (kk)	19/35 (kk)

(a) The lower rate applies if the recipient is a company (other than a partnership) that directly holds at least 25% of the capital of the payer of the dividends. Under the Azerbaijan and South Africa treaties, the lower rate applies if the beneficial owner is a company that holds at least 25% of the capital of the payer of the dividends directly throughout a 365-day period, which includes the day of the dividend payment (while calculating that period, changes in ownership — which would directly result from a corporate reorganization, such as a merger or divisive reorganization — of the company that holds shares or pays the dividends, are not taken into account). Under the India treaty, the lower rate applies if the beneficial owner is a company that holds at least 25% of the capital of the payer of the dividends throughout a 365-day period, which includes the day of the dividend payment (while calculating that period, changes in ownership — which would directly result from a corporate reorganization, such as a merger or divisive reorganization — of the company that holds shares or pays the dividends, are not taken into account). Under the Ireland treaty, the lower rate applies if the beneficial owner is a company that directly holds at least 25% of the voting shares of the payer of the dividends throughout a 365-day period, which includes the day of the dividend payment (while calculating that period, changes in ownership — which would directly result from a corporate reorganization, such as a merger or divisive reorganization — of the company that holds shares or pays the dividends, are not taken into account). Under the Belgium and Tunisia treaties, the lower rate applies if the beneficial owner is a company that directly or indirectly holds at least 25% of the capital of the payer of the dividends. Under the Luxembourg and Hungary treaties, the lower rate applies if the beneficial owner is a company that directly holds at least 25% of the capital of the payer of the dividends. Under the Belarus, Croatia, Finland, Iceland, Korea (South), Moldova, Montenegro, Serbia, Spain and Türkiye treaties, the lower rate applies if the beneficial owner is a company (other than a partnership) that directly holds at least 25% of the capital of the payer of the dividends. Under the Netherlands and Sweden treaties, the lower rate applies if the recipient is a company the capital of which is wholly or partly divided into shares and that directly holds at least 25% of the capital of the payer of the dividends. Under the Japan treaty, the lower rate applies if the recipient is a company that owns at least 25% of the voting shares of the payer during the six-month period immediately preceding the date of payment of the dividends. Under the German treaty, the lower rate applies if the recipient is a company that directly holds at least 25% of the capital of the payer of the dividends. Under the Portugal treaty, the lower rate applies if the beneficial owner is a company that, for an uninterrupted period of two years prior to the payment of the dividend, owns directly at least 25% of the capital stock (capital social) of the company paying the dividends. Under the Slovenia treaty, the lower rate applies if the beneficial owner is a company that directly holds at least 25% of the capital of the company paying the dividends and in the case of a Slovak partnership, the lower rate applies if the beneficial

owner is a company — being a resident of the Slovak Republic — which is a partner in a Slovak partnership, and which alone holds directly at least 25% of the capital of the company paying the dividends. Under the United Kingdom treaty, the lower rate applies if the beneficial owner is a company that owns at least 25% of the voting shares of the company paying the dividends.

(b) The lower rate applies if the beneficial owner is a company (other than a partnership) that directly holds at least 10% of the capital of the payer of the dividends. Under the Albania treaty, the lower rate applies if the beneficial owner is a company (other than a partnership) that directly holds at least 10% of the capital of the payer of the dividends directly throughout a 365-day period, which includes the day of the dividend payment (while calculating that period, changes in ownership — which would directly result from a corporate reorganization, such as a merger or divisive reorganization — of the company that holds shares or pays the dividends, are not taken into account). Under the Ethiopia and Israel treaties, the lower rate applies if the beneficial owner is a company that holds at least 10% of the capital of the payer of the dividends. Under the Canada treaty, the lower rate applies if the beneficial owner is a company that controls at least 10% of the voting shares of the payer of the dividends, except in the case of dividends paid by a non-resident-owned investment corporation, throughout a 365-day period, which includes the day of the dividend payment (while calculating that period, changes in ownership — which would directly result from a corporate reorganization, such as a merger or divisive reorganization — of the company that holds shares or pays the dividends, are not taken into account). Under the Malaysia treaty, the lower rate applies if the beneficial owner is a company (other than a partnership) directly holding at least 10% of the capital of the payer of the dividends for an uninterrupted period of at least 12 months. Under the Nigeria and United States treaty, the lower rate applies if the beneficial owner is a company that controls at least 10% of the voting shares of the payer of the dividends. Under the Poland treaty, the lower rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends on the date the dividends are paid and has done so or will have done so for an uninterrupted 24-month period in which that date falls. Under the Singapore treaty, the lower rate applies if the beneficial owner is a company that directly holds at least 10% of the capital of the payer of the dividends.

(c) The exemption applies if the interest is received from the other contracting state and is owned by the National Bank of Slovakia, a statutory body, a local authority or any institution wholly or mainly owned by the government of the Slovak Republic, as may be agreed from time to time between the competent authorities of the contracting states. In the case of interest received from the Slovak Republic, the exemption applies if the interest is owned by the Monetary Authority of Singapore and the Board of Commissioners of Currency, the Government of Singapore Investment Corporation Pte Ltd, a statutory body, a local authority or any institution wholly or mainly owned by the government of Singapore, as may be agreed from time to time between the competent authorities of the contracting states.

(d) The lower rate applies if the beneficial owner is one of the following:
- A company (other than a partnership) that holds directly at least 10% of the capital of the payer of the dividends
- A pension fund or other similar institution providing pension schemes in which individuals may participate in order to secure retirement, disability and survivors' benefits, if such pension fund or other similar institution is established, recognized for tax purposes and controlled in accordance with the laws of the other contracting state
- The government of the other contracting state, a political subdivision or local authority thereof or the central bank of the other contracting state

(e) If the corporate tax rate in a contracting state on distributed profits is 20% lower than the corporate tax rate on undistributed profits, the withholding tax rate may be increased to 25%.

(f) The lower rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 30% of the capital of the payer of the dividends throughout a 365-day period, which includes the day of the dividend payment (while calculating that period, changes in ownership — which would directly result from a corporate reorganization, such as a merger or divisive reorganization — of the company that holds shares or pays the dividends, are not taken into account).

(g) Dividends may be taxed in both contracting states in accordance with the domestic laws in the states.

(h) The 15% rate applies to dividends paid by Slovak companies to Sri Lankan recipients. The 0% rate applies to dividends paid by Sri Lankan companies to Slovak recipients, except for Sri Lankan income tax and additional tax under Sri Lanka's tax law. A maximum tax rate of 6% applies to the additional tax.

(i) The tax in Malta on dividends may not exceed the tax on the profits out of which the dividends are paid.

(j) The 5% rate applies if the recipient is a company that holds directly at least 70% of the capital of the payer of the dividends.

(k) If the profits out of which a dividend is paid are profits that have been subjected to tax at a rate not exceeding 15%, in accordance with tax laws of the contracting state in which the company is a resident, the gross amount of the dividend shall be subject to a tax in that state at a rate of 10%.

(l) The lower rate applies if the recipient is a beneficial owner of the dividend payment.

(m) The lower rate applies if the conditions of ownership specified in the given provisions are met during the entire period of 365 days, which includes the day of the payment of dividends (for the purpose of calculating this period, changes in ownership that would directly result from the reorganization of the company, such as a merger or division of a company that holds shares or that pays out the dividends, are not taken into account).

(n) Under the Albania treaty, the 0% rate applies if the interest is derived and beneficially owned by the following:

- The government of the Slovak Republic, its local authorities, the National Bank of Slovakia, the Export-Import Bank of the Slovak Republic, the Slovak Guarantee and Development Bank or the Debt and Liquidity Management Agency
- The government of Albania, its local authorities or the National Bank of Albania

Under the Armenia treaty, the 0% rate applies if the interest is received from the other contracting state and beneficially owned by the government, including its administrative units, local authorities, central bank or other financial institutions owned by the government of the other contracting state or if interest is received and guaranteed by this government. Under the Azerbaijan treaty, the 0% rate applies if the interest is derived and beneficially owned by the following:

- The government of Azerbaijan, political or administrative-territorial subdivision or a local authority, the Central Bank of the Republic of Azerbaijan or the State Oil Fund and the State Oil Company of the Republic of Azerbaijan
- The government of the Slovak Republic, political or administrative-territorial subdivision or a local authority, the National Bank of Slovakia, Export-Import Bank of the Slovak Republic, the Slovak Guarantee and Development Bank or the Debt and Liquidity Management Agency

Under the Belarus treaty, the 0% rate applies if the interest is received from the other contracting state and beneficially owned by the government or national bank of a contracting state. Under the Brazil treaty, the 0% rate applies to interest paid in either of the following circumstances:

- It is paid to the government of the other contracting state, a political subdivision thereof or any agency (including a financial institution) owned by that government or political subdivision.
- It arises from securities, bonds or debentures issued by the government of a contracting state, a political subdivision thereof or by any agency (including a financial institution) owned by that government or political subdivision.

Under the Bulgaria treaty, the 0% rate applies if the interest is received from the other contracting state and owned by the government or a statutory body thereof, or national bank of a contracting state. Under the Canada treaty, the 0% rate applies to the following types of interest:

- Interest paid with respect to indebtedness of the government of the other contracting state or of a political subdivision or local authority thereof
- Interest paid with respect to a loan made, guaranteed or insured, or a credit extended, guaranteed or insured by any entity wholly owned and controlled by the government of that other state, provided this loan or credit is with respect to imports or exports

Under the Cyprus treaty, the 0% rate applies if the interest arising from credits or loans accorded by the government of a contracting state or by a bank or other institution in the name or on behalf of that government. Under the China Mainland treaty, the 0% rate applies if the interest arising in a contracting state and derived by the government of the other contracting state, a political subdivision, a local authority and the central bank thereof or any financial institution wholly owned by that government, or by any other

resident of that other contracting state with respect to debt claims indirectly financed by the government of that other contracting state, a political subdivision, a local authority and the central bank thereof or any financial institution wholly owned by that government. Under the Estonia treaty, the 0% rate applies if the interest is received from the other contracting state and beneficially owned by the government of the other contracting state or the central bank or any financial institution wholly owned by that government, or interest derived on loans guaranteed by that government. Under the Ethiopia treaty, the 0% rate applies to the following types of interest, if paid to its beneficial owners resident in the other contracting state:

- Interest paid to the government, an administrative territorial unit or a local authority thereof or to the central bank
- Interest paid in connection with a loan or a credit guaranteed or insured by the government, an administrative-territorial unit or a local authority thereof or by the central bank

Under the Greece treaty, the 0% rate applies if the interest is received from the other contracting state and owned by the government of the other contracting state or the bank or any financial institution wholly owned by that government. Under the India treaty, the 0% rate applies if the interest is received from the other contracting state and beneficially owned by the government of the other contracting state or a political subdivision or a local authority of the other contracting state or the central bank of the other contracting states. Under the Indonesia treaty, the 0% rate applies if the interest is received from the other contracting state and owned by the government of the other contracting state including local authorities thereof, a political subdivision, the central bank or any financial institution controlled by that government, the capital of which is wholly owned by the government of the other contracting state, as may be agreed upon between the governments of the contracting states. Under the Japan treaty, the 0% rate applies if the interest is derived by the government of the other contracting state including local authorities thereof, the central bank of that other contracting state or any financial institution wholly owned by that government, or by any resident of the other contracting state with respect to debt claims guaranteed or indirectly financed by the government of that other contracting state including local authorities thereof, the central bank of that other contracting state or any financial institution wholly owned by that government. Under the Kazakhstan, Latvia and Lithuania treaties, the 0% rate applies if the interest is derived and beneficially owned by government of the other contracting state or the central bank (national bank) or any financial institution wholly owned by that government. Under the Korea (South) treaty, the 0% rate applies if either of the following circumstances exist:

- The interest is derived and beneficially owned by the government of the other contracting state including political subdivisions and local authorities thereof, the central bank of that other contracting state or any financial institution owned by that government, or by any resident of the other contracting state with respect to debt claims guaranteed or indirectly financed by the government of that other contracting state including political subdivisions and local authorities thereof, the central bank of that other contracting state or any financial institution owned by that government
- The interest is paid in connection with the sale on credit of any industrial, commercial or scientific equipment, or paid in connection with the sale on credit of any merchandise by one enterprise to another enterprise

Under the Kuwait treaty, the 0% rate applies if the interest is derived and beneficially owned by the following:

- The government of a contracting state, a political subdivision or a local authority thereof, or the central (national) bank of a contracting state
- Institutions established under public law the capital of which is wholly owned by the government of a contracting state as based upon the exchange of diplomatic notes between both contracting states

In the case of the Slovak Republic, the following qualify:

- Eximbanka SR
- The Slovak Guarantee and Development Bank;

In Kuwait, the following qualify:

- Kuwait Investment Authority
- Kuwait Petroleum Corporation
- Public Institution for Social Security
- Kuwait Fund for Arab Economic Development

Under the Libya treaty, the 0% rate applies if the interest is derived and beneficially owned by the other contracting state itself or by a political subdivision or local authority of the other contracting state or by the central (national) bank of that other contracting state. Under the Malaysia treaty, the

0% rate applies if the interest is derived and beneficially owned by the following:

- The federal government of Malaysia, the governments of the states, the local authorities, the statutory bodies, the Bank Negara Malaysia and the Export-Import Bank of Malaysia Berhad
- The government of the Slovak Republic, the local authorities, the statutory bodies, the National Bank of Slovakia, Export-Import Bank of the Slovak Republic, and the Slovak Guarantee and Development Bank

Under the Mexico treaty, the 0% rate applies if the interest is derived and beneficially owned by the following:

- The government, a political subdivision, a local authority or the Central Bank of the other contracting state
- In the case of Mexico: Banco Nacional de Comercio Exterior, S.N.C., Nacional Financiera, S.N.C. and Banco Nacional de Obras y Servicios Públicos, S.N.C.
- In the case of the Slovak Repulbic: Eximbanka SR and the Slovak Guarantee and Development Bank. However, the exemption is applicable only if the loan or credit concerned is granted, guaranteed or insured for a period of not less than three years. Under the Nigeria treaty, the 0% rate applies if the interest is derived and beneficially owned by the government of the other contracting state or a local authority thereof or any agency or instrumentality of that government or local authority. For the purpose of this sub-paragraph, government agency or instrumentality means:
- In the case of the Slovak Republic: the Ceskoslovenska obchodni banka
- In the case of Nigeria: the Central Bank of Nigeria
- Any institution of a contracting state set up by the government of the state to finance external trade, provided that the loan or credit with respect to the interest arises is approved by the governments of the two contracting states

Under the Oman treaty, the 0% rate applies if the interest is derived and beneficially owned by the government, a political subdivision, a local authority or the central (national) bank of the other contracting state. In the case of the Slovak Republic, the following qualifies:

- Eximbanka SR
- The Slovak Guarantee and Development Bank

In the case of Oman, the following qualifies:

- The State General Reserve Fund
- The Omani Investment Fund

Also, any other statutory body or institution wholly owned by the government of the other contracting state, as may be agreed from time to time between the competent authorities of the contracting states, may qualify. Under the Poland treaty, the 0% rate applies if the interest is derived and owned by the government of the other contracting state including local authorities thereof, the central bank or any financial institution controlled by that government, or interest derived on loans guaranteed by that government. Under the Romania treaty, the 0% rate applies if the interest is derived and beneficially owned by the government of the other contracting state, a local authority or an administrative-territorial unit thereof or any agency or bank unit or instrumentality of that government, local authority or administrative-territorial unit or if the debt claims of a resident of the other contracting state are warranted or insured or directly or indirectly financed by a financial institution wholly owned by the government of the other contracting state, provided that the loan or debt claims giving rise to such interest is not on a commercial basis. Under the Sri Lanka treaty, the 0% rate applies to interest derived by the government of the other contracting state either directly or through any agency of that government. Under the Syria treaty, the 0% rate applies to interest derived and beneficially owned by the government of the other contracting state, including any local authority thereof, the central bank or any financial institution wholly owned by that state. Under the Taiwan treaty, the 0% rate applies to the following types of interest:

- Interest paid to the other contracting state, public subdivisions or local authorities with respect to loans, debt-claims or credits
- Interest paid on loans made, guaranteed or insured by public entities that are intended to promote exports

Under the Türkiye treaty, the 0% rate applies to the following types of interest:

- Interest paid to the government of Türkiye or to the Central Bank of Türkiye
- Interest paid to the government of the Slovak Republic or to the National Bank of Slovakia

Under the Turkmenistan treaty, the 0% rate applies to the following types of interest:

- Interest paid to the government of Turkmenistan or to the Central Bank of Turkmenistan (Turkmenistanyn Merkezi Banky)
- Interest paid to the government of the Slovak Republic or to the National Bank of Slovakia

Under the United Arab Emirates treaty, the 0% rate applies if the interest is derived and beneficially owned by the following:

- The government of the Slovak Republic, its local authorities, the National Bank of Slovakia, the Export-Import Bank of the Slovak Republic, the Slovak Guarantee and Development Bank or the Debt and Liquidity Management Agency
- The Central Bank of the United Arab Emirates, the Emirates Investment Authority, the Abu Dhabi Investment Authority, the International Petroleum Investment Company, the Abu Dhabi Investment Council, the Investment Corporation of Dubai, the Abu Dhabi National Energy Company, the Mubadala Development Company, the Abu Dhabi Retirement Pensions and Benefits Fund and the General Pension and Social Security Authority

Under the Vietnam treaty, the 0% rate applies to the following types of interest:

- Interest paid to the State Bank of Vietnam and the Vietnam Development Bank
- Interest paid to the National Bank of Slovakia, the Export-Import Bank of the Slovak Republic, and the Slovak Guarantee and Development Bank

(o) The lower rate applies to the following types of interest:

- Interest paid on commercial debt claims (including debt claims represented by commercial paper) that result from deferred payments for goods, merchandise or services supplied by an enterprise
- Interest paid on loans made, guaranteed or insured by public entities that are intended to promote exports
- Interest paid on current accounts or loans that are not represented by bearer instruments between banks or public credit institutions of the contracting states
- Interest paid to the other contracting state or a public subdivision or local authority

(p) The 10% rate applies if the recipient is the beneficial owner of the interest and if the interest is paid on a loan granted by a bank for a period of at least 10 years in connection with the sale of industrial equipment or the installation or furnishing of scientific units or public works.

(q) The 0% rate applies if the interest is beneficially owned and derived in connection with a loan or credit extended or endorsed by the following:

- In the case of the Slovak Republic: the Ceskoslovenska obchodni banka, to the extent such interest is attributable to financing of exports and imports only
- In the case of India, the Export-Import Bank of India, to the extent such interest is attributable to financing of exports and imports only
- Any institution of a contracting state in charge of public financing of external trade
- Any other person, provided that the loan or credit is approved by the government of the first mentioned contracting state

(r) The 2% rate applies to interest, if the interest is paid with respect to the following:

- A bond, debenture or other similar obligation of the government of that state
- A loan made, refinanced, guaranteed or insured, or a credit extended, refinanced, guaranteed or insured by in the case of the Slovak Republic, the Slovak National Bank or the Slovak Company for the Insurance of International Loans and Credits, or in the case of Israel, the Bank of Israel or the Israeli Company for the Insurance of Risks Arising in International Trade

The 5% rate applies to interest paid to financial institutions.

(s) Under the Switzerland treaty, the 0% rate applies to the following types of interest:

- Interest paid with respect to indebtedness arising as a result of the sale on credit of equipment, merchandise or services
- Interest paid on any type of loan granted by a financial institution
- Interest paid to a pension fund or other similar institution providing pension schemes in which individuals may participate in order to secure retirement, disability and survivors' benefits, if such pension fund or other similar institution is established, recognized for tax purposes and controlled in accordance with the laws of the other contracting state

- Interest paid to the government of the other contracting state, a political subdivision or local authority thereof or the central bank of the other contracting state
- Interest paid by a company to a company of the other contracting state if the recipient company was affiliated with the company paying the interest by a direct minimum holding of 25% in the capital for at least two years before the payment of the interest or if, for at least two years before the payment of the interest, both companies were held by a third company that held directly a minimum of 25% in both the capital of the first company and the capital of the second company

The 5% rate applies to other interest payments.

(t) The 0% rate applies if the interest is paid in respect of loans granted by a contracting state.

(u) The lower rates apply only if the recipient is one of the following:
- An individual
- A contracting state or a political subdivision or local authority of the state
- A recipient engaged in the active conduct of a trade or business in the United States (other than the business of making or managing investments, unless these activities are banking or insurance activities carried on by a bank or insurance company) if the income derived from the Slovak Republic is derived in connection with, or is incidental to, that trade or business
- A company whose principal class of shares is substantially and regularly traded on a recognized securities exchange or is wholly owned, directly or indirectly, by a resident of the company's state whose principal class of shares is substantially and regularly traded on a recognized securities exchange
- A not-for-profit organization
- A person if more than 50% of the beneficial interest in such person is owned, directly or indirectly, by persons entitled to the lower rates according to the treaty and if not more than 50% of the gross income of such person is used directly or indirectly, to meet liabilities (including liabilities for interest or royalties) to persons not entitled to the lower rates according to the treaty

(v) The treaty rate applies if the recipient is a beneficial owner of the interest payment.

(w) The lower rate applies to royalties, which are defined as the use of, or the right to use the following:
- Patents, trademarks, designs or models, plans, secret formulas or processes, software, industrial, commercial, or scientific equipment, or information concerning industrial, commercial or scientific experience under the Azerbaijan treaty
- Copyrights of literary, artistic or scientific works, including cinematographic films or films or tapes and other means of image or sound reproduction under the Belarus treaty
- Copyrights of literary, artistic or scientific works, including cinematographic films and films or recordings for radio and television under the Tunisia treaty
- Industrial, commercial or scientific equipment under the Taiwan treaty

(x) The 0% rate applies if the source state does not possess the right to tax royalties, which are defined as the use of, or the right to use the following:
- Copyrights of literary, artistic or scientific works, including cinematographic films under the Austria treaty
- Literary, dramatic, musical or other artistic works (but not including royalties with respect to motion picture films nor royalties with respect to works on film or videotape or other means of reproduction for use in connection with television broadcasting) under the Canada treaty
- Copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for television or radio broadcasting under the Cyprus, Denmark, Greece, Japan, Korea (South), Luxembourg, Norway and United Kingdom treaties
- Copyrights of literary, artistic or scientific works, including cinematographic films, and films or recordings on tape and any other media for visual and audio reproduction used for radio or television broadcasting, with the exception of computer programs (software) under the Czech Republic treaty
- Copyrights of literary, artistic or scientific works, under the Finland, France and Sweden treaties
- Copyrights of literary, artistic or scientific works, including motion pictures or films, recordings on tape or other media used for radio or television broadcasting or other means of reproduction or transmission under the Ireland treaty

- Copyright of literary, artistic or scientific works, including cinematographic films and television films under the Italy treaty
- Copyright royalties, and other similar payments with respect to the production or reproduction of literary, dramatic, musical or artistic works, except for royalties relating to motion picture films and works on film or videotape for use in connection with television under the Spain treaty
- Copyrights of literary, artistic or scientific works, including cinematographic films or films or tapes and other means of image or sound reproduction under the United States treaty

(y) The 25% rate applies to royalties paid for trademarks.

(z) The 5% rate applies to royalties paid for the use of, or the right to use, patents, designs or models, plans, secret formulas or processes, or for information concerning industrial or scientific experience, or for the use of, or the right to use industrial, commercial or scientific equipment. The 10% rate applies to royalties paid for the use of, or the right to use, trademarks or for information concerning commercial experience. The 15% rate applies in all other cases.

(aa) The 1% rate applies to payments under a financial lease of equipment. The 5% rate applies to payments under an operating lease of equipment, as well as to payments for the right to use cinematographic films and software for personal computers.

(bb) The lower rate applies to payments for the use of, or the right to use, copyrights of motion picture films, films or video for use in connection with television, tapes for use in connection with radio broadcasting, or total or partial forbearance regarding the use or supply or any property or right.

(cc) This rate also applies to fees for technical services.

(dd) The higher rate also applies to payments for the right to use transport vehicles.

(ee) The lower rate applies to industrial royalties, which are defined as payments for the use of or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, or industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience.

(ff) The 0% rate applies to royalties relating to copyrights and films derived from sources within one of the contracting states.

(gg) The 0% rate applies if the royalties are derived and beneficially owned by the following:

- The government of the Slovak Republic, its local authorities, the National Bank of Slovakia, the Export-Import Bank of the Slovak Republic, the Slovak Guarantee and Development Bank, and the Debt and Liquidity Management Agency
- The Central Bank of the United Arab Emirates, the Emirates Investment Authority, the Abu Dhabi Investment Authority, the International Petroleum Investment Company, the Abu Dhabi Investment Council, the Investment Corporation of Dubai, the Abu Dhabi National Energy Company, the Mubadala Development Company, the Abu Dhabi Retirement Pensions and Benefits Fund, and the General Pension and Social Security Authority
- Any other institutions that are agreed upon between the two contracting states through an exchange of letters

(hh) The 0% rate applies to cultural royalties, which are defined as the right to use copyrights of literary, artistic or scientific works, including cinematographic films. The 0% rate also applies to other royalties if, for a period of at least two years before the royalty payment, the payer and recipient of the royalty were mutually connected by a direct share of at least 25% in ownership or if a third entity had a direct share of at least 25% in both the payer and recipient for a period of at least two years before the royalty payment. The 5% rate applies to industrial royalties, which are defined as the right to use patents, trademarks, designs or models, plans, secret formulas or processes, and to consideration for information concerning industrial, commercial or scientific experience, provided Switzerland does not under its internal law levy a tax at source on royalties paid to nonresidents. The 10% rate applies to other royalties.

(ii) The treaty rate applies if the recipient is a beneficial owner of the royalty payment.

(jj) These rates are based on a multilateral treaty, which the former Czechoslovakia entered into with the other members of the Council for Mutual Economic Assistance (Comecon or CMEA).

(kk) See Section B.

Slovenia

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A. At a glance

Corporate Income Tax Rate (%)	22 (a)
Capital Gains Tax Rate (%)	22 (a)
Branch Tax Rate (%)	22 (a)
Withholding Tax (%)	
Dividends	15 (b)
Interest	15 (b)

Royalties from Patents, Know-how, etc.	15 (b)
Services	15 (c)
Rentals	15 (d)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (e)

(a) This is a temporary increase from 19%. See Section B.
(b) This tax applies to payments to residents and nonresidents.
(c) Specified categories of service payments (consulting, marketing, market research, human resources, legal, administrative and information technology services) are subject to a 15% withholding tax if the payments are made to persons with a head office outside the European Union (EU) and if the country of the head office is on the list published by the Ministry (list of prohibited list countries) or on the list of EU non-cooperative jurisdictions.
(d) A 15% withholding tax applies to cross-border payments for the lease of real estate located in Slovenia.
(e) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. In general, all companies resident in Slovenia are subject to tax on their worldwide income (but see *Foreign tax relief*). A company is resident in Slovenia if it has its legal seat or effective place of management in Slovenia. Nonresident companies are subject to tax on their Slovenian-source income only (income derived from or through a permanent establishment and other Slovenian-source income subject to withholding tax).

The definition and corresponding rules related to "permanent establishment" of a nonresident company in Slovenia were updated on 10 February 2024 with amendments of the corporate income tax in a manner that generally follows the definition in the last version of Organisation for Economic Co-operation and Development (OECD) Model Tax Convention on Income and Capital 2017.

Rates of corporate income tax. The standard corporate income tax rate is 19%. However, a special legislative act (Act on Reconstruction, Development and Provision of Financial Resources) introduced a temporary increase of corporate tax rate from 19% to 22% for the years from 2024 to 2028.

Investment funds that distribute 90% of their operating profits for the preceding tax year by 30 November of the current tax year are taxed at a rate of 0%.

Pension funds established in accordance with the Pension and Disability Insurance Act are taxed at a rate of 0%.

Insurance undertakings that are authorized to implement the pension scheme in accordance with the act regulating pension and disability insurance must pay tax with respect to the activities relating to such implementation at a rate of 0% of the tax base if a separate tax calculation is compiled only for this pension scheme.

Balance sheet tax for banks and savings banks. A 0.2% balance sheet tax for banks and savings banks was introduced in the Act on Reconstruction, Development and Provision of Financial Resources in December 2023. Balance sheet tax will be effective from 2024 to 2028. The tax base is calculated as the average of

the values of the balances on each last day of the month in the tax period.

Capital gains. Fifty percent of a capital gain from the disposal of shares is exempt from tax if certain conditions are met. The other 50% is treated as ordinary business income and is subject to tax at the regular corporate rate. However, in such circumstances, the expenses of a taxpayer are decreased by 5% of the exempt amount of capital gains. The same principle applies to capital losses (only 50% of a capital loss is deductible for tax purposes).

If a capital gain is realized from disposal of shares acquired with respect to venture capital investments in a venture capital company that is established in accordance with the act regulating venture capital companies, the total amount of such gain may be exempt from tax if the company had the status of a venture capital company for the entire tax period and if the company had the status of venture capital company for the entire period of the holding of the shares by the taxpayer. Losses incurred on the transfer of shares acquired under a venture capital scheme are not deductible for tax purposes.

Administration. The tax year is the calendar year. However, a company may select its financial year as its tax year if the selected year does not exceed a period of 12 months and if it informs the tax authorities regarding its selection of the tax year. The selected tax year may not be changed for a period of three years.

Annual tax returns must be filed within three months after the end of the tax year.

Companies must make advance payments of corporate income tax. Monthly advance payments of corporate income tax are required if the total amount of the advance payments exceeds EUR400, based on the tax calculated in the tax return for the preceding tax year. Companies must make quarterly advance payments if the total amount of the advance payments is less than EUR400, based on the tax calculated in the tax return for the preceding tax year. Advance payments of corporate income tax are due on the 20th day of the month following the period to which the advance tax payment relates. The balance of tax due must be paid within 30 days after the annual tax return is filed with the tax authorities. If the total amount of advance payments of corporate income tax exceeds the amount of tax due for the year, the overpaid tax is refunded to the company.

Dividends. In principle, dividends paid to residents and nonresidents are subject to withholding tax at a rate of 15%. The tax does not apply to dividends paid to a resident or to a permanent establishment of a nonresident if the dividend recipient informs the dividend payer of its tax number.

Measures implementing the EU Parent-Subsidiary Directive are in effect in Slovenia. Under these measures, dividend distributions are exempt from withholding tax if all of the following conditions are satisfied:

- The recipient of the dividends owns at least 10% of the equity capital or voting power of the payer of the dividends.
- The duration of the recipient's ownership in the payer is at least two years.

- The recipient of dividends is a taxable company that has one of the prescribed legal forms, is a resident of an EU Member State and is a taxpayer for one of the taxes for which the common system of taxation applies.

If, at the time of payment of a dividend, the duration of ownership of the recipient is shorter than two years and all other requirements are met, a withholding tax exemption is still possible if the payer or its agent provides an appropriate bank guarantee to the tax authorities.

Dividends paid to EU/European Economic Area (EEA) residents are exempt from withholding tax if a tax credit is not available in the country of residence of the recipient.

Dividends and interest paid to EU/EEA resident pension funds, investment funds and insurance companies performing pension plans are exempt from withholding tax if a tax credit is not available in the country of residence of the recipient and if the recipient of such income is not a Slovenian branch of such persons.

Dividends received by Slovenian taxable persons are generally subject to a full participation exemption.

Expenses of an amount equal to 5% of the dividends received are not deductible for tax purposes because they are deemed to be expenses incurred with respect to the exempt dividend income.

Foreign tax relief. Income tax paid abroad can be credited against the final tax liability of a company if the income on which the tax has been paid abroad is included in the tax base. The foreign tax credit may not exceed the lower of the amount of foreign tax on foreign income that was paid or the amount of tax that would have been paid under Slovenian law on the foreign income if the credit had not been granted. To claim the tax credit, the taxpayer must submit appropriate documentation together with the tax return.

C. Determination of trading income

General. Taxable income is based on the profits reported in the annual financial statements prepared in accordance with International Financial Reporting Standards (IFRS) or Slovenian accounting standards, which generally follow IFRS. For tax purposes, profits are adjusted, primarily for nondeductible expenses.

In general, only those expenses that are directly required for the generation of taxable revenues are allowed as deductible expenses.

The law specifies that certain expenses are not deductible, including the following:
- Incentives paid to the management board and to the board of directors
- Pecuniary penalties (fines paid to government agencies)
- Donations
- Bribes

Only 50% of entertainment expenses and fees paid to the supervisory board is deductible for tax purposes.

Interest on loans to related entities is deductible up to the amount computed by applying the acknowledged interest rate at the time of the loan approval. The Ministry of Finance publishes the acknowledged interest rate. It is possible for a taxable person to prove that a contractual interest rate exceeding the acknowledged interest rate is an arm's-length rate.

A deduction for bad debts can be claimed if specified conditions are met.

Limitations to tax base reduction. Effective from 2020, a general limitation of tax base reduction after utilization of tax reliefs and tax losses carried forward was introduced. The maximum reduction of the tax base from tax allowances and the tax losses carried forward is limited to 63% of the tax base for a tax period, which results in an effective minimum corporate tax rate of 7%.

Inventories. Inventories may be valued using any of the methods prescribed by the applicable accounting standards. Permissible methods include first-in, first-out (FIFO), average cost and other methods. The last-in, first-out (LIFO) method is not allowed. Inventories are measured at the lower of cost or net realizable value.

Provisions. The following provisions are deductible for tax purposes up to an amount equal to 50% of the provisions established in accordance with the accounting standards:
- Provisions for warranties
- Provisions for restructurings
- Provisions for expected losses from onerous contracts
- Provisions for pensions
- Provisions for termination benefits with respect to employees
- Provisions for jubilee benefits

Other provisions established based on applicable accounting standards are 100% tax deductible.

Specific provisions established by a bank for specific risks are deductible up to the amount prescribed by the Banking Act. Technical provisions that insurance companies are required to establish under the law are deductible up to the amount prescribed by the Insurance Act. Special provisions that are required for stockbrokerage companies are deductible up to the amount prescribed by the Financial Instruments Market Act.

Transposition of interest limitation rule from the Anti-Tax Avoidance Directive. On 10 February 2024, amendments to the corporate income tax law introduced an interest limitation rule as prescribed under the Anti-Tax Avoidance Directive I (ATAD I). The interest limitation rule under ATAD I allows companies to deduct their net financial expenses up to 30% of their operating profit (earnings before interest, taxes, depreciation and amortization [EBITDA]). In line with ATAD I, the amendments allow the deduction of excess borrowing costs up to the higher amount between the 30% of the taxpayer's EBITDA and EUR1 million.

In addition, Slovenia provides for an exception for financial institutions, insurance undertakings and stand-alone entities from the scope of the rule given the limited risks of tax avoidance. Because Slovenia does not have a fiscal unity regime, it has not opted for the application of the group ratio rule under Article 4(5)

(b) of ATAD I. On the contrary, the amendments include a grandfathering clause for borrowing costs incurred on loans used to finance long-term public infrastructure projects in the EU, and loans concluded before 17 June 2016. However, Slovenia did not opt for any carryforward possibilities.

Despite the acceptance of the new rule, Slovenia decided to retain its pre-existing thin-capitalization rule for interest deductibility, according to which tax deductibility of interest expense on intercompany (group) financing is limited to the debt-to-equity ratio of 4:1.

The amendments are applicable for fiscal years starting 1 January 2024 and later.

Revaluation expenses. In general, subject to special conditions and limitations, revaluations of the following items are deductible for tax purposes:

- Receivables
- Financial assets and financial instruments measured at fair value through profit or loss
- Goodwill
- Debts, receivables, investments and cash receivables, provided that the revaluations are based on changes in the exchange rate

Tax depreciation. Depreciation calculated using the straight-line method is deductible for tax purposes. The tax law sets the maximum depreciation rates. The following are some of the prescribed maximum straight-line depreciation rates.

Assets	Rate (%)
Buildings, including investment property	3
Parts of buildings, including investment property	6
Equipment, vehicles and machinery	20
Parts of equipment and equipment for research activities	33.3
Computer equipment, hardware and software	50
Crops lasting several years	10
Breeding animals	20
Other investments	10

For the depreciation of operating leases, the maximum annual depreciation rate is calculated taking into account the period of the contractual lease of the asset. Depreciation recognition is determined depending on the contractual lease terms.

Tax relief for investments. A taxable person may claim a reduction of the tax base in the amount of 40% of the amount invested in equipment and intangible assets (subject to certain limitations). The reduction may not exceed the amount of the tax base, and the unused portion of the tax relief can be carried forward to the next five tax periods.

Tax relief for research and development expenditure. Tax relief is available for research and development (R&D) expenditure.

The tax base may be decreased by 100% of the expenditure incurred in R&D activities (super deduction).

The taxable person may also carry forward the unused portion of the tax relief to the following five fiscal periods.

Such tax relief may not be granted for R&D that is financed by government funding or the EU.

Tax relief for R&D expenditure excludes the use of the tax relief for investments.

Tax relief for investment in the digital and green transition. Tax relief amounts to 40% of the amount representing investments in the digital transformation and green transition. These investments include investments in cloud computing, artificial intelligence and big data, and investments in environmentally friendly technologies, such as cleaner, cheaper, and healthier public and private transport, decarbonization of the energy sector, energy efficiency of buildings, and the introduction of other climate neutrality standards.

The new relief is mutually exclusive with the R&D investment relief and the investment relief and cannot be claimed if investments were financed from the budgets of self-governing local communities, the budget of the Republic of Slovenia or the EU budget, and if these funds have the nature of a grant.

Tax relief for the hiring of employees. An employer who hires certain employees may claim relief in the amount of 45% of the salary of such employees for the first 24 months of employment, but not exceeding the amount of the tax base. To be eligible for the relief, one of the following conditions should be met:

- The employee is younger than 29 years old or older than 55 years old.
- The employee represents a person who is in a profession for which there is a shortage of jobseekers in the labor market and who was not employed by the employer seeking the tax relief or a related party in the past 24 months, provided such shortage is identified on the list determined by the Ministry of Labor.
- The overall number of employees employed at the employer in the tax period increased.

An employer may claim relief in the amount of 55% of the employee's salary if he employs a person under the age of 25 who is employed for the first time, but no more than the amount of the tax base.

Hidden profit distributions. Hidden profit distributions are nondeductible expenditures and are subject to withholding tax as deemed dividends. The following items are treated as hidden profit distributions to a shareholder owning directly or indirectly at least 25% of the capital in the payer (or controlling the payer on the basis of the contract or having influence over the payer):

- Providing assets or performing services, including the discharge of debts, without consideration or at a price that is lower than the comparable market prices
- Payments for the purchase of assets and services at a price that is higher than the comparable market prices
- Payments for assets that were not transferred or for services that were not rendered
- Interest on loans granted at an interest rate that differs from the acknowledged interest rate if the taxpayer cannot prove that an unrelated entity would have agreed to the interest rate

- Interest on loans exceeding the thin-capitalization limit (see Section E)

Relief for losses. Assessed tax losses may be carried forward for an unlimited time period. It is possible to use tax losses carried forward from previous years, up to a maximum of 50% of the tax base for a tax period. The right to carry forward tax losses is lost if the ownership of share capital or voting rights changes by more than 50% during a tax year, as compared to the beginning of the tax year, and if the taxpayer did not conduct any business activity for two years or the business activity was significantly changed in the two-year period before or after the change of ownership (unless the business activity was significantly changed to maintain jobs or to restore business operations).

Loss carrybacks are not allowed.

Groups of companies. The formation of groups of companies for tax purposes is not allowed.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	
Standard rate	22
Reduced rate	9.5
Super reduced rate	5
Transfer tax on immovable property	2
Motor vehicle tax; amount of tax depends on power of the engine, emission standard, CO_2 emissions and other factors	Various
Water Vessel Tax; amount of the tax depends on the length of the vessel (minimum of five meters) and the power of the engine	Various
Tax on insurance premiums	8.5
Property tax; levied on premises such as buildings, parts of buildings and land and depends on the location, age and other factors	Various
Social security contributions, on monthly salary	
Health insurance, paid by	
Employer	6.56
Employee	6.36
Pension and disability, paid by	
Employer	8.85
Employee	15.5
Unemployment insurance, paid by	
Employer	0.06
Employee	0.14
Maternity benefits, paid by	
Employer	0.1
Employee	0.1
Workers' compensation insurance (for occupational injuries and diseases), paid by employer	0.53

E. Miscellaneous matters

Foreign-exchange controls. The official Slovenian currency is the euro (EUR).

Legal entities with their head office in Slovenia and subsidiaries of foreign commercial companies that are registered in the Court Registry in Slovenia may maintain foreign-currency accounts or foreign-currency deposit accounts at authorized banks in Slovenia. Slovenian and foreign enterprises and their subsidiaries may freely perform one-sided transfers of property to or from Slovenia. Profits may be freely transferred abroad in foreign currency.

Resident enterprises may obtain loans from nonresident enterprises in their own name and for their own account. They are required to report selected loan transactions with nonresident enterprises to the Bank of Slovenia. For this purpose, loan transactions include the following:

- Pledges of real estate and other security
- Purchases by nonresidents of accounts receivable arising from transactions between resident enterprises
- Purchases by residents of accounts receivable arising from transactions between nonresident enterprises
- Certain other transactions between resident and nonresident enterprises if the economic purpose of the transaction is effectively the granting of a loan

Transfer pricing. Transfer prices are determined by referring to market prices of the same or comparable assets or services charged between unrelated parties (comparable market prices). Comparable market prices are determined by one of the five methods prescribed by the OECD guidelines.

A resident or nonresident and a foreign legal entity or foreign partnership are deemed to be related parties if any of the following circumstances exist:

- The taxable person directly or indirectly holds 25% or more of the value or number of shares or equity holdings, or control over management or supervision or voting rights of the foreign person or controls the foreign person on the basis of contract or transaction terms that differ from terms that are or would in the same or comparable circumstances be agreed to between unrelated parties.
- The foreign person directly or indirectly holds 25% or more of the value or number of shares or equity holdings or control over management or supervision or voting rights of a taxable person, or controls the taxable person on the basis of contract or transaction terms that differ from terms that are or would in the same or comparable circumstances be agreed to between unrelated parties.
- The same person at the same time, directly or indirectly, holds 25% or more of the value or number of shares or holdings or participates in the management or supervision of the taxable person and the foreign person or two taxable persons or they are under the same person's control on the basis of contract or transaction terms that differ from terms that are or would in the same or comparable circumstances be agreed to between unrelated parties.

- The same natural persons or members of their families directly or indirectly hold 25% or more of the value or number of shares or holdings or control over the management or supervision of the taxable person and the foreign person or two resident entities or they are under their control on the basis of contract or transaction terms that differ from terms that are or would in the same or comparable circumstances be achieved between unrelated parties.

Taxpayers must maintain transfer-pricing documentation continuously. The transfer-pricing documentation requirements are based on the Master File concept. Under this concept, which is recommended by the European Community (EC) Council and the EU Joint Transfer Pricing Forum, the transfer-pricing documentation consists of a Master File, country-specific part and Country-by-Country Report (CbCR).

Country-by-Country (CbC) reporting obligations may apply in Slovenia to a group of businesses if it has at least business based in Slovenia and at least business based in another country and if it has a consolidated group revenue of at least EUR750 million. CbCRs must be filed within 12 months after the end of the fiscal year to which they relate. The CbCR must include the following information for each fiscal year and for each jurisdiction where business is conducted:

- Amount of revenue generated
- Amount of profit or loss before tax
- Amount of accrued and paid tax
- Amount of undistributed profits
- The number of employees
- Size of tangible assets (excluding cash and cash equivalents)

If a group needs to report, it must notify the Slovenian tax authority every year where it intends to report. The CbC reporting notification must be submitted in electronic form via the eDavki portal together with the corporate income tax return. The CbC notification form is available on the Slovenian tax authority website and is available in Slovenian language.

Related-party transactions must also be reported every year with the corporate income tax return in accordance with the following rules:

- If the cumulative amount of given or received loans from a particular related party exceeds EUR50,000 in a tax period, the taxpayer must disclose the name of the related party, its state of residence and tax number, the cumulative amount of loans and the type of relationship with the related party.
- If the cumulative amount of other intercompany receivables or liabilities toward a particular related party exceeds EUR50,000 in a tax period, the taxpayer must disclose the name of the related party, its state of residence and tax number, the cumulative amount of receivables or liabilities toward the related party and the type of relationship with the related party.

The transfer-pricing rules can apply to transactions between domestic related parties in specific circumstances.

Debt-to-equity rules. Interest on loans from shareholders, who directly or indirectly at any time during a tax year hold at least 25% of capital or voting rights of the taxable person (with the exception of banks and insurance companies as borrowers), is

deductible only if it is attributable to the part of the loan that does not exceed a specified multiple of the value of the share capital owned (debt-to-equity ratio). Loans from shareholders are also considered loans from related persons of the taxable person if the shareholder directly or indirectly at any time during a tax year holds at least 25% of shares, holdings or voting rights in the lender and the taxable person. For example, this applies to loans obtained from sister companies. The applicable debt-to-equity ratio is currently 4:1.

Global minimum level of taxation. On 21 December 2023, Slovenia implemented the EU Directive on ensuring a global minimum level of taxation for multinational enterprise groups and large-scale domestic groups in the union (Directive 2022/2523). The minimal effective taxation rate of 15% applies to multinational groups of companies with revenues exceeding EUR750 million for financial years starting from 31 December 2023 onward. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (ey-beps-2-0-pillar-two-developments-tracker.pdf).

Anti-avoidance legislation. On 27 November 2018, the National Assembly adopted the amended Corporate Income Tax Act (CITA-2). The amendments were based on Council Directive (EU) 2016/1164 of 12 July 2016. The changes took effect on 1 January 2019. The amended act introduces a general anti-abuse rule to prevent abusive tax practices. The rule may be used only if all of the other rules set out in CITA-2 cannot prevent tax abuse. This means that the general anti-abuse rule is used as a last resource if other rules set out in CITA-2 are not sufficient to prevent the obtaining an unjustified tax advantage.

In addition, the amendment introduced the controlled foreign company (CFC) regime. A CFC has two main elements. The first is based on participation and entitlement to profits, while the other is based on actual taxation, as compared to possible taxation in Slovenia. A person who is not taxed under CITA-2 is treated as a CFC if the following conditions are met:

- A taxable person directly or indirectly participates in the person with more than 50% of the voting rights, has directly or indirectly more than 50% of the capital of the person, or is entitled to more than 50% of the person's profits.
- The corporate income tax on the profits actually paid by the person is less than half of the corporate income tax that would be charged to a person on the basis of the applicable corporate taxation system in Slovenia for that profit under CITA-2.

Multilateral instrument. On 22 March 2018, Slovenia ratified the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI), effective 1 July 2018. The MLI is designed to swiftly implement the tax treaty-related measures arising from the OECD Base Erosion and Profit Shifting project through the automatic modification of existing bilateral tax treaties. It implemented "minimum standard" changes to existing treaties in the areas of treaty abuse, mutual agreement procedures and treaty preambles. In addition, depending on the reservations and notifications made by each party, the MLI facilitates optional changes to modify tax treaties with respect to permanent establishments, transparent

entities, residence tiebreakers, double tax relief, minimum shareholding periods, capital gains derived from immovable property and a jurisdiction's right to tax its own residents.

Hybrid mismatches and exit taxation. In light of the Base Erosion and Profit Shifting (BEPS) project and Directive 2016/1164/EU, the following two sets of rules were introduced into the Slovenian tax law, effective from 1 January 2020:
- Rules on exit taxation
- Rules on hybrid mismatches aimed at curbing tax avoidance practices that affect the tax base

The first set of rules determines a tax on the unrealized appreciation of assets gained in Slovenia; it taxes hidden reserves on the transfer of a business activity or assets from Slovenia to another country.

The second set of rules concerns the neutralization of effects in cases of hybrid mismatches between EU Member States, as well as with third countries, arising from payments or alleged payments between the taxable person and related parties in different countries. Hybrid mismatches are the result of differences in the legal characterization of payments, financial instruments and similar items in cases of different legal and tax regimes. The rules provide adjustments in the determination of tax liabilities for such cases.

New provisions on reverse hybrid mismatches were introduced, effective from 1 January 2022.

Mandatory disclosure rules. On 22 June 2019, Slovenia implemented the EU directive on the mandatory disclosure and exchange of cross-border tax arrangements (DAC 6). The rules implementing DAC 6 are effective from 1 July 2020; however, reports retroactively cover arrangements for which the first step was implemented between 25 June 2018 and 1 July 2020.

The deadline for (first) reporting on existing cross-border arrangements (implemented after 25 June 2018) was 28 February 2021. Any new arrangements must be reported within 30 days.

Exchange of information reported by platform operators. In December 2022, Slovenia implemented the EU directive on administrative cooperation in the field of taxation (DAC7), which defines the reporting obligations for digital platform operators (Model Reporting Rules for Digital Platforms [MRDP]). The information must be submitted to the Financial Administration of Republic of Slovenia (FURS) by 31 January 2024.

F. Treaty withholding tax rates

Most of Slovenia's double tax treaties follow the OECD model convention. The following table shows the withholding tax rates under Slovenia's tax treaties.

	Dividends %	Interest %	Royalties %
Albania	5/10 (a)	7 (s)	7
Armenia	5/10 (a)	0/10 (m)	5
Austria	5/15 (a)	0/5 (m)	5
Azerbaijan	8	0/8 (x)	5/10 (y)
Belarus	5	5 (t)	5

	Dividends %	Interest %	Royalties %
Belgium	5/15 (a)	10	5
Bosnia and Herzegovina	5/10 (a)	7	5
Bulgaria	5/10 (a)	5 (b)	5/10 (c)
Canada	5/15 (f)	0/10 (k)	10
China Mainland	5	10	10
Croatia	5	0/5 (b)	5
Cyprus	5	5 (t)	5
Czech Republic	5/15 (a)	0/5 (b)	10
Denmark	5/15 (a)	5	5
Estonia	5/15 (a)	0/10 (b)	10
Finland	5/15 (a)	0/5 (b)	5
France	0/15 (d)	5 (b)	5
Georgia	5	0/5 (s)	5
Germany	5/15 (a)	0/5 (b)	5
Greece	10	10	10
Hungary	5/15 (a)	0/5 (k)	5
Iceland	5/15 (a)	0/5 (b)	5
India	5/15	10	10
Iran	7	0/5 (ee)	5
Ireland	5/15 (hh)	0/5 (b)	5
Israel	5/10/15 (ii)	0/5 (b)	5
Italy	5/15 (a)	10	5
Japan	5/10	0/5 (gg)	5
Kazakhstan	5/15 (a)	10	10
Korea (South)	5/15 (a)	5 (b)	5
Kosovo	5/10 (cc)	0/5 (dd)	5
Kuwait	0/5 (v)	0/5 (w)	10
Latvia	5/15 (a)	0/10 (b)	10
Lithuania	5/15 (a)	0/10 (b)	10
Luxembourg	5/15 (a)	0/5 (b)	5
Malta	5/15 (g)	5	5
Moldova	5/10	5	5
Morocco	7/10 (a)	0/10 (b)	10
Netherlands	5/15 (ll)	0/5 (b)	5
North Macedonia	5/15 (a)	10	10
Norway	0/15 (r)	0/5 (e)	5
Poland	5/15 (hh)	0/10 (b)	10
Portugal	5/15 (hh)	0/10 (b)	5
Qatar	5	5	5
Romania	5	0/5 (b)	5
Russian Federation	10	10	10
Serbia and Montenegro (n)	5/10 (hh)	0/10 (b)	5/10 (h)(j)
Singapore	5	0/5 (kk)	5
Slovak Republic	5/15 (jj)	10	10
Spain	5/15 (a)	0/5 (b)	5
Sweden	5/15 (a)	5	5
Switzerland	0/15 (z)	5 (aa)	0/5 (bb)
Thailand	10	0/10/15 (b)(i)	10/15 (j)
Türkiye	10	0/10 (b)	10
Ukraine	5/15 (a)	5	5/10 (h)(j)
United Arab Emirates	0/5 (ff)	0/5 (l)	5

	Dividends %	Interest %	Royalties %
United Kingdom	0/15 (p)	0/5 (q)	5
United States	5/15 (a)	0/5	5
Uzbekistan	8	8	10
Non-treaty jurisdictions	15	15	15

(a) The lower rate applies if the recipient of the dividends is a company that holds at least 25% of the capital of the payer of the dividends.

(b) The 0% rate applies to interest paid to the government including local authorities or the national bank. In certain treaties, the 0% rate applies to interest paid to national export companies and other institutions, subject to additional conditions.

(c) The lower rate applies to royalties paid for the use of, or the right to use, the following:
- Copyrights of literary, artistic or scientific works (not including cinematographic works)
- Industrial, commercial or scientific equipment

(d) The 0% rate applies if the recipient of the dividends is a company that holds at least 20% of the capital of the payer of the dividends and (as modified by Paragraph 1 of Article 8 of the MLI) if this condition is met throughout a 365-day period that includes the day of the payment of the dividends (for the purpose of computing this period, no account is taken of changes of ownership that directly results from a corporate reorganization, such as a merger or divisive reorganization, of the company that holds the shares or that pays the dividends).

(e) Interest arising in a contracting state and paid to the government of the other contracting state is exempt from tax in the state of the payer. In the case of Slovenia, interest arising in Norway and paid with respect to a loan guaranteed or insured by Slovene Export and Development Bank Inc., Ljubljana on account of the Republic of Slovenia as authorized in accordance with the domestic law is exempt from tax in Norway.

(f) For dividends paid by Slovenian companies, the 5% rate applies if the recipient of dividends holds at least 25% of the capital of the payer of the dividends. The 15% rate applies to other dividends paid by Slovenian companies. For dividends paid by Canadian companies, the 5% rate applies if the recipient of dividends holds at least 10% of the voting power of the payer of the dividends. The 15% rate applies to other dividends paid by Canadian companies.

(g) For dividends paid by Slovenian companies, the 5% rate applies if the recipient of dividends owns at least 25% of the capital of the payer of the dividends. The 15% rate applies to other dividends paid by Slovenian companies. For dividends paid by Maltese companies to Slovenian resident beneficiaries, the withholding tax rate may not exceed the tax imposed on the profits out of which dividends are paid.

(h) The 5% rate applies to royalties for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic works, and films or tapes used for radio or television broadcasting.

(i) The 10% rate applies to interest paid to financial institutions, including insurance companies.

(j) The 10% rate applies to royalties paid for the following:
- The use of, or the right to use, copyrights of literary or artistic works, including motion pictures, live broadcasting, films and tapes
- Other means for use or reproduction in connection with radio and television broadcasting
- The use of, or the right to use, industrial, commercial or scientific equipment

(k) Subject to additional conditions, the 0% rate applies to the following:
- Interest paid with respect to indebtedness of the government or local authorities
- Interest paid to an entity that was established and operates exclusively to administer or provide benefits under pension, retirement or other employee benefit plans

Interest arising in Slovenia (Canada) and paid to a resident of Canada (Slovenia) is taxable only in Canada (Slovenia) if it is paid with respect to loans made, guaranteed or insured by the Export Development Corporation (Slovenian Export Company).

(l) Interest paid by a company that is a resident of a contracting state is taxable only in the other contracting state if the beneficial owner of the interest is one of the following:
- The other state
- Political subdivision

- Local government
- Local authority
- Central bank
- Recognized pension fund
- Abu Dhabi Investment Authority
- Abu Dhabi Investment Council
- Emirates Investment Authority
- Mubadala Development Company
- International Petroleum Investment Company
- Dubai World
- Investment Corporation of Dubai
- Any other institution created by the government, a political subdivision, a local authority or a local government of that other state that is recognized as an integral part of that government, as agreed through an exchange of letters by the competent authorities of the contracting states

Interest arising in the United Arab Emirates and paid on a loan guaranteed or insured by the Slovenian Export and Development Bank (Slovenska Izvozna in Razvojna Banka, or SID Bank) Inc. Ljubljana, on behalf of the Republic of Slovenia as authorized by the domestic law is exempt from tax in the United Arab Emirates.

(m) The 0% applies if any of the following circumstances exists:
- The interest is paid to the government including local authorities or the national bank.
- The payer of the interest is the government including local authorities or the national bank.
- The interest is paid with respect to a loan made, approved, guaranteed or insured by an institution that is authorized under internal law to act as an export financing institution on behalf of the contracting state.

(n) The tax treaty between Slovenia and the former Union of Serbia and Montenegro is expected to continue to apply to the republics of Serbia and Montenegro. The treaty does not apply to Kosovo.

(o) The 5% rate applies if the recipient of the dividends is a company that holds at least 10% of the capital of the payer of the dividends.

(p) The 0% rate applies if the recipient of dividends owns more than 20% of the capital voting rights of the payer of the dividends.

(q) The 0% rate applies if either of the following circumstances exists:
- The interest is paid to the government including local authorities or the national bank.
- The payer and the recipient are both companies and one of the companies owns directly at least 20% of the capital of the other company, or a third company that is a resident of a contracting state holds directly at least 20% of the capital of both the payer company and the recipient company.

(r) The 0% rate applies if any of the following circumstances exists:
- The recipient of dividends owns more than 15% of the capital voting rights of the payer of the dividends (see last sentence of second bullet below).
- In the case of Norway, the beneficial owner of the dividends is a resident of Norway who is a partner in a Norwegian partnership and alone or together with the other partners holds directly at least 15% of the capital of the company paying the dividends. As modified by Paragraph 1 of Article 8 of the MLI, the conditions stated in this bullet and in the first bullet above must be met throughout a 365-day period that includes the date of the payment of the dividends (for the purpose of computing this period, no account is taken of changes of ownership that would directly result from a corporate reorganization, such as a merger or divisive reorganization, of the company that holds the shares or that pays the dividends).
- The dividends are derived and beneficially owned by the government of a contracting state.

(s) A 0% rate applies if any of the following circumstances exists:
- The payer of the interest is the government of a contracting state, political subdivision, local authority or central bank of such state.
- The interest is paid to the government of the other contracting state or a political subdivision, local authority or central bank of such state.
- The interest is paid with respect to a loan made, approved, guaranteed or insured by an institution that is authorized in accordance with internal law on insurance and financing of international business transactions.

(t) A 0% rate applies if either of the following circumstances exists:
- The payer of the interest is the government of a contracting state, or a political subdivision, local authority or central bank of such state.
- The interest is paid to the government of the other contracting state or a political subdivision, local authority or central bank of such state.

(u) The lower rate applies to royalties paid for the use, or the right to use, patents, patterns, models, plans, and secret formulas or procedures or for information regarding industrial, commercial or scientific experience.

(v) The 0% rate applies if the beneficial owner of the income is a resident of the other contracting state and is one of the following:
- The government of that contracting state or a political subdivision or local authority thereof or the central bank
- A governmental institution created in that contracting state under public law such as a corporation, fund, authority, foundation, agency or similar entity
- An entity established in that contracting state, all the capital of which has been provided by that contracting state or a political subdivision or local authority thereof or any governmental institution mentioned in the bullet above together with other states

(w) A 0% rate applies if the beneficial owner of the interest is a resident of the other contracting state and is one of the following:
- The government of that contracting state, a political subdivision or local authority thereof or the central bank
- A governmental institution created in that contracting state under public law such as a corporation, fund, authority, foundation, agency or similar entity
- An entity established in that contracting state, all the capital of which has been provided by that contracting state or a political subdivision or local authority thereof or a governmental institution as defined in the bullet above, together with other states

(x) A 0% rate applies if any of the following circumstances exists:
- The payer of the interest is the government of that contracting state or an administrative-territorial or political subdivision or a local authority or the central bank.
- The interest is paid to the government of the other contracting state or an administrative-territorial or political subdivision or a local authority or the central bank.
- The interest is paid with respect to a loan made, approved, guaranteed or insured, on behalf of the Republic of Slovenia, by the Slovenian Export and Development Bank (Slovenska Izvozna in Razvojna Banka, or SID Bank) Inc. Ljubljana, which is authorized under the domestic legislation of the Republic of Slovenia for insuring and financing international business transactions.
- The interest is paid to the State Oil Fund of the Republic of Azerbaijan.

(y) The lower rate applies to royalties paid for the use of, or the right use, computer software, patents, designs or models, plans, secret formulas or processes, or for information concerning industrial, commercial or scientific experience.

(z) A 0 % rate applies if the beneficial owner of the dividends is one of the following:
- A company (other than a partnership) that is a resident of the other contracting state and that holds directly at least 25% of the capital in the company paying the dividends
- A pension scheme

(aa) Interest arising in a contracting state and paid to a resident of the other contracting state that is the beneficial owner of the interest is taxable only in that other state to if any of the following circumstances exist:
- It is paid by the government of a contracting state, a political subdivision, a local authority or the central bank.
- It is paid to the government of a contracting state, a political subdivision, a local authority or the central bank.
- It is paid with respect to a loan made, approved, guaranteed or insured by an institution that is authorized in accordance with internal law to insure and finance international business transactions.
- It is paid with respect to indebtedness arising as a result of the sale on credit of equipment, merchandise or services.
- It is paid by a bank to a bank of the other contracting state.
- It is paid by a company to a company of the other contracting state if the recipient company is affiliated with the company paying the interest by a direct minimum holding of 25% in the capital or if both companies are held by a third company that is resident of an EU Member State or Switzerland and that has directly a minimum holding of 25% in the capital of the first company and in the capital of the second company.

(bb) Royalties paid by a company that is a resident of a contracting state to a resident of the other contracting state is taxable in only the other state if the beneficial owner is a company that is affiliated with the company paying the royalties by a direct minimum holding of 25% in the capital or if both companies are held by a third company that is resident of an EU Member State

or Switzerland and that has directly a minimum holding of 25% in the capital of the first company and in the capital of the second company.

(cc) The lower rate applies if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends.

(dd) A 0% rate applies if any of the following circumstances exists:
- The payer of the interest is the government of that contracting state or a political subdivision, local authority or the central bank.
- The interest is paid to the government of the other contracting state or a political subdivision, local authority or the central bank.
- The interest is paid with respect to a loan made, approved, guaranteed or insured by an institution of the other contacting state on behalf of that state as authorized by a special domestic law on insuring and financing of international business transactions.

(ee) Interest arising in a contracting state and paid to a resident of the other contracting state that is the beneficial owner of the interest is taxable only in that other state if any of the following circumstances exists:
- The interest is paid the government of the other contracting state, a political subdivision or a local authority thereof, or to the central bank of the other contracting state.
- The interest is paid in connection with the sale on credit of industrial, commercial or scientific equipment.
- The interest is paid in connection with the sale on credit of merchandise by one enterprise to another enterprise.

(ff) Dividends paid by a company that is a resident of a contracting state is taxable only in the other contracting state if the beneficial owner of the dividends is one of the following:
- The other state
- Political subdivision
- Local government
- Local authority
- Central bank
- Recognized pension fund
- Abu Dhabi Investment Authority
- Abu Dhabi Investment Council
- Emirates Investment Authority
- Mubadala Development Company
- International Petroleum Investment Company
- Dubai World
- Investment Corporation of Dubai
- Any other institution created by the government, a political subdivision, a local authority or a local government of the other state that is recognized as an integral part of that government as agreed through an exchange of letters by the competent authorities of the contracting states

(gg) The 0% rate applies to interest paid to the government, including local authorities, or the national bank. The 0% rate also applies to interest paid to a resident of the other contracting state with respect to debt claims guaranteed, insured or indirectly financed by any institution promoting exports, investment or development.

(hh) The lower rate applies if the recipient of the dividends is a company that holds at least 25% of the capital of the payer of the dividends and (as modified by Paragraph 1 of Article 8 of the MLI) if this condition is met throughout a 365-day period that includes the date of the payment of the dividends (for the purpose of computing this period, no account is taken of changes of ownership that would directly result from a corporate reorganization, such as a merger or divisive reorganization, of the company that holds the shares or that pays the dividends).

(ii) The 5% rate applies (as modified by Paragraph 1 of Article 8 of the MLI) if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the company paying the dividends. The 10% rate applies (as modified by Paragraph 1 of Article 8 of the MLI) if the following conditions are met:
- The beneficial owner is a company that holds directly at least 10% of the capital of the company paying the dividends and the dividends are paid out of profits that by virtue of the law of the state in which the payer is a resident are exempt from company tax or subject to company tax at a rate that is lower than the normal rate in that state.
- The above condition is met throughout a 365-day period that includes the date of the payment of the dividends (for the purpose of computing this period, no account is taken of changes of ownership that would directly result from a corporate reorganization, such as a merger or divisive

reorganization, of the company that holds the shares or that pays the dividends).

(jj) The 5% rate applies (as modified by Paragraph 1 of Article 8 of the MLI) if the beneficial owner is a company that holds directly at least 25% of the capital of the company paying the dividends. The 5% rate also applies (as modified by Paragraph 1 of Article 8 of the MLI), in the case of a Slovak partnership, if the beneficial owner is a company resident in the Slovak Republic that is a partner in a Slovak partnership that alone holds directly at least 25% of the capital of the company paying the dividends and if this condition is met throughout a 365-day period that includes the date of the payment of the dividends (for the purpose of computing that period, no account is taken of changes of ownership that would directly result from a corporate reorganization, such as a merger or divisive reorganization, of the company that holds the shares or that pays the dividends).

(kk) Interest arising in a contracting state and paid to the government of the other contracting state is exempt from tax in the first-mentioned state. In the case of Slovenia, interest arising in Singapore and paid in consideration of a loan guaranteed or insured by Slovene Export and Development Bank Inc., Ljubljana on account of the Republic of Slovenia, as authorized in accordance with the domestic law, is exempt from tax in Singapore.

(ll) The lower rate applies if the recipient of the dividends is a company that holds at least 10% of the capital of the payer of the dividends and (as modified by Paragraph 1 of Article 8 of the MLI) if this condition is met throughout a 365-day period that includes the date of the payment of the dividends (for the purpose of computing this period, no account is taken of changes of ownership that would directly result from a corporate reorganization, such as a merger or divisive reorganization, of the company that holds the shares or that pays the dividends).

Slovenia has ratified the double tax treaty with Egypt, but the treaty is not yet effective.

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Certain amendments to the tax law have been proposed, but not yet enacted. Because of the expected changes to the tax law, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	27 (a)(b)
Capital Gains Tax Rate (%)	21.6 (c)
Branch Tax Rate (%)	27 (a)
Withholding Tax (%)	
Dividends	20 (d)
Interest	15 (e)(f)

Royalties from Patents, Know-how, etc.	15 (f)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (g)

(a) The rate was reduced from 28% to 27% for tax years ending on or after 31 March 2023 (which in most cases will mean tax years starting on or after 1 April 2022). The mining income of gold mining companies is taxed under a special formula, and the non-mining income of such companies is taxed at a rate of 27% (previously 28%). Special rules apply to life insurance companies, petroleum and gas producers and small business corporations. See Section B.
(b) Under legislation that is due to be enacted, from years of assessment commencing on or after 1 January 2024, a global minimum tax of 15% will apply to large multinationals. See Section E.
(c) This is the effective rate for companies. See Section B.
(d) Dividend withholding tax applies to dividends paid by South African-resident companies. Certain dividends are exempt from the withholding tax, such as dividends received by South African-resident companies and public benefit organizations. A decreased rate may apply under a double tax treaty. See Section F.
(e) Interest withholding tax applies only to interest paid to nonresidents. Certain interest income is exempt from this withholding tax, including interest with respect to government debt instruments, listed debt instruments and debt instruments owed by banks. A reduced rate may apply under a double tax treaty. See Section F.
(f) Royalties withholding tax applies only to royalties paid to nonresidents, subject to certain exemptions. A reduced rate may apply under a double tax treaty. See Section F.
(g) See Section C.

B. Taxes on corporate income and gains

Company tax. A residence-based tax system applies in South Africa. Under domestic legislation, companies are resident in South Africa if they are incorporated in South Africa or have their place of effective management in South Africa.

South African-resident companies are taxed on their worldwide income (including capital gains).

Under complex look-through rules, the income of nonresident subsidiaries in foreign countries is taxed in the hands of the immediately cross-border South African-resident parent company on an imputation basis (see the discussion on controlled foreign companies [CFCs] in Section E). The income of nonresident subsidiaries with "foreign business establishments" in foreign countries is generally exempt from the look-through rules, subject to complex anti-avoidance exceptions. Dividends paid by foreign companies that are not CFCs are taxable unless the shareholding of the South African-resident recipient is 10% or more (see the discussion of foreign dividends in *Dividends*).

Nonresident companies are taxed on their South African-source income only.

Tax rates. For tax years ending on or after 31 March 2023, the normal corporate income tax rate in South Africa is 27% (previously 28%). South African branches of nonresident companies are also taxed at 27% on South African-source income.

Global minimum tax. South Africa is due to enact legislation introducing a global minimum tax with effect from years of assessment commencing on or after 1 January 2024. For details, see *Global minimum tax* in Section E.

Dividend withholding tax. A withholding tax is imposed at a rate of 20% on cash and *in specie* dividends paid.

A dividend is any amount transferred or applied by a company for the benefit of its shareholders, whether by way of a distribution or as consideration for a share buyback, excluding the following:
- Amounts that result in a reduction of the contributed tax capital of the company
- Shares in the company
- An acquisition by a listed company of its own shares through a general repurchase of shares in accordance with the Johannesburg Stock Exchange (JSE) listing requirements

The tax applies to dividends paid by South African-resident companies (other than headquarter companies) or with respect to cash dividends paid by foreign companies on shares listed on the JSE. Although the tax is imposed on the recipient of a dividend (in the case of a cash dividend), the declaring company must withhold the tax from the dividend paid and pay the tax to the South African Revenue Service (SARS) on behalf of the recipient. In the case of a listed company, a regulated intermediary withholds the tax.

Dividends are not subject to the withholding tax if any of the following circumstances, among others, exists:
- The beneficial owner is a resident company.
- The beneficial owner is a local, provincial or national government.
- The beneficial owner is a specified tax-exempt entity.
- The beneficial owner is an environmental rehabilitation trust.
- The beneficial owner is an institution, board, body, fund (such as a pension fund) or person that meets specific requirements.
- The dividend is paid by a micro business, up to ZAR200,000.
- The dividend is paid by a foreign company listed on the JSE to a nonresident beneficial owner.
- The dividend is taxable in nature.

A paying company is not required to withhold dividends tax if the beneficial owner has supplied it with a written declaration stating the following:
- It is exempt from dividends tax.
- It will inform the company when it is no longer the beneficial owner of the shares.

If the beneficial owner is a nonresident that would like to rely on a reduced dividends tax rate under a double tax treaty between South Africa and its country of residence, it must provide the company with a written declaration that the reduced rate applies and specified undertakings.

If the dividend is a distribution *in specie*, the tax is imposed on the declaring company.

Special types of companies. The mining income of gold mining companies is taxed under a special formula, while the non-mining income of such companies is taxed at a rate of 27% (previously 28%).

Oil and gas production is taxed in accordance with the usual provisions of the Income Tax Act, as modified by a special schedule applicable to exploration and certain post-exploration activities. A fiscal stability regime can be agreed to with the Minister of Finance. The tax rate is capped at a maximum of 27% (previously 28%) for both South African-resident and nonresident companies. Dividends tax need not be withheld from dividends paid out of oil and gas income, and interest withholding tax need not be withheld from interest paid with respect to loans used to fund oil and gas exploration and post-exploration capital expenditure.

Life assurance companies are subject to special rules that separate the taxation of policyholders' and corporate funds and apply different tax rates to such items.

Small business corporations (SBCs) are taxed at the following rates on their taxable income (for tax years ending any date between 1 April 2023 and 31 March 2025):
- 0% on the first ZAR95,750 of taxable income
- 7% of the amount of taxable income exceeding ZAR96,751 but not exceeding ZAR365,000
- ZAR18,848 plus 21% on taxable income exceeding ZAR365,000 but not exceeding ZAR550,000
- ZAR57,698 plus 27% on taxable income exceeding ZAR550,000

To qualify as an SBC, a company must satisfy all of the following requirements:
- Its gross income for the year must not exceed ZAR20 million.
- Its shares must be held by individuals who do not hold interests in other companies (except for certain specified interests such as interests in South African-listed companies).
- Its total personal service and investment income must not exceed 20% of its gross income.
- It is not a personal service provider.

Capital gains. Capital gains derived by resident companies are subject to capital gains tax (CGT) at an effective rate of 21.6% (the normal corporate tax rate of 27% is applied to only 80% of the net capital gain).

Resident companies are subject to CGT on capital gains derived from disposals of worldwide tangible and intangible assets.

Nonresidents are subject to CGT on capital gains derived from the disposal of the following:
- Fixed property (land and buildings)
- Interests in fixed property located in South Africa (such as land-rich companies), including rights to variable or fixed payments as consideration for the working of or the right to work mineral deposits, sources and other natural resources
- Assets effectively connected with a permanent establishment located in South Africa

An interest in fixed property includes a direct or indirect interest of at least 20% in a resident or nonresident company if, at the time of disposal of the interest, 80% or more of the market value of the assets of the company is attributable to fixed property located in South Africa.

A capital gain is equal to the amount by which the disposal proceeds for an asset exceed the base cost of the asset. A capital loss arises if the base cost exceeds the disposal proceeds. Capital losses may offset capital gains, and regular income losses may offset net capital gains. However, net capital losses may not offset regular income but may be carried forward for setoff against future capital gains.

The base cost for an asset includes the sum of the following:
- The amount actually incurred to acquire the asset
- Cost of the valuation of the asset for the purposes of determining the capital gain or loss
- Expenditure directly related to the acquisition or disposal of the asset, such as transfer costs, advertising costs, costs of moving the asset from one location to another and cost of installation
- Expenditure incurred to establish, maintain or defend the legal title to, or right in, the asset
- Expenditure on improvement costs (if the improvement is still in existence)

The base cost is reduced by any amounts that have been allowed as income tax deductions with respect to the disposed asset. It is also reduced by the following amounts if such expenditure was originally included in the base cost:
- Expenditure that is recoverable or recovered
- Amounts paid by another person
- Amounts that have not been paid and are not due in the tax year

Inflation indexation of the base cost is not allowed.

Special rules apply to the base cost valuation of an asset acquired before 1 October 2001.

A disposal is defined as an event that results in, among other actions, the creation, variation or extinction of an asset. It includes the transfer of ownership of an asset, the destruction of an asset and the distribution of an asset by a company to a shareholder. For CGT purposes, a company does not dispose of assets when it issues shares or when it grants an option to acquire a share or debenture in the company.

The proceeds from the disposal of an asset by a taxpayer are equal to the amount received by, or accrued to, the taxpayer as a result of the disposal less any amount that is or was included in the taxpayer's taxable income for income tax purposes. If a company makes a dividend distribution of an asset to a shareholder, it is deemed to have disposed of the asset for proceeds equal to the asset's market value.

Rollover relief is available in certain circumstances including destruction of assets and scrapping of assets.

Related-party transactions may be deemed to occur at market value, and restrictions are imposed on the claiming of losses incurred in such transactions.

Corporate emigration (cessation of tax residence), which could occur when the company's place of effective management is moved outside South Africa, triggers four separate "exit" charges. First, there is a deemed disposal at market value of the assets of the company, resulting in a CGT and/or normal corporate income tax charge. Secondly, there is a deemed dividend *in specie*, potentially resulting in dividend tax liability. The amount of the dividend *in specie* is deemed to be equal to the sum of the market values of all the shares in that company on that date less the sum of the contributed tax capital of all the classes of shares in the company as of that date. Alternatively, if the deemed dividend qualifies for certain exemptions, the shareholder(s) of the migrating company might be deemed to have disposed of the shares (held in the migrating company), potentially resulting in a CGT liability for the shareholder(s). The third and fourth exit charges arise from the reversal of participation exemptions claimed by the migrating company in the last three years before migration, resulting in additional CGT (on previously exempt foreign share-disposals) and/or normal corporate income tax (on previously exempt foreign dividend income).

Subject to certain exceptions, disposals of equity shares in foreign companies to third-party nonresidents are exempt from CGT if the disposing party has held at least 10% of the equity in the foreign company for at least 18 months.

Administration. The Tax Administration Act governs the administration of most taxes in South Africa.

The tax year for a company is its financial year. A company must file its annual tax return in which it calculates its taxable income and capital gains, together with a copy of its audited financial statements, within 12 months after the end of its financial year The SARS issues an official assessment based on the annual return.

The company must pay the balance of tax due after deduction of provisional payments within a specified period after receipt of the assessment.

Companies must pay provisional tax in two installments during their tax year. The first must be paid by the end of the sixth month of the tax year and the second by the end of the tax year. The second payment must be accurate to within 80% of the actual tax for the year. A third ("topping up") payment may be made within six months after the end of the tax year (for companies with a tax year-end of the last day of February, it is the last business day of September). If this payment is not made and if there is an underpayment of tax, interest is charged from the due date of the payment. A 20% penalty is charged if the total provisional tax paid for the year does not fall within certain prescribed parameters.

Tax penalties fall into two broad categories, which are for specified noncompliance (penalty can range between ZAR250 and ZAR16,000 per month) and understatement (penalty can range between 5% and 200% of the shortfall).

The SARS "eFiling" system allows provisional payments and tax returns to be submitted electronically. It is also a platform for the many other interactions (information uploads, payments and others) with the revenue service.

Dividends

South African dividends. Dividends paid by South African-resident companies are generally exempt from normal corporate income tax in the hands of the recipients. Accordingly, recipients may, in most cases, not deduct expenses relating to the earning of these dividends, such as interest and other expenses incurred on the acquisition of their shares (although there is an exception for certain corporate acquisitions).

Foreign dividends. Foreign dividends are dividends paid by non-resident companies and headquarter companies. Most foreign dividends accruing to or received by South African residents are taxable. The following foreign dividends are exempt from tax:

- Dividends paid by a foreign company to a South African resident holding at least 10% of the equity shares and voting rights in the foreign company (participation exemption), unless the dividend paid by the foreign company is deductible for purposes of determining its tax liability in that foreign country (specific anti-avoidance measures may limit the exemption if foreign dividends arise from active foreign business operations)
- Dividends paid by a CFC to a South African resident (subject to certain limitations)
- Cash dividends paid by a foreign company that is listed in South Africa
- Dividends paid by a foreign company to another foreign company that is resident in the same country as the payer, unless the dividend paid by the foreign company is deductible for the purposes of determining its tax liability in that country

For foreign dividends that are not exempt, a foreign tax credit (rebate) may be claimed by South African resident recipients. The rebate is limited to the amount of South African tax attributable to the foreign dividend. Any excess of the foreign tax over the allowable rebate may be carried forward for a period of seven years. The excess taxes are available for setoff against foreign-source income in subsequent years (the calculation is done on a pooled basis).

Recipients of foreign dividends that are not exempt are taxed on a formula basis, resulting in an effective tax rate of 20%, as opposed to the standard corporate income tax rate of 27% (previously 28%).

Withholding tax. Dividend withholding tax at a rate of 20% is imposed, subject to applicable treaty rates. For further details, see *Dividend withholding tax*.

Foreign tax relief. In the absence of treaty relief provisions, unilateral relief is granted through a rebate for foreign taxes paid on foreign income and taxable capital gains, including income attributed under the CFC rules (see Section E) or trust attribution rules. The rebate is limited to the lesser of the actual foreign tax liability and the South African tax on such foreign income. The

credit may be claimed only if the income is from a non-South African source. Excess credits may be carried forward, but they are lost if they are not used within seven years.

Foreign taxes levied on income from a South African source may, subject to certain requirements and limitations, be claimed as a deduction from taxable income.

C. Determination of trading income

General. The assessment to tax is based on taxable income determined in accordance with the Income Tax Act.

To be eligible for deduction, expenditures must be actually incurred in the production of income and for purposes of trade and must not be of a capital nature.

Prepayments of insurance, rent and certain other items may not be deducted in full in the tax year of payment unless either of the following applies:
- The related service or other benefit is enjoyed within six months after the end of the tax year of payment.
- The aggregate of such expenditure is less than ZAR100,000.

Inventories. Inventory is valued at the lower of cost or net realizable value. Last-in, first-out (LIFO) is not an acceptable method of valuation for tax purposes. Appropriate overhead expenses must be included, in the valuation of inventory. Special rules apply to construction work in progress. Consumable stores and spare parts may be included in inventory.

Tax depreciation (capital allowances)

Industrial plant and machinery. New plant and machinery that is brought into use in a manufacturing or similar process by other businesses is depreciated at a rate of 40% in the first year and at a straight-line rate of 20% for the second, third and fourth years. Used machinery or plant used in such a process qualifies for a 20% allowance per year over five years. The same allowances apply to foundations for plant and machinery if they are built specifically for particular machines and have a useful life limited to the life of the relevant machine.

SBCs (see Section B) qualify for a 100% deduction of the cost of new or used plant or machinery that is first brought into use in a manufacturing or similar process. For other plant or machinery of an SBC, the following allowances are granted:
- 50% in the first year of use
- 30% in the second year of use
- 20% in the third year of use

Industrial buildings. A 5% annual straight-line allowance is granted on the cost of the construction of, and improvements to, industrial buildings erected by a taxpayer. Purchased industrial buildings generally qualify for annual straight-line allowances on the purchase price paid, excluding the amount attributable to the land, at the following rates:
- 2% if originally constructed before 1 January 1989
- 5% if constructed during the period of 1 January 1989 through 30 June 1996

- 10% if constructed during the period of 1 July 1996 through 31 March 2000
- 5% if constructed after 1 April 2000

Hotels. Construction of and improvements to hotels qualify for a 5% straight-line allowance. However, capital expenditure on the internal renovation of hotels qualifies for straight-line depreciation at an annual rate of 20%.

Urban renewal. The cost of erecting new buildings or renovating (including extension) old buildings in certain depressed urban areas qualifies for allowances if the building is used by the taxpayer for the taxpayer's own trade or is leased for commercial or residential purposes. If the building is new or significant extensions are made to an existing building, the allowance is 25% in the year of first occupation, 13% per year for the five succeeding years and 10% in the following year. If a building is renovated and if the existing structural or exterior framework is preserved, the allowance is 25% per year for four years. The allowances have been adjusted over the years. As a result, different rules may be in effect for improvements undertaken in previous tax years.

Enhanced deduction for renewable energy plant and machinery. Costs incurred with respect to the acquisition and construction of plant and machinery used in the generation of renewable energy qualify for an upfront allowance (based on certain criteria) of 125% of the cost incurred. However, the enhanced allowance is only available for assets brought into use on or after 1 March 2023 and before 1 March 2025.

Renewable energy plant and machinery. Costs incurred with respect to the acquisition and construction of plant and machinery used in the generation of renewable energy (that do not qualify for the enhanced deduction noted in *Enhanced deduction for renewable energy plant and machinery*) qualify for allowances (based on certain criteria) at the following rates:

- 50% in the first year of use
- 30% in the second year of use
- 20% in the third year of use

Other commercial buildings. An allowance of 5% of the cost is generally available on commercial buildings not qualifying for any of the above allowances.

Wear-and-tear allowance for movables. An annual "wear-and-tear" tax depreciation allowance on movable items may be calculated using the declining-balance method or the straight-line method, but the straight-line method is generally preferred by the revenue authority. The allowance may be claimed based on the value (generally the cost) of movable non-manufacturing machinery and equipment used by the taxpayer for the purposes of its trade. Rates for the wear-and-tear allowance are not prescribed by statute, but certain periods of depreciation are generally accepted by the tax authorities. The following are some of the acceptable periods of straight-line depreciation.

Asset	**Years**
Aircraft (light passenger, commercial and helicopters)	4
Computers (mainframe)	5

Asset	Years
Computers (personal computers)	3
Computer software (mainframes)	
Purchased	3
Self-developed	5
Computer software (personal computers)	2
Furniture	6
Passenger cars	5
Trucks (heavy duty)	3

Apportionment of the wear-and-tear allowances is required for assets acquired during the course of a year.

Any asset costing ZAR7,000 or less may be written off in full in the year of acquisition of the asset.

Special capital allowances. Subject to the approval of the Minister of Science and Technology (Innovation), the cost of developing and registering patents, designs, copyrights or similar property, and related know-how and of discovering novel scientific and technological information qualifies for a 150% deduction in the year in which the costs are incurred.

The acquisition cost of patents, copyrights and similar property (other than trademarks) and of related know-how is deductible at a rate of 5% per year. The cost of designs is deductible at a rate of 10% per year.

The cost of goodwill and trademarks is not depreciable for tax purposes.

Deductions with respect to restraint of trade payments are allowed over the period of restraint, with a minimum period of three years.

A 10% annual allowance is granted for the cost of new and unused pipelines used for transportation of natural oil, gas and refined products.

A 5% annual allowance is granted for the following:
- Water pipelines and electrical lines
- Railway lines used for the transportation of persons, goods and other items

Other special capital allowances are provided for expenditures on ships and aircraft, hotel equipment, scientific research, employee housing, plant and machinery of small business corporations (see Section B), aircraft hangars, aprons, runways and taxiways, and solar, wind and tidal equipment for the generation of electricity, as well as for certain capital expenditures for mining and agriculture, which are deductible in full against mining and agricultural income.

Recapture. The amount of tax depreciation claimed on an asset may be recouped (recaptured) when the asset is sold. In general, the amount recouped is the excess of the selling price over the tax value, but it is limited to the amount of tax depreciation claimed.

Groups of companies. Companies in a group may not share their tax losses with other profitable companies in the group.

Special rules provide income tax and CGT relief for transactions between 70%-held group companies and between shareholders and their companies. These transactions include the following:

- Asset-for-share transactions
- Amalgamation transactions
- Substitutive share-for-share transactions
- Intragroup transactions
- Unbundling transactions
- Transactions relating to the liquidation, winding up and deregistration of companies

Relief for losses. Tax losses may not be carried back but may be carried forward indefinitely, provided there is trading in every tax year. For tax years ending on or after 31 March 2023 (which in most cases means tax years starting on or after 1 April 2022), the utilization of losses will be limited to 80% of current-year taxable income (or ZAR1 million, if higher). This means that normal corporate income tax will be paid on at least 20% of current-year taxable income. This does not impact the indefinite carryforward of unutilized losses.

Foreign tax losses may be offset against foreign income only. If a foreign tax loss exceeds foreign income, the excess may be carried forward to offset foreign income in future years for an unlimited period.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, levied on supply of a wide range of goods and services	
Standard rate	15
Disposals of going concerns and certain exports	0
Skills development levy, on remuneration	1
Securities transfer tax; levied on the transfer of listed and unlisted securities	0.25

E. Miscellaneous matters

Foreign-exchange controls. The exchange control regime seeks to monitor and manage the outflow of capital from South Africa and to ensure a measure of stability in currency markets.

In general, some form of permission must be obtained either from an authorized dealer (for example, one of the commercial banks) or from the Financial Surveillance Department of the South African Reserve Bank (SARB) for the remittance of cross-border payments. The SARB has been gradually relaxing foreign-exchange controls.

Debt-to-equity rules. Transfer-pricing principles also extend to thin capitalization. Both the interest rate and the amount of a loan must be based on arm's-length principles. There is currently no safe harbor, and each company must consider its debt-equity mix on an arm's-length basis. Certain exclusions exist (for example, certain headquarter company transactions). South Africa also has stand-alone interest limitation provisions that limit payments that

are economically equivalent to interest (including certain foreign-exchange losses) to 30% of adjusted taxable income (that is, tax earnings before interest, taxes, depreciation and amortization [EBITDA]).

Transfer pricing. The transfer-pricing provisions, relying on the arm's-length principle, apply with respect to any cross-border transaction, operation, scheme, agreement or understanding that are concluded between, or for the benefit of connected persons. Primary and secondary adjustments apply where parties are not transacting at arm's length. The following are key aspects of the legislation:

- Affected transaction means any transaction, operation, scheme, agreement or understanding entered into or effected between or for the benefit of connected parties, as defined, and the terms or conditions are different from arm's-length terms or conditions.
- The arm's-length principle applies to financial transactions.
- If there is a transfer-pricing adjustment, a secondary adjustment is also triggered in the form of a deemed dividend *in specie* to a company, attracting dividends tax at a rate of 20%.
- In general, the SARS accepts the application of the OECD Transfer Pricing Guidelines. Regarding documentation, the adoption of rules largely in line with Chapter V (Documentation) have been formalized into domestic law (including Country-by-Country Report, Master File and Local File).

Anti-avoidance legislation. In addition to transfer-pricing rules (see *Transfer pricing*), South African law contains general anti-avoidance provisions that target "impermissible tax avoidance arrangements." Broadly, an impermissible tax avoidance arrangement is an arrangement that seeks to achieve a tax benefit as its sole or main purpose and was entered into in a manner that would not normally be employed for bona fide business purposes, lacks commercial substance or misuses or abuses other provisions of the tax law. The SARS has wide powers in determining the tax consequences of an impermissible tax avoidance arrangement.

Controlled foreign companies. The controlled foreign company (CFC) legislation regulates the taxation of certain income of CFCs. Key aspects of the legislation are described below.

An amount determined with reference to the CFC's net income, including capital gains, may be imputed proportionately to any South African resident (other than a headquarter company) that holds an interest of 10% or more in that CFC. The net income is calculated using South African tax principles, but generally ignoring passive income flows between CFCs in a 70%-held group.

A foreign company is considered a CFC if any of the following circumstances exists:

- South African residents, other than headquarter companies (see *Headquarter companies*), directly or indirectly hold more than 50% of the participation rights in that foreign company.
- More than 50% of the voting rights in that foreign company is directly or indirectly exercisable by one or more residents.
- The financial results of that foreign company are reflected in the consolidated financial statements (prepared in terms of International Financial Reporting Standards 10) of any company that is a resident other than a headquarter company.

There are additional rules dealing with indirect holdings through, for example, listed companies.

A CFC's income is exempt from imputation to the extent that it is attributable to a "foreign business establishment" (FBE) of that CFC. In broad terms, an FBE is a fixed place of business that is suitably equipped with on-site operational management, employees, equipment and other facilities for conducting the primary operations of the business and that is used for a bona fide business purpose and not for tax avoidance (the place of business may be located elsewhere than in the CFC's home country). Several anti-avoidance exceptions exist with respect to the measure described in this paragraph. Also, if the tax payable to a foreign government equals at least 67.5% of the tax liability that would have arisen in South Africa, no income needs to be imputed into the resident's taxable income due to reliance on a high-tax exemption. There are also other exemptions for specific types of income in certain circumstances.

See Section B for information regarding foreign attributable tax credits and carryforward rules.

Headquarter companies. The headquarter company regime was introduced to encourage foreign companies to use South Africa as their base for investing in Africa. Broadly, headquarter companies are exempt from withholding taxes on dividends, interest and royalties.

A headquarter company is a South African-resident company that has elected to be treated as a headquarter company and that satisfies all of the following conditions:

- Each shareholder (alone or together with any company forming part of the same group of companies) holds 10% or more of the equity shares and voting rights in the headquarter company.
- At least 80% of the cost of the headquarter company's assets (excluding cash) is attributable to investments in equity shares, loans or advances, or intellectual property (IP) in nonresident companies (investee companies) in which the headquarter company holds an equity interest of at least 10%.
- If the gross income of the company exceeds ZAR5 million, at least 50% of that gross income must consist of rentals, dividends, interest, royalties and service fees received from the foreign investee companies contemplated above, or proceeds from the sale of equity shares or IP in such foreign companies. There are certain exclusions regarding foreign-exchange gains or losses.

A headquarter company also has certain reporting requirements.

The CFC imputation rules do not apply to headquarter companies, but these companies are essentially transparent for the purposes of the CFC rules. If more than 50% of the headquarter company's shares is held by South African residents, the underlying foreign subsidiaries of the headquarter company might still be CFCs in the hands of those South African residents. As a result of this concession, the net income of the headquarter company's CFCs is not taxed in its hands, but in the hands of the ultimate shareholders if they are South African residents.

Headquarter companies are also exempt from the transfer pricing rules with respect to financial assistance and IP licensing granted to the foreign investee companies. In the case of back-to-back debt or IP arrangements (for example, the headquarter company borrows from a related foreign lender to on-lend to a foreign investee company), both legs of the transaction are exempt from the transfer pricing rules, but the headquarter company would not be permitted to create losses with such back-to-back arrangements.

Global minimum tax. South Africa is due to enact legislation introducing a global minimum tax with effect from years of assessment commencing on or after 1 January 2024. The global minimum tax will ensure that any multinational enterprise (MNE) group with annual revenue exceeding EUR750 million will be subject to an effective tax rate of at least 15%, regardless of where its headquarters, operations, sales or profits are located.

The proposals contained in the Draft Global Minimum Tax Bill are designed to follow the Global Anti-Base Erosion (GloBE) Model Rules and Commentary, and stipulate that the Top-up Tax be imposed in accordance with the following:

- An Income Inclusion Rule (IIR) that taxes the domestic entity of an MNE group on its allocable share of Top-up Tax arising with respect to the low-taxed income of any foreign group company in which it has a direct or indirect ownership interest
- A Domestic Minimum Top-up Tax (DMTT) that imposes a joint and several tax liability on the domestic entities of an MNE group for any Top-up Tax arising in respect of low-taxed income of those domestic entities (calculated on an aggregate basis but only with respect to entities located in South Africa)

A separate Draft Global Minimum Tax Administration Bill, which has also been released, deals with the administrative aspects of the proposed taxes. The bill proposes to introduce, by reference, the administrative provisions of the GloBE Model Rules in South Africa, while locating them within the existing legislative framework provided by the Tax Administration Act.

F. Treaty withholding tax rates

The rates reflect the lower of the treaty rate and the withholding rate under domestic tax law.

	Dividends (a) %	Interest (b) %	Royalties (c) %
Algeria	10/15 (s)	0/10 (aa)	10 (e)
Australia	5/15 (rr)	0/10 (aa)	10
Austria	5/15 (l)	0	0
Belarus	5/15 (l)	5/10 (bb)	5/10 (pp)
Belgium	5/15 (l)	0/10 (cc)	0 (e)
Botswana	10/15 (s)	0/10 (gg)	10 (e)
Brazil	10/15 (s)	0/15 (dd)	10/15 (j)
Bulgaria	5/15 (l)	0/5 (ee)	5/10 (i)
Cameroon	10/15 (s)	0/10 (aa)	10
Canada	5/15 (t)	10	6/10 (e)(f)
Chile	5/15 (l)	5/15 (ss)	5/10 (qq)
China Mainland	5	0/10 (gg)	7/10 (e)(g)

	Dividends (a) %	Interest (b) %	Royalties (c) %
Congo (Democratic Republic of)	5/15 (l)	0/10 (gg)	10 (e)
Croatia	5/10 (m)	0	5 (e)
Cyprus	5/10 (k)	0	0 (e)
Czech Republic	5/15 (l)	0	10 (e)
Denmark	5/15 (l)	0	0 (e)
Egypt	15	0/12 (hh)	15 (e)
Eswatini	10/15 (s)	0/10 (gg)	10 (e)
Ethiopia	10	0/8 (ii)	20 (e)
Finland	5/15 (t)	0	0 (e)
France	5/15 (t)	0	0 (e)
Germany	7.5/15 (n)	10 (ff)	0
Ghana	5/15 (t)	5/10 (jj)	10 (e)
Greece	5/15 (l)	0/8 (ii)	5/7 (h)
Grenada	0	—	—
Hong Kong	5/10 (t)	10	5 (e)
Hungary	5/15 (l)	0	0 (e)
India	10	0/10 (gg)	10 (e)
Indonesia	10/15 (w)	0/10 (gg)	10 (e)
Iran	10	5	10 (e)
Ireland	5/10 (k)	0	0 (e)
Israel	20	15	0/15 (d)
Italy	5/15 (l)	0/10 (gg)	6 (e)
Japan	5/15 (x)	0/10 (gg)	10 (e)
Kenya	10	10	10
Korea (South)	5/15 (l)	0/10 (gg)	10 (e)
Kuwait	0	0	10 (e)
Lesotho	10/15 (w)	10	10 (e)
Luxembourg	5/15 (l)	0	0 (e)
Malawi	20	10	15
Malaysia	5/10 (m)	0/10 (gg)	5
Malta	5/10	0/10 (gg)	10 (e)
Mauritius	5/10 (t)	10	5 (e)
Mexico	5/10 (k)	0/10 (kk)	10
Mozambique	8/15 (o)	0/8 (ii)	5
Namibia	5/15 (l)	10	10
Netherlands	5/10 (k)(tt)	0	0
New Zealand	5/15 (l)	0/10 (gg)	10
Nigeria	7.5/10 (r)	0/7.5 (ll)	7.5 (e)
Norway	5/15 (l)	0	0 (e)
Oman	5/10	0	8
Pakistan	10/15 (w)	0/10 (gg)	10 (e)
Poland	5/15 (l)	0/10 (gg)	10
Portugal	10/15 (y)	0/10 (gg)	10
Qatar	5/10 (k)	10	5
Romania	15	15	15
Russian Federation	10/15 (z)	0/10 (gg)	0
Rwanda	10/20 (u)	0/10 (gg)	10
Saudi Arabia	5/10 (k)	5	10
Seychelles	5/10 (k)	0	0
Sierra Leone	0	—	—
Singapore	5/10 (k)	7.5	5 (e)
Slovak Republic	5/15 (l)	0	10
Spain	5/15 (l)	5 (mm)	5 (e)
Sweden	5/15 (t)(tt)	0	0 (e)

	Dividends (a) %	Interest (b) %	Royalties (c) %
Switzerland	5/15 (q)	5	0
Taiwan	5/15 (t)	10	10 (e)
Tanzania	10/20 (v)	0/10 (gg)	10
Thailand	10/15 (s)	0/10/15 (nn)	15
Tunisia	10	0/5/12 (oo)	10
Türkiye	10/15 (s)	0/10 (gg)	10
Uganda	10/15 (s)	0/10 (gg)	10 (e)
Ukraine	5/15 (q)	0/10 (gg)	10
United Arab Emirates	5/10 (k)	10	10 (e)
United Kingdom	5/10/15 (p)	0	0 (e)
United States	5/15 (t)	0	0 (e)
Zambia	—	—	—
Zimbabwe	5/10 (m)	5	10 (e)
Non-treaty jurisdictions	20	15	15

(a) Dividends are subject to withholding tax in South Africa at a rate of 20%, unless reduced by tax treaties as shown in the table above.

(b) Interest withholding tax at a rate of 15% applies to South African-source interest paid to nonresidents. Certain exemptions and exclusions apply. Domestic rates can be reduced by tax treaties as shown in the table above.

(c) Royalties withholding tax at a rate of 15% applies to South African-source royalties paid to nonresidents. Certain exemptions and exclusions apply. Domestic rates can be reduced by tax treaties as shown in the table above.

(d) In general, royalties are exempt if they are subject to tax in Israel. For film royalties, however, the rate is 15%.

(e) The rate applies only if the recipient is the beneficial owner of the royalties.

(f) The 6% rate applies to royalties paid for copyrights of literary, dramatic, musical or other artistic works (excluding royalties with respect to motion picture films, works on film or videotape or other means for use in connection with television broadcasting), as well as for the use of, or the right of use, computer software, patents or information concerning industrial, commercial or scientific experience (excluding information provided in connection with a rental or franchise agreement). The 10% rate applies to other royalties.

(g) The 10% rate applies to royalties paid for copyrights of literary, artistic or scientific works, including cinematographic films, tapes, discs, patents, know-how, trademarks, designs, models, plans or secret formulas. The 10% rate applies to the "adjusted amount" of royalties paid (that is, 70% of the gross amount of royalties) for industrial, commercial or scientific equipment. This effectively provides a 7% rate on the gross royalties paid.

(h) The 5% rate applies to royalties paid for copyrights of literary, artistic and scientific works. The 7% rate applies to royalties paid for patents, trademarks, designs, models, plans or secret formulas, as well as for industrial, commercial or scientific equipment.

(i) The 5% rate applies to royalties paid for copyrights of cultural, dramatic, musical or other artistic works or for industrial, commercial and scientific equipment. The 10% rate applies to other royalties.

(j) The 15% rate applies to royalties paid for the use of trademarks. The 10% rate applies to other royalties.

(k) The 5% rate applies if the beneficial owner is a company that owns at least 10% of the shares. The 10% rate applies to other dividends.

(l) The 5% rate applies if the beneficial owner is a company that owns at least 25% of the shares. The 15% rate applies to other dividends.

(m) The 5% rate applies if the beneficial owner is a company that owns at least 25% of the shares. The 10% rate applies to other dividends.

(n) The 7.5% rate applies if the beneficial owner is a company that owns at least 25% of the shares or voting power. The 15% rate applies to other dividends.

(o) The 8% rate applies if the beneficial owner is a company that owns at least 25% of the shares. The 15% rate applies to other dividends.

(p) The 5% rate applies if the beneficial owner is a company that owns at least 10% of the shares. The 15% rate applies to qualifying dividends paid by a property investment company that is a resident of a contracting state. The 10% rate applies to other dividends.

(q) The 5% rate applies if the beneficial owner is a company that owns at least 20% of the shares. The 15% rate applies to other dividends.

(r) The 7.5% rate applies if the beneficial owner is a company that owns at least 10% of the shares or voting power. The 10% rate applies to other dividends.

(s) The 10% rate applies if the beneficial owner is a company that owns at least 25% of the shares. The 15% rate applies to other dividends.

(t) The 5% rate applies if the beneficial owner is a company that owns at least 10% of the shares. The higher rate applies to other dividends.

(u) The 10% rate applies if the beneficial owner is a company that owns at least 25% of the shares. The 20% rate applies to other dividends.

(v) The 10% rate applies if the beneficial owner is a company that owns at least 15% of the shares. The 20% rate applies to other dividends.

(w) The 10% rate applies if the beneficial owner is a company that owns at least 10% of the shares. The 15% rate applies to other dividends.

(x) The 5% rate applies if the beneficial owner is a company that owns at least 25% of the voting shares of the company paying the dividends during the six-month period immediately before the end of the accounting period for which the distribution of profits takes place. The 15% rate applies to other dividends.

(y) The 10% rate applies if the beneficial owner is a company that owns at least 25% of the shares for an uninterrupted period of two years before the payment of the dividend. The 15% rate applies to other dividends.

(z) The 10% rate applies if the beneficial owner is a company that owns at least 30% of the shares in the company paying the dividends, and holds a minimum direct investment of USD100,000 in that company. The 15% rate applies to other dividends.

(aa) The 0% rate applies to government institutions and unrelated financial institutions. The 10% rate applies in all other cases.

(bb) The 5% rate applies to banks or other financial institutions. The 10% rate applies in all other cases.

(cc) The 0% rate applies to commercial debt claims, public financial institutions or public entities under a scheme for the promotion of exports, loans and deposits with banks and interest paid to the other contracting state. The 10% rate applies in all other cases.

(dd) The 10% rate applies to government institutions. The 15% rate applies in all other cases.

(ee) The 0% rate applies to government institutions. The 5% rate applies in all other cases.

(ff) The 10% rate applies to government institutions.

(gg) The 0% rate applies to government institutions. The 10% rate applies in all other cases.

(hh) The 0% rate applies to government institutions. The 12% rate applies in all other cases.

(ii) The 0% rate applies to government institutions. The 8% rate applies in all other cases.

(jj) The 5% rate applies to banks. The 10% rate applies in all other cases.

(kk) The 0% rate applies to government institutions and interest paid on loans or credits for periods of no less than three years that are granted, guaranteed or insured by a financial or credit institution that is wholly government-owned.

(ll) The 0% rate applies to government institutions. The 7.5% rate applies in all other cases.

(mm) The 5% rate applies to government institutions and interest paid on long-term loans (seven years or more) granted by banks or other credit institutions that are resident in a contracting state.

(nn) The 0% rate applies to government institutions. The 10% rate applies to financial institutions (including insurance companies). The 15% rate applies in all other cases.

(oo) The 0% rate applies to government institutions. The 5% rate applies to banks. The 12% rate applies in all other cases.

(pp) The 5% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment, or transport vehicles. The 10% rate applies in all other cases.

(qq) The 5% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment. The 10% rate applies in all other cases.

(rr) The 5% rate applies if the dividend is paid out of profits that have borne the normal rate of company tax and if the beneficial owner is a company that owns at least 10% of the shares. The higher rate applies to other dividends.

(ss) The 5% rate applies to interest on loans from banks and insurance companies, bonds and securities traded on a recognized securities market and credit sales of machinery or equipment if the seller is the beneficial owner of the items. The 15% rate applies in all other cases.

(tt) Based on the most-favored-nation clause, the rate is reduced to 0%, subject to the protocol between South Africa and Kuwait being ratified by both parties.

South Africa is in the process of negotiating, finalizing, signing or ratifying new treaties, or protocols to existing treaties, with several jurisdictions, including, among others, Eswatini, Gabon, Germany, Kuwait, Luxembourg, Malawi, Mozambique, Netherlands, Senegal, Sudan, Switzerland and Zambia.

South Sudan

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The exchange rate for the South Sudanese pound (SSP) against the US dollar (USD) was SSP1092.12 = USD1 as of 31 December 2023.

A. At a glance

Corporate Income Tax Rate (%)	30 (a)
Capital Gains Tax Rate (%)	30 (a)(b)
Branch Tax Rate (%)	30 (a)(c)
Withholding Tax (%)	
Dividends	10 (d)(e)
Interest	10 (d)(e)
Royalties	10 (d)
Rent and Associated Services Costs	20 (d)(e)
Technical Fees	20 (e)(f)
Government Contracts	20 (d)(e)
Lottery and Other Gaming Winnings	20 (d)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) See Section B.
(b) Capital gains are recognized as business income, while capital losses are recognized as business losses.
(c) The taxation of a branch is similar to that of a company or subsidiary.
(d) This withholding tax applies to payments to both residents and nonresidents.
(e) This is considered to be an advance tax.
(f) This withholding tax applies only to payments to nonresidents.

B. Taxes on corporate income and gains

Corporate income tax. Business organizations pay South Sudan corporate income (business profits) tax. Business organizations are organizations that are required to be registered under the

provisions of the Taxation Act except for insurance companies and individuals.

A resident taxpayer is a company, partnership or other entity that is established in South Sudan or that has its place of effective management in South Sudan. Taxable profit for a resident taxpayer is the taxable profit from South Sudan and foreign sources. Also, see *General* in Section C.

Corporate tax rates. The corporate income tax rate is 30%. The previous sector-based rates that depended on the level of turnover and sector classification introduced by 2019-20 Finance Act were abolished through the 2021-22 Finance Act.

Capital gains. Capital gains are recognized as business income, while capital losses are recognized as business losses.

Administration. The tax period is the calendar year. The law does not allow for a change of the tax period from the calendar year.

A company must make payments for each quarter by 15 April, 15 July, 15 October and 15 January. The payments are estimated on a current year or prior year basis. The tax balance, if any, must be paid by 1 April of the following year. A company must file the tax return on or before 1 April of the year following the tax year.

Late filing of a return results in a penalty of 5% of the tax reportable on the return per month, up to a maximum of 25% of the tax reportable. Late payment of tax results in a penalty of 5% per month until the tax is paid. The interest rate payable on late payment of tax is published annually by the Commissioner General of the National Revenue Authority and is 120% of the prime commercial rate (this is the average rate that commercial banks in South Sudan charge other banks and financial institutions).

Dividends and interest. A 10% withholding tax is imposed on payments of dividends and interest. This tax is deemed to be an advance payment of tax.

Foreign tax relief. Tax paid by resident taxpayers that derive profits from business activities outside South Sudan through permanent establishments is allowed as a foreign tax credit if the jurisdiction (country) in which the permanent establishment is located allows similar treatment for tax paid in South Sudan.

Relief for foreign taxes paid will also be granted in accordance with tax treaties with other countries.

C. Determination of business profits

General. Business profit is accounting income adjusted for certain non-taxable income and nondeductible expenses, such as depreciation. Expenses are deductible if incurred wholly and exclusively in the production of income. The 2023-24 Finance Act amended the object of business profit tax to provide that business profit tax shall be charged on either the taxable profit or net profit of a taxpayer. Previously, business profit tax was only chargeable on "taxable profit," which the Taxation Act defines as the difference between gross income earned or received during the tax period and any deductions allowable under the Taxation Act.

Representation costs are all costs related to the promotion of the business or its products. These are allowed as deductible expenses, up to a maximum of 2% of gross income.

Inventories. The normal accounting basis of the lower of cost or net realizable value is generally accepted for tax purposes.

Bad debts. Bad debts are allowable deductions if they meet the stipulated conditions contained in the Taxation Act.

Tax depreciation. Depreciation charged in the financial statements is not deductible for tax purposes. It is replaced by the following tax depreciation allowances.

Asset class	Description	Rate (%)	Method
Category 1	Buildings and other structures	10	Straight line (a)
Category 2	Vehicles, office equipment and computers	33	Reducing balance (b)
Category 3	All other property	25	Reducing balance (b)

(a) The initial cost for buildings and other structures includes taxes, duties and interest attributable to the property before they are placed in service.
(b) Expenditure on property in Categories 2 and 3 of less than SSP1,000 is allowed as a current expense.

Amounts expended on repair, maintenance or improvement of a category of capital assets are allowed as deductions, up to a maximum of 5% of the written-down value of that category of capital assets.

Relief for losses. Business losses can be carried forward for up to five successive tax periods and may be claimed as a deduction against any income in those years.

Groups of companies. The income tax law does not permit consolidated returns combining the profits and losses of affiliated companies or the transfer of losses from loss companies to profitable members of the same group of companies.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Sales tax; on the production and importation of goods into South Sudan and on the supply of specified services	
General rate	18
Social security scheme	5/8/17
(The country has not yet set up a national social security scheme. However, deductions of 5% from wages and employer contributions of 15% of wages are required. A lower rate of 5% applies only to government employees.)	

E. Miscellaneous matters

Foreign-exchange controls. The Bank of South Sudan imposes certain foreign-exchange controls. In December 2015, the fixed exchange rate regime was phased out and a free-market exchange rate regime was introduced.

Transfer pricing. The arm's-length price should be determined under the comparable uncontrollable price method. If this is not possible, the resale-price method or the cost-plus method can be used.

Debt-to-equity rules. No debt-to-equity ratio restrictions are imposed.

F. Tax treaties

South Sudan has signed tax treaties with Morocco and the United Arab Emirates. Both treaties have yet to be ratified.

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A. At a glance

Corporate Income Tax Rate (%)	25 (a)
Capital Gains Tax Rate (%)	25 (b)
Branch Tax Rate (%)	25
Withholding Tax (%)	
Dividends	19 (c)
Interest	19 (d)
Royalties from Patents, Know-how, etc.	19/24 (d)
Branch Remittance Tax	19 (e)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited

(a) Other rates apply to specific entities. See Section B.
(b) Certain capital gains are generally exempt from tax or are subject to tax at a reduced rate. See Section B.
(c) Certain dividends are exempt from tax. See Section B.
(d) Certain interest and royalties are exempt from tax. See Section B.
(e) Exceptions may apply to this rate. See Section B.

B. Taxes on corporate income and gains

Corporate income tax. Corporate tax is imposed on the income of companies and other entities and organizations that have a separate legal status. Resident entities are taxable on their worldwide income. The following entities are considered to be resident entities:

- An entity incorporated under Spanish law
- An entity having its legal headquarters in Spain or its effective place of management in Spain

In addition, the tax authorities may presume that an entity resident in a tax haven or in a country with no income taxation is tax resident in Spain if any of the following circumstances exist:
- The majority of its assets is directly or indirectly located in Spain.
- A majority of its rights may be exercised in Spain.
- The principal activity of the entity is carried out in Spain.

The above measure does not apply if business reasons justify the effective performance of operations and exercise of management in such foreign jurisdiction.

Nonresident entities are taxable only on Spanish-source income, which includes income from any kind of business activity conducted in Spain through a branch, office or other permanent establishment. Nonresident companies or individuals must appoint a fiscal representative if they are conducting business activities in Spain through a permanent establishment (exceptions apply) or if certain other specified circumstances occur.

Tax rates. The general tax rate for residents and nonresidents that conduct business activities in Spain through a permanent establishment is 25%.

For tax periods starting on or after 1 January 2022, a minimum tax payment of 15% corporate tax over the taxable base has been introduced. The taxable base is calculated as the accounting profit plus or minus book-to-tax adjustments (such as the disallowance or limitation of certain expenses or participation exemption). This minimum tax payment applies to the following groups:
- Companies that had more than EUR20 million in revenue during the 12 months preceding the start of the tax year
- Companies that are taxed as part of a tax unity (for example, consolidated tax group), regardless of their revenue
- Foreign companies that obtain income through a Spanish permanent establishment and are subject to the nonresidents income tax

Companies may not use credits and incentives (for example, research and development (R&D) tax credits) to reduce their income tax liability below the minimum tax threshold, except for foreign tax credits and certain tax incentives (*bonificaciones*), which must be applied first. The tax liability resulting from applying the general corporate income tax rate to the taxable base and after the application of certain tax credits may not be below this minimum corporate income tax liability. Unutilized tax credit resulting from this new rule may be carried forward.

Newly incorporated entities carrying out business activities are taxed at a special rate of 15% in the first fiscal year in which the entity has a positive tax base and in the following year, regardless of the amount of the tax base (a 10% minimum tax payment applies to newly created companies for tax periods starting on or after 1 January 2022). However, this special tax rate does not apply in certain cases, such as the following:

- Newly incorporated entities carrying out economic activities previously carried out by related entities
- Newly incorporated companies belonging to a group of companies
- Entities qualifying as passive entities (*entidades patrimoniales*), which are entities that have more than 50% of their assets constituted by shares or other assets not linked to a business activity

For tax periods initiated on or after 2023, the general tax rate is reduced from 25% to 23% for those entities (small-sized companies) with a turnover not exceeding EUR1 million during the 12 months preceding the start of the tax year.

Additionally, entities that have the status of "start-up" company in accordance with requirements regulated in Law 28/2022 will be taxed at a special rate of 15% in the first fiscal year in which the entity has a positive tax base and in the following three years.

In addition to other tax benefits, companies licensed to operate in the Canary Islands Special Zone (Zona Especial Canaria, or ZEC) are subject to a reduced tax rate of 4% if certain conditions are satisfied. This reduced rate applies up to a maximum amount of taxable income, equaling the lesser of the following:

- The ratio of income derived from qualified ZEC transactions with respect to total income
- The amount resulting from the sum of the following amounts:
  - EUR1, 800,000 for those entities within the ZEC that fulfill the minimum job creation requisites (that is creation of three or five jobs annually, depending on the island)
  - An additional EUR500,000 for each job created exceeding the minimum job creation requirements, up to 50 jobs

The tax reduction resulting from the application of the above rule (this reduction is calculated by comparing the corporate income tax paid to the tax that would have been due under the general corporate income tax rate) cannot be greater than the following:

- 17.5% of the ZEC entity's turnover for an entity in the industrial sector
- 10% of the ZEC's entity's turnover for an entity in a different sector

Specific tax rates apply to, among others, non-governmental organizations, charities, certain cooperatives, investment fund entities meeting certain requirements and financial institutions.

In general, nonresidents operating in Spain without a permanent establishment are taxable at a rate of 24%. This tax rate is reduced to 19% for income derived by European Union (EU) or European Economic Area (EEA) tax residents in a jurisdiction with which an effective exchange of tax information agreement is in place. Nonresidents without a permanent establishment that operate in Spain and that are resident in an EU Member State and that can prove that their expenses are directly linked to their Spanish-source income and have a "direct and fully inseparable nexus" with the activity performed in Spain may deduct any expenses allowed by the following:

- The Personal Income Tax Law, as provided in Law 36/2006, 28 November (this law also refers to the Corporate Income Tax

Law to determine the net tax base in the case of economic activities), if they are individuals
- The Corporate Income Tax Law (27/2014), if they are legal entities

Dividends and interest received by nonresidents are subject to a final withholding tax of 19%. As a result of a change in the Spanish Personal Income Tax Law, share premium distributions made to non-Spanish resident shareholders may be treated as dividend distributions instead of a return of basis and therefore subject to withholding tax under the general rules.

The tax rate applicable to income from reinsurance operations is 1.5%. A 4% tax rate applies to Spanish-source income generated by companies resident abroad operating ships and aircraft in Spain.

Interest income is exempt from tax if the recipient is resident in an EU Member State or, effective 1 January 2021, in a state in the EEA under an effective exchange of information with Spain (or if the recipient is an EU/EEA permanent establishment of a resident in another EU Member State or the EEA) that is not on the Spanish tax haven list. Interest paid to nonresidents on Spanish Treasury obligations is exempt from tax. Income derived by nonresidents without a permanent establishment in Spain from bonds issued in Spain by nonresidents without a permanent establishment in Spain and from bank accounts is exempt from tax in Spain.

Distributions by Spanish subsidiaries to parent companies in EU Member States that are not on the Spanish list of non-cooperative jurisdictions (see Section E for further details on this list) are exempt from withholding tax if the parent company owns directly or indirectly at least 5% of the subsidiary for an uninterrupted period of at least one year and if certain other requirements are met. The one-year holding period requirement may be satisfied at the date of the distribution or subsequent to such date. An anti-avoidance provision applies in situations in which the majority of voting rights are vested in non-EU tax residents.

Royalties paid to associated EU resident companies or permanent establishments are exempt from tax in Spain if specific conditions are met.

In addition to nonresident income tax at a rate of 25%, nonresidents operating in Spain through a permanent establishment are subject to a branch remittance tax at a rate of 19%, unless one of the following exemptions applies:
- Branches of EU resident entities, other than tax-haven residents, are exempt from the tax.
- A branch can be exempt from tax if Spain and the country of residence of its head office have entered into a double tax treaty that does not provide otherwise and grants reciprocal treatment.

Patent Box Regime. Under the Patent Box Regime, a 60% exemption is granted for net income derived from the licensing of certain qualifying intellectual property (IP), including registered advance software that derives from R&D activities. Such income is considered only in the proportion of the amount resulting from the application of a specified ratio. The following are the rules for calculating the ratio:

- The numerator consists of the expenses incurred by the licensing entity that are directly related to the creation or development of the IP, including those incurred from outsourcing to unrelated third parties in this regard. These expenses are increased by 30%, subject to the limit of the amount included in the denominator.
- The denominator consists of the expenses incurred by the licensing entity that are directly related to the creation of the IP, including those related to the outsourcing from either related or unrelated parties and, if applicable, the acquisition of the IP.

Under the regime, expenses with respect to works related to the development of the IP that are subcontracted to related parties are included in the denominator, but not the numerator. Therefore, to the extent that the works related to the development of the IP are subcontracted to related parties, the reduction is less than 60% (that is, the lower the numerator in comparison with the denominator, the lower the percentage of reduction).

The net income qualifying for the reduction is calculated as the positive difference between the following two amounts:
- The revenues derived from the licensing of the right to use or exploit the assets or from the transfer of the assets
- The costs incurred by the company that are directly related to the creation of the assets and have not been included in the value of such assets, the amounts deducted as depreciation, and the costs that have been included in the corporate income tax base

This exemption also applies to the net income from the transfer of the qualifying IP.

To qualify for the exemption, the following requirements must be met:
- The licensee must use the licensed IP assets in an economic activity. This use cannot result in the sale of goods or provision of services to the licensor that generates deductible expenses for the licensor if the licensor and the licensee are related parties.
- The licensed entity must not be resident in a no-tax or prohibited list jurisdiction.
- If any additional goods or services are included in the licensing agreement, the consideration for such services must be included separately in the agreement.
- Accounting books for determining the income and direct expenses with respect to each of the licensed assets must be maintained. Income to be reduced is considered net of depreciation and of expenses directly related to such asset in the relevant period.

Transitory regime. The regulation provides for a transitory regime for pre-July 2016 licensing agreements. The taxpayer needs to select the option on the tax form corresponding to the 2016 fiscal year.

For licensing agreements entered into before 29 September 2013, the licensing entities may opt to continue applying the original Spanish Patent Box Regime, which entered into force on 1 January 2008.

For licensing agreements entered into from 30 September 2013 to 30 June 2016, the licensing entities may opt for applying the Spanish Patent Box Regime in accordance with the law in force from 1 January 2015.

In general, these transitory regimes will remain applicable until 30 June 2021. After this date, the amended Spanish Patent Box Regime will be the only applicable regime.

In addition, gains derived from the sale of the IP assets made from 1 July 2016 to 30 June 2021 (or, exceptionally until 31 December 2017 regarding certain sales occurring between related parties) may also benefit from the application of the reduction in accordance with the law in force as of 1 January 2015. The option should be made in the tax form corresponding to the period in which the assets are sold.

Capital gains. Spanish law generally treats capital gains as ordinary income taxable at the regular corporate tax rate.

Capital gains realized by nonresidents without a permanent establishment in Spain are taxed at a rate of 19%. Capital gains on movable property, including shares, are exempt from tax if the recipient is resident in an EU country that is not on the Spanish tax haven list or (effective 1 January 2021) in a state in the EEA under an effective exchange of information with Spain, unless the gains are derived from the transfer of shares and any of the following circumstances exists:

- The company's assets directly or indirectly consist primarily of Spanish real estate.
- For an EU/EEA shareholder who is an individual, he or she has held at least a 25% interest in the Spanish company at any time during the prior 12 months.
- For an EU/EEA shareholder that is a legal person, it has not held a minimum ownership percentage of 5% and a one-year minimum holding period in the subsidiary has not been met.

If a nonresident that does not have a permanent establishment in Spain disposes of Spanish real estate, a 3% tax is withheld by the buyer from the sale price, with certain exceptions. The tax withheld constitutes an advance payment on the final tax liability of the seller.

Capital gains derived by nonresidents without a permanent establishment in Spain from the reimbursement of units in Spanish investment funds or from the sale of shares traded on a Spanish stock exchange are exempt from tax in Spain if the seller is resident in a jurisdiction that has entered into a tax treaty with Spain containing an exchange of information clause.

Administration. The tax year is the same as the accounting period, which may be other than a calendar year. The tax year may not exceed 12 months. The tax return must be filed within 25 days after six months following the end of the tax year. In April, October and December of each calendar year, companies and permanent establishments of nonresident entities or individuals must make payments on account of corporate income tax or nonresidents income tax, respectively, equal to one of the following:

- Eighteen percent of the tax liability for the preceding tax year.

- An amount calculated by applying 19/20 (for entities with net turnover of more than EUR10 million) or 5/7 (for entities with net turnover not exceeding EUR10 million) of the corporate income tax rate (that is, 24% or 17%, respectively, if the corporate tax rate is the general rate of 25%) to the profits for the year as of the end of the month preceding the date of the payment and then subtracting from the result tax withheld from payments to the company and advance payments of tax previously made. This alternative is compulsory for companies with turnover of more than EUR6 million in the immediately preceding tax year.
- For taxpayers with net turnover of more than EUR10 million in the immediately preceding tax year, a minimum interim payment of 23% of the taxpayer's accounting result after taxes (regardless of eventual applicable book-to-tax adjustments and the pending application of a tax-loss carryforward), reduced by the amount of previous payments on account corresponding to the same fiscal year. As a result, for taxpayers with net turnover of more than EUR10 million, the interim payment is the higher of the following:
  - 24% to the profits (tax base) for the year as of the end of the month preceding the date of the payment, reduced by the tax withheld from payments to the company and advance payments of tax previously made
  - 23% of the positive accounting profit for the year as of the end of the month preceding the date of the payment, reduced by tax withheld from payments to the company and advance payments of tax previously made

Statute of limitations. Although the Spanish tax law provides that the statute of limitations period is four years, the Corporate Income Tax Act provides that tax losses and tax credits may be subject to tax audit for a period of 10 years from the tax year of generation. It also contains provisions enabling the tax auditors to review transactions implemented in statute-barred years if they produce effects in non-statute barred periods.

Participation exemption regime and foreign tax relief. The exemption method may be used to avoid double taxation on dividends received from Spanish resident and non-Spanish resident subsidiaries and on capital gains derived from transfers of shares issued by such companies. However, as a result of the 2021 Budget Bill, effective for fiscal years starting on or after 1 January 2021, the former full participation exemption method on qualifying dividends and capital gains is reduced to a 95% partial exemption. Consequently, a 1.25% (1.50% for financial entities) effective tax rate should be expected on these sources of income. Exceptionally, a full participation exemption may still be available for a three-year period under certain conditions to avoid double taxation of dividends or capital gains flowing from newly incorporated entities.

To qualify for this exemption, the following requirements must be met:

- At the time of the distribution of the dividend or the generation of the capital gain, the Spanish company has owned, directly or indirectly, at least 5% of the share capital of the resident or non-resident company for an uninterrupted period of at least one

year. For dividends, the one-year period can be completed after the distribution. In addition, the time period in which the participation is held by other group entities is taken into account for purposes of the computation of the one-year period.
- For foreign companies only, a minimum level of (nominal) taxation of 10% is required under a foreign corporate tax system similar to Spain's corporate tax system. This requirement is considered to be met if the subsidiary is resident in a country that has entered into a double tax treaty with Spain containing an exchange-of-information clause.
- The foreign company is not resident in a country identified by the Spanish tax authorities as a tax haven.

The new Spanish Corporate Income Tax Act eliminates the so-called "business activity test," commonly referred to as the 85/15 rule. However, the potential impact of the new controlled foreign company (CFC) rules (see Section E) need to be taken into account because capital gains derived from the transfer of shares may not benefit from the participation exemption regime if the subsidiary has registered CFC income in excess of certain thresholds. In addition, a new anti-hybrid measure prevents the application of the participation exemption if the dividend constitutes a deductible expense for the payer.

If the exemption method does not apply, a tax credit is allowed for underlying foreign taxes paid by a subsidiary on the profits out of which dividends are paid and for foreign withholding taxes paid on dividends.

The credit method (see below) and exemption method cannot be used with respect to the same income. Tax credits granted under the credit method may be carried forward indefinitely.

A tax credit is available for resident entities deriving foreign-source income that is effectively taxed abroad. Such credit is equal to the lesser of the following:
- The Spanish corporate tax payable in Spain if the foreign income had been obtained in Spain
- The tax effectively paid abroad on the foreign-source income (in accordance with applicable double tax treaty provisions)

Foreign portfolio holding company regime. A special tax regime applies to companies that have foreign portfolio holding company (*entidades de tenencia de valores extranjeros* or ETVE) status. ETVEs are ordinary Spanish companies engaged in the administration and management of participations in the equity of nonresident entities. ETVEs may also be engaged in other activities. In addition to the 95% exemption for dividends and capital gains derived from shares in qualifying foreign companies as described in *Participation exemption regime and foreign tax relief*, an ETVE benefits from certain other tax advantages, including the following:

- No withholding tax is imposed on distributions made by ETVEs out of reserves derived from tax-exempt foreign-source dividends and capital gains to nonresident shareholders who are not tax-haven residents.
- Capital gains derived by foreign shareholders of ETVEs from transfers of shares in ETVEs are not taxed to the extent that the capital gain corresponds to qualifying exempt dividends and

gains (realized or unrealized) derived at the ETVE level if the shareholder is not resident in a tax haven.

C. Determination of taxable income

General. Taxable income is the company's gross income for the tax year, less certain deductions. It is determined from the annual financial statements prepared under Spanish generally accepted accounting principles (Spanish GAAP), as adjusted under certain statutory tax provisions. Spanish GAAP follows several criteria contained in International Financial Reporting Standards (IFRS).

In general, all necessary expenses incurred in producing income during the year and depreciation on income-producing property may be deducted from gross income to arrive at taxable income.

Certain items are not deductible from gross income, such as the following:

- Penalties and fines.
- Corporate income tax payments.
- Gifts and donations (gifts to customers are deductible up to an amount equal to 1% of a company's turnover).
- Expenditures for the improvement or enhancement of capital assets.
- Amounts directly or indirectly remunerating own equity (for example, dividends and other payments made by entities in favor of their shareholders).
- Expenses related to services carried out by persons or entities that are resident in a listed tax haven, unless the taxpayer can prove that the expense relates to an effectively performed transaction.
- Depreciation charges that exceed the maximum rates prescribed by law, unless it can be demonstrated that the rates used correspond to the actual depreciation incurred.
- Interest expenses on intragroup financing related to the acquisition (or equity increase) of a participation in group entities, unless valid business reasons for such transactions are proven.
- Losses from foreign permanent establishments, unless the permanent establishment is transferred or closed down. In the event that the permanent establishment is closed down, the losses may be reduced by the amount of previous exempt income.
- Capital losses derived from the sale of a permanent establishment.
- Losses from members of Temporary Business Alliances (Uniones Temporales de Empresas) operating abroad, unless the interest is transferred or the relevant Temporary Business Alliance is closed down.

Deduction of losses derived from the impairment of tangible assets, intangible assets (including goodwill), real estate assets and shares of subsidiaries is deferred until they are sold to third parties or, if they are depreciated, during their useful life.

Deduction of losses arising from the transfer of tangible assets, intangible assets, real estate assets and debt securities between entities in the same group of companies (as defined by Article 42 of the Commercial Code) is deferred until the earliest of the following periods:

- The period in which the assets are further written off by the buyer
- The period in which the buyer resells the assets to a third party outside the group of companies
- The period in which the seller or the buyer leaves the group of companies

For depreciable assets, the deduction is claimed during their useful life.

Deduction of tax losses derived from the sale of shares in subsidiaries in which the buyer is a company of the same group of companies as the seller is deferred until the shares are resold to a third party outside the group or until the buyer or the seller leaves the group of companies. However, such deferred tax losses are deductible only with respect to the sale of non-qualifying participations (see *Participation exemption regime and foreign tax relief* in Section B); in the case of nonresident subsidiaries, they must also meet the 10% minimum taxation requirement. In addition, the tax losses may be reduced by the exempt gains recognized by the related-party buyer on the sale to a third party outside the group.

Capital losses derived from the sale of qualifying participations are not deductible.

Capital losses derived from the sale of non-qualifying participations may be deductible, but reduced by the amount of exempt dividends received since 2009 and by the amount of exempt gains recognized by a related-party seller in the purchase by the Spanish company.

The deduction of losses derived by the dissolution of subsidiaries may be reduced by exempt dividends recognized in the preceding 10 years.

Capitalization reserve. Taxpayers may reduce their tax base by an amount equal to 10% of the increase of their net equity in a given year if they book a non-distributable reserve corresponding to the tax base reduction and keep it in their balance sheet for five fiscal years.

The reduction is calculated as 10% of the difference between the net book value of the company at the beginning of the year (excluding the preceding year's accounting result) and the net book value at the end of the financial year after deducting negative adjustments, up to a maximum limit of the positive taxable base before the utilization of any tax loss carryforward. Any amount exceeding this limit will be carried forward to the following two years.

Hybrid instruments. The new Spanish Corporate Income Tax Act introduces certain amendments to anti-abuse rules in accordance with the Organisation of Economic Co-operation and Development (OECD) Base Erosion Profit Shifting (BEPS) project. In this regard, a special anti-abuse provision for hybrid instruments prevents the deductibility of expenses incurred in transactions with related parties in which as a result of different tax characterizations, any of the following circumstances would exist:

- Income would not be subject to tax.
- No income would be generated to the counterparty.
- The income would be subject to a nominal tax rate below 10%.

In addition, intragroup profit-sharing loans are characterized as equity instruments for Spanish tax purposes. Consequently, interest expenses derived from profit-participating loans are not tax deductible for the borrower. In line with such treatment, interest income derived from intragroup profit-sharing loans qualifies as a dividend that is exempt for the lender under the participation exemption regime (see Section B).

Furthermore, Spain has implemented the EU Anti-Tax Avoidance Directive (Council Directive 2017/952 of 29 May 2017 or EU ATAD 2) into the Spanish corporate income tax and nonresident income tax provisions, effective from 11 March 2021. Under these newly implemented rules, expenses are not deductible or income must be taken into account, if specified mismatches occur, such as deductions without inclusion, double deductions, hybrid or disregarded permanent establishments or dual residencies. Legal and factual analysis is necessary to determine whether a specified transaction or arrangement falls within the definition of non-permitted mismatches.

Inventories. The corporate tax law does not prescribe permissible methods for the valuation of inventory. Consequently, any valuation method allowed under the Spanish accounting rules may be used for tax purposes. Weighted average price is the generally accepted method, but first-in, first-out (FIFO) is also accepted. A common method is required with regard to inventories of the same nature and use.

Provisions. Provisions that are properly recorded are generally tax-deductible except for those specified by law.

Depreciation. All fixed or movable tangible assets (except land) that are owned by and used in the trade or business of a company are depreciable if their useful life exceeds a tax year. Intangible assets, such as patents, may be amortized during their useful life if they depreciate and have a limited and clearly defined useful life. Intangible assets whose useful life cannot be estimated reliably are amortized at an annual rate of 5%.

Goodwill is amortized at an annual rate of 5%.

Under certain conditions, Spanish-resident entities may amortize for tax purposes the financial goodwill embedded in shares of qualified foreign subsidiaries with respect to the following acquisitions:

- Acquisitions carried out before 21 May 2011 in non-EU countries if it can be proven that cross-border mergers cannot be accomplished
- Other acquisitions carried out before 21 December 2007

The amortization of financial goodwill is set at a maximum rate of 5%.

Depreciation methods are restricted to the straight-line method and the declining-balance method. The straight-line method may be used for any depreciable asset. The declining-balance method may be used only for certain new tangible assets (industrial and

farming machinery, vehicles, information systems and so forth) that have an anticipated useful life of three years or more.

The basis for depreciation is the acquisition price of assets purchased by the company or the manufacturing cost of assets manufactured by the company. The acquisition price includes all related costs, such as customs duties, transportation costs and installation expenses.

Maximum depreciation rates for tax purposes are fixed by law. The following are general straight-line rates and periods of depreciation for certain assets.

Asset	Maximum rate %	Maximum period of depreciation years
Commercial buildings	2	100
Industrial buildings	3	68
Office equipment	10 or 15	20 or 14
Motor vehicles	16	14
Plant and machinery	10 or 12	20 or 18
Computers	25	8

Companies may use higher rates if they can demonstrate that the actual depreciation is in excess of that allowed by law.

To be deductible, the depreciation amount must be recorded in the company's accounting books and must be "effective"; that is, it must correspond to the actual depreciation of the asset. The second condition is met if the depreciation amount is calculated in accordance with the rates prescribed by law or with other rates that have been expressly approved by the tax authorities. Otherwise, the "effectiveness" of the depreciation must be demonstrated. On request, the tax authorities may grant approval for accelerated depreciation if the company presents a plan specifying the assets, the date and price of the acquisition, the depreciation rates and the annual depreciation allowance desired, and reasons to support the adoption of such a plan.

Investments in new tangible assets and real estate in Spain or abroad carried from 2009 through 31 March 2012 may qualify for a free tax depreciation allowance. For investments made during tax years that began during 2009 and 2010, such tax benefit is conditioned on the maintenance of the level of employment. Any depreciation allowance on such assets that was pending to be fully accelerated by 31 March 2012 is still available for use but is subject to certain limitations. New fixed assets can be freely depreciated on an annual basis if their unit cost is below EUR300, with an overall cap of EUR25,000.

Relief for losses. Net operating losses can be carried forward indefinitely (no expiration period) with an annual limit of 70% of the positive tax base before the application of the capitalization reserve tax reduction (see *Capitalization reserve*). The limitation applies to losses in excess of EUR1 million.

Certain restrictions applicable in previous years (tax loss offset capped to a maximum of 50% or 25% of taxable income, based on the turnover of the taxpayer) have been declared inoperative by decision of the Constitutional Court dated 18 January 2024. It

has not yet been determined if these limitations will be re-enacted in the future.

Change-in-control rules for entities with tax loss carryforwards are aimed at limiting the transfer or the use of loss carryforwards. In particular, the use of tax losses is restricted if the entity that is transferred engages in a different or additional activity within the two years after the change of ownership and if the net turnover derived from such activities in those years is greater than 50% of the average turnover of the prior two years.

Groups of companies. A group of companies may file a consolidated tax return if the election to apply this regime is carried out before the beginning of the tax year in which the regime is to be applied and if the tax authorities are notified of the election. After the group elects taxation under the consolidated regime, the regime applies indefinitely, provided that certain requirements are satisfied.

Effective from 1 January 2015, in line with several EU court cases, Spanish legislation has extended the scope of the tax group concept in order to allow the following:

- Subsidiaries held indirectly through a foreign intermediary company can form part of the tax group.
- Horizontal tax consolidation is allowed, so that Spanish direct or indirect subsidiaries of a common foreign parent company are able to form a Spanish tax group.

For this purpose, Spanish corporations include stock companies (*sociedades anónimas*), limited liability companies (*sociedades limitadas*) and limited partnerships (*sociedades comanditarias por acciones*). The parent company may adopt any of these legal forms or otherwise it must have legal personality and be subject to and not exempt from corporate income tax, if resident in Spanish territory, or if resident abroad, subject to a similar corporate tax system as in Spain. Registered branches of nonresident entities may qualify as controlling top entities in consolidated groups if certain requirements are met.

A company is deemed to control another company if, on the first day of the tax year for which the consolidated regime applies, it satisfies the following requirements:

- It owns, directly or indirectly, at least 75% of the other company's share capital (70% for companies quoted on the stock exchange) and it maintains such ownership and a minimum 50% of voting rights in such entities for the entire tax year of consolidation.
- It is not subject to the special tax regimes applicable to Domestic and European Economic Interest Groupings (Agrupaciones de Interés Económico) or Temporary Business Alliances (Uniones Temporales de Empresas).
- It is not a subsidiary of another company fulfilling the requirements to be regarded as the controlling company.

Tax-exempt companies, companies taxed at a different rate than the parent company and companies in specified legal situations, such as bankruptcy, may not be part of a group of companies.

Pre-consolidation losses can be used only up to the amount of the individual positive tax base that could be used on a stand-alone basis.

Applicable only for the tax period started during 2023, the offsetting of 2023 tax losses of entities belonging to a consolidated tax group will be limited to 50% of their amount. The amount of the losses not included in 2023 tax base of the group by application of such limit shall be included in the tax base of the tax group for equal parts (10%) in each of the first 10 tax periods beginning on or after 1 January 2024.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), levied on goods delivered and services rendered within the Spanish territory (excluding the Canary Islands, Ceuta and Melilla), on imports from EU and non-EU Member States, and on certain services rendered by foreign suppliers to persons subject to Spanish VAT (also, see Section E)	
Standard rate	21
Rate on certain necessary products and services	10
Rate on basic products	4
Special annual tax on real estate owned by companies resident in tax havens; assessed on the government's official value on 31 December	3
Social security and employee-related fund contributions, calculated on an employee's total compensation, with certain limitations; paid by	
Employer	29.9
Employee	6.35
Capital duty on reductions and liquidations of companies	1

E. Miscellaneous matters

Foreign-exchange controls. Exchange controls are administered by the Bank of Spain and the Ministry of Economy and Finance. Exchange controls were liberalized several years ago. As a result, only a few, simple reporting requirements are now imposed, primarily for statistical purposes.

Restrictions on the deduction of financial expenses. In general, net interest expenses exceeding 30% of earnings before interest, tax, depreciation and amortization (EBITDA), with some adjustments, may not be claimed as a deduction for tax purposes in the year of their accrual (with some exceptions, such as a minimum allowance of EUR1 million per year). The excess may be carried forward indefinitely. This restriction applies regardless of whether the interest is paid to a related party or an unrelated lender. In addition, as mentioned in *General* in Section C, interest expense on intragroup financing related to the acquisition (or equity increase) of participation in group entities is disallowed unless valid business reasons for such transactions are proven.

Additional rules for leveraged acquisitions limit the deductibility of interest on loans to purchase shares (acquisition debt) to 30% of the operating profit of the acquiring entity. The limitation applies if the acquired and acquiring entities are merged within a four-year period or if new entities join the tax group in which the acquiring and acquired entity are included. Under an escape clause in the law, the limitation does not apply in the year of the acquisition if the acquisition debt does not exceed 70% of the consideration paid for the shares. In the following years, the limitation will not apply if the acquisition debt is proportionally repaid within an eight-year period until it is reduced to 30% of the total consideration.

Anti-avoidance legislation. To prevent fraud, the tax code contains several anti-avoidance measures in various chapters. Substance-over-form principles apply.

Controlled foreign companies. Under controlled foreign company (CFC) rules contained in the corporate income tax law, Spanish resident companies must include in their tax base certain passive income derived by their foreign subsidiaries if certain control and effective taxation conditions are satisfied. Significant exceptions apply to these rules.

These rules do not apply to EU-controlled subsidiaries if the Spanish shareholder proves that the incorporation of the foreign entity was undertaken for sound business reasons and such entity carries on business activities.

Effective from 1 January 2015, certain amendments to CFC rules were introduced. These include, among others, additional substance requirements to be met by the foreign subsidiary in order to avoid the imputation of the foreign low-taxed income.

Transfer pricing. Spanish law includes the arm's-length principle and the requirement of documenting all related-party transactions. The arm's-length principle applies to all transactions carried out by taxpayers with related parties. The following are the principal aspects of the law:

- Taxpayers must use arm's-length values in their tax returns. As a result, taxpayers bear the burden of proof on transfer-pricing issues.
- OECD guidelines and pricing methodology apply.
- The law provides for secondary adjustments. Under this measure, if the agreed value in a transaction differs from the normal market value, the difference between the values is recharacterized by following a substance-over-form approach. In particular, for a transaction between a company and a shareholder, the difference (proportionally to the participation in the entity) is considered a dividend if such difference is in favor of the shareholder or a contribution by the shareholder to the entity's equity if the difference is in favor of the entity.
- Advance Price Agreements (APAs) may be negotiated. They apply to the current year, the preceding four years and the following four years. The law allows APAs to have retroactive effect within the statute-of-limitations period.
- Statutory documentation requirements in line with the guidelines of the EU Joint Transfer Pricing Forum entered into force on 19 February 2009. This documentation is required to support

the taxpayer's transfer-pricing policy regarding domestic and international transactions.
- Penalties and delay interest may be imposed. If the documentation is correct, the tax authorities do not impose a penalty with respect to a transfer-pricing assessment. However, the absence (or incompleteness) of documentation is subject to penalties, even if no adjustments are assessed.

The Spanish Corporate Income Tax Act provides the following three exceptions to the obligation to prepare statutory transfer-pricing documentation:
- When the transaction takes place between entities that form part of a Spanish tax consolidated group
- When the transaction is carried out between members of an Economic Interest Grouping (Agrupaciones de Interés Económico) or a Temporary Business Alliance (Uniones Temporales de Empresas)
- When the transaction is carried out within the scope of a public stock offering
- When transactions with the same entity do not exceed EUR250,000 per year

Simplified documentation requirements apply to entities with a turnover that does not exceed EUR45 million, computed at the level of the mercantile group.

Some specified transactions must be documented in any case, such as transactions performed with group "related parties" that are tax resident in a tax-haven jurisdiction. Article 18.2 of the Spanish Corporate Income Tax Act provides a definition of "related parties."

In addition, transactions performed with related or unrelated residents of listed tax havens must comply with the arm's-length principle and are subject to statutory documentation requirements.

New Country-by-Country (CbC) Reporting obligations apply to Spanish tax resident groups if the consolidated group's net turnover in the immediately preceding fiscal year exceeded EUR750 million. This obligation may also apply in certain cases to subsidiaries of foreign groups.

As of 1 January 2016, new transfer-pricing documentation rules require more detailed information (for example, intangible assets, financial activities, management structure, main competitors and reconciliation of data used in economic analyses with annual financial statements).

VAT Immediate Supply of Information System. Effective from the 2017 fiscal year, businesses and professionals who are required to file VAT returns on a monthly basis are subject to the new VAT Immediate Supply of Information System. Businesses and professionals who are required to file monthly returns if they meet any of the following conditions:
- They have revenue exceeding EUR6 million.
- They are included in the monthly refund regime.
- They are applying the VAT grouping provisions.

Under the new system, information related to all invoices issued or received, customs documents and accountancy documents, if

any, must be transmitted electronically and almost immediately to the Spanish tax authorities so that the tax authorities have all of the information relating to the operations carried out by VAT taxpayers in real time. Failure to comply with this filing system is subject to penalties.

Mandatory disclosure regime. Spain has enacted mandatory disclosure rules in connection with the implementation of the EU Mandatory Disclosure Regime (MDR). The rules entered into force on 1 July 2020. The Spanish MDR legislation is closely aligned with the requirements of the directive.

On 6 April 2021, the Spanish government approved regulations to further implement MDR, which became effective on 8 April 2021. These regulations contain certain detailed guidance on the hallmarks, including reporting deadlines. A Ministerial Order issued by the Ministry of Tax approved the tax forms to comply with these reporting obligations.

List of non-cooperative jurisdictions. On 10 February 2023, the Spanish Ministry of Finance approved the updated list of non-cooperative jurisdictions for Spanish tax purposes, which supersedes the previously existing "tax haven" list. It was published in the Spanish official journal on 10 February 2023 and will apply to tax years commencing as from the publication date for taxes with a tax period (so from 1 January 2024 for corporate income taxpayers following the calendar year) and from the publication date for taxes without a tax period.

According to the updated list, the following jurisdictions are deemed non-cooperative jurisdictions for Spanish tax purposes:

American Samoa
Anguilla
Bahrain
Barbados
Bermuda
British Virgin Islands
Cayman Islands
Dominica
Falkland Islands
Fiji
Gibraltar
Guam
Guernsey
Isle of Man
Jersey
Northen Mariana Islands
Palau
Samoa (with respect to the harmful tax regime [offshore business])
Seychelles
Solomon Islands
Trinidad and Tobago
Turks and Caicos Islands
United States Virgin Islands
Vanuatu

The updated list has excluded the following jurisdictions that were previously considered tax havens:

Antigua and Barbuda
Brunei Darussalam
Cook Islands
Grenada
Jordan
Lebanon
Liberia
Liechtenstein
Macau Special Administrative Region (SAR)
Mauritius
Monaco
Montserrat
Nauru
St. Lucia
St. Vincent and the Grenadines

It had also included American Samoa, Barbados, Guam, Palau, Samoa, and Trinidad and Tobago with respect to the harmful tax regime (offshore business).

Pillar Two. On 20 December 2023, the Ministry of Finance published draft legislation to introduce into Spanish domestic legislation the Pillar Two effective tax rate of 15% for multinational enterprises and large-scale domestic groups for public consultation.

The draft legislation is generally aligned with the EU Global Minimum Tax Directive and the Pillar Two Model Rules (OECD Model Rules) as approved in the OECD/G20 Inclusive Framework on BEPS. The draft legislation is structured as a separate tax law that is not intended to be embedded in the existing Spanish Corporate Income Tax Law.

The draft legislation incorporates an Income Inclusion Rule (IIR) and an Undertaxed Profits Rule (UTPR). The draft legislation makes use of the option provided in the EU Global Minimum Tax Directive to introduce a Qualified Domestic Minimum Top-up Tax (QDMTT), allowing Spain to collect top-up tax on the excess profit of a low-taxed Spain entity that is part of an in-scope group. Further, the draft legislation includes an interpretative clause stating the dynamic interpretation of the Spanish domestic rules in accordance with the OECD Model Rules, Commentary and Administrative Guidance.

The IIR and the QDMTT will be effective retroactively for fiscal years starting on or after 31 December 2023. The UTPR will apply for fiscal years starting on or after 31 December 2024. The draft legislation also includes a Transitional Country-by-Country Reporting (CbCR) Safe Harbor, a QDMTT Safe Harbor and a transitional UTPR Safe Harbor. For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

The rates reflect the lower of the treaty rate and the rate under domestic tax law.

On 28 September 2021, Spain deposited its instrument of ratification of the Multilateral Convention to Implement Tax Treaty Measures to Prevent Base Erosion and Profit Shifting (MLI) with the OECD. The provisions included in the MLI will have a significant impact on the vast majority of the treaties in the Spanish tax treaty network. The instrument entered into force on 1 January 2022 for Spain. However, because Spain made a reservation pursuant to Article 35(7)(a), the date of effects should be monitored on a jurisdiction-by-jurisdiction basis.

	Dividends (a) %	Interest (b) %	Royalties %
Albania	0/5/10 (c)	0/6 (d)	0
Algeria	5/15 (e)	0/5 (d)	7/14 (f)
Andorra	5/15 (e)	0/5 (d)	5
Argentina	10/15 (e)	0/12 (d)	3/5/10/15 (gggg)
Armenia (i)	0/10 (j)	5	5/10 (k)
Australia	15	10	10
Austria	10/15 (e)	5	5
Azerbaijan	5/10 (llll)	8	5/10 (ooo)
Barbados	0/5 (kkkk)	0	0
Belarus	5/10 (hh)	0/5 (qqqq)	5

	Dividends (a) %	Interest (b) %	Royalties %
Belgium	0/15 (m)	0/10 (d)	5
Bolivia	10/15 (e)	0/15 (d)	15
Bosnia and Herzegovina	5/10 (n)	0/7 (d)	7
Brazil	15	10/15 (o)	10/15 (p)
Bulgaria	5/15 (x)	0	0
Canada	5/15 (e)	0/10	0/10
Cape Verde	0/10 (l)	0/5 (d)	5
Chile	5/10 (q)	5/15 (r)	5/10 (s)
China Mainland	0/5/10 (tt)	0/10 (qqqq)	10
Colombia	0/5 (t)	0/10 (d)	10
Costa Rica (u)	5/12 (v)	5/10 (w)	10
Croatia	0/15 (x)	0	0
Cuba	5/15 (e)	0/10 (d)	5 (y)
Cyprus	0/5 (zzz)	0	0
Czech Republic (z)	5/15 (e)	0	5
Dominican Republic	0/10 (www)	0/10 (d)	10
Ecuador	15	0/5/10 (d)(aa)	5/10 (bb)
Egypt	9/12 (cc)	0/10 (d)	12
El Salvador	0/12 (dd)	0/10 (d)	10
Estonia	5/15 (e)	0/10 (d)	5/10 (ee)
Finland	10/15 (e)	0	0
France	0/15 (ff)	0/10 (d)	5
Georgia	0/10 (hh)	0	0
Germany	5/15 (e)	0	0
Greece	5/10 (ii)	0/8 (d)	6
Hong Kong SAR	0/10 (l)	0/5 (d)	5
Hungary	5/15 (e)	0	0
Iceland	5/15 (e)	5 (jj)	5
India	15	15 (g)	10/20 (kk)
Indonesia	10/15 (e)	0/10 (d)	10
Iran	5/10 (ll)	0/7.5 (d)	5
Ireland	0/15 (m)	0	5/8/10 (mm)
Israel	10	5/10 (nn)	5/7 (oo)
Italy	15	0/12 (d)	4/8 (pp)
Jamaica	5/10 (qq)	0/10 (d)	10
Japan	0/5/10 (oooo)	0/10 (pppp)	0
Kazakhstan	5/15 (rr)	0/10 (d)	10
Korea (South)	10/15 (e)	0/10 (d)	10
Kuwait	0/5 (zzz)	0	5
Latvia	5/10 (ss)	0/10 (d)	5/10 (ee)
Lithuania	5/15 (tt)	0/10 (d)	5/10 (s)
Luxembourg	10/15 (e)	0/10 (d)	10
Malaysia	0/5 (vv)	0/10 (d)	5/7 (ww)
Malta	0/5 (xx)	0	0
Mexico	0/10 (hhhh)	0/4.9/10 (iiii)	0/10 (y)
Moldova	0/5/10 (zz)	0/5 (d)	8
Morocco	10/15 (e)	10	5/10 (bb)
Netherlands	5/10/15 (e)(aaa)	10	6
New Zealand	15	10 (jj)	10
Nigeria	7.5/10 (cccc)	0/7.5 (d)	3.75/7.5 (dddd)
North Macedonia	5/15 (uu)	0/5 (d)	5
Norway	10/15 (e)	0/10 (d)	5
Oman	0/10 (eeee)	0/5 (d)	8

	Dividends (a) %	Interest (b) %	Royalties %
Pakistan	5/7.5/10 (bbb)	10 (ccc)	7.5
Panama (ddd)	0/5/10 (eee)	0/5 (d)	5
Philippines	10/15 (e)	0/10/15 (d)(fff)	10/15/20 (ggg)
Poland	5/15 (e)	0	0/10 (hhh)
Portugal	10/15 (e)	15	5
Qatar	0/5 (jjjj)	0	0
Romania	0/5 (zzz)	0/3 (d)	3
Russian Federation	5/10/15 (iii)	5 (jjj)	5
Saudi Arabia	0/5 (kkk)	0/5 (d)	8
Senegal	10	0/10 (d)	10
Serbia	5/10 (ii)(lll)	0/10 (d)(lll)	5/10 (lll)(mmm)
Singapore	0/5 (hh)(nnn)	0/5 (d)	5
Slovak Republic (z)	5/15 (e)	0	5
Slovenia	5/15 (e)	0/5 (d)	5
South Africa	5/15 (ffff)	0/5 (d)	5
Sweden	10/15 (e)	15	10
Switzerland	0/15 (vv)	0	5 (ppp)
Thailand	10	0/10/15 (g)	5/8/15 (mm)
Trinidad and Tobago	0/5/10 (zz)(qqq)	0/8 (d)(qqq)	5 (qqq)
Tunisia	5/15 (bbb)	5/10 (rrr)	10
Türkiye	5/15 (sss)	10/15 (ttt)	10
United Arab Emirates (rrrr)	5/15 (vvv)	0	0
United Kingdom	0/10/15 (aaaa)	0	0
United States	0/5/15 (mmmm)	0 (d)	0 (nnnn)
Uruguay	0/5 (www)	0/10 (d)	5/10 (xxx)
USSR (uuu)	18	0	5 (hhh)
Uzbekistan	5/10 (ffff)	0/5 (d)	5
Venezuela	10 (ppp)	4.95/10 (d)(yyy)	5
Vietnam	7/10/15 (gg)	0/10 (d))	10
Non-treaty jurisdictions (h)	19	19	20/24 (bbbb)

(a) Distributions by Spanish subsidiaries to parent companies in EU Member States are exempt from withholding tax if the parent company owns at least 5% of the subsidiary for an uninterrupted period of at least one year and if certain other requirements are met. The one-year holding period requirement may be satisfied at the date of the distribution or subsequent to such date. An anti-avoidance provision also applies in situations in which the ultimate shareholder is not an EU resident.

(b) Interest paid to an EU resident without a permanent establishment in Spain is exempt from tax if the EU country is not on the Spanish tax haven list.

(c) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that directly controls at least 75% of the capital of the distributing company. The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that directly controls at least 10% of the capital of the distributing company. These rates only apply if the shareholding condition is met for a period of at least 365 days including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

(d) Certain interest payments are not subject to withholding tax if the recipient is a qualified entity such as the government, the central bank, a qualified pension fund or any subdivision of the other contracting state, or a financing institution. In the particular case of the double tax treaty between Spain and the United States, as a general rule, interest payments are not subject to withholding tax.

(e) The treaty withholding rate tax is increased to 15% in certain circumstances if the recipient is not a corporation or if the shareholding does not exceed a certain percentage. In addition, the branch remittance tax has been removed from the double tax treaty between Spain and the United States. Consequently, the allocation of benefits from a permanent establishment located in Spain to its head office in the United States is not subject to withholding tax, according to this treaty. In the specific case of Canada, Indonesia, Poland, Portugal, the Slovak Republic and Slovenia the reduced 5% and 10% rates apply if the shareholding condition is met for a period of at least 365 days including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

(f) A 14% rate applies to royalties paid for artistic, scientific or literary works.

(g) Interest paid to the government or central bank of the other contracting state is exempt from tax if the recipient is the beneficial owner of the interest. The government of the state of the payer may authorize an exemption for interest paid to a beneficial recipient other than the government or central bank of the other contracting state.

(h) See Section B.

(i) The treaty provides for a tax sparing in favor of Armenia for the five years following the entry into force of the treaty.

(j) The 0% rate applies if all of the following conditions are satisfied:
- The recipient of the dividends is the beneficial owner of the income.
- The direct or indirect shareholding is equal to or higher than 25%.
- A minimum two-year shareholding period has been fulfilled.
- Dividends are not subject to tax in the state of residency of the recipient of the dividends.

(k) The 5% rate applies to royalties for copyrights of literary, artistic or scientific works (including films and videotapes used for its reproduction on television or radio).

(l) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that directly controls at least 25% of the capital of the distributing company.

(m) The 0% rate applies if all of the following conditions are satisfied:
- The recipient of the dividends is a corporation.
- The shareholding (voting rights in the case of Ireland) is equal to or higher than 25%.
- Exemption is allowed under the rules of the state of residence of the subsidiary, taking into account that share ownership conditions must be complied with for a period of at least 365 days, including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

The rate is 15% if the beneficial owner is a resident of the other contracting state.

(n) The 5% rate applies if the beneficial owner of the dividends is a company that directly controls at least 20% of the capital of the distributing company.

(o) A 10% rate applies to interest paid to financial institutions for long-term (10 or more years) loans for goods or equipment.

(p) A 10% rate applies to royalties paid for copyrights of literary, artistic or scientific works (including films and videotapes produced by a resident of a contracting state).

(q) A 5% rate applies if the beneficial owner of the dividends is a corporation that controls at least 20% of the capital of the distributing company.

(r) A 5% rate applies to interest derived from loans granted by banks and insurance companies, from bonds and securities traded on a recognized stock exchange and from sales on credit of machinery and equipment.

(s) A 5% rate applies to royalties paid for the use of industrial, commercial and scientific equipment.

(t) The 0% rate applies if the dividends are received by a company that holds a direct or indirect shareholding of at least 20% in the capital of the distributing company.

(u) The protocol includes a most-favored-nation clause under which Costa Rica automatically will provide similar tax treatment to Spanish residents if Costa Rica enters into a treaty with a third country that enters into force and that offers more beneficial tax treatment for dividends, interest, royalties and/or income from personal independent services.

(v) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that directly controls at least 20% of the capital of the distributing company for a period longer than 365 days,

including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

(w) The 5% rate applies to loans with a maturity exceeding five years.

(x) A 15% rate applies if the shareholding is less than 25%.

(y) Certain copyright royalties are exempt.

(z) Spain honors the Czechoslovakia treaty with respect to the Czech and Slovak Republics.

(aa) A 5% rate applies to certain loans.

(bb) A 5% rate applies to royalties paid for copyrights of literary, dramatic, musical or artistic works (excluding motion picture films and television films or videotapes).

(cc) A 12% rate applies if the shareholding is less than 25%. The shareholding condition for both the 9% and the 12% rates must be met for a period of at least 365 days, including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

(dd) The 12% rate applies if the shareholding is less than 50%.

(ee) A 5% rate applies to royalties paid for industrial, commercial or scientific equipment.

(ff) No withholding tax is imposed if the recipient is a company that is subject to corporate income tax and that holds a participation of at least 10% in the payer for a period of at least 365 days, including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

(gg) The 7% rate applies if the shareholding is at least 50%. The 10% rate applies if the shareholding is at least 25%, but less than 50%. The 15% rate applies if the shareholding is less than 25%.

(hh) The lower withholding tax rate is applicable if the beneficial owner of the dividends is a corporation (other than a partnership) and the shareholding is equal to or higher than 10%. The higher withholding tax rate is applicable for other dividends.

(ii) The withholding tax rate is 5% if the beneficial owner of the dividends is a corporation and if the shareholding is equal to or higher than 25%. The withholding tax rate is 10% for other dividends. In the case of Serbia, shareholding condition for both the 5% and 10% rates must be met for a period of at least 365 days, including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

(jj) Withholding tax is not imposed if the recipient is the beneficial owner of the interest and if the interest is beneficially owned by a contracting state, or a political subdivision or local authority of the contracting state.

(kk) The 20% rate applies to certain royalties and technical services.

(ll) The 10% rate applies if the shareholding is less than 20%.

(mm) A 5% rate applies to royalties paid for copyrights of musical compositions and literary, dramatic or artistic works. An 8% rate applies to royalties paid for the following:

- Motion picture films
- Films, tapes and other means of transmission or reproduction of sounds
- Industrial, commercial or scientific equipment
- Copyrights of scientific works

(nn) A 5% rate applies to interest paid with respect to sales of industrial, commercial, scientific equipment, or on loans from financial institutions. A 0% rate applies to interest paid to the government or central bank of the other contracting state.

(oo) A 5% rate applies to royalties paid for copyrights of musical compositions, and literary, dramatic or artistic works, and to amounts paid for the use of industrial, commercial or scientific equipment.

(pp) The rate is 4% for royalties paid for copyrights of literary, dramatic, musical or artistic works (excluding motion picture films and television films or videotapes).

(qq) The 10% rate applies if the shareholding is less than 25%.

(rr) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that has directly or indirectly controlled at least 10% of the capital of the distributing company for a period of at least 365 days, including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

(ss) The treaty withholding tax rate is increased to 10% in certain circumstances if the recipient is not a corporation or if the shareholding does not exceed a certain percentage.

(tt) The 0% rate applies if the beneficial owner of the dividend is, among others, the state (or its subdivisions), public entities or companies fully owned (directly or indirectly) by the state or the central bank of the other contracting state. The 5% rate applies if the beneficial owner of the dividend is a corporation (other than a partnership) that controls at least 25% of the capital of the distributing company. The withholding tax rate is 10%/15% for other dividends.

(uu) A 15% rate applies if the shareholding is less than 10%.

(vv) A 0% rate applies if the beneficial owner holds at least a specified percentage of the share capital of the distributing entity and if certain other conditions are met.

(ww) A 5% rate applies to income derived from the rendering of technical services.

(xx) A 5% rate applies if the shareholding is less than 25%.

(yy) The withholding tax rate is 10% if the beneficial owner of the interest is a financial entity.

(zz) The 0% rate applies if the dividends are received by a company that holds directly or indirectly a shareholding of at least 50% in the capital of the distributing company. A 5% rate applies if the direct shareholding is more than 25% but less than 50%. Otherwise, a 10% rate applies.

(aaa) The withholding rate is 5% if the recipient is not subject to Dutch tax on the dividends and if the 10% rate would otherwise apply.

(bbb) The 5% rate applies if the beneficial owner of the dividends is a company that has owned directly at least 50% of the voting shares of the distributing company (this requirement needs to be met in the year before the dividend distribution takes place). The 7.5% rate applies if the beneficial owner of the dividends is a company that has owned directly at least 25% of the voting shares of the distributing company. The shareholding condition for both the 5% and the 7.5% rates must be met for a period of at least 365 days, including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

(ccc) Certain interest payments are not subject to withholding tax.

(ddd) Tax treaty provisions do not apply if the dividend, interest or royalties paid by a Panamanian resident are sourced in Spain or in a country that has not entered into a tax treaty with Spain and if such income has not been effectively taxed in Panama.

(eee) The 0% rate applies if the beneficial owner of the dividends is a capital company that directly controls at least 80% of the capital of the distributing company and if certain conditions are satisfied. The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that directly controls at least 40% of the capital of the distributing company.

(fff) A 10% rate applies to interest paid with respect to sales of industrial equipment or publicly traded bonds.

(ggg) A 20% rate applies to royalties paid with respect to films, television or radio. A 10% rate applies to royalties derived in preferred areas of activities.

(hhh) A 0% rate applies to royalties paid for copyrights of literary, dramatic, musical or artistic works (excluding motion picture films and television films or videotapes).

(iii) The withholding tax rate is 5% both of the following conditions are met in the year before the dividend distribution takes place:

- The beneficial owner of the dividends is a company that has invested at least EUR100,000 in the share capital of the payer.
- The dividends are exempt from tax in the other contracting state.

The withholding tax rate is 10% if only one of these requirements is met. The withholding tax rate is 15% for other dividends.

(jjj) No withholding tax is imposed on interest paid to and beneficially owned by financial institutions or with respect to long-term (seven years or more) loans and certain other debts.

(kkk) A 0% rate applies if the beneficial owner of the dividends is a company that directly controls at least 25% of the capital of the distributing company.

(lll) A most-favored-nation clause applies.

(mmm) The 5% rate applies to royalties paid for the use of copyrights of literary, artistic or scientific works, including cinematographic films or films or tapes used for radio or television broadcasting, but excluding computer software. The 10% rate applies to royalties paid for the use of patents, trademarks, designs or models, plans, secret formulas or processes and computer software, for the use of, or the right to use, industrial,

commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience.

(nnn) The 5% rate applies if the distributing company is a stock-listed real estate investment company and if the beneficial owner of the dividends directly or indirectly controls less than 10% of the capital of the distributing company.

(ooo) The 5% rate applies to royalties paid for the use of patents, trademarks, designs or models, plans, secret formulas or processes and computer software, for the use of, or the right to use, industrial, commercial or scientific equipment. The 10% rate applies in all other cases.

(ppp) A 0% rate applies if certain conditions are met.

(qqq) A limitation-of-benefits clause in the treaty may apply.

(rrr) A 5% rate applies to loans over seven years.

(sss) A 5% rate applies to certain dividend distributions.

(ttt) A 10% rate applies to interest derived from loans granted by banks or in connection with sales on credit of merchandise or equipment. The 15% rate applies in all other cases.

(uuu) Spain honors the double tax treaty with the former USSR with respect to Kyrgyzstan, Tajikistan, Turkmenistan and Ukraine.

(vvv) A 5% rate applies if the beneficial owner of the dividends is a corporation that holds directly at least 10% of the entity paying the dividends. Nevertheless, this rate does not apply if the primary intent, or one of the main objectives, of any individual associated with the holding or share that yields the dividends is to secure the benefits of this provision through such holding or share. The withholding tax rate is 15% for other dividends.

(www) The 0% rate applies if the beneficial owner of the dividends is a capital company that directly controls at least 75% of the capital of the distributing company. In the case of Uruguay, the shareholding condition for both the 0% and the 5% rates must be met for a period of at least 365 days, including the date of payment of the dividend (but ownership changes directly resulting from reorganizations are disregarded for these purposes).

(xxx) The 5% rate applies to royalties paid for copyrights of literary, artistic or scientific works.

(yyy) A 4.95% rate applies to interest paid to financial institutions.

(zzz) The 0% rate applies if the beneficial owner of the dividends is a company that directly controls at least 10% of the capital of the distributing company.

(aaaa) The 0% rate applies to dividends paid to a company that controls, directly or indirectly, at least 10% in the equity of the distributing company, provided that the recipient of the dividends is the beneficial owner. The 15% rate applies to dividends paid out of income (including capital gains) derived directly or indirectly from immovable property by an investment vehicle that distributes most of this income annually and whose income from such immovable property is exempt from tax. The 10% rate applies in all other cases.

(bbbb) The 20% rate applies to EU residents in jurisdictions with which an exchange of information agreement is in place.

(cccc) The 7.5% applies if the beneficial owner of the dividends is a company that directly controls at least 10% of the capital of the distributing company.

(dddd) The 7.5% rate applies if the beneficial owner of the royalties is a capital company.

(eeee) The 0% rate applies if the beneficial owner of the dividends is a company that directly controls at least 20% of the capital of the distributing company.

(ffff) The 5% applies if the beneficial owner of the dividends is a company that directly controls at least 25% of the capital of the distributing company, such stake being required to be held during the previous year before the dividend distribution takes place in the case of South Africa. The 10% rate applies in all other cases.

(gggg) The 3% rate applies to copyright royalties with respect to (journalistic) news. The 5% rate applies to copyright royalties received by the author or his or her heirs with respect to literary, theater, musical or artistic works. The 10% rate applies to royalties relating to patents, designs or models, computer software, know-how and technical assistance. The 15% rate applies in all other cases.

(hhhh) The 0% rate applies if the dividends paid to a company the capital of which is wholly or partly divided into shares and that directly controls at least 10% of the capital of the distributing company during the year

before the dividend distribution takes place or if the dividends paid to a pension fund.

(iiii) The 0% rate applies to interest payments if the beneficial owner is the government, the central bank, a qualified pension fund or any subdivision of the other contracting state. The 4.9% applies to interest paid on loans of any kind granted by banks or other financial institutions, including investment banks, savings banks and insurance companies, as well as to interest paid on bonds and other debt instruments that are traded regularly and substantially on a recognized stock exchange. The 10% rate applies in all other cases.

(jjjj) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% (1% if the company is substantially and regularly traded on a stock exchange of Spain or Qatar) of the capital of the company paying the dividends or is a public body holding at least 5% of the stock in the company paying the dividends.

(kkkk) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds at least 25% of the capital of the company paying the dividends. The 5% rate applies in all other cases.

(llll) The 5% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds at least 25% of the capital of the company paying the dividends and its investment exceeds EUR250,000. The 10% rate applies in all other cases.

(mmmm) Subject to the "Limitation of Benefits Test" in Section 17 of the tax treaty, the following are the tax rates:

- The 0% rate may apply if the beneficial owner of the dividends is a corporation in the other Member State that has directly or indirectly held, through tax residents in the either Spain or the United States, at least 80% voting shares for longer than 365 days on the date on which entitlement to the dividends is determined.
- The 5% rate may apply if the beneficial owner of the dividend is a corporation that directly holds at least 10% of voting shares in the entity paying the dividend.

In addition, the branch remittance tax has been removed from the double tax treaty between Spain and the United States. Consequently, the allocation of benefits from a permanent establishment located in Spain to its head office in the United States is not subject to withholding tax.

(nnnn) As a general rule, royalties are not subject to withholding tax.

(oooo) The withholding tax rate is 0% if the beneficial owner of the dividends is a corporation that has voting rights equal to or higher than 10% or a qualifying pension fund. The withholding tax rate is 5% for other dividends, except if the dividend paid is tax deductible for corporate income tax purposes.

(pppp) The withholding tax rate on interest payments is 10% if the interest is computed by reference to certain economic parameters. Otherwise, the interest payments should not be subject to withholding tax.

(qqqq) A 0% rate applies to interest paid to, among others, the government or central bank of the other contracting state. Otherwise, a 5% (in the case of Belarus) or 10% (in the case of China Mainland) withholding tax rate applies.

(rrrr) The MLI Principal Purpose Test is applicable to enjoy treaty benefits on dividend, interest and royalty payments.

Spain is in the process of negotiation, ratification or signature of its tax treaties with Bahrain, Montenegro, Namibia, Peru and Syria.

Spain is renegotiating its tax treaties with Austria and the Netherlands.

Spain is negotiating agreements on the exchange of tax information with Bermuda, the Cayman Islands, the Cook Islands, Guernsey, the Isle of Man, Jersey, the Macau SAR, Monaco, St. Lucia, St. Vincent and the Grenadines.

Spain has agreements on the exchange of tax information with Andorra, Aruba, Bahamas, the Netherlands Antilles and San Marino.

The agreement between Spain and the United States for the improvement of international tax compliance and the implementation of the Foreign Account Tax Compliance Act entered into force on 1 July 2014.

Suriname

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Please direct all requests regarding Suriname to the persons listed below in the Paramaribo, Suriname, office or in the Willemstad, Curaçao, office.

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A. At a glance

Corporate Income Tax Rate (%)	36
Capital Gains Tax Rate (%)	36
Branch Tax Rate (%)	36
Withholding Tax (%)	
Dividends	25
Interest	0
Royalties from Patents, Know-how, etc.	0
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	7 *

* Losses incurred by companies during their first three years of business may be carried forward indefinitely.

B. Taxes on corporate income and gains

Income tax. Income tax is levied on resident and nonresident companies. Resident companies are those incorporated under Suriname law, even if their management is located abroad, as well as companies incorporated under foreign law, but effectively managed and controlled in Suriname.

For resident companies, income tax is, in principle, levied on the aggregate amount of net income earned from all sources during the company's accounting period. In principle, nonresident companies are subject to Suriname income tax on the following specific Suriname income items:

- Income derived from a permanent establishment in Suriname
- Income derived from real estate located in Suriname and/or debt claims secured by mortgages on real estate located in Suriname
- Income derived from rights to the profit of an enterprise of which the management is located in Suriname

Nonresident companies are deemed to derive income from a permanent establishment in Suriname if they derive income from, among other activities, acting as an insurer and the exploration and exploitation of natural resources, such as oil and gas.

Tax rates. A flat corporate income tax rate of 36% applies to the entire taxable profit.

Tax incentives. Tax incentives, such as tax holidays, may be granted to new business enterprises engaged in certain activities. Business enterprises engaged in, among other activities, mining and tourism may apply for several tax incentives such as accelerated depreciation and fiscal unity. A written letter of request for the granting of a tax incentive must be filed with the Suriname tax authorities.

Capital gains. No distinction is made between the taxation of capital gains and the taxation of other income. All income is taxed at the income tax rate of 36%.

Administration. The taxable amount is the profit realized in a fiscal year or calendar year.

The final tax return must be filed within six months after the end of the financial year. Any difference between the tax due based on the provisional return and the tax due based on the final return must be settled at the time the final return is filed. Companies must file a provisional tax return before 15 April of the current calendar year or within two and one-half months after the beginning of the current fiscal year. In principle, this return must show a taxable profit that is at least equal to the taxable profit shown on the most recently filed final tax return.

In principle, the tax due on this provisional tax return may be paid at once or in four equal installments, by 15 April, 15 July, 15 October and 31 December or within two and one-half months after the beginning of the current fiscal year and subsequently by the end of every three months. If the provisional tax is paid at once, it must be paid by the due date for the filing of the provisional tax return, which is in general 15 April for a financial year corresponding to the calendar year.

An extension of time to file the return and pay the tax later than 31 December is not granted. On request of a company, the Tax Inspector may consent to the reporting of a lower taxable profit than the taxable profit shown on the most recently filed final tax return. To obtain such consent, a request should be filed with the Suriname tax authorities before 15 February or within one and one-half months after the beginning of the current fiscal year.

The tax authorities may impose arbitrary assessments if the taxpayer fails to file a tax return. Additional assessments may be imposed if insufficient tax is levied when tax returns are filed or when arbitrary assessments are imposed. Depending on the degree of wrongdoing, a penalty of up to 100% of the additional tax due may be levied.

Dividends. In principle, a 25% withholding tax is imposed on dividends distributed by resident companies. Dividends distributed by resident companies to qualifying resident companies are

exempt from Suriname dividend withholding tax. For this purpose, the following are qualifying resident companies:

- Investment companies conducted as limited liability companies that exclusively or almost exclusively aim to acquire, hold, manage and sell shares
- Other Suriname resident companies that continuously held the shares in the payer of the dividends from the beginning of the year from which the distributed profits derive, provided that the recipient and payer are not mutual shareholders (entities that hold shares in one another)

Withholding tax is not imposed on remittances of profits by branches to their foreign head offices.

Participation exemption. In principle, dividend distributions received from qualifying resident companies and qualifying nonresident companies are exempt from Suriname income tax. For dividends received from qualifying nonresident companies, the participation exemption applies if, among others, the following conditions are met:

- The share interest held in the nonresident company is in line with the business activities of the company receiving the dividend distribution. The share interest held in the nonresident company is regarded to be in line with the business activities of the company receiving the dividend distribution if the recipient holds at least 10% of the nominal paid-up capital of the payer of the dividends.
- The nonresident company is subject to a tax on profit in its country of residence.

Foreign tax relief. No foreign tax relief is available under domestic law. Foreign tax relief may be available under the tax treaties entered into with Indonesia and the Netherlands.

C. Determination of taxable income

General. Taxable income must be calculated in accordance with "sound business practices."

In principle, all expenses incurred with respect to the conducting of a business are deductible. However, if expenses exceed normal arm's-length charges and are incurred directly or indirectly for the benefit of shareholders or related companies, the excess is considered to be a nondeductible profit distribution (dividend).

In principle, interest expenses are deductible for tax purposes if the interest rate is determined on an arm's-length basis.

No thin-capitalization requirements apply in Suriname under the Suriname tax legislation.

Inventories. Inventories are generally valued using the historical-cost, first-in, first-out (FIFO) or weighted-average methods.

Depreciation. Depreciation may be calculated using the straight-line, declining-balance or other methods that are in accordance with "sound business practices."

Relief for losses. Losses in a financial year may be carried forward for seven years. No carryback is available. Losses incurred by companies during their first three years of business may be carried forward indefinitely.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT) (Effective from 1 January 2023, the VAT replaced the turnover tax.)	10
Import duties	0 to 52

E. Miscellaneous matters

Foreign-exchange controls. The currency in Suriname is the Suriname dollar (SRD).

In general, a foreign-exchange permit is required for the movement of capital with respect to certain transactions including, but not limited to, the following:

- Loans issued by nonresidents of Suriname
- Real estate transactions in which one of the parties is a nonresident of Suriname
- Capital proceeds (profits and dividends)
- Incorporation of a limited liability company in accordance with the laws of Suriname if the company is located in Suriname and if one of the incorporators or shareholders is a nonresident of Suriname
- Purchase or sale of the shares of a limited liability company established in Suriname by a nonresident of Suriname

Specific guidelines for exchange control apply in the case of a petrol agreement: an agreement concluded between a state enterprise and a contractor for the survey, exploration and exploitation of petrol in specified areas of Suriname.

Transfer pricing. In general, intercompany charges must be determined on an arm's-length basis.

F. Tax treaties

Suriname has entered into tax treaties with Indonesia and the Netherlands. These treaties contain provisions to avoid double taxation between Suriname and these countries regarding taxes on income.

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A. At a glance

Corporate Income Tax Rate (%)	20.6
Capital Gains Tax Rate (%)	20.6
Branch Tax Rate (%)	20.6
Withholding Tax (%)	
Dividends	30 (a)
Interest	0
Royalties from Patents, Know-how, etc.	0 (b)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited

(a) This withholding tax applies to nonresidents. In general, no withholding tax is imposed on dividends paid to a foreign company that is similar to a Swedish limited liability company (*aktiebolag*) and that is not regarded as a tax-haven company. If the payer is a company listed on the stock exchange, an exemption is granted only if the recipient holds at least 10% of the voting rights of the payer for more than one year.

(b) Royalties paid to nonresidents are not subject to withholding tax, but the net income is taxed as Swedish-source income at the normal corporate tax rate. However, under most treaties, the tax rate is reduced. Sweden has enacted legislation implementing the European Union (EU) directive on interest and royalties (2003/49/EC), effective from 1 January 2004. In implementing the directive, Sweden considered the most recent amendments adopted by the European Council.

B. Taxes on corporate income and gains

Corporate income tax. Income from all business activities is aggregated as one source of income — income from business. In principle, corporate income tax (CIT) is levied on all corporate income of a company incorporated in Sweden (resident corporation), except for certain domestic and foreign dividends (see *Dividends*). If a Swedish company conducts business through a permanent establishment abroad, the foreign profits are also subject to Swedish tax, unless a treaty provides otherwise. Nonresident corporations are subject to tax on Swedish-source income only.

Rate of tax. The corporate income tax rate is 20.6%. No local income taxes are levied on corporate profits.

Capital gains. No separate regime exists for capital gains, but special rules apply to the calculation of the amount of capital gains and losses.

In general, capital gains on shares held for business purposes are exempt from tax (for details regarding shares held for business purposes, see *Dividends*). The exemption is also applicable for interests in partnerships as well as shares held by partnerships. Corresponding losses on interests in partnerships are nondeductible. However, capital gains on interests in partnerships domiciled outside the European Economic Area (EEA) are not covered by the participation exemption.

Taxable capital gains are aggregated with other corporate business income. Capital gains are subject to tax when transactions are closed, regardless of the holding period or when payment is received.

Administration. A company may choose its financial year and is required to file its corporate income tax return by the corresponding due date for the return. A company can submit its return electronically through the Tax Agency's e-service or via regular mail. The following table provides the dates for filing the corporate income tax return for all financial years.

Financial year	Filing of tax return Paper filing and E-filing
1 February–31 January, 1 March–28 February, 1 April–31 March or 1 May–30 April	1 December
1 June–31 May or 1 July–30 June	15 January
1 August–31 July or 1 September–31 August	1 April
1 October–30 September, 1 November–31 October, 1 December–30 November or 1 January–31 December	1 August

If any of the dates above fall on a Saturday or Sunday, the filing date is moved to the following Monday.

A financial year may be extended for up to 18 months in certain circumstances, such as for a company's first or last financial year or if a company changes its financial year.

Advance tax payments are made in monthly installments during the year to which they relate. The final tax assessment must be issued by the Swedish Tax Agency before the 15th day of the 12th month after the end of the assigned income year. Any balance of tax due must be paid within 90 days after the final tax assessment.

Dividends. In general, dividends received from Swedish companies on shares held for business purposes are exempt from tax. Dividend distributions on other shares are fully taxable. Shares are deemed to be held for business purposes if they are not held as current assets and if any of the following conditions is satisfied:

- The shares are unlisted.
- The shares are listed and the recipient of the dividends owns at least 10% of the voting power of the payer for more than one year.

- The shares are held for organizational purposes (important to the business of the holder or a company in the same group as the holder).

The same conditions for exemption also apply to dividends received from foreign companies if the distributing foreign entity is equivalent to a Swedish limited liability company (*aktiebolag*).

Shares held in a company resident in an EU Member State are considered to be shares held for business purposes if both of the following conditions are satisfied:

- The company owning the shares holds 10% or more of the share capital of the payer (it is irrelevant whether the shares are held as current assets).
- The payer is listed in Council Directive 2015/121/EU (the Parent-Subsidiary Directive) and is required to pay one of the taxes listed in the directive.

Partnerships may receive tax-exempt dividends to the extent that the dividend would be exempt if received directly by the owners of the partnership interests.

However, if the distributing company is a foreign company that can deduct the dividend payment as interest or as a similar payment, the dividend is not exempt for the Swedish receiving company.

Foreign tax relief. Under Swedish law, a Swedish company may usually claim a credit against CIT liability for comparable taxes paid abroad. Sweden applies a so-called "overall" tax credit system. However, certain tax treaties may override internal foreign tax credit rules and instead exempt foreign-source income from Swedish tax.

C. Determination of trading income

General. Corporate income tax is based on taxable business income computed according to the accrual method of accounting. Taxable business income generally includes all worldwide income earned by a corporation. The major exceptions are capital gains and dividends on shares held for business purposes (see Section B).

Inventories. Inventories are valued at the lower of acquisition cost or actual value. Acquisition cost is determined using the first-in, first-out (FIFO) method. An obsolescence provision of 3% is allowed when using acquisition cost to value inventories.

Reserves. A profit allocation reserve allows a 25% deduction of the taxable income for the financial year. Each year's reserve must be added back to taxable income no later than six years after the year of the deduction. The oldest remaining reserve must always be reversed first. The reserve is based on net income before tax and includes any amounts from the allocation reserve that are added back to taxable income.

Tax is imposed annually on fictitious interest income with respect to the deferred tax amount.

Depreciation. Equipment with a life of three years or less may be written off in the year of purchase. Machinery and equipment

may be written off either on a straight-line basis at 20% of cost annually or on a declining-balance basis at 30% of the current tax value. In any one year, the same method must be used for all machinery and equipment. However, companies can switch to a different method each year. The above methods may be used only if the same depreciation method is used in the financial statements. If this condition is not satisfied, a third method, which is also based on the remaining depreciable value, is available. Under this method, companies may choose any percentage, up to a maximum of 25%. The same amortization rules that govern machinery apply to patents, trademarks, purchased goodwill and other intangible property.

Depreciation of buildings is straight-line over the building's expected life. In general, commercial buildings may be depreciated at 2% to 5% annually, factory buildings at 4% and office buildings at 2%. Buildings subject to greater wear and tear may be depreciated at higher rates. Accelerated depreciation of 2% annually is allowed for new buildings, additions or reconstructions during a period of six years following completion.

If depreciable machinery and equipment are sold, the proceeds reduce the depreciable base for the remaining machinery and equipment.

Relief for losses. Losses may be carried forward indefinitely. Losses may not be carried back.

The tax law includes rules restricting the use of old tax losses of acquired companies.

In general, the possibility of offsetting the losses of an acquired company through a group contribution (see *Groups of companies*) may in certain circumstances be restricted during a five-year period. The rules also include a restriction under which the amount of losses that may be used is limited to twice the amount paid for the shares. Special restrictions also apply to the possibility of using losses with respect to mergers.

Groups of companies. There is no consolidated treatment whereby all companies in a group may be treated as a single taxable entity. However, rules permit income earned by companies in a corporate group to be distributed within the group through the use of group contributions, which are deductible for the paying company and taxable income for the receiving company. In general, group contributions may be made between Swedish group companies if ownership of more than 90% exists during the entire financial year. This rule applies even if a foreign parent or subsidiary is in the group structure. A Swedish permanent establishment of a foreign company resident in an EEA state is treated as a Swedish company for purposes of the group contribution rules.

In certain circumstances it is possible for Swedish companies to claim deductions of losses in foreign subsidiaries.

D. Other significant taxes

The following table describes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on goods (including imported goods but excluding exported goods) and services, unless specifically exempt by law; based on sales price excluding VAT	
Standard tax rate	25
Rate on hotel services, food served in restaurants, foodstuffs (not including alcoholic beverages) and the repair of bicycles, shoes, leather goods, clothing and linen (a legislative proposal to reduce the VAT rate on such repairs to 6% may be approved during 2022)	12
Rate on books and newspapers, music notes and maps, entry to theaters, cultural and sports events, entry to and demonstrations of zoos and demonstrations of certain areas of nature, passenger transportation and certain copyrights	6
(A new VAT law was implemented in Sweden on 1 July 2023, with the intention to correspond with the EU VAT directive to a greater extent. The changes should not have a direct impact on companies' VAT management, as no extensive material changes are intended.)	
Social security contributions, on salaries, wages and the assessed value of benefits in kind; paid by employer	
General rate	31.42
Special salary tax, on earnings not included in the base for social security contributions; paid by the employer	24.26

E. Miscellaneous matters

Controlled foreign companies. A Swedish company that holds or controls, directly or indirectly, at least 25% of the capital or voting rights of a foreign low-taxed entity (controlled foreign company, or CFC) is subject to current taxation in Sweden on its share of the foreign entity's worldwide profits if the ownership or control exists at the end of the Swedish company's fiscal year. Foreign entities are considered to be low-taxed if their net income is taxed at a rate of less than 11.33% (55% of the effective corporate income tax rate) on a base computed according to Swedish accounting and tax rules. However, the CFC rules do not apply to foreign entities that are resident and subject to corporate income tax in jurisdictions on the so-called "approved list." If Sweden has entered into a tax treaty with a jurisdiction on the approved list, an additional requirement for the exemption is that the foreign entity and its income must be eligible for treaty benefits.

Anti-avoidance legislation. A general anti-avoidance act applies in Sweden. The act is considered a source of insecurity to taxpayers because it limits the predictability of the tax law. Under the act, a transaction may be adjusted for tax purposes if all of the following conditions are met:

- The transaction, alone or together with other transactions, is part of a procedure that provides a substantial tax advantage to the taxpayer.
- The taxpayer, directly or indirectly, participated in the transaction or transactions.
- Taking into account all of the circumstances, the tax advantage can be considered to be the predominant reason for the procedure.
- A tax assessment based on the procedure would be in conflict with the purpose of the tax law, as it appears from the general design of the tax rules, the rules that are directly applicable or the rules that have been circumvented through the procedure.

Transfer pricing. The Swedish transfer-pricing regulation is based on the arm's-length principle. As a result, in general, the transfer-pricing guidelines of the Organisation for Economic Co-operation and Development (OECD) apply. The Swedish Tax Agency may adjust the income of an enterprise if its taxable income in Sweden is reduced as a result of contractual provisions that differ from those that would be agreed to by unrelated parties and if the following three additional conditions are met:

- The party to which the income is transferred is not subject to tax in Sweden.
- It is reasonably established that a community of economic interest exists between the parties.
- It is clear from the circumstances that the contractual provisions were not agreed upon for reasons other than the community of economic interest.

If the conditions under the law are met, the Swedish Tax Agency may increase the income of an enterprise by the amount of the reduction resulting from the contractual provisions that were not determined at arm's length.

Under Swedish rules, a Swedish company must have formal transfer-pricing documentation in place with respect to cross-border transactions. These requirements have been modified to follow the OECD Base Erosion and Profit Shifting (BEPS) Action 13 recommendations. The modified documentation requirements apply to financial years starting after 31 March 2017 and require a Master File/Local File structure under which one Master File is prepared for the multinational enterprise group, and a Local File is prepared for each country where the group has operations. Small and medium-sized multinational enterprise groups are excluded from the obligation to prepare transfer-pricing documentation. The classification of small and medium-sized companies includes the following companies:

- Companies employing less than 250 persons
- Companies having an annual turnover below SEK450 million or a balance-sheet value below SEK400 million

In addition to the above, aggregated transactions with a counterparty that amount to less than SEK5 million per counterparty are

deemed "non-essential" and do not need to be documented in the Local File.

Debt-to-equity rules. No thin-capitalization rules exist in Sweden. However, the Companies Act requires the compulsory liquidation of a company if more than 50% of the share capital is lost without replacement of new capital.

Interest limitation rules based on earnings before interest, tax, depreciation and amortization. Sweden introduced major changes to its interest limitation rules as of 1 January 2019, which supersede the previous rules. The new rules, which are based on earnings before interest, tax, depreciation and amortization (EBITDA), are described below.

General limitation. Deductibility of net interest expense is limited to 30% of "Tax EBITDA." Special rules apply to investment companies and cooperative associations. These include a safe harbor rule to ease the administrative burden on smaller companies. No limitation is imposed on companies with a net interest expense below SEK5 million. The limitation is applied at the group level, meaning that the total deductible within a group under the safe harbor rule is limited to SEK5 million.

It is possible to offset net interest income and expense among companies that can exchange group contributions.

A nondeductible net interest expense can be carried forward for six years, but a change of control would forfeit the carryforward. However, this is not the case if the change of ownership occurs between two companies within the same group. The same applies for qualified mergers and demergers.

The inclusion of interest expense in the tax base of certain assets (for example, inventory, buildings, machinery and equipment, and intangible assets) is not permitted.

Targeted limitation. Deduction of interest is subject to further limitations with respect to debt between affiliated companies. Such interest expense is tax-deductible only to the extent the beneficial owner of the interest income is tax resident within the EU/EEA or in a jurisdiction with which Sweden has concluded a tax treaty, or the interest income is subject to at least 10% taxation in the hands of the beneficial owner of the interest if the interest income is the only income of the beneficial owner.

Even if the above criteria are met, the interest expense is not tax-deductible if the debt relationship has been created "exclusively, or virtually exclusively," to provide the group with a significant tax advantage.

The targeted interest limitation rules have been deemed incompatible with EU's freedom of establishment. Therefore, the rules limiting tax deductibility on interest paid to foreign affiliated companies have been deemed inapplicable under certain circumstances.

Interest definition. The definition of interest in Swedish tax law includes "costs which are comparable to interest costs," and in some cases, currency exchange rate effects.

Hybrid mismatches. Sweden introduced substantial additions to the Swedish provisions to counter hybrid mismatches as of 1 January 2020, applicable to affiliated companies or arrangements resulting in a tax benefit.

Hybrid entities and instruments. A company is not allowed to deduct expenses paid to a company in another state if the corresponding income is not subject to tax in that state and if this is due to differences in the classification of an entity (opaque/transparent) or a financial instrument (debt/equity) for tax purposes.

Imported mismatches. Deduction of a payment to an entity in a state outside of the EU is disallowed if the corresponding income from that payment is set off, directly or indirectly, against an expense that is giving rise to a deduction without inclusion or a double deduction.

Hybrid permanent establishments. A company is not allowed to deduct an expense paid to another company if the corresponding income is not subject to tax and this difference is due to the one of the following:
- The recognition of a permanent establishment
- The allocation of income to a permanent establishment
- A deemed payment disregarded under the laws of the payee jurisdiction

Double deduction. A company is not allowed to deduct an expense if a deduction is also allowed against the income of a company in another state and if one of the following circumstances exists.
- The expense was attributed to a permanent establishment.
- The expense was paid by a Swedish company.
- This is due to a tax residency mismatch.

The application of the first and third circumstances described above is not restricted to affiliated companies or arrangements resulting in a tax benefit.

Limited foreign tax credit on hybrid-transfers. Deduction of foreign tax, attributable to income on a financial instrument, is disallowed to the extent the taxpayer receives a tax credit on dividend or interest income resulting from the terms of a transfer agreement of the financial instrument. The limitation applies only to the extent that another entity is granted a foreign tax credit for the same income and the dividend or interest income is part of a structured arrangement that generally entails a tax credit for the taxpayer and the taxpayer reasonably should have been expected to know about the arrangement.

Reverse hybrid mismatches. Sweden introduced further provisions to counter hybrid mismatches on 1 July 2021. The provisions extend tax liability on income from Swedish transparent entities to associated foreign entities if the income is not subject to tax in the state where the receiving entity is deemed to be a resident for tax purposes, as a result of the classification of the Swedish transparent entity in that state.

Mandatory disclosure regime. The EU directive on mandatory disclosure rules (DAC 6) requires intermediaries and taxpayers to disclose to the relevant tax authorities certain cross-border

arrangements that contain one or more prescribed hallmarks. Some of the hallmarks trigger reporting requirements only if they also fulfill the main benefit test. From 1 January 2021, reporting is required within 30 days of certain trigger events.

F. Treaty withholding tax rates

Interest payments are not subject to withholding tax under Swedish internal law. Consequently, the table below provides treaty withholding tax rates for dividends and royalties only. However, under Swedish domestic law, no dividend withholding tax is levied on dividends paid by a Swedish company to a "foreign company," as defined under Swedish tax law, if it is equivalent to a Swedish limited liability company and certain holding requirements are met. Also, no withholding tax is levied if the EU Parent-Subsidiary Directive applies. In addition, a foreign legal entity qualifies as a "foreign company" if it is resident and liable to income tax in a jurisdiction with which Sweden has entered into a comprehensive tax treaty and if it is eligible for the treaty benefits.

Swedish domestic law on withholding tax contains an anti-avoidance rule. Under this rule, a person or entity that holds shares to provide an illegitimate tax advantage or reduction of withholding tax for someone else is subject to withholding tax. The anti-avoidance rule may also potentially apply to situations for which an exception from withholding tax would otherwise be available.

There is a proposal for a new Swedish withholding tax act, which had previously been put on hold awaiting the EU FASTER directive. There is currently no set date when the new act is expected to be applicable. Overall, the proposed withholding tax act is not intended to result in major changes in the application of withholding taxes in Sweden, but it will contain new anti-abuse provisions and extend the scope to cover additional persons with limited tax liability in Sweden. The new anti-abuse provisions will also result in the general anti-avoidance act being applicable to situations and arrangements relating to withholding tax.

	Dividends		
Residence of recipient	Normal treaty rate %	Reduced rate (b)(d) %	Royalties (a) %
Albania	15	5	5
Argentina	15	10	3/5/10/15 (g)
Armenia	15	0/5 (c)	5
Australia	15	–	10
Austria	10	5	0/10 (h)
Azerbaijan	15	5	5/10 (t)
Bangladesh	15	10	10
Barbados	15	5	5
Belarus	10	0/5 (c)	3/5/10 (j)
Belgium	15	5	0
Bolivia	15	0	0/15 (u)
Bosnia and Herzegovina (f)	15	5	0
Botswana	5/15 (u)	–	15
Brazil	15/25 (i)	– (i)	15/25 (i)
Bulgaria	10	–	5

Residence of recipient	Dividends Normal treaty rate %	Dividends Reduced rate (b)(d) %	Royalties (a) %
Canada	15	5 (c)	0/10 (w)
Chile	10	5 (c)	2/5/10 (k)(u)
China Mainland	10	5	6/10
Croatia (f)	15	5	0
Cyprus	15	5	0
Czech Republic (e)	10	0	0/5 (l)
Denmark	15	0	0
Egypt	20	5	14
Estonia	15	5	5/10 (k)(u)
Faroe Islands	15	0	0
Finland	15	0	0
France	15	0	0
Gambia	15	0/5 (c)	5/10/12.5 (m)(u)
Georgia	10	0	0
Germany	15	0	0
Hungary	15	5	0
Iceland	15	0	0
India	10	–	10
Indonesia	15	10	10/15 (n)
Ireland	15	5	0
Israel	15	5	–/0 (o)
Italy	15	10	5
Jamaica	22.5	10	10
Japan	10	0	0
Kazakhstan	15	5	10
Kenya	25	15	20
Korea (South)	15	10	10/15 (w)
Latvia	15	5	0/5/10 (k)(u)
Lithuania	15	5	0/5/10 (k)(u)
Luxembourg	15	0	0
Malaysia	15	0	8
Malta	15	0	0
Mauritius	15	0	0
Mexico	15	0/5 (c)	10
Montenegro (f)	15	5	0
Namibia	15	0/5 (c)	5/15 (m)
Netherlands	15	0	0
New Zealand	15	–	10
Nigeria	10	7.5	7.5
North Macedonia	15	0	0
Norway	15	0	0
Pakistan	– (q)	15	10
Philippines	15	10	15
Poland	15	5	5
Romania	10	–	10
Russian Federation	15	5	0
Saudi Arabia	10	5	5/7 (v)
Serbia (f)	15	5	0
Singapore	15	10	0
Slovak Republic (e)	10	0	0/5 (l)
Slovenia (f)	15	5	5
South Africa	15	0/5 (c)	0
Spain	15	10	10
Sri Lanka	15	–	10

Residence of recipient	Dividends: Normal treaty rate %	Dividends: Reduced rate (b)(d) %	Royalties (a) %
Switzerland	15	0	0
Taiwan	10	–	10
Tanzania	25	15	20
Thailand	20	15 (x)	15
Trinidad and Tobago	20	10	–/0/20 (r)
Tunisia	20	15	5/15 (p)
Türkiye	20	15	10
Ukraine	10	0/5 (c)	0/10 (m)
United Kingdom	5/15 (y)	0	0
United States	15	0/5 (c)	0
Venezuela	10	5	7/10 (s)
Vietnam	15	5/10 (c)	5/15 (m)
Zambia	15	5	10
Zimbabwe	20	15	10
Non-treaty jurisdictions	30	–	0

(a) Royalties paid to nonresidents are not subject to withholding tax but are taxed as Swedish-source income at the normal corporate tax rate. However, under certain treaties, the tax rate may be reduced.

(b) The reduced tax rate applies if the parent company owns at least the minimum percentage of the paying company as prescribed by the relevant treaty.

(c) The lower tax rates may apply if thresholds regarding ownership or voting power are met.

(d) Under Swedish domestic law, dividends paid to a "foreign company" (as defined under Swedish law) are exempt from withholding tax if the shares are held for business purposes. Unlisted shares in Swedish companies are normally considered to be held for business purposes unless they are regarded as inventory. If the shares are listed, they must also be held for at least 12 months and the holding must amount to at least 10% of the voting rights. A special exemption also applies if the recipient fulfills the conditions in Article 2 of the EU Parent-Subsidiary Directive and if the holding is at least 10% of the share capital.

(e) Sweden applies the treaty with the former Czechoslovakia to the Czech Republic and the Slovak Republic.

(f) Sweden applies the treaty with the former Yugoslavia to Bosnia and Herzegovina, Croatia, Montenegro, Serbia and Slovenia.

(g) The rates are 3% on news royalties, 5% for copyright (excluding films and certain other items) royalties, 10% for industrial royalties and 15% in other cases.

(h) The higher rate applies if the Austrian company owns more than 50% of the capital of the Swedish company. The EU Interest and Royalties Directive may be more beneficial in this respect.

(i) In practice, the domestic Swedish rate of 20.6% applies to all royalties because the treaty rate of 25%, which applies to trademarks, is higher than the domestic Swedish rate. For all other royalties, the treaty withholding tax rate of 15% has expired. Under a new tax treaty between Sweden and Brazil, the rates will be reduced to the following:
- Dividends: 15% normal treaty rate and 10% reduced rate
- Royalties: 15% rate for trademark royalties and 10% for all other royalties

The rates will apply once Brazil has ratified the tax treaty and once the Swedish government has decided when the treaty should enter into force.

(j) The rates are 3% for patent royalties, 5% for leasing royalties and 10% for other royalties.

(k) The lower rate applies to leasing, and the higher rate applies to other royalties.

(l) The rates are 0% for copyright royalties and 5% for other royalties.

(m) The lower rate applies to industrial royalties.

(n) The lower rate applies to leasing and know-how royalties.

(o) The reduced treaty rate does not apply to mining royalties and cinematographic film royalties.

(p) The lower rate applies to copyright royalties.

(q) The domestic rate applies.

(r) The 0% rate applies to copyright royalties. The domestic rate applies to mining royalties. The 20% rate applies to all other royalties.

(s) The 10% rate applies to copyright royalties.

(t) The 5% rate applies to royalties for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, or for information concerning industrial, commercial or scientific experience. The 10% rate applies to all other royalties.
(u) The rate may be reduced by virtue of a most-favored-nation clause.
(v) The 5% rate applies to royalties for the use of, or the right to use, industrial, commercial or scientific equipment. The 7% rate applies to all other royalties.
(w) The lower rate applies to copyright royalties, excluding royalties for films and certain other items.
(x) The reduced rate applies if the payer of the dividends is engaged in an industrial undertaking.
(y) The higher rate of 15% applies on dividends paid by investment vehicles if the income is derived directly or indirectly from immovable property.

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A. At a glance

Corporate Income Tax Rate (%)	11 to 21 (a)
Capital Gains Tax Rate (%)	– (b)
Branch Tax Rate (%)	11 to 21 (a)
Withholding Tax (%) (c)	
Dividends	35
Interest	0/35 (d)
Royalties from Patents, Know-how, etc.	0
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0 (e)
Carryforward	7 (e)

(a) The rates reflect the maximum aggregate effective tax liability of ordinarily taxed companies and are composed of federal and cantonal/communal taxes. Approximately 7.8% of the rates relate to the federal tax. The rates depend on the canton and commune in which the taxable entity performs its activities.
(b) See Section B.
(c) The withholding tax rates may be reduced under the Automatic Exchange of Information (AEI) Agreement between Switzerland and the European Union (EU) (see Section E) and under double tax treaties (see Section F).
(d) Withholding tax is levied on bank interest and bond interest, but normally not on interest on commercial loans, including loans from foreign parents to Swiss subsidiaries.
(e) Income of the current year may be offset against losses incurred in the preceding seven years. Losses may not be carried back (see Section C).

B. Taxes on corporate income and gains

Income tax. Switzerland is a confederation of 26 cantons (states). Taxes are levied at the federal and cantonal/communal levels. As a result of this multilayered tax system, no standard tax rates exist. Under the Swiss income tax system, earnings are taxed at the corporate level and, to the extent profits are distributed as dividends, again at the shareholder's level. However, see *Dividends* for details regarding the participation exemption.

In general, a resident corporation is a corporation that is incorporated in Switzerland. In addition, a corporation incorporated in a foreign country is considered a resident of Switzerland under Swiss domestic law if it is effectively managed and controlled in Switzerland.

Resident companies are subject to corporate tax on worldwide income. Income realized by a foreign permanent establishment of

a Swiss company or derived from foreign real estate is excluded from taxable income. Losses incurred by a foreign permanent establishment are deductible from taxable income. However, if a foreign permanent establishment of a Swiss company realizes profits in the seven years following the year of a loss and if the permanent establishment can offset the loss against such profits in the foreign jurisdiction, the Swiss company must add the amount of losses offset in the country of the permanent establishment to its taxable income in Switzerland.

A company not resident in Switzerland is subject to Swiss income tax if it has a permanent establishment or real estate in Switzerland.

Tax Harmonization Act. The Tax Harmonization Act (THA) sets certain minimum standards for cantonal/communal taxes. However, cantonal/communal tax rates are not harmonized under the THA.

Rates of corporate tax. The federal corporate income tax is levied at a flat rate of 8.5% of the taxable income. Because taxes are deductible in Switzerland, the federal corporate income tax rate on pre-tax income is approximately 7.8%.

Cantonal/communal tax rates vary widely. The cantonal/communal tax rates are usually a certain percentage (known as "multipliers") of the relevant cantonal statutory tax rates. The total tax liability consisting of federal and cantonal/communal taxes ranges from 11% to 21% (rounded numbers) of the pre-tax income, depending on the canton and commune in which the taxable entity is located.

Tax incentives. In Switzerland, tax incentives are granted to companies either by the cantons or by both the cantons and the federation if the respective conditions are met.

Patent box at the cantonal level. A patent box, which is compliant with the Organisation for Economic Co-operation and Development (OECD), is available at the cantonal level. Subject to the nexus approach, qualifying income derived from patents and equivalent rights is eligible for a relief of 10% to 90% (varies among the cantons). On entry in the patent box, the previously deducted research and development (R&D) expenditures are recaptured and taxed at the cantonal level.

R&D super deduction at the cantonal level. In certain cantons, an incremental deduction between 20% and 50% of the taxpayer's qualifying R&D expenditures can be applied (varies among the cantons). Only expenditures incurred in connection with R&D activities performed in Switzerland, either by the taxpayer or by related or unrelated parties, are eligible for the super deduction.

Notional interest deduction for taxpayers domiciled in the canton of Zurich. There is a grant of a notional interest deduction (NID), which is an imputed interest deduction on surplus equity. Surplus equity represents the portion of equity that exceeds the core equity required to conduct the business activity of the entity.

Immigration step-up at the federal and cantonal level. Hidden reserves, including self-created goodwill, can be disclosed for tax purposes on the immigration of assets, businesses or functions

from abroad to Switzerland. The disclosed hidden reserves must be amortized within the ordinary amortization periods, while disclosed self-created goodwill must be amortized within 10 years.

Overall cantonal tax relief limitation at the cantonal level. The cantonal tax incentives, such as patent box, R&D super deduction and NID, are subject to a maximum relief limitation of up to 70% of the taxable profit (varies among the cantons).

Tax holidays. In Switzerland, tax holidays are granted to companies either by the cantons or by both the cantons and the federation. Except for the limitation on the duration of tax holidays to a maximum period of 10 years, the cantons are autonomous in granting cantonal/communal tax holidays to the following:

- Newly established enterprises
- An already established enterprise that makes a material change in its operations

Tax holidays at the federal level require approval of the federation. Tax holidays at the federal level are governed by the federal law on regional policy, which is based on the following key factors:

- Establishment of new business activities in a qualifying area of economic development
- The performance by the applying company of industrial activities or services that have a close nexus to production activities
- Creation of new jobs or maintaining of jobs
- Particular economic relevance of the planned project for the area

The maximum amount of the federal tax relief is determined by the number of newly created or maintained jobs. Production-related service providers are eligible for a federal tax holiday if they create at least 10 new jobs within the first 5 years. No such limitation applies to industrial enterprises.

Federal and cantonal/communal tax holidays are typically subject to clawback provisions. The clawback clause is generally triggered if the conditions for the tax holidays are no longer met (for example, the envisaged number of jobs have not been created or have not been maintained within the relevant time frame).

Capital gains. Capital gains are generally taxed as ordinary business income at regular income tax rates. Different rules may apply to capital gains on real estate or to real estate companies at the cantonal/communal level.

Capital gains derived from dispositions of qualifying investments in subsidiaries qualify for the participation exemption. Under the participation exemption rules for capital gains, the parent company must sell a shareholding of at least 10% and, at the time of the disposal, it must have held the shares for at least one year (for further details regarding the participation exemption, see *Dividends*).

Administration. Income tax is generally assessed on the income for the current fiscal year, which corresponds to the corporation's financial year. The financial year does not need to correspond with the calendar year. Corporations are required to close their books once a year and file annual returns. This rule does not

apply to the founding year. Consequently, the first fiscal year can be extended up to a maximum of nearly two years.

The cantonal deadlines for filing the corporate tax return vary, and extensions may be obtained. The federal and cantonal tax returns are generally filed together.

Corporations may pay income tax in one lump-sum payment or in installments. The deadline for the payment of federal income tax is 31 March of the year following the fiscal year. The deadline for cantonal/communal taxes is usually between 30 June and 31 December.

Dividends. Dividends received are taxable as ordinary income. However, under the participation exemption rules, the corporate income tax liability is reduced by a proportion of net dividend income (as defined by the law) to the total taxable income if the recipient of dividends satisfies any of the following conditions:

- The recipient owns at least 10% of the shares of the distributing corporation.
- The recipient has a share of at least 10% of the profits and reserves of the distributing corporation.
- The recipient holds shares with a market value of at least CHF1 million.

Swiss companies distributing dividends or proceeds from liquidation exceeding the nominal share capital and the capital contribution reserves are generally required to withhold tax at a rate of 35%. Under the Net Remittance Procedure, Swiss companies distributing qualifying dividends may apply the treaty withholding rates prospectively without making the full 35% prepayment. The Net Remittance Procedure applies to dividends distributed on "qualifying participations." These are participations that qualify for an additional reduction or a full exemption from Swiss withholding tax under a comprehensive income tax treaty or under the AEI Agreement between Switzerland and the EU (see Section E). To distribute dividends under the Net Remittance Procedure, companies must obtain advance approval from the Swiss Federal Tax Administration (SFTA) by filing the designated application form.

The SFTA assesses, among other items, the beneficial ownership and substance elements. The advance approval to apply the Net Remittance Procedure will be issued for a five-year period. Reimbursements of Swiss withholding tax on dividends paid before the completion of a minimum holding period, if any, require filing and approval of Form 70 after the completion of the holding period (Denkavit-Practice; this is a reference to the European Court of Justice's decision in the *Denkavit case*).

Under the capital contribution principle, contributions to equity made by a shareholder on or after 31 December 1996 can generally be distributed without triggering withholding tax consequences, provided that certain requirements are met. Nevertheless, as of 1 January 2020, Swiss companies that are listed on the Swiss stock exchange can only distribute capital contribution reserves tax-free to their shareholders if at least 50% of the dividend is distributed out of other reserves (typically retained earnings) to the extent available.

Intercantonal tax allocation. If a company operates in more than one canton, that is, the head office is in one canton and permanent establishments are in other cantons, its taxable earnings are allocated among the different cantons. The allocation method depends on the type of business of the company. The determination of the method is based on case law, which is governed by a constitutional guarantee against intercantonal double taxation.

Foreign tax relief. Income from foreign permanent establishments of a Swiss company is not taxable in Switzerland. The international allocation of profit is based on intercantonal rules, unless a tax treaty provides for a different method. For the treatment of losses of foreign permanent establishments, see *Income tax*.

C. Determination of taxable income

General. The net profit shown in the commercial financial statements generally serves as the basis for income taxation. However, the tax authorities may require adjustments to correct for certain items such as excessive depreciation and provisions.

Federal and cantonal/communal corporate taxes paid or due are deductible for corporate income tax purposes.

Inventories. Any system of inventory pricing that is in accordance with accepted business practice and is used consistently by the taxpayer is presumed to be acceptable by the tax authorities.

Provisions. Swiss federal and cantonal regulations provide that a company may record a general tax-deductible reserve amounting to one-third of the inventory valuation.

Provisions to cover doubtful accounts receivable and expected liabilities are generally allowed for tax purposes if they are commercially justifiable.

In general, a reserve of 5% of accounts due from Swiss debtors and 10% of those due from foreign debtors is allowed, without substantiation. In addition, provisions for specific accounts may be established if economically justifiable.

Depreciation. Depreciation may be calculated using the declining-balance or the straight-line method. For federal tax purposes, the following are some of the maximum rates set forth in the official guidelines.

	Method	
Asset	**Declining-balance (%)**	**Straight-line (%)**
Commercial buildings	3 to 4	1.5 to 2
Industrial buildings	7 to 8	3.5 to 4
Office furniture	25	12.5
Office machines	40	20
Data-processing equipment	40	20
Machinery	30	15
Motor vehicles	40	20
Intangibles	40	20

Some cantons have particularly favorable provisions (for example, immediate or one-time depreciation).

Relief for losses. Income of the current year may be offset against losses incurred in the preceding seven years, to the extent that such losses have not yet been used to absorb profits of prior years. No loss carryback is allowed.

Groups of companies. Except for value-added tax purposes, the concept of a consolidated or group return is unknown in Swiss tax law. Each corporation is treated as a separate taxpayer and files its own return.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on deliveries of goods and services, including imports of goods and the purchase of services and (in very specific cases) of goods from foreign businesses that are not registered for VAT in Switzerland	
Standard rate	8.1
Hotel and lodging services (overnight stays only)	3.8
Preferential rate (applicable to items such as foodstuffs, farming supplies, agricultural products, medicines and newspapers)	2.6
Exports	0
Net equity tax	
Federal rate	0
Cantonal/communal rate; varies among the cantons and may also depend on the multiplier applied by the canton/commune (the cantons can provide for certain relief measures including the credit of the corporate income tax against the cantonal/communal equity tax)	0.001 to 0.5
Payroll taxes	
Social security contributions, on gross salary; paid by	
Employer	5.3
Employee	5.3
Company pension fund; rate varies by plan (compulsory and optional), gender and age of employee; paid by	
Employer (must bear at least one-half of the contribution)	3.5 to 9
Employee	3.5 to 9
Unemployment insurance, imposed on annual gross salary	
Gross salary up to CHF148,200 (capped); paid by	
Employer	1.1
Employee	1.1
Family allowance; paid on salary by employer; imposed by various cantons at different rates	0.7 to 3.5

Nature of tax	Rate (%)
Maternity insurance (only for some cantons)	Various
Accident insurance; rates vary depending on extent of coverage and the risk of the business; imposed on annual gross salary of up to CHF148,200	
Occupational; paid by employer; for extremely high risks, rates vary depending on various factors (for example, industrial sector of the employer)	Various
Non-occupational; employer may elect to charge all or part of these premiums to employees; for extremely high risks, rates vary depending on various factors (for example, industrial sector of the employer)	Various
Stamp duties	
One-time capital contribution tax, on Swiss shares (the rate is 0% for shares issued within the scope of qualified mergers and reorganizations, as well as for financial reorganizations, provided specific requirements are met); for incorporations and capital increases, the first CHF1 million is exempt from tax	1
Securities turnover tax; on the sale or exchange of taxable securities involving a Swiss-registered securities dealer (as defined by the law) that acts in the capacity of a broker or dealer or that trades on its own account; the onus for payment of the securities turnover tax is on the Swiss securities dealer, but it is customary that the securities turnover tax be charged to the ultimate buyer and/or seller; several types of parties are exempt, including investment fund managers and foreign companies listed on a recognized stock exchange; several types of transactions are exempt, including the brokering of foreign bonds between foreign parties and qualifying internal group transactions	
Securities issued by a Swiss party	0.15
Securities issued by a foreign party	0.3
Stamp duty on insurance premiums	
Third-party liability, fire, comprehensive vehicle and house contents insurance	5
Life insurance with single premium	2.5

E. Miscellaneous matters

Debt-to-equity rules. Under the federal thin-capitalization guidelines, which are also applied by most cantons, the minimum capitalization is calculated based on the maximum indebtedness of all of the assets. For each type of asset, only a specified percentage may be financed with debt from related parties (directly or indirectly). Consequently, the debt-to-equity ratio results from the sum of the maximum amount of indebtedness of all of the assets. The following are examples of the maximum percentages of indebtedness:

- Cash: 100%

- Accounts receivable: 85%
- Participations: 70%
- Manufacturing plants: 70%
- Intangibles: 70%

The required equity is calculated at the end of the year based on the balance sheet or on the fair market value of all assets, if higher.

For finance companies, the maximum indebtedness is 6/7 of the assets.

Interest rates may not exceed arm's-length rates (the SFTA publishes safe-haven rates annually). In case of deviations from the safe-haven rates, the taxpayer must demonstrate that the interest rate applied meets the arm's-length standard. In practice, this would require performing appropriate transfer-pricing analyses of comparable third-party arrangements in line with the latest requirements of Chapter 10 of the OECD Transfer Pricing Guidelines.

In certain cantons, specific debt-to-equity rules apply to real estate companies.

Foreign-exchange controls. Switzerland does not impose foreign-exchange controls.

Transfer pricing. Switzerland does not have statutory transfer-pricing rules. Transactions with related parties (for example, intercompany charges) must be determined at arm's length. The tax authorities accept the transfer-pricing methods described by the OECD guidelines. In particular, cost-plus charges should be justified and documented with appropriate ranges of mark-ups for each individual case. For the provision of financial and management services, the cost-plus method is accepted in exceptional cases only.

Special guidelines apply concerning minimum and maximum interest on loans granted to or from shareholders or related parties.

Companies may discuss transfer-pricing issues with the tax authorities and confirm the outcome in binding rulings. In complex cases, they may apply for APAs. Rulings are more common.

All of Switzerland's tax treaties contain a provision relating to the mutual agreement procedure (MAP), which generally follows Article 25 Paragraphs 1 through 3 of the OECD Model Tax Convention. Furthermore, more than 36 double tax treaties provide for the possibility of binding arbitration if the competent authorities of the countries involved cannot reach an agreement within MAP.

Country-by-Country Reporting. Multinational corporations that are resident in Switzerland with a minimum consolidated turnover of more than CHF900 million are required to submit a Country-by-Country Report to the SFTA no later than 12 months after the end of the respective financial year.

Reorganizations. The Swiss Merger Law of 3 October 2003 authorizes companies to carry out tax-neutral reorganizations (mergers,

demergers and transformations) if certain conditions are met, including the following:

- Liability to Swiss tax continues after the reorganization.
- Assets and liabilities are transferred and acquired at their previous value for income tax purposes.

Anti-avoidance measures. Switzerland has double tax treaties with more than 115 jurisdictions for the avoidance of double taxation and is committed to align all treaties with the global minimum standard in accordance with OECD Base Erosion and Profit Shifting (BEPS) Action 6.

Automatic Exchange of Information Agreement between Switzerland and the EU. Article 9 of the Automatic Exchange of Information Agreement between Switzerland and the EU (AEI Agreement) contains a measure providing that dividends paid (similar rules apply to intercompany interest payments and royalties) are not subject to tax in the country of source if the following conditions are satisfied:

- The parent company has a direct minimum holding of 25% of the capital of the payer of the dividends (subsidiary) for at least two years.
- Both the parent company and the subsidiary are subject to corporate tax without being exempted and both are in the form of a limited company.
- One company is tax resident in an EU Member State and the other company is tax resident in Switzerland.
- Neither company is tax resident in a third state under a double tax treaty with that state.

Bilateral double tax treaties between Switzerland and individual EU Member States remain applicable and are not restricted by the AEI Agreement.

Subject to fulfillment of the respective requirements, the taxpayer may rely either on the AEI Agreement or the applicable double tax treaty. The AEI Agreement will be extended to other jurisdictions that may join the EU in the future.

BEPS 2.0 Pillar Two implementation in Switzerland. The Pillar Two Global Anti-Base Erosion (GloBE) Model Rules stipulate that multinational enterprises (MNEs) with a turnover of more than EUR750 million are subject to a global minimum tax rate of at least 15% in each jurisdiction. The minimum tax is calculated based on the GloBE Model Rules provided by the OECD.

On 22 December 2023, the Swiss federal council implemented a Qualified Domestic Minimum Top-up Tax (QDMTT, also referred to as the Swiss Top-up Tax), which is applicable from 1 January 2024. At the same time, the federal council delayed the application of the Income Inclusion Rule (IIR) and Undertaxed Profits Rules (UTPR; together with the IIR referred to as the International Top-up Tax).

However, the legal basis for the International Top-up Tax (IIR and UTPR) is already established in the Minimum Tax Ordinance, with applicability deferred by a transitional provision for the time

being. Accompanying the ordinance, an explanatory statement was released that suggests that an application of the International Top-up Tax as of 1 January 2025 is likely. Nevertheless, this scenario is greatly contingent upon the global implementation landscape.

The GloBE rules will only apply to in-scope MNEs. The rules apply in addition to the ordinary corporate income tax system, which is not adjusted and applies unchanged in a first step. In a second step, the Swiss Top-up Tax will apply if the covered taxes from the ordinary corporate tax system aggregated for all Swiss group entities of an in-scope MNE group, divided by the respective aggregated GloBE Income or Loss, results in a GloBE Effective Tax Rate below 15%. It is anticipated that the Swiss Top-up Tax should qualify for the QDMTT Safe Harbour. Consequently, no additional IIR and UTPR calculations should be necessary for Swiss in-scope entities abroad.

For the latest information, please see the *BEPS 2.0 – Pillar Two Developments Tracker* (ey-beps-2-0-pillar-two-developments-tracker.pdf).

F. Treaty withholding tax rates

Residence of recipient	Dividends %	Interest (a) %	Royalties (b) %
Albania	5 (d)	5 (ff)	0
Algeria	5 (o)	10	0
Antigua (tttt)	15/25 (uuuu)	0	0
Argentina	10 (ggg)	0/12 (qqq)	0
Armenia	0/5/15 (mm)	0/10 (rrr)	0
Australia	0/5 (cccc)	0/10 (ffff)	0
Austria	0 (t)(gg)	0 (gg)	0
Azerbaijan	5 (jj)	0/5/10 (kk)	0
Bahrain	0/5/15 (pppp)	0	0
Bangladesh	10 (t)	0/10 (uu)	0
Barbados (tttt)	15/25 (uuuu)	0	0
Belarus	5 (d)	0/5/8 (gggg)	0
Belgium	0 (gg)(hh)	0/10 (gg)(ll)	0
Belize (tttt)	15/25 (uuuu)	0	0
Brazil	0/10/15 (qqqq)	0/10/15 (rrrr)	0
British Virgin Islands (tttt)	15/25 (uuuu)	0	0
Bulgaria	0 (x)(gg)	0/5 (gg)(ttt)	0
Canada	0/5 (f)(xx)	0/10 (yy)	0
Chile	15	5/15 (vv)	0
China Mainland (w)	0/5 (bbbb)	0/10 (dddd)	0
Colombia	0 (t)	0/10 (hhhh)	0
Côte d'Ivoire	15	15	0
Croatia	5 (d)(gg)	5 (gg)	0
Cyprus	0 (gg)(sss)	0 (gg)	0
Czech Republic	0 (gg)(vvv)	0 (gg)	0
Denmark (rr)	0 (h)(gg)	0 (gg)	0
Dominica (tttt)	15/25 (uuuu)	0	0
Ecuador	15	0/10 (ll)	0
Egypt	5 (d)	0/15 (m)	0
Estonia	0 (dd)(gg)	0 (gg)	0
Ethiopia	5/15 (vvvv)	5	0

Residence of recipient	Dividends %	Interest (a) %	Royalties (b) %
Faroe Islands (rr)	0	0	0
Finland	0 (gg)(oo)	0 (gg)	0
France	0 (e)(gg)	0 (gg)	0
Gambia (tttt)	15/25 (uuuu)	0	0
Georgia	0 (oo)	0	0
Germany	0 (j)(gg)	0 (gg)	0
Ghana	5 (g)	0/10 (ll)	0
Greece	5 (d)(gg)(zz)	7 (gg)	0
Grenada (tttt)	15/25 (uuuu)	0	0
Hong Kong	0 (ppp)	0	0
Hungary	0 (gg)(www)	0 (gg)	0
Iceland	0 (nn)	0	0
India (ss)	5 (ss)	0/10 (cc)	0
Indonesia	10 (d)	10	0
Iran	5 (i)	0/10 (r)	0
Ireland	0 (gg)(www)	0 (gg)	0
Israel	5 (g)	5/10 (k)	0
Italy	15 (gg)	12.5 (gg)	0
Jamaica	10 (s)	0/10 (iiii)	0
Japan	0 (ww)	0 (ff)	0
Kazakhstan	5 (bb)(yyy)	10	0
Korea (South)	5 (g)	0/5/10 (k)(iii)	0
Kosovo	0/5 (yyy)(mmmm)	0/5 (llll)	0
Kuwait	15	10	0
Kyrgyzstan	5 (d)	5	0
Latvia	0 (dd)	0/10 (qq)	0
Liechtenstein	0 (eeee)	0	0
Lithuania	5 (o)(gg)	0/10 (gg)(iiii)	0
Luxembourg	0 (q)(gg)	0/10 (gg)	0
Malawi (tttt)	15/25 (uuuu)	0	0
Malaysia	5 (d)	10	0
Malta	0 (gg)(mmm)	0/10 (gg)(lll)	0
Mexico	0 (bb)	5/10 (p)	0
Moldova	5 (d)	0/10 (ll)	0
Mongolia	5 (d)	0/10 (ll)	0
Montenegro	5 (t)	10	0
Montserrat (tttt)	15/25 (uuuu)	0	0
Morocco	7 (d)	10	0
Netherlands (kkkk)	0 (h)(gg)	0 (gg)	0
New Zealand	15	10	0
North Macedonia	5 (d)	0/10 (cc)	0
Norway	0 (y)	0	0
Oman	0/5 (g)(kkk)	0/5 (llll)	0
Pakistan	10 (ee)	10	0
Peru	10 (zzz)	10/15 (aaaa)	0
Philippines	10 (y)	10	0
Poland	0 (gg)(tt)	0/5/10 (c)(gg)	0
Portugal	5 (d)(gg)	10 (gg)(dddd)	0
Qatar	5 (pp)	0	0
Romania	0 (gg)(ii)	0/5 (gg)(nnn)	0
Russian Federation	0/5 (hhh)(ooo)	0	0
St. Kitts and Nevis (tttt)	15/25 (uuuu)	0	0

Residence of recipient	Dividends %	Interest (a) %	Royalties (b) %
St. Lucia (tttt)	15/25 (uuuu)	0	0
Saint Vincent and the Grenadines (tttt)	15/25 (uuuu)	0	0
Saudi Arabia	5/15 (ssss)	0/5 (llll)	0
Serbia	5 (t)	10	0
Singapore	0/5 (aaa)	0/5 (bbb)	0
Slovak Republic	0 (gg)(eee)	0/5 (gg)(jjj)	0
Slovenia	0 (gg)(uuu)	0/5 (gg)(xxx)	0
South Africa	5 (o)	5	0
Spain	0 (gg)(hh)	0 (gg)	0
Sri Lanka	10 (d)	10 (k)	0
Sweden	0 (gg)(ddd)	0 (gg)	0
Taiwan	10 (t)	0/10 (n)	0
Tajikistan	5 (o)	0/10 (n)	0
Thailand	10 (y)	0/10/15 (u)	0
Trinidad and Tobago	10 (l)	10	0
Tunisia	10	10	0
Türkiye	5 (o)	0/5/10/15 (fff)	0
Turkmenistan	5 (d)	10	0
Ukraine	5 (f)(kkk)	0/5 (oooo)	0
United Arab Emirates	0/5 (g)(kkk)	0	0
United Kingdom	0 (h)(gg)	0 (gg)	0
United States	0/5 (nnnn)	0	0
Uruguay	5 (d)	0/10 (ll)	0
Uzbekistan	5 (o)	0/5 (r)	0
Venezuela	0 (z)	0/5 (aa)	0
Vietnam	7 (v)	0/10 (jjjj)	0
Zambia	0/5 (ccc)	10	0
Non-treaty jurisdictions	35	0/35	0

(a) Withholding tax is imposed only on bank interest and on interest from publicly offered bonds, debentures and other instruments of indebtedness issued by a Swiss borrower, but not on interest on commercial loans, including loans from foreign parents to Swiss subsidiaries.

(b) Under Swiss domestic law, no withholding tax is imposed on royalties, management fees, rents, licenses and technical assistance fees and similar payments.

(c) A 5% general rate and a 0% rate on interest paid between related parties (as defined in the double tax treaty) apply to interest paid on or after 1 July 2013. A 10% rate applies to interest paid on or before 30 June 2013.

(d) This rate applies if the shareholding by a corporation is at least 25%. A 15% rate applies to all other dividends.

(e) The 0% rate generally applies if the shareholding of a corporate recipient of dividends is at least 10%. The rate is increased to 15% if the shareholding of a corporate recipient is less than 10% or if the corporate recipient is controlled by persons that are not in the contracting states unless the corporate recipient demonstrates that the participation rights are not solely intended to profit from the advantages mentioned above. The 15% rate also applies to dividends paid to individuals and all other dividends.

(f) The 5% rate applies to dividends paid to corporations with a shareholding and voting stock of at least 10% in the payer. A 15% rate applies to other dividends.

(g) A 0% rate applies to dividends paid to pension funds or other similar institutions providing pension schemes. The 5% rate applies to dividends paid to corporations with a shareholding of at least 10% in the payer. A 15% rate applies to other dividends.

(h) This rate applies to dividends paid to corporations holding at least 10% of the capital and to dividends paid to pension funds or other similar institutions providing pension schemes. A 15% rate applies to other dividends.

(i) The 5% rate applies if the recipient of the dividends is a corporation with a shareholding of at least 15%. A 15% rate applies to other dividends.
(j) The 0% rate generally applies if the recipient of the dividends is a corporation that has a shareholding of at least 10% and if the participation has been held for at least one year. A 15% rate applies if the recipient of the dividends is a corporation that has a shareholding of less than 10% or if the recipient of the dividends is an individual.
(k) A rate of 5% applies to interest on bank loans.
(l) Rate is applicable if shareholding by a corporation is at least 10%. The net treaty withholding rate is increased to 20% if shareholding is less than 10%.
(m) A 0% rate applies to interest on bank loans.
(n) The 0% rate applies to the following interest payments:
- Interest paid to the other contracting state in connection with the sale on credit of industrial, commercial or scientific equipment
- Interest paid in connection with the sale on credit of merchandise by one enterprise to another enterprise
- Interest on a loan granted by a bank or to the other contracting state or a political subdivision or a local authority thereof

(o) The 5% rate applies if the recipient of the dividends is a corporation with a shareholding of at least 20%. The rate is increased to 15% in all other cases.
(p) For interest paid to banks, the withholding tax rate is reduced to 5%.
(q) The 0% rate applies to dividends paid to corporations with direct ownership of at least 10% and a holding period of two years and to dividends paid to pension funds or other similar institutions. A 5% rate applies to corporations with direct ownership of at least 10% before the two-year holding period has elapsed. A 15% rate applies in all other cases.
(r) The 0% rate applies to the following interest payments:
- Interest paid with respect to a loan made, guaranteed or insured by the government of the other state or an instrumentality or agency thereof
- Interest paid in connection with the sale on credit of industrial, commercial or scientific equipment
- Interest paid in connection with the sale on credit of merchandise by one enterprise to another enterprise
- Interest on a loan granted by a bank

(s) This rate applies to dividends paid to corporations holding at least 10% of the voting power of the payer. A 15% rate applies to other dividends.
(t) This rate applies if the shareholding of the recipient is at least 20%. For other dividends, the rate is 15%.
(u) The 0% rate applies to interest on special trade credits or loans. The 10% rate applies to interest paid to banks or insurance companies. The 15% rate applies to other interest.
(v) This rate applies if the shareholding of the recipient is at least 50%. The rate is 10% if the shareholding of the recipient is at least 25% but less than 50%. The rate is 15% for other dividends.
(w) The China treaty does not cover the Hong Kong SAR.
(x) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is either of the following:
- A company (other than a partnership) directly owning shares representing at least 10% of the capital of the company paying the dividends for at least one year before the payment of the dividends
- A pension fund or scheme
- The central bank

(y) This rate applies if the direct shareholding of the corporate recipient is at least 10%. For other dividends, the rate is 15%.
(z) The rate is 10% if the shareholding of the recipient is less than 25%.
(aa) The 0% rate applies to interest on certain government bonds. The 5% rate applies to other interest.
(bb) This rate applies if the shareholding of the recipient is at least 10%. A 15% rate applies to all other dividends.
(cc) A 0% rate applies to interest on bank loans and in certain other special cases.
(dd) The 0% rate applies if the beneficial owner of the dividends is one of the following:
- A company (other than a partnership) that is a resident of the other state and that holds directly at least 10% of the capital in the company paying the dividends for at least one year before the payment of the dividend
- A pension scheme
- The central bank of the other contracting state

(ee) The 10% rate applies to dividends paid to corporations holding participations of at least 20% in other enterprises. A 20% rate applies to other dividends.

(ff) A 10% rate applies to interest payments if the interest payments are determined based on the following:
- Revenue, sales, income, profits or other cash flows of the debtor or a related party
- Value adjustments of assets of the debtor or a related party
- Dividend payments or distributions of a partnership
- Similar payments of the debtor or related parties

The 0% rate applies to all other interest payments.

(gg) A 0% rate may apply under the Switzerland-EU agreement (see the paragraph preceding the treaty withholding tax rate table). The rates shown in the table are the treaty withholding tax rates.

(hh) The 0% rate applies if the recipient is a company that owns directly at least 10% for a period of at least one year of the capital of the company paying the dividends or if the recipient is a pension fund or pension scheme, provided that the dividends do not result from a business activity or are paid by a related company. The 15% rate applies to other dividends.

(ii) The 0% rate applies if the recipient is a company (other than a partnership) that owns directly at least 25% of the capital of the company paying the dividends, a governmental institution, a pension fund or a central bank authority. A 15% rate applies to other dividends.

(jj) The 5% rate applies if the corporate recipient of the dividends holds a shareholding of at least 20% in the distributing entity and has invested at least USD200,000 in the country of the distributing entity. The treaty withholding tax rate is increased to 15% if the shareholding is less than 20%.

(kk) The 0% rate applies to interest paid to certain government agencies or in connection with the purchase of industrial, commercial or scientific equipment on credit. The 5% rate applies to interest paid to banks or in connection with the purchase of goods on credit. The 10% rate applies to other interest.

(ll) The 0% rate applies to the following interest payments:
- Interest paid on loans granted by a company of the other state
- Interest paid to pension funds or pension schemes, provided that the interest does not result from a business activity or is paid by a related company
- Interest paid to the other contracting state, one of its political subdivisions, to local authorities or to a statutory body

A 10% rate applies to all other interest payments.

(mm) The 0% rate applies if the beneficial owner of the dividends is one of the following:
- A company that is a resident of the other contracting state that holds directly at least 50% of the capital of the paying company for at least 365 days including the day of the dividend payment (in the case of a merger, demerger or conversion, the holding period continues to run) and that has a stake in the capital of the dividend paying company at the time of the dividend payment amounting to more than CHF2 million (or the equivalent amount in foreign currency)
- A pension fund or scheme
- The central bank of the other contracting state

The 5% rate applies if the beneficial owner of the dividends is a company that is a resident of the other contracting state that holds directly at least 10% of the capital of the paying company for at least 365 days including the day of the dividend payment (in case of a merger, demerger or conversion the holding period continues to run) and that has a stake in the capital of the dividend paying company at the time of the dividend payment amounting to more than CHF100,000 (or the equivalent amount in foreign currency). The 15% rate applies to all other dividend payments.

(nn) The 0% rate applies if the beneficial owner of the dividends is one of the following:
- A company (other than a partnership) that is a resident of the other contracting state and that holds directly at least 10% of the capital in the company paying the dividends for at least one year before the payment of the dividend
- A pension scheme
- The central bank of the other contracting state

(oo) The 0% rate generally applies if the shareholding of a corporate recipient of dividends is at least 10%. The rate is increased to 10% if the shareholding of a corporate recipient is less than 10%.

(pp) A 0% rate applies to dividends paid to the other contracting state or a political subdivision or local authority thereof, the central bank or pension funds. The 5% rate applies to dividends paid to corporate recipients if the

shareholding is at least 10%. A 10% rate applies if the recipient is an individual with a shareholding of at least 10%. For other dividends, the rate is 15%.

(qq) The 0% rate applies if the recipient of the interest is a company (other than a partnership).

(rr) The treaty between Denmark and Switzerland was extended to the Faroe Islands as of 22 September 2009. The extension and the revised protocol between Denmark and Switzerland entered into force in November 2010.

(ss) On 10 October 2011, an amending protocol entered into force. The protocol did not change the withholding tax rates. However, if after the date of signing of the amending protocol, India and a third state that is an OECD member sign a convention, agreement or protocol and if under this convention, agreement or protocol, India limits its taxation at source of dividends, interest, royalties or fees for technical services to a rate lower than the rate provided for in the double tax treaty between Switzerland and India, the lower rate will also apply under the double tax treaty between Switzerland and India, effective from the date on which such convention, agreement or protocol enters into force.

As a result, the following rate reductions apply:

- The withholding tax rate on dividends paid to corporate recipients if the shareholding is at least 10% was lowered from 10% to 5%. The lower rate applies retroactively from 5 July 2018 when Lithuania became a member of the OECD.
- The withholding tax rate on dividends paid to other recipients was lowered from 10% to 5%. The lower rate applies retroactively from 28 April 2020 when Colombia became a member of the OECD.

(tt) The 0% rate applies if the dividends are paid to corporations with a shareholding of at least 10% in the capital of the payer and the shareholding is held for at least two years or if the dividends are paid to pension funds or similar institutions. A 15% rate applies in all other cases.

(uu) The 0% rate applies to interest paid to the other contracting state or certain government agencies of the contracting state or in connection with financing transactions, the purchase of industrial, commercial or scientific equipment or the construction of industrial, commercial, scientific or public facilities on credit. The 10% rate applies to all other interest.

(vv) The 5% rate applies to interest paid on bank and insurance loans, on bonds and other securities that are traded on a stock exchange and in certain other special transactions. The 15% rate applies to all other interest payments.

(ww) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is either of the following:

- A company that has owned directly or indirectly shares representing at least 10% of the capital or voting power of the company paying the dividends
- A pension fund or scheme

A 10% rate applies to all other dividends.

(xx) The 0% rate applies to dividends that are paid to the Bank of Canada or qualifying pension schemes.

(yy) The 0% rate applies to interest payments if the beneficial owner of the interest is a resident of Canada and is not related to the payer.

(zz) The 0% rate applies if the beneficial owner of the dividends is the other contracting state, a political subdivision or a local authority of the other contracting state or a pension fund or scheme.

(aaa) The 0% rate applies to dividends paid to the Monetary Authority of Singapore or the Government of Singapore Investment Corporation Pte Ltd. The 5% rate applies to dividends paid to a corporation (other than a partnership) holding directly at least 10% of the capital of the company paying the dividends. A 15% rate applies to other dividends.

(bbb) The 0% rate applies to interest paid by a banking enterprise to a banking enterprise in the other contracting state or interest arising in Switzerland and paid to the Monetary Authority of Singapore. The 5% rate applies to other interest.

(ccc) The 0% rate applies to dividends paid to the respective national banks or certain pension funds listed in the protocol. The 5% rate applies if the recipient is a company that owns directly at least 10% for a period of at least one year of the capital of the company paying the dividends. A 15% rate applies to other dividends.

(ddd) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is either of the following:

- A company (other than a partnership) that has owned directly or indirectly shares representing at least 10% of the capital or voting power of the company paying the dividends
- A pension fund

A 15% rate applies to other dividends.

(eee) The 0% rate applies to dividends paid to a corporation with a direct shareholding of at least 10% in the capital of the payer and to dividends paid to a governmental institution, pension fund or central banking authority. A 15% rate applies to other dividends.

(fff) The 0% rate applies to interest paid to the state or the central bank. The 5% rate applies to interest paid with respect to a loan or credit made, guaranteed or insured for the purposes of promoting export by an Eximbank or similar institution. The 10% rate applies to interest derived by a bank. A 15% rate applies in all other cases.

(ggg) The 10% rate applies to dividends if the beneficial owner is a company (other than a partnership) that holds directly at least 25% of the capital of the company paying the dividends. A 15% rate applies to other dividends.

(hhh) The 5% rate applies if the recipient of the dividends holds a shareholding of at least 20% in the distributing entity and if the value of the participation is at least CHF200,000 (or the equivalent in foreign currency). A 15% rate applies to other dividends (in specific cases the 0% rate applies; see footnote [ooo]).

(iii) The 0% rate applies to the following interest payments:
- Interest paid with respect to a loan made, guaranteed or insured by the government of the other state or an instrumentality or agency thereof
- Interest paid in connection with the sale on credit of industrial, commercial or scientific equipment
- Interest paid in connection with the sale on credit of merchandise by one enterprise to another enterprise
- Interest paid to the other contracting state

(jjj) The 0% rate applies to the following interest payments:
- Interest paid in connection with the sale on credit of industrial, commercial or scientific equipment
- Interest paid on bank loans
- Interest paid to a bank, insurance company or pension fund or scheme
- Interest paid to a contracting state, a political subdivision or local authority thereof, or a central bank
- Interest paid between enterprises that are associated by a stake of at least 25% held for at least two years or that are both held by a third company that directly holds at least 25% of the capital of both companies for at least two years

(kkk) A 0% rate applies to dividends paid to the other contracting state or a political subdivision or local authority thereof, the central bank or a pension fund.

(lll) The 0% rate applies to the following interest payments:
- Interest paid in connection with the sale on credit of industrial, commercial or scientific equipment
- Interest paid on the sale of goods between corporate entities
- Interest paid on bank loans

In addition, the 0% rate applies if the interest is paid between enterprises that satisfy all of the following conditions:
- They are associated by a stake of at least 10% held for at least one year or they are both held by a third company that directly holds at least 10% of the capital of both companies.
- They are resident in a contracting state and, under any double tax agreement with any third state, none of the companies is resident in that third state.
- They are subject to corporation tax and are not exempt from tax on interest payments.
- They are both limited companies.

The 10% rate applies to other interest payments.

(mmm) The 0% rate applies if the direct shareholding of the corporate recipient is at least 10% and if the participation has been held for at least one year. For other dividends, the rate is 15%.

(nnn) The 0% rate applies to the following interest payments:
- Interest paid to a contracting state or a political subdivision, local authority, administrative-territorial unit or export financing institution thereof
- Interest paid between enterprises that are associated by a stake of at least 25% or that are both held by a third company that directly holds at least 25% of the capital of both companies

(ooo) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is one of the following:
- A pension fund or scheme

- The government of the other state, or a political subdivision or local authority thereof
- The central bank

(ppp) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is either of the following:
- A company (other than a partnership) directly owning shares representing at least 10% of the capital of the company paying the dividends
- A pension fund or scheme
- The central bank

A 10% rate applies to other dividends.

(qqq) The 0% rate applies to interest on government bonds and in certain other special cases.

(rrr) The 0% rate applies to the following interest payments:
- Interest paid in connection with the sale on credit of industrial, commercial or scientific equipment
- Interest on a loan granted by a bank
- Interest paid to the government of the other state, a political subdivision or local authority thereof, or the central bank

The 10% rate applies to other interest payments.

(sss) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is one of the following:
- A company (other than a partnership) that has its capital wholly or partly divided into shares and that holds directly at least 10% of the capital of the company paying the dividends during an uninterrupted period of at least one year
- A pension fund or other similar institution providing pension schemes in which individuals may participate to secure retirement, disability and survivors' benefits, if such pension fund or other similar institution is established, recognized for tax purposes and controlled in accordance with the laws of the other contacting state
- The government of the other contracting state, a political subdivision or local authority thereof, or the central bank of the other contracting state

(ttt) The 0% rate applies to the following interest payments:
- Interest paid in connection with the sale on credit of equipment, merchandise or services
- Interest paid on bank loans
- Interest paid with respect to pension schemes
- Interest paid to the government of the other state, a political subdivision or local authority thereof, or the central bank
- Interest paid between companies that are associated by a direct stake of at least 10% held for at least one year or by a direct holding of a third company of at least 10% for at least one year of the capital of both companies

The 5% rate applies to other interest payments.

(uuu) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is either of the following:
- A company (other than a partnership) that directly owns shares representing at least 25% of the capital of the company paying the dividends
- A pension fund or scheme

(vvv) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is either of the following:
- A company (other than a partnership) that directly owns shares representing at least 10% of the capital of the company paying the dividends for an uninterrupted period of at least one year
- A pension fund or central bank

(www) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is either of the following:
- A company (other than a partnership) that directly owns shares representing at least 10% of the capital of the company paying the dividends
- A pension scheme
- The central bank

A 15% rate applies to other dividends.

(xxx) The 0% rate applies to the following interest payments:
- Interest paid to the government of the other state, a political subdivision or local authority thereof, or the central bank
- Interest paid on specific bank loans of international business transactions
- Interest paid in connection with the sale on credit of equipment, merchandise or services

- Interest paid between companies that are associated by a direct stake of at least 25% or by a direct holding of a third company (resident in the EU or Switzerland) of at least 25% of the capital of both companies

The 5% rate applies to other interest payments.

(yyy) A 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is one of the following:
- A pension fund or scheme
- The central bank

(zzz) The 10% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is a company (other than a partnership) that holds directly at least 10% of the capital and of the voting power of the company paying the dividends. A 15% rate applies to other dividends.

(aaaa) The 10% rate applies to the following interest payments:
- Interest paid in connection with the sale on credit of industrial, commercial or scientific equipment
- Interest paid on bank loans

The 15% rate applies to other interest payments.

(bbbb) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is one of the following:
- The government of the other state, or a political subdivision or local authority thereof
- An institution or fund wholly owned by that other state as agreed by mutual agreement of the competent authorities of the contracting states
- The central bank

The 5% rate applies if the recipient is a company (other than a partnership) that owns directly at least 25% of the capital of the company paying the dividends. A 10% rate applies to other dividends.

(cccc) The 0% rate applies to dividends if the beneficial owner of the dividends is one of the following:
- A corporation of a listed group holding at least 80% of the voting power of the payer
- A pension scheme
- The central bank
- A contracting state, political subdivision or local authority thereof (including a government investment fund)

The 5% rate applies to dividends paid to a corporation holding at least directly 10% of the voting power of the payer. A 15% rate applies to all other dividends.

(dddd) The 10% rate applies to interest payments. However, exemptions apply to, among others, the following:
- The government of the other contracting state, and several governmental bodies and institutions thereof
- The national bank

(eeee) The 0% rate applies to dividends if the beneficial owner of the dividends is one of the following:
- A corporation that directly holds at least 10% of the capital in the company paying the dividend for at least one year before the payment of the dividends
- A pension scheme
- A contracting state, political subdivision or local authority thereof

A 15% rate applies to all other dividends.

(ffff) The 0% rate applies to interest if the beneficial owner is a resident of the other contracting state and is in one of the following categories:
- Bodies exercising governmental functions and banks performing central bank functions
- Financial institutions that are unrelated to and dealing independently with the payer
- Complying Australian superannuation funds and tax-exempt Swiss pension schemes

A 10% rate applies to other interest payments.

(gggg) The 0% rate applies to the following interest payments:
- Interest on loans approved by the government
- Interest income derived from sales on credit of industrial, medical or scientific equipment
- Interest on bonds issued by a contracting state or a political subdivision or local authority thereof

The 5% rate applies to interest on bank loans. The 8% rate applies to other interest payments.

(hhhh) The 0% rate applies if any of the following circumstances exist:
- The beneficial owner of the interest is the contracting state or a political subdivision or local authority thereof.
- The interest is paid in connection with the sale on credit of goods, merchandise or any equipment.
- The interest is paid on bank loans.

A rate of 10% applies to other interest payments.

(iiii) The 0% rate applies to interest in connection with bonds, debentures or other similar obligations of the government or of a political subdivision or local authority thereof and in certain other special cases. The 10% rate applies to other interest payments.

(jjjj) The 0% rate applies to interest on certain loans guaranteed, insured or financed by the contracting state. The 10% rate applies to other interest.

(kkkk) Special rules apply to for collective-investment vehicles regarding dividend and interest payments.

(llll) The 0% rate applies to the following interest payments:
- Interest paid in connection with the sale on credit of equipment, merchandise or services
- Interest paid on bank loans
- Interest paid with respect to pension schemes
- Interest paid to the government of the other state, a political subdivision or local authority thereof, or the central bank
- Interest paid on intercompany loans

The 5% rate applies to other interest payments.

(mmmm) The 5% rate applies if, at the time the dividends become due, the corporate recipient of the dividends has directly held a shareholding of at least 25% in the distributing entity for more than a year. For the purpose of the holding period, prior restructurings are disregarded. The treaty withholding tax rate is 15% if this condition is not met.

(nnnn) The 0% rate applies to dividends paid to individual pension institutions (that is, in Switzerland, pillar 3a institutions). The 5% rate applies to dividends paid to corporations with a shareholding of at least 10% in the payer. A 15% rate applies to other dividends.

(oooo) The 0% rate applies if any of the following circumstances exist:
- The beneficial owner of the interest payment is the contracting state, a political subdivision or local authority thereof, or the central bank.
- The interest is paid by the contracting state or a political subdivision or local authority thereof.
- The interest is paid with respect to a loan, debt claim or credit that is owed to, or made, provided, guaranteed or insured by, that state or a political subdivision, local authority or export financing agency thereof.

The 5% rate applies to other interest payments.

(pppp) The 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is one of the following:
- The government of the other state, or a political subdivision or local authority thereof
- The central bank
- A pension fund or scheme
- An investment authority or another institution recognized by the contracting state and established by the government of the other state, or a political subdivision or local authority thereof

The 5% rate applies to dividends if the beneficial owner is a company (other than a partnership) with a shareholding of at least 10% of the payer's capital. The 15% rate applies to other dividends.

(qqqq) A 0% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is either of the following:
- Certain pension funds or schemes
- The central bank

The 10% rate applies to dividends if the beneficial owner is a company (other than a partnership) owning directly at least 10% of the capital of the paying company for at least a year. The 15% rate applies to other dividends.

(rrrr) The 0% rate applies to the following interest payments:
- Interest paid with respect to certain pension schemes
- Interest paid to the government of the other state, a political subdivision or local authority thereof, or the central bank

The 10% rate applies to interest payments if the beneficial owner is a bank; the loan is used for the financing of equipment or investment projects; and the loan has a term of at least five years. The 15% rate applies to other interest payments.

(ssss) The 5% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is one of the following:
- A company owning directly at least 10% of the capital of the paying company
- The central bank
- An institution or fund fully owned by that state
- A pension fund or scheme

The 15% rate applies to other dividends.

(tttt) The double tax treaty between Switzerland and the United Kingdom signed on 30 September 1954 has been extended to the following territories: Antigua, Barbados, Belize, British Virgin Islands, Dominica, Gambia, Grenada, Malawi, Montserrat, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines.

(uuuu) The 15% rate applies to dividends if the beneficial owner is a company resident in the other contracting state holding directly or indirectly shares representing at least 95% of the voting power of the Swiss company paying the dividends. The 25% rate applies to dividends if the beneficial owner is a company resident in the other contracting state and is one of the following:
- A company holding directly or indirectly shares representing between 50% and 94% of the voting power of the Swiss company paying the dividends
- A company holding at least 10% of the share capital of the Swiss company paying the dividends and a portion of the dividends is being paid to a company resident in the other contracting state holding directly or indirectly shares representing at least 50% of the voting power of the Swiss company paying the dividends

(vvvv) The 5% rate applies to dividends if the beneficial owner is a resident of the other contracting state and is one of the following:
- A company (other than a partnership) owning directly at least 25% of the capital of the paying company for at least 365 days (in the case of a merger, demerger or conversion, the holding period continues to run)
- A pension fund or scheme
- The central bank

The 15% rate applies to other dividends.

At the time of writing, Switzerland had signed new double tax treaties or amending protocols to double tax treaties that provide changes to treaty withholding tax rates with Angola, Germany (only slight change to a definition), Jordan and Kuwait.

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A. At a glance

Corporate Income Tax Rate (%)	20 (a)
Capital Gains Tax Rate (%)	20/35/45 (a)(b)
Branch Income Tax Rate (%)	20 (a)
Withholding Tax (%)	
Dividends	
Paid to Residents	0
Paid to Nonresident Corporations and Individuals	21 (c)
Interest	
Paid to Resident Corporations	10 (d)
Paid to Resident Individuals	10 (e)
Paid to Nonresident Corporations and Individuals	15/20 (f)
Royalties	
Paid to Resident Corporations and Individuals	10 (g)
Paid to Nonresident Corporations and Individuals	20
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	10

(a) For details, see Section B.
(b) Effective from 1 January 1990, income from securities transactions is not subject to regular corporate income tax. Such income is subject to alternative minimum tax. See Section B.
(c) For details and the definition of a nonresident corporation, see Section B.
(d) Payments in connection with securities issued under the Financial Asset Securitization Act or Real Estate Securitization Act and interest derived from short-term commercial paper are subject to a 10% withholding tax. In addition, they are included in the computation of the resident corporation's taxable income and are taxed at a rate of 20%.
(e) Interest arising from short-term commercial paper, asset-backed securities, bonds, structured products and repurchase agreements underlying such financial instruments is not included in the tax computation in a resident individual's tax return but is subject to a 10% withholding tax.
(f) The applicable tax rate for interest arising from short-term commercial paper, asset-backed securities, bonds, structured products and interest arising from repurchase agreements is 15%. Other types of interest are subject to a tax rate of 20%.
(g) The withholding of tax is not required if the licensor issues a Government Uniform Invoice (GUI).

B. Taxes on corporate income and gains

Corporate income tax. A domestic profit-seeking enterprise is subject to corporate income tax on all of its income regardless of source. All profit-seeking enterprises, including subsidiaries of foreign companies that are incorporated under the Company Law of Taiwan, are considered domestic profit-seeking enterprises. A foreign profit-seeking enterprise is subject to tax only on income sourced in Taiwan.

Place of effective management. Taiwan introduced an act containing a place of effective management regime in July 2016. Under the act, a company is regarded as tax resident in Taiwan if it is effectively managed in Taiwan. "Effective management" refers to the situation in which the company's critical decisions are made in Taiwan, accounting and legal records are kept in Taiwan, and major business activities are executed in Taiwan. However, this act has not yet entered into force. The Executive Yuan will decide the effective date of the act.

Tax rates. The rate is 20% (increased from 17%) for tax years starting on or after 1 January 2018. For enterprises with taxable income not exceeding TWD500,000, the corporate income tax rate was 18% for 2018 and 19% for 2019.

Alternative minimum tax. The alternative minimum tax (AMT) applies to domestic profit-seeking enterprises and foreign profit-seeking enterprises that have a fixed place of business or business agent in Taiwan, if the enterprise's base income exceeds TWD600,000. The AMT is calculated in accordance with the following formula:

$$\text{AMT} = (\text{basic income} - \text{deduction of TWD600,000}) \times 12\%$$

Basic income equals the sum of the following items:
- Taxable income
- Tax-exempt income under the Statute for Upgrading Industries and other tax-incentive regulations
- Income from transactions in securities and futures
- Tax-exempt income of offshore banking units

If the regular income tax equals or exceeds the AMT, only the regular income tax is payable. The regular income tax equals tax

payable calculated under the Income Tax Law, less tax credits. If the regular income tax is less than the AMT, the difference between regular income tax and the AMT is payable in addition to the regular income tax. The additional tax payment cannot be offset by tax credits.

Tax incentives. A new Statute for Industry Innovation (SII) was announced and published on 12 May 2010 to replace the old Statute for Upgrading Industries (SUI), which expired on 31 December 2009. In comparison to the SUI, the SII retains only the tax incentive for expenditure spent on research and development (R&D) activities and offers other non-tax subsidies for various qualified activities. Under the SII, enterprises may claim up to 15% of their R&D expenditures as a credit to offset against their corporate income tax payable in the current year only or claim up to 10% of their R&D expenditures as a credit to offset against their corporate income tax payable in three years, with a maximum credit of 30% of the tax payable. The SII is effective from 1 January 2010 through 31 December 2029. The tax incentives obtained before the expiration of SUI remain effective after the expiration of SUI. Amendments were made to the SII in November 2017. Under the amendments, a venture capital limited partnership started from 2017 to 2029 that meets some requirements and obtains the regulator's approval can be treated as a pass-through entity rather than as a taxable corporate entity for 10 years from its startup. Under an amendment made to the SII in July 2018, from 2018, profit-seeking enterprises may use their undistributed earnings to construct or purchase buildings, software or hardware equipment, or technology for their operation, as needed, within three years after the year in which such earnings are derived. This investment can be deducted from the undistributed earnings in the current year's undistributed earnings calculation under Article 66-9 of the Income Tax Act.

In addition, on 18 February 2022, the Executive Yuan amended Article 10-1 of the SII to extend the date for investment in artificial-intelligence machinery or 5G-related equipment to 31 December 2024 and to include the products or services of cybersecurity in the scope of the investment deduction. This amendment gives tax credits to enterprises that invest in the artificial-intelligence machinery or 5G-related equipment, technology or services or the products or services of cybersecurity and that meet relevant requirements, including the following:

- Tax credits cannot exceed 30% of a company's tax liability for the year of the investment. Enterprises can choose between a one-time 5% reduction to their income tax for the year or a three-year 3% tax reduction.
- The expenditure must be at least TWD1 million and is capped at TWD1 billion in a tax year.
- The expenditure must be made between 1 January 2019 and 31 December 2024 (for the products or services of cybersecurity, the period is from 1 January 2022 to 31 December 2024).

On 2 November 2020, Taiwan's Ministry of Economic Affairs and Ministry of Finance issued a new tax ruling (no.10904604900 and no.10904670180), which amends some articles of the regulations governing the application of R&D tax credits for corporations and limited partnerships. The key aspects of the amendment

are that the education and training expenses relating to the participation of full-time R&D personnel in R&D activities qualify as R&D expenditure; consequently, income tax credits are applicable. The regulation applies to income tax returns filed for the 2020 and subsequent tax years.

On 7 January 2023, the Legislative Yuan passed an amendment to the SII to add Article 10-2 to provide tax incentives in the form of tax credits for investment in R&D for pioneer innovation and equipment purchased for advanced manufacturing processes to encourage technological innovation and enhance the jurisdiction's position in the global supply chain. The tax credit includes 25% of R&D expenditure incurred in a fiscal year and 5% of the equipment purchase price exceeding a certain amount in a fiscal year but no upper limit. In addition, the total tax credit amount for the incentives is limited to 50% of income tax payable in a fiscal year. The two incentives are effective from 1 January 2023 to 31 December 2029.

To qualify for the tax credit, the following three conditions must be fulfilled:
- The R&D expenditure and the ratio of R&D expenses to operating net revenue exceed a certain scale in a fiscal year.
- The effective tax rate of the year is not below a certain ratio.
- There has been no violation of environmental protection, labor or food safety and public sanitation laws in the past three fiscal years.

Capital gains. For profit-seeking enterprises, effective from 1 January 1990, income from securities transactions is not subject to regular income tax. Such income is subject to AMT. A securities transaction tax of 0.3% or 0.1% is imposed based on the transaction value.

During the period of 1 January 2010 through 31 December 2026, trading in corporate bonds and financial bonds (as defined in the Banking Law of Taiwan) is exempt from securities transaction tax. The suspension of income tax on securities transactions applies only to securities issued and certified in accordance with the law of Taiwan. Gains derived from disposals of securities that are not issued or certified in accordance with Taiwan regulations are subject to income tax.

Gains on sales of land are subject to land value increment tax (see Section D). Gains on sales of land had been exempt from income tax. However, on 9 April 2021, Legislative Yuan passed an amendment to the Income Tax Act with respect to the transfer of a house and land (House and Land Transactions Income Tax 2.0), which is effective from 1 July 2021. This amendment provides that the scope of taxation includes the sale of post 1 January, 2016 acquired land, buildings, pre-sold buildings and underlying land, or a majority (over 50% shareholding) shares of directly or indirectly held by foreign or domestic profit-seeking enterprises of which more than 50% of value of shares or capital contribution is comprised of building and land in Taiwan (excluding sale of listed/over the counter or emerging stock). Under this House and Land Transactions Income Tax 2.0, the capital gains tax on the transfer of real property located in Taiwan is taxed at progressive

rates subject to different holding periods. The following are the rates:

- Holding period up to two years: income tax rate of 45%
- Holding period of two years and up to five years: 35%
- Holding period of more than five years: 20% (same as current corporate income tax rate)

Administration. The tax year is normally the calendar year. Permission must be obtained to use any other period. An annual tax return must be filed during the fifth month of the year following the tax year. An extension to file a tax return is not available.

In general, the late filing penalty is 10% of the tax due. It may not exceed TWD30,000 or be less than TWD1,500. A delinquent reporting surcharge is 20% of the tax assessed by the authorities. It may not exceed TWD90,000 or be less than TWD4,500. A taxpayer that fails to pay the tax within the prescribed time limit is subject to a surcharge for delinquent payment and interest on a daily basis at the prevailing interest rate provided by the Directorate General of Postal Remittances and Savings Bank (PRSB). Underreporting of taxable income is subject to a penalty of up to two times the underpayment of tax. In the event of a failure to file the annual income tax return after expiration of the prescribed period, the tax authorities may make a provisional assessment of the amount of income and tax payable on the basis of available tax data or the profit standard of the same trade. In the event that other tax information is subsequently obtained by the tax authorities, the taxpayer is subject to a penalty of up to three times the tax shortfall, in addition to the delinquent reporting surcharge.

During the month of September, a profit-seeking enterprise (excluding a sole proprietor, partnership, prescribed small-size enterprise or tax-exempted entity) must pay an interim tax equal to 50% of the preceding year's tax liability. Under the Income Tax Law, qualified enterprises may pay interim tax based on the income derived in the first six months of the current year. If the interim tax payment is made after 30 September but before 31 October, late payment interest accrues on a daily basis at the prevailing interest rate provided by the PRSB. If the interim payment is not made by 31 October, the tax authorities assess one month's interest at the prevailing interest rate provided by the PRSB.

Dividends. The dividend withholding tax rate is 21% (increased from 20%) starting from 1 January 2018 for nonresident corporations or nonresident individuals, regardless of whether the investments are approved by the Taiwan government pursuant to the Statute for Investment by Foreign Nationals or the Statute for Investment by Overseas Chinese. Withholding tax is not imposed on dividends paid to residents.

A surtax is imposed on the undistributed profits of companies in the second year following the year in which the profits are earned. The surtax rate is 5% (reduced from 10%), effective for tax years starting on or after 1 January 2018. This tax is in addition to the corporate income tax imposed on the profits. Resident individuals can include the dividends received from Taiwan corporations in their individual income tax return as taxable income, subject to a

tax-exempt amount of 8.5% of dividend income (capped at TWD80,000) or have dividends taxed separately at a flat rate of 28%.

Dividends received by resident companies from other resident companies are exempt from corporate income tax.

Foreign tax relief. A tax credit is allowed for foreign income tax paid directly by a domestic profit-seeking enterprise, but it may not exceed the additional amount of the Taiwan tax resulting from the inclusion of the foreign-source portion in the profit-seeking enterprise's total income.

C. Determination of trading income

General. Income for tax purposes is computed according to Taiwan's generally accepted accounting principles, adjusted for certain provisions included in the tax code.

Necessary and ordinary expenses of a profit-seeking enterprise are deductible, provided these are adequately supported by documentation. The guidelines of Examination of Income Tax of Profit-Seeking Enterprises, promulgated by the Ministry of Finance, provide guidance for determining deductible business expenses. Transactions must conform to regular business practice; otherwise, tax authorities may assess tax based on standard profit margins derived from industry statistics.

If the income of a company consists of both taxable income and exempt income, the costs, expenses or losses, except for those that are attributable to the taxable income and exempt income in a direct, reasonable and definite way, must be allocated to taxable income and exempt income based on certain permitted methods.

Tax exemptions. A foreign enterprise engaging in international transportation that derives income in Taiwan is exempt from tax if Taiwan and the home jurisdiction of the foreign enterprise have entered into an international transportation income tax agreement, which provides reciprocal treatment to Taiwan international transportation enterprises operating in the foreign jurisdiction.

Gains on sales of land had been exempt from income tax. However, see *Capital gains* in Section B for the Taiwan tax implications if the transaction of a house and land meets the criteria of the House and Land Transactions Income Tax 2.0.

On approval from the competent authority, royalties paid to a foreign enterprise for the use of its patent rights or trademarks, or for the licensing of other special rights, may be exempt from tax if the licensed rights are used to introduce new production technology or products, improve product quality or reduce production cost. In addition, service fees received by foreign enterprises for rendering technical services in the construction of a factory for certain strategically important enterprises (SIEs) and royalties for the licensing of patents to SIEs may also be exempt from tax on approval.

A foreign-based corporate taxpayer that is engaged in international transportation, construction contracting, technical service provision, or machinery and equipment leasing may apply to use a deemed-profit-rate method (15% in general, and 10% for

international transportation business) in determining its taxable income in Taiwan if it is difficult to calculate the costs and expenses arising from the conduct of the business in Taiwan.

Interest received by a foreign financial institution for offering financing facilities to its Taiwan branch offices or other financial institutions in Taiwan is exempt from tax. With the approval of the Ministry of Finance, interest received by a foreign financial institution for extending loans to legal entities in Taiwan for financing important economic construction projects is also exempt from tax.

Inventories. Inventories are valued for tax purposes at the lower of cost or net realizable value. In determining the cost of goods sold, specific identification, first-in, first-out (FIFO), weighted average, moving average, or any other method prescribed by the competent authority may be used. However, the use of two different cost methods in one fiscal year is not allowed.

Provisions. Provisions for a retirement fund approved by the authorities are deductible in amounts up to 15% of the total payroll. The applicable percentage depends on whether the fund is managed separately from the business entity and whether it conforms to the provisions of the Labor Standards Law.

Allowance for bad debts is limited to 1% of the balance of outstanding trade accounts and notes receivable (secured or unsecured) at year-end.

Tax depreciation, depletion and amortization. A taxpayer may claim a depreciation deduction for most property (except land) used in a trade or business. Depreciation may be computed using the straight-line, fixed percentage on diminishing book value method, working-hour method, sum-of-the-years'-digits method or production-unit method. Under the working-hour method, depreciation is computed based on the number of working hours that a depreciable asset is used in a tax year. The time periods over which an asset may be depreciated are specified by the tax authorities. The following are some of the applicable time periods.

Assets	Years
Commercial buildings	10 to 50
Industrial buildings	5 to 35
Office equipment	3 to 5
Motor vehicles and vessels	3 to 18
Plant and machinery	2 to 20

Companies may use the accelerated depreciation method if they meet certain criteria.

Depletion of assets in the form of irreplaceable resources can be computed either based on the production units or methods provided by the Table of Depletion Assets promulgated by the Ministry of Finance. This method must be applied consistently from year to year. In addition, a taxpayer may claim an amortization deduction for intangibles and organizational expenses. Business rights (for example, commercial rights for operating public utility, telephone, public transportation, shipping and air transportation businesses) and copyrights are amortized over

10 years and 15 years, respectively. Trademarks, patents and franchises must be amortized over the period prescribed by the respective laws governing the granting of these rights. Organizational and pre-operating expenditures incurred during the period from the planning phase to the first year in which significant revenue is generated from the main business activities must be expensed on occurrence.

Relief for losses. If certain requirements are met, companies may carry forward for up to 10 years losses that have been approved by the tax authorities and not yet expired. Loss carrybacks are not permitted.

Groups of companies. In general, associated or related companies in a group are taxed separately for corporate income tax purposes and may not file consolidated tax returns. However, a financial holding company that holds 90% or more of the shares of subsidiaries in Taiwan for at least 12 months may elect to file a consolidated profit-seeking enterprise income tax return under its own name.

In addition, a company that acquires 90% or more of the shares or capital of its subsidiaries through a merger, spin-off or other acquisition under the Business Merger and Acquisition Law and holds such shares for at least 12 months may elect to file a consolidated profit-seeking enterprise income tax return under its own name.

A 5% surtax on the undistributed consolidated retained earnings applies in addition to the corporate income tax on consolidated net income.

An election to file a consolidated profit-seeking enterprise return applies only to corporate income tax and, as a result, qualifying parent companies and their subsidiaries must calculate all other taxes separately.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on sales and services	5
Business tax for financial industry	1/2/5
Land value increment tax, on unearned increase in the value of land, payable by the seller at the time of ownership transfer	20 to 40
Registration fee, on original or additional capital contributions	0.025

E. Miscellaneous matters

Foreign-exchange controls. Under foreign-exchange control regulations, registered business entities or adults legally residing in Taiwan may remit out (in) unlimited funds for the import (export) of goods and services. However, prior declaration to the Taiwan Central Bank is required for the following:

- An individual who has accumulated inward or outward remittances exceeding USD5 million in a year
- A business entity with accumulated inward or outward remittances exceeding USD50 million in a year

- A single remittance by an individual exceeding USD500,000
- A single remittance by a business entity exceeding USD1 million

In addition, supporting documents, such as transaction contracts, must be submitted at the time of remittance for the Central Bank's audit purposes.

Debt-to-equity rules. On 26 January 2011, the President of Taiwan announced the thin-capitalization rule enacted into Article 43-2 of the Income Tax Act. On 22 June 2011, the Ministry of Finance announced the enforcement rules for the thin-capitalization rule. The enforcement rules contain a debt-to-equity ratio of 3:1 (excluding companies in the financial industries). Interest on the excess portion of loans is not deductible. The enforcement rules do not apply to enterprises satisfying any of the following conditions:

- Total net current annual operating income and non-operating income is less than TWD30 million.
- Total annual interest expenses and total interest expenses derived from intercompany loans in the current year are both less than TWD4 million.
- Before including the interest expenses in the taxable income calculation, the current year's taxable income is negative and such tax losses are not eligible for the tax loss carryforward regime under Article 39 of the Income Tax Act.

Controlled foreign companies. The Taiwan controlled foreign company (CFC) regime entered into force starting 1 January 2023. Under the act, a nonresident company is considered a CFC if it is 50% or more directly or indirectly owned by a Taiwan resident company or individual. A resident company that holds an interest of 50% or more in a CFC is taxed on the company's share of the profits of the CFC, regardless of whether a dividend has been received by the Taiwanese company.

Anti-avoidance legislation. The Taiwan tax laws contain rules that deal with tax evasion and tax avoidance. The general rule is that the tax authorities may ignore transactions that constitute an abuse of the law and assess taxes with respect to each transacting party based on the economic substance of the transactions as well as on the attribution of the economic benefits. The same rule applies to sham transactions designed to conceal the economic reality of the transaction.

Transfer pricing. The Taiwan Transfer Pricing Examination Guidelines (the TP Guidelines) took effect on 30 December 2004. Except for immaterial amounts from related-party transactions, extensive contemporaneous documentation is required. Under the TP Guidelines, on filing the annual income tax return, a profit-seeking enterprise must have the transfer-pricing report and relevant documents prepared. In addition, in the event of a tax audit, a profit-seeking enterprise must provide the tax authorities with all required documents within one month of a request for such documents. The TP Guidelines provide that the tax authorities may impose a maximum penalty of 200% of the tax shortfall resulting from improper transfer prices. In addition, amendments made to the TP Guidelines in November 2017 adopt the three-tier, transfer-pricing documentation requirement, including Master File, Country-by-Country Report (CbCR) and Local File, in line with Action 13 of the Organisation for Economic

Co-operation and Development (OECD) Base Erosion and Profit Shifting (BEPS) Project. The amendments apply to the profit-seeking enterprises' income tax returns starting with the 2017 tax year.

However, a Taiwan profit-seeking enterprise that is an affiliate of a multinational enterprise (MNE) group can be exempt from submission of the Master File if the sum of the net operating revenue and non-operating revenue in the current year is less than TWD3 billion or if the aggregate amount of cross-border controlled transactions in the current year is less than TWD1.5 billion.

A Taiwan profit-seeking enterprise that is an affiliate of an MNE group can be exempt from submission of the CbCR if the following criteria are met:

- The Taiwan profit-seeking enterprise is the Ultimate Parent Entity (UPE) of an MNE group, and the total consolidated revenue of the group in the preceding year was less than TWD27 billion.
- The UPE of the MNE group is not within the jurisdiction of Taiwan and one of the following conditions applies:
  - — The jurisdiction in which the UPE is a tax resident has established the CbCR requirement, and the MNE group meets the safe harbor rules of the jurisdiction.
  - — The jurisdiction in which the UPE is a tax resident has not established the CbCR Requirement, and the Surrogate Parent Entity (SPE) meets the safe harbor rules of the jurisdiction in which the SPE is a tax resident.
  - — The jurisdiction in which the UPE is a tax resident has not established the CbCR requirement, there is no SPE, and the Taiwan safe harbor rules are met.
  - — It satisfies for the condition of the safe harbor of the Master File, namely the sum of its net operating revenue and non-operating revenue in the current year is less than TWD3 billion or the aggregate amount of its cross-border controlled transactions in the current year is less than TWD1.5 billion.

Even if the safe harbor rules are met, the Taiwan profit-seeking enterprise is still required to submit the Master File or CbCR to the tax authority on request for audit if the MNE group is obligated to submit these documents based on the request of the other tax jurisdiction.

On 15 November 2019, the Taiwan Ministry of Finance issued a new tax ruling that provides guidelines for making a one-off transfer-pricing adjustment. Because foreign related-party transactions of profit-seeking enterprises with an overseas parent are often not carried out at the expected terms of the group's transfer-pricing policy, there has been a need for one-off transfer-pricing adjustments. From the 2020 fiscal year, profit-seeking enterprises can conduct one-off transfer-pricing adjustments if they are carried out prior to the end of the year and meet the relevant required criteria. As outlined in the regulation, the relevant duties and taxes (for example, customs duty, value-added tax, commodity tax and withholding tax) are paid or refunded based on the adjusted transfer price.

F. Treaty withholding tax rates

Taiwan has entered into double tax treaties with the jurisdictions listed in the table below.

Taiwan has entered into international transportation income tax agreements with Canada, the European Union, Germany, Japan, Korea (South), Luxembourg, Macau, the Netherlands, Norway, Sweden, Thailand and the United States.

The following table lists the withholding tax rates under Taiwan's double tax treaties. The rates apply only if the recipient is the beneficial owner of the income.

	Dividends %	Interest %	Royalties %
Australia	10/15 (a)	10	12.5
Austria	10	10	10
Belgium	10	10	10
Canada	10/15 (e)	10	10
China Mainland (t)	5/10 (p)	7	7
Czech Republic (o)	10	10	5/10 (n)
Denmark	10	10	10
Eswatini	10	10	10
France	10	10	10
Gambia	10	10	10
Germany	10/15 (q)	10/15 (h)	10
Hungary	10	10	10
India	12.5	10	10
Indonesia	10	10	10
Israel	10	7/10 (i)	10
Italy	10	10	10
Japan	10	10	10
Kiribati	10	10	10
Korea (South)	10	10	10
Luxembourg	10/15 (b)	10/15 (j)	10
Malaysia	12.5	10	10
Netherlands	10	10	10
New Zealand	15	10	10
North Macedonia	10	10	10
Paraguay	5	10	10
Poland	10	10	3/10 (r)
Saudi Arabia	12.5	10	4/10 (s)
Senegal	10	15	12.5
Singapore	– (c)	– (k)	15
Slovak Republic	10	10	5/10 (n)
South Africa	5/15 (d)	10	10
Sweden	10	10	10
Switzerland	10/15 (e)	10	10
Thailand	5/10 (f)	10/15 (l)	10
United Kingdom	10	10	10
Vietnam	15	10	15
Non-treaty jurisdictions	21 (g)	15/20 (m)	20

(a) The 10% rate applies to dividends paid to a company (other than a partnership) holding directly at least 25% of the capital of the payer. The 15% rate applies in all other cases.

(b) The 15% rate applies if the beneficial owner of the dividends is a collective-investment vehicle established in Luxembourg and treated as a body corporate for tax purposes in Luxembourg. The 10% rate applies in all other cases.

(c) For dividends paid to Singapore residents, the withholding tax on the dividends and the corporate income tax payable on the profits of the payer may not exceed 40% of the taxable income of the payer out of which the dividends are paid.
(d) The 5% rate applies if the beneficial owner of the dividends holds directly at least 10% of the capital of the payer. The 15% rate applies in all other cases.
(e) The 10% rate applies to dividends paid to a company (other than a partnership) holding directly at least 20% of the capital of the payer. The 15% rate applies to other dividends.
(f) The 5% rate applies if the beneficial owner of the dividends holds at least 25% of the capital of the payer. The 10% applies in all other cases.
(g) The 21% rate applies to dividends paid to nonresident corporations and nonresident individuals, effective from 1 January 2018 (see Section B).
(h) The 15% rate applies to interest on real estate investment trusts and real estate asset trusts. The 10% rate applies in all other cases.
(i) The 7% rate applies to interest on bank loans. The 10% rate applies in all other cases.
(j) The 15% rate applies if the beneficial owner of the interest is a collective-investment vehicle established in Luxembourg and treated as a body corporate for tax purposes in Luxembourg. The 10% rate applies in all other cases.
(k) The Singapore treaty does not provide a preferential withholding tax rate for interest payments.
(l) The 10% rate applies to interest received by financial institutions (including insurance companies). The 15% rate applies in all other cases.
(m) The 15% rate applies to interest on financial instruments (see Section A).
(n) The 5% rate applies to the royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment. The 10% rate applies in all other cases.
(o) The tax treaty entered into force on 12 May 2020 and is effective from 1 January 2021.
(p) The 5% rate applies to dividends paid to a company (other than a partnership) holding directly at least 25% of the capital of the payer. The 10% rate applies in all other cases.
(q) The 15% rate applies to dividends distributed by a German real estate investment company that is tax-exempt regarding all or part of its profits or that can deduct the distributions in determining its profits. The 10% rate applies in all other cases.
(r) The 3% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment. The 10% rate applies in all other cases.
(s) The 4% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment. The 10% rate applies in all other cases.
(t) This treaty is not yet effective.

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A. At a glance

Corporate Income Tax Rate (%)	10/20/25/30 (a)
Capital Gains Tax Rate (%)	3/30 (b)
Digital Service Tax Rate (%)	2 (c)
Branch Tax Rate (%)	30
Withholding Tax (%)	
Dividends	5/10 (d)
Interest	10 (e)
Royalties	10/15 (f)
Management and Professional Fees (Service Fees) or Technical Services Fees for Mining, Oil or Gas	5/15 (g)
Supply of Goods	2 (h)
Insurance Premiums	5 (i)
Rent	10 (e)
Money Transfer Commission	10 (j)
Carbon Emission Reductions	10 (k)
Other Payments	15
Branch Remittance Tax	10 (l)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (m)

(a) The corporate income tax rate is 30%. The corporate income tax rate is reduced to 25% for companies newly listed on the Dar es Salaam Stock Exchange that issue at least 30% of their share capital to the public for three consecutive years from the date of listing. The corporate income tax rate is reduced from 30% to 10% for five consecutive years from the year of commencement of production for companies that have a newly established plant for assembling motor vehicles, tractors, fishing boats or outboard motors for boats and that have a performance agreement with the government of Tanzania. The corporate income tax rate is reduced from 30% to 25% for companies that are engaged in the manufacturing of sanitary pads and have a performance agreement with the government of Tanzania for two consecutive years from 1 July 2019 to 30 June 2021. The corporate income tax rate is reduced from 30% to 20% for five consecutive years from the year of commencement of production for newly established entities that are engaged in the manufacturing of pharmaceuticals or leather products and that have a performance agreement with the government of Tanzania. Companies reporting tax losses for three consecutive years must pay an alternative minimum tax at a rate of 0.5% on the annual turnover in the third loss year.

(b) Capital gains are treated as business income for companies and are taxed at the regular corporate income tax rate of 30%. A 3% income tax rate on the incoming or approved value of the asset (whichever is greater) is applicable to a resident person that realizes an interest in land or building and does not have records of costs of assets.

(c) A 2% income tax rate applies to gross payments received by a nonresident person from individuals not conducting a business with respect to an electronic service.

(d) The 10% rate applies to dividends paid by unlisted companies to residents and nonresidents. The 5% rate applies to dividends paid by companies listed on the Dar es Salaam Stock Exchange and for dividends paid by a resident company to a resident company owning 25% or more of the shares in the payer of the dividends.
(e) This withholding tax applies to residents and nonresidents. Resident companies may credit the withholding tax against their annual corporate income tax. Interest paid by strategic investors to nonresident banks and resident financial institutions is exempt from withholding tax.
(f) This withholding tax applies to both residents and nonresidents. The 10% rate applies to royalties paid in connection with the use of, or right to use, a cinematographic film, videotape, sound recording or any other like medium.
(g) The 5% rate applies to residents, while the 15% rate applies to nonresidents. The withholding tax on management and professional fees (services fees) for resident persons is an advance tax creditable against the final income tax. The withholding tax on technical services provided to mining, oil or gas companies is a final tax. Also, see Section B.
(h) This withholding tax applies to all supplies of goods to the government.
(i) This withholding tax applies to nonresidents only.
(j) This withholding tax applies to residents who pay a money transfer commission to a money transfer agent.
(k) This withholding tax applies to payments made to resident persons with respect to verified carbon emission reductions.
(l) This withholding tax applies to branches of foreign companies. Tax is levied on an annual deemed profit repatriation basis. Special rules apply to the calculation of the base.
(m) For limitations on the use of loss carryforwards, see for *Relief for tax losses* in Section C.

B. Taxes on corporate income and gains

Corporate income tax. A company is considered resident for tax purposes if it satisfies either of the following conditions:
- It is incorporated or formed under the laws of Tanzania.
- Its management and control of its affairs is exercised in Tanzania, whether physically or through any electronic means, at any time during the year of income.

Resident companies are subject to income tax on their worldwide income.

A company is also subject to income tax in Tanzania as a resident company if such company is an agent of a nonresident "person" or a beneficial owner through which such nonresident "person" receives any business or investment income, whether directly or indirectly, that accrues or is deemed to accrue in Tanzania. The term "person," as used in the Tanzanian Income Tax Act, reflects both individuals and corporate bodies, such as companies.

A person in Tanzania is an agent of a nonresident person or a beneficial owner if any of the following conditions is satisfied:
- The person is employed by or on behalf of a nonresident person or a beneficial owner.
- The person has a business connection with a nonresident person or a beneficial owner.
- A nonresident person or a beneficial owner is in receipt of any income, whether directly or indirectly, from or through the person
- The person is a trustee of a nonresident person. This includes any person who has acquired by means of a transfer a capital asset situated in Tanzania.

Rates of corporate tax. Both resident and nonresident companies are subject to income tax at a rate of 30%.

The corporate income tax rate is reduced from 30% to 25% for the first three years from the date of listing for companies that are newly listed on the Dar es Salaam Stock Exchange and that issue at least 30% of their share capital to the public.

Companies operating in the Export Processing Zone (EPZ) and Special Economic Zone (SEZ) are exempt from corporate income tax for the first 10 years. The exemption does not apply to Category "B" investors whose primary markets are within the area outside the SEZ or who produce for 100% local supply. They are also exempt from withholding tax on dividends, interest and rental payments.

The corporate income tax rate is reduced from 30% to 10% for five consecutive years from the year of commencement of production for companies that have a newly established plant for assembling motor vehicles, tractors, fishing boats or outboard motors for boats and that have a performance agreement with the government of Tanzania.

The corporate income tax rate is reduced from 30% to 20% for five consecutive years from the year of commencement of production for newly established entities that are engaged in the manufacturing of pharmaceuticals or leather products and that have a performance agreement with the government of Tanzania.

The corporate income tax rate is reduced from 30% to 25% for companies that are engaged in the manufacturing of sanitary pads and that have a performance agreement with the government for two consecutive years from 1 July 2019 to 30 June 2021.

Digital service tax. A 2% income tax rate applies to gross payments received by nonresident persons from individuals not conducting a business with respect to electronic services. An electronic service is defined as any service provided or delivered through a telecommunications network. This includes websites; web hosting; remote maintenance of programs and equipment, software and updates, images, text and information, access to databases, self-education packages, music, films and games, including gaming activities, as well as broadcasts of political, cultural, artistic, sporting, scientific and other events, including broadcast television.

Alternative minimum tax. Companies reporting tax losses or utilizing loss carryforwards for three consecutive years must pay an alternative minimum tax at a rate of 0.5% on the annual turnover in the third loss year.

Capital gains. Capital gains are treated as business income for companies and are taxed at the corporate income tax rate. Direct and indirect share transfers are subject to capital gains tax. Disposals of mineral and petroleum rights are also subject to capital gains tax.

Administration. A company's year of income is the calendar year. Companies may apply to the Commissioner General for the Tanzania Revenue Authority for approval of a different year of income.

Companies must file installment tax returns by the end of the third month of their year of income and file their final tax returns

within six months after the end of the year of income. The estimated tax must be paid in four equal installments, as set forth in the installment return. The remaining balance of tax due (the difference between the actual tax and tax paid in installments) must be paid by the due date of filing the final return. The taxpayer's estimate of taxable income may not be less than 80% of the company's taxable income as finally determined for the year of income. The Commissioner of Income Tax may allow a lower estimate if justified by the facts and circumstances of the case. Companies that are registered and issued a taxpayer identification number for the first time may elect to apply for deferment of the requirement to pay installment taxes for six months, with the deferred amount payable in three equal installments for the remaining period in the year of income.

Companies may revise their installment return and file a revised return in the 6th, 9th or 12th month of the year of income if new developments suggest an increase or decrease in income.

Tax returns are filed online through the e-filing portal of the Tanzania Revenue Authority. Companies are required to appoint a declarant (for example, a director or manager) who will be responsible for filing the company's tax returns. The declarant is also required to have an account in the e-filing portal so that he or she can manage the company's account.

A penalty is imposed for a failure to file a return. The penalty equals the greater of the following:
- 2.5% of the amount of tax assessable less tax paid by the start of the period in which the return is due
- 15 currency points (1 currency point = TZS15,000)

Fraud related to a return is subject to a penalty of 50% of the tax shortfall if the statement or omission is made without reasonable excuse. The penalty is increased to 75% of the tax shortfall if the statement or omission is made knowingly or recklessly.

Dividends. A final withholding tax is imposed on dividends. A 10% withholding rate applies to dividends paid to residents and nonresidents. A 5% withholding tax rate applies to dividends paid by companies listed on the Dar es Salaam Stock Exchange and to dividends paid to resident companies that hold 25% or more of the shares in the payer of the dividends.

Extractive industry. Technical services provided by resident companies or branches to the extractive industry in mining or oil and gas are subject to a final withholding tax of 5%. For nonresident service providers, the withholding tax rate is 15%.

A special tax regime was introduced for the extractive industry, effective from 1 July 2016. Significant aspects of the regime are discussed below.

Under the regime, each separate mining operation and each separate petroleum right is treated as an independent business for corporate income tax purposes. Accounts should be prepared for each separate mining operation or each separate petroleum right.

Taxable income should be determined, and income tax should be paid for each separate mining operation and each separate petroleum right for each year of income.

Royalties paid under the Mining Act or Petroleum Act are not deductible for tax purposes.

Arrangements between separate mining and petroleum operations and the other activities of the person should reflect the arm's-length principle.

Losses are ring-fenced for each mining and petroleum operation.

C. Determination of trading income

General. The audited financial statements serve as the starting point for computing taxable income. Expenses and losses are generally not deductible unless they are incurred wholly and exclusively in the production of income. Realized foreign-exchange losses on an interest free debt obligation are deductible up to 70% of the debt obligation.

Certified financial statements must now be attached when filing a corporate income tax return.

Exemptions. Interest, fees or other financial charges paid by the government of Tanzania to a nonresident bank, financial institution, another government or a representative of another government, arising from a loan agreement, entitles the nonresident entity to a tax exemption for purposes of financing government projects. The exemptions have a retroactive effect from 1 June 2017. Interest derived by a person from government bonds issued for a period not less than three years and listed on the Dar es Salaam stock exchange from 1 July 2021 is exempt from income tax.

Gains derived from the realization or transfer of mineral rights and mineral information to a partnership entity formed between the government and an investor are exempt from income tax. Similarly, gains from realization or transfer of free carried interest shares from a partnership entity to the government are also exempt from tax. In addition, gains derived from realization or transfer of shares to the government through the Treasury Registrar are exempt from income tax. Gains derived from the internal restructuring of mining companies pursuant to the requirement of a framework agreement entered between the government and investor to form a partnership entity are exempt.

Inventories. Inventories are valued at the lower of cost or net realizable value. The last-in, first-out (LIFO) method is not allowed.

Provisions. Provisions may not be deducted.

Depreciation. Depreciation computed for financial statement purposes is not deductible, but capital allowances are provided for depreciable assets, which are allocated to one of the eight classes. The following are the classes and the rates of the capital allowances.

Class	Assets	Rate
1	Computers and data handling equipment, together with peripheral devices; automobiles, buses and minibuses with a seating capacity of less than 30 passengers; goods vehicles	

Class	Assets	Rate
	with a load capacity of less than 7 tons; and construction and earth-moving equipment (reducing-balance)	37.5%
2	Buses with a seating capacity of 30 or more passengers; heavy general purpose or specialized trucks, trailers and trailer-mounted containers; railroad cars, locomotives and equipment; vessels, barges, tugs and similar water transportation equipment; aircraft; other self-propelling vehicles; plant and machinery used in agriculture or manufacturing; specialized public utility plant and equipment; and machinery irrigation installations and equipment	25% (reducing-balance)
3	Office furniture, fixtures and equipment; and any assets not included in another class	12.5% (reducing-balance)
4	No assets (the depreciation rules for the assets that had been in this class are discussed in the paragraphs after the table)	
5	Buildings, structures and similar works of a permanent nature used in agriculture, livestock farming or fish farming	20% (straight-line)
6	Buildings, structures and similar works of a permanent nature other than those mentioned in Class 5	5% (straight-line)
7	Intangible assets other than those in Class 4	1/useful life
8	Plant and machinery (including windmills, electric generators and distribution equipment) used in agriculture; electronic fiscal devices purchased by non-value-added tax registered traders; and equipment used for prospecting and exploration of minerals or petroleum	100%

Depreciable assets used in petroleum and mining operations are placed in a separate pool, which does not fall under the normal classes. The depreciation allowance with respect to mineral or petroleum operations is granted at the following rates.

Year of income	Depreciation allowance
First	20% of expenditure
Second	20% of expenditure
Third	20% of expenditure
Fourth	20% of expenditure
Fifth	20% of expenditure

Depreciable assets included in Class 4 were deleted, effective from 1 July 2016. However, the classes of depreciable assets were not renumbered when the above changes were introduced. To date, the law still provides for eight classes, despite the removal of depreciable assets that were under Class 4, and no amendment has been made with respect to the reference to Class 4 that is found under Class 7.

Plant and machinery in Categories 2 and 3 qualify for an initial capital expenditure allowance of 50% for the first year if they satisfy any of the following conditions:
- They are fixed in a hotel used for tourism services.
- They are fixed in a factory used for manufacturing.
- They are used in fish farming.

The maximum depreciable amount for a non-commercial automobile is TZS30 million.

Relief for tax losses. Companies may carry forward tax losses indefinitely. The deductibility of tax losses brought forward is restricted after a period of four years of continuous losses such that only 70% of the taxable profits in the fifth year can be sheltered by tax losses brought forward (with any excess losses carried forward to future years). Mineral and petroleum operations loss carryforwards may only offset 70% of the profits in a tax year. No carryback is allowed. Special rules for long-term contracts may apply.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT)	18
Customs duties (imports may also be subject to VAT)	
Raw material or capital goods	0
Semifinished goods	10
Finished goods	25
Property tax; imposed by local governments on the value of real property	0.15
Skills and Development Levy; imposed on gross remuneration (excluding benefits-in-kind)	3.5
Social security; imposed on basic salary; rates depend on the respective fund; paid by	
Employer	10/15
Employee	5/10
Workers' Compensation Fund; imposed on employers' annual wage bill; employers must make monthly payments through deposits in the fund's bank account; payments must be made on the last working day of the month after the month to which the payment relates	
Private sector employers	0.5
Public sectors employers	0.5
Railways Development Levy; imposed on customs value on importation of goods	1.5

E. Miscellaneous matters

Foreign-exchange controls. Tanzania does not impose foreign-exchange controls on current-account transactions, but the Bank of Tanzania must be notified of foreign capital-account transactions.

Transfer pricing. A company with controlled transactions of TZS10 billion (approximately USD4,300,000) or more in a tax year is required to file contemporaneous transfer-pricing documentation together with the final tax return. Taxpayers whose controlled transactions in a tax year do not reach the TZS10 billion threshold do not have to submit the contemporaneous transfer-pricing documentation with the final income tax return but must have it in place by the due date for filing the final income tax return and should submit it to the Tanzania Revenue Authority within 30 days on request.

A penalty is imposed for failure to prepare contemporaneous transfer-pricing documentation. The penalty is a minimum of 3,500 currency points, as prescribed from time to time by the Commissioner General for the Tanzania Revenue Authority. One currency point equals TZS15,000, which results in a penalty of TZS52,500,000 (approximately USD23,000).

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %
Canada	10	15	20
Denmark	10	12.5	20
Finland	10	15	20
India	10	12.5	20
Italy	10	12.5	15
Norway	10	15	20
South Africa	10	10	10
Sweden	10	15	20
Zambia	0	0	0
Non-treaty jurisdictions	10	10	15

The East African countries, which are Burundi, Kenya, Rwanda, Tanzania and Uganda, have signed a tax treaty, which has not yet been ratified. Tanzania has also signed a tax treaty with the United Arab Emirates. The treaty is yet to be made publicly available and ratified.

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A. At a glance

Corporate Income Tax Rate (%)	20
Capital Gains Tax Rate (%)	20
Branch Tax Rate (%)	20
Withholding Tax (%)	
Dividends	10
Interest	15*
Royalties from Patents, Know-how, etc.	15
Branch Remittance Tax	10
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

* Certain types of interest are exempt from tax [see footnote (a) to Section F].

B. Taxes on corporate income and gains

Corporate income tax. Thai resident companies are subject to corporate income tax on their worldwide income. Thai resident companies are those incorporated in Thailand. Branches of foreign corporations are subject to Thai tax on Thailand-source income only.

Rates of corporate tax. Thai resident companies and branches of foreign corporations are subject to corporate income tax at a flat rate of 20% on taxable profits.

Progressive corporate income tax rates of 0%, 15% and 20% apply to locally incorporated companies with paid-up capital of not more than THB5 million and revenue of not more than THB30 million per year.

Tax incentives. Tax incentives are available in Thailand for International Business Centers (IBCs) and Treasury Centers (TCs), if relevant conditions are met.

IBCs. An IBC should be able to provide support services functions and/or financial management services under a TC license from the Bank of Thailand. The following are tax incentives available to IBCs and TCs:

- Reduced corporate income tax rate to 8%, 5% or 3%, based on the net profits from qualifying service fees and royalty income earned from its Thai and overseas associated enterprises, if it meets annual local spending requirements of THB60 million, THB300 million or THB600 million, respectively (see below)
- Exemption from corporate income tax on qualifying dividends received from its associated enterprises
- Exempt from Specific Business Tax (see Section D) on qualifying income from treasury services
- Entitled to a flat personal income tax rate of 15% for employment remuneration of qualifying expatriates working full time for the qualifying IBC
- Exemption from withholding tax on dividends distributed by the IBC to its overseas shareholders that are paid out of profits from the IBC's operations that are subject to tax at a reduced corporate income tax rate
- Exemption from withholding tax on qualifying interest paid by the IBC to an overseas loan provider in connection with a loan obtained for re-lending as a result of its treasury activities

The following are the conditions for qualifying as an IBC:

- Registered share capital of at least THB10 million at the end of each accounting year
- Providing qualifying support services and/or treasury services to its associated enterprises
- Employing at least 10 skilled full-time employees (or at least five employees if the IBC performs only a treasury center function)
- Minimum local spending requirement of at least THB60 million per accounting period unless converted from a Regional Operating Headquarters (ROH) or IHQ (see below)
- Obtains approval from the Director-General of the Revenue Department

Qualifying IBCs are entitled to reduced corporate income tax rates of 8%, 5% or 3%, provided that is meets the minimum annual local spending requirements of THB60 million, THB300 million or THB600 million, respectively. However, for entitlement to the reduced 8% corporate income tax rate, no minimum local spending requirement is imposed on "ROH Is" (ROH Is are the ROHs registered under Royal Decree No. 405) that convert to IBCs, while "ROH IIs" (ROH IIs are the ROHs registered under Royal Decree No. 508) and IHQs that convert to IBCs are required to have

minimum local spending of at least THB15 million per accounting year.

Capital gains. Capital gains are treated as ordinary business income subject to income tax.

Administration. Corporate income tax returns, together with the audited financial statements, must be filed with the Revenue Department within 150 days (extended 8 days in case of e-filing) after the accounting year-end. Corporate income tax payments are due on the filing date.

Mid-year (interim) tax returns must be filed with interim tax payments within two months (extended eight days in case of e-filing) after the end of the first half of the accounting year. Listed companies, financial institutions and companies approved by the Director-General of the Revenue Department compute their interim tax based on actual operating results for the first half-year. Other companies compute their interim tax based on one-half of the estimated annual profit. These companies do not have to submit audited or reviewed financial statements. The interim tax is creditable against the annual tax payable at the end of the year.

Dividends

Received from resident companies. In general, one-half of dividends received by resident companies from other resident companies may be excluded from taxable income. However, the full amount of the dividends may be excluded if either of the following applies:

- The recipient is a company listed on the Stock Exchange of Thailand.
- The recipient owns at least a 25% equity interest in the distributing company, provided that the distributing company does not own a direct or indirect equity interest in the recipient company.

These rules apply if the related shares are acquired not less than three months before receiving the dividends and are not disposed of within three months after receiving the dividends.

Received from foreign companies. A Thai company that owns an equity interest of at least 25% in a foreign company can exclude dividends received from such foreign company from its taxable profit if, on the date of receipt of the dividend, it has held the investment for at least six months and if the profit out of which the dividends are distributed is subject to income tax in the hands of the foreign company at a rate of at least 15%.

Foreign tax relief. Thailand has entered into double tax treaties with 61 jurisdictions. In general, under the treaties, foreign tax relief is limited to the lower of the foreign tax and the amount of Thai tax calculated on such income.

Foreign tax payable in non-treaty jurisdictions may be credited against Thai tax, limited to the Thai tax computed on the foreign income, provided the foreign tax meets the conditions set forth in the relevant measure. If the foreign tax is not used as a credit, it may be claimed as a deduction for income tax purposes.

C. Determination of trading income

General. Corporate income tax is based on audited financial statements, subject to certain adjustments.

In general, expenses are tax-deductible if they are incurred wholly and exclusively for the purpose of generating income. However, expenses created by means of provisions or allowances, such as those for bad debts or stock obsolescence, are not tax-deductible until they are actually used.

Inventories. Inventories must be valued at the lower of cost or market value. Cost may be determined using any generally accepted accounting method. After a method is adopted, a change to another method may be made only with approval of the Director-General of the Revenue Department.

Depreciation and amortization allowance. A company may depreciate its fixed assets under any generally accepted accounting method, provided the number of years of depreciation under the selected method is not less than the minimum prescribed period. However, after a method is adopted, it may not be changed unless prior consent has been obtained from the Director-General of the Revenue Department. The following are the minimum prescribed periods applicable to some major fixed assets.

Asset	Time period
Buildings	20 years
Furniture, fixtures, machinery, equipment and motor vehicles	5 years
Trademarks, goodwill, licenses, patents and copyrights (including software)	Over period of use (or 10 years if no period of use)
Computer hardware and operating software	3 years

Relief for losses. Operating losses may be carried forward for a period of five years. Loss carrybacks are not allowed.

Groups of companies. The Thai tax law does not include any provisions for consolidated treatment under which companies within a group may be treated as one tax entity. Each individual company must file its income tax return and pay its tax.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax, on goods sold, services rendered and imports	7
Specific Business Tax, on financial service and real estate businesses	Various

E. Miscellaneous matters

Foreign-exchange controls. On presentation of supporting documents, virtually all foreign-exchange transactions may be processed by a commercial bank.

Transfer pricing. Under Thailand transfer-pricing laws and regulations, all transactions with related parties must be executed at an arm's-length price, and the taxpayer may prepare and maintain contemporaneous documentation to substantiate the arm's-length principle. Acceptable transfer-pricing methods include the following:

- Comparable uncontrolled price method
- Resale price method
- Cost-plus method
- Profit split method
- Transactional net margin method
- Other method proposed by the taxpayer

If the taxpayer fails to prove that a transaction challenged by the tax authorities was executed on an arm's-length basis, additional tax can be assessed.

The following are the key features of Thailand transfer-pricing provisions, effective from accounting years starting on or after 1 January 2019:

- The tax authorities can assess additional tax on a transfer price charged between related parties if it is not at market rate.
- Taxpayers who have a related party and generate annual revenue (per the audited financial statements) of THB200 million and above are required to prepare the Transfer Pricing Disclosure Form (TPDF) and submit it to Thai Revenue Department within 150 days after the accounting year end.
- Within five years after submission of the TPDF, the tax authorities with the approval of the Director-General of the Revenue Department can request a Local File report. The taxpayer is required to submit the Local File report within 60 days after receiving a request letter. In the case of a first-time request, the taxpayer has 180 days to prepare the transfer-pricing documentation.

In September 2021, the Thai Revenue Department issued two new regulations, Director-General of Thai Revenue Department Notification (DGN) 407 and DGN 408.

The DGN 407 provides the key mandatory items to be present in the Local File report. It is similar to the list of information required for the Local File under Organisation for Economic Co-operation and Development (OECD) guidelines. The Master File has not been required under any regulation to date.

The DGN 408 is related to the local requirement of the Country-by-Country Report (CbCR). There are few regulations, an announcement and a manual issued thereafter to provide further information about CbCR submission. Basically, CbCR submission is required for a Thai Ultimate Parent Entity (UPE) or a Thai surrogate with group annual revenue of THB28 billion and above. The deadline for filing the CbCR is 12 months after the fiscal year-end. For a Thai subsidiary of a multinational enterprise (MNE) group with annual revenue of THB28 billion and above, the CbCR is on request. The deadline for submission is 60 days after receiving the request letter.

Base Erosion and Profit Shifting (BEPS) 2.0 – Pillar Two. The Government of Thailand has approved in principle the collection

of the global minimum tax aligned with the OECD BEPS 2.0 – Pillar Two. Subject to the legislative process, the government aims to enact the law with an effective date starting in 2025.

F. Treaty withholding tax rates

The rates in the table reflect the lower of the treaty rate and the rate under domestic tax law.

	Dividends %	Interest (a)(b) %	Royalties %
Armenia	10	15 (c)	15
Australia	10	15 (c)	15
Austria	10	15 (c)(e)	15
Bahrain	10	15 (c)	15
Bangladesh	10	15 (c)(e)	15
Belarus	10	15 (c)(q)	15
Belgium	10	15 (c)	15 (f)
Bulgaria	10	15 (c)(e)	15 (f)
Cambodia	10	15 (c)	10
Canada	10	15 (c)	15 (f)
Chile	10	15	15 (u)
China Mainland	10	15 (c)(e)	15
Cyprus	10	15 (c)(e)(q)	15 (r)
Czech Republic	10	15 (c)	15 (f)(g)
Denmark	10	15 (o)	15 (f)
Estonia	10	10 (c)	10 (x)
Finland	10	15 (c)	15
France	10	15 (c)(d)	15 (f)(h)
Germany	10	15 (c)(e)	15 (f)
Hong Kong	10	15 (c)(m)	15 (f)(g)
Hungary	10	15 (c)	15
India	10	10 (c)	10 (cc)
Indonesia	10	15 (c)	15
Ireland	10	15 (c)(y)	15 (z)
Israel	10	15 (c)	15 (f)
Italy	10	15 (c)(e)	15 (f)
Japan	10	15 (c)	15
Korea (South)	10	15 (c)(m)	15 (dd)
Kuwait	10	15 (c)(e)(o)	15
Laos	10	15 (c)(e)	15
Luxembourg	10	15 (c)	15
Malaysia	10	15 (c)	15
Mauritius	10	15 (c)	15 (f)
Myanmar	10	10 (c)	15 (f)(v)
Nepal	10	15 (c)	15
Netherlands	10	15	15 (f)
New Zealand	10	15 (c)(m)	15 (n)
Norway	10	15 (c)(o)	15 (f)(s)
Oman	10	15 (c)(t)	15
Pakistan	10	15 (c)	15 (f)(h)
Philippines	10	15 (c)	15
Poland	10	15 (c)	15 (f)(h)
Romania	10	15 (c)	15
Russian Federation	10	15 (c)	15
Seychelles	10	15 (c)	15
Singapore	10	15 (c)(m)	10 (bb)
Slovenia	10	15 (c)(o)	15 (k)

	Dividends %	Interest (a)(b) %	Royalties %
South Africa	10	15 (c)	15
Spain	10	15 (c)	15 (l)
Sri Lanka	10	15 (c)	15
Sweden	10	15 (c)	15
Switzerland	10	15 (i)	15 (f)(g)
Taiwan	10 (w)	15 (c)	10
Tajikistan	10	10 (c)(aa)	10 (f)
Türkiye	10	15 (c)	15
Ukraine	10	15 (c)(o)	15
United Arab Emirates	10	15 (c)(e)(o)	15
United Kingdom	10	15 (c)	15 (f)
United States	10	15 (c)(j)	15 (k)
Uzbekistan	10	15 (c)(p)	15
Vietnam	10	15 (c)	15
Non-treaty jurisdictions	10	15	15

(a) The following types of interest are exempt from tax:
- Interest paid to a financial institution wholly owned by another state
- Interest paid by the government or a financial institution established by a specific law of Thailand for the purpose of lending money to promote agriculture, commerce and industry
- Interest paid by the central bank or state enterprises on loans approved by the Ministry of Finance

(b) The rate is reduced to 10% if the interest is paid to banks, financial institutions or insurance companies of the treaty countries.

(c) Interest paid to the government, subdivisions of contracting states or a central bank is exempt from tax.

(d) The withholding rate is 3% for interest on loans or credits granted for at least four years with the participation of a public financing institution to a statutory body or enterprise of the other contracting state, in relation to sales of equipment, or in relation to the survey, installation or supply of industrial, commercial or scientific premises, or public works.

(e) Interest paid to a financial institution wholly owned by the other contracting state is exempt.

(f) The withholding rate is 5% (10% for Pakistan) for royalties for copyrights of literary, artistic or scientific works.

(g) The withholding rate is 10% for royalties paid for patents, trademarks, designs, models, plans, or secret formulas or processes.

(h) Royalties and similar payments paid to the other contracting state or a state-owned company for films or tapes are exempt.

(i) Interest paid to residents of Switzerland with respect to loans guaranteed or insured under the Swiss provisions regulating the Export or Investment Risk Guarantee is exempt.

(j) The rate is reduced to 10% for interest paid on indebtedness resulting from sales on credit of equipment, merchandise or services. Interest on debt obligations guaranteed or insured by the government is exempt.

(k) The withholding rate is 5% (10% for Slovenia) for royalties for the use of, or the right to use, copyrights of literary, artistic or scientific works, including software and motion pictures and works on films, tape or other means of reproduction for use in connection with radio or television broadcasting. The withholding rate is 8% (10% for Slovenia) for royalties for the use of, or the right to use, industrial, commercial or scientific equipment.

(l) The withholding rate is 5% for royalties paid for the use of, or the right to use, copyrights of literary, dramatic or scientific works, excluding cinematographic films or films or tapes used for radio or television broadcasting. The withholding rate is 8% for amounts paid under financial leases for the use of, or the right to use, industrial, commercial or scientific equipment.

(m) The rate is reduced to 10% for interest paid on indebtedness resulting from sales on credit of equipment, merchandise or services, except for sales between persons not dealing with each other at arm's length. Under the New Zealand treaty, interest derived by the government of New Zealand or its central bank from the investment of official reserves is exempt from tax.

(n) The withholding tax rate is 10% for royalties paid for the following:
- The use of or right to use, copyrights, industrial, scientific or commercial equipment, motion picture films, films or videotapes or other recordings for use in connection with television, and tapes or other recordings used in connection with radio broadcasting
- For the reception of, or the right to receive, visual images or sounds transmitted to the public by satellite, cable, optic fiber or similar technology
- For the use of, or right to use, in connection with television or radio broadcasting, visual images or sounds transmitted by cable, optic fiber or similar technology

(o) Interest on loans made, guaranteed or insured by the government, central bank, agency or body wholly owned or controlled by the government is exempt from tax.

(p) Interest is exempt from tax if it is paid on loans made, guaranteed or insured by the contracting state or by an authorized body of the state on behalf of the state or if it is paid on other debt claims or credits guaranteed or insured on behalf of the contracting state by an authorized body of the state.

(q) The rate is reduced to 10% for interest paid on indebtedness resulting from sales on credit of industrial, commercial, or scientific equipment or from sales on credit of merchandise between enterprises.

(r) A withholding tax rate of 5% applies to royalties for the use of, or the right to use, copyrights of literary, dramatic, musical, artistic or scientific works, including software, cinematographic films and films or tapes used for radio or television broadcasting. A withholding tax rate of 10% applies to royalties for the use of, or the right to use, industrial, commercial or scientific equipment or for information concerning industrial, commercial or scientific experience.

(s) The withholding tax rate is 10% for royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment.

(t) The rate is reduced to 10% if the loan or debt claim generating the interest is guaranteed by the government, central bank, state general reserve fund, local authorities, or a body wholly owned by the government.

(u) The withholding tax rate is 10% for royalties paid for copyrights of literary, artistic or scientific works and the right to use industrial, commercial and scientific equipment.

(v) The withholding tax rate is 10% for royalties paid for managerial or consultancy services or for information concerning commercial, industrial, or scientific experience.

(w) The withholding tax rate is reduced to 5% if the beneficial owner holds directly at least 25% of the dividend-paying company.

(x) The withholding tax rate is 8% for royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment. The rate is 10% for royalties in other cases.

(y) The rate is 10% for interest paid on indebtedness resulting from sales on credit of equipment, merchandise or services, except for sales between persons not dealing with each other at arm's length.

(z) The withholding tax rate is 5% for royalties for the use of, or the right to use, copyrights of literary, artistic or scientific works, including software and motion pictures and works on films or other means of reproduction for use in connection with radio or television broadcasting. The rate is 10% for royalties for the use of, or the right to use, industrial, commercial or scientific equipment or patents.

(aa) Interest is exempt from tax if any of the following circumstances exists:
- The interest is paid in connection with the sale on credit of merchandise or equipment.
- This interest is paid on a loan or credit granted by a bank.
- The interest is paid to the government including a political subdivision or local authority thereof, the central bank or a financial institution controlled by the government.
- The interest is paid to a resident of the other contracting state in connection with a loan or credit guaranteed by the government including a political subdivision or local authority thereof, the central bank or a financial institution controlled by the government.

(bb) The withholding rate is 5% for royalties for the use of, or the right to use, copyrights of literary, artistic or scientific works, including software and cinema films, or films or tape for radio or television broadcasting. The withholding rate is 8% for royalties for the use of, or the right to use, patents, trademarks, designs, models, plans, secret formulas or processes, or industrial, commercial, or scientific equipment. The withholding tax rate is 10% for other types of royalties.

(cc) The maximum withholding tax rate for all types of royalties is 10%.
(dd) The withholding tax rate is 5% for royalties for the use of, or the right to use, copyrights of literary, artistic or scientific works, including software and motion pictures and works on films or other means of reproduction for use in connection with radio or television broadcasting. The rate is 10% for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes.

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A. At a glance

Corporate Income Tax Rate (%)	30 (a)
Short-Term Capital Gains Tax Rate (%)	30 (b)
Branch Tax Rate (%)	30 (a)
Withholding Tax (%) (c)	
Dividends	3/8 (d)
Interest	15 (e)
Royalties from Patents, Know-how, etc.	15 (e)
Branch Remittance Tax	3 (f)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited

(a) A business levy and a green fund levy are also imposed. Companies licensed to carry on "banking business" or the "business of banking" under the Financial Institutions Act (these terms are defined identically under the act) are subject to a corporation tax rate of 35%. The rate for companies engaged in the downstream petrochemical sector and related sectors is 35%. Upstream petroleum operations are taxed under a separate regime. See Section B.
(b) See Section B.
(c) These withholding taxes apply to payments to nonresidents only.

(d) The 3% rate applies to dividends paid to corporations owning 50% or more of the voting power of the distributing company. The 8% rate applies to other dividends.
(e) Applicable to payments to nonresident companies and individuals.
(f) Applicable to deemed remittances of profits to overseas head office.

B. Taxes on corporate income and gains

Corporation tax. Companies resident in Trinidad and Tobago are subject to tax on their worldwide income from all sources. Relief with respect to taxation suffered on foreign-source income in an overseas jurisdiction may be available under a double tax treaty. Nonresident companies engaged in business in Trinidad and Tobago are subject to tax on income directly or indirectly accruing in or derived from Trinidad and Tobago.

Rates of tax. For the 2024 year of income, corporation tax is chargeable at a rate of 30%.

The Corporation Tax Act provides for a business levy to be imposed on the gross sales and receipts of companies for the calendar year, including branches of nonresident companies operating in Trinidad and Tobago. The rate of the business levy is 0.6%. The business levy is credited against the corporation tax liability. It is the final liability if the corporation tax liability is less than the business levy. Certain companies are exempt from the levy, including the following:

- Companies or statutory corporations exempt from corporation tax under any act
- Certain government corporations under the jurisdiction of the Public Utilities Commission or exempted by order of the President
- Companies subject to tax under the Petroleum Taxes Act

A company is not subject to the business levy for the first 36 months following the date of registration of its business or if its gross sales or receipts do not exceed TTD360,000 in the year of income.

The Miscellaneous Taxes Act provides for a green fund levy to be imposed on the gross sales and receipts of companies engaged in business in Trinidad and Tobago. The rate of the green fund levy is 0.3%. The green fund levy may not be credited against the corporation tax liability or claimed as a tax deduction in determining the company's taxable income.

The corporation tax rate for companies engaged in the downstream petrochemical sector and related sectors is 35%. Companies engaged in upstream petroleum operations are subject to various taxes and imposts, of which the most significant are petroleum profits tax of 50%, unemployment levy of 5% and supplemental petroleum tax at rates based on the weighted average crude oil price. Upstream petroleum companies are also subject to a different system of tax administration.

For companies licensed to carry on "banking business" or the "business of banking" under the Financial Institutions Act (these terms are defined identically under the act), a 35% rate applies.

In general, profits from a long-term insurance business of an assurance company that is subject to tax are the profits derived

from the assets supporting liabilities to Trinidad and Tobago policyholders, as required under Section 83(2) of the Insurance Act, 2018. Such profits are credited to the policy account and included in the insurance reserves reported pursuant to Section 145 of the Insurance Act, 2018.

Insurance companies carrying on insurance business other than long-term insurance business are generally taxed on the same basis as ordinary companies and are subject to corporation tax at the standard rate of 30%.

The rate of corporation tax on the profits from a long-term insurance business for the 2024 year of income is 15%. However, if such profits are transferred to the shareholders' account, such transferred amounts are subject to tax at a rate of 25%.

In the case of a Small and Medium Enterprise (SME) company that is listed on the Trinidad and Tobago Stock Exchange, a 0% rate applies for the first five years from listing, while such SME listed company will be subject to tax at 50% of the standard rate for the next five succeeding years and thereafter at the standard tax rate. A SME listed company is also subject to business levy and green fund levy at a 0% rate for the first five years from listing, at 50% of the standard rates of business levy and green fund levy for the next five succeeding years and thereafter at the standard rates of business levy and green fund levy.

Capital gains. Capital gains are generally not subject to tax. Depending on the class of asset and the nature of the company's business activities, however, the profit or loss on depreciable assets disposed of after being held for more than 12 months may require a balancing adjustment (see Section C).

Short-term capital gains are profits on the disposal of assets within 12 months of their acquisition. Although these gains are of a capital nature, they are generally subject to tax. Profits derived from the partial disposal of an asset within 12 months of acquisition are also subject to tax. For the 2023 year of income, the applicable rate is 30%.

Administration. The tax year is the calendar year. Tax is calculated on the profits for the accounting period that ends during the tax year. For each quarter, a company is required to pay a green fund levy installment, as well as either a corporation tax or business levy installment, whichever is greater. The quarterly payments must be made by 31 March, 30 June, 30 September and 31 December in each tax year. Quarterly payments of corporation tax are determined based on the taxable income for the preceding accounting period. Business levy and green fund levy installments are based on the actual gross sales or receipts of the company for the relevant quarter. The business levy calculation excludes income that is exempt for corporation tax purposes such as dividends received from Trinidad and Tobago resident companies, but the green fund levy calculation takes into account such tax-exempt income.

If the current year's profits exceed the preceding year's profits, a company must pay by 31 December the sum of the tax liability on the preceding year's taxable profits plus 80% of the increase in tax liability over the preceding year. Annual tax returns must

be filed by 30 April in the year following the tax year, and any balance of tax due is payable at that time.

If the balance of tax due is not paid by the 30 April deadline, interest accrues at a rate of 20% per year on the outstanding amount beginning on 1 May. A grace period to 31 October is granted for the filing of the tax return. If the return is not filed by 31 October, a penalty of TTD1,000 accrues beginning 1 November for each six-month period or part of such period that the return remains outstanding.

Dividends. Dividends received from nonresident companies out of profits not derived from or accruing in Trinidad and Tobago are subject to tax. Dividends received by resident companies from other resident companies are tax-exempt.

Effective from 1 January 2022, dividends paid to nonresident companies and individuals are generally subject to a withholding tax of 8%. The rate is reduced to 3% if the recipient is a corporation owning 50% or more of the voting power of the distributing company.

Double tax relief. Bilateral agreements have been entered into between the government of Trinidad and Tobago and the governments of certain other countries to provide relief from double taxation. These agreements assure taxpayers that their trade or investment in the other countries is free from the deterrent of double taxation. Relief from double taxation is achieved by one of the following two methods:

- Exemption or a reduced rate on certain classes of income in one of the two countries concerned.
- Credit if the income is fully or partially taxed in the two countries. The tax in the country where the income arises is allowed as a credit against the tax on the same income in the country where the recipient is resident. The credit is the lower of the Trinidad and Tobago tax or the foreign tax on the same income.

C. Determination of taxable income

General. The assessment is based on financial statements prepared according to international accounting standards, subject to certain adjustments.

To be deductible, expenses must be incurred wholly and exclusively in the production of income. The deduction for business meals and entertainment expenses is limited to 75% of actual expenses. Deductions for management charges (now more broadly defined) paid to a nonresident company may not exceed 2% of the payer's total expenses, exclusive of such charges, capital allowances and expenses not allowed under the Corporation Tax Act.

Donations made under a registered deed of covenant to an approved charity that are actually paid during the year of income are deductible, up to a maximum of 15% of the total income of the company (as defined in the law).

Inventories. Inventory may be valued at cost or market value, whichever is lower. A method of stock valuation, once properly adopted, is binding until permission to change is obtained from the Board of Inland Revenue.

Bad debts. Trading debts that have become bad, and are proven to be so to the satisfaction of the Board of Inland Revenue, may be deducted in determining taxable income. In addition, doubtful debts are deductible to the extent that they have become bad during the year. If these debts are subsequently collected, they are considered to be income subject to tax in the year of recovery.

Tax depreciation (capital allowances)

Depreciation (wear-and-tear) allowances. Depreciation is calculated on the depreciated value of fixed assets at the beginning of each accounting year.

Industrial buildings generally qualify for a depreciation allowance of 10% under the declining-balance method. Buildings completed before 1 January 1995 that are used in retail or wholesale trade or as office buildings or rental properties are not entitled to any depreciation allowances, unless they are used exclusively to house plant and machinery and the amounts claimed for the depreciation allowance are reasonable.

Capital expenditure incurred on the construction of a building or structure completed on or after 1 January 1995 and capital improvements made to buildings or structures on or after that date qualify for a 10% depreciation allowance under the declining-balance method.

Other assets are depreciated using the declining-balance method. The depreciation rates vary depending on when the assets were acquired. The following are the applicable rates for assets acquired on or after 1 January 1995.

Asset	Rate (%)
Office equipment	30
Motor vehicles	30
Computers	33.3
Plant and machinery	
Light	30
Heavy	30 or 33.3
Rigs	33.3
Aircraft (secondhand)	40

Balancing adjustments. Proceeds from disposals of assets are deducted from the residual value of the pool for that particular class of assets. Under the pool system, balancing charges arise if the value in the pool results in a credit balance, and balancing allowances arise only on the disposal of all of the assets in a particular class.

Initial allowance. A 10% initial allowance is granted on acquired industrial buildings that are used in manufacturing. Machinery and equipment used in manufacturing also qualify for an initial allowance at a rate of 90%. The rate of the initial allowance is reduced to 20% for plant and machinery used in the production of sugar, petroleum or petrochemicals or in an industry enjoying concessions under the Fiscal Incentives Act.

The initial allowance reduces the asset's value for purposes of depreciation in subsequent periods.

Relief for losses. Losses carried forward can generally be written off to the full extent of taxable profits for the tax year. Effective

from 1 January 2020, companies engaged in the upstream energy sector are only able to claim loss relief of up to 75% of taxable profits. The unrelieved balance can be carried forward indefinitely. No loss carryback is allowed.

Groups of companies. Under the provisions of the Corporation Tax Act, a company within a group of companies (surrendering company) may surrender its current year trading loss (exclusive of capital allowances) to another company (or companies) within the same group (claimant company). The claimant company may then claim a deduction with respect to the trading loss against its taxable profits.

To qualify for group relief, both the surrendering company and the claimant company must be resident in Trinidad and Tobago. Two companies are members of the same group if one is a wholly owned subsidiary of the other or both are wholly owned subsidiaries of a third company. The surrendering company and the claimant company must be members of the same group throughout the respective accounting periods of each of the companies. If the claimant company and the surrendering company do not have coterminous year-ends, the amount of the current year losses available for setoff and relief is restricted to the accounting period that is common to both the surrendering company and the claimant company.

The claimant company may claim group relief if it has used all of its available capital allowances and offset its loss brought forward from the prior year(s) of income against its current year taxable income. The amount of the trading losses that any one claimant company may claim as a deduction is limited to 25% of the tax that would have been payable by the claimant company had the relief not been granted.

Any unrelieved current year losses of the surrendering company may be carried forward indefinitely and be written off against its future taxable income.

D. Value-added tax

A value-added tax (VAT) applies to most products supplied and services rendered in Trinidad and Tobago. The standard rate of VAT is 12.5%. A 0% rate applies to certain items, including exports. Imports of inputs by highly capital-intensive manufacturing corporations are exempt from VAT if the corporation is declared an approved enterprise under the Fiscal Incentives Act.

Companies and other businesses are required to register for the tax if their turnover exceeds a stipulated threshold as specified in the Value Added Tax Act. The VAT threshold is TTD600,000 a year.

The Value-Added Tax Act allows the tax authorities to offset VAT refunds against any other tax liability, such as corporation tax or income tax.

E. Miscellaneous matters

Foreign-exchange controls. Trinidad and Tobago has a floating exchange-rate regime. Commercial banks and licensed

foreign-exchange dealers set the exchange rate. Residents may hold foreign currencies for their own account. Profits may be repatriated without the approval of the Central Bank of Trinidad and Tobago.

Debt-to-equity rules. In general, no thin-capitalization rules are imposed in Trinidad and Tobago. However, if a local company pays or accrues interest on securities issued to a nonresident company and if the local company is a subsidiary of, or a fellow subsidiary in relation to, the nonresident company, the interest is treated as a distribution and may not be claimed as a deduction against the profits of the local company.

F. Treaty withholding tax rates

The following table lists the withholding tax rates under Trinidad and Tobago's tax treaties. If the treaty rates are higher than the rates prescribed in the domestic law, the lower domestic rates apply.

	Dividends %	Interest %	Royalties %
CARICOM treaty (f)			
Antigua and Barbuda	0	15	15
Barbados	0	15	15
Belize	0	15	15
Dominica	0	15	15
Grenada	0	15	15
Guyana	0	15	15
Jamaica	0	15	15
St. Kitts and Nevis	0	15	15
St. Lucia	0	15	15
St. Vincent and the Grenadines	0	15	15
Brazil	10/15 (h)	15	15
Canada	5/15 (d)	10	10
China Mainland	5/10 (c)	10	10
France	10/15 (d)	10	10
Germany	10/20 (c)	10 (a)	10
India	10	10	10
Italy	10/20 (c)	10	5
Luxembourg	5/10 (g)	7.5/10 (e)	10
Spain	0/5/10 (i)	8	5
Sweden	10/20 (c)	10 (a)	20
Switzerland	10/20 (d)	10	10
United Kingdom	10/20 (c)	10	10
United States	10/25 (d)	15 (a)	15
Venezuela	5/10 (c)	15	10
Non-treaty jurisdictions	3/8 (b)	15	15

(a) The rate applies to interest paid to banks and financial institutions. Interest paid to other recipients is taxed at 15%.
(b) See footnote (d) to Section A.
(c) The lower rate applies if the recipient is a corporation owning 25% or more of the voting power of the distributing company.
(d) The lower rate applies if the recipient is a corporation owning 10% or more of the voting power of the distributing company.
(e) The lower rate applies to interest paid on deposits, commercial debts and borrowings from banking enterprises.
(f) The listed countries have ratified the Caribbean Community and Common Market (CARICOM) double tax treaty.
(g) The lower rate applies if the recipient is a company holding directly at least 10% of the capital of the distributing company.

(h) The lower rate applies if the recipient is a company holding directly or indirectly at least 25% of the capital of the distributing company.

(i) The 0% rate applies if the recipient is a company holding directly at least 50% of the capital of the distributing company. The 5% rate applies if the recipient is a company holding directly at least 25% of the capital of the distributing company.

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A. At a glance

Corporate Income Tax Rate (%)	15 (a)
Capital Gains Tax Rate (%)	15 (a)
Branch Tax Rate (%)	15 (a)
Withholding Tax (%)	
Dividends	10 (b)
Interest	20 (b)(c)(d)
Royalties	15 (b)(e)
Gross Rents	5/15 (b)(f)
Management Fees	0/0.5/1.5/3/15 (b)(f)(g)
Branch Remittance Tax	10 (b)(h)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) This is the standard rate of corporate income tax. Profits resulting from the provision of services mentioned in Section 130.1 of the Hydrocarbons Code and the provision of hydrocarbon transport services to companies operating within the framework of the related legislation, as well as banks, financial institutions (for example, insurance companies, including mutual insurance companies), telecommunication companies, car dealers, large commercial enterprises (rules applicable starting from 1 January 2020 to be reported in 2021 and future years) and franchisees of foreign brands and marks, are subject to corporate income tax at a rate of 35%. Handicraft, agricultural and fishing companies are subject to corporate income tax at a rate of 10%. Service companies in the hydrocarbons sector as well as sales and provision

of services whose use is intended for abroad are subject to corporate income tax at a rate of 15%. These measures apply to profits made from 1 January 2021, which will be declared during 2022 and subsequent years. Only companies subject to corporate income tax at a rate of 35% can benefit from the reduction of their corporate income tax rate to 20% for five years when their ordinary shares are admitted to listing on the Tunis Stock Exchange, provided that the rate of openness of capital to the public is at least equal to 30%, or on the alternative market, provided that the opening percentage of capital to informed investors is at least equal to 30%.

(b) Payments to beneficiaries resident in low-tax jurisdictions are subject to a 25% rate.

(c) This tax applies to payments to residents and nonresidents.

(d) The rate is 10% for interest paid on loans made by nonresident banks.

(e) This tax applies to payments to nonresidents. For further details, see Section B.

(f) The applicable rate depends on the nature of the beneficiary and service.

(g) Management fees paid to residents are subject to withholding tax at a rate of 0% if the amount does not exceed TND1,000 and if they do not represent fees. Management fees that do not represent fees in return for intellectual services and that are paid to residents are subject to withholding tax at the following rates:

- 0.5% if the profits of the payment recipient are subject to corporate income tax at a rate of 10%
- 1% if the profits of the payment recipient are subject to corporate income tax at a rate of 15%
- 1.5% if the profits of the payment recipient are subject to corporate income tax at the rate of 35%

If management fees paid to residents are related to fees in return of intellectual services, they are subject to withholding tax at a rate of 3%. Management fees paid to nonresidents are subject to withholding tax at a rate of 15%, subject to the provisions in double tax treaties.

(h) See Section B.

B. Taxes on corporate income and gains

Corporate income tax. Companies are subject to tax on profits derived from establishments located in Tunisia and on profits that are deemed to be derived in Tunisia under double tax treaties.

Tunisian-source income that is not realized within the framework of a Tunisian establishment, such as royalties, is subject only to final withholding taxes (see *Royalties*).

Tax rates. The new standard rate of corporate income tax that applies to income realized on or after 1 January 2021 is 15%.

Profits resulting from the provision of services mentioned in Section 130.1 of the Hydrocarbons Code and the provision of hydrocarbon transport services to companies operating within the framework of the related legislation, as well as banks, financial institutions (for example, insurance companies, including mutual insurance companies), telecommunication companies, car dealers, large commercial enterprises (rules applicable starting from 1 January 2020 to be reported in 2021 and following years), and franchisees of foreign brands and marks (for which the integration level is equal to or greater than 30%), are subject to corporate income tax at a rate of 35%.

The tax advantage relating to the reduction of corporate income tax for companies introduced to the Tunis Stock Exchange that are not subject to corporate income tax at a rate of 35% was removed by the 2021 Finance Act. Only companies subject to corporate income tax at a rate of 35% can benefit from the reduction of their corporate income tax rate to 20% for five years when their ordinary shares are admitted to listing on the Tunis Stock Exchange, provided that the rate of openness of capital to the

public is at least equal to 30%, or on the alternative market, provided that the opening percentage of capital to informed investors is at least equal to 30%. These measures apply to profits made from 1 January 2021, which will be declared in 2022 and subsequent years.

The following companies are subject to corporate income tax at a rate of 10%:
- Artisanal, fishing, agricultural and fisheries vessels equipment companies
- Purchasing offices for retail sales companies organized in the form of cooperatives
- Service cooperatives formed between producers for the wholesaling of their production
- Consumer cooperatives governed by the general statute of cooperation
- Commercial and industrial projects benefiting from the youth employment program or the national promotion fund for crafts and small trades

Based on the 2023 Finance Act, the following companies are subject to corporate income tax at a rate of 15% (instead of 10%):
- Private health and hospital companies
- Private education companies
- Vocational training and scientific research companies
- Private dorms companies

As of 2023, tax incentives granted to private health and hospital companies related to offering their services to nonresidents are eliminated.

As of 1 January 2021, all transitional regimes granting tax advantages for exports in terms of direct taxes are eliminated from the Tunisian tax system.

As of January 2022, the value-added tax (VAT) suspension regime for exporting service companies and international trade companies is eliminated. The VAT suspension regime no longer covers the following companies:
- Fully exporting service companies and fully exporting international trade companies
- Service companies and international trade companies whose turnover from exports or sales under tax suspension exceeds 50% of their total turnover
- Service companies and international trade companies that carry out import and local acquisition activities of materials, products and services necessary for the performance of export activities

Before the enactment of the 2022 Finance Act, sales and services and products in the local market by industrial fully exporting companies operating in Tunisia could not exceed 30% of the total turnover. However, the 2022 Finance Act increased this percentage to 50%, starting from 2022.

Under the 2023 Finance Act, wholly export-oriented manufacturing companies are allowed to sell on the local market 50% of the 2019 fiscal year export sales.

Service companies in the hydrocarbons sector as well as sales and provision of services whose use is intended for abroad are

subject to corporate income tax at a rate of 15%. These provisions apply to profits made from 1 January 2021, which will be declared during 2022 and subsequent years.

Under the 2021 Finance Law, the minimum corporate income tax due is 10% of the tax base for companies subject to corporate income tax at a rate of 15%, and 20% of the tax base for those subject to corporate income tax at a rate of 35%. These provisions apply to profits made from 1 January 2021, which will be declared during 2022 and subsequent years.

The rate of the advance due from fiscally transparent entities is reduced from 25% to 15% on the basis of the profits made for the preceding year. This rate is reduced to 10% for profits subject to corporate income tax at a rate lower than 15% at the level of associates and members of legal entities, as well as for profits accruing to associates and natural person members benefiting from the deduction of two-thirds of income in accordance with Personal and Corporate Income Tax Code (PCITC). These provisions apply to advances due from 1 January 2021.

Tax benefits, such as total or partial exemptions from some taxes and duties, may be granted to companies such as those established in Regional Development Areas or some companies incorporated during 2018, 2019 or 2020.

Under Article 38 of the 2020 Finance Act, a tax relief is granted to companies that proceed to list their shares on the TSE alternative market (regardless of the opening rate of their capital) and that are subject to the corporate tax rate not exceeding 25% for the first four years following the listing year. The following are the percentages of the tax relief:
- 100% for the first year following the initial public offering year
- 75% for the second year
- 50% for the third year
- 25% for the fourth year

The 2022 Finance Act extended the deadline for the benefit of the transitional measures provided by the investment law and the law on the recasting of tax benefits covering tax and financial benefits until 31 December 2023.

Financial relief for investments in green, blue, circular economy and sustainable development. Article 49 of the 2024 Finance Act extended the benefit of financial reinvestment to companies carrying out investments in the field of the green, blue and circular economy (as defined in common note No. 10/2024) and sustainable development within the meaning of the laws and regulations in force.

Subject to the provisions of Articles 12 and 12 bis of Law No. 89-114 of 30 December 1989 promulgating the Personal and Corporate Income Tax Code (PITCITC) (minimum tax) and within the limit of the income or profit subject to tax, income or profits reinvested from 1 January 2024 in the subscription to the initial capital or to the increase of capital companies making investments in the field of the green, blue and circular economy and sustainable development in accordance with the legislation and regulations in force are fully deductible. The tax advantage is

not granted to subscription operations intended for the acquisition of land.

Four-year exemption from corporate income tax and personal income tax for newly established companies in 2024 and 2025. Article 33 of the 2024 Finance Act provides a four-year exemption from corporate income tax and personal income tax to newly established companies that have received their investment declaration certificate from the relevant authorities during 2024 and 2025. The exemption applies to companies established during 2024 and 2025 and having received a certificate of investment declaration from the relevant sector-specific authorities during the same period. Companies not covered by this tax incentive are those operating in the financial sector, energy sectors (except renewable energies), mining, real estate development, on-site consumption, trade, and telecommunications operators.

The exemption from corporate income tax and personal income tax does not apply to the following:

- Companies created as part of transmission transactions (including, among others, the total sale of a company or a part of it constituting an independent and autonomous economic unit) or created following the cessation of activity or as a result of a change in the legal form of the existing company, to carry out the same activity related to the same product or service.
- Companies created by individuals who have been engaged in an activity similar to the activity of the new company and having the status of shareholders or directors or those having a first-degree family relationship (spouse or children) in another company engaged in an activity similar to the activity nature of the new company.

The four-year exemption period starts as of the date of effective start of business. The first year of exemption is counted from the date of effective start of business until 31 December of the same year.

For companies benefiting from regional development area tax incentives, the four years of exemption are counted from the date of the tax holiday period expiration as per domestic law for companies established in regional development areas.

The benefit of the exemption is subject to the following requirements:

- Maintaining books in accordance with the Tunisian generally accepted accounting principles (GAAP)
- Effective start of business within a period of two years as of the date of the investment declaration

Extension until 31 December 2025 of the deadlines to benefit from the transitional measures provided by the Law on Restructuring of Fiscal Incentives for physical and financial relief carried out under the auspices of the Tunisia Investment Incentive Code or the PITCITC. Article 38 of the 2024 Finance Act has extended until 31 December 2025, the following transitional measures provided by Paragraph 4 of Article 19 and Paragraphs 3 and 4 of Article 20 of the Law on Restructuring of Fiscal Incentives (LRDAF):

- Investment in tangible and intangible assets (Paragraph 4 of Article 19 of the LRDAF): Income and profits invested by eligible companies within the companies themselves, benefiting

from the tax incentives provided by the PITCITC, remain subject to the legislation in force before 1 April 2017, provided that the investments become effective no later than 31 December 2025.

- Financial relief under the Tunisia Investment Code (Code d'incitations aux investissements, or CII) (Paragraph 3 of Article 20 of the LRDAF): Investment in the capital companies that obtained a depositary certificate of investment declaration deposit before 1 April 2017, qualifying for tax incentives under the CII, remain subject to the provisions of that code, provided that the subscribed capital is paid-up no later than 31 December 2017, and the relevant investment becomes effective no later than 31 December 2025.
- Physical relief under the CII (Paragraph 4 of Article 20 of the LRDAF) Reinvestment operations of profits within the same company, qualifying for tax incentives under the CII and having received a depositary certificate of investment declaration deposit before 1 April 2017, remain subject to the provisions of that code, provided that the effective start date of the operation occurs no later than 31 December 2025.

Social Contribution of Solidarity. The 2018 Financial Act introduced a new Social Contribution of Solidarity (SCS) for the companies and enterprises subject to corporate income tax, as well as companies not subject to corporate income tax.

This contribution is imposed at a rate of 1% of the taxable income and profits. The amount due for companies not subject to corporate income tax is TND200.

The SCS applies to income and profits realized on or after 1 January 2018.

Under the 2023 Finance Act, the following SCS rates apply in 2023, 2024 and 2025:

- 4% for companies subject to corporate tax rate at 35% with a minimum SCS of TND500.
- 3% for companies subject to corporate tax rate at 20% and 15% with a minimum SCS of TND400.
- 3% for companies subject to corporate tax rate at 10% with a minimum SCS of TND200.
- No SCS rate for entities taking advantage of tax holidays or tax relief of 100% of operating income but a minimum SCS of TND400 is required.
- 3% for Tunisian banks and financial institutions, nonresident banks and financial institutions operating within the framework of the code of financial services provisions for nonresidents, and insurance and reinsurance companies, including mutual insurance companies, Takaful insurance and participants funds (a type of Islamic finance instrument), which are subject to a corporate tax rate at 35%.
- 2% for other persons subject to the 35% corporate tax rate. However, for large commercial areas (supermarkets or hypermarkets), the CSS increase applies to profits reported during 2021 and 2022.

New temporary contribution. Article 64 of the 2024 Finance Act has established a new temporary contribution for the benefit of

the state budget, applicable during 2024 and 2025. This optional tax applies to the following:

- Banks and financial institutions
- Insurance and reinsurance companies, including Takaful insurance and reinsurance companies, as well as the Members' Fund (a Members' Fund has no legal personality; its income is derived from the sum of contributions, which are sums paid by members by way of donations)

This temporary contribution is set at 4% of the profits used as the basis for calculating the corporate income tax, for which the declaration deadline falls within 2024 and 2025, with a minimum annual amount of TND10,000.

This temporary contribution must be paid within the same deadlines and according to the same procedures specified for the payment of corporate income tax.

This contribution is not deductible for corporate income tax purposes.

The control of this contribution, and the identification of infractions and related legal disputes are conducted in the same manner as for corporate income tax.

Capital gains. Capital gains are included in ordinary income and are taxed at the regular corporate income tax rate. For nonresident and non-established companies in Tunisia, capital gains derived from the sale of shares is subject to withholding tax at a rate of 15%, which is levied on the difference between the sales price and the acquisition price, reduced by the expenses incurred on the sale including the share premium. In all cases, the tax on capital gains may not exceed 5% of the selling price.

These provisions apply to withholding taxes payable from 1 January 2021.

As an option, a tax return on capital gains may be filed.

Withholding tax on income from movable capital. The 20% withholding tax on income from movable capital realized before 1 January 2022 is final and not subject to restitution, notwithstanding the tax regime of the beneficiary of the income. For purposes of this tax, income from movable capital includes, among others, certain types of interest income. The tax applies to resident and nonresident companies and individuals.

Starting from 1 January 2022, investment income, including income from movable capital, is subject to a flat rate withholding tax instead of the discharging withholding tax mechanism before 2022. A taxpayer must integrate the investment income generated in 2022 in the corporate or personal income tax base and deduct from the tax due on a consolidated basis that takes into account all the income generated and the deductions made.

If the deductions result in a credit, the taxpayer will not be able to claim the refund of the unused excess.

According to administrative doctrine, the 20% withholding tax, which applies to all income from movable capital, other than those made in foreign currency or convertible dinars, is not only final, but also nondeductible and nonrefundable.

Administration. The financial year is generally the calendar year.

Tax returns must be filed by the 25th day of the third month following the end of a company's financial year. Consequently, for companies using the calendar year as their financial year, tax returns are due by 25 March. For companies subject to mandatory audit, this return can be considered a temporary tax return and a definitive return must be submitted by 25 June.

Starting from the second year of their activities, companies must pay tax in three installments. Each installment is equal to 30% of the corporate income tax due for the preceding financial year. The installments are payable by companies during the first 28 days of the sixth, ninth and twelfth months following the end of the financial year. The balance of tax due must be paid when a tax bill (a document that specifies the amount of tax due and when the tax must be paid) is filed. Exceptionally, companies affected by the repercussions of the COVID-19 pandemic can file the declaration relating to the third installment due during 2020 and all declarations relating to the installment payments due during 2021 without payment. These companies can file during 2021 the annual tax return for 2020 without payment. Such tax must be paid by the end of May 2022. These companies may pay such tax without advance and according to a fixed payment schedule by order of the Minister responsible for finance during the period from 1 January 2022 until the end of May 2022.

Dividends. Dividends paid to resident and nonresident individuals and nonresident entities in Tunisia are subject to a 10% withholding tax subject to a preferential rate provided for by the double tax treaty concluded between Tunisia and the country of residence of the beneficiary of the dividends.

Profits realized in Tunisia by Tunisian establishments of foreign companies are assumed to be distributed for the benefit of the partners not resident in Tunisia and are accordingly subject to a 10% withholding tax for distributions subject to a preferential rate provided for by the double tax treaty concluded between Tunisia and the country of residence of the beneficiary of the profits. This withholding tax is imposed at a rate of 25% if the establishments have their head offices in low-tax jurisdictions.

Royalties. Subject to the provisions of double tax treaties, a 15% withholding tax is imposed on royalties paid to nonresidents. This tax applies to the following types of payments:

- Copyright royalties
- Payments for the use of, or the right to use, patents, trademarks, designs, models, plans, formulas, manufacturing processes and movies, including proceeds received from sales of such items
- Payments for the use of, or the right to use, industrial, commercial, agricultural, harbor or scientific equipment, except for amounts paid to charter a plane or vessel for international operations
- Payments for information concerning industrial, commercial or scientific experience
- Payments for technical or economic studies or for technical assistance

Foreign tax relief. Tunisia does not grant any relief for foreign taxes.

C. Determination of trading income

General. Taxable income is based on financial statements prepared in accordance with generally accepted accounting principles (GAAP), subject to certain adjustments.

Business expenses are generally deductible unless specifically disallowed by the tax law. Expenses that are deductible include, but are not limited to, the following:

- All types of expenses relating to production or the operation of a business, such as salaries and wages, and raw materials.
- Tax depreciation (see *Tax depreciation*).
- Attendance fees paid to members of the board of directors or the supervisory board.
- Interest paid to shareholders on loans if the amount of the loan does not exceed 50% of authorized capital, if the interest rate does not exceed 8% and if the share capital is fully paid up.
- Donations and subsidies paid to charities and organizations established for the public good that are engaged in philanthropic, educational, scientific, social or cultural activities, up to a maximum deduction of 0.2% of gross turnover.
- Research and development (R&D) expenses incurred within the framework of agreements concluded for this purpose with public scientific research establishments or public higher education and research establishments on the condition that the participation of companies in the total expenses is not lower than 10%. They are deductible at a rate of 50% and within a limit of TND400,000 as per the green, blue and circular economy and sustainable development in accordance with Article 27 of the 2023 Finance Act.
- Innovation expenses deductible at a rate of 50% and within a limit of TND400,000 per year in accordance with Article 27 of the 2023 Finance Act. The application term will be provided by means of a decree.
- Amounts paid to social funds established for employees in accordance with the law.
- Gifts and meal expenses, up to a maximum deduction of the lower of 1% of annual gross income or TND20,000.
- Sponsorships allocated to the incorporation and the maintenance of green spaces as well as family and rural parks, within the framework of conventions concluded to this effect with the ministry in charge of the environment or the ministry in charge of infrastructure and housing, are deductible in determining the base subject to corporate income tax, up to the threshold of TND150,000 per year.

Expenses that are not deductible include, but are not limited to, the following:

- Fines, forfeitures and penalties of any kind, as well as transactions designed to avoid the application of higher penalties
- Charges on passenger cars of more than nine horsepower
- Expenses related to aircraft, pleasure craft and second homes
- Expenses amounting to over TND5,000 that are paid in cash
- Charges invoiced by persons established in low-tax jurisdictions

Under the 2023 Finance Act, tax measures governing the revaluation of assets with the local GAAP are aligned through the following actions:

- Assets revaluation measures in compliance with Tunisian Accounting Standard No. 5 are adopted as an accepted method.
- Tax incentives related to assets revaluation are granted within the limit of revaluated amount based on revaluation indexes provided by Decrees 2019-971 (28 October 2019) and 2022-297 (28 March 2022).
- To benefit from such tax incentives, the manufacturing entities should not proceed to dispose any of the revalued assets for at least five years as of 1 January of the year subsequent to the revaluation year.

Deduction of amounts invested in share issue premium for corporate income tax calculation purposes. According to Article 37 of the 2024 Finance Act, the share issue premium is part of invested amounts that give right to the deduction for corporate income tax calculation purposes when subscribing to the increase in the capital of companies, under the same limits and conditions.

This benefit is subject to the following conditions:
- The non-use of the share issue premium for a period of five years from 1 January of the year following its release, except for its use for financing the related investment operation or absorbing losses
- The presentation in support of the annual tax return of a copy of the decision of the extraordinary general meeting approving the capital increase operation, including the value of the share issue premium

Consequently, the conditions related to the benefit of the deduction of financial investments for corporate income tax purposes are maintained.

According to Article 37 of the 2024 Finance Act, the aforementioned provisions apply to the deduction of financial investments for income or profits made starting from 1 January 2024.

Inventories. Inventories are valued at cost.

Provisions. Doubtful debts of up to TND100 (TND500 for banks) per debtor are deductible if they were due at least one year prior to the date on which they were written off and if the company has had no further business relationship with the debtor.

The following provisions are deductible, up to a maximum deduction of 50% of taxable income:
- Reserves for doubtful debts for which recovery is being pursued in the courts
- Provisions for finished goods
- Provisions for depreciation of shares of listed companies

Banks may deduct bad debt provisions from their tax base without any limit. This deduction can result in a tax loss.

Tax depreciation. Under the Tunisian Tax Code, depreciation must be computed using the straight-line method. Depreciation is deductible only if it is recorded in the accounts.

Standard depreciation rates allowed in Tunisia include, but are not limited to, the following.

Asset	Rate (%)
Patents and trademarks	20
Capitalized R&D costs	20
Buildings	5
Office furniture and equipment	20
Equipment and machinery	15
Cars	20
Movable equipment	10/20
Engines	15/20/33.33
Ships	6.25
Computer hardware and software	33.33

For equipment other than transportation equipment, the depreciation rates may be increased by 50% if the equipment is used at least 16 hours a day and may be doubled if it is used 24 hours a day.

The costs of setting up a business may be amortized at a rate of 33% if the costs are very high. Otherwise, 100% of the costs may be deducted in the year of expenditure. Assets worth less than TND200 are fully deductible in the year of acquisition.

The following types of depreciation are not deductible:
- Depreciation of assets exceeding an amount of TND5,000 that are acquired for cash
- Depreciation of aircraft, pleasure craft and second homes
- Depreciation of land and ongoing businesses
- Depreciation that exceeds the maximum allowed rates
- Depreciations of passenger cars with more than nine horsepower
- Depreciation of assets acquired from persons established in low-tax jurisdictions

Additional amortization at a rate of 30% applicable to assets in alternative and renewable energies. Article 48 of the 2024 Finance Act grants the deductibility for corporate income tax purposes of an additional amortization of 30% of the gross value of the equipment and machinery dedicated to alternative or renewable energies production, acquired or manufactured, during the first year from the date of acquisition, manufacturing or start of use.

The benefit of the deduction is subject to the submission, in support of the annual tax return for the year of the deduction, of a certificate issued by the competent bodies under the ministry responsible for energy that proves the category of such equipment and materials.

The new additional deduction is not cumulative with the additional deduction at a rate of 30% granted by Paragraph VIII of Article 12 bis of the PITCITC (machinery and equipment acquired or manufactured as part of expansion or renewal operations within the scope of Article 3 of the Investment Law, when it concerns the same equipment or materials).

As in the case of the additional depreciation referred to in Paragraph VIII of Article 12 bis of the PITCITC, fixed assets that have benefited from the additional deduction at a rate of 30% are not eligible for legal revaluation.

The following are significant aspects of the additional tax amortization of 30% provided by the 2024 Finance Act:

- It applies to all companies, including those operating in the financial sector, energy sectors (except renewable energies), mining, real estate development, on-site consumption, trade and telecommunications.
- It is not subject to the realization of an investment operation within the scope of the Investment Law. The 2024 Finance Act only requires the "submission, in support of the annual tax return for the year of the deduction of a certificate issued by the competent bodies under the Ministry responsible for energy proving the category of the said equipment and materials." It must be the National Energy Management Agency, which, under Article 17 of Law No. 2004-72 of 2 August 2004 on energy management, is responsible for "granting certificates for equipment, materials and products contributing to the rational use of energy or related to renewable energies, in order to benefit from the advantages provided by current legislation and regulations."
- It does not require a minimum of an equity financing (that is, investment entirely funded by debt gives right to the new benefit).

Relief for losses. Losses may be carried forward five years, but may not be carried back. However, losses related to depreciation may be carried forward indefinitely.

Groups of companies. Tunisian law provides for the fiscal integration of related parties equivalent to a consolidated filing position if certain conditions are satisfied.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax, on all transactions carried on in Tunisia, including imports	
Normal rate	19%
Other rates	7%/13%
Local tax (TCL); imposed on local turnover and exportations	
Local turnover	0.2%
Professional training tax, on salaries, allowances and fringe benefits paid by an employer	1%/2%
Housing tax (FOPROLOS); on salaries, allowances and fringe benefits paid by employers	1%
Social security contributions, on employee's annual salary; paid by	
Employer	16.57%
Employee	9.18%
Registration duties	
Work contracts	TND30 per contract
Business contracts	0.5% of the contract value
Company formation	Constitution acts of companies or GIEs (a GIE is a type of tax-transparent entity) are subject to a mandatory registration duty of TND150

E. Miscellaneous matters

Foreign-exchange controls. For companies wholly or partially owned by nonresidents, the remittance of benefits, dividends, attendance fees and interest payments to nonresidents is guaranteed. Tunisian branches of foreign companies may freely remit their after-tax profits. Remittances must be made through a registered intermediary, which is generally a bank. Tunisian banks may obtain foreign loans not exceeding TND10 million a year. Tunisian companies other than banks may obtain foreign loans up to TND3 million per year.

Transfer pricing. The 2019 Finance Act established new rules for the determination of transfer prices and a new definition of entities' dependency and control.

For the purpose of determining the tax due by resident or established enterprises in Tunisia that are dependent on or control other enterprises belonging to the same group, the profits indirectly transferred to such enterprises either by raising or lowering the prices of transactions, or by any other means, are incorporated into the results of these enterprises.

Indirectly transferred profits are determined by comparison with those that would have been realized in the absence of any arm's-length or control relationship. The condition of dependence or control referred to above is not required if the transfer of profits is made with enterprises resident or established in a state or territory whose tax system is privileged.

Dependency or control relationships are deemed to exist between companies if either of the following circumstances exists:

- One company directly or indirectly holds more than 50% of the share capital or voting rights of another enterprise or exercises the decision-making power of such enterprise.
- Companies are subject to the control of the same undertaking or the same person under the conditions mentioned in the first bullet above.

In addition, Article 30 of the 2019 Finance Act, as amended by the 2021 Finance Act, provides that companies resident or established in Tunisia that are controlled by other companies or that control other companies under Article 48 Septies of the PCITC and whose gross annual sales exclusive of any turnover taxes is equal to or greater than TND200 million are required to submit an annual transfer-pricing declaration within the time frame for filing the annual corporate income tax return by using reliable electronic means according to a model established by the administration. In addition, these entities must present to the tax authorities the transfer-pricing documentation when requested during a comprehensive tax audit. Under the 2021 Finance Act, only cross-border controlled transactions of which the amount exceeds TND100,000 must be reported within the annual Transfer Pricing Declaration and have to be covered by the transfer-pricing documentation.

The amendment affecting Article 48 Septies of the PCITC as well as the obligation to document transfer pricing applies to fiscal years beginning on or after 1 January 2020, provided that the requirements are the subject of a notice on or after 1 January

2021. The amendment concerning the transfer-pricing annual return applies to fiscal years beginning on or after 1 January 2020 (the first declaration must be filed in 2021).

Country-by-country reporting. Companies that are established in Tunisia and that fulfill all of the conditions fixed by the law are required to file within 12 months after the year-end date by any reliable electronic means, a Country-by-Country Report, based on a model established by the tax administration. The country-by-country declaration is subject to reciprocity through the automatic exchange with the states that have concluded an agreement with Tunisia for this purpose. These provisions are effective for financial years beginning after 1 January 2020.

E-commerce. Under the 2020 Finance Act, companies nonresident in Tunisia selling information technology solutions and internet-based services are subject to a royalty of 3% of the turnover earned from resident individuals and corporate entities. These nonresident companies must file a report regarding their abovementioned turnover on a quarterly basis. Reporting and payment procedures will be established by a governmental decree.

F. Treaty withholding tax rates

	Dividends (t) %	Interest %	Royalties %
Algeria	– (c)	– (i)	– (y)
Austria	20 (a)	10	10/15 (j)
Belgium	15	15	5/15/20 (b)(k)
Burkina Faso	8	5	5
Cameroon	12	15	15
Canada	15	15	15/20 (b)(l)
China Mainland	8	10	5/10 (aa)
Côte d'Ivoire	10	10	10
Czech Republic	10/15 (bb)	12	5/15 (cc)
Denmark	15	12	15
Egypt	–	10	15
Ethiopia	5	10	5
France	– (c)	12	0/5/15/20 (b)(m)
Germany	15 (a)	10	10/15 (n)
Greece	10/35	15	12
Hungary	10/12 (bb)	12	12
Indonesia	12	12	15
Iran	10	10	8
Italy	15	12	5/12/16 (o)
Jordan	– (c)	– (x)	– (y)
Korea (South)	– (c)	12	15
Kuwait	10	2.5/10 (u)	5
Lebanon	5	5	5
Luxembourg	10	10	12
Mali	0/5 (dd)	5	10
Malta	10	12	12
Mauritania	– (c)	– (x)	– (y)
Mauritius	0	2.5	2.5
Morocco	– (c)	– (i)	– (y)
Netherlands	20 (v)	7.5/10	7.5/11
Norway	20	12	5/15/20 (b)(p)

	Dividends (t) %	Interest %	Royalties %
Oman	0	10	5
Pakistan	10	13	10
Poland	5/10 (ee)	12	12
Portugal	15	15	10
Qatar	0	– (x)	5
Romania	12	10	12
Saudi Arabia	5	2.5/5	5
Senegal	– (c)	– (x)	–
Serbia	10	10	10
Singapore	5	5/10 (gg)	5/10 (hh)
Slovak Republic	10/15 (bb)	12	5/15 (q)
South Africa	10	5/12 (z)	10/12
Spain	15 (d)	5/10	10
Sudan	0/5 (dd)	10	5
Syria	0	10	18
Sweden	20 (e)	12	5/15 (q)
Switzerland	10	10	10
Türkiye	15 (f)	10	10
United Arab Emirates	0	2.5/10 (u)	7.5
United Kingdom	20 (g)	10/12 (s)	15
United States	20 (h)	15	10/15 (r)
Vietnam	10	10	10
Yemen	0	10	7.5
Non-treaty jurisdictions	10	20 (u)	15 (w)(ff)

(a) The rate is 10% if the recipient is a company that holds at least 25% of the capital of the payer.

(b) Tunisia applies a 15% rate instead of the highest rate.

(c) Dividends are taxed at the domestic rate of the country from which the dividends originate.

(d) The rate is 5% if the beneficial owner of the dividends is a company that holds directly at least 50% of the capital of the payer.

(e) The rate is 15% if the recipient is a company that owns at least 25% of the capital of the payer.

(f) The rate is 12% if the recipient is a company that owns at least 25% of the capital of the payer.

(g) The rate is 12% if the beneficial owner is a company that controls directly at least 25% of the voting power of the payer.

(h) The rate is 14% if the recipient is a company that owns at least 25% of the capital of the payer.

(i) Taxed at the domestic rate of the country of domicile of the recipient.

(j) The 10% rate applies to royalties paid for the use of or right to use copyrights of literary, scientific or artistic works, but not including cinematographic and television films. The 15% rate applies to royalties paid for the use of or right to use the following:
- Technical and economic studies
- Cinematographic and television films
- Patents, trademarks, designs and models, plans, and secret formulas and processes
- Industrial, commercial and scientific equipment
- Information concerning agricultural, industrial, commercial or scientific experience

(k) The 5% rate applies to royalties paid for the use of or right to use copyrights of literary, scientific or artistic works. The 15% rate applies to royalties or other amounts paid for the use of or right to use the following:
- Patents, designs and models, plans, and secret formulas and processes
- Information relating to industrial, commercial or scientific experience
- Technical and economic studies
- Technical assistance relating to the use of the items mentioned above

The 20% rate applies to royalties or other amounts paid for the use of or right to use trademarks, cinematographic and television films, and agricultural, industrial, harbor, commercial or scientific equipment.

(l) The 20% rate applies to royalties paid for the use of or right to use trademarks, cinematographic and television films or videotapes for television, and industrial, harbor, commercial or scientific equipment. The 15% rate applies to other royalties.

(m) The 0% rate applies to amounts paid to a public body of the other contracting state for the use of cinematographic films or radio and television broadcasts. The 5% rate applies to royalties paid for the use of or right to use copyrights of literary, scientific or artistic works, but not including cinematographic and television films. The 15% rate applies to royalties or other amounts paid for the use of the following:
- Patents, designs and models, plans, and secret formulas and processes
- Information relating to industrial, commercial or scientific experience
- Technical and economic studies

The 20% rate applies to royalties or other amounts paid for the use of or right to use trademarks, cinematographic and television films, and agricultural, industrial, harbor, commercial or scientific equipment.

(n) The 10% rate applies to royalties or other amounts paid for the use of or right to use the following:
- Copyrights of literary, scientific or artistic works, but not including cinematographic and television films
- Information concerning agricultural, industrial, commercial or scientific experience
- Economic and technical studies

The 15% rate applies to royalties paid to use patents, trademarks, designs and models, plans, secret formulas and processes, and cinematographic and television films.

(o) The 5% rate applies to royalties relating to literary, scientific or artistic works. The 16% rate applies to royalties relating to trademarks, cinematographic and television films, or industrial, commercial or scientific equipment. The 12% rate applies to other royalties.

(p) The 5% rate applies to royalties paid for the use of or right to use copyrights of literary, scientific or artistic works, but not including cinematographic and television films. The 15% rate applies to royalties or other amounts paid for the use of patents, designs and models, plans, and secret formulas and processes; information relating to industrial, commercial or scientific experience; or technical or economic studies. The 20% rate applies to royalties or other amounts paid for the use of or the right to use trademarks; cinematographic and television films; and agricultural, industrial, harbor, commercial or scientific equipment.

(q) The 5% rate applies to royalties paid for the use of or right to use copyrights of literary, scientific or artistic works, not including motion picture and television films. The 15% rate applies to other royalties.

(r) The 10% rate applies to royalties paid for the use of or the right to use industrial, commercial or scientific equipment, or to remuneration for the performance of accessory technical assistance for the use of property or rights described above, to the extent such technical assistance is performed in the contracting state where the payment for the property or right has its source. The 15% rate applies to royalties or other amounts paid for the use of or right to use copyrights of literary, artistic and scientific works, including cinematographic and television films and videotapes used in television broadcasts; patents, trademarks, designs and models, plans, and secret formulas and processes; and information relating to industrial, commercial or scientific experience.

(s) The 10% rate applies if the beneficial owner of the interest is a bank or other financial institution. The 12% rate applies to other interest.

(t) Under Tunisian domestic law, dividends are not subject to tax. Consequently, withholding tax is not imposed on dividends paid from Tunisia to other countries.

(u) A 10% rate applies to interest paid to banks.

(v) The rate is 0% if the beneficiary of the dividends owns at least 10% of the payer.

(w) For further details, see Section B.

(x) Interest is taxed at the domestic rate of the country from which the interest originates.

(y) Royalties are taxed at the domestic rate of the country from which the royalties originate.

(z) The 5% rate applies to interest paid to banks.

(aa) The 5% rate applies to payments for technical and economic studies as well as for technical assistance.

(bb) The 10% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the capital of the payer.

(cc) The 5% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, scientific or artistic works including cinematographic and television films. The 15% rate applies to royalties or other amounts paid for the following:
- The use of patents, designs and models, plans, and secret formulas and processes
- Information relating to industrial, commercial or scientific experience
- Technical or economic studies
- Technical assistance
- The use of, or the right to use, trademarks and industrial, commercial or scientific equipment

(dd) Dividends are exempt from tax if the beneficial owner of the dividends is a company that holds at least 25% of the capital of the payer.

(ee) The 10% rate applies if the beneficial owner of the dividends is a company that holds directly at least 25% of the capital of the payer.

(ff) This rate is 25% if the beneficiary is resident in a jurisdiction listed as a low-tax jurisdiction in the Ruling of the Minister of Finance dated 25 March 2019. Persons are resident or established in a low-tax jurisdiction or state if the tax due in that state or jurisdiction is less than 50% of the personal income tax or corporate income tax due in Tunisia for the same activity. The following are categories of low-tax states or jurisdictions:
- States or jurisdictions in which the corporate income tax rate is less than 5% for activities subject to tax at the rate of 10% in Tunisia
- States or jurisdictions in which the corporate income tax rate is 12.5% for activities subject to tax at a rate of 25% in Tunisia
- States or jurisdictions in which the rate is 17.5% for activities subject to tax at a rate of 35% in Tunisia

The Ruling of the Minister of Finance dated 25 March 2019 provides listings of the states or jurisdictions falling into the above categories.

(gg) The 5% rate applies if the beneficial owner of the interest is a bank or other financial institution. The 10% rate applies to other interest.

(hh) The 5% rate applies to payments for technical assistance.

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A. At a glance (a)

Corporate Income Tax Rate (%)	25
Capital Gains Tax Rate (%)	25
Branch Tax Rate (%)	25
Withholding Tax (%)	
Dividends	10
Interest	
From Repurchase (REPO) Agreements	15
From Deposit Accounts	0/2.5/3/5/7.5/10/12/15/18/20/25
From Loans	0/10
From Turkish Government Bonds and Bills and Private Sector Bonds	0/10
From Private Sector Bonds	
Issued in Türkiye	0/2.5/3/5/7.5/10/15
Issued Abroad	0/3/7
Royalties from Patents, Know-how, etc.	20
Professional Fees	
Petroleum-Exploration Activities	5
Other Activities	0/15/20 (b)
Progress Billings on Long-Term Construction and Repair Contracts	5
Payments on Financial Leases	1
Real Estate Rental Payments	20
Branch Remittance Tax	10
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) The rates in the table are for illustrative purposes only. For detailed information, please contact EY in Türkiye.

(b) The 15% rate applies to payments made for online advertising services performed by nonresident entities or individual service providers and to payments made to resident and nonresident entities and individuals who intermediate the provision of such services. The 0% rate applies to payments made to resident entity service providers or resident entities that intermediate the provision of such services. The local withholding tax rate of 20% applies to income generated by nonresidents from professional services other than petroleum exploration activities.

B. Taxes on corporate income and gains

Corporate income tax. Companies whose legal or business headquarters (as stated in their articles of association) are located in Türkiye or whose operations are centered and managed in Türkiye are subject to corporation tax on their worldwide income. In Turkish tax legislation, they are described as full liability taxpayers; they are also known as resident companies.

Taxable income of limited liability taxpayers (nonresident companies or taxpayers other than full liability taxpayers) is comprised of the following:

- Professional fees obtained in Türkiye
- Profits from commercial, agricultural and industrial enterprises in Türkiye (if they have an establishment or a permanent representative in Türkiye)

- Income arising from rental of real estate, rights and movable property in Türkiye
- Income obtained in Türkiye from various types of securities
- Other income and revenue obtained in Türkiye

Rates of corporate tax. The effective corporate tax rate is 25% for the 2024 tax year. However, incentive programs provide for reduced corporate tax rates for income from the investments supported (see *Tax incentives*).

The corporate tax rate was increased to 30% for banks and companies established under Law No 6361, which are payment and electronic money institutions, authorized foreign-exchange institutions, asset management companies, capital market institutions, insurance and reinsurance companies and pension companies. The new rate applies to their corporate earnings of 2023 and the following tax periods.

Article 35 of Law No. 7256, published in the *Official Gazette* dated 17 November 2020, provides that the corporate tax rate will be applied with a two-point discount on the corporation income in five accounting periods for companies with shares offered to the public (except for example, banks, financial leasing companies, factoring companies, financing companies, payment and e-money institutions, insurance and reassurance companies, asset management companies and pension companies) at a rate of at least 20% on the Istanbul Stock Exchange to be traded for the first time, starting from the accounting period when their shares are offered to the public for the first time.

Article 15 of Law No. 7351, published in the *Official Gazette* dated 22 January 2022, provides that the corporate tax rate will be applied with a one-point discount for earnings that are generated exclusively from exports and for income obtained from the production activities of the companies that have the industrial registration certificate and are actually engaged in production activities. Furthermore, Article 21 of Law No. 7456, published in the *Official Gazette* dated 15 July 2023, provides that the corporate tax discount rate applied to the profits of exporters arising exclusively from exports is increased from one point to five points. Considering the current corporate tax rate (25%), a 20% corporate tax applies to profits generated from exports. Article 62 of Law No. 7491, published in the Official Gazette dated 27 December 2023, provides that the five-point discount will be also applied to earnings obtained by manufacturers or suppliers from export activities carried out through foreign trade capital companies or sectoral foreign trade companies based on intermediary export contracts. This five-point discount is applicable for the income generated as of 1 January 2023.

Digital Services Tax. The Digital Services Tax (DST) is levied at a rate of 7.5% as an indirect tax on in-scope revenues generated in Türkiye from the provision of certain digital services. It applies only to companies with global in-scope revenues of at least EUR750 million and with revenues of at least TRY20 million in Türkiye from in-scope services.

The DST applies to revenues generated from the following categories of services in Türkiye:

- All types of digital advertising services, including services such as advertisement control and performance measurement services, services relating to data transmission and user management (that is, the sale of user data), and technical services relating to the display of advertisements
- The sale of audio, visual or digital content in digital format, as well as services provided in digital format for listening, viewing, playing or recording digital content or using such content in digital format (including computer programs, applications, music, video, games and in-game applications)
- Digital intermediary activities that allow users to interact with other users, including digital intermediary activities that can facilitate the sale of goods and services between users
- Intermediary services provided in a digital environment for the above categories of services

DST applies only to companies with global in-scope revenues exceeding EUR750 million and with revenues exceeding TRY20 million in Türkiye from in-scope services. Both conditions must be met for a company to be subject to the tax. If a digital service provider meets both thresholds, it will become liable for the DST as of the fourth month following the month in which the thresholds are met. The law authorizes the president of Türkiye to reduce the revenue thresholds to as little as zero or to increase them to up to triple the specified levels.

Taxpayers and those responsible for tax declarations must submit a DST return to the relevant tax office by the end of the month following the tax period and pay the tax by the same deadline.

Tax incentives. Incentive regulations provide for a wide range of incentive and support elements for certain investments with incentive certificates, including reduced corporate tax rates, government support for interest on loans, government support for employees' and employers' shares of social security premiums, government support for income tax for wages, value-added tax (VAT) and customs duty exemptions, VAT refund support and allocation of treasury-owned lots.

The incentive and support elements vary according to the type, sector, subject, size and place of the investment.

Fifty percent of the following types of income with respect to inventions resulting from research, development, innovation and software development activities performed in Türkiye are exempt from corporate tax under certain conditions:

- Income derived from leasing.
- Income derived from transfers or sales.
- Income derived from marketing through mass production in Türkiye. Based on the Communiqué for the incentive, this refers to the sales of an item that is mass produced in Türkiye and that has a license or beneficial model certificate. The Turkish Patent Institute grants a license under an examination system. It grants a beneficial model certificate as a result of a research report.
- Income pertaining to a license or beneficial model certificate for an invention that is included in the income obtained from the

sale of the products produced in Türkiye through the use of this invention in the production process.

In addition, the leasing, transfer and sale of intangible assets pertaining to a license or beneficial model certificate for an invention is exempt from VAT if the invention is produced as a result of research and development (R&D/design), innovation and software activities.

For the assessment of the corporate tax base, taxpayers can deduct 50% of the interest amount calculated over the capital increases in cash in capital companies and the part of the capital covered by cash in newly incorporated companies (this deduction does not apply to entities operating in the finance, banking and insurance industries as well as to state economic enterprises). For the discount application regarding the cash capital increase, the discount rate will be 75% instead of 50% for the portion of the capital increase covered by cash brought from abroad.

The following is the calculation of the deduction:
Deduction = Increased capital cash amount x Central Bank of the Republic of Türkiye interest rate x Period (Months) x Discount rate

For purposes of the above calculation, the Central Bank of the Republic of Türkiye interest rate equals the latest weighted annual average interest rate applicable to commercial loans extended by banks in Turkish lira announced by the Central Bank of the Republic of Türkiye for the year of deduction. "Period (Months)" refers to the period from the capital increase to the last day of the financial year.

Under Article 49 of Law No. 7417, the duration of benefiting from the discount application is limited to five years. Accordingly, this reduction will be used separately for the accounting period in which the decision regarding the capital increase or the articles of association was registered at the initial establishment stage and for the four accounting periods following this period.

For in-cash capital increases made before the publication date of the law, this discount will be applied for five accounting periods, including the 2022 accounting period.

Incentives for R&D/design centers and Technology Development Zones. Special incentives apply to R&D/design centers and Technology Development Zones (TDZs). Broadly, these incentives fall into the following categories:

- Corporate income tax advantage for R&D/design centers (Law No. 5746)
- Corporate income tax advantages for TDZs (Law No. 4691)
- Payroll incentives for R&D/design or software personnel (Law Nos. 5746 and 4691)
- Social security premium support
- Stamp duty exemption
- Other tax exemptions for R&D/design centers and TDZs (Law Nos. 5746 and 4691)
- Non-refundable cash grants for R&D and innovation projects

For further information regarding the above incentives, please contact EY in Türkiye.

Participation exemption

Dividend income derived from Turkish (resident) participations. Turkish tax law provides a participation exemption for dividends derived by companies from Turkish (resident) participations. Dividends qualifying for the participation exemption are fully exempt from corporate tax.

To qualify for the participation exemption, a Turkish resident company need only hold a participation in another Turkish resident company.

Dividend income derived from foreign (nonresident) participations. The Turkish tax law also provides a participation exemption for dividends derived by companies from foreign participations. Dividends qualifying for the participation exemption are fully exempt from corporate tax.

To qualify for the participation exemption for dividends derived from foreign participations, all of the following conditions must be satisfied:

- The Turkish company must have owned at least 10% of the paid-in capital of the foreign company for an uninterrupted period of at least one year as of the date of receiving the dividend.
- The foreign company must be a limited or joint stock company.
- The foreign company must be subject to corporate tax at an effective rate of at least 15% (for corporations whose principal activity is the procurement of finance, including financial leasing, insurance or investment in marketable securities, the rate must be at least the rate of corporation tax in Türkiye, which is 30%).
- The dividends must be transferred to Türkiye by the due date of filing of the annual corporate tax return (30 April).

Without regard to the conditions mentioned above, a 50% tax exemption for dividend income derived from foreign participations is applied for the income and gains obtained as of 1 January 2023 if the following two conditions are met:

- At least 50% of the paid-in capital of the foreign company is held.
- The dividends are transferred to Türkiye by the deadline for submitting corporate tax return for the calendar year in which the dividends are obtained.

The effective corporate tax is determined in accordance with the following formula:

$$\text{Effective corporate tax rate} = \frac{\text{Corporate tax}}{\text{Distributable corporate income + corporate tax}}$$

Special participation exemption rules apply to companies established in foreign countries whose principal purpose is construction, repair, assembly and technical services. If, under the laws of a foreign country, the establishment of a corporation is necessary to undertake these activities, dividends repatriated by the foreign subsidiary to the Turkish parent company qualify for the participation exemption, regardless of whether the conditions described above for the participation exemption are satisfied.

The participation exemption also applies to income derived from permanent establishments (PEs) and permanent representatives resident abroad if the following conditions are met:

- The PE or permanent representative is subject to corporate tax at an effective rate of at least 15% in the country where the PE or permanent representative is located. For PEs whose principal activities are the procurement of finance, including financial leasing, or investment in marketable securities and insurance, the rate must be at least the rate of corporation tax in Türkiye, which is 30%.
- Income derived from foreign PEs must be transferred to Türkiye by the due date of filing of the annual corporate tax return (30 April).

A participation exemption also applies to capital gains. For details, see *General* in Section C.

Exchange gain and interest income exemption. Under Law No. 7352, which was published in the *Official Gazette* on 29 January 2022, Türkiye introduced a corporation tax exemption on interest, participation income and other earnings derived at the time of maturity, including the income derived from year-end revaluations, from the foreign-exchange-protected deposits and participation accounts that were opened by converting the foreign currencies into Turkish lira. The exemption covers the foreign-currency deposit accounts available on the Turkish companies' balance sheets of the 2023 tax period.

Inflation adjustment. The profit or loss difference calculated in financial statements dated 31 December 2023 due to the inflation adjustment should be shown in the accounts of the previous years' profits or previous years' losses. Such profit or loss should not be associated with the 2023 accounting period's taxable income. However, profits and losses arising from the inflation adjustment to be made if certain conditions are met in 2024 will directly affect the profit and loss for the year.

International holding companies. A special regime applies to international holding companies.

International holding companies may benefit from the participation exemption with respect to dividends derived from foreign participations if they satisfy the conditions applicable to other entities (see *Participation exemption*). They also may benefit from the participation exemption with respect to capital gains, but different conditions apply. Turkish international holding companies benefit from the participation exemption with respect to capital gains if foreign participations account for at least 75% of the noncash assets of the international holding company and if the international holding company has held a shareholding of 10% or more in the foreign limited or joint stock company for at least two years.

Dividends distributed by international holding companies to nonresident companies out of profits derived from their foreign participations are subject to a withholding tax rate equal to one-half of the general withholding tax rate on dividends. As a result, the withholding tax rate is 5%.

Capital gains. Capital gains derived by all companies, including branches of foreign companies, are included in ordinary income

and are subject to corporation tax. Capital gains are generally computed by subtracting the cost of the asset, including the related expenses paid by the seller, from the selling price.

Capital gains derived from sales of depreciable fixed assets are not taxable to the extent the gains are reinvested in new fixed assets. However, the amount of gains used to acquire new assets is subtracted from the depreciable cost of the new asset. Capital gains that will be used for reinvestment are transferred to a special reserve account. If the special reserve is not used to finance the purchase of similar new assets in the following three years, the balance in the reserve is included in taxable income.

Capital gains derived from sales of resident companies' shares by nonresident companies without a permanent establishment in Türkiye are subject to corporation tax. In computing these gains, changes in exchange rates are not taken into account.

Seventy-five percent of capital gains derived by corporate taxpayers from the disposal of shares owned for at least two years qualify for corporate tax exemption if the gains for which exemption is claimed are recorded as a special fund under the shareholder's equity account in the balance sheet until the end of the fifth year following the year of sale.

Administration. Companies file tax returns based on their financial accounting year.

Tax returns must be submitted to the relevant tax office by the last day of the 4th month after the end of the accounting period. The return must be accompanied by the balance sheet, income statement and other required documents.

Corporation tax due must be paid by the end of the fourth month following the end of the accounting period.

Companies must make quarterly payments of advance corporation tax during the tax year. As of 1 January 2022, the advance corporation tax period is reduced to nine months, so companies will not declare advance corporation tax return for the fourth quarter.

If advance corporation tax exceeds the final tax payable, the excess amount can be offset against the company's other tax liabilities or it can be refunded.

Dividends. Dividends received by resident companies from other resident companies are not subject to corporation tax.

Dividends received from foreign companies are included in taxable income. However, certain dividends received from foreign companies may qualify for exemption from corporation tax under the participation exemption or the international holding regime (see *Participation exemption* and *International holding companies*).

Withholding tax at a rate of 10% is imposed on dividends paid by resident corporations to the following recipients:

- Resident individuals
- Resident recipients who are not subject to corporation tax and income tax, or are exempt from such taxes
- Nonresident individuals
- Nonresident corporations (excluding those receiving dividends through a PE or permanent representative in Türkiye)

- Nonresident recipients who are exempt from corporation tax and income tax

A branch remittance tax is imposed at a rate of 10% on profits remitted by nonresident corporations that have a PE or permanent representative in Türkiye to their headquarters.

Foreign tax relief. Corporation tax and similar taxes paid abroad on income that is derived abroad and that is included in the Turkish accounts may be offset against the corporation tax that is assessed on such income in Türkiye.

In cases in which the controlled foreign company (CFC) rules are applied, the taxes similar to income and corporation taxes that the foreign affiliate has paid can be set off against the corporation tax that is calculated on the basis of the earnings of the foreign company.

Resident companies that have a direct or indirect participation in shares or voting rights of 25% or more in foreign subsidiaries can claim a tax credit for the corporate or income tax paid by foreign subsidiaries in their jurisdictions on profits out of which dividend distributions were paid to the resident companies. The credit is limited to the tax in Türkiye that is attributable to the dividend distributions. As a result, the credit applies only to dividends that do not qualify for the participation exemption.

Amounts that are set off against the taxes that are assessed in Türkiye on the income derived from the foreign countries may not exceed the tax amount that would be calculated by applying the local corporation tax rate (25%) to such earnings.

Foreign taxes that cannot be offset against the corporate tax in Türkiye because of insufficient corporate income may be carried forward for a period of three years. The tax credit can also be offset against advance tax payments.

C. Determination of trading income

General. The corporate tax base is determined by deducting expenses from the revenue of an enterprise. However, the following items are exempt from corporation tax:

- Revenue derived by corporations, including nonresident companies, from participations in the capital of other corporations that are subject to full corporate taxation, excluding shares of profits from some participation certificates of investment funds and stocks in investment partnerships (whose portfolio includes foreign currency or gold or other precious metals or marketable securities with the underlying assets)
- Dividends received from shares of venture capital investment trusts and venture capital investment funds, income derived from returning these participation certificates to the fund and earnings generated as a result of the valuation of these participation certificates
- Dividends received from Turkish lira investment funds purchased before 15 July 2023, income derived from returning these participation certificates to the fund and the earnings generated as a result of the valuation of these participation certificates
- Proceeds derived by corporations from the sale of their preferred shares, and profits derived by joint stock companies from

the sale of their shares at the time of the establishment of the company and from the sale of their shares at a price exceeding the par value of the shares when they are increasing their capital
- Seventy-five percent of profits derived from disposals of shares, preferred shares, preemptive rights and bonus shares, and 25% of the profits derived from sales of real estate purchased before 15 July 2023 and owned for at least two years, if the profits are placed in a reserve account and not distributed for five years

Corporation tax exemptions are available under the participation exemption and the international holding regime (see Section B). In addition, the following corporate tax exemptions apply to Turkish and foreign investment funds and companies:
- Profits derived by mutual funds (excluding foreign-exchange funds) and trusts from transactions involving their operating portfolio
- Profits derived by risk capital investment funds or companies from transactions involving their operating portfolio
- Profits derived by real estate investment funds or companies from transactions involving their operating portfolio
- Profits derived by designated private pension investment funds

All business-related expenses are deductible, with the following exceptions:
- Interest on shareholders' equity or on advances from shareholders.
- Reserves set aside from profits (except technical reserves of insurance companies and doubtful debts from debtors against whom legal proceedings have been instituted).
- Corporation tax and all monetary and tax penalties and interest imposed on such tax.
- Discounts or other losses arising from selling the corporation's own securities for less than par value.
- For nonresident companies, commissions, interest and other charges paid to headquarters or other offices outside Türkiye on purchases or sales made on their behalf, as well as allocated charges to contribute to losses or expenses of headquarters or branches outside Türkiye. However, charges are deductible if they are made in accordance with allocations keys that are in compliance with the arm's-length principle and if they are related to the generation and maintenance of business income in Türkiye.
- Interest, foreign-exchange differences or comparable expenses that are calculated or paid on disguised capital (see *Debt-to-equity rules* in Section E).
- Disguised profit distribution through improper transfer pricing (see *Transfer pricing* in Section E).

For enterprises (except loan institutions, financial organizations, financial leasing, factoring and financing companies) whose current liabilities exceed their equities, the portion determined by the Council of Ministers that does not exceed 10% of the total expenses and costs incurred as interest, commissions, maturity differences, delay interest, dividends, exchange-rate differences and similar items relating to liabilities (except financing expenses added to investment costs) used within the enterprise may not be deducted from corporate profit. However, the amount exceeding this percentage is deductible.

Restrictions on company car expenses. Under amendments to Article 40 of the Income Tax Law, the following restrictions apply to company car expenses:

- Leasing payments up to TRY26,000 for a company car can be deducted from the income or corporate tax base.
- Sums up to TRY690,000 of special consumption tax and VAT paid for the acquisition of company cars can be deducted from the income or corporate tax base.
- Seventy percent of the repair, maintenance and other expenses related to company cars can be deducted from the income or corporate tax base.
- Amortization expense with respect to the purchase price of each company car (excluding special consumption tax and VAT) up to TRY790,000 can be deducted from the tax base. If the company car is acquired second-hand (special consumption tax and VAT is included into the acquisition price), the acquisition value up to TRY1,500,000 is subject to tax-deductible amortization expense.

Amounts exceeding these limits are considered as "non-deductible expenses" in determining the corporate income tax base.

Restriction on the deduction of financing expenses. For tax periods beginning on or after 1 January 2021, a restriction applies to companies with external liabilities exceeding their equity. For these companies, 10% of the total of expenses and cost of items, including interest, commissions, late charges, dividends, exchange differences and similar items related to external liabilities of the enterprise, excluding those added to the cost of the investment, are considered as a nondeductible expense in determining the commercial and corporate income. The restriction applies exclusively to deductions relating to the exceeding portion.

This restriction does not apply to credit institutions, financial institutions, and financial leasing, factoring and financing companies.

Provisions. Tax-deductible provisions include provisions for bad debts, for abandoned claims and for insurance technical reserves.

Tax depreciation. Assets that are used in a company for more than one year and that are subject to wear and tear are depreciated.

The useful life concept is used for the depreciation of fixed assets. The Ministry of Finance has issued Communiqués, which set forth the useful lives of different types of fixed assets. The following are examples of the useful lives for various fixed assets.

Asset	Useful life (years)
Buildings	50
Office furniture, office equipment and automobiles	5
Computers	4
Computer software and cellular phones	3

Also, it is possible for the taxpayers to extend the depreciation periods, provided that the extended useful life period does not exceed twice the useful life period determined by the Ministry of Treasury and Finance or 50 years, through the application of the

constant flat depreciation rate calculated by the following formula (flat rate = 1 / extended useful life).

The taxpayers may select the straight-line method or the declining-balance method to calculate depreciation. A company may change from the declining-balance method to the straight-line method (but the reverse change is not permitted) at any time during the useful life of a fixed asset. A company may exercise this option on an asset-by-asset basis.

Fixed assets can be depreciated beginning in the year of capitalization (the year in which an asset becomes ready to use). For fixed assets that are purchased as ready to use, the depreciation begins in the year of the acquisition of the fixed asset. For fixed assets that need to be constructed or assembled, the depreciation begins in the year in which the construction or assembly is completed and the assets become ready to use.

In general, an asset qualifies for full-year depreciation in the year of capitalization, regardless of the date of capitalization. However, except for passenger cars subject to pro-rata depreciation, taxpayers are given the opportunity to depreciate on a daily basis from the date the assets are ready for use, for depreciable economic assets that are purchased after 26 October 2021. Depreciation for passenger cars begins in the month in which the cars are purchased. For example, if a passenger car that was purchased for TRY1,000 is depreciated using a straight-line depreciation rate of 20%, the regular depreciation for a full year is TRY200. Under the applicable rules, if such an automobile is acquired in November, tax-deductible depreciation for the year of acquisition is calculated as follows:

$$\frac{2 \text{ months}}{12 \text{ months}} \times \text{TRY200} = \text{TRY33.33}$$

The balance of the regular depreciation for the year of acquisition is deductible in the last year of depreciation of the asset, together with the regular depreciation for the last year.

Investment allowance. Effective from 1 January 2006, the investment allowance was abolished. However, companies can carry forward investment allowance amounts due on or before 31 December 2005.

Research and development and design expenditures. One hundred percent of R&D/design expenditures may be deducted from the tax base if certain conditions are fulfilled. This is an incentive that is granted in addition to the ordinary depreciation expense recognition of capitalized R&D/design expenditures. The incentive covers the following expenses:

- Raw materials and supplies' expenses
- Personnel expenses
- General expenses
- Payments for benefits and services provided by outsourcing companies
- Taxes, duties and fees
- Depreciation and depletion
- Financial expenses

Companies that are not able to deduct R&D/design expenditures because of insufficient taxable income may deduct the unused amount in the following years.

In addition, to support R&D/design activities, the Turkish Scientific and Technological Research Institution (TUBITAK) may provide monetary aid to companies with respect to their R&D/design activities under certain conditions. The related law also provides various types of incentives such as R&D/design deductions, wage income withholding exemptions, social security premium support, stamp duty exemption and capital aid for technological enterprises.

Relief for losses. In general, losses may be carried forward for five years. Losses cannot be carried back. An order of priority applies for the use of losses and exemptions to offset taxable income for the year. Past years' losses are used after exemptions that apply even in the event of a loss. After the losses are used, the other exemptions that apply in profitable years are administered (investment allowance, R&D/design deductions, tax-deductible donations and others).

Resident companies may deduct the losses incurred in business activities performed abroad if the foreign losses are approved by auditors authorized under the laws of the relevant jurisdiction. Foreign losses from foreign activities cannot be deducted if income arising from such activities is exempt from corporation tax in Türkiye.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax; imposed on goods delivered and services rendered, including imported goods and services, communications, conveyances by pipeline and certain leases; exports are exempt	
General rate	20
Rates on other items	1/10
Local withholding taxes, on amounts paid to nonresident corporations	Various
Banking and insurance transactions tax; imposed on all types of payments received by banking and insurance companies with respect to all types of transactions, except financial leasing transactions	
Interbank deposit accounts	1
REPO transactions	1
Sale of government bonds and treasury bills	1
Cambio transactions	0.2
Other payments	5
Special consumption tax; imposed on the delivery, importation or the initial acquisition of certain goods	

Nature of tax	Rate (%)
Petroleum products, solvents and similar goods (fixed amount per measurement unit depending on the type of goods)	Various
Cars	10 to 220
Buses	1
Midibuses and minibuses	4/9
Planes	0.5
Sailboats	0/8
Beverages (minimum fixed amount per measurement unit depending on the kind of goods)	0 to 63
Tobacco products; tax equals fixed amount plus variable amount; variable amount cannot be less than minimum fixed amount per measurement unit, which depends on the kind of goods	63/80
Luxury goods	3/6.7/20/25/40
Social security contributions; imposed on salaries of Turkish citizens; premiums are paid within monthly upper and lower limits and are calculated as a percentage of gross salary; from 1 January 2023 through 31 December 2023, the monthly lower limit is TRY10,008 and the upper limit is TRY75,060	
Employer	20.5
Employee	14
Unemployment insurance contributions; paid on same base as social security contributions	
Employer	2
Employee	1

E. Miscellaneous matters

Foreign-exchange controls. Türkiye has a liberal foreign-exchange regime, which allows local foreign-exchange accounts.

Law No. 4875 guarantees the remittance of profits. The company's bank may transfer profits, provided the company subsequently submits to the bank its approved tax statement and its tax accrual and payment slips. This law also guarantees the remittance of the proceeds from the liquidation of an investment.

Fees and royalties from management agreements, technical services agreements and license contracts may be remitted abroad, and applicable withholding tax must be paid.

Foreign investment partnerships and funds may invest in Turkish securities and freely remit dividends, interest, profits and capital.

Turkish resident companies may grant loans to related parties residing abroad in some circumstances.

Transactions related to the foreign-exchange legislation should be checked to determine whether they are in compliance with the Communiqué regarding capital movements published on 2 May 2018.

Transfer pricing. The Turkish Corporate Tax Code contains transfer-pricing regulations, which include the arm's-length principle and the requirement for documentation of all related-party

transactions. The arm's-length principle applies to all transactions carried out by taxpayers with related parties. Under Turkish transfer-pricing rules, the traditional and transactional transfer-pricing methods recommended in the Organisation for Economic Co-operation and Development (OECD) model guidelines are acceptable. The main methods that can be applied by the taxpayers in the determination of the arm's-length price are the following:

- Comparable uncontrolled price method
- Cost-plus method
- Resale price method
- Profit-split method
- Transactional net margin method

Cases in which the relationship is established through direct or indirect shareholding are deemed to be within the scope of disguised profit distributions if the percentage of the shareholding, voting rights or dividend rights is at least 10%. Parties that do not have a shareholding relationship are also deemed to be related parties if the percentage of voting or dividend rights is 10%, directly or indirectly. These percentages are taken into account collectively for related parties.

Under the local transfer-pricing regulations, the three-tiered transfer pricing documentation requirement (Country-by-Country Report [CbCR], Master File and Local File) apply for tax periods beginning on or after 1 January 2019.

Taxpayers are required to prepare an annual transfer-pricing report in compliance with the local documentation format and requirements for their related-party transactions.

The deadline for Local File is the deadline of corporation tax return, the deadline for Master File is the end of the following year, and the deadline for CbCR notification is June of the following year.

The Ministry of Finance has issued Communiqués clarifying the transfer-pricing rules and documentation requirements. Under these Communiqués, taxpayers must prepare annual transfer-pricing forms, reports and other documentation (CbCR notification and Master File). If the documentation requirements relating to transfer pricing are completely fulfilled on time, the tax-loss penalty is applied with a 50% discount for taxes not accrued at all or accrued deficiently in the past with respect to the profits distributed in a disguised manner.

Transfer-pricing rules apply to both domestic and foreign related-party transactions. In terms of benchmarks, despite not explicitly stated in the legislation, the Turkish tax authorities prefer the information from Turkish companies to be comparable.

It is possible to enter into advance-pricing agreements with the tax authorities. Unilateral advance-pricing agreements are concluded within nine months and bilateral/multilateral advance-pricing agreements are concluded within 18 months after formal application to Turkish Revenue Administration. The duration of advance-pricing agreements is five years and renewal is possible at the end of this period.

Debt-to-equity rules. Under the new thin-capitalization rules, a "related party" is a person holding, directly or indirectly, at least 10% of the shares or voting rights of the other party.

Borrowings from related parties that exceed a debt-to-equity ratio of 3:1 are considered to be disguised capital. For borrowings from related parties that are banks or financial institutions, half of the borrowings are taken into consideration in performing the calculation for disguised capital. Total borrowings from all related parties are treated collectively.

The equity at the beginning of the taxpayer's fiscal year applies for thin-capitalization purposes. Interest paid or accounted for and foreign-exchange differences related to disguised capital are regarded as nondeductible expenses in determining the corporate tax base. Interest related to disguised capital is treated as a dividend distribution and is subject to dividend withholding tax.

Controlled foreign companies. The controlled foreign company (CFC) rules apply if resident individuals and corporate taxpayers jointly or severally have a direct or indirect participation of 50% or more in the shares, dividend rights or voting rights in a foreign company that meets all of the following conditions:

- Twenty-five percent or more of the foreign company's gross income is of a passive nature (portfolio investment income). If the business activities of the company are not commensurate with the capital, organization or the work force of the company, income derived from commercial, agricultural or independent personal services may be regarded to be of a passive nature.
- The foreign company is subject to effective corporate taxation at a rate of less than 10%.
- The gross revenue of the foreign company exceeds TRY100,000 (approximately USD5,300).

If the foreign company falls within the scope of the Turkish CFC measures, Turkish resident taxpayers declare corporate income of the foreign company attributable to them. In the event of a dividend distribution by the foreign company, the recipient of the dividend is taxed only to the extent that the amount has not been taxed in accordance with the CFC rules.

Ultimate Beneficial Owner declaration. It is compulsory to declare the individual(s) who ultimately control or have ultimate influence over the legal entities or the entities without legal status. This is known as the Ultimate Beneficial Owner (UBO) declaration.

As of 1 August 2021, corporation taxpayers and other types of companies (commandite companies (a type of partnership), trusts and similar institutions established in a foreign jurisdiction that have their headquarters in Türkiye with resident managers in Türkiye or with management centers in Türkiye) are required to declare UBO information.

In addition to those listed above, certain parties such as banks, payment agencies, financing and factoring companies, financial leasing companies, asset management companies, notary publics, lawyers, sworn-in financial advisors and certified public accountants, among others, are also required to declare UBO

information, related to the transactions that are performed by their clients, when requested by the Revenue Administration.

Entities considered to be UBOs and subject to declaration are described below.

The following are UBOs for legal entities:
- Individual shareholders with shares exceeding 25% of the legal entity
- If the individual shareholders holding more than 25% of the legal entity are suspected of not being the UBO or if there is no individual shareholder holding such shares, the individuals who have ultimate control of the legal entity
- If the UBO cannot be determined, the individuals with the highest managerial authority

The following are UBOs for entities that do not have legal status, such as business partnerships:
- Individual/s who have ultimate control
- If the UBO cannot be determined, the individual/s with the highest level of executive power
- For trust and similar institutions, those who have the title of founders, trustees, managers, auditors or beneficiaries, or those who have influence over these organizations

Corporation taxpayers must declare UBO information in their advance tax returns and annual corporation tax returns. Parties other than corporation taxpayers must declare their UBO information to the Turkish Revenue Administration via electronic forms by the end of August of every respective year. In cases in which the taxpayers have a new tax registration or if there is a change in the information previously reported, those changes must be declared within one month following the date of their occurrence.

All of the UBO documents and records must be kept for five years by the parties. The relevant penalties under the Turkish Tax Procedural Code are also applicable for parties who do not report the requisite information, or who make incomplete or misleading declarations.

Anti-avoidance measures. Turkish resident taxpayers are subject to a 30% withholding tax on all payments made in cash or on account that relate to transactions with companies resident in countries that the president considers to be in harmful tax competition. The president has not yet identified these countries. The principal, interest or profit contributions corresponding to debts to financial institutions established outside Türkiye and payments to insurance and reinsurance companies established outside Türkiye are not subject to the 30% withholding tax. The president has the authority to reduce the withholding tax rate to 0% for transactions that are considered to be performed at arm's length.

The payments taxed in accordance with the rules described in the preceding paragraph are not subject to further corporate tax or income tax.

The Turkish tax law includes anti-abuse rules. The principal rule is the substance-over-form rule, which is contained in Article 3 of the Tax Procedural Law.

Mergers and acquisitions. Mergers, acquisitions and demergers may be tax-free if the transaction involves two resident companies and if the assets are transferred at book value.

Article 20 of Law No. 7456, published in the *Official Gazette* dated 15 July 2023, excludes immovable property from the scope of tax-free partial demerger, effective from 1 January 2024.

F. Treaty withholding tax rates

The table below shows the maximum withholding rates for dividends, interest and royalties provided under Türkiye's double tax treaties.

To benefit from the advantageous rates under the double tax treaties, additional conditions may be required (for example, the recipient is required to be the beneficial owner of the related gain). Readers should obtain detailed information regarding the treaties before engaging in transactions.

	Dividends %	Interest %	Royalties %
Albania	5/15 (a)	10 (oo)	10
Algeria	12	10 (oo)	10
Australia	5/15 (mm)	10 (oo)	10
Austria	5/15 (a)	5/10/15 (oo)	10
Azerbaijan	12	10 (oo)	10
Bahrain	10/15 (ww)	10	10
Bangladesh	10	10 (oo)	10
Belarus	10/15 (ww)	10	10
Belgium	5/10 (d)	15 (oo)	10
Bosnia and Herzegovina	5/15 (a)	10 (oo)	10
Brazil	10/15 (ww)	15 (gg)	10/15 (hh)
Bulgaria	10/15 (c)	10 (oo)	10
Cambodia	10	10 (oo)	10
Canada	15/20 (g)	15 (oo)	10
Chad	10/15 (uu)	10 (oo)	10
China Mainland	10	10 (oo)	10
Croatia	10	10	10
Czech Republic	10	10 (oo)	10
Denmark	15/20 (e)	15 (oo)	10
Egypt	5/15 (a)	10 (oo)	10
Estonia	10	10 (oo)	5/10 (f)
Ethiopia	10	10 (oo)	10
Finland (ee)	5/15 (a)	5/10/15 (ii)(oo)	10
France	15/20 (g)	15 (oo)	10
Gambia	5/15 (tt)	10 (oo)	10
Georgia	10	10	10
Germany (ff)	5/15 (a)	10 (oo)	10
Greece	15	12 (oo)	10
Hungary	10/15 (c)	10 (oo)	10
India	15	10/15 (h)(oo)	15
Indonesia	10/15 (ww)	10 (oo)	10
Iran	15/20 (e)	10 (oo)	10
Ireland	5/10/15 (aa)	10/15 (bb)	10
Israel	10	10 (oo)	10
Italy	15	15	10
Japan	10/15 (c)	10/15 (i)(oo)	10

	Dividends %	Interest %	Royalties %
Jordan	10/15 (c)	10 (oo)	12
Kazakhstan	10	10 (oo)	10
Korea (South) (nn)	15/20 (e)	10/15 (j)(oo)	10
Kosovo	5/15 (a)	10 (oo)	10
Kuwait	5/10	10	10
Kyrgyzstan	10	10 (oo)	10
Latvia	10	10 (oo)	5/10 (f)
Lebanon	10/15 (o)	10 (oo)	10
Lithuania	10	10 (oo)	5/10 (f)
Luxembourg	10/20 (l)	10/15 (m)	10
Malaysia	10/15 (ww)	15 (oo)	10
Malta	10/15 (ww)	10 (oo)	10
Mexico	5/15 (a)	10/15 (oo)	10
Moldova	10/15 (ww)	10 (oo)	10
Mongolia	10	10 (oo)	10
Morocco	7/10 (k)	10 (oo)	10
Netherlands	5/10 (p)	10/15 (m)(oo)	10
New Zealand	5/15 (a)	10/15 (t)(oo)	10
North Macedonia	5/10 (n)	10 (oo)	10
Northern Cyprus	15/20 (e)	10 (oo)	10
Norway	5/15 (q)	5/10/15 (jj)	10
Oman	10/15 (o)	10 (cc)	10
Pakistan	10/15 (c)	10 (oo)	10
Philippines	10/15 (ww)	10 (oo)	10/15 (qq)
Poland	10/15 (c)	10 (oo)	10
Portugal	5/15 (z)	10/15 (m)	10
Qatar	5/10 (xx)	10 (oo)	10
Romania	15	10 (oo)	10
Russian Federation	10	10 (oo)	10
Rwanda	10	10 (oo)	10
Saudi Arabia	5/10 (b)	10	10
Serbia and Montenegro	5/15 (a)	10 (oo)	10
Singapore	10/15 (c)	7.5/10 (r)	10
Slovak Republic	5/10 (n)	10 (oo)	10
Slovenia	10	10 (oo)	10
South Africa	10/15 (ww)	10	10
Spain	5/15 (s)	10/15 (t)	10
Sri Lanka	7.5/10 (yy)	10 (oo)	10
Sudan	10	10 (oo)	10
Sweden	15/20 (e)	15 (oo)	10
Switzerland	5/15 (kk)	5/10 (ll)(oo)	10
Syria	10	10 (oo)	10/15 (u)
Tajikistan	10	10 (oo)	10
Thailand	10/15 (ww)	10/15 (v)(oo)	15
Tunisia	12/15 (w)	10 (oo)	10
Turkmenistan	10	10 (oo)	10
Ukraine	10/15 (ww)	10 (oo)	10
United Arab Emirates	5/10/12 (x)	10 (oo)	10
United Kingdom	15/20 (e)	15 (oo)	10
United States	15/20 (g)	10/15 (y)	5/10 (f)
Uzbekistan	10	10 (oo)	10
Venezuela	5/10 (vv)	10 (oo)	10

	Dividends %	Interest %	Royalties %
Vietnam	5/10/15 (rr)	10 (ss)	10
Yemen	10	10 (cc)	10
Non-treaty jurisdictions	10	— (pp)	20

(a) The 5% rate applies if the recipient owns more than 25% of the payer of the dividends. The 15% rate applies to other dividends.
(b) The 5% rate applies if the recipient owns more than 20% of the payer of the dividends or if the recipient is the central bank or an entity that is wholly owned by the government. The 10% rate applies to other dividends.
(c) The 10% rate applies if the recipient is a company (other than a partnership) that owns more than 25% of the payer of the dividends. The 15% rate applies to other dividends.
(d) The 5% rate applies to dividends distributed by Belgian companies. The 10% rate applies to dividends distributed by Turkish companies.
(e) The 15% rate applies if the recipient owns more than 25% of the payer of the dividends. The 20% rate applies to other dividends.
(f) The 5% rate applies to royalties paid for the use of industrial, commercial or scientific equipment. The 10% rate applies to other royalties.
(g) The 15% rate applies if the recipient owns more than 10% of the payer of the dividends. The 20% rate applies to other dividends.
(h) The 10% rate applies to interest on loans granted by banks and financial institutions. The 15% rate applies to other interest payments.
(i) The 10% rate applies to interest on loans granted by financial institutions. The 15% rate applies to other interest payments.
(j) The 10% rate applies to interest paid with respect to a loan or other debt claim with a term exceeding two years. The 15% rate applies to other interest payments.
(k) The 7% rate applies if the recipient owns more than 25% of the payer of the dividends. The 10% rate applies to other dividends.
(l) For Luxembourg recipients, the 10% rate applies if the recipient owns more than 25% of the payer of the dividends and the 20% rate applies to other dividends. For Turkish recipients, these rates are applied as 5% and 20%, respectively.
(m) The 10% rate applies to interest on loans with a term exceeding two years. The 15% rate applies to other interest payments.
(n) The 5% rate applies if the recipient owns more than 25% of the payer of the dividends. The 10% rate applies to other dividends.
(o) The 10% rate applies if the recipient owns more than 15% of the payer of the dividends. The 15% rate applies to other dividends.
(p) The 5% rate applies to dividends distributed by Dutch companies. The 10% rate applies to dividends distributed by Turkish companies if dividends received by Dutch resident companies from Turkish resident companies are not subject to tax in the Netherlands.
(q) The rate is 5% of the gross amount of the dividends if either of the following circumstances exists:
  - The beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 20% of the capital of the company paying the dividends and the dividends are exempt from tax in the other state.
  - The dividends are derived by the government pension fund in the case of Norway or by the government social security fund in the case of Türkiye. The 15% rate applies to other dividends.
(r) The 7.5% rate applies to interest on loans paid by financial institutions. The 10% rate applies to other interest payments.
(s) The 5% rate applies to dividends to the extent they are paid out of profits that have been subject to tax as specified in the tax treaty and if the recipient owns more than 25% of the payer of the dividends. The 15% rate applies to other dividends.
(t) The 10% rate applies to interest on loans granted by banks. The 15% rate applies to other interest payments.
(u) The 10% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films and recordings for radio and television. The 15% rate applies to royalties paid for patents, trademarks, designs or models, plans, secret formulas or processes, or for information concerning industrial, commercial or scientific experience.
(v) The 10% rate applies to interest on loans granted by banks, financial institutions and insurance companies. The 15% rate applies to other interest payments.
(w) The 12% rate applies if the recipient owns more than 25% of the payer of the dividends. The 15% rate applies to other dividends.

(x) The 5% rate applies if the recipient of the dividends is the government, a public institution wholly owned by the government or a political subdivision or local authority of the other contracting state. The 10% rate applies if the recipient owns more than 25% of the payer of the dividends. The 12% rate applies to other dividends.

(y) The 10% rate applies to interest derived from loans granted by financial institutions, such as banks, savings institutions or insurance companies. The 15% rate applies to other interest payments.

(z) The 5% rate applies if the recipient owns more than 25% of the payer of the dividends for an uninterrupted period of at least two years. The 15% rate applies to other dividends.

(aa) For Irish recipients, the 5% rate applies if the dividends are paid out of the profits that have been subject to tax in Türkiye and if the recipient owns more than 25% of the voting rights of the payer of the dividends. The 10% rate applies if the recipient owns more than 25% of the voting rights of the payer of the dividends, and the 15% rate applies to other dividends. For Turkish recipients, these rates are applied as 5%, 5% and 15%, respectively.

(bb) The 10% rate applies to interest received by financial institutions or paid with respect to loans or other debt claims with a term exceeding two years. The 15% rate applies to other interest payments.

(cc) Interest paid to the government and central bank is exempt.

(dd) A new treaty between Türkiye and Norway was signed on 15 January 2010. This new treaty is effective from 1 January 2012. Under the new treaty, the dividend withholding tax rate may be reduced to 5%. The withholding tax rate for interest ranges from 5% to 10%. The withholding tax on royalties is 10% if certain conditions are satisfied.

(ee) A new treaty between Türkiye and Finland, which was signed on 6 October 2009, is effective from 1 January 2013.

(ff) A treaty between Türkiye and Germany, which was re-signed by the countries on 19 September 2011, is effective retroactively from 1 January 2011.

(gg) Interest paid from Türkiye to the government of Brazil, the Central Bank of Brazil or the National Bank for Economic and Social Development (BNDES) is exempt from Turkish tax. Interest paid from Brazil to the government of Türkiye the Central Bank of Türkiye (Türkiye Cumhuriyet Merkez Bankasi) or the Turkish Export/Import Bank (Eximbank) is exempt from tax.

(hh) The tax rate is 15% of the gross amount of the royalties arising from the use of, or the right to use, trademarks. The rate is 10% of the gross amount of royalties in all other cases.

(ii) The rate is 5% of the gross amount of interest with respect to a loan or credit made, guaranteed or insured for the purpose of promoting exports by the Finnish Export Credit (FINNVERA) or similar Turkish public entities that have the objective of promoting exports. The rate is 10% of the gross amount of interest derived by banks. The rate is 15% of the gross amount of interest in all other cases.

(jj) The rate is 5% of the gross amount of the following types of interest:

- Interest paid to the government pension fund or the Norwegian Guarantee Institute for Export Credits (Eksportfinans ASA) if the interest is wholly or mainly passed on to the government of Norway under the 108 Agreement between Eksportfinans ASA and the government of Norway
- Interest paid to the Turkish social security fund or the Turkish Eximbank

The rate is 10 % for interest paid to banks. The rate is 15% in all other cases.

(kk) For Swiss recipients, the rate is 5% if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 20% of the capital of the company paying the dividends and if relief from Swiss tax is granted for such dividends through an abatement of the profits tax in a proportion corresponding to the ratio between the earnings from participations and total profits or through equivalent relief. The rate is 15% in all other cases for Swiss recipients. For Turkish recipients, the rate is 5% if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 20% of the capital of the company paying the dividends. The rate is 15% in all other cases for Turkish recipients.

(ll) The rate is 5% for interest paid with respect to a loan or credit made, guaranteed or insured for the purpose of promoting exports by an Eximbank or a similar institution that has the objective of promoting exports. The rate is 10% in all other cases.

(mm) For Australian recipients, the 5% rate applies if the beneficial owner of the dividends is a company that owns directly more than 25% of the capital of

the company and if the dividends are paid out of profits that have been subject to corporation tax in Türkiye. The 15% rate applies to other dividends paid to Australian recipients. For Turkish recipients, the 5% rate applies if the beneficial owner of the dividends is a company that owns directly more than 10% of the voting power of the company. The 15% rate applies to other dividends paid to Turkish recipients.

(nn) A new treaty between Türkiye and Korea (South) is under negotiation.

(oo) Please consult the treaty for further details because exemptions may be provided for interest on loans obtained from certain institutions, such as central banks and governments of the contracting states or their subdivisions.

(pp) Various rates apply.

(qq) The 10% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, patents, trademarks, designs or models, plans, secret formulas or processes, or from the use of, or the right to use, industrial, commercial, or scientific equipment, or for information concerning industrial, commercial or scientific experience. The 15% rate applies to royalties paid for the use of or the right to use, cinematographic films and films or tapes for television or radio broadcasting.

(rr) The rate is 5% of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) that holds directly at least 50% of the capital of the company paying the dividends or has invested more than USD10 million, or the equivalent in Turkish or Vietnamese currency, in the capital of the company paying the dividends. The rate is 10% of the gross amount of the dividends if the beneficial owner is a company that holds directly or indirectly at least 25% but less than 50% of the capital of the company paying the dividends. The rate is 15% of the gross amount of the dividends in all other cases.

(ss) Interest paid to the government of Türkiye or to the Central Bank of Türkiye is exempt from Vietnamese taxes and interest paid to the government of Vietnam or to the State Bank of Vietnam is exempt from Turkish taxes.

(tt) The 5% rate applies if the recipient owns more than 10% of the payer of the dividends. The 15% rate applies to other dividends.

(uu) The 10% rate applies if the beneficial owner of the dividends is a company that owns directly more than 10% of the capital of the company paying the dividends. The 15% rate applies to other dividends.

(vv) The 5% rate applies if the beneficial owner of the dividends is a company that owns directly more than 25% of the capital of the company paying the dividends. The 10% rate applies to other dividends.

(ww) The 10% rate applies if the beneficial owner of the dividends is a company that owns directly more than 25% of the capital of the company paying the dividends. The 15% rate applies to other dividends.

(xx) The rate is 5% of the gross amount of the dividends if either of the following circumstances exists:

- The beneficial owner is the government or a public institution that is wholly owned by the government or its political subdivisions or local authorities of the other contracting state.
- The beneficial owner of the dividends is a company (excluding a partnership) that holds directly at least 20% of the capital of the company paying the dividends.

The 10% rate applies to other dividends.

(yy) The 7.5% rate applies if the beneficial owner is a company that owns directly at least 10% of the capital of the company paying the dividends.

The amending protocol, signed on 14 September 2017, to the Kuwait-Türkiye income and capital tax treaty (1997) entered into force on 10 November 2021. The protocol applies from the date of its entry into force.

A double tax treaty between Türkiye and Burundi was signed on 11 March 2022. On 17 May 2023, the Senate of Burundi approved the income tax treaty with Türkiye. A double tax treaty between Türkiye and Côte d'Ivoire was signed on 29 February 2016. On 21 April 2020, Türkiye ratified the treaty. Côte d'Ivoire has not yet ratified the treaty. On 21 December 2022, the Council of Ministers of Côte d'Ivoire approved a bill authorizing the president to ratify the treaty. A double tax treaty between Türkiye and Somalia was signed on 3 June 2016. On 4 March 2020,

Türkiye ratified the treaty. Somalia has not yet ratified the treaty. A double tax treaty between Türkiye and Argentina was signed on 1 December 2018. On 15 May 2020, Türkiye ratified the treaty. On 24 November 2021, the Argentine Foreign Relations and Budget and Finance Committees approved the treaty. A double tax treaty between Türkiye and Senegal was signed on 14 November 2015. On 9 March 2020, the National Assembly (parliament) of Senegal approved a bill, authorizing the president to ratify the income tax treaty with Türkiye. On 30 November 2023, Türkiye ratified the treaty. A double tax treaty between Türkiye and the Palestinian Authority was signed on 25 October 2018. On 22 November 2018, the Palestinian Council of Ministers approved the tax treaty with Türkiye. Türkiye has not yet ratified the treaty. A double tax treaty between Türkiye and Iraq was signed on 17 December 2020. On 17 March 2022, the Turkish Grand National Assembly approved the Iraq-Türkiye income tax treaty. On 20 December 2022, the Iraqi Council of Ministers approved the Iraq-Türkiye income tax treaty. A double tax treaty between Türkiye and Nigeria was signed on 20 October 2021. On 30 November 2023, Türkiye ratified the treaty. Nigeria has not yet ratified the treaty. A double tax treaty between Türkiye and Sierra Leone was signed on 3 November 2020. On 9 December 2021, the parliament of Sierra Leone approved the treaty. On 30 November 2023, Türkiye ratified the treaty. On 20 February 2024, Türkiye and Azerbaijan signed a new income tax treaty that would replace the 1994 treaty between the countries.

Türkiye has initialed tax treaties with Botswana (23 November 2018), Burkina Faso (22 September 2017), Cameroon (21 September 2022), Gabon (3 September 2015), Ghana (15 March 2022), the Hong Kong Special Administrative Region (SAR) (12 August 2016), Kenya (23 February 2023) and Uruguay (3 June 2022). On 22 January 2016, Türkiye and Turkmenistan initialed a new income tax treaty that would replace the 1995 treaty between the countries. On 22 October 2021, Türkiye and Korea (South) signed a new income tax treaty that would replace the 1986 treaty between the countries. On 8 December 2022, the Korea (South) National Assembly ratified the treaty. On 23 January 2024, the Turkish Grand National Assembly approved the treaty.

Türkiye is negotiating tax treaties with Afghanistan, Angola, Cuba, El Salvador, Liberia, Mali, Mauritius, Mozambique, Niger, Paraguay (close to signing a tax treaty), Tanzania and Uganda.

The Turkish Council of Ministers ratified the Foreign Account Tax Compliance Act (FATCA) agreement between Türkiye and the United States, signed on 29 July 2015, through Decree No. 2016/9229, which was published in the *Official Gazette* of 5 October 2016. The agreement entered into force on 14 February 2021.

Türkiye has signed Exchange of Information Agreements Relating to Tax Matters with Bermuda, Gibraltar, Guernsey, the Isle of Man and Jersey. The Exchange of Information Agreement Relating to Tax Matters with Bermuda and Jersey entered into force as of September 2013. On 7 October 2017, the Exchange of Information Agreement between the Isle of Man and Türkiye

entered into force. The agreement generally applies from 7 October 2017 for criminal tax matters. For other tax matters, it applies in Türkiye from 1 January 2013 and in the Isle of Man from 1 April 2013. On 6 October 2017, the Exchange of Information Agreement between Türkiye and Guernsey entered into force. The agreement generally applies from 6 October 2017. The Exchange of Information agreement between Türkiye and Gibraltar entered into force on 15 February 2018. Negotiations are continuing on such agreements with the Bahamas and Barbados.

The Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI) was signed by Türkiye on 7 June 2017. A Draft Law on the MLI was submitted to the Turkish Parliament Plan and Budget Committee on 2 June 2020, officially starting the ratification process of the MLI. On 3 October 2023, the legislative proposal on the approval of the MLI was renewed and resubmitted to the Grand National Assembly of Türkiye.

An investment protection agreement between Côte d'Ivoire and Türkiye entered into force on 30 August 2023. On 4 November 2022, the investment protection agreement between Rwanda and Türkiye entered into force. An investment protection agreement between China Mainland and Türkiye entered into force on 11 November 2020. On 30 December 2022, the investment protection agreement between Belarus and Türkiye entered into force.

An investment protection agreement between Georgia and Türkiye entered into force on 10 June 2021. An investment protection agreement between Türkiye and Uzbekistan entered into force on 9 July 2020. An investment protection agreement between Djibouti and Türkiye entered into force on 5 July 2020. An investment protection agreement between Türkiye and Zambia entered into force on 6 May 2020. An investment protection agreement between Kyrgyzstan and Türkiye entered into force on 18 March 2020. From this date, the new agreement replaces the investment protection agreement that was signed on 28 April 1992. An investment protection agreement between Montenegro and Türkiye entered into force on 17 March 2020. An investment protection agreement with Cameroon entered into force on 3 January 2019. An investment protection agreement with Korea (South) entered into force on 1 August 2018. An investment protection agreement between Türkiye and Mexico entered into effect on 17 December 2017. An investment protection agreement with Vietnam entered into force on 19 June 2017. An investment protection agreement with Gambia entered into force on 15 June 2017. An investment protection agreement with Slovak Republic entered into force on 11 December 2013.

On 12 December 2023, the Uruguayan Senate approved the investment protection agreement with Türkiye, which was signed on 23 April 2022. The National Assembly of Venezuela has approved the investment protection agreement with Türkiye, which was signed on 21 July 2023. On 17 June 2019, the Cambodian National Assembly approved the investment protection agreement between Türkiye and Cambodia, which was signed on 21 October 2018 and entered into force on 25 October

2022. On 6 September 2018, the Ukrainian parliament (Rada) passed a draft law ratifying the investment protection agreement between Türkiye and Ukraine, which was signed on 9 October 2017. On 25 April 2017, the Congress of Guatemala approved the investment protection agreement between Türkiye and Guatemala, which was signed on 21 December 2015. On 14 March 2017, the Council of Ministers of Mozambique approved the investment protection agreement between Türkiye and Mozambique, which was signed on 24 January 2017. Türkiye has ratified investment protection agreements with Azerbaijan, Bangladesh, Colombia, Congo (Democratic Republic of), Ghana, Guatemala, Kosovo, Mali, Moldova, Pakistan and Serbia.

Türkiye has signed investment protection agreements with Angola, Burkina Faso, Burundi, Chad, Guinea, the Hong Kong SAR, Kenya, Lithuania, Mauritania, the Palestinian Authority, Somalia and Tunisia.

Negotiations regarding investment protection agreements are continuing with Guinea and Paraguay.

On 23 January 2024, the Turkish parliament approved the amending protocol to the free-trade agreement, which was signed on 29 September 2022 with Malaysia. On 4 December 2023, Tunisia and Türkiye reached consensus on the revision to the free-trade agreement, which was signed on 25 November 2004. On 18 July 2023, United Kingdom and Türkiye agreed to start negotiations for the revision of the existing free-trade agreement. On 23 October 2023, a memorandum of understanding was signed with respect to the free-trade agreement between Ukraine and Türkiye which was signed on 3 February 2022. The free-trade agreement is not yet in force. The protocol to the existing free-trade agreement between Montenegro and Türkiye entered into force on 1 July 2022. The free-trade agreement between Türkiye and Jordan was terminated on 22 November 2018.

A Competent Authority Agreement (CAA) on the Automatic Exchange of Information (AEOI) between Latvia and Türkiye entered into force on 2 January 2019. A CAA on the AEOI between Norway and Türkiye entered into force on 30 December 2018. A CAA on the AEOI between Gibraltar and Türkiye entered into force on 15 February 2018. A CAA on the AEOI between Bermuda and Türkiye entered into force on 18 September 2013.

The decision on the "Approval of the Multilateral Competent Authority Agreement Regarding the Automatic Exchange of Financial Account Information with the Attached Declaration" was published in the *Official Gazette*, dated 31 December 2019.

On 22 November 2021, the Turkish Ministry of Treasury and Finance announced a Joint Statement of Türkiye and the United States regarding a compromise on a transitional approach to existing unilateral measures during the interim period before OECD Pillar One is in effect. Türkiye and the United States have agreed that the same terms of the Unilateral Measures Compromise will apply between Türkiye and the United States with respect to Türkiye's DST and the United States trade actions regarding the DST. Accordingly, the Unilateral Measures Compromise described in the 21 October 2021 Joint Statement is

incorporated by reference into the Joint Statement between Türkiye and the United States.

Türkiye is committed to the implementation of OECD Pillar Two. However, as of the date of preparation of this document, no draft legislation is yet available.

Uganda

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In the 2024 financial year, the government of Uganda introduced significant income tax amendments to the Income Tax Act. For example, manufacturers of electric vehicles, batteries and charging equipment, as well as fabricators of electric vehicle frames and bodies, now enjoy exemptions under the Income Tax Act. In addition, operators of specialized hospital facilities also benefit from these exemptions. For further details regarding the amendments, see Section G.

A. At a glance

Corporate Income Tax Rate (%)	30
Capital Gains Tax Rate (%)	30 (a)
Branch Tax Rate (%)	30
Withholding Tax (%)	
Dividends	15 (b)(c)
Interest	15 (b)(d)
Royalties from Patents, Know-how, etc.	15 (e)
Management Fees	15 (e)
Reinsurance Premiums	10 (e)
Professional Fees	
Residents	6 (f)
Nonresidents	15 (g)
Payments by Government Entities, etc.	6 (h)
Payments for Natural Resources	15 (e)
Payments by Purchasers of Assets from Nonresidents	10
Payments by Purchasers of Businesses or Business Assets	6
Payments of Winnings from Betting	15
Commission paid by Telecommunication Service Providers for Airtime Distribution or Provision of Mobile Money Services	10
Commission Paid to an Insurance or	

Advertising Agent	10
Income Derived from Transmission of Messages by Equipment Located in Uganda	5 (e)
Shipping, Aircraft and Road Transport Income	2 (i)
Branch Remittance Tax	15
Net Operating Losses (Years)	
Carryback	0 (j)
Carryforward	Limited (k)

(a) Applicable to capital gains on business assets, shares in private limited liability companies and commercial buildings.
(b) Applicable to residents and nonresidents (see Section B for further details).
(c) The rate is 10% for dividends paid by companies listed on the stock exchange to individuals.
(d) The rate for interest payments on government securities is 20% if their maturity period does not exceed 10 years and 10% if their maturity period is at least 10 years.
(e) Applicable to nonresidents.
(f) This withholding tax is imposed on resident professionals who are not exempt from withholding tax.
(g) A 10% withholding tax is imposed on nonresident contractors who derive income from providing services to licensees in the mining and petroleum sectors.
(h) This withholding tax is imposed on payments in excess of UGX1 million to any person in Uganda who is not exempt from withholding tax for goods and services supplied to, or under a contract with, the government, a local authority, an urban authority, a company controlled by the government of Uganda or any person designated in a notice by the Minister.
(i) This withholding tax is imposed on nonresident persons who carry on the business of the following:
- Ship operator, charterer or air transport operator who derives income from the carriage of passengers who embark or cargo or mail that is embarked in Uganda
- Road transport operator who derives income from the carriage of cargo or mail that is embarked in Uganda

However, income derived from carriage of passengers who do not embark in Uganda or cargo or mail that is not embarked in Uganda is not income derived from a Ugandan-source service contract and accordingly is not subject to tax in Uganda.
(j) In general, loss carrybacks are not allowed. However, for long-term construction contracts that result in a loss in the final year, a loss carryback for an unlimited number of years is allowed.
(k) As of 1 July 2023, a taxpayer who after seven years of income carries forward assessed losses is only allowed a deduction of 50% of the losses carried forward in the following year of income and the subsequent years of income.

B. Taxes on corporate income and gains

Corporate income tax. Resident companies are subject to tax on their worldwide income, but tax credits are granted for taxes paid on foreign-source income (see *Foreign tax relief*). Nonresident companies are subject to tax on income derived from sources in Uganda.

A company is resident in Uganda if any of the following applies:
- It is incorporated in Uganda.
- The management and control of its affairs are exercised in Uganda during the tax year.
- During the tax year, it performs the majority of its operations in Uganda.

Rates of corporate tax. The regular corporate income tax rate is 30%.

Rental income earned in Uganda is taxed separately from other income and taxed at a rate of 30%. It is no longer consolidated with other income.

Digital service tax. A nonresident deriving income from providing digital services to a customer in Uganda delivered over the internet, electronic network or an online platform is subject to income tax at a rate of 5% and is required to file a tax return by the 15th day after the end of a tax period.

Capital gains. Capital gains on business assets, shares and commercial buildings are subject to tax at a rate of 30%.

Effective 1 July 2021, the cost base of the asset is to be determined according to the formula indicated below stipulated under section 50(3) of the Income Tax Act (ITA):

$$CB \times \frac{CPID}{CPIA}$$

The following are the amounts in the formula:
- CB is the amount of an item of cost or expenditure incurred determined in accordance with Section 52(2) of the ITA Cap 340.
- CPID is the Consumer Price Index number published for the calendar month of sale.
- CPIA is the Consumer Price Index number published for the month immediately prior to the date on which the relevant item of cost or expense is incurred.

The formula above does not apply to an asset that is sold within 12 months from the date of purchase.

Administration. Companies must file provisional income tax returns within six months after the beginning of the accounting period. This return includes an estimate of the income that will be earned by the company during the accounting period. The tax liability shown in the provisional return must be paid in two equal installments, which are due 6 months and 12 months after the beginning of the accounting period. A final tax return must be filed within six months after the end of the accounting period, and any balance of tax due must be paid when this return is filed. A taxpayer with an annual turnover of UGX500 million must submit audited financial statements prepared by an accountant registered by the Institute of Certified Public Accountants of Uganda with the taxpayer's return.

Penalties are imposed if the final tax liability for the year exceeds the tax liability shown in the provisional return by more than 10%. However, the penalty for underestimating provisional tax does not apply to companies engaged in agricultural, plantation or horticultural farming.

Effective from 1 July 2016, the Tax Procedure Code Act regulates all procedural aspects relating to income tax, value-added tax and excise duty, and any other taxes that could be added by the Minister of Finance by statutory instrument. The provisions of the act replace the provisions in the various tax laws that dealt with procedures such as those for filing returns, objections, recovery, penal taxes and tax offenses.

The Government of Uganda introduced the Electronic Fiscal Receipting and Invoicing System (EFRIS), effective from 1 July 2020. Under EFRIS, it is mandatory for all value-added tax (VAT) persons to issue e-receipts or e-invoices to their customers in accordance with the Tax Procedures Code (E-Invoicing and E-Receipting) Regulations, 2020. A person purchasing goods or services from a designated EFRIS user will not be allowed an income tax deduction unless supported by an e-invoice/receipt (except for purchases from non-VAT registered persons).

Local authorities, government institutions and regulatory bodies may not issue a license or any form of authorization necessary for the purpose of conducting business in Uganda to any person without a Taxpayer Identification Number (TIN).

Dividends. Dividends paid to residents and nonresidents are subject to withholding tax at a general rate of 15%. However, the withholding tax does not apply if the recipient of the dividends is a resident company that controls at least 25% of the voting power in the payer. The withholding tax rate is 10% for dividends paid by companies listed on the stock exchange to resident individual shareholders. The withholding tax on dividends paid to nonresidents and to resident individuals is considered a final tax.

Interest. Interest paid to residents and nonresidents is subject to a withholding tax rate of 15%. The withholding tax rate for interest payments on government securities is 20% if their maturity period does not exceed 10 years and 10% if their maturity period is at least 10 years. The withholding tax for interest paid on government securities is considered a final tax. The withholding tax on interest paid by a resident person to another resident person does not apply if any of the following circumstances exist:

- The recipient is a financial institution (except with respect to interest from government securities).
- The interest is paid by a natural person to a resident.
- The interest is paid by a company to an associated company.
- The interest paid is exempt from tax in the hands of the recipient.

Interest paid by resident companies to nonresident financial institutions with respect to debentures is exempt from tax.

The withholding tax for interest paid on government securities is considered a final tax. Interest paid by resident companies to nonresident financial institutions with respect to debentures is exempt from tax.

Other withholding taxes. Royalties, rent, natural resource payments and management fees paid to nonresidents are subject to a 15% final withholding tax. Reinsurance premiums are subject to a 10% final withholding tax. A 10% withholding tax is imposed on nonresident contractors who derive fees from the provision of services to licensees in the mining and petroleum sectors.

A resident person who purchases an asset from a nonresident person must withhold a 10% tax from the gross payment for the asset.

A resident person who purchases a business or business asset must withhold a 6% tax from the gross payment for the business or a business asset.

A telecommunications service provider that makes a payment of a commission for airtime distribution or provision of mobile money services should withhold tax on the gross amount of the payment at a rate of 10%.

An insurance service provider that makes a payment of a commission to an insurance agent should withhold tax on the gross amount of the payment at a rate of 10%.

A person who makes payment for a commission to an advertising agent should withhold tax on the gross amount of the payment at a rate of 10%.

A payment for agricultural supplies is exempt from withholding tax.

Foreign tax relief. A foreign tax credit is granted for foreign tax paid on foreign-source income taxable in Uganda. The credit is limited to the equivalent of the Uganda tax on such income.

C. Determination of trading income

General. Taxable income is the income reported in the companies' financial statements, subject to certain adjustments. Expenses are deductible to the extent that they are incurred in the production of taxable income.

Deductible rental expenses. Effective from 1 July 2022, expenses and losses incurred by a person, other than an individual or partnership, in the production of rent are allowed as a deduction for any year of income subject to the condition below.

If the expenses and losses incurred by a person, other than an individual or partnership, in the production of rental income exceeds 50% of the rental income, the allowable deduction will be 50% of the rental income for that year of income.

Inventories. For tax purposes, inventory is valued at the lower of cost or market value.

Provisions. Only financial institutions and insurance companies may deduct specific provisions for bad debts.

Bad trade debts may be deducted when they are written off if all reasonable steps have been taken to recover the debt without success.

Tax depreciation. Depreciation charged in companies' financial statements is not deductible for tax purposes, but capital allowances are granted at specified depreciation rates ranging from 20% to 40%.

Capital expenditure on buildings that are designated as industrial buildings, excluding the cost of the land, qualifies for an annual industrial building allowance of 5%. Commercial buildings constructed on or after 1 July 2001 qualify for a straight-line commercial building deduction of 5%.

Wear-and-tear allowances (tax depreciation), calculated using the declining-balance method, are granted for plant and machinery at the rates indicated below.

Effective 1 July 2021, asset depreciation classes were reduced from four to three with depreciation rates adjusted for some classes as shown in the following table.

Class	Assets	Rate (%)
I	Computers and data handling equipment	40
II	Plant and machinery used in farming, Manufacturing and mining.	30
III	Automobiles; buses, minibuses, goods vehicles, construction and earth moving equipment, specialized trucks, tractors, trailers and trailer-mounted containers, rail cars, locomotives, and equipment, vessels, barges, tugs, and similar | water transportation equipment, aircraft, specialized public utility plant, equipment and machinery, office furniture, fixtures and equipment, and any depreciable asset not included in another class	20

Effective from 1 July 2023, the initial allowance for eligible property or new industrial buildings placed in service for the first time during the year of income was repealed.

Relief for losses. Losses may be carried forward for an indefinite period of time to offset future profits. However, a taxpayer that after seven years of income carries forward assessed losses is only allowed a deduction of 50% of the losses carried forward in the following year of income and the subsequent years of income.

In general, loss carrybacks are not allowed. However, for long-term construction contracts that result in a loss in the final year, a loss carryback for an unlimited number of years is allowed.

Groups of companies. No provisions exist for filing consolidated returns or for relieving losses within a group.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax	18
Social security contributions to the National Social Security Fund (NSSF), on salaries; the contributions are not tax deductible; paid by	
Employer	10
Employee	5

E. Miscellaneous matters

Foreign-exchange controls. The foreign-exchange market is now fully liberalized. A company can freely transfer foreign exchange into and out of Uganda without restriction, provided that the transfer is through a bank and complies with anti-money laundering regulations. A company can prepare financial statements in foreign currency if it obtains approval from the tax authorities.

Transfer pricing. Transfer-pricing regulations apply to a controlled transaction (transaction between associates) if a person who is party to the transaction is located in and is subject to tax in

Uganda, and the other person who is party to the transaction is located in or outside Uganda. The minimum threshold for transactions between associates who are both located in Uganda is UGX500 million (approximately USD130,000); no minimum threshold applies to cross-border transactions. The regulations require a person to record in writing sufficient information and analysis to verify that a controlled transaction is consistent with the arm's-length principle.

For a year of income, this transfer-pricing documentation must be in place before the due date for the filing of the income tax return for that year.

Thin-capitalization rules. The Income Tax (Amendment) Act, 2018 repealed the thin-capitalization provisions and replaced them with limitation of interest deductibility rules. With the exception of financial institutions, micro-finance deposit taking institutions, Tier 4 micro-finance institutions and persons carrying on insurance business, the amount of deductible interest for all debts owed by a taxpayer that is a member of a group may not exceed 30% of the tax earnings before interest, tax, depreciation and amortization. The excess interest may be carried forward for not more than three years and will be treated as incurred during the next year of income.

F. Treaty withholding tax rates

The table below lists treaty withholding tax rates. With the exception of publicly listed companies, tax treaty provisions that lower Ugandan tax or provide exemptions from Ugandan tax for nonresident persons apply only if the nonresident is a resident of the state that has a tax treaty with Uganda, receives the income in a capacity of a "beneficial owner," has full and unrestricted ability to enjoy that income and to determine its future uses, and possesses economic substance in the country of residence.

Effective from 1 July 2022, a "beneficial owner" is defined as the following:

- A natural person who ultimately owns or controls a customer or the natural person on whose behalf a transaction is conducted and includes a person who exercises ultimate control over a legal person or arrangement
- In relation to a legal person, a "beneficial owner" includes the following:
  - The natural person who either directly or indirectly holds at least 10% of shares or voting rights of the legal person
  - The natural person who exercises control of the legal person through other means, including personal or financial superiority
  - The natural person who has power to make or influence decisions of a legal person
- In relation to trust, a "beneficial owner" includes the following:
  - The settlor
  - The trustee
  - The protector
  - The beneficiary, or the individual benefitting from the trust who is yet to be determined
  - Any other natural person exercising ultimate control of the trust

- In relation to other legal arrangements similar to trusts, the natural person who has holdings or positions that are equivalent to any of the items referred to in the third bullet above

	Dividends %	Interest %	Royalties %
Denmark	10/15 (a)	10	10
India	10	10	10
Italy	15	15	10
Mauritius	10	10	10
Netherlands	0/5/15 (b)	10	10
Norway	10/15 (a)	10	10
South Africa	10/15 (a)	10	10
United Kingdom	15	15	15
Non-treaty jurisdictions	15	15	15

(a) The 10% rate applies if the recipient is a company resident in the other contracting state that owns at least 25% of the capital of the payer. The 15% rate applies to other dividends.

(b) The 0% rate applies if the recipient holds at least 50% of the capital of the company paying the dividends. The 5% rate applies if the recipient holds less than 50% of the capital of the company paying the dividends. The 15% rate applies if the beneficial owner of the dividends is not a tax resident of the Netherlands.

G. The Income Tax (Amendment) Bill, 2024

The Income Tax (Amendment) Bill, 2024 was passed by parliament and assented to by the President of the Republic of Uganda. It became law on 1 July 2024. The following are the key amendments:

- Exemptions are granted to manufacturers of electric vehicles, batteries, charging equipment, and fabricators of electric vehicle frames and bodies whose investment capital is at least USD10 million in the case of a foreigner, USD300,000 in the case of a citizen and USD150,000 in the case of a citizen whose investment is placed up country.
- The income of an operator of a specialized hospital facility is exempt from income tax provided the operator meets certain stipulated conditions.
- An exemption for income derived from or by a private equity or venture capital fund regulated under the Capital Markets Authority Act, Cap. 84 is introduced.
- An exemption for income derived from the disposal of government securities on the secondary market is introduced.
- The term "branch" is removed from the Income Tax Act. Instead, the amendment adopts the term "permanent establishment."
- The concept of a permanent establishment is introduced to align Uganda's domestic tax regime with international principles in double taxation treaties, and in the United Nations and Organisation for Economic Co-operation and Development Model Tax Conventions.
- Commissions paid to payment service providers is subject to withholding tax at a rate of 10%. This applies to commissions paid to bank agents or any other agents offering financial services.
- A 15% withholding tax on a nonresident person who derives an annuity paid for by a business carried on by a nonresident person through a permanent establishment in Uganda is introduced.

- The income-sourcing rules are expanded to include income derived from the payment of an insurance premium if the premium relates to the insurance or reinsurance of a risk in Uganda. Insurance premium income is subject to withholding tax at a rate of 15%.
- The income-sourcing rules are expanded to include income derived from the payment of an insurance premium if the premium relates to the insurance or reinsurance of a risk in Uganda.

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The information in this chapter is current as of 1 March 2024. Special tax rules have been enacted for the period of martial law in Ukraine, which are briefly summarized in Section G. Martial law was introduced in Ukraine on 24 February 2022 by the Decree of the President of Ukraine "On Martial Law in Ukraine" No. 64/2022, duly approved by Verkhovna Rada of Ukraine and has been prolonged since that time.

A. At a glance

Corporate Income Tax Rate (%)	18 (a)
Capital Gains Tax Rate (%)	18

Branch Tax Rate (%)	18	
Withholding Tax (%)		
Dividends	15	
Interest	0/5/15	(b)(c)
Royalties	15	
Freight	6	
Income from Discount Bonds	18	(d)
Insurance	0/4/12	(e)
In-kind Ukrainian-Source Income	15	(f)
Other Ukrainian-Source Income	15	(g)
Branch Remittance Tax	0	
Net Operating Losses (Years)		
Carryback	0	
Carryforward	Unlimited	(h)

(a) Special tax rates exist for insurance companies, banks and lottery companies.

(b) The following interest is exempt from withholding tax:
- Interest and income (discounts) received by nonresidents from state securities, municipal bonds or debt securities if these instruments are secured by state or municipal guarantees (except for profit of nonresidents from low-tax jurisdictions under the approved list)
- Other income from state securities, paid by the Ministry of Finance of Ukraine
- Interest payments to nonresidents on loans received by the state or to a municipal budget if they are reflected in the state or municipal budget or in the budget of the National Bank of Ukraine (NBU)
- Interest on loans obtained by business entities if fulfillment of these loans is secured by state or municipal guarantees

(c) Withholding tax exemption is available for interest paid to nonresident lenders on loans financed through the issuance of debt securities (interest on loan participation notes) on a stock exchange outside Ukraine. The following conditions apply:
- If the loan is obtained before 2017, the exemption applies if the funds provided as a loan were raised with the aim to provide (directly or indirectly) a loan to a resident.
- If the loan is obtained in 2017 or 2018, the exemption applies if all of the following conditions are satisfied:
  — The qualifying debt securities are listed on a recognized stock exchange (currently, the list contains 21 stock exchanges in various jurisdictions, including the New York Stock Exchange, London Stock Exchange, Deutsche Boerse AG, Japan Exchange Group, Inc. and Singapore Exchange).
  — The funds provided as a loan were raised with the aim to provide (directly or indirectly) a loan to a resident.
  — The foreign interest recipient is not resident in a low-tax or non-transparent jurisdiction (see *Transfer pricing* in Section E for more details).

A reduced 5% withholding tax rate applies to interest from loans obtained from 2019 onward, subject to similar conditions.

(d) The tax base is calculated as the difference between the nominal value of the discount bonds and the acquisition value (purchase price) of the bonds on the primary or secondary stock market. Exemptions apply (see footnote [b] above).

(e) In essence, the tax on insurance payments is not a withholding tax, because the tax on insurance payments is not withheld from the payments remitted to the nonresident recipient, but is paid at the expense of the Ukrainian company making the payments (that is, the economic burden of paying the tax is borne by the Ukrainian party).

The 0% rate applies to the following:
- Insurance and reinsurance payments to nonresidents that meet the requirements established by the NBU
- Insurance payments with respect to civil aviation passenger transportation
- Insurance payments to nonresident individuals under mandatory insurance agreements
- Insurance payments under Green Card insurance agreements (mandatory third-party liability insurance for car owners of states participating in the Green Card system)

- Reinsurance payments with respect to placement of risks in foreign nuclear pools on behalf of members of the nuclear insurance pool

The 4% rate applies to insurance payments to nonresidents under insurance agreements covering risks outside Ukraine (subject to exceptions). The standard 12% rate applies in all other cases.

(f) Payment of in-kind Ukrainian-source income is subject to 15% withholding tax under a gross-up formula provided in the Tax Code.

(g) Profit from disposal of state securities, municipal bonds or debt securities received by nonresidents is exempt from withholding tax if these instruments are secured by state or municipal guarantees (except for profit of nonresidents from low-tax jurisdictions).

(h) Special rules apply to large taxpayers and to transfers of losses in the course of reorganizations. For further details, see *Relief for losses* in Section C.

B. Taxes on corporate income and gains

Corporate profit tax. Ukrainian legal entities (except for nonprofit organizations) are subject to corporate profit tax (CPT) on their worldwide income and gains. Foreign legal entities (except for organizations with diplomatic privileges or immunities) are subject to CPT if they receive Ukrainian-source income. CPT also applies to nonresidents who conduct business activity in Ukraine through a permanent establishment (PE) and/or receive Ukrainian-source income, and other nonresidents obliged to pay CPT in Ukraine.

Foreign companies that have a place of management in Ukraine are included in the list of CPT payers and are taxed on their Ukraine-source income.

PEs. The Ukrainian tax law envisages that a PE could arise for a nonresident in Ukraine by virtue of a fixed place of business, provision of services through personnel, construction site and related supervisory activity, and dependent agent's activity. The 2020 tax reform law has introduced several anti-Base Erosion and Profit Shifting (BEPS) initiatives, including changes to the Ukrainian PE rules. These changes extended and specified the scope of PE, introduced new rules for tax registration and taxation of nonresidents carrying out activity in Ukraine through PEs, and granted to the Ukrainian tax authorities additional powers with respect to PE detection and related tax administration, including forceful tax registration of nonresidents, unscheduled tax audits, and tax seizure of nonresidents' property located in Ukraine.

Rates of tax. The standard CPT rate is 18%.

Banks are subject to a 50% CPT rate in 2023 and to a 25% CPT rate in 2024 and future years.

Temporary CPT exemptions are available for the following cases, subject to qualifying conditions:

- For the aircraft industry: until 1 January 2025
- For large investment projects: within five consecutive years until 1 January 2035
- For profit of business entities engaged exclusively in the manufacturing of electrical vehicles, engines, batteries, and charges for electric vehicles as well as of some other qualifying means of transportation: until 31 December 2035
- For agricultural producers engaged in breeding, rearing and production of poultry, ostriches and quails, except for

rearing chickens, and chicken meat and eggs production: until 1 January 2027

A special tax regime is available for the information technology (IT) industry (see *Diia City Regime* in Section G).

Capital gains. Capital gains are included in the pretax financial result and generally taxed at the regular CPT rate.

Special tax rules apply to capital gains derived from trading in securities. Profits from trading in securities are included in taxable profit. Losses from trading in securities, including losses on security revaluations, can be carried forward indefinitely to offset future income from such trading.

Special rules apply to capital gains from qualifying foreign-to-foreign direct and indirect transfers of real-estate-rich Ukrainian companies. Nonresident buyers must register with the Ukrainian tax authorities and administer withholding tax on such transfers. The applicable withholding tax rate is 15%, subject to treaty protection.

Administration. Under the general rule, taxpayers must report CPT quarterly on a cumulative basis. Annual CPT reporting is available for the following taxpayers:
- Newly incorporated companies
- Agricultural producers
- Companies with annual income, net of indirect taxes, of less than UAH40 million (approximately USD1,051,270)

Taxpayers that file only an annual return must submit it within 60 days after the year-end. If a taxpayer files tax returns quarterly, the quarterly tax returns must be submitted within 40 days after the end of the quarter, and the final annual return must be submitted within 60 days after the end of the year. Tax is payable within 10 days after the deadline for submitting the tax return.

Dividends. A company distributing dividends to its shareholders must pay an 18% advance corporate profit tax (ACPT) on the positive difference between the amount of dividends and taxable profit for the reporting year for which dividends are paid, provided that the tax liability for the year is settled (if unsettled, ACPT is levied on the whole amount of dividends). The tax is paid either before or at the moment of the dividend distribution. The ACPT is paid at the expense of the dividend payer and does not decrease the amount of dividends due to shareholders. In general, ACPT can be offset against the CPT liability of the taxpayer in the current period and subsequent periods.

Exemption from ACPT on dividends applies to the following dividends:
- Dividends paid to individuals
- Dividends paid by joint investment vehicles
- Dividends paid to shareholders of the taxpayer's parent company, up to the amount of dividends received by the parent company from third companies
- Dividends paid to companies whose profits are exempt from tax, up to the amount of such exempt profits in the period for which dividends are paid

Ukrainian CPT payers do not include in their taxable profit dividends received from other Ukrainian CPT payers (except for collective investment vehicles and companies whose profits are exempt from tax, up to the amount of such exempt profits). Payments of dividends are not deductible for CPT purposes.

Dividends distributed to nonresidents are subject to withholding tax at a rate of 15% (to be calculated under a gross-up formula if distributed in-kind), unless an applicable double tax treaty provides otherwise.

The following payments are considered equivalent to dividends:
- Any monetary or in-kind payments made by legal entities to their shareholders in relation to the distribution of part of or all their net profit
- Payments for securities (corporate rights) to related and other qualifying nonresidents in transactions falling under transfer-pricing control in the amount exceeding the arm's-length level
- Value of goods (services) purchased from related and other qualifying nonresidents in transactions falling under transfer-pricing control in the amount exceeding the arm's-length level
- Understatement of the value of goods (services) supplied to related and other qualifying nonresidents in transactions falling under transfer-pricing control in the amount below the arm's-length level
- Monetary or in-kind payments to nonresident shareholders in relation to reductions of share capital, buy-backs of the corporate rights, withdrawals from shareholding or similar transactions between legal entities and their shareholders in the amount resulting in decrease of the retained earnings of the legal entity

The second through fifth payments above are considered equivalent to dividends starting 1 January 2021 and are excluded from the scope of ACPT.

The application of double tax treaty protection to payments considered to be equivalent to dividends should be analyzed on a case-by-case basis.

Foreign tax relief. Ukrainian companies may credit foreign tax paid with respect to foreign-source profits against Ukrainian tax imposed on the same income, up to the amount of such Ukrainian tax. The credit is granted only if the taxpayer submits a written confirmation from the tax authorities of the foreign country that certifies payment of the foreign tax.

C. Determination of taxable profit

General. Taxable profit is defined as the financial result before tax, determined under Ukrainian accounting standards or under International Financial Reporting Standards, subject to established adjustments. Add-back adjustments of the financial result for tax purposes include the following:
- Thirty percent of the cost of goods, including non-current assets (except for purchased right-of-use assets under lease agreements), works and services purchased from or supplied to nonresidents registered in low-tax and non-transparent jurisdictions, nonresidents incorporated in specific legal forms that do not pay CPT and/or are not tax residents in their country of

registration or purchased from nonprofit organizations if the amount of purchase from nonprofit organizations exceeds 25 minimum salaries (approximately USD4,665). This limitation does not apply to transactions falling under transfer-pricing control (see *Transfer pricing* in Section E) or if the taxpayer substantiates the arm's-length level of the expenses/income under transfer-pricing rules.

- Royalties paid to nonresidents exceeding the sum of royalty income and 4% of the taxpayer's net sales income for the preceding reporting year. The limitation does not apply to transactions falling under transfer-pricing control or if the taxpayer substantiates the arm's-length level of the royalties under transfer-pricing rules. In some cases, royalties are added back in full.
- Adjustments under the thin capitalization rules (see *Debt-to-equity ratios and other restrictions on the deductibility of interest* in Section E).
- Transfer-pricing adjustments.
- Provisions and allowances accrued in financial accounting (except for salary and payroll tax provisions).
- Funds or cost of goods, works or services provided to nonprofit organizations in an amount exceeding 4% (8% for sports nonprofit organizations) of the taxpayer's taxable profit for the preceding year.
- Non-repayable financial aid, or the cost of goods, works or services provided for free, to entities (other than registered nonprofit organizations and individuals) that are not CPT payers or are CPT exempt, or to parties related to CPT payers (if the recipients of such aid declared tax losses for the previous reporting year, provided that the donor recognized such aid as expenses when determining its pre-tax financial result).
- Penalties under civil law contracts, compensation for damages and lost profit paid to non-CPT payers (except for individuals) or to CPT payers that enjoy CPT exemption, and fines and penalties imposed by tax and other authorities.
- Impairment of fixed assets and intangible assets.
- Losses from participation in the equity of other companies.
- Value of transactions falling under transfer-pricing control that are not recognized by the tax authorities due to a lack of business purpose (see *Transfer pricing* in Section E).

Industry-specific adjustments apply for banks and financial institutions.

Tax-loss carryforwards decrease the pretax financial result for CPT purposes, subject to special rules for large taxpayers. Transferability of tax losses through a reorganization is limited.

If a taxpayer's income does not exceed UAH40 million (USD1,051,270), the taxpayer may opt not to make any adjustments to the financial result before tax for CPT purposes.

Depreciation. For purposes of tax depreciation, fixed assets are defined as assets that are designated for use in a taxpayer's business activity for more than one year and that have a value exceeding UAH20,000 (approximately USD526). The Tax Code provides for 16 groups of tangible fixed assets and six groups of non-tangible fixed assets. Similar to financial accounting, tax depreciation is accrued per each item.

The list of depreciation methods is in line with methods stipulated for financial accounting. The following are the methods:
- Straight-line
- Declining-balance
- Accelerated declining-balance
- Sum-of-the-years' digits
- Unit-of-production

Depreciation of an asset is accrued on a monthly basis throughout the useful life cycle of the asset. Depreciation is not accrued for the period of non-use of fixed assets in a business activity as a result of their conservation. The following table shows the minimum allowable term of the useful lives of assets.

Group	Assets	Minimum term of useful life Years
2	Capital expenditure on land improvements, not related to construction	15
3	Buildings	20
	Facilities	15
	Transmission devices	10
4	Machinery and equipment	5
	Electronic and computer equipment	2
5	Transport facilities	5
6	Tools, appliances and equipment (furniture)	4
7	Animals	6
8	Perennial plants	10
9	Other fixed assets	12
12	Temporary facilities	5
14	Returnable containers	6
15	Rental objects	5
16	Long-term biological assets	7

Assets of Group 1 (land plots) and Group 13 (natural resources), as well as goodwill and non-production fixed assets and intangibles, are not subject to depreciation.

The minimum term of useful life is not determined for the assets of Group 10 (library holdings) and Group 11 (tangible assets of small value).

Taxpayers should use the longer of the tax accounting or financial accounting depreciation terms. Accelerated depreciation is allowed in accordance with the following rules:
- Taxpayers are allowed to depreciate under a straight-line method qualifying fixed assets of Group 4 over a minimal two-year period if these assets were purchased after 1 January 2017 and put into operations before 31 December 2019. The right to use this tax incentive may be transferred upon reorganization.
- From 1 January 2020 to 31 December 2030, taxpayers may use accelerated depreciation for new machinery and equipment (Group 4) and vehicles (Group 5) within a two-year useful life and for transmission devices (Group 3) and other fixed assets (Group 9) within a five-year useful life, subject to qualifying conditions.

Relief for losses. In general, the Tax Code allows the unlimited carryforward of losses, subject to special rules for the large taxpayers and banks as outlined below. Transferability of tax losses through corporate reorganizations is subject to recently introduced special rules and is limited.

The right of large taxpayers to carry forward tax losses is limited; the losses of previous periods can be carried forward until fully utilized, but only up to 50% of the unutilized amount can be deducted in a reporting period. As an exception, if the tax losses are up to 10% of taxable profit of the current period, such losses can be deducted in full.

Banks are prohibited to utilize in 2023 tax losses of prior periods, with the right to utilize such losses starting in 2024 until full utilization.

The law does not allow tax losses to be carried back (that is, offsetting the tax loss of the current year against the taxable profit of previous years to reduce tax payments). However, for taxpayers that determine tax payable based on quarterly tax returns, the carryback of a tax loss within a year may be technically possible because tax returns are completed cumulatively.

Groups of companies. The Ukrainian tax law does not provide for the grouping of different legal entities.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT)	
Standard rate	20
Supply and import of certain types of agricultural products	14
Import and supply of pharmaceuticals, and provision of certain types of cultural and temporary accommodation services (exemptions apply)	7
Services for domestic transportation of passengers and luggage by air until 2024	7
Exports of goods and certain services	0
Excise tax	Various
Customs duties	Various
Environmental tax	Various
Rent tax	Various
Property tax	Various

E. Miscellaneous matters

Foreign-exchange controls. The Ukrainian currency is the hryvnia (UAH). The official exchange rate of the hryvnia against the US dollar can be found at the National Bank of Ukraine (NBU) website (www.bank.gov.ua); the retail exchange rate may differ from the official exchange rate. Ukraine has rather strict currency control rules, but they are gradually being softened. A wide variety of controls are imposed with respect to the use, circulation and transfer of foreign currency within Ukraine and abroad. These controls, which affect almost all international business transactions, include the following:

- In general, transactions between Ukrainian residents and cash settlements within Ukraine may not be carried out in foreign currency.
- All statutory accounting and tax reporting must be in Ukrainian currency.
- Wages and salaries paid to Ukrainian citizens must be in Ukrainian currency.
- Legal basis or obligation to perform a transaction in foreign currency that is confirmed by appropriate documents is required for the purchase of foreign currency.
- The deadline for settlements on export and import transactions is 365 days, subject to exceptions.
- There are e-limits, which are annual cap amounts for the remittance of foreign currency outside Ukraine, including the placement of own funds in foreign bank accounts and foreign investment. The limits are EUR2 million for legal entities and EUR200,000 for individuals. There are exhaustive lists of transactions not falling under the limits.
- Declared (publicly announced) simplification of currency control over low-value transactions (up to UAH400,000) does not work because banks are required to verify that there is no artificial splitting of the transactions.
- Exporters' transactions using the letter of credit form of payment are subject to simplified currency control.
- Rules for transactions related to capital movement are complicated.

Special currency-control restrictions apply during the period of martial law in Ukraine (see Section G for more details).

Debt-to-equity ratios and other restrictions on the deductibility of interest. If a taxpayer's debt to nonresidents exceeds its equity by at least 3.5 times, interest accrued to nonresident parties by such taxpayer may be deductible in an amount of up to 30% of the sum of its CPT base, financial expenses and tax depreciation for the reporting year, and is nondeductible in full if this indicator is negative. Tax losses carried forward from prior periods are not taken into account for the calculation of the CPT base in this case.

The remaining interest, annually reduced by 5%, may be carried forward indefinitely, subject to the same limitation.

Special rules apply to capitalized interest. The limitation does not apply to interest accrued in favor of international financial organizations (subject to certain conditions), to foreign banks or to financial companies engaged exclusively in leasing activities.

If interest in transactions subject to transfer-pricing control (see *Transfer pricing*) exceeds the arm's-length level, the above rules apply to the amount of interest that does not exceed this level.

Transfer pricing. Transfer pricing (TP) rules have been effective in Ukraine since 2013. Ukrainian TP regulations are frequently changed.

Under the current TP rules, controlled transactions include the following:

- Transactions with nonresident related parties.

- Transactions with nonresidents registered in low-tax and non-transparent jurisdictions. The government approves the list of such jurisdictions.
- Commission sales of goods and services through nonresident commissioners.
- Transactions involving goods and services between related parties through unrelated intermediaries that do not undertake significant functions, do not use significant assets and do not assume significant risks.
- Transactions with nonresidents that do not pay corporate profit tax, or are exempt from this tax and/or are not tax residents of the country where they are registered as legal entities. The government approves the list of legal forms of such nonresidents of such countries.
- Transactions between a nonresident and its PE in Ukraine.
- Transfer of functions, together with assets, risks and benefits to a related party, if the transfer results in a decrease of a taxpayer's income and/or financial result, regardless of whether the transaction is recorded in accounting.

The abovementioned transactions are controlled if both of the following circumstances exist (for transactions between a nonresident and its PE only the second circumstance needs to exist):
- The annual income of the taxpayer exceeds UAH150 million (approximately USD3,942,264).
- The amount of such annual transactions with each entity determined in line with the arm's-length principle exceeds UAH10 million (approximately USD262,817).

The Tax Code provides for the following five methods for determining the arm's-length price for controlled transactions:
- Compared uncontrolled price (the preferred method)
- Resale price
- Cost-plus
- Transactional net margin
- Profit-split

Specific profit-level indicators are assigned to each TP method.

Special rules apply to exports or imports of quoted goods.

Taxpayers that perform controlled transactions must file a TP Report (report on controlled transactions) and a notification on participation in a multinational group of companies by 1 October of the year following the reporting year. TP documentation must be submitted within 30 calendar days after the date of receipt of the request. The statute of limitations for TP purposes is currently seven years.

Starting from the 2021 reporting year, three-tiered TP reporting applies to qualifying cases. This reporting consists of a Master File, TP documentation (a Local File) and a Country-by-Country Report (CBCR).

Controlled foreign companies. Controlled foreign company (CFC) rules have been introduced in Ukraine. The rules relate to residents of Ukraine (both individuals and legal entities) that control companies registered outside of Ukraine, including trusts and funds. The rules introduce mandatory reporting in Ukraine and

aim to tax profits of foreign companies at the level of Ukrainian controllers unless an exemption applies.

The CFC's profit should be included in the tax base of Ukrainian controllers regardless of whether such profit is paid to these controllers. This profit can be taxable at 18%, and for dividends received by CFCs (directly or indirectly) from Ukrainian companies that are CPT payers or non-CPT payers, the rates are 5% and 9%, respectively.

There are special rules for calculation of a CFC's taxable profit and the cases when the CFC's profit is not included into its controller's income. These rules depend on the effective profit tax rate, the portion of passive income in the CFC`s total income, adequate business substance at the CFC and a double tax treaty between Ukraine and the respective country. The total aggregate income of all CFCs of one controller from all sources not exceeding EUR2 million for the reporting period is exempt from taxation in Ukraine.

Controllers are required to report their control over shares in CFCs and the CFCs' taxable profit. The first reporting period is 2022. The Tax Code allows the submission of the first report in 2024 for the first two reporting periods (2022 and 2023).

Standard Audit File for Tax reporting. Large taxpayers may be asked to submit a Standard Audit File for Tax (SAF-T UA) during tax audits. This file follows a standardized template in an xml format. There is a bill to establish mandatory submission of SAF-T UA for all large taxpayers from 2025 and for all VAT payers from 2027.

Common Reporting Standard. The law to implement Common Standard on Reporting and Due Diligence for Financial Account Information (CRS) in Ukraine entered into force on 28 April 2023. Banks, insurance companies, investment companies and other companies that as of 30 June 2023 met the criteria of reporting financial institutions were required to register with the tax authorities by 31 December 2023. They are liable for due diligence and must submit reporting on qualifying accounts by 1 July for the previous calendar year.

Diia City Regime. A new preferential tax regime for the IT industry, known as the Diia City Regime, became operational in February 2022.

The Diia City Regime allows companies to choose one of the following:

- To keep paying 18% CPT under general rules
- To pay CPT under special rules, which are very similar to the rules of exit capital tax (ECT), at a 9% rate on specific transactions and at 18% rate on controlled transactions that are not at arm's length

In 2024, expenses of Diia City residents on purchases from single taxpayers for CPT purposes should not exceed 50% (20% starting in 2025) of their total expenses for the prior year according to the profit and loss statement, regardless of the applied CPT rules.

A taxable object for the ECT is an exhaustive list of transactions that involve monetary or in-kind payments in favor of persons who are not residents of Diia City. Such transactions include, among others, the following:

- Distribution of dividends
- Payment of royalties in excess of 4% of net operating income for the previous year
- Payment on withdrawal of the owner of corporate rights from the participants, liquidation and repurchase of own corporate rights, in excess of the amount of investment
- Payment of interest, commissions, other rewards
- Free-of-charge provision of property, works, services or their sale without receipt of payment within 365 days and provision of financial aid that is not subject to repayment within 12 calendar months
- Purchase of property, works, services on a prepayment basis if the delivery period exceeds 365 days from the date of payment
- Investments in objects located outside of Ukraine
- Contributions to the authorized capital, joint ventures or trust management
- Transfer of funds to own accounts in foreign banks
- Business transactions that are recognized as controlled according to Article 39 of the Tax Code if their conditions do not comply with the arm's-length principle
- Other qualifying transactions and payments, including those in favor of nonresidents

If payments for the transactions subject to ECT are made in-kind, the tax base is determined at a value not lower than the arm's-length level.

The basic tax reporting period for ECT filing is a calendar year.

Attractive personal income taxation rules apply under the Diia City Regime.

To join the Diia City Regime, a legal entity should be incorporated under the laws of Ukraine and meet the established eligibility criteria.

The Diia City Regime is supposed to be in place for 25 years.

F. Treaty withholding tax rates

Ukraine honors the double tax treaties of the former USSR, except for treaties that have been superseded by new treaties concluded directly by Ukraine or renounced by the other party to the treaty. Ukraine is not a member of the Organisation for Economic Co-operation and Development (OECD). As a result, the Ukrainian tax authorities are not formally bound by the commentary of the OECD model convention; however, Ukrainian tax authorities and Ukrainian courts often rely on OECD commentary. The OECD-Ukraine Country Program was launched in June 2023 as part of the initial dialogue on Ukraine's accession to the organization.

The rates in the table below reflect the treaty rates for dividends, interest and royalties paid from Ukraine to residents of treaty jurisdictions. Exceptions or conditions may apply, depending on the terms of the particular treaty.

Beneficial ownership and tax residency tests, as well as additional eligibility conditions, must be met to apply reduced withholding tax rates under the double tax treaties. The national law details the "beneficial owner" condition and provides for the "principal purpose test" and "look through" concept.

Ukraine has ratified the Multilateral Instrument (MLI) and deposited its final positions with the OECD. On 1 December 2019, the MLI entered into force for Ukraine. The impact of the MLI on the text of Ukrainian treaties (including the date of its entry into effect for a particular treaty) should be analyzed on a case-by-case basis.

	Dividends %	Interest %	Royalties %
Algeria	5/15 (d)	0/10 (e)	10
Armenia	5/15 (d)	0/10 (e)	0
Austria	5/15 (d)	0/5 (p)	5/10 (o)
Azerbaijan	10	0/10 (e)	10
Belgium	5/15 (d)	0/2/10 (h)(aa)	0/10 (k)(aa)
Brazil	10/15 (d)(ee)	0/15 (ff)	15
Bulgaria	5/15 (d)	0/10 (e)	10
Canada	5/15 (d)(pp)	0/10 (e)(nn)	0/10 (f)
China Mainland (bb)	5/10 (d)	0/10 (e)	10
Croatia	5/10 (d)	0/10 (e)	10
Cyprus	5/10 (xx)	0/5 (e)	5/10 (yy)
Czech Republic	5/15 (d)	0/5 (e)	10
Denmark	0/5/15 (d)(g)	0/10 (e)(oo)	5
Egypt	12	0/12 (e)	12
Estonia	5/15 (d)	0/10 (e)	10
Finland	0/5/15 (m)	0/5/10 (n)	0/5/10 (l)
France	0/5/15 (a)	0/2/10 (j)	0/10 (r)
Georgia	5/10 (d)	0/10 (e)	10
Germany	5/10 (d)	0/2/5 (h)	0/5 (k)
Greece	5/10 (d)	0/10 (e)	10
Hungary	5/15 (d)	0/10 (e)	5
Iceland	5/15 (d)	0/10 (jj)	10
India	10/15 (d)	0/10 (e)	10
Indonesia	10/15 (d)(qq)	0/10 (e)	10
Iran	10	0/10 (e)	10
Ireland	5/15 (d)	0/5/10 (aaa)	5/10 (yy)
Israel	5/10/15 (d)(z)	0/5/10 (dd)	10
Italy	5/15 (d)	0/10 (e)	7
Japan	15	0/10 (e)	0/10 (ww)
Jordan	10/15 (d)(ii)	0/10 (hh)(ii)	10 (ii)
Kazakhstan	5/15 (d)(pp)	0/10 (e)	10
Korea (South)	5/15 (d)	0/5 (e)	5
Kuwait	0/5 (cc)	0	10
Kyrgyzstan	5/15 (d)	0/10 (e)	10
Latvia	5/15 (d)	0/10 (e)	10
Lebanon	5/15 (d)	0/10 (e)	10
Libya	5/15 (d)	10	10
Lithuania	5/15 (d)	0/10 (e)	10
Luxembourg	5/15 (d)	0/5/10 (ccc)	5/10 (ddd)
Malaysia	5/15 (d)	0/10 (e)	8
Malta	5/15 (d)	0/10 (e)	10
Mexico	5/15 (d)	0/10 (zz)	10
Moldova	5/15 (d)	0/10 (e)	10

	Dividends %	Interest %	Royalties %
Mongolia	10	0/10 (rr)	10
Morocco	10 (ee)	0/10 (e)	10
Netherlands	0/5/15 (i)	0/5 (e)(rr)	5/10 (gg)
North Macedonia	5/15 (d)	0/10 (e)	10
Norway	5/15 (d)	0/10 (e)(kk)	5/10 (x)
Pakistan	10/15 (tt)	0/10 (uu)	10
Poland	5/15 (d)	0/10 (e)	10
Portugal	10/15 (q)	0/10 (e)(ll)	10
Qatar	0/5/10 (eee)	0/5/10 (fff)	5/10 (yy)
Romania	10/15 (d)	0/10 (e)	10/15 (s)
Saudi Arabia	5/15 (d)	10	10
Singapore	0/5/15 (ss)	0/10 (e)	7.5
Slovak Republic	10	10	10
Slovenia	5/15 (d)	5	5/10 (gg)
South Africa	5/15 (d)	0/10 (e)(ll)	10
Spain	15	0	0/5 (b)
Sweden	0/5/10 (d)(t)	0/10 (u)	0/10 (v)
Switzerland	0/5/15 (y)	0/5 (p)	5
Syria	10	0/10 (e)	15
Tajikistan	10	0/10 (e)	10
Thailand	10/15 (d)	0/10/15 (w)	15
Türkiye	10/15 (d)	0/10 (p)	10
Turkmenistan	10	0/10 (e)	10
United Arab Emirates	0/5/15 (y)	0/5 (e)	0/10 (k)
United Kingdom	0/5/15 (c)	0/5 (e)	5
United States	5/15 (d)	0	10
Uzbekistan	10	0/10 (e)	10
Vietnam	10	0/10 (e)	10
Yugoslavia (vv)	5/10 (d)	0/10 (e)	10
Non-treaty jurisdictions	15	0/5/15 (bbb)	15

(a) The 0% rate applies to dividends paid to one or more companies that are the beneficial owners of these dividends and if either of the following conditions is satisfied:
- The recipient company or companies hold directly or indirectly at least 50% of the capital of the company paying the dividends, and the total amount of their investments in the paying company is not less than 5 million French francs (the tax authorities have clarified that EUR762,245 equivalent shall apply).
- The investments of the recipient companies in the company paying the dividends are guaranteed or insured by the other state, the central bank of such state or a person acting on behalf of such state.

The 5% rate applies to dividends paid to companies that own at least 20% of the capital of a Ukrainian resident payer or 10% of the capital of a French resident payer. The 15% rate applies to other dividends.

(b) The 0% rate applies to royalties paid for the use of, or the right to use, copyrights for literary, dramatic, musical or artistic works (excluding royalties with respect to cinematographic films or any means of image or sound reproduction for use in radio or television). The higher rate applies to other royalties.

(c) The 0% rate applies if the beneficial owner of the dividends is a pension scheme. The 5% rate applies to dividends if the beneficial owner is a company that holds directly or indirectly at least 20% of the capital of the payer.

(d) The lower rate applies to dividends paid to companies that are the beneficial owners of such dividends and own a minimum percentage of the capital of the payer (under the treaties, this percentage ranges from 10% to 50%). The higher rate applies to other dividends. Additional conditions may apply.

(e) The 0% rate may apply to interest paid to or, in some cases, by government institutions or central banks of the contracting states. In some cases, the 0% rate also applies to the following:

- Interest paid to entities authorized by government institutions
- Interest on debt claims that are warranted, insured or directly or indirectly financed by the state or a financial institution wholly owned by the state

Specific institutions are named in some treaties. The higher rate applies to other interest (additional beneficial ownership requirements may apply).

(f) The 0% rate applies to payments for the use of, or the right to use, computer software. The 10% rate applies to other royalties.

(g) The 0% rate applies if the beneficial owner of the dividends is a pension fund of the other state.

(h) The 0% rate applies to interest paid to the state or an agency owned or controlled by the state and to interest paid to a resident of a contracting state with respect to a loan or other debt claim or credit granted, guaranteed or insured by public entities owned or controlled by the state (may be subject to additional conditions). The 2% rate applies to interest on loans from banks or financial institutions and to interest with respect to sales on credit of merchandise or services between enterprises or sales of industrial, commercial or scientific equipment. The higher rate applies to other interest.

(i) The 0% rate applies to dividends paid to companies (other than partnerships) whose investment in the capital of the payer is guaranteed or insured by government institutions, the central bank or an agency or instrumentality (including a financial institution) owned or controlled by the government and to dividends paid to pension funds. The 5% rate applies to dividends paid to companies (other than partnerships) owning at least 20% of the payer. The 15% rate applies to other dividends.

(j) The 0% rate applies to interest paid to the state or an agency owned or controlled by the state and to interest paid to a resident of a contracting state with respect to a loan or other debt claim or credit granted, guaranteed or insured by public entities owned or controlled by the state. The 2% rate applies to the following:

- Interest paid on loans granted by banks or other financial institutions of the other state
- Interest paid with respect to the sale on credit of industrial, commercial or scientific equipment, or with respect to the sale or furnishing on credit of goods or merchandise or services by an enterprise to another enterprise

The 10% rate applies to other interest.

(k) The 0% rate applies to payments for the use of, or the right to use, copyrights of scientific works, patents, trademarks, designs or models, plans, and secret formulas or processes, as well as to information concerning industrial, commercial or scientific experience. The higher rate applies to other royalties.

(l) The 0% rate applies to royalties paid for the use of, or the right to use, computer software, patents, designs or models, or plans. The 5% rate applies to royalties paid for the use of, or right to use, secret formulas or processes, as well as for information (know-how) concerning industrial, commercial or scientific experience. The 10% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works including cinematographic films, and films or tapes for television or radio broadcasting, or trademarks.

(m) The 0% rate applies to dividends paid by a company resident in Ukraine to a company that is resident in Finland and that is the beneficial owner of the dividends if either of the following circumstances exists:

- The Finnish Guarantee Board has issued an investment guarantee for dividends paid or for the capital invested on which the dividends are paid.
- The recipient of the dividends has made an investment of at least USD1 million in the capital of the payer and holds at least 50% of the equity capital of the company paying the dividends.

The 0% rate is allowed with respect to dividends paid for any tax year within the period for which the abovementioned guarantee is in force or, if no such guarantee is made, with respect to dividends paid for the first three years following the year in which the investment is made. The 5% rate applies to dividends paid to companies owning at least 20% of the capital of the payer. The 15% rate applies to other dividends.

(n) The 0% rate applies if the interest is paid to the State of Finland, or a local authority or a statutory body thereof, the Bank of Finland, the Finnish Fund for Industrial Co-operation Ltd (FINNFUND) or the Finnish Export Credit Ltd or any similar institution. The 0% rate also applies to interest paid to a resident of Finland on a loan guaranteed by any of the bodies mentioned in the preceding sentence or by the Finnish Guarantee Board and paid to a resident of Finland. The 5% rate applies to interest related to commercial credit (except when the sale or indebtedness is between related persons). The 10% rate applies to other interest.

(o) A 5% rate applies to royalties paid for the use of, or right to use, scientific works, patents, trademarks, designs or models, plans, secret formulas or processes, or for information concerning industrial, commercial or scientific experience. A 10% rate applies to royalties paid for the use of, or the right to use, copyrights of literary or artistic works, including cinematographic films, and tapes for television or radio broadcasting.

(p) The 0% rate applies to the following types of interest:
- Interest paid to a beneficial owner that is the state, a political subdivision or local authority or the central bank
- Interest paid by the state in which the interest arises or by a political subdivision or local authority
- Interest paid with respect to a loan, debt claim or credit that is owed to, made, provided, guaranteed or insured by the state or a political subdivision or local authority (or by an export financing agency)

The higher rate applies to other interest.

(q) The 10% rate applies to dividends paid to the beneficial owner if, for an uninterrupted period of two years before the payment of the dividend, the beneficial owner owned directly at least 25% of the capital stock of the company paying the dividends. The higher rate applies to other dividends.

(r) The 0% rate applies to payments for the use of, or the right to use, software, patents, trademarks, designs or models, plans, or secret formulas or processes, or for information concerning industrial, commercial or scientific experience. The 10% rate applies to other royalties.

(s) The 10% rate applies to royalties paid for the use of, or the right to use, patents, trademarks, designs or models, secret formulas or processes, as well as for information concerning industrial, commercial or scientific experience. The 15% rate applies to other royalties.

(t) The 0% rate applies if the beneficial owner of the dividends is a company (other than a partnership) that holds directly at least 25% of the voting power of the payer of the dividends and if at least 50% of the voting power of the company that is the beneficial owner of the dividends is held by residents of the beneficial owner's contracting state.

(u) The 0% rate applies to the following:
- Interest paid on loans provided, guaranteed or insured by a government of a state where the beneficial owner of the interest is located, or interest on loans made, guaranteed or insured on behalf of such government by an authority thereof that is so entrusted
- Interest with respect to indebtedness arising on sales on credit by enterprises of merchandise or industrial, commercial or scientific equipment to an enterprise of another contracting state, unless the sale or indebtedness is between related persons

The 10% rate applies to other interest payments.

(v) The 0% rate applies to royalties paid for patents concerning industrial and manufacturing know-how or processes, agriculture, pharmaceuticals, computers, software, building constructions, secret formulas or processes, as well as for information concerning industrial, commercial or scientific experience. The 10% rate applies to other royalties.

(w) The 0% rate applies to interest derived by the government, a political subdivision or a local authority, central bank of a contracting state or other financial institution established and owned by the government to promote trade and investment, as well as to interest paid to residents of a contracting state with respect to debt-claims guaranteed or insured by the government, a local authority thereof, the central bank or other financial institution established and owned by the government to promote trade and investment. The 10% rate applies to interest paid on loans granted by banks or other financial institutions, including investment banks, savings banks and insurance companies. The 15% rate applies to other interest payments.

(x) The 5% rate applies to royalties paid for the use of, or the right to use, patents, plans, secret formulas or processes, as well as for information (know-how) concerning industrial, commercial or scientific experience. The 10% rate applies to other royalties.

(y) The 0% rate applies to dividends paid to the government, a political subdivision or local authority, central bank or other state financial institution. The 5% rate applies to dividends paid to companies owning at least 10% of the capital of the payer. The 15% rate applies to other dividends.

(z) Notwithstanding the provisions allowing the 5% reduced rate (see footnote [d]), the 10% rate applies if the beneficial owner of the dividends is a company that holds directly at least 10% of the capital of the company paying the dividends and if the dividend payer is a resident of Israel and the dividends are paid out of profits that are subject to tax in Israel at a rate that is lower than the normal rate of Israeli company tax.

(aa) A discrepancy exists between the Ukrainian and English texts of the Belgium treaty with respect to the withholding tax rates for interest and royalties. In the Ukrainian version, the highest treaty rate is 5%, while in the English version, it is 10%. The English version prevails in accordance with Paragraph (e) of the protocol to the treaty.

(bb) The treaty does not apply to the Hong Kong Special Administrative Region (SAR).

(cc) The 0% rate applies to dividends paid to the government, a political subdivision or local authority, the central bank or other state financial institution. The 5% rate applies to all other dividends.

(dd) The 0% rate applies to interest paid on loans granted by the government of a contracting state, including its political subdivisions and local authorities, the central bank or financial instrumentalities of that government. The 5% rate applies to interest paid on loans granted by banks. The 10% rate applies to all other interest payments.

(ee) If a resident of a contracting state has a PE in the other state, such PE may be subject to a withholding tax under the law of that other state. However, this tax may not exceed 10% of the amount of the profits of that PE after payment of the corporate tax on the profits.

(ff) Interest arising in a contracting state and paid to the government of the other contracting state, political subdivisions thereof or agencies (including financial institutions) wholly owned by that government or a political subdivision is exempt from tax in the state where the income arises, unless the rule mentioned in the following sentence applies. Interest on securities, bonds or debentures issued by the government of a contracting state, political subdivisions thereof or agencies (including financial institutions) wholly owned by that government or political subdivision thereof is taxable only in that state.

(gg) The 5% rate applies to royalties paid for the use of, or right to use, scientific works, patents, trademarks, designs or models, plans, secret formulas or processes, or, in some cases, industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience. The 10% rate applies to royalties paid for the use of, or the right to use, copyrights of literary or artistic works, including cinematographic films, and tapes for television or radio broadcasting.

(hh) Interest derived by the government of the contracting state including local authorities thereof, a political subdivision, the central bank or any financial institution controlled by such government, the capital of which is wholly owned by the government of the contracting state, is exempt from tax.

(ii) The treaty rates do not apply to residents of a contracting state who perform their activity outside of this state if the income and profits of such persons are exempt from tax or are taxed at a substantially lower rate in such state.

(jj) The 0% rate applies if interest is received and actually held by the government or a political subdivision. Interest paid to and held by a resident of one contracting state is exempt from tax in the other contracting state if it is paid with respect to a loan made, guaranteed or insured or with respect to any other debt claim or credit, if the loan, debt claim or credit is guaranteed or insured on behalf of the first-mentioned state or by an authorized organ.

(kk) The 0% rate also applies if the interest is paid by a purchaser to a seller with respect to commercial credit resulting from deferred payments for goods, merchandise, equipment or services, unless the sale or indebtedness is between associated persons.

(ll) The 0% rate also applies to interest paid to an institution (including a financial institution) with respect to a loan made under an agreement between the governments of the contracting states.

(mm) The reduced rates apply if the beneficial owner of the dividends is subject to tax with respect to such dividends.

(nn) The 0% rate also applies to interest arising in a contracting state and paid to a resident of the other contracting state that was established and operated exclusively to administer or provide benefits under one or more pension, retirement or other employee benefits plans if the following conditions are satisfied:

- The recipient is the beneficial owner of the interest and is generally exempt from tax in the other state.
- The interest is not derived from the carrying on of a trade or a business or from a related person.

(oo) The 0% rate also applies to interest paid with respect to indebtedness incurred in connection with the sale on credit of industrial, commercial or scientific equipment by an enterprise that is resident of one contracting

state to an enterprise resident in the other contracting state, unless the sale or indebtedness is between associated enterprises.

(pp) Tax imposed on the earnings of a company attributable to a PE in a contracting state in addition to the tax that would be chargeable on the earnings of a company that is a national of that state may not exceed 5% of the amount of such earnings.

(qq) If a resident of a contracting state has a PE in the other state, such PE may be subject to a withholding tax under the law of that other state. However, this tax may not exceed 10% of the amount of the profits of that PE after payment of the corporate tax on the profits. This measure does not affect provisions contained in production-sharing contracts and contracts of work (or any other similar contracts) relating to the oil and gas sector or other mining sector entered into by the government of Indonesia, its instrumentalities, its relevant state oil and gas company or any other entities of the government of Indonesia, with a person that is a resident of the other contracting state.

(rr) The 0% rate applies to the interest paid with respect to bonds, debentures or similar obligations of the government, political subdivisions, local authorities or the central bank.

(ss) The 0% rate applies to dividends if the beneficial owner of the dividends is the government, the central bank, or other government institutions or statutory bodies. The 5% rate applies to dividends if the beneficial owner is a company (other than a partnership) that holds directly at least 20% of the capital of the payer. The 15% rate applies to other dividends.

(tt) The 10% rate applies to dividends paid to the beneficial owner of the dividends if the beneficial owner owns directly at least 25% of the capital stock of the company paying the dividends. The 15% rate applies to other dividends.

(uu) The 0% rate applies to interest received and belonging to the government, political subdivisions, local authorities or the central bank.

(vv) The double tax treaty with Yugoslavia applies to Serbia and Montenegro.

(ww) The 0% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films and films or tapes for radio or television broadcasting. The 10% rate applies to the royalties for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, or industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience.

(xx) The 5% rate applies to dividends paid to the beneficial owner of the dividends if such owner holds at least 20% of the capital of the company paying the dividends and has invested in the acquisition of the shares or other rights of the company the equivalent of at least EUR100,000. The 10% rate applies in all other cases.

(yy) The 5% rate applies to royalties with respect to copyrights of scientific works, patents, trademarks, secret formulas, processes or information concerning industrial, commercial or scientific experience. The 10% rate applies in other cases.

(zz) The 0% rate applies to the following types of interest:
- Interest paid to or by the state, political subdivision or central bank
- Interest arising and paid with respect to a loan granted for a term over three years that is guaranteed or insured or to a credit granted for a term over three years that is guaranteed or insured by the authorized state institutions

The 10% rate applies in other cases. The procedure for application of these restrictions will be set by the competent authorities of Mexico and Ukraine.

(aaa) The 0% rate applies to interest if any of the following circumstances exist:
- The beneficial owner of the interest is the government or an agency authorized by the government.
- The interest is paid with respect to loans made, guaranteed or issued by or on behalf of the government or an agency authorized by the government.
- The interest is paid with respect to debt claims that are warranted, insured, or directly or indirectly financed by the government or an agency authorized by the government.

The 5% rate applies to interest paid in connection with the sale on credit of industrial, commercial or scientific equipment, or in connection with loans granted by banks. The 10% rate applies in all other cases if the recipient of the interest is resident in either treaty state and is the beneficial owner of the interest.

(bbb) See footnotes (b) and (c) in Section A.

(ccc) The 0% rate applies to interest paid with respect to a loan made, guaranteed or insured, or with respect to any other debt claim or credit guaranteed or

insured, on behalf of the state by its authorized body. The 5% rate applies to interest paid on loans granted by banks and other financial institutions (including investment banks and savings banks). The 10% rate applies to all other interest payments.

(ddd) The 5% rate applies to royalties paid for the use of, or the right to use, patents, trademarks, designs or models, plans, secret formulas or processes, as well as for information (know-how) concerning industrial, commercial or scientific experience. The 10% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works including cinematographic films, and films or tapes for television or radio broadcasting.

(eee) The 0% rate applies to dividends paid to the government, a political subdivision or local authority, the central bank or other state financial institution. The 5% rate applies to dividends if the beneficial owner is a company (other than a partnership) that holds directly at least 10% of the capital of the payer. The 10% rate applies to other dividends.

(fff) The 0% rate applies to interest paid to the government, a political subdivision, local authority, a statutory body or the central bank. The 5% rate applies if the interest is paid in connection with the sale on credit of industrial, commercial or scientific equipment or on any loan of whatever kind granted by a bank. The 10% rate applies to other interest.

Ukraine has signed new double tax treaties with Japan and Spain, which are pending ratification.

Ukraine has ratified a double tax treaty with Cuba, but this instrument is not yet effective.

The Minister of Finance has been authorized to sign a tax treaty with Oman and a tax treaty with Sri Lanka.

Ukraine is negotiating double tax treaties with Kenya and New Zealand and an amendment to its double tax treaty with Belgium.

Effective from 1 January 2022, the agreement between the government of Ukraine and the government of the Russian Federation on avoidance of double taxation of income and property and prevention of tax evasion is terminated.

Ukraine terminated its tax treaty with Belarus, and the Belarus-Ukraine Income and Capital Tax Treaty ceased to apply on 20 December 2022, following the notification of Belarus.

Ukraine terminated its tax treaties with Iran and Syria following the notifications of the counterparties. The termination of both treaties will take effect from 1 January 2025.

G. Special rules for the period of martial law in Ukraine

Martial law was introduced in Ukraine on 24 February 2022 by the Decree of the President of Ukraine No. 64/2022 "On Martial Law in Ukraine" and remains in place in 2024. A package of laws amending Ukrainian tax regulations for the period of martial law has been enacted, and more changes continued to be adopted. This package established special tax rules effective during the period of martial law and included, among others, the changes described below. The martial law regime (as amended from time to time) also extends to other matters referred to herein, including special foreign-exchange restrictions.

Special CPT rules. Key CPT changes included the following:

- Starting 1 April 2022, a special 2% single tax rate based on income was made available for Ukrainian companies (instead of 18% CPT and 20% VAT). Taxable income was to be calculated on a cash basis, considering special rules. If the legal

entity was a VAT payer, during the application of the single tax regime, its registration as a VAT payer was suspended. As a result, such legal entity was exempt from the obligation to charge and pay VAT on supplies of goods and services, except for the importation of goods into Ukraine, and had no right to credit input VAT. After return to the general tax rules, VAT registration renewed and legal entities needed to self-charge notional VAT liabilities on goods, services and non-current assets that were purchased with VAT before the transition to the single tax regime but were used or sold without VAT during the use of the simplified taxation regime. Legal entities involved in certain types of activities (that is, banks, financial institutions, companies operating in extracting industry, gambling and lottery companies) cannot use the special 2% single tax regime.

- Donations for the needs of state defense or humanitarian aid to the Armed Forces of Ukraine and other qualifying establishments and health care facilities set out by the law are allowed for CPT deduction in full.

In addition, several tax relief rules referring to tax administration and compliance were introduced.

Starting 1 August 2023, most of the tax incentives introduced for the period of martial law, including the possibility to apply a special 2% single tax rate based on income, are canceled and pre-war tax obligations are resumed.

The moratorium on tax audits has been gradually lifted during martial law and starting 1 December 2023, scheduled documentary tax audits of companies that fall under established criteria of "risky enterprises" are allowed as well as all types of unscheduled tax audits (except tax audits in the territories where hostilities are taking place and the temporarily occupied territories).

Tax rules for the period of martial law may be further amended or supplemented. Monitoring legislative developments is strongly recommended.

Special foreign-exchange restrictions. Despite the continuation of martial law on the territory of Ukraine, the NBU consistently takes steps to mitigate restrictions imposed due to introduction of the martial law. These mitigations include the following:

- Banks have been allowed to sell non-cash foreign currency to individuals within the established monthly limit.
- All restrictions on banks and non-bank financial institutions on the amount of foreign currency that they can sell in cash to individuals have been abolished.
- Cross-border payments to creditors have been permitted for eligible loans (including loans provided with the involvement [granted or guaranteed] of international financial institutions, a foreign import-export agency or a foreign state through an authorized entity).
- The NBU, which has been maintaining the official hryvnia exchange rate at UAH36.5686 for USD1 since the end of July 2022, has switched to a managed exchange rate flexibility regime starting 3 October 2023.

The NBU strives to maintain a balance between stimulating the economy and avoiding negative consequences; as a result, some

restrictions are still in place. These restrictions include the following:

- Cross-border transactions are substantially limited.
- Payments in foreign currency by residents for the purchase of services are suspended except for certain specifically permitted transactions as per the approved list.
- The statutory deadline for cross-border settlements is reduced to 180 days for transactions made starting 5 April 2022 (exceptions apply).
- Settlements in Russian rubles and Belarusian rubles, as well as settlements of Russian and Belarusian residents, are prohibited.
- Restrictions on cash withdrawals by individuals are introduced (tougher restrictions for withdrawals abroad and lighter restrictions for withdrawals on the territory of Ukraine).
- The set-off of claims in export and import transactions is generally prohibited (exceptions apply).
- The purchase of foreign currency is prohibited if there is still foreign currency available in bank accounts.

Currency-control rules for the period of martial law may be further amended or supplemented. Monitoring legislative developments is strongly recommended.

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A. At a glance

Corporate Tax Rate (%)	9 (a)
Capital Gains Tax Rate (%)	9 (b)
Withholding Tax (%)	0
Net Operating Losses (Years)	Indefinite (c)

(a) No taxes were imposed by the federal government of the United Arab Emirates (UAE) for financial years beginning prior to 1 June 2023. The UAE Corporate Tax Law will be effective for accounting periods beginning on or after 1 June 2023. The UAE corporate tax standard rate is 9%. A rate of 0% will apply to taxable income not exceeding AED375,000 as well as to a Qualifying Free Zone Person (QFZP) with respect to their Qualifying Income. See Section B for further information. In October 2023, the UAE Federal Decree-Law No. 60 was issued. This decree has amended some provisions in the UAE Corporate Tax Law to introduce Pillar 2 provisions and the related top up tax of 15% that would be applicable to multinational enterprises (MNEs). A public consultation on Pillar Two was issued by the Ministry of Finance in March 2024 indicating that the UAE is thoroughly evaluating the implications and frameworks of these rules before implementation.

(b) For details concerning capital gains taxation, see Section B.

(c) The UAE Corporate Tax Law will allow businesses to offset losses incurred in one period against the taxable income of future periods, up to a maximum of 75% of the taxable income in each of those future periods (provided such losses are incurred after the effective date of corporate tax and some other criteria are met).

B. Taxes on corporate income and gains

Corporate tax implications for financial years prior to 1 June 2023. Although no federal taxation existed in the UAE for financial years beginning prior to 1 June 2023, each of the individual Emirates (Abu Dhabi, Ajman, Dubai, Fujairah, Ras Al Khaimah, Sharjah and Umm Al Quwain) have issued corporate tax decrees that theoretically apply to all businesses established in the UAE. However, in practice, these laws have not been applied. For the financial years beginning before 1 June 2023, taxes were imposed at the Emirate level only on oil- and gas-producing companies in accordance with specific government concession agreements, and on branches of foreign banks under specific tax decrees or regulations or in accordance with agreements with the Rulers of the Emirates in which the branches operate.

The preceding paragraph describes how the practice has evolved in the UAE at the level of the individual Emirates. Recently the Ruler of Dubai issued Law No. (1) of 2024 on taxation of foreign banks operating in Dubai. which includes new provisions to consider in the application of the federal Corporate Tax Law to foreign banks.

Several Emirates have free zones that offer tax and business incentives aimed at making the UAE a global financial and commercial center. The incentives usually include tax exemptions or a 0% tax rate for a guaranteed period (further information on Qualifying Free Zone Persons (QFZPs) is provided in the *Qualifying Free Zone Persons* section), the possibility of 100% foreign ownership, absence of customs duty within the free zone and a "one-stop shop" for administrative services. The free zones include, but are not limited to, the Dubai Airport Free Zone (DAFZ), Dubai International Financial Centre (DIFC; typically for financial services), Dubai Internet City (DIC), Dubai Media City (DMC), Dubai Multi Commodities Centre (DMCC), Dubai South (DS), Jebel Ali Free Zone (JAFZ), and the Abu Dhabi Global Market (ADGM; typically for financial services).

Corporate tax implications for financial years beginning on or after 1 June 2023. Near the end of 2022, the UAE Ministry of Finance (MoF) published the UAE Corporate Tax Law effective for accounting periods beginning on or after 1 June 2023. The primary UAE Corporate Tax Law has been supplemented with secondary legislation through a series of Cabinet Decisions, Ministerial Decisions and Federal Tax Authority (FTA) Decisions issued by the UAE Cabinet of Ministers and other topic-focused guides relating to various articles in the UAE Corporate Tax Law issued by the FTA.

Details regarding the new corporate tax rules are provided below.

Corporate tax. Under the UAE Corporate Tax Law, a taxable person shall be either a resident or a nonresident person. The definition of a resident person covers the following:

- A juridical person incorporated or otherwise established or recognized in the UAE (including a Free Zone Person; the definition of a Free Zone Person includes branches of resident and nonresident persons that are registered in a UAE free zone)

- A juridical person incorporated or otherwise established or recognized outside of the UAE that is effectively managed and controlled in the UAE
- A natural person that conducts a business activity in the UAE
- Any other person as may be determined in a Cabinet Decision

Resident taxable persons are subject to corporate income tax on their worldwide income.

A nonresident person may be subject to corporate tax if the person has a permanent establishment in the UAE, derives UAE-source income or has a nexus in the UAE. A nonresident person has a nexus in the UAE if they earn income from any immovable property in the UAE (see *Taxation of nonresidents*).

Corporate tax rates. The headline corporate tax rate is set at 9%. A rate of 0% applies to taxable income not exceeding AED375,000. A rate of 0% also applies to Qualifying Free Zone Persons with respect to their Qualifying Income.

Exempt persons. The following persons are considered as exempt persons for UAE Corporate Tax Law purposes (and as such not subject to corporate tax, albeit specific filings and elections may be required):

- Government entities
- Government-controlled entities
- Qualifying public benefit entities (based on a specific list of qualifying public benefit entities published by the MoF)
- Qualifying investment funds (investment funds that meet certain criteria)
- Persons engaged in extractive businesses (exploring, extracting, removing or otherwise producing and exploiting the natural resources in the UAE)
- Persons engaged in a non-extractive natural resource businesses (separating, treating, refining, processing, storing, transporting, marketing or distributing the natural resources in the UAE)
- Public and private pension or social security funds
- A UAE juridical person that is wholly owned and controlled by certain exempt persons under certain conditions
- Any other person as may be confirmed by the Minister of Finance

Qualifying Free Zone Persons. A QFZP is a Free Zone Person (FZP) who meets the following criteria:

- Maintains adequate substance in the UAE. A QFZP undertakes its core income-generating activity in a free zone as well as having adequate assets, number of qualified full-time employees and incurring an adequate number of operating expenditures in relation to each activity.
- Derives qualifying income. Qualifying income is defined in a Cabinet Decision as the following:
  - — Income derived from transactions with FZPs (except for income derived from Excluded Activities (according to a specific list published by the Ministry of Finance)
  - — Income derived from transactions with non-FZPs with respect to Qualifying Activities that are not Excluded Activities (according to a specific list published by the MoF)

  - — Income derived from the ownership or exploitation of Qualifying Intellectual Property (as defined in the Cabinet Decision)
  - — Any other income provided that the QFZP satisfies de minimis requirements (see *Qualifying Free Zone Persons* for more details)
- Has not elected to be subject to UAE corporate tax.
- Satisfies transfer-pricing requirements (see *Transfer pricing* in Section D).
- Meets any other conditions as communicated by the Minister.
- Prepares audited financial statements.
- Its non-qualifying revenue does not exceed the de minimis threshold (subject to specific rules and conditions).

De minimis requirements are assessed on the basis of the following thresholds (whichever is lower, and based on a specific formula providing for adjustments to be considered on revenues considered for the purposes of this calculation):
- Non-qualifying revenue should not exceed 5% of the total revenue.
- Non-qualifying revenue should not exceed AED5 million.

Qualifying income includes income realized from the following qualifying activities:
- Manufacturing of goods or materials
- Processing of goods or materials
- Trading of qualifying commodities
- Holding of shares and other securities for investment purposes
- Ownership, management and operation of ships
- Reinsurance services
- Fund management services
- Wealth and investment management services
- Headquarter services to related parties
- Treasury and financing services to related parties
- Financing and leasing of aircraft
- Distribution of goods or materials in or from a designated zone
- Logistics services
- Any activities that are ancillary to the activities listed in the above bullets

QFZPs can elect to forgo this preferential regime and be subject to the standard corporate tax rate of 9% (if so, they would not be considered as QFZPs). QFZPs that elect to forego the QFZP regime or fail to meet the relevant conditions will cease to be QFZPs for a total of five tax periods.

Taxation of nonresidents. Nonresidents are expected to be subject to UAE corporate tax on the taxable income attributable to their permanent establishment in the UAE, UAE-sourced income not attributable to a UAE permanent establishment of the nonresident or taxable income attributable to the nexus of the nonresident in the UAE (a nonresident person is regarded as having a nexus to the UAE if it derives income from an immovable property in the UAE).

In general, UAE-sourced income is the following:
- Derived from a UAE resident person
- Connected or attributable to a UAE permanent establishment of the nonresident person

- Accrued in or derived from activities performed, assets located, capital invested, and rights used or services performed or benefited from in the UAE

The UAE Corporate Tax Law also provides a more exhaustive list of income that should be regarded as UAE-sourced for corporate tax purposes (subject to additional conditions and limitations that may be determined from time to time by the MoF).

Permanent establishment. According to the UAE Corporate Tax Law, a nonresident person should be regarded as having a permanent establishment in the UAE in any of the following instances:

- The person has a fixed or permanent place in UAE through which the business is conducted (that is, a branch, an office, a factory)
- The person has and habitually exercises an authority to conduct a business in the UAE on behalf of the nonresident person
- The person has any other form of nexus in the UAE

Income allocated to a UAE permanent establishment of the nonresident is subject to UAE corporate tax under ordinary rules (that is, income allocated to the permanent establishment is expected to be considered as ordinary taxable income, subject to the headline rate of 9%, unless specific exemptions apply).

The allocation of income and expenses to the permanent establishment should be made in compliance with the arm's-length principle (as outlined in the transfer pricing rules embedded in the UAE Corporate Tax Law; see *Transfer pricing* in Section D), as if the permanent establishment was a person separate from its foreign head office.

Small-business relief. A business that has a revenue of AED3 million or below can elect to be subject to small-business relief, that is, to be not taxable, subject to meeting conditions prescribed under the relevant Ministerial Decision.

Capital gains. Capital gains are subject to corporate tax at the statutory rate of 9% unless specific exemptions or relief apply. Capital gains realized upon disposal of a qualifying shareholdings may be exempt from corporate tax if the conditions set forth for participation exemption (as discussed in *Dividends*) are met.

Additional relief (Business Restructuring Relief) from corporate tax applicability (in the form of tax deferral and rollover of capital gains taxation) may apply in case of the transfer of assets within a qualifying group (subject to specific conditions).

In certain instances, the UAE Corporate Tax Law allows for the election of taxation of unrealized gains (if and to the extent recognized for financial reporting purposes) on a realization (rather than accrual) basis, subject to conditions.

Administration. All taxpayers (except certain categories of exempted persons) are required to register and obtain a Tax Registration Number. The deadlines for corporate tax registration are stipulated in FTA Decision No. 3 of 2024 which defines separate time frames for registering for corporate tax for resident and nonresident juridical persons and natural persons.

UAE taxpayers, including QFZPs, are required to file a tax return and pay any tax due no later than nine months after the end of the financial year. Additionally, UAE taxpayers may be requested to submit financial statements to the FTA.

A QFZP, as well as taxable persons deriving revenues exceeding AED50 million, are required to prepare and maintain audited financial statements.

Dividends. Dividend income is, in general, subject to corporate tax at a 9% rate unless a specific exemption applies. Dividend income realized by a QFZP may be subject to 0% corporate tax rate if it is regarded as qualifying income.

Domestic dividend exemption. Dividend income and other profits distributions received from a juridical person (that is a UAE tax resident) are considered as exempt income for UAE corporate tax purposes.

Participation exemption. Other dividend income and profit distributions, as well as any other income derived from a qualified shareholding (such as capital gains on the sale of shares) may be exempt from UAE corporate tax if the following conditions are met:

- The taxable person has ownership of at least 5% in the shares or capital of the concerned participation (which entitle the person to not less than 5% of the profits and not less than 5% of any liquidation proceeds). This requirement is also considered to be met if the aggregated acquisition costs of the participation concerned is equal to or exceeds AED4 million.
- The taxable person has held the participation concerned, or has the intention to hold such participation, for an uninterrupted period of at least 12 months.
- The juridical person (in which the UAE taxable person holds a participating interest) is subject to corporate tax, or any other tax of a similar character, in its own jurisdiction at a rate of at least 9%.
- Not more than 50% of the direct and indirect assets of the participation concerned consist of ownership interests or entitlements that would not have qualified for the participation exemption if held directly by a taxable person.
- Other conditions prescribed by a specific Ministerial Decision (ownership interest should be classified as equity interest and ownership interest includes ordinary shares, preferred shares and redeemable shares, among others) are met.

Foreign tax credit. UAE tax residents should be subject to the UAE corporate tax on their worldwide income, which includes foreign-sourced income that may be also subject to tax in another jurisdiction. Any corporate tax paid abroad on income that is also subject to UAE corporate tax (including withholding tax paid abroad) may be allowed as a tax credit against the UAE corporate tax liability as a foreign tax credit. The foreign tax credit that will be utilized in the relevant tax period cannot exceed the amount of UAE corporate tax due in relation to the income considered (that is, taxable income that was subject to tax outside the UAE and for which foreign tax credit is claimed). Guidance to calculate such foreign tax credit has been provided in the relevant topic-specific guide issued by the FTA. Any unutilized foreign tax credit cannot be carried forward or carried back.

A UAE taxable person will need to make sure that they maintain all necessary records for the purposes of claiming the foreign tax credit.

C. Determination of taxable income

General. Taxable income should be determined separately for each taxable person on the basis of standalone financial statements prepared in accordance with accounting standards accepted in the UAE, adjusted for certain items. Such adjustments include the following:

- Exempt income
- Unrealized gain or loss (taxable person may elect to take into account gains and losses on a realization basis)
- Relief relating to transfers within a Qualifying Group or Business Structuring
- Disallowed deductions, including net interest expenditure in excess of the higher of AED12 million or 30% of the adjusted earnings before interest, taxes, depreciation, and amortization (EBITDA) and categories of disallowable expenditure, such as fines and penalties
- Transactions with related parties and connected persons (see *Connected persons* in Section E)
- Tax loss relief
- Special relief for a Qualifying Business Activity
- Any other income or expenditure that may be specified under a Cabinet Decision
- Any other adjustments as may be specified by the Minister of Finance, including transitional rules which have been introduced to support a fair and smooth transition into the new tax law

The calculation of taxable income normally follows accounting rules; however, the UAE corporate tax regime disallows or restricts the deduction of certain specific expenses.

Businesses must maintain all records and documents for seven years following the end of the tax period.

Groups of companies. A UAE resident group of companies may make an application to form a tax group and be treated as a single taxable person if all the following criteria are met:

- The parent entity and all subsidiaries are juridical persons.
- The parent company holds at least 95% of the share capital, voting rights and entitlement to profits and net assets of its subsidiaries (directly or indirectly).
- Neither the parent nor the subsidiaries can be a QFPZ or an exempted person.
- The parent and subsidiaries should have the same fiscal year and apply the same financial standards.

Once formed, the tax group is treated as a single taxable person, with the parent company responsible for the administration of compliance process on behalf of the tax group.

The parent company of the tax group needs to aggregate the financial results, assets and liabilities of each subsidiary for the purposes of calculating taxable income.

To the extent that a tax group is not formed, tax losses can be transferred from one taxable person to another on fulfillment of

certain conditions. One of the conditions is that both entities should have at least 75% direct or indirect ownership.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value added tax (VAT); the scope of VAT includes supplies of all goods and services made in the UAE as well as imports, with certain supplies being zero-rated or exempt	
Standard rate	5
Customs duties; customs duties of the Gulf Cooperation Council (GCC) countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE) are unified; the UAE applies the unified tariff in accordance with the Harmonized System (HS) codes, issued by the World Customs Organization (WCO); under the unified customs tariff; for most products, customs duties are calculated by applying percentage rates	
General rates	Free duty/ 5/20/100/125

E. Miscellaneous matters

Foreign exchange controls. Neither the federal government of the UAE nor the individual Emirates impose foreign-exchange controls.

Economic substance. The UAE has introduced economic substance regulations for businesses (companies and branches) registered in the UAE. These regulations apply for periods commencing on or after 1 January 2019. Businesses engaged in the following activities are likely covered by these regulations and subject to compliance requirements:

- Banking
- Insurance
- Investment fund management
- Financing and leasing
- Shipping business
- Distribution and service center
- Headquarters company
- Holding company
- Intellectual property business

Businesses falling within the scope of the regulations are required to self-assess through an annual notification and report on their economic substance in the UAE by way of being directed and managed in the UAE; undertaking core income-generating activities in the UAE; and maintaining adequate employees, physical assets and expenses in the UAE.

Reduced economic substance requirements apply to holding companies. Exemptions from the economic substance requirements may apply to investment funds, businesses operating entirely in the UAE as defined in the economic substance

regulations, companies resident outside the UAE for tax purposes and branches of foreign entities that are taxed outside the UAE.

Country-by-Country Reports. The UAE has also introduced Country-by-Country Report filing requirements for businesses headquartered in the UAE, applicable for periods on or after 1 January 2019.

General anti-abuse and transitional rules. The UAE Corporate Tax Law includes general anti-abuse rules intended to disregard transactions or arrangements undertaken with the main purpose of obtaining a corporate tax advantage. These rules apply from the date the UAE Corporate Tax Law was published in the *Official Gazette* (10 October 2022). As part of its transitional rules, the UAE Corporate Tax Law also indicates that the opening balance sheet for corporate tax purposes will be the closing accounting balance sheet for the financial year immediately before the first tax year. Related party and connected person transactions undertaken during the period covered by the transitional rule are expected to comply with the arm's-length principle.

Further transitional rules have been introduced through a Ministerial Decision and these rules apply to benefit the taxpayers by not requiring the payment of tax on certain pre-corporate tax period gains on the future sale of an identified category of qualifying assets.

Transfer pricing. The UAE Corporate Tax Law also introduced transfer pricing rules. Under the UAE Corporate Tax Law, transactions or arrangement with a related party or connected person should be priced following the arm's-length principle (that is, the outcome of such transaction should be consistent with the outcome that would have been realized if the parties to the same transaction were not related or otherwise connected). In this regard, the five transfer-pricing methods in the Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines are recognized; other transfer-pricing methods may be applied if one of the five transfer-pricing methods in the OECD Transfer Pricing Guidelines cannot be applied, and the application of the other transfer-pricing method is consistent with the arm's-length principle. In cases where the outcome of a transaction or arrangement between related parties does not meet the arm's-length standard, the FTA may adjust a person's taxable income accordingly to achieve the arm's-length result that appropriately reflects the facts and circumstances of the transaction or arrangement. In such cases, corresponding adjustments may also be available.

Advance pricing agreements are available under the UAE Corporate Tax Law. Further details regarding the form and manner in which applications should be made are expected.

Transfer-pricing documentation requirements. Businesses that meet certain conditions are required to maintain transfer-pricing documentation (that is, Master File and Local File). The transfer-pricing documentation must be submitted to the FTA within 30 days following a request. Similarly, the FTA may ask taxpayers to provide additional supporting information within 30 days of a request.

Under the UAE Corporate Tax Law, UAE businesses may need to file a disclosure together with their tax return no later than nine months after the end of the financial year.

Related parties. Under the law, parties to a transaction are considered related if they meet certain conditions. These conditions broadly consist of the following:

- Natural persons who are related up to the fourth degree of kinship or affiliation. This also includes affiliation through adoption or guardianship.
- A natural person and a juridical person, if the natural person (either alone or through one of its related parties) directly or indirectly owns the juridical person (that is, has a 50% or more shareholding interest).
- A natural person (whether alone or together with its related parties) who has direct or indirect "control" over a juridical person. "Control" is further defined in the UAE Corporate Tax Law.
- Two or more juridical persons, if one of the juridical persons (either alone or in conjunction with its related parties) directly or indirectly owns the other juridical person (that is, has a 50% or more ownership interest).
- A juridical person, (whether alone or in conjunction with its related parties), directly or indirectly controls another juridical person.
- Any person who (either alone or together with its related parties) has direct or indirect ownership (that is, 50% or more) or controls two or more juridical persons.
- Persons and their permanent establishments.
- Partners in an unincorporated partnership.
- Trustees, founders, settlors and beneficiaries of trusts or foundations and their related parties.

Connected persons. A person is construed to be "connected" to a business if the person meets at least one of the following conditions:

- The person is an owner of the business.
- The person is a director or an officer in the business.
- The person is a related party of any of the above (that is, a relative within the fourth degree of kinship or affiliation).

F. Tax treaties

The UAE has tax treaties currently in force with the following jurisdictions.

Albania
Algeria
Andorra
Angola
Antigua and Barbuda
Argentina
Armenia
Austria
Azerbaijan
Bangladesh
Barbados
Belarus
Belgium
France
Gabon
Georgia
Greece
Guinea
Hong Kong SAR
Hungary
India
Indonesia
Ireland
Israel
Italy
Japan
Jersey
Panama
Paraguay
Philippines
Poland
Portugal
Romania
Russian Federation (limited)
Rwanda
St. Vincent and Grenadines
San Marino
Saudi Arabia
Senegal

Belize
Bermuda
Bosnia and Herzegovina
Botswana
Brazil
Brunei Darussalam
Bulgaria
Cameroon
Canada
Chile
China Mainland
Comoros
Congo (Democratic Republic of)
Costa Rica
Croatia
Cyprus
Czech Republic
Ecuador
Egypt
Estonia
Ethiopia
Fiji
Finland
Jordan
Kazakhstan
Kenya
Korea (South)
Kosovo
Kyrgyzstan
Latvia
Lebanon
Liechtenstein
Lithuania
Luxembourg
Malaysia
Maldives
Malta
Mauritania
Mauritius
Mexico
Moldova
Montenegro
Morocco
Mozambique
Netherlands
New Zealand
Niger
North Macedonia
Pakistan
Serbia
Seychelles
Singapore
Slovak Republic
Slovenia
South Africa
Spain
Sri Lanka
Sudan
Switzerland
Syria
Tajikistan
Thailand
Tunisia
Türkiye
Turkmenistan
Ukraine
United Kingdom
Uruguay
Uzbekistan
Venezuela
Vietnam
Yemen
Zambia
Zimbabwe

In addition, treaties with the following jurisdictions are in various stages of negotiation, renegotiation, signature, ratification, translation or entry into force.

Antigua and Barbuda
Benin
Burkina Faso
Burundi
Chad
Colombia
Côte d'Ivoire
Dominica
Equatorial Guinea
Gambia
Ghana
Guernsey
Guyana
Iraq
Jamaica
Liberia
Libya
Malawi
Mali
Monaco
Nepal
Niger
Nigeria
Palestinian Authority
Peru
Qatar
St. Kitts and Nevis
Sierra Leone
Suriname
Uganda

United Kingdom

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The United Kingdom left the European Union (EU) on 31 January 2020, although an agreement on transitional arrangements continued until 31 December 2020. Following the end of the transition period, the UK is no longer a member of the single market and its relationship with the EU is governed by various agreements, including the Withdrawal Agreement and the Trade and Cooperation Agreement.

A. At a glance

Corporate Income Tax Rate (%)	25 (a)(b)(c)(d)(e)(f)(g)
Capital Gains Tax Rate (%)	25 (h)
Branch Tax Rate (%)	25
Withholding Tax (%)	
Dividends	0
Interest	20 (i)(j)
Royalties	20 (i)
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	1 (k)
Carryforward	Unlimited (l)

(a) The rate of corporation tax is 25% from 1 April 2023 (19% previously) for companies with profits of over GBP250,000 per year. The small profits rate is 19% for companies with profits of less than GBP50,000 per year.

Companies with profits between the two thresholds receive marginal relief so that they pay a blended rate between 19% and 25%. The threshold limits are reduced if associated companies exist.

(b) The main rate of corporation tax for ring-fence profits (that is, profits from oil extraction and oil rights in the United Kingdom and the UK continental shelf) is 30% (small profits rate of 19%). The small profits rate of 19% for ring-fence profits applies if taxable profits are below GBP50,000. This benefit is phased out for taxable profits from GBP50,000 to GBP250,000. There is also a 10% supplementary charge on adjusted ring-fence profits.

(c) The energy (oil and gas) profits levy applies on the ring-fence profits of companies producing oil and gas in the United Kingdom or on the UK continental shelf. From 26 May 2022 to 31 December 2022, the rate of the levy was 25%. From 1 January 2023 to 31 March 2028, the rate of the levy is 35%.

(d) From 1 January 2023 until 31 March 2028, the electricity generator levy imposes a 45% charge on exceptional receipts generated from the production of wholesale electricity (legislation is expected to be enacted in the summer of 2023). If a company is liable to an amount of electricity generator levy, that amount may be charged on the company as if it were an amount of corporation tax chargeable on it.

(e) From 1 April 2023, an additional 3% surcharge is levied on the profits of banks in excess of GBP25 million (before the offset of losses carried forward). The surcharge rate was previously 8%.

(f) From 1 April 2022, residential property developer tax is charged on the trading profits from residential property development activity in addition to standard corporation tax. The rate is 4% on residential property development profits that exceed an annual allowance of GBP25 million.

(g) Legislation has been enacted for accounting periods beginning after 31 December 2023 under which a global and domestic minimum tax of 15% applies to large multinationals. See Section B.

(h) Capital gains are subject to tax at the normal corporation tax rate. See Section B for details concerning the taxation of capital gains derived by nonresidents.

(i) This tax applies to payments to nonresidents and non-corporate residents.

(j) A 45% rate applies to compound interest received from the UK tax authorities in certain cases.

(k) A temporary extension for the carryback of losses for three years (up to a maximum of GBP2 million) was available for accounting periods ending between 1 April 2020 and 31 March 2022.

(l) The amount of annual profits that can be relieved by losses carried forward is limited to 50% from 1 April 2017, subject to an allowance of GBP5 million per group.

B. Taxes on corporate income and gains

Corporate income tax. Companies that are resident in the United Kingdom are subject to corporation tax on their worldwide profits, but several exemptions have the effect of focusing corporation tax on UK-related activities. Tax is imposed on the total amount of income earned from all sources in the company's accounting period, including any chargeable capital gains. However, a company can elect to exempt non-UK branch income and losses from UK corporation tax, subject to transitional rules that govern entry into the regime. This election is irrevocable and takes effect from the accounting period after the one in which the election is made.

Nonresident companies are generally subject to UK corporation tax only if they carry on a trade in the United Kingdom through a permanent establishment (however, companies should also consider any potential diverted profits tax issues; see Section E). A permanent establishment arises either from a fixed place of business in the United Kingdom through which the nonresident company carries on its business, or from an agent exercising authority to do business in the United Kingdom on behalf of the nonresident company. The amount of profit attributable to a permanent establishment is computed in accordance with the separate enterprise principle. A corporation tax charge is also

imposed for nonresidents disposing of UK land in the course of a property dealing or development trade, regardless of whether there is a UK permanent establishment and regardless of the residence of the entity.

From 6 April 2020, non-UK resident companies that carry on a UK property business or have other UK property income are chargeable to corporation tax (rather than income tax) on that income. Relief for financing costs relating to property business is subject to the normal corporation tax rules (including application of the corporate interest restriction).

A company is resident in the United Kingdom if it is incorporated in the United Kingdom or if the central management and control of the company is exercised there. However, companies regarded as resident under domestic law, but as nonresident under the tie-breaker clause of a double tax treaty, are regarded as nonresident for all corporation tax purposes.

Rates of corporation tax. The rate of corporation tax for companies with profits of over GBP250,000 per year is 25% from 1 April 2023 (previously 19%). From that date, the small profits rate remains at 19% for companies with profits of less than GBP50,000 per year. Companies with profits between the two thresholds receive marginal relief so that they pay a blended rate between 19% and 25%. These limits are divided by one plus the number of associates if a company has associated companies (subsidiaries or fellow subsidiaries), regardless of whether they are in or outside the United Kingdom. If an accounting period does not coincide with the financial year, the profits for the accounting period are time-apportioned and the appropriate rate is applied to each part.

The rate is 30% for companies with ring-fence profits (that is, profits from oil extraction and oil rights in the United Kingdom and the UK continental shelf). For ring-fence profits, a company may claim a small profits rate of corporation tax, which is 19%, if its taxable profits for an accounting period are less than GBP50,000. Ring-fence companies can claim marginal relief on profits between GBP50,000 and GBP250,000. These limits are divided by one plus the number of associates if a company has associated companies (subsidiaries or fellow subsidiaries), regardless of whether they are in or outside the United Kingdom. There is also a 10% supplementary charge on adjusted ring-fence profits.

The energy (oil and gas) profits levy applies on the ring-fence profits of companies producing oil and gas in the United Kingdom or on the UK continental shelf. From 26 May 2022 to 31 December 2022, the rate of the levy was 25%. From 1 January 2023 to 31 March 2028, the rate of the levy is 35% (legislation is in process to extend the levy to 31 March 2029). There is an investment allowance available for qualifying expenditures, with varying rates depending on the type of expenditure.

From 1 January 2023 until 31 March 2028, the electricity generator levy imposes a 45% charge on exceptional receipts generated from the production of wholesale electricity. The legislation for this levy was published in the Finance Bill on 23 March 2023 and

is expected to be enacted in summer of 2023. The general administration rules applying for corporation tax purposes also apply to the electricity generator levy.

An additional 3% (previously 8%) surcharge is levied on the profits of banks in excess of GBP25 million (before the offset of losses carried forward), from 1 April 2023, producing an overall rate on those profits of 28%.

Residential property developer tax is a tax on the trading profits of residential property developers charged in addition to standard corporation tax. It applies to profits arising from residential property development activity from 1 April 2022, including a proportion of profits of accounting periods that straddle that date. Companies not liable to corporation tax and companies that do not carry on a trade within the charge to corporation tax are outside the scope of the tax. For companies within the scope of the tax, residential property developer tax is charged at 4% on residential property development profits that exceed an annual allowance of GBP25 million.

Following extensive consultation, the United Kingdom has enacted legislation introducing a Multinational Top-up Tax and Domestic Minimum Tax that seeks to implement the Organisation for Economic Co-operation and Development (OECD) Global Anti-Base Erosion (GloBE) Model Rules. The legislation introduces a multinational top-up tax that will require in-scope UK headquartered multinational groups to pay a top-up tax if the jurisdictional effective tax in a foreign jurisdiction is less than 15%. The measures could also apply to non-UK headquartered groups with UK intermediary holding companies and certain other fact patterns, including certain split-ownership scenarios. The legislation also introduces a supplementary domestic top-up tax that will require large groups, including those operating exclusively in the United Kingdom, to pay a top-up tax if their UK operations have an effective tax rate of less than 15%.

These changes apply to large groups with over EUR750 million global revenues in at least two of the previous four accounting periods and take effect in relation to accounting periods beginning on or after 31 December 2023.

Legislation for the introduction of an under-taxed profits rule (UTPR) has not yet been enacted but it has been confirmed that it will apply for accounting periods beginning on or after 31 December 2024. It has also been confirmed that the United Kingdom will apply new anti-avoidance rules to prevent abuse of the Pillar Two transitional Country-by-Country Reporting (CbCR) safe harbor from 14 March 2024.

A special rate of corporation tax of 45% applies on restitution interest, which is compound interest received from the UK tax authorities on the repayment of tax (either by agreement or an order of a court) originally collected in breach of law, which applies to awards determined on or after 21 October 2015.

Capital gains. Gains on chargeable assets are subject to corporation tax at the corporation tax rate. For UK tax purposes, a capital gain is usually the excess of the sale proceeds over the sum of the

original cost and any subsequent qualifying capital expenditure incurred on the chargeable asset being disposed of. If chargeable assets acquired before 31 March 1982 are disposed of, only the portion of the gain after that date is usually taxable. An allowance is available for inflation up to 31 December 2017; the amount of the reduction is based on the increase in the retail price index between the date of acquisition (or 31 March 1982, if later) and 31 December 2017. This indexation allowance may be used only to eliminate a gain; it may not be used to create or increase an allowable loss.

The Substantial Shareholdings Exemption (SSE) broadly exempts from UK tax any chargeable gain on disposals made by trading companies or trading groups with substantial shareholdings (at least 10%) in other trading companies or groups. Broadly, the following are the two sets of conditions that must be satisfied:
- A substantial shareholding requirement
- A trading requirement relating to the "investee" company or subgroup

No tax is levied on a gain on the sale of shares in a UK subsidiary by a foreign nonresident parent company unless that company is deemed to represent a property-rich asset by way of an indirect disposal of property (see below). In addition, gains on the sale of assets situated in, and used in a trade carried on by a permanent establishment in, the United Kingdom are subject to corporation tax at the corporation tax rate.

Special provisions permit the deferral of the capital gains charge on qualifying business assets if the sales proceeds are reinvested. There are numerous other special rules relating to capital gains.

From 6 April 2019, UK tax is chargeable on gains derived by non-UK residents on the direct or indirect disposal of all types (residential or commercial) of UK immovable property. This applies regardless of the nature of the property or the residence of the disposing entity.

The charge also applies to certain disposals by nonresidents of interests (such as shares or partnership interests) that derive their value from UK property.

Capital losses. Capital losses are offset against capital gains of the same accounting period and, if an excess exists, they may be carried forward indefinitely (to be set off against chargeable gains of future accounting periods) but may not be carried back. Capital losses may not be used to reduce trading profits. See *Relief for losses* in Section C for rules that restrict the amount of losses that can be used in any one year, which are effective from April 2020.

Administration. Tax returns, accounts and computations must be filed within 12 months after the end of the accounting period.

Large companies (companies with annual taxable profits exceeding GBP1,500,000 divided by one plus the number of active associated companies) make quarterly installment payments of their corporation tax. The first installment is due six months and 13 days after the first day of the accounting period, and the last

installment is due three months and 14 days after the end of the accounting period. These payments are based on the estimated tax liability for the current year. Fewer payments may be required for shorter accounting periods.

For accounting periods beginning on or after 1 April 2019, the installment payment dates for corporation tax for "very large companies" (annual taxable profits exceeding GBP20 million divided by one plus the number of active associated companies) are brought forward. These companies are required to pay corporation tax in quarterly instalments in the third, sixth, ninth and 12th months of their accounting period (rather than in the seventh and 10th months of the current accounting period and the first and fourth months of the following accounting period). All other companies must pay estimates of their corporation tax liability within nine months after the end of their accounting period.

Companies not complying with the filing and payment deadlines described above are subject to interest and penalties.

A self-assessment system requires companies to assess correctly their tax liabilities or face significant penalties. In addition, the tax authority (HMRC) has extensive investigative powers.

Large businesses (see definition below) must publish annually their UK tax strategy. Those businesses that fail to do so correctly and in time are liable to a penalty. The UK tax strategy report for each accounting period must be published before the end of the accounting period to which it relates (and within 15 months of the previous one being published). The tax strategy report should include the approach of the UK group to tax governance and risk management, as well as its attitude toward tax planning, the level of risk in relation to UK taxation that the group is prepared to accept and its approach to dealing with HMRC. In broad terms, the following entities are required to publish a tax strategy:

- UK subgroups of and subsidiaries and permanent establishments of multinational groups with EUR750 million global turnover (that is, those that fall within the CbCR requirement)
- UK-headed groups, some specific UK subgroups and standalone UK entities (including companies and partnerships) with at least either GBP200 million of turnover or a balance sheet total exceeding GBP2 million

A key point is that no de minimis level is set for UK entities that are part of a EUR750 million turnover group. A UK company, subgroup or permanent establishment that is part of such a multinational group must publish a strategy, even if the level of activity in the UK is minimal.

The UK CBCR rules require large UK-headed multinational enterprises (MNEs) to provide HMRC with information about global activities, profits and taxes. They also require UK entities of foreign-headed MNEs to provide HMRC with information if those results would not otherwise be reported. Groups with turnover greater than EUR750 million are required to submit reports to HMRC within 12 months from the end of the accounting period, and there are also notification requirements. The information provided to HMRC is exchanged with other tax authorities.

From 1 April 2022, there is a requirement for large companies or partnerships to notify HMRC of any uncertain tax treatments (UTT) if there is a "tax advantage" of GBP5 million or more in the relevant period for the relevant tax (which includes corporation tax). Notification must be made on or before the filing deadline of a related "relevant return" that is due after 1 April 2022. There is an exemption to this requirement if HMRC is already aware of the uncertainty and how the business plans to treat it.

A UTT may arise when one or both of the following two triggers are met:

- The amount relates to a transaction with respect to which a provision has been recognized in the accounts of the qualifying company or partnership, to reflect that a different tax treatment may be applied to the transaction.
- In arriving at the amount, reliance was placed on an interpretation or application of the law that is different to HMRC's known interpretation or application.

The UTT only applies to large businesses with a UK turnover above GBP200 million and/or a UK balance sheet total more than GBP2 billion. It applies to partnerships and limited liability partnerships (wherever formed, incorporated, or managed and controlled) that satisfy these criteria, as well as corporates (wherever incorporated or tax resident).

Inward Investment Support. Significant inward investors can apply under HMRC's Inward Investment Support service for written confirmation of the UK tax treatment of specific transactions or events. In this context, "significant" is regarded as an investment of GBP30 million or more, but smaller investments are considered if they are potentially of importance to the national or regional economy.

Dividends. Dividends paid by UK resident companies are not subject to withholding tax. For dividends received by UK resident companies, the United Kingdom has a dividend exemption regime. A dividend or other income distribution received on or after 1 July 2009 is generally exempt from UK corporation tax if all of the following conditions are satisfied:

- The distribution falls within an exempt class or, if the recipient is a "small" company, the payer is resident in the United Kingdom or a qualifying territory.
- The distribution is not of a specified kind.
- No deduction is allowed to a resident of any territory outside the United Kingdom under the law of that territory with respect to the distribution.

Interest. Interest payments on "short loans" (loans with a duration that cannot exceed 364 days) may be made without the need to account for withholding tax. All interest payments by UK resident companies may be made without the imposition of withholding tax if the paying company reasonably believes that the interest is subject to UK corporation tax in the hands of the recipient. See Section E for a summary of the UK's rules on tax deductions for interest payments.

Foreign tax relief. Foreign direct tax on income and gains of a UK resident company other than that relating to a non-UK branch for which an exemption election has been made (see *Corporate income tax*) may be credited against the corporation tax on the same profits. The foreign tax relief cannot exceed the UK corporation tax charged on the same profits.

If a company receives a dividend from a foreign company in which it has at least 10% of the voting power, it may also obtain relief for the underlying foreign tax on the profits out of which the dividend is paid. Foreign tax relief does not apply if the dividend satisfies the conditions for the dividend exemption, unless an election is made (see *Dividends*).

C. Determination of trading income

General. The assessment is based on financial statements prepared in accordance with generally accepted accounting principles (GAAP), subject to certain adjustments and provisions. Since 1 January 2015, most UK entities (with limited exceptions) have been required to report either under International Financial Reporting Standards or under Financial Reporting Standards in the United Kingdom and Republic of Ireland (either FRS 101 or 102).

In general, to be deductible, expenses must be incurred wholly and exclusively for the purposes of the trade. However, specific reliefs and prohibitions exist for certain expenses. For example, no deduction is allowed for entertainment expenses, except for the entertaining of company employees (in certain circumstances).

Corporate and government debt and foreign-exchange differences. The rules under the "loan relationships" regime are designed to allow the tax treatment of interest, discounts and premiums on debt instruments to follow the accounting treatment in most circumstances. However, the regime includes many anti-abuse measures as well as other measures, which can restrict the allowable deductions (for further details, see Section E).

Foreign-exchange differences on most items are taxable or relievable when they are recognized in the profit-and-loss account. Specific rules apply to foreign-exchange differences arising on loans that hedge exchange risk on shareholdings.

Inventory. Inventory is normally valued at the lower of cost or net realizable value. Cost must be determined on a first-in, first-out basis; the last-in, first-out basis is not acceptable for tax purposes, even if permitted under GAAP.

Provisions. HMRC allows specific provisions made in accordance with GAAP to be deductible for tax purposes unless specific legislation provides to the contrary. However, no expenditure may be relieved more than once.

Leased assets. If leases of plant or machinery function essentially as financing transactions (long-funding leases), they are taxed as such and the following rules apply:

- The lessor includes only the finance element of the rentals arising under the lease income.

- The lessee deducts only the finance element of the rentals payable over the life of the lease and is entitled to capital allowances.

This regime applies to finance leases and certain operating leases. With the exception of some hire-purchase transactions, leases of less than five years are not affected.

The UK government has amended the legislation relating to the taxation of leases to ensure that it continues to work as set out above following the introduction of International Financial Reporting Standard (IFRS) 16. However, accounting adjustments may arise in lessee companies on adoption of IFRS 16; the tax treatment of these adjustments is complex, but they will typically be taxable or deductible for tax purposes, spread over the remaining lease term.

Tax depreciation (capital allowances)

Capital allowances are usually subject to recapture on the disposal of an asset on which capital allowances have been claimed.

Plant and machinery. There is no statutory definition of what constitutes plant for capital allowances purposes. Main pool allowances are available on most types of plant and machinery allowances, and allowances are given at 18% per year on a reducing-balance basis. Plant and machinery with a useful life of 25 years or more (long-life assets) or assets deemed to be integral features to a building (examples include electrical systems, HVAC, water installations and elevators) qualify for a lower rate of relief at 6% per year on a reducing-balance basis. An annual investment allowance (AIA) of 100% is available and applies to the first GBP1 million of investment in plant and machinery (other than cars) by all businesses, regardless of size. One AIA is available to each individual business or corporate group.

Companies can also claim "enhanced capital allowances" (100% first-year allowance) for the following new equipment:
- Electric cars and cars with zero CO2 emissions
- Plant and machinery for gas refueling stations, such as storage tanks, pumps; gas, biogas and hydrogen refueling equipment
- Zero-emission goods vehicles
- Equipment for electric vehicle charging points
- Plant and machinery for use in a freeport tax site

A super-deduction of 130% for main rate pool expenditure, and a first-year allowance of 50% for special-rate expenditure (including long-life assets), applied for expenditure incurred from 1 April 2021 up to and including 31 March 2023, but specifically excludes expenditure incurred as a result of a contract entered into prior to 3 March 2021. The qualifying expenditure was subject to several exclusions, including a general exclusion on cars, second-hand assets and assets held for leasing. The super-deduction for main rate pool expenditure is no longer available for expenditure incurred after 31 March 2023.

Instead, from 1 April 2023, companies are allowed to claim 100% capital allowances on qualifying new main rate plant and machinery investments ("full expensing"). The 50% first-year allowance for special-rate assets can also be claimed from this date. The accelerated relief is subject to similar exclusions, including

a general exclusion on cars, second-hand assets and assets held for leasing (excluding background plant and machinery).

Cars. The capital allowances rules for cars are based on their CO2 emissions per kilometer driven. From 1 April 2021, the 100% first-year allowance is available only for new cars that are either electric cars or have CO2 emissions of 0g/km. Cars emitting between 0g/km and 50g/km are added to the main pool (18%) while cars emitting above 50g/km are added to the special-rate pool (8%). For leased cars with CO2 emissions above 110g/km, 15% of the lease cost is disallowed for tax purposes. The 100% first-year allowance rate does not apply to cars that will be leased.

Nonresidential structures and buildings. A Structures and Buildings Allowance applies for new nonresidential buildings and structures (excluding land) at an annual rate of 3% on a straight-line basis. The allowance applies to contracts for construction works entered into on or after 29 October 2018.

Other. Capital allowances are also available for certain other types of expenditure, such as expenditure on mineral extraction and dredging.

Relief for losses

Trading losses. Trading losses may be used to relieve other income and capital gains of the year in which the loss was incurred and of the preceding year, provided the same trade was then carried on. Losses incurred prior to 1 April 2017 may also be carried forward without time limit but may only be relieved against future profits from the same trade. The use of losses that are carried forward as at 31 March 2015 by banks was restricted from that date to an offset of a maximum of 50% of profits and further restricted from 31 March 2016 to 25%. Anti-avoidance provisions exist to prevent the offset of losses carried forward in arrangements that are principally tax driven. A company that ceases trading may carry back trading losses and offset them against profits of the preceding 36 months.

For trade losses of the 2020-21 and 2021-22 tax years only, unrelieved losses can be carried back and offset against profits of the same trade for three years before the tax year of the loss.

The amount of trading losses that can be carried back to the preceding year remains unlimited for companies. After carrying back losses to the preceding year, a maximum of GBP2 million of unused losses will be available for carryback against profits of the same trade to the earlier two years. This means a cap of on the extended carryback of losses incurred in accounting periods ending in the period of 1 April 2020 to 31 March 2021 and a separate cap of GBP2 million on the extended carryback of losses incurred in accounting periods ending in the period of 1 April 2021 to 31 March 2022.

Non-trading losses. Relief is also available for non-trading deficits and management expenses. Specific rules provide how such losses can be used or carried forward and the order in which they can be used.

Rules relating to use of carried-forward corporate tax losses in periods beginning on or after 1 April 2017.

Losses arising in accounting periods beginning on or after 1 April 2017 can be carried forward and offset against total profits of the company and group, rather than being restricted to particular types of income. However, losses arising prior to 1 April 2017 remain subject to existing restrictions as to the profits against which they can be offset.

The amount of annual profit incurred in accounting periods beginning on or after 1 April 2017 that can be relieved by brought forward losses (whether arising before or after 1 April 2017) is limited to 50% from 1 April 2017, subject to a GBP5 million allowance per "group" ("group" for this purpose is determined using concepts similar to those in the definition found in the group relief rules but with key differences). Groups have full discretion as to how the GBP5 million allowance is used within the group. This allowance also applies to the carryforward of capital losses (see below).

No restrictions are imposed on the carryback of losses, and groups have full discretion as to how the GBP5 million allowance is used within the group.

Losses for the purposes of the new rules mean trading losses, non-trading loan relationship deficits, UK property losses, management expenses and non-trading losses on intangible fixed assets.

Capital losses. For disposals occurring on or after 1 April 2020, companies' ability to obtain relief for capital losses carried forward in each period is restricted to 50% of net capital gains arising in that period. Groups have a single allowance that allows groups unrestricted use of up to GBP5 million capital or income losses each year.

Groups of companies. UK law does not provide for tax consolidation. However, a trading loss incurred by one company within a 75%-owned group of companies may be grouped with profits for the same period realized by another member of the group. Similar provisions apply in certain consortium situations to allow a transfer of a proportion of the losses; for this purpose, a UK resident company is owned by a consortium if 75% or more of its ordinary share capital is owned by other companies, none of which individually has a holding of less than 5%. However, the consortium-owned company must not be a 75%-owned subsidiary of any company. In both situations, anti-avoidance provisions that aim to prevent artificial arrangements exist.

Capital losses cannot be grouped with capital gains of other group members under the above provisions. However, the seller of an asset and another group company may jointly elect to transfer a capital gain or allowable loss to enable offset of capital gains and capital losses. A transferred capital loss can be carried forward in the transferee company.

In a capital gains worldwide group (a 75% group but with some differences from the 75% group for group relief purposes), the transfer of assets between group companies does not result in a capital gain if the companies involved are subject to UK corporation tax. The transferee company assumes the transferor's original cost of the asset plus subsequent qualifying expenditure and

indexation. However, under an anti-avoidance provision, if the transferee company leaves the group within six years after the date of the transfer of the asset, that company is deemed to have disposed of and reacquired the asset at its market value immediately after the transfer. In certain circumstances, the chargeable gain or allowable loss that arises is added to or deducted from the proceeds of a share sale that caused the company to leave the group in the first place. The resulting gain or loss can then potentially be exempted or disallowed under the SSE (see *Capital gains*). If this provision does not apply, the gain or loss remains in the company that has left the group, but the gain or loss can be transferred by election to another company in the group. Anti-avoidance provisions that aim to prevent artificial arrangements exist. Specific rules apply to certain transfers of assets to EU group companies outside the UK corporation tax net that allows the tax due to be paid in six equal installments. The rules apply to gains arising in accounting periods ending on or after 10 October 2018 and are currently still in place.

Similar provisions for tax-neutral transfers between members of the same capital gains worldwide group with respect to assets subject to the intangible fixed assets regime exist. If the transferee company leaves the group within six years of the date of the transfer of the asset, then de-grouping occurs and the company is deemed to dispose and reacquire the asset at its market value at the time of the transfer and must make appropriate adjustments in its return. For de-groupings on or after 7 November 2018, a de-grouping does not arise in situations in which a company leaves a group as a result of a share disposal that qualifies for the SSE (see *Capital gains*), subject to anti-avoidance provisions.

Companies in the same capital gains worldwide group may also transfer debt assets and liabilities (which are loan relationships) and derivative contracts on a tax-neutral basis. However, if a de-grouping event occurs as the transferee leaves the group within six years, the transferee is deemed to have disposed of the asset or liability for consideration equal to the fair value of the asset or liability at the time of leaving the group. Unlike capital gains assets and intangible fixed assets, no reliefs are available to mitigate any de-grouping credit (gain) or debit (loss) that arises in the transferor company.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT); on any supply of goods or services, other than an exempt supply, made in the United Kingdom by a taxable person in the course of business (for businesses established in the United Kingdom only); taxable if annual supplies exceed GBP85,000 (GBP90,000 from 1 March 2024)	0%/5%/20%
Digital services tax (DST); charged on gross revenues earned from 1 April 2020 by search engines, social media services and online marketplaces that derive value from UK users; a group is liable to DST if the worldwide	

Nature of tax	Rate
revenues attributable to such activities exceed GBP500 million and more than GBP25 million of these revenues are attributable to UK users; a group's first GBP25 million of revenues derived from UK users is not subject to DST; an exclusion applies to online financial marketplaces	2%
Economic crime levy; an annual charge on entities that are supervised under the Money Laundering Regulations (MLR) and whose UK revenue exceeds GBP10.2 million per year	
Small (UK revenue does not exceed GBP10.2 million)	No liability
Medium (UK revenue from 10.2 million to GBP26 million)	GBP10,000
Large (UK revenues GBP26 million to 1 billion)	GBP36,000
Very large (UK revenues more than GBP1billion) (Increased to GBP500,000 from 1 March 2024)	GBP250,000
Stamp duty; imposed on transfers of shares, securities and interests in certain partnerships; duty charged on the stampable consideration	0.5%
Stamp duty land tax (SDLT); imposed on transfers of land and buildings and certain partnership transactions; tax is charged on the final consideration, but this may be replaced by market value in certain circumstances (not applicable in Scotland and Wales; see Land and Buildings Transaction Tax [LBTT] in Scotland and Land Transaction Tax [LTT] in Wales below)	
Acquisitions of residential property by companies and certain other bodies (SDLT is charged at increasing rates for each portion of the price paid, but no SDLT is due if the consideration is less than GBP40,000); rates applicable from 23 September 2022	
Portion up to GBP250,000	3%
Portion between GBP250,001 and GBP925,000	8%
Portion between GBP925,001 and GBP1,500,000	13%
Consideration exceeds GBP1,500,000; SDLT is charged on the total consideration (subject to certain exclusions)	15%
(There is also a 2% surcharge on residential properties in England and Northern Ireland bought by non-UK residents on or after 1 April 2021.)	
(However, if a property costs more than GBP500,000, a 15% SDLT rate for corporate bodies may apply instead.)	
Nonresidential or mixed-use property	
Up to GBP150,000	0%
GBP150,001 to GBP250,000	2%
More than GBP250,000	5%

Nature of tax	Rate
LBTT (Scotland)	
Acquisitions of residential companies property by and certain other bodies (LBTT is charged at increasing rates for each portion of the price paid, but no LBTT is due if the consideration is less than GBP40,000); rates applicable from 16 December 2022	
Portion up to GBP145,000	6%
Portion between GBP145,001 and GBP250,000	8%
Portion between GBP250,001 and GBP325,000	11%
Portion between GBP325,001 and GBP750,000	16%
Portion above GBP750,000	18%
Nonresidential or mixed-use property	
Portion up to GBP150,000	0%
Portion between GBP150,001 to GBP250,000	1%
Portion above GBP250,000	5%
LTT (Wales)	
Acquisitions of residential property by companies and certain other bodies (LTT is charged at increasing rates for each portion of the price paid, but no LTT is due if the consideration is less than GBP40,000) rates applicable from 22 December 2020	
Portion up to GBP180,000	4%
Portion between GBP180,001 and GBP250,000	7.5%
Portion between GBP250,001 and GBP400,000	9%
Portion between GBP400,001 and GBP750,000	11.5%
Portion between GBP750,001 and GBP1,500,000	14%
Portion above GBP1,500,000	16%
Nonresidential or mixed-use property	
Portion up to GBP225,000	0%
Portion between GBP225,001 and GBP250,000	1%
Portion between GBP250,001 and GBP1,000,000	5%
Portion above GBP1,000,000	6%
Social security contributions, on employees' salaries and wages (rates apply from 6 April 2024); payable on weekly wages by	
Employer; imposed on employees' weekly wages exceeding GBP175	13.8%
Employee; imposed on employees' weekly wages	
On first GBP242	0%
On next GBP725	8%
On balance of weekly wage	2%
Bank levy; based on the total chargeable equity and liabilities (subject to various exclusions) as reported in relevant balance sheets at the end of a chargeable period; a half-rate applies to long-term amounts and a nil rate allowance is granted for the first GBP20 billion	0.1%/0.05%
Annual Tax on Enveloped Dwellings (ATED); a UK-wide levy on certain higher value residential property held by companies and partnerships with a corporate member; several reliefs are available to exempt genuine property development and	

Nature of tax	Rate
investment rental businesses from the tax; the tax is levied at a flat rate per year; these rates apply from April 2024	
Properties worth between GBP500,000 and GBP1 million	GBP4,400
Properties worth more than GBP1 million and not more than GBP2 million	GBP9,000
Properties worth more than GBP2 million and not more than GBP5 million	GBP30,550
Properties worth more than GBP5 million and not more than GBP10 million	GBP71,500
Properties worth more than GBP10 million and not more than GBP20 million	GBP143,550
Properties worth more than GBP20 million	GBP287,500

E. Miscellaneous matters

Foreign-exchange controls. No restrictions are imposed on inward or outward investments. The transfer of profits and dividends, loan principal and interest, royalties and fees is unlimited. Nonresidents may repatriate capital, together with any accrued capital gains or retained earnings, at any time, subject to company law or tax considerations.

Anti-avoidance legislation. UK tax law contains many anti-avoidance provisions, which include the substitution of an arm's-length price for intercompany transactions (including intercompany debt) with UK or foreign affiliates, the levy of an exit charge on companies transferring a trade or their tax residence from the United Kingdom and the recharacterization of income for certain transactions in securities and real property. Some of these anti-avoidance provisions apply only if the transaction is not carried out for bona fide commercial reasons.

In certain situations, legislation provides a facility for an advance clearance to be obtained from HMRC. If legislation does not provide this facility and if uncertainty exists as to the tax treatment for a transaction, a non-statutory clearance facility exists under which companies may apply to HMRC in advance of the transaction for a written confirmation of HMRC's view on how the tax law will apply to the transaction. HMRC undertakes to provide advance clearance within 28 days if evidence exists that the transaction is genuinely contemplated. It also aims to respond within this time period if certainty is sought for a transaction that has already taken place. HMRC does not provide clearance if it believes that the arrangements are primarily intended to obtain a tax advantage.

The United Kingdom has implemented a system requiring the disclosure of certain transactions and arrangements to HMRC. As a direct result of this disclosure regime, tax-planning arrangements are sometimes disclosed in advance to HMRC.

Although the United Kingdom had enacted legislation to implement the EU directive on mandatory disclosure (the Mandatory Disclosure Regime [MDR]) and automatic exchange of information regarding reportable cross-border arrangements from 1 July 2020, the UK's position subsequently changed following the conclusion of the Trade and Cooperation Agreement with the EU in December 2020. The UK has replaced the EU rules (DAC6) with rules aligned to the OECD mandatory disclosure rules. From 28 March 2023, an arrangement will be reportable to HMRC if it involves the use of opaque offshore structures or if it circumvents reporting under the Common Reporting Standard (CRS).

A general anti-abuse rule (GAAR) has been in force since 2013. The GAAR targets artificial and abusive tax-avoidance schemes and applies to the main taxes but not VAT.

Anti-hybrid rules. The previous rules counteracting structures involving hybrid entities or instruments (the anti-arbitrage rules) were replaced with broader anti-hybrid rules from 1 January 2017 in response to Action 2 of the Base Erosion and Profit Shifting (BEPS) project of the OECD. The rules effectively target deduction or non-inclusion or double deduction mismatches resulting from hybrid entities or instruments, dual-resident companies or companies with permanent establishments. The rules also cover imported mismatches. This is a situation in which the UK corporate taxpayer is not directly party to a relevant mismatch, but such a mismatch exists within a wider arrangement. Unlike the previous anti-arbitrage rules, the new rules do not contain a purpose test, and it is only necessary for it to be reasonable to suppose that the mismatch arises as a result of the specified features.

In deduction or non-inclusion cases, the mismatches are countered by the following:
- Disallowing a deduction if the payer is within the charge to UK corporation tax
- In cases in which the United Kingdom is the payee jurisdiction, taxing the income if it is reasonable to assume that the deduction has not been counteracted by equivalent rules outside the United Kingdom

In cases in which a double deduction is in more than one territory, the outcome depends on the structure and whether the other territory takes action. However, the rules often result in the United Kingdom denying a deduction unless the deduction is offset against dual-inclusion income in the same entity. Additional reporting obligations in relation to hybrid mismatches have been introduced for all company tax returns filed after 6 April 2022.

Royalty withholding tax. Rules apply to deny the benefit of double tax treaties if connected-party arrangements have as a main purpose, or one of the main purposes, the avoidance of withholding tax on intellectual property (IP) royalty payments. The rules also treat IP royalty payments paid by a nonresident company in connection with a UK permanent establishment as having a UK source and being subject to withholding tax. If such royalty payments are made in connection with an avoided permanent

establishment, a diverted profits tax charge is imposed (see *Diverted profits tax*).

UK tax treatment of intangible assets. The intangible fixed assets (IFA) regime was introduced in 2002 and changed the way the UK corporation tax system treats IFAs (such as copyrights, patents and trademarks) and goodwill by, in general, aligning the tax treatment of assets within the scope of the regime with the accounting treatment. Broadly, the commencement rules to the IFA regime mean that it does not apply to assets that existed at 1 April 2002 unless the assets were acquired from an unrelated party on or after that date. However, the 2020 Finance Act brought pre-2002 IFAs transferred to the United Kingdom after 1 July 2020 into the scope of the IFA regime (subject to certain restrictions). A change to the regime in 2015 meant that relief for amortization for goodwill and customer-related intangibles was removed. Targeted relief for goodwill and certain other assets was then reinstated from 1 April 2019.

Offshore receipts with respect to intangible property. Legislation imposes a 20% tax on gross receipts that certain foreign companies receive with respect to their intangible property if such receipts are referable to the sale of goods or services in the United Kingdom (whether that be directly by the company or indirectly, including through an unrelated party). The legislation includes some exemptions to the tax, as well as an anti-avoidance rule and a formula for apportioning income between the UK and other countries. The measure does not apply to entities that are resident in states with whom the United Kingdom has a "full tax treaty" (that is, a tax treaty that includes a nondiscrimination article), provided that the territory does not tax only on a remittance or local source basis. The government has announced that these rules will be abolished with respect to income arising from 31 December 2024 but, no legislation has yet been brought forward to achieve this abolition.

Transfer pricing. UK tax law contains measures that substitute an arm's-length price for certain intercompany transactions with UK or foreign affiliates. Companies are required to prepare their tax returns in accordance with the arm's-length principle, and retain adequate records or other documentation to support their compliance with that principle, or otherwise suffer substantial penalties. For accounting periods beginning on or after 1 April 2023, new transfer-pricing documentation requirements apply. They require large multinational businesses operating in the United Kingdom to maintain a Master File and a Local File in a prescribed and standardized format, as set out in the OECD's transfer-pricing guidelines. The transfer-pricing rules have other far-reaching consequences, and taxpayers should seek specific advice concerning their circumstances.

If both parties to a transaction are subject to UK corporation tax, and one is required to increase its taxable profits in accordance with the arm's-length principle, the other is usually allowed to decrease its taxable profits through a corresponding adjustment. Companies that were dormant as of 31 March 2004 and remain dormant are exempt from the transfer-pricing rules. Although small and medium-sized companies (unless they elect otherwise)

are exempt from the rules with respect to transactions with persons in qualifying territories (broadly, the United Kingdom and those countries with which the United Kingdom has entered into a double tax treaty containing a non-discrimination article), they can be subject to the issuance of a transfer-pricing notice by HMRC. However, for small companies, this notice can be issued only if the company has undertaken a non-arm's-length transaction with an affiliate that is taken into account in determining profits under the Patent Box regime (see *Patent Box*).

Persons that are otherwise independent but collectively control a business and have acted together with respect to the financing arrangements for the business are also subject to the UK transfer-pricing regime.

Interest restrictions. The United Kingdom's transfer-pricing measures apply to the provision of finance (as well as to trading income and expenses). As a result, companies must self-assess their tax liability on financing transactions using the arm's-length principle. Consequently, HMRC may challenge interest deductions on the grounds that, based on all of the circumstances, the loan would not have been made at all or that the amount loaned or the interest rate would have been less, if the lender was an unrelated third party acting at arm's length.

In addition, for financial periods beginning on or after 1 April 2017, the amount of relief for interest is capped at the lower of 30% of taxable earnings before interest, depreciation and amortization (EBITDA) in the United Kingdom or the modified debt cap (the fixed ratio rule). This is tighter than the previous and now-repealed Worldwide Debt Cap and provides that a group's net tax-interest amounts in the United Kingdom cannot exceed the global net adjusted interest expense of the group. Alternatively, groups can elect for the restriction to be based on the ratio of net interest (excluding interest paid to related parties) to accounting EBITDA for the worldwide group as opposed to UK taxable EBITDA (the group ratio rule, which is also subject to a modified debt cap). If a group's net tax-interest expense exceeds its interest capacity, the excess interest is disallowed. However, the excess interest can be carried forward indefinitely (in the company in which it was disallowed) and treated as if it were an amount of interest in a subsequent period. If a group has spare capacity, it can carry this forward for up to five years. Restricted interest or spare capacity cannot be carried back.

Notwithstanding the above rules, groups may always deduct net tax-interest expense of up to GBP2 million per year (subject to existing anti-avoidance and thin-capitalization provisions).

Controlled foreign companies. The controlled foreign company (CFC) regime was significantly revised in 2012, effective for accounting periods beginning on or after 1 January 2013. The regime applies to non-UK resident companies that are controlled by UK residents. Similar rules apply to non-UK branches of UK resident companies for which an exemption election has been made.

If a CFC has profits that do not meet any of the exemptions, those profits are taxed on any UK resident companies having a 25% or

more interest in the CFC, and the regime is focused on identifying artificial diversion of profits out of the United Kingdom. Consequently, it is necessary to examine a company's income on a source-by-source basis to determine whether it falls within one of the "gateways," or whether one of the entity exemptions applies.

The following are the five "gateways," which must all be considered:
- Profits attributable to UK activities
- Non-trading finance profits
- Trading finance profits
- Captive insurance business
- Solo consolidation (for banking subsidiaries), which allows a UK bank to treat the foreign company as it were a division of the UK bank

For each gateway test, it is necessary to establish whether the test applies, and then determine which profits pass through the gateway and are chargeable profits of the CFC. Such profits are then subject to apportionment to the appropriate UK resident shareholders. Profits that fall outside one gateway may still fall within one of the others.

Several safe harbors and specific exemptions exist with respect to the gateways, intended to narrow the scope to only artificially diverted profits. In particular, a company may make a claim that between 75% and 100% of profits arising from certain "qualifying loan relationships" are exempt to the extent that they do not relate to UK significant people functions. The version of these rules as it existed up to 31 December 2018 is currently being considered in the context of the EU State Aid provisions.

The entity-level exemptions apply if any of the following circumstances exist:
- The CFC's local tax liability is 75% or more of the equivalent UK liability.
- The CFC has low profits or a low-profit margin.
- The CFC is resident in certain qualifying territories.
- A foreign company has become a CFC for the first time (in certain circumstances).

Diverted profits tax. The diverted profits tax (DPT) is an anti-avoidance measure, which is effective from 1 April 2015. It is aimed at perceived abuse in certain circumstances involving "insufficient economic substance" somewhere in the supply chain or avoided UK permanent establishments. The DPT is separate from corporation tax and is imposed at the rates listed below, on profits diverted from the United Kingdom, broadly in the following situations:
- A different transfer-pricing outcome allocating more profits to the United Kingdom and less to a low-tax entity would have resulted had all the facts, including the full supply chain and the activities undertaken by each entity in that chain, been considered.
- An alternative transaction would have been entered into in the absence of tax considerations, and it would have resulted in more taxable profits in the United Kingdom and less in a low-tax entity.

- A UK resident or nonresident carries on an activity in the United Kingdom in connection with the supply of goods, services or property by a non-UK trading company, and it is reasonable to assume that the activities are designed to ensure that no permanent establishment is established in the United Kingdom, and certain other conditions are satisfied. An exclusion applies if the total UK-related sales revenues of the company (together with connected companies) that are not already included within the charge to UK corporation tax in a 12-month accounting period are less than GBP10 million. Likewise, an exclusion applies if the total UK-related expenses of the company (together with connected companies) in a 12-month accounting period are less than GBP1 million.

Exclusions apply based on substance and the relative values of the tax and other benefits of the transactions. Transactions are also excluded from DPT if they only give rise to one or more loan relationships and associated hedging derivatives. Notification requirements (which are broader than the tax-levying measures) and a unique charging mechanism are imposed with respect to DPT.

The following are the DPT rates:
- General rate: 31% from 1 April 2023 (previously 25%)
- Diverted ring-fence or notional ring-fence profits: 55% (this stays the same from 1 April 2023)
- Diverted profits that would have been subject to the bank surcharge: 33%

Patent Box. The Patent Box regime was introduced in 2012 and is effective for accounting periods beginning on or after 1 April 2013. The regime (which is optional) taxes qualifying income relating to patents and certain other IP at a rate of 10%. This rate was phased in over five years. Therefore, the 10% rate has been available on all qualifying income from patents and certain other IP since 1 April 2017.

The Patent Box regime applies to patents granted by UK and European patent offices and certain other patent offices in the European Economic Area, as well as to patent applications that cannot be published for reasons of national security or public safety. Other innovative IP found in the medicinal, veterinary and agriculture industries is also included, such as regulatory data, marketing exclusivity, supplementary protection certificates and plant variety rights.

The 10% effective tax rate is achieved by creating an additional deduction from taxable profits and applies to all income arising from the patents, including royalties and income from the sale of patents. Significantly, it also applies to profits from the sale of products, services and processes with embedded patents.

Effective from 1 July 2016, the regime was amended in line with the recommendations of the OECD BEPS Action 5 report. For new entrants (new IP or new claimants) after 30 June 2016, an additional requirement is introduced into the regime. This requirement restricts the availability of the 10% tax rate if the claimant company has, to a significant extent, outsourced research and development (R&D) to related parties or has acquired the IP.

Qualifying income needs to be divided into substreams and then the nexus fraction applied (broadly based on the amount of R&D performed or outsourced by the company) to each income stream to determine how much income qualifies for the reduced tax rate. Existing IP in the regime as of 30 June 2016 should continue to qualify under the existing regime for up to a further five years.

R&D tax relief. For accounting periods beginning before 1 April 2024, large companies can claim a Research and Development Expenditure Credit (RDEC) for working on R&D projects. It can also be claimed by small and medium-sized enterprises (SMEs) and large companies that have been subcontracted to do R&D work by a large company. The RDEC is a tax credit equal to 20% of qualifying R&D expenditure from 1 April 2023 (previously it was 13%). The separate SME R&D Relief provides for the deduction of an extra 86% of their qualifying costs from their yearly profit from 1 April 2023, (previously, it was 130%), as well as the normal 100% deduction. SMEs can also claim a tax credit if the company is loss making, worth up to 10% of the surrenderable loss from April 2023 (previously 14.5%). From 1 April 2023, a new relief for R&D intensive loss-making companies was introduced which provides an enhanced payable credit rate of relief of 14.5% on expenditure from 1 April 2023 to 1 April 2024.

For accounting periods beginning on or after 1 April 2024, the UK has introduced a scheme which merges the RDEC relief and the SME R&D relief schemes. The merged scheme provides a 20% general rate of credit and a notional 19% tax rate for loss-makers. The relief for R&D intensive loss-making companies is available outside that merged scheme.

Asset holding companies. The UK Asset Holding Company (AHC) regime was introduced from 1 April 2022 in order to provide a simplified basis of taxation for the holding companies of alternative investment funds. If a UK tax resident company meets the conditions to be a Qualifying AHC and has elected to be treated as such, it is able to benefit from a variety of tax exemptions and simplifications, including the following:

- A simplified gains exemption that applies without any requirements in relation to the trading status of the underlying investment, holding period or ownership percentage
- An ability to return funds to investors in capital form for UK tax purposes and without incurring stamp duty
- An exemption from UK interest withholding tax on both third-party and shareholder debt

Dual-resident companies. A dual-resident company that is broadly not a trading company loses the right to surrender its losses to fellow group members and is prevented from enjoying certain other reliefs. These rules effectively prevent such dual-resident companies from obtaining double reliefs in both countries of residence.

Freeports and investment zones. The UK government has designated certain areas as freeports, in which companies can access tax incentives such as relief from SDLT, reduced employers' social security contributions and enhanced capital allowances. The government has also announced several investment zones

designated around the United Kingdom, which will offer similar tax incentives to companies investing in these areas.

Impact of decisions of the Court of Justice of the European Union. Historically, the UK tax system has been subject to significant external influence in the form of binding decisions rendered by the Court of Justice of the European Union (CJEU).

Under the European Union (Withdrawal) Act 2018, now that the United Kingdom has left the EU, the existing body of EU law has been converted into British law so that the same rules applied following the end of the Brexit transition period as did before the end of the period. The UK parliament is now free, subject to international agreements and treaties, to amend, repeal or improve any law as necessary. Following the end of the transition period on 31 December 2020, the CJEU has no general jurisdiction in the United Kingdom (though it has a specific role with respect to certain matters in the transition agreement). The UK courts are not required to consider post-Brexit CJEU case law but will interpret the meaning of retained EU law by reference to relevant pre-Brexit CJEU case law.

Devolution of tax powers. Legislation enabling devolution of some corporation tax powers (including the power to set a Northern Ireland rate with respect to certain trading profits) to the Northern Ireland Assembly was enacted during 2015 and will take effect on a date to be determined by statutory instrument. To date, the power to set a Northern Ireland corporate tax rate has not been devolved, but a rate of 12.5% has been proposed. Although certain tax-raising powers have been devolved to the Scottish Parliament and Welsh Assembly (such as LBTT and LTT; see Section D), the power over corporation tax has not yet been devolved.

F. Treaty withholding tax rates

The rates in the table below reflect the lower of the treaty rate and the rate under domestic tax law. The table is for general guidance only.

Under UK domestic law, withholding tax is not imposed on dividends.

From 1 June 2021, the UK domestic legislation to transpose the EU Interest and Royalties Directive was repealed. From that date, UK payers of interest and royalties will need to look to withholding tax provisions in the relevant double tax treaty in order to reduce or eliminate UK withholding tax on payments of interest and royalties out of the United Kingdom to EU-connected companies.

Anti-avoidance provisions may also restrict treaty benefits in certain circumstances. In particular, it will be necessary to consider amendments to treaties through the mechanism of the Multilateral Instrument (MLI) as part of the G20/OECD's BEPS initiative.

Residence of recipient	Payments by UK companies of Dividends %	Interest (a) %	Royalties (b) %
Albania	0	0/6 (x)	0
Algeria	0	0/7 (x)	10
Antigua and Barbuda	0	20	0
Argentina	0	0/12 (h)	3/5/10/15 (i)
Armenia	0	5	5
Australia	0	0/10 (k)(v)	5
Austria	0	0	0
Azerbaijan	0	0/10	5/10 (j)
Bahrain	0	0/20 (t)	0
Bangladesh	0	7.5/10 (k)	10
Barbados	0	0	0
Belarus	0	0/5 (y)	5
Belgium	0	0/10 (u)	0
Belize	0	20	0
Bolivia	0	0/15	15
Bosnia and Herzegovina (o)	0	10	10
Botswana	0	0/10	10
Brunei Darussalam	0	20	0
Bulgaria	0	0	5
Canada	0	0/10	0/10 (a)
Chile	0	5/15 (b)	5/10 (f)
China Mainland	0	0/10	6/10 (r)
Colombia	0	0/10	10
Côte d'Ivoire	0	0/15	10
Croatia (o)	0	0/5 (v)	5
Cyprus	0	0	0
Czech Republic	0	0	0/10 (d)
Denmark	0	0	0
Egypt	0	0/15	15
Estonia	0	0/10 (v)	5/10 (f)
Eswatini	0	20	0
Ethiopia	0	0/5 (v)	7.5
Falkland Islands	0	0	0
Faroe Islands	0	0	0
Fiji	0	10	0/15 (j)
Finland	0	0	0
France	0	0	0
Gambia	0	0/15 (v)	12.5
Georgia	0	0	0
Germany	0	0	0
Ghana	0	0/12.5 (v)	12.5
Greece	0	0	0
Grenada	0	20	0
Guernsey	0	0 (dd)	0 (c)
Guyana	0	0/15 (v)	10/20 (n)
Hong Kong	0	0	3
Hungary	0	0	0
Iceland	0	0	0/5
India	0	0/10/15 (k)(v)	10/20 (f)
Indonesia	0	0/10 (v)	10/15 (f)
Ireland	0	0	0
Isle of Man	0	0 (dd)	0 (c)

Residence of recipient	Payments by UK companies of Dividends	Interest (a) %	Royalties (b) %
Israel	0	5/10	0
Italy	0	0/10 (v)	8
Jamaica	0	0/12.5 (v)	10
Japan	0	10	0
Jersey	0	0 (dd)	0 (c)
Jordan	0	0/10 (v)	10
Kazakhstan	0	0/10 (v)	10
Kenya	0	0/15 (v)	15
Kiribati	0	20	0/20 (q)
Korea (South)	0	0/10 (v)	2/10 (e)
Kosovo	0	0	0
Kuwait	0	0	10
Kyrgyzstan	0	5	5
Latvia	0	0/10 (v)	5/10 (f)
Lesotho	0	0/10 (v)	7.5
Libya	0	0	0
Liechtenstein	0	0	0
Lithuania	0	0/10 (v)	5/10 (f)
Luxembourg	0	0	0
Malawi	0	0/20 (l)	0/20 (l)
Malaysia	0	0/10 (v)	8
Malta	0	0/10 (v)	10
Mauritius	0	0/20 (k)(v)	15
Mexico	0	0/5/10/15	10
Moldova	0	0/5 (k)(v)	5
Mongolia	0	0/7/10 (k)(v)	5
Montenegro (o)	0	10	10
Montserrat	0	20	0
Morocco	0	0/10 (v)	10
Myanmar (Burma)	0	20	0
Namibia	0	20	0/5 (j)
Netherlands	0	0	0
New Zealand	0	0/10 (v)	10
Nigeria	0	0/12.5 (v)	12.5
North Macedonia (o)	0	0/10 (u)	0
Norway	0	0	0
Oman	0	0	8
Pakistan	0	0/15 (v)	12.5
Panama	0	0/5 (w)	5
Papua New Guinea	0	0/10 (v)	10
Philippines	0	0/10/15 (m)(v)	15/20 (p)
Poland	0	0/5 (v)	5
Portugal	0	10	5
Qatar	0	0	5
Romania	0	10	10/15 (j)
Russian Federation	0	0	0
St. Kitts and Nevis	0	20	0
San Marino	0	0	0
Saudi Arabia	0	0	5/8 (e)
Senegal	0	0/10 (bb)	6/10 (aa)
Serbia (o)	0	10	10
Sierra Leone	0	20	0
Singapore	0	0/5 (k)(v)	8
Slovak Republic	0	0	0/10 (d)
Slovenia (o)	0	0/5 (u)	5

Residence of recipient	Payments by UK companies of Dividends	Interest (a) %	Royalties (b) %
Solomon Islands	0	20	0
South Africa	0	0	0
Spain	0	0	0
Sri Lanka	0	0/10 (k)	0/10 (s)
Sudan	0	15	10
Sweden	0	0	0
Switzerland	0	0	0
Taiwan	0	0/10 (v)	10
Tajikistan	0	0/10	7
Thailand	0	0/10/20 (k)(v)	5/15 (j)
Trinidad and Tobago	0	0/10 (v)	0/10 (j)
Tunisia	0	10/12 (k)	15
Türkiye	0	0/15 (v)	10
Turkmenistan	0	0/10 (v)	10
Tuvalu	0	20	0
Uganda	0	0/15 (v)	15
Ukraine	0	0/5 (v)	5
United Arab Emirates	0	0 (z)	0
United States	0	0/15 (cc)	0
Uruguay	0	0/10 (v)	10
Uzbekistan	0	0/5 (v)	5
Venezuela	0	0/5 (v)	5/7 (g)
Vietnam	0	0/10 (v)	10
Zambia	0	0/10 (v)	5
Zimbabwe	0	0/10 (v)	10
Non-treaty jurisdictions	0	20	20

(a) Withholding tax may not apply to interest paid with respect to loans from banks and insurance companies, securities quoted on a stock exchange, and certain sales of machinery and equipment.

(b) No withholding tax is imposed on royalties paid for copyrights of literary, dramatic, musical or artistic works (except motion pictures, films, videotapes and certain other items), payments for patents or commercial or industrial experience, or payments for the use of computer software.

(c) The 0% rate applies if the recipient is any of the following:
- The other state (including its local authorities, political subdivisions, local governments and statutory bodies)
- An individual
- A company whose shares are regularly traded on a recognized stock exchange
- A company of which less than 25% of its shares of which are owned by persons who are not residents of the other state
- A pension scheme
- A person who passes the "principal purpose test" set out in the treaty

(d) The higher rate applies to industrial, commercial, scientific, technical and technological royalties, and royalties with respect to patents, trademarks, designs or models, plans, and secret formulas or processes.

(e) The lower rate applies to payments for the use of, or right to use, industrial, commercial or scientific equipment. The higher rate applies to other royalties.

(f) The lower rate applies to payments for the use of industrial, commercial or scientific equipment. The higher rate applies to other royalties.

(g) The 5% rate applies to royalties for patents, trademarks or processes as well as to royalties for know-how concerning industrial, commercial or scientific experience. The 7% rate applies to royalties for copyrights of literary, artistic or scientific works.

(h) The standard rate of withholding tax on interest is 12%. Interest is exempt from withholding tax if any of the following apply:
- The state is the payer of the interest.
- The interest is paid on a loan made, guaranteed or insured by the other contracting state.

- The interest is paid on a loan granted by a bank to an unrelated party at preferential rates and the loan is repayable over a period of not less than five years.
- The interest is paid on a debt resulting from either of the following:
  — Sales on credit of industrial, commercial or scientific equipment by a resident of the other contracting state (excluding sales between related persons).
  — Purchases of industrial, commercial or scientific equipment financed through a leasing contract.

(i) The 3% rate applies to royalties for the right to use news. The 5% rate applies to royalties for copyrights of artistic works (excluding motion picture films and television). The 10% rate applies to royalties for patents or payments for industrial experience, including the rendering of technical assistance. The 15% rate applies to other royalties.

(j) The lower rate applies to copyright royalties.

(k) A lower rate (the 7% rate under the Mongolia treaty and the 10% rate under the India and Thailand treaties) applies to interest paid to banks and other financial institutions.

(l) The higher rate applies if the recipient is a Malawi company that controls more than 50% of the voting power in the UK company that makes the payment.

(m) The 10% rate applies to interest on listed bonds.

(n) The higher rate applies to cinematographic, television and radio broadcasting royalties.

(o) The UK tax authorities consider the former Yugoslavia treaty to be applicable to Bosnia and Herzegovina, Montenegro and Serbia. New agreements have been entered into with Croatia, Kosovo, North Macedonia and Slovenia.

(p) The lower rate applies to royalties with respect to cinematographic films and films or tapes for television or radio broadcasting.

(q) The higher rate applies to royalties with respect to mines, quarries or other extractions of natural resources.

(r) The lower rate applies to the right to use industrial, commercial or scientific equipment.

(s) The lower rate applies to copyright royalties. The higher treaty rate applies to all other royalties payable with respect to rights granted after the signing of the double tax treaty.

(t) The 0% rate applies to, among other interest payments, the following:
- Interest paid to the state (or a subdivision), an individual, a pension scheme, a financial institution, a quoted company or an unquoted company if it is less than 25% owned by Bahrain residents, provided that such interest is not paid as part of an arrangement involving back-to-back loans
- Interest paid by the state (or a subdivision) or a bank, or on a quoted Eurobond

(u) The lower rate applies to interest on loans between enterprises (20% relationship required in the case of Slovenia), interest paid to a pension scheme (some treaties) or to a state or political subdivision.

(v) The lowest rate applies, depending on the treaty, to interest paid to a state or political subdivision or the central bank. Some treaties also apply this rate to interest guaranteed by or paid by the state.

(w) The lower rate applies if any of the following circumstances exists:
- The interest is paid to a state or political subdivision or the central bank.
- The interest is paid with respect to the sale on credit of merchandise or equipment to an enterprise of either country.
- The interest is paid as a result of financing provided in connection with agreements concluded between the two governments.
- The beneficial owner of the interest is a pension scheme.

(x) The 0% rate applies if any of the following circumstances exists:
- The recipient and beneficial owner of the interest is the other state or the central bank or a political subdivision or local authority thereof, a financial institution or a pension scheme.
- The interest is paid by the state in which the interest arises or by a political subdivision, or local authority thereof, or the interest is paid with respect to a loan, debt claim or credit that is owed to or made, provided, guaranteed or insured by that state or a political subdivision, local authority or export financing agency thereof.
- The interest is paid with respect to indebtedness arising as a result of the sale on credit of equipment, merchandise or services.

(y) The 0% rate applies if the recipient of the interest is the government of the other state, its central bank, an institution owned by that government, a statutory body or a bank.

(z) Qualification for the lower rate may require certification by the relevant competent authority that one of a company's main purposes is not the securing of the treaty relief.

(aa) An adjusted amount (60% of the gross amount of the royalties) is subject to the 10% rate with respect to the right to use industrial, commercial or scientific equipment.
(bb) The 0% rate applies if the recipient of the interest is the government of the other state, its political subdivisions or local authorities thereof.
(cc) Relief may be restricted to 15% in certain circumstances (see Article 11(5) of the treaty).
(dd) The 0% rate applies if the interest is paid by the state in which it arises (including its political subdivisions, local authorities or statutory bodies), or if the recipient is any of the following:
- The other state (including its political subdivisions, local authorities, central bank and statutory bodies)
- An individual
- A company whose shares are regularly traded on a recognized stock exchange
- A company of which less than 25% of its shares are owned by persons who are not residents of the other state
- A pension scheme
- A bank or building society
- A financial institution
- A person who passes the "principal purpose test" set out in the treaty

The United Kingdom has also entered into tax treaties with British Virgin Islands, Cameroon, Cayman Islands, Congo (Democratic Republic of), Iran and Lebanon. These treaties do not have articles covering dividends, interest or royalties. Payments to these countries are subject to withholding tax at the non-treaty countries' rates set forth in the above table.

The United Kingdom also has new treaties, amendments or protocols to treaties with Belgium, and Brazil which are signed but not yet in force. It has concluded negotiations with Peru and an agreed treaty is due to be signed shortly.

HMRC has indicated that it will prioritize renegotiation of treaties with EU Member States to try to replicate the benefits of the EU Interest and Royalty and Parent and Subsidiary Directives. In addition, it has been indicated that it has been undertaking negotiations with Estonia, New Zealand and Sri Lanka.

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A. At a glance

Corporate Income Tax Rate (%)	21 (a)
Corporate Capital Gains Tax Rate (%)	21
Branch Tax Rate (%)	21 (a)
Branch Profits Tax (%)	30 (b)
Withholding Tax (%) (c)	
Dividends	30 (d)
Interest	30 (d)(e)
Royalties from Patents, Know-how, etc.	30 (d)
Net Operating Losses (Years)	
Carryback	0 (f)
Carryforward	Unlimited (f)

(a) The 21% rate is effective for tax years beginning after 31 December 2017. In addition, many states levy income or capital-based taxes. A base erosion and anti-abuse tax and a corporate alternative minimum tax are also imposed on certain corporations. See Section B.
(b) This is the branch profits tax applicable to non-US corporations (see Section D).
(c) Rates may be reduced by treaty.
(d) Applicable to payments to non-US corporations and nonresidents.
(e) Interest on certain "portfolio debt" obligations issued after 18 July 1984 and non-effectively connected bank deposit interest are exempt from withholding tax.
(f) A net operating loss deduction is generally limited to 80% of taxable income. Special rules apply to certain types of losses and entities. For details, see Section C.

B. Taxes on corporate income and gains

Corporate income tax. US corporations are subject to US federal taxation on their worldwide income, including income of foreign branches and certain income of their foreign subsidiaries (regardless of whether such income is repatriated to the United States in the year in which it is earned). If certain conditions are met, a US corporation is allowed a 100% deduction against the foreign-source portion of dividends received from certain foreign subsidiaries, including any gain from the sale or exchange of stock in a foreign subsidiary that is treated as a dividend under Section 1248 of the Internal Revenue Code (IRC).

In general, foreign corporations are subject to US taxation on income that is effectively connected with a US trade or business and on certain other US-source income. However, if the foreign corporation is resident in a country having an income tax treaty with the United States and is eligible to claim the benefits of that treaty, only the foreign corporation's business profits that are attributable to a permanent establishment in the United States are subject to US taxation and the rate of tax on certain other US-source income may be reduced.

The 2022 Inflation Reduction Act included a new 15% corporate alternative minimum tax (CAMT) for companies that report over USD1 billion in aggregate average annual book income, over a three-year period, which applies to years beginning after 31 December 2022. An applicable corporation is liable for the CAMT to the extent that its "tentative minimum tax" exceeds its regular US federal income tax liability plus its liability for the base erosion and anti-abuse tax (BEAT).

Rates of corporate tax. For tax years beginning after 31 December 2017, a corporation's taxable income is taxed at 21%. This rate applies both to US corporations and to the income of foreign corporations that is effectively connected with a US trade or business. Certain foreign corporations that are engaged in a US trade or business may be exempt from US tax on effectively connected income by reason of a treaty.

Base erosion and anti-abuse tax. The BEAT is an additional tax on corporations that are subject to US corporate income tax and that meet certain gross receipts and base erosion percentage thresholds. A taxpayer's BEAT liability for a tax year is the excess, if any, of an amount equal to 10% (5% for tax years beginning in the 2018 calendar year and 12.5% for tax years beginning after 31 December 2025) of the taxpayer's modified taxable income (MTI) over an amount equal to the taxpayer's regular tax liability reduced by certain credits (including the foreign tax credit). In general, MTI is the taxpayer's taxable income calculated without regard to any base erosion tax benefits (for example, current expenses or cost-recovery deductions) generated from base erosion payments and the base erosion percentage of certain net operating loss deductions. Base erosion payments include most deductible payments to foreign related persons, including payments for services, for the use of property and for depreciable or amortizable property. Base erosion payments generally do not include costs of goods sold, with exceptions.

Capital gains and losses. A corporation's gains are taxed at the same rates as ordinary income. In general, capital losses may offset only capital gains, not ordinary income. Subject to certain restrictions, a corporation's excess capital loss may be carried back three years and forward five years to offset capital gains in such other years.

Administration. The annual tax return for domestic corporations is due by the 15th day of the fourth month after the close of the company's tax year. A corporation is entitled, upon request, to an automatic six-month extension to file its return. In general, 100% of a corporation's tax liability must be paid through quarterly estimated tax installments during the year in which the income is earned. The estimated tax payments are due on the 15th day of the 4th, 6th, 9th and 12th months of the company's fiscal year.

Credit for foreign taxes. A credit is allowed for foreign income taxes paid or accrued, or deemed paid, by US corporations, but the credit is generally limited to the amount of regular US tax on the taxpayer's foreign-source taxable income. Separate limitations must also be calculated for specified categories of income, including passive income, general category income, foreign branch income, global intangible low-taxed income ([GILTI]; see Section C) and income resourced under a treaty.

C. Determination of taxable income

General. Income for tax purposes generally is computed for a tax year according to certain statutory tax provisions (for example, Sections 451 and 461 of the IRC) and underlying regulations. Consequently, taxable income typically does not equal income for financial reporting purposes.

In general, a deduction is permitted for ordinary and necessary trade or business expenses. However, expenditures that create an asset having a useful life longer than one year (and not eligible for certain exceptions, such as those relating to the bonus depreciation deduction for qualified depreciable tangible property and eligible de minimis items) may need to be capitalized and recovered over an appropriate period.

Depreciation. A depreciation deduction is available for most tangible property (except land) used in a trade or business or held for the production of income, such as rental property. Tangible depreciable property that is used in the United States and placed in service after 1986 is generally depreciated under prescribed recovery periods pursuant to the Modified Accelerated Cost Recovery System (MACRS). In general, under the MACRS, each class is assigned a recovery period and a depreciation method. Significantly, under tax reform legislation effective for tax years beginning in 2018, a 100% first-year bonus depreciation deduction is allowed for certain qualified property acquired and placed in service after 27 September 2017 and before 1 January 2023. Qualified property generally includes tangible property with a recovery period of 20 years or less under MACRS (subject to certain significant exceptions related to designated types of real property improvements), provided the certain statutory requirements are met.

After 2022, the rate of bonus depreciation for qualified property decreases over the next four years to the following rates:
- 80% for property placed in service in 2023
- 60% for property placed in service in 2024
- 40% for property placed in service in 2025
- 20% for property placed in service in 2026

The cost of intangible assets developed by a taxpayer may be amortized over the determinable useful life of an asset. Certain intangible assets, including goodwill, going concern value, patents and copyrights, may generally be amortized over 15 years if they are acquired as part of a taxable acquisition of a business.

Tax depreciation is generally subject to recapture on the sale of a depreciated asset to the extent that the sales proceeds exceed the tax value after depreciation. The amounts recaptured are subject to tax as ordinary income.

Net operating losses. If allowable deductions of a US corporation or branch of a foreign corporation exceed its gross income, the excess is called a net operating loss (NOL). With the exception of a two-year carryback for certain losses incurred in the trade or business of farming or of certain insurance companies, NOLs may not be carried back to prior years. However, corporations may generally carry losses forward indefinitely. A net operating loss deduction is generally limited to 80% of taxable income.

Inventories. Inventory is generally valued for tax purposes at either cost or the lower of cost or market value. In determining the cost of goods sold, the two most common inventory flow assumptions used are last-in, first-out (LIFO) and first-in, first-out (FIFO). The method chosen must be applied consistently. Uniform capitalization rules require the inclusion in inventory costs of allocable indirect costs.

Dividends. In general, dividends received by a US corporation from other US corporations qualify for a 50% dividends-received deduction, subject to certain limitations. The dividends-received deduction is generally increased to 65% of the dividend if the recipient corporation owns at least 20% of the distributing corporation. Dividend payments between members of an affiliated group of US corporations qualify for a 100% dividends-received deduction. In general, an affiliated group consists of a US parent corporation and all other US corporations in which the parent owns, directly or indirectly through one or more chains, at least 80% of the total voting power and value of all classes of shares (excluding non-voting preferred shares). For distributions made after 31 December 2017, the foreign source-portion of certain dividends (excluding hybrid dividends) received by a US corporation from certain 10%-owned foreign corporations may qualify for a 100% dividends-received deduction.

Consolidated returns. An affiliated group of US corporations (as described in *Dividends*) may elect to determine its taxable income and tax liability on a consolidated basis. The consolidated return provisions generally allow electing corporations to report aggregate group income and deductions. Consequently, the NOLs of some members of the group can, subject to certain limitations, be used to offset the taxable income of other members of the group, and transactions between group members, such as intercompany sales and dividends, are generally deferred or eliminated until there is a transaction outside the group. Under certain circumstances, losses incurred on the sale of consolidated subsidiaries are disallowed.

Foreign subsidiaries. Under certain circumstances, undistributed income of a foreign subsidiary controlled by US shareholders is taxed to the US shareholders on a current basis, as if the foreign subsidiary distributed a dividend on the last day of its tax year. This may result if the foreign subsidiary holds "United States property" (including loans to US shareholders) during its tax year or earns certain types of income (Subpart F, including certain passive income and "tainted" business income, and tested income that results in GILTI to the US shareholders).

Foreign-derived intangible income and global intangible low-taxed income deduction. For tax years beginning after 31 December 2017, a US corporation may deduct 37.5% (21.875% for tax years beginning after 31 December 2025) of its foreign-derived intangible income (FDII) and 50% (37.5% for tax years beginning after 31 December 2025) of its GILTI, subject to a taxable income limitation. In general, FDII equals the foreign-derived amount of a domestic corporation's deemed intangible income that is driven, in part, by sales (or leases or licenses) of property to a foreign person for a foreign use or services provided to a person, or with respect to property, in a foreign location. Deemed intangible income equals deduction-eligible income (DEI) in excess of a deemed return from tangible depreciable assets that are held by the domestic corporation and that generate DEI.

Anti-hybrid rules. For tax years beginning after 31 December 2017, a deduction is denied for any disqualified related-party amount paid or accrued pursuant to a hybrid transaction (involving payments that are treated as interest or royalties for US tax

purposes but not by the recipient's residence country) or by, or to, a hybrid entity (an entity that is fiscally transparent for US tax purposes but not for purposes of the tax law of the resident country, or vice versa).

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Branch profits tax, on branch profits (reduced by reinvested profits and increased by withdrawals of previously reinvested earnings); the rate may be reduced by treaty	30%
Branch interest tax, on interest expense paid by a branch in excess of the amount deductible against effectively connected income (unless the interest would be exempt from withholding tax if paid by a US corporation); the rate may be reduced by treaty	30%
Personal holding company (PHC) tax, applies to a corporation that satisfies a passive-income test; in addition to regular tax; imposed on undistributed income	20%
Accumulated earnings tax; penalty tax levied on a corporation (excluding a PHC) accumulating profits to avoid shareholder-level personal income tax; assessed on accumulated taxable income exceeding a calculated amount (at least USD250,000 or USD150,000 for certain personal services corporations)	20%
State and local income taxes, imposed by most states and some local governments	Various
State and local sales taxes, imposed by many states and some local governments	Various
Payroll taxes	
Federal unemployment insurance (FUTA); imposed on first USD7,000 of wages	6.0% and 0.6% (assuming full credit of 5.4%)
Workmen's compensation insurance; provisions vary according to state laws; rates vary depending on nature of employees' activities	Various
Social security contributions (including 1.45% Medicare tax); imposed on	
Wages up to USD168,600 (for 2024); paid by	
Employer	6.2%
Employee	6.2%
All covered wages (for 2024; Medicare tax); paid by	
Employer	1.45%
Employee	1.45%
(Effective from 1 January 2013, an additional Medicare tax of 0.9% applies to wages, tips, other compensation and self-employment income in excess of USD200,000 for taxpayers who file as single or head of household. For married taxpayers	

Nature of tax	Rate
filing jointly and surviving spouses, the additional 0.9% Medicare tax applies to the couple's combined wages in excess of USD250,000. The additional tax applies only to the amount owed by the employee; the employer does not pay the additional tax. Employers withhold tax only on wages in excess of USD200,000.)	

E. Miscellaneous matters

Foreign-exchange controls. The United States currently has no foreign-exchange control restrictions.

Debt-to-equity rules. The United States has a number of provisions that must be considered in evaluating whether a purported debt instrument is considered debt or equity for US tax purposes. Extensive regulations were promulgated for debt instruments issued after 4 April 2016 under Section 385 of the IRC. In such case, funds loaned to a corporation by a related party may be recharacterized by the Internal Revenue Service (IRS) as equity if a prohibited distribution (or similar) transaction occurs. As a result, the corporation's deduction for interest expense may be disallowed, and principal and interest payments may be considered distributions to the related party and be subject to withholding tax at rates applicable to distributions. Documentation requirements, which were also a part of the same set of regulations, have been withdrawn but continue to exist in case law. In addition to the Section 385 regulations, the United States has extensive case law distinguishing debt from equity and generally applying some type of facts and circumstances test in determining whether an instrument issued by a business should be considered debt or equity for US tax purposes.

If an instrument is properly considered debt, there are a number of provisions that can deny or defer the deduction for interest expense. For example, interest on certain convertible debt instruments may be disallowed. In addition, interest expense accrued on a loan from a related foreign lender must be actually paid before the US borrower can deduct the interest expense. The most expansive interest expense limitation rule is Section 163(j) of the IRC, which generally applies to all taxpayers to limit the deduction for business interest to 30% of adjusted taxable income (ATI). For the first several years of application, ATI was computed without regard to depreciation, amortization or depletion. Beginning in 2022, however, ATI is decreased by those items, thereby making the computation 30% of net interest expense exceeding earnings before interest and taxes. The Coronavirus Aid, Relief, and Economic Security (CARES) Act passed in March 2020 increased the 30% limitation to 50% for two tax years (for all taxpayers except partnerships and in all cases subject to election out and back to 30%). Interest expense must be related to a "business," which means the interest must be properly allocable to a trade or business. Certain exceptions apply, including a small business exception, and special rules apply to partnerships for purposes of determining the limitation. Disallowed interest may be carried forward to future years and allowed as a deduction. Final regulations were issued in 2020 and 2021 affirming application to controlled foreign corporations

(CFCs) and also containing an expanded anti-abuse rule. In addition, proposed regulations were issued in 2018 and 2020. The final and proposed regulations provide certain specific rules with respect to the application of Section 163(j) of the IRC, and taxpayers are advised to analyze the application of these regulations.

Transfer pricing. In general, the IRS may redetermine the tax liability of related parties if, in its discretion, this is necessary to prevent the evasion of taxes or to clearly reflect income. Specific regulations require that related taxpayers (including US persons and their foreign affiliates) deal among themselves on an arm's-length basis. Under the best-method rule included in the transfer-pricing regulations, the best transfer-pricing method is the one that provides the most reliable measure of an arm's-length result, determined based on the facts and circumstances. Transfer-pricing methods that may be acceptable, depending on the circumstances, include the comparable profits method, comparable uncontrolled price method, cost-plus method, resale price method and profit-split method. It is possible to reach transfer-pricing agreements in advance with the IRS.

If the IRS adjusts a taxpayer's tax liability, tax treaties between the United States and other countries usually provide mutual agreement procedures for the allocation of adjustments between related parties in the two countries to avoid double tax.

F. Treaty withholding tax rates

The following are US withholding tax rates for dividends, interest and royalties paid from the United States to residents of various treaty jurisdictions.

	Dividends %	Interest %	Patent and know-how royalties %
Australia	0/5/15 (a)	0/10 (b)	5
Austria	5/15 (c)	0	0
Bangladesh	10/15 (c)	5/10 (d)	10
Barbados	5/15 (c)	5	5
Belgium	0/5/15 (a)	0	0
Bulgaria	5/10 (c)	5	5
Canada	5/15 (c)	0	0/10 (e)
Chile (tt)	5/15 (uu)	4/10/15	2/10
China Mainland	10	10 (x)	10
Cyprus	5/15 (c)	10	0
Czech Republic	5/15 (c)	0	0/10 (f)
Denmark	0/5/15 (a)	0	0
Egypt	5/15 (c)	15	15
Estonia	5/15 (c)	10	5/10 (g)
Finland	0/5/15 (a)	0	0
France	0/5/15 (a)	0	0 (h)
Germany	0/5/15 (a)	0	0
Greece	30	0/30 (i)	0
Hungary (j)	5/15 (c)	0	0
Iceland	5/15 (c)	0	0/5 (k)
India	15/25 (c)	10/15 (l)	10/15 (m)
Indonesia	10/15 (c)	10	10
Ireland	5/15 (c)	0	0
Israel	12.5/25 (c)	10/17.5 (n)	10/15 (o)

	Dividends %	Interest %	Patent and know-how royalties %
Italy	5/15 (c)	0/10 (p)	0/5/8 (q)
Jamaica	10/15 (c)	12.5	10
Japan (dd)	0/5/10	0	0
Kazakhstan	5/15 (c)	10	10
Korea (South)	10/15 (c)	12	10/15 (r)
Latvia	5/15 (c)	10	5/10 (g)
Lithuania	5/15 (c)	10	5/10 (g)
Luxembourg (oo)	0/5/15 (c)(s)	0	0
Malta	5/15	10	10
Mexico	0/5/10 (u)	4.9/10/15 (v)	10
Morocco	10/15 (c)	15	10
Netherlands	0/5/15 (a)	0	0
New Zealand	0/5/15 (a)(c)	10	5
Norway	15	0 (y)	0
Pakistan	15/30 (c)	30	0/30 (pp)
Philippines	20/25 (c)	10/15 (z)	15/25 (aa)
Poland (bb)	5/15 (c)	0	10
Portugal	15 (cc)	10	10
Romania	10	10	10/15 (ee)
Russian Federation (vv)	5/10 (c)	0	0
Slovak Republic	5/15 (c)	0	0/10 (ee)
Slovenia	5/15 (c)	0/5 (qq)	5
South Africa	5/15 (c)	0	0
Spain (ii)	0/5/15	0	0
Sri Lanka	15	10	5/10 (gg)
Sweden	0/5/15 (a)	0	0
Switzerland (ff)	5/15 (c)	0	0
Thailand	10/15 (c)	10/15 (hh)	5/8/15 (rr)
Trinidad and Tobago	30	30	15
Tunisia	14/20 (c)	15	10/15 (jj)
Türkiye	15/20 (c)	10/15 (ss)	5/10 (kk)
Ukraine	5/15 (c)	0	10
USSR (ll)	30	0	0
United Kingdom	0/5/15 (mm)	0 (nn)	0
Venezuela	5/15 (c)	4.95/10 (t)	5/10 (kk)
Non-treaty jurisdictions	30	30 (w)	30

Various exceptions (for example, for governmental entities and REITs) or conditions may apply (for example, a limitation-on-benefits provision), depending upon the terms of the particular treaty.

(a) The 0% rate applies if dividends are paid by an 80%-owned US corporation to its parent company (80% ownership must be for at least a 12-month period ending on the date the dividend is declared or the entitlement is determined) and if certain other conditions are met. The 5% rate applies to dividends paid to a company that directly owns at least 10% of the voting power (or share capital, if applicable) of the payer. The 15% rate applies to other dividends.

(b) The 10% rate applies to all interest payments with the following exceptions:
- Interest derived by the government of a contracting state
- Interest derived by certain financial institutions

(c) The withholding rate is reduced to 5% (10% in the case of Bangladesh, Indonesia, Jamaica, Korea (South), Morocco, Thailand, and Trinidad and Tobago; 12.5% in the case of Israel; 14% in the case of Tunisia; 15% in the

case of India, Pakistan and Türkiye and 20% in the case of the Philippines) if, among other conditions, the recipient is a corporation owning a specified percentage of the voting power of the distributing corporation.

(d) The 5% rate applies to interest paid to banks or financial institutions and interest related to the sale on credit of industrial, commercial or scientific equipment or of merchandise.

(e) The 0% rate applies to royalties for cultural works as well as to payments for the use of, or the right to use, computer software, patents and information concerning industrial, commercial and scientific experience.

(f) The 0% rate applies to royalties paid for copyrights of literary, artistic or scientific works. The 10% rate applies to royalties paid for patents, trademarks, and industrial, commercial or scientific equipment or information.

(g) The 5% rate applies to royalties paid for the use of commercial, industrial or scientific equipment.

(h) The 0% rate applies to royalties paid for copyrights of literary, artistic or scientific works, cinematographic films, sound or picture recordings, software, patents, trademarks, designs or models, plans, secret formulas or processes, or other like right or property, or for information concerning industrial, commercial or scientific experience.

(i) The exemption does not apply if the recipient controls directly or indirectly more than 50% of the voting power in the paying corporation.

(j) On 4 February 2010, the United States and Hungary signed a new income tax treaty that would replace the existing treaty between the two countries. As of 31 December 2023, the proposed treaty had not yet received US Senate advice and consent to ratification. On 8 July 2022, the US Treasury officially began the process of terminating the US-Hungary tax treaty (signed in 1979). The termination of the treaty was effective on 8 January 2023, and with respect to taxes withheld at source, the convention ceased to have effect on 1 January 2024.

(k) The treaty provides for a general exemption from withholding tax on royalties. A 5% withholding tax rate applies to royalties for trademarks and motion pictures.

(l) The 10% rate applies to interest paid on loans granted by banks carrying on bona fide banking business and similar financial institutions.

(m) The 10% rate generally applies to royalties for the use of industrial, commercial or scientific equipment.

(n) The 10% rate applies to interest on bank loans. The 17.5% rate applies to other interest.

(o) The 10% rate applies to copyright and film royalties.

(p) The exemption applies to the following:
- Interest paid to qualified governmental entities, provided the entity owns, directly or indirectly, less than 25% of the payer of the interest
- Interest paid with respect to debt guaranteed or insured by a qualified governmental entity
- Interest paid or accrued with respect to the sale of goods, merchandise or services
- Interest paid or accrued on a sale of industrial, commercial, or scientific equipment

(q) The 0% rate applies to royalties paid for the use of certain copyright materials. The 5% rate applies to royalties paid for the use of computer software and industrial, commercial or scientific equipment. The 8% rate applies in all other cases.

(r) The 10% rate applies to royalties paid for copyrights or rights to produce or reproduce literary, dramatic, musical, or artistic works and to royalties paid for motion picture films.

(s) The rate is 0% for dividends paid by a company resident in Luxembourg if the beneficial owner of the dividends is a company that is a resident of the United States and if, during an uninterrupted period of two years preceding the date of payment of the dividends, the beneficial owner of the dividends has held directly at least 25% of the voting shares of the payer.

(t) The 4.95% rate applies to interest paid on loans made by financial institutions and insurance companies. The 10% rate applies to other interest.

(u) The 0% rate applies to the following dividends:
- Dividends paid to certain recipients that own at least 80% of the voting shares of the payer of the dividends
- Dividends paid to certain pension plans

The 5% rate applies if the conditions for the 0% rate are not met and if the recipient owns at least 10% of the payer of the dividends. The 10% rate applies if the 10% ownership threshold is not met. A protocol to the treaty provides an exemption from the 5% "dividend equivalent amount" tax if certain conditions are met (the conditions are similar to those that apply with respect to the 0% withholding tax rate on dividends).

(v) The 4.9% rate applies to interest paid on loans (except back-to-back loans) made by banks and insurance companies and to interest paid on publicly traded securities. The 10% rate applies to interest paid by banks and to interest paid by sellers to finance purchases of machinery and equipment. The 15% rate applies to other interest.

(w) Interest on certain "portfolio debt" obligations issued after 18 July 1984 and non-effectively connected bank deposit interest are exempt from withholding tax.

(x) Interest paid to state-owned enterprises in China Mainland is exempt from withholding tax.

(y) The general withholding tax rate for interest may be increased to 10% if both Norway and the United States tax interest paid to nonresidents under their domestic tax laws. Norway does not impose tax on interest paid to nonresidents and, consequently, a 0% rate applies to US-source interest under the treaty. The treaty also provides that a 0% rate applies to certain types of interest, such as interest paid on bank loans.

(z) The 10% rate applies to interest derived by a resident of one of the contracting states from sources in the other contracting state with respect to public issuances of bonded indebtedness.

(aa) The tax imposed by the source state may not exceed, in the case of the Philippines, the lowest of the following:
- 25%
- 15% if the royalties are paid by a corporation registered with the Philippine Board of Investments and engaged in preferred areas of activities
- The lowest rate of Philippine tax that may be imposed on royalties of the same kind paid under similar circumstances to a resident of a third state

(bb) On 13 February 2013, the United States and Poland signed a new income tax treaty that would replace the existing treaty between the two countries. As of 31 December 2022, the proposed treaty had not yet received US Senate advice and consent to ratification.

(cc) A reduced rate may apply if the beneficial owner of the dividend is a Portuguese company that owns at least 25% of the capital of the dividend-paying company.

(dd) On 24 January 2013, the United States and Japan signed a protocol to amend the existing income tax treaty between the countries. The protocol entered into force on 30 August 2019.

(ee) The lower rate applies to royalties for the right to use copyrights of literary, artistic or scientific works, including cinematographic films.

(ff) On 23 September 2009, the United States and Switzerland signed a protocol to amend the existing income tax treaty between the two countries. The protocol entered into force on 20 September 2019.

(gg) The 5% rate applies to rent paid for the use of tangible movable property.

(hh) The 10% rate applies to interest on loans granted by financial institutions. The 15% rate applies to other interest.

(ii) On 14 January 2013, the United States and Spain signed a new protocol to amend the existing income tax treaty and protocol between the two countries. The protocol entered into force on 27 November 2019.

(jj) The 10% rate applies to the following:
- Royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment
- Remuneration for the performance of accessory technical assistance with respect to the use of the property or rights described above, to the extent that such technical assistance is performed in the contracting state where the payment for the property or right has its source

The 15% rate applies to royalties or other amounts paid for the following:
- The use of, or right to use, copyrights of literary, artistic and scientific works, including cinematographic and television films and videotapes used in television broadcasts
- Patents, trademarks, designs and models, plans, and secret formulas and processes
- Information relating to industrial, commercial or scientific experience

(kk) The 5% rate applies to payments for the right to use industrial, commercial or scientific equipment. The 10% rate generally applies to other royalties.

(ll) The US Department of Treasury has announced that the income tax treaty between the United States and the USSR, which was signed on 20 June 1973, continues to apply to the former republics of the USSR, including Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan, until the United States enters into tax treaties with these countries. The United States has entered into tax treaties with Estonia, Kazakhstan, Latvia, Lithuania, the Russian Federation and

Ukraine. The withholding tax rates under these treaties are listed in the above table.

(mm) The 0% rate applies if the dividends are paid by US companies to UK companies that owned 80% or more of the voting shares of the payer of the dividends for a 12-month period preceding the declaration of the dividends and if either of the following additional conditions is met:
- The 80% test was met before 1 October 1998.
- The recipient is a qualified resident (or in certain cases that otherwise qualify for treaty benefits) under certain prongs of the limitation-on-benefits provision in the treaty.

The 0% rate also applies to US-source dividend payments made to UK pension schemes. The 5% rate applies if the beneficial owner of the dividends is a company owning 10% or more of the payer. For other dividends, the 15% rate applies.

(nn) Withholding tax may be imposed at the full domestic rate on interest paid in certain circumstances.

(oo) On 20 May 2009, the United States and Luxembourg signed a protocol to amend the existing income tax treaty between the two countries. The protocol entered into force on 9 September 2019.

(pp) The 0% rate does not apply to royalties or rentals from motion pictures.

(qq) The 5% rate applies to all interest payments with the following exceptions:
- Interest derived by a qualified governmental entity that does not control the payer
- Interest with respect to debt obligations guaranteed or insured by a qualified governmental entity of the payer's resident state
- Interest with respect to a deferred payment for personal property (movable property) or services

(rr) The 5% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, motion pictures, and certain broadcasting. The 8% rate applies to royalties paid for the use of, or the right to use, industrial, commercial or scientific equipment. The 15% rate applies to all other royalties.

(ss) The 10% rate applies to the following:
- Interest beneficially owned by any financial institution (including an insurance company)
- Interest related to a sale on credit of equipment, merchandise or services.

The 15% rate applies to all other interest.

(tt) The United States and Chile exchanged instruments of ratification for the first ever US-Chile income tax treaty in December 2023. The treaty entered into force on 19 December 2023. For taxes withheld at source, the treaty had effect for amounts paid or credited on or after 1 February 2024. For all other taxes, the treaty had effect for tax periods beginning on or after 1 January 2024.

(uu) An accompanying protocol to the US-Chile treaty alters the rates for dividends paid by a Chilean company to a US shareholder.

(vv) On 8 August 2023, the Russian Federation suspended certain double tax treaty benefits with countries that the Russian Federation designates as "unfriendly states," including the United States. The Russian Federation did not suspend the double tax treaties in their entirety, but only those articles which regulate reduced rates or other benefits (Clause 5 of Article 1, Articles 5 to 21, and Article 23). The Russian Federation considers provisions related to the elimination of double taxation and information exchange as still valid. The US response to the Russian Federation's suspension of certain treaty provisions in the US-Russian Federation tax treaty is unclear.

The United States and Chile signed their first-ever income tax treaty and protocol on 4 February 2010. It includes a general limitation-on-benefits provision and reductions in withholding tax rates. As of 31 December 2023, the proposed treaty and protocol had not yet received US Senate advice and consent to ratification.

The United States and Vietnam signed their first-ever income tax treaty and protocol on 7 July 2015. It includes a general limitation-on-benefits provision and reductions in withholding tax rates. As of 31 December 2022, the proposed treaty and protocol had not yet received US Senate advice and consent to ratification.

US Virgin Islands

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Because the US Virgin Islands operates under a system of corporate income taxation that is a mirror image of the US Internal Revenue Code (IRC), please refer to the United States chapter of this guide for further details on the applicable new provisions.

A. At a glance

Corporate Income Tax Rate (%)	23.1 (a)
Capital Gains Tax Rate (%)	23.1 (a)
Branch Tax Rate (%)	23.1 (a)
Withholding Tax (%) (b)	
Dividends	11 (c)
Interest	11 (c)
Royalties from Patents, Know-how, etc.	11 (c)
Branch Remittance Tax	11 (c)(d)
Net Operating Losses (Years) (e)	
Carryback	0
Carryforward	Unlimited

(a) This is the maximum rate. The rate includes a 10% surcharge. The 21% rate is effective for tax years beginning after 31 December 2017.

(b) The statutory rate for each withholding tax is 10%. The US Virgin Islands Bureau of Internal Revenue has taken the position that the 10% surcharge also applies to each withholding tax, and consequently the withholding rate is 11%.

(c) Under certain circumstances, these taxes may not apply to US corporations doing business in the US Virgin Islands. The US Virgin Islands Bureau of Internal Revenue has taken the position that a 10% withholding applies to dividend distributions to US corporations, despite the statutory provision stating otherwise.

(d) This is the branch profits tax, imposed on the earnings of a foreign corporation attributable to its branch, reduced by earnings reinvested in the branch and increased by reinvested earnings withdrawn (see Section B).

(e) As a general rule, no carryback is allowed for losses incurred in tax years beginning after 31 December 2017. A two-year carryback period is available in certain circumstances. An 80% net taxable income limitation is imposed for tax years commencing after 31 December 2017.

B. Taxes on corporate income and gains

Corporate income tax. The system of corporate income taxation in force in the US Virgin Islands is generally a mirror image of the US Internal Revenue Code (IRC). The applicable law is the IRC with "US Virgin Islands" substituted for all references to the "United States." Significant differences between US and US Virgin Islands taxation are discussed below.

US Virgin Islands corporations are subject to income tax on their worldwide income. A foreign corporation, which is a corporation organized outside the US Virgin Islands, is subject to income tax only on its income from US Virgin Islands sources and on its income that is effectively connected with the conduct of a trade or business in the US Virgin Islands.

Under Section 937(b) of the IRC, rules similar to those for determining US-source income or income effectively connected with the conduct of a trade or business in the United States must be used to determine if income is from sources within the US Virgin Islands or effectively connected with the conduct of a trade or business within the US Virgin Islands.

Rates of corporate income tax. Corporations are taxed at the rates specified in the IRC, except that the US Virgin Islands imposes an additional 10% surcharge on the tax liability of all domestic and foreign corporations. This increases the maximum effective income tax rate to 23.1% for tax years beginning after 31 December 2017. This rate applies both to US Virgin Islands corporations and to the income of foreign corporations that is effectively connected with a US Virgin Islands trade or business.

US Virgin Islands corporations may benefit from the tax exemptions and reductions indicated below.

Economic development program. Qualifying corporations are exempt from income tax on up to 90% of their income. In addition, they are exempt from real property, gross receipts and certain excise taxes. Other reductions in various taxes may apply.

Enterprise Zone incentives. Qualifying corporations located in historic towns are exempt from income tax on up to 90% of their income. In addition, they are exempt from real property, gross receipts and certain excise taxes. Other reductions in various taxes may apply.

Exempt companies. Qualifying corporations that are foreign-owned and do not carry on a trade or business in the United States or in the US Virgin Islands may elect a 20-year exemption from substantially all US Virgin Islands taxes.

Development of renewable and alternative energy-generation sources. Equipment or component parts brought into the US Virgin Islands for the purpose of manufacturing solar water heaters or wind or solar energy systems are exempt from the payment of custom duties and excise taxes. Also, revenues derived from the installation or construction of a renewable or alternative energy electric power or production plant or device are exempt from the gross receipts tax.

Branch profits tax and branch interest tax. The branch profits tax (BPT) and branch interest tax (BIT) rules in the US Virgin

Islands are similar to those in the United States, except that the BPT and BIT rates are 11% (including the 10% surcharge) instead of 30%. Under certain circumstances, these taxes may not apply to US corporations doing business in the US Virgin Islands.

Capital gains and losses. The provisions applicable to capital gains and losses in the US Virgin Islands are the same as those in the United States.

Administration. The annual income tax return is due by the 15th day of the fourth month after the close of the company's fiscal year. On request, a corporation receives an automatic six-month extension to file its tax return. In general, 100% of a corporation's tax liability must be paid through estimated tax installments during the year in which the income is earned.

Domestic and foreign corporations file their returns with the US Virgin Islands Bureau of Internal Revenue (USVIBIR).

Foreign tax relief. The provisions related to foreign tax credits are similar to those in the United States.

Foreign Investment in Real Property Tax Act. The Foreign Investment in Real Property Tax Act (FIRPTA) applies to corporations owning real property interests in the US Virgin Islands. Under this act, a foreign corporation (including a US corporation) pays tax attributable to its gain from the sale of US Virgin Islands property to the US Virgin Islands treasury.

C. Determination of trading income

General. The rules for determining trading income are the same as those in the United States.

Groups of companies. A US Virgin Islands corporation may not file a consolidated income tax return with a related US tax entity. However, a group of US Virgin Islands corporations may file a consolidated return with the USVIBIR if they meet the requirements set by the IRC provisions for consolidated returns.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Gross receipts tax, on total business receipts	5
Excise tax, on imported goods, merchandise and commodities for sale or for processing in the US Virgin Islands unless exempt by law; tax is computed on invoice value plus a 5% mark-up	2 to 25
Real property tax; imposed on the assessed value of the property as determined by the tax assessor; the application of exemptions and credits may not reduce the tax due to an amount less than USD180	
Unimproved noncommercial property	0.49
Residential property	0.38
Commercial property	0.71
Timeshares	1.4

Nature of tax	Rate (%)
Franchise tax, imposed annually on capital stock of domestic and foreign corporations qualified to do business in the US Virgin Islands; minimum tax is USD300	0.15 (USD1.50 per USD1,000 of capital stock)
Stamp tax, on transfer of real or personal property located in the US Virgin Islands	2 to 3.5
Payroll taxes	
Federal unemployment insurance (FUTA) plus the fund building surtax; imposed on first USD7,000 of wages	6.2
US Virgin Islands unemployment insurance (creditable against FUTA; each employer must pay USD25 annually per employee for interest accrued on the Virgin Islands Federal Trust Fund Loan)	5.4
Workmen's compensation insurance, varies depending on classification of employee's activities	Various
Social security contributions; subject to the same limitations as in the United States; imposed on	
Wages up to USD168,600 (for 2024); paid by	
Employer	6.2
Employee	6.2
Medicare portion (hospital insurance; for 2024); paid by	
Employer	1.45
Employee (subject to an additional 0.9% of Medicare tax for wages in excess of USD200,000; no employer matching contribution for Medicare tax)	1.45
Insurance premium tax, on gross premiums received by insurers for insurance policies covering risks in the US Virgin Islands; certain exceptions apply	5

E. Miscellaneous matters

Foreign-exchange controls. The US Virgin Islands has not enacted any specific foreign-exchange controls, but US laws concerning cash transaction reporting and other financial matters are applicable.

Debt-to-equity rules. The US Virgin Islands debt-to-equity rules are the same as those in the United States.

F. Treaty withholding tax rates

The US Virgin Islands does not have tax treaties with foreign governments.

Uruguay

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A. At a glance

Corporate Income Tax Rate (%)	25
Capital Gains Tax Rate (%)	25
Branch Tax Rate (%)	25
Withholding Tax (%)	
Dividends	7 (a)(b)(c)
Interest	12 (a)(b)(d)
Royalties	12 (a)(b)
Equipment Rent	12 (a)(b)
Technical Assistance Payments and Service Fees	12 (b)
Income Paid to Entities from Low or Nil Tax Jurisdictions or Benefiting from Low or Nil Tax Regimes	25 (e)
Branch Remittance Tax	7 (b)
Net Operating Losses (Years)	
Carryback	0
Carryforward	5

(a) This tax applies to nonresident corporations and individuals and resident individuals. Nonresident corporations are corporations not incorporated in Uruguay.

(b) See Section B.

(c) Under Accountability Law No. 19,438, notional dividends are taxable, effective from 1 March 2017. For the purposes of this law, notional dividends are determined considering the net taxable income of the company that is more than three years old, less certain items (equity participation investments in other resident entities and investments in fixed and intangible assets, among others), subject to certain limits.

(d) From 1 January 2023, the following rates apply to interest from deposits on local financial institutions, interest from obligations and other debt titles issued by local entities, and yields of capital from the holding of certificates of participation on financial trusts, issued by local entities according to public procurement procedures and listed on the Uruguayan stock exchange:

- In national currency with a nominal fixed rate: 5.5% at a year or less, 2.5% from more than one and up to three years and 0.5% for more than three years
- In national currency with a readjustment clause: 10% at a year or less, 7% from more than one and up to three years and 5% for more than three years

- In foreign currency: 12% up to three years and 7% for more than three years

The rate is 12% in any other case.

(e) This tax applies to income paid to entities that are resident, domiciled, constituted or located in low or nil tax countries or jurisdictions or that benefit from a low or nil tax regime, except for dividends distributed by Uruguayan corporate income taxpayers. This rate applies from 1 January 2017, according to Accountability Law No. 19,438 and Fiscal Transparency Law No. 19,484. In addition, a complementary tax rate of 5.25% applies to income derived from immovable assets.

B. Taxes on corporate income and gains

Corporate income tax. Corporations are taxed on Uruguay-source income, defined as income derived from activities performed, property situated or economic rights used in Uruguay. Any profits, including capital gains, are taxable.

Significant modifications were introduced to the source criteria for fiscal years starting from 1 January 2023. For corporate income tax taxpayers that are part of a multinational group, including permanent establishments and its head office, if specific substance requirements are not met, passive income from abroad would be considered Uruguayan-source. In case of brands, all income is considered Uruguayan-source, no matter the substance.

Rate of corporate tax. The corporate tax rate is 25%.

Capital gains. Capital gains are included in ordinary income and taxed at the regular corporate rate.

Administration. Corporations are required to make monthly advance payments. These payments are calculated by applying to monthly gross income a fraction with a numerator equal to income tax for the prior tax year and a denominator equal to the corporation's gross income subject to tax for that year (the one that corresponds to the last filed corporate income tax return). Filing of tax returns and payment of the balance must be made by the fourth month after the end of the accounting period, which is the company's tax year-end.

Dividends and branch remittances. Dividends paid to resident companies are exempt from tax. Dividends paid to resident individuals are subject to personal income tax at a rate of 7% if the dividends are paid out of income subject to corporate income tax. Dividends paid to nonresident companies and individuals and branch remittances are subject to withholding tax at a rate of 7% if they are paid out of income subject to corporate income tax. Dividends and branch remittances paid out of income not subject to corporate income tax are exempt from tax. Dividends subject to withholding tax cannot exceed the taxable profit of the company.

Effective from 1 March 2017, companies must calculate and withhold personal income tax or nonresidents income tax on notional dividends, which are be deemed to be paid to shareholders. The rates of this tax are 12% on dividends from income from foreign capital investment received by resident individuals and 7% for other dividends and profit distributions. For this purpose, notional dividends are calculated in accordance with specified rules (see footnote [c] in Section A). The payer of corporate income tax acts as the "withholding" agent before it makes the actual income payment. Because no real withholding

takes place, it must pay the tax to the tax office. On receipt of actual dividends, shareholders can credit the taxes already paid against their income tax liability. Consequently, no additional tax is due.

Withholding tax on certain payments to nonresidents. In general, a 12% withholding tax is imposed on the following payments to nonresidents:

- Interest
- Royalties
- Technical assistance payments
- Publicity and advertising services
- Service fees
- Equipment rent

If a nonresident is a low or nil tax entity, the general withholding tax rate is 25%, instead of the general rate of 12%. This rate applies from 1 January 2017, according to Accountability Law No. 19,438 and Fiscal Transparency Law No. 19,484.

C. Determination of trading income

General. Tax is imposed on taxable profit, which is accounting profit earned in the accounting period after tax adjustments. An inflation adjustment is applied currently if certain conditions are met. However, under Accountability Law No. 19,438, for fiscal years ending from 1 January 2017, the inflation adjustment applies only if the inflation index increases more than 100% (in a cumulative manner) in the three-year period preceding the relevant fiscal year. All Uruguay-source income is taxable. Expenses are deductible to the extent that they are incurred in producing or maintaining taxable income, are documented, are accrued in the fiscal year and are taxable to the counterparty.

In general, payments to nonresidents are fully deductible as expenses if the effective income tax rate of the country of the recipient is 25% or higher (to be proved through a specific certificate). If the effective tax rate of the country of the recipient is lower than 25%, only a percentage of the expenses is deductible. The percentage equals the ratio of the nonresident withholding tax rate (12%) plus the effective income tax rate of the country of the nonresident (reduced by a tax credit if one exists) to the corporate income tax rate of 25% in Uruguay. If the nonresident withholding tax of 12% applies, the minimum percentage of deduction is 48% (the ratio of the withholding tax rate of 12% to the corporate income tax rate of 25%). Stock is valued according to the cost of purchases, production costs or reposition costs (the valuing of inventory according to reposition costs is accepted only if it is based on quantities, prices and conditions that reflect normal market conditions, based on the taxpayer's type of business).

Inventories. Last-in, first-out (LIFO), first-in, first-out (FIFO), average cost and market price are acceptable methods. The corporation can choose which method to use, but may not change the method without prior authorization.

Provisions. Only deductions for expenses already incurred are allowed. Provisions for bad debts and severance pay are not allowed. Bad debts may be written off if the debtor goes bankrupt

or if 18 months have elapsed since the obligation to pay the debt became due.

Depreciation. A depreciation deduction may be taken on tangible assets based on their useful lives using the straight-line method. The following are some of the applicable rates.

Asset	Rate (%)
Commercial and industrial buildings	2/3 (a)
New motor vehicles	10
Office equipment	10 (b)
Machinery and equipment	10 (b)

(a) The 2% rate applies to buildings in urban areas; the 3% rate applies to buildings in rural areas.
(b) This is the usual rate. The rate for a particular asset depends on its estimated useful life.

For some assets, the units-of-production method may be used. Goodwill may not be depreciated.

Intangible assets must be amortized based on their expected useful life. If it is not possible to determine the expected useful life, they should be amortized at an annual rate of 10%.

Tangible assets must be revalued according an index determined by the government. Intangible assets and goodwill cannot be revalued.

Relief for losses. Under Accountability Law No. 19,924, for fiscal years ended from 31 December 2020, the offset of tax losses allowed for a specific fiscal year has no limit. As a result, losses can be carried forward for five years and deducted from income without limit.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on the sale of products and most services and on imported goods	
Standard rate	22
Rate on basic foodstuffs and pharmaceuticals	10
Net worth tax, on corporate net worth, computed using values used for tax purposes; for some companies, up to 50% of this tax may be credited against corporate income tax (the current discount is 1%)	
Banks and credit card corporations	2.8
Others	1.5
(The rate applicable for entities subject to low or nil taxation that do not have a permanent establishment in Uruguay is 3%.)	
Social security contributions, on salaries and wages; imposed on	
Salaries and wages up to approximately USD6,570; paid by	
Employer; standard rate	12.625
Employee	18.1 to 23.1
Salaries and wages exceeding approximately USD6,570; paid by	

Nature of tax	Rate (%)
Employer	5.125
Employee	3.1 to 8.1
(The salary threshold for social security contributions is updated in February of each year.)	

E. Miscellaneous matters

Foreign-exchange controls. Uruguay does not impose foreign-exchange controls. No restrictions are imposed on inbound or outbound investments. The transfer of profits and dividends, loan principal and interest, royalties and fees is unlimited. Nonresidents may repatriate capital, together with accrued capital gains and retained earnings, subject to applicable withholding taxes and company law considerations (for example, the requirement that companies transfer a portion of their annual income to a reserve).

Import and export operations are transacted at a free rate determined by the market.

Debt-to-equity rules. No specific debt-to-equity rules apply in Uruguay.

Transfer pricing. Transfer-pricing regulations are included in the corporate income tax law. Transfer pricing in Uruguay is based on the arm's-length principle and is in many aspects consistent with the transfer-pricing guidelines of the Organisation for Economic Co-operation and Development (OECD). Every corporate income taxpayer that has operations with related parties must perform a transfer-pricing analysis.

F. Treaty withholding tax rates

The maximum withholding tax rates under Uruguay's double tax treaties are set forth below. The withholding tax rates can never exceed those under domestic law. The withholding tax rates in the treaties can be applied only if the nonresident is the effective beneficiary of the income.

Since June 2020, the agreement covered by the Multilateral Instrument (MLI) has been in force, and since January 2021 it has begun to have effects with respect to several double tax treaties entered into by Uruguay. Therefore, when analyzing a double tax treaty, the MLI should be taken into account to determine possible tax consequences.

	Dividends %	Interest %	Royalties %
Belgium	5/15	0/10	10
Brazil	10/15	0/15	10/15
Chile	5/15	4/15	10
Ecuador	10/15	15	10/15
Finland	5/15	0/10	5/10
Germany	5/15	0/10	10
Hungary	15	0/15	15
India	5	0/10	10
Italy	5/15	0/10	10
Japan	5/10	0/10	10

	Dividends %	Interest %	Royalties %
Korea (South)	5/15	0/10	10
Liechtenstein	5/10	0/10	10
Luxembourg	5/15	0/10	5/10
Malta	5/15	10	5/10
Mexico	5	0/10	10
Paraguay	15	15	15
Portugal	5/10	10	10
Romania	5/10	0/10	10
Singapore	5/10	0/10	5/10
Spain	0/5	0/10	5/10
Switzerland	5/15	0/10	10
United Arab Emirates	5/7	0/10	0/5/10
United Kingdom	5/15	0/10	10
Vietnam	5/10	10	10
Non-treaty jurisdictions	7*	12/25	12/25

* See Section B.

Uzbekistan

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A. At a glance

Corporate Profits Tax Rate (%)	15 (a)
Capital Gains Tax Rate (%)	15 (a)
Permanent Establishment Tax Rate (%)	15 (a)
Withholding Tax (%) (b)	
Dividends	5/10 (c)
Interest	5/10 (c)
Royalties, Service Fees and Capital Gains	20 (d)
Net Operating Losses (Years)	
Carryback	0
Carryforward	Unlimited (e)

(a) This is the general corporate profits tax rate. See Section B for other rates.
(b) The withholding taxes are generally considered to be final taxes.
(c) The 5% rate applies to dividends paid to Uzbek tax resident companies as well as to dividends and interest paid to resident individuals. The 10% rate applies to dividends and interest paid to foreign (nonresident) companies and individuals. Interest paid to Uzbek tax resident companies is not subject to withholding tax. Instead, the recipient of the interest is subject to corporate profits tax on the interest.
(d) The withholding tax is imposed on payments to foreign companies without a permanent establishment in Uzbekistan.
(e) See Section C.

B. Taxes on corporate income and gains

Corporate profits tax. Most enterprises in Uzbekistan, including Uzbek companies with foreign participation, are subject to the general profits tax regime. Enterprises with annual turnover of less than UZS1 billion (approximately USD78,772) may choose a simplified taxation regime and pay a Revenue Tax (at various rates). Foreign companies that are deemed by the tax authorities to have a permanent establishment (PE) in Uzbekistan are taxable on profits derived from business activities of the PE in Uzbekistan. The definition of a PE in Uzbek legislation is somewhat similar to

the definition of a PE in the model treaty of the Organisation for Economic Co-operation and Development (OECD), with certain exceptions. However, the legislation regarding the taxation and treatment of PEs in Uzbekistan is undeveloped. If a foreign company renders auxiliary and preparatory activities in Uzbekistan for the benefit of other entities leading to creation of a PE of a foreign company and if no remuneration is charged for these services, the taxable base of such a PE equals 20% of deductions.

Rates of corporate tax. The regular corporate profits tax rate is 15%. This rate also applies to Uzbek enterprises with foreign participation and to PEs of foreign companies. For commercial banks, mobile telecommunication operators, manufacturers of polyethylene granules, markets and shopping malls, the profits tax rate is 20%. For taxpayers included in the National Register of e-commerce that carry out electronic trade of goods or services, the corporate profits tax rate is 7.5%. For taxpayers carrying out activities in the social sphere, producers of certain agricultural goods, profits from the sale of goods and services for export and certain other taxpayers, the corporate profits tax rate is 0% (if certain conditions are met).

From 1 January 2023 to 1 January 2026, for business entities registered and operating in areas classified as Category 5 (regions with a low level of economic activity), the corporate profits tax rate is 1%. However, it is not applied to large taxpayers, permanent establishments, budget organizations and state enterprises, as well as legal entities of which the state share of the charter capital is 50% or more. For full implementation of the above-mentioned benefits, the state bodies are mandated to draft and introduce a draft law that provides for amendments and changes to the tax legislation.

Foreign legal entities without a PE in Uzbekistan are subject to withholding tax on income derived from their activities in Uzbekistan. The following are the withholding tax rates for payments to nonresidents.

Nature of payment	Rate (%)
Dividends and interest	10
International communication and freight fees	6
Insurance premiums	10
Royalties, capital gains, rent and service fees not connected with an Uzbek PE	20

The withholding tax rate for certain types of income is 0%. Also, see the *Dividends and interest* section.

Capital gains. Capital gains are generally included in taxable profits and are subject to tax at the regular corporate tax rate. Capital gains derived by nonresidents from disposals of shares in Uzbek resident legal entities or real estate located in Uzbekistan are subject to withholding tax at the general rate of 20%.

Administration. The tax year is the calendar year.

Tax declarations must be filed quarterly not later than the 20th day of the month following the reporting quarter and annually not later than 1 March of the year following the tax year.

The final tax liability must be paid by the deadline for filing the tax declarations. Companies that generated revenue of more than UZS10 billion (approximately USD787,720 for the preceding calendar year pay monthly advance payments not later than the 23rd day of each month of the reporting period.

On written request, excess payments of tax must be refunded within a 15-day period or be offset against other tax liabilities within a 10-day period. In practice, it may be difficult to obtain refunds of overpayments of tax.

Starting from 1 January 2023, corporate income tax and value-added tax (VAT) payers with a total revenue of up to UZS10 billion (approximately USD787,720) have a right to pay their tax debts on installments basis within a period of up to six months. Interest-free installments are allowed once during a calendar year.

Dividends and interest. A 5% withholding tax is imposed on payments of dividends to Uzbek tax resident companies as well as on payments of dividends and interest to resident individuals. A 10% withholding tax is imposed on payments of dividends and interest to foreign (nonresident) companies and individuals.

Effective from 1 April 2022 to 31 December 2028, the following tax benefits are available for securities holders:
- For resident and nonresident individuals, dividend income on shares is exempt from tax.
- For legal entities that are nonresidents of Uzbekistan, dividend income on shares is subject to a 5% tax similar to the tax on legal entities that are residents of Uzbekistan.
- For resident and nonresident individuals and legal entities, accrued interest income on bonds of enterprises is exempt from tax.

"Dividend tax" for PEs of nonresidents. Net profit remaining at the disposal of a nonresident operating through a PE in Uzbekistan after payment of tax is considered to be a dividend and subject to a 10% tax. However, a nonresident operating through a PE in Uzbekistan has the right to apply a reduced tax rate on dividend income provided by a relevant double tax treaty. If a tax treaty contemplates several reduced tax rates, the lowest of them can be applied.

Foreign tax relief. Under the double tax treaties of Uzbekistan, a foreign tax credit is available for foreign tax paid on income earned abroad (subject to certain documentary requirements).

C. Determination of trading income

General. Taxable profits are equal to the annual net profits disclosed in the company's Uzbek financial statements, as adjusted by the tax law. Financial statements generally must be prepared on an accrual basis using local generally accepted accounting principles (GAAP) and be supported by documentation. Large taxpayers and certain other categories of companies may conduct bookkeeping and prepare financial statements in accordance with International Financial Reporting Standards (in which case the taxpayer may also be required to make further additional adjustments for tax purposes).

The following are the most significant items that are not deductible for tax purposes:
- Nonbusiness expenses
- Entertainment expenses
- Interest on overdue and deferred loans (in excess of normal loan interest rate) as well as interest on "controlled" liability in excess of norms (see *Thin-capitalization rules* in Section E)
- Losses resulting from misappropriations of funds or assets
- Certain benefits to employees
- Charitable donations
- Penalties
- Taxes paid on behalf of other taxpayers or assessed as a result of tax audits
- Expenses on the creation or increase of reserves or provisions for bad and doubtful debts (except those stipulated for certain activities, such as activities of banks)

Special deductions. Taxable profits may be reduced by certain special investment deductions in the following amounts:
- 20% of the cost of new technological equipment, expenses for modernization and technological re-equipping of production and certain other expenses
- 10% of expenses for the expansion of production in the form of new constructions, reconstruction of buildings and constructions used for production purposes

Provisions. Banks may deduct loan loss provisions within the limits established by the Central Bank of the Republic of Uzbekistan.

Tax depreciation. The following are the applicable depreciation rates in Uzbekistan.

Assets	Rate (%)
Buildings	5
Structures	10
Trains, ships and airplanes	10
Pipelines, communication equipment, and electric power lines and equipment	15
Production machinery and equipment	20
Motor vehicles, car bodies (hulls), trailers and semi-trailers and other transport equipment	20
Computers and office equipment	40
All other assets	15

Intangible assets are amortized for tax purposes over the useful life of an asset or five years (if the useful life cannot be determined).

Relief for losses. Tax losses can be carried forward. Losses resulting from distinct types of activities (for example, general entrepreneurship activities, investment activities and partnership activities) can be carried forward to offset profits resulting from the respective type of activities only. The taxable base may be reduced by the amount of losses in accordance with the above rules only at the end of the year.

Groups of companies. A consolidated group of taxpayers is a voluntary association of taxpayers based on a relevant agreement for

assessing and paying corporate income tax considering the total financial result of the economic activities of these taxpayers.

A consolidated group of taxpayers may be created by legal entities (subject to certain criteria, for example, total revenue of legal entities that are members of the consolidated group of taxpayers from the sale of goods and services, as well as other income according to the financial statements for the calendar year, is at least UZS500 billion [approximately USD39,385,988], provided that the entity directly and/or indirectly participates in the charter [authorized] capital of other legal entities and the share of such participation in each legal entity is at least 90%). These conditions must be met during the entire term of the agreement on the creation of a consolidated group of taxpayers.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT), on the supply of all goods and services, including imports, unless they are zero-rated or exempt	12%
Excise tax; imposed on an extensive number of specified goods produced in Uzbekistan or imported into Uzbekistan; goods subject to tax include oil and gas products, alcohol, tobacco and mobile telecommunication services	Various
Property tax; imposed on the annual average depreciated value of immovable property and certain other assets; land is exempt	1.5%
Subsurface use tax; imposed on the extraction of natural resources; tax imposed on the sales price of extracted natural resources and components and on waste derived from the extraction or processing of natural resources	
Sales	2.6% to 10%
Waste	1.3% to 5%
Special rental tax on mineral extraction; imposed on the rental income received by the taxpayer from the sale of mined metal or hydrocarbon raw materials (the rate may be higher in certain cases)	25%
Signing and commercial discovery bonuses for subsurface users; payable to the state budget through the tax authorities	Various
Vehicle utilization fees; imposed on imported and manufactured (assembled) vehicles in Uzbekistan; various rates depending on the model, engine, capacity and other items	30 to 1,410 times the base specified value, which is UZS340,000 (approximately USD26.80)
Water use tax; general rates per cubic meter	
Surface water	UZS345 (approximately USD0.03)

Nature of tax	Rate
Underground water	UZ415 (approximately USD0.03)
Land tax; imposed at a fixed rate per hectare, which varies depending on the location, quality and purpose of the land plot; rate in Zone 1 of Tashkent	UZS271 million (approximately USD21,347)
Social Tax; payable by employers	
On the total payroll of state-funded organizations	25%
On the total payroll of all other entities	12%
Contributions to individual accumulative pension accounts of citizens (maintained at Peoples Bank); payable by employers on salaries of local employees; amounts of the contributions are deducted from the amounts of accrued individual income tax	0.1%

E. Miscellaneous matters

Foreign-exchange controls. The currency in Uzbekistan is the Uzbek soum (UZS).

Uzbekistan imposes various foreign-exchange controls, including the following:

- Mandatory exchange rates set by the Central Bank of the Republic of Uzbekistan for accounting, reporting, tax and customs duty calculations
- Strict control over payments in foreign currencies to parties outside Uzbekistan
- Limitations on the circulation of foreign currencies in Uzbekistan, and limitations on the domestic foreign currencies markets

Thin-capitalization rules. If the controlled liability of the taxpayer (that is, loans provided by a foreign individual or entity holding at least a 20% share of the taxpayer or by an affiliated party of such individual or entity) exceeds by 3-fold the equity of the taxpayer (for banks and leasing organizations, 13-fold), thin-capitalization rules should be applied and interest expenses above calculated thresholds are considered as nondeductible.

Controlled foreign companies. A controlled foreign company (CFC) is a foreign legal entity (not qualified as a tax resident of Uzbekistan) or a foreign structure without a status of a legal entity whose controlling persons are legal entities qualified as Uzbek tax residents.

For a CFC with a status of a legal entity, the controlling persons are legal entities that meet the following conditions:

- Its share in a foreign company exceeds 25%.
- Its share in a foreign company exceeds 10% if the shares of all other shareholders recognized as tax residents of Uzbekistan exceed 50%.
- It exercises control over a foreign company (regardless of the participation share).

For a CFC without a status of legal entity, the controlling person is its founder.

If a tax-resident company is recognized as the controlling person of a CFC, it must include retained earnings of such CFC in its taxable income and pay the relevant tax.

In addition, tax-resident companies must notify the tax authorities about the following:
- Their participation in foreign legal entities
- The establishment of foreign structures without a status of a legal entity
- CFCs for which they are controlling persons

F. Treaty withholding tax rates

The following table lists the withholding rates under Uzbekistan's tax treaties.

Payee resident in	Dividends (k) %	Interest (k) %	Royalties %
Austria	5/15 (a)	10	5
Azerbaijan	10	10	10
Bahrain	8	8	8
Belarus	15	10	15
Belgium	5/15 (a)	10	5
Bulgaria	10	10	10
Canada	5/15 (a)	10	5/10 (e)
China Mainland	10	10	10
Czech Republic	5/10 (b)	5	10
Egypt	5/10 (b)	10	12
Estonia	5/10 (b)	5	10
Finland	5/15 (a)	5	0/5/10 (f)
France	5/10 (a)	0/5 (d)	0
Georgia	5/15 (b)	10	10
Germany	5/15 (b)	5	3/5 (g)
Greece	8	10	8
Hungary	10	10	10
India	10	10	10
Indonesia	10	10	10
Iran	8	10	5
Ireland	5/10 (a)	5	5
Israel	10	10	5/10 (h)
Italy	10	5	5
Japan	5/10 (b)	5	0/5 (i)
Jordan	7/10 (b)	10	20
Kazakhstan	10	10	10
Korea (South)	5/15 (b)	5	2/5 (j)
Kuwait	5/10 (b)	8	20
Kyrgyzstan	5	5	15
Latvia	10	10	10
Lithuania	10	10	10
Luxembourg	5/15 (b)	10	5
Malaysia	10	10	10
Moldova	5/15 (a)	10	15
Netherlands (l)	5/15 (b)	10	10
Oman	7	7	10
Pakistan	10	10	15
Poland	5/15 (c)	10	10
Romania	10	10	10

Payee resident in	Dividends (k) %	Interest (k) %	Royalties %
Russian Federation	10	10	0
Saudi Arabia	7	7	10
Singapore	5	5	8
Slovak Republic	10	10	10
Slovenia	8	8	10
Spain	5/10 (b)	5	5
Switzerland	5/15 (c)	0/5 (d)	5
Tajikistan	5/10 (b)	10	10
Thailand	10	10/15	15
Türkiye	10	10	10
Turkmenistan	10	10	10
Ukraine	10	10	10
United Arab Emirates	5/15 (b)	10	10
United Kingdom	5/10 (a)	5	5
Vietnam	15	10	15
Non-treaty jurisdictions	10	10	20

(a) The lower rate applies if the beneficial owner of the dividends is a company that owns at least 10% of the payer of the dividends.

(b) The lower rate applies if the beneficial owner of the dividends is a company that owns at least 25% of the payer of the dividends.

(c) The lower rate applies if the beneficial owner of the dividends is a company that owns at least 20% of the payer of the dividends.

(d) The 0% rate applies to interest with respect to the following:
- Loans made, guaranteed or insured by the government of the other contracting state or an instrumentality or agency thereof
- Sales on credit of industrial, commercial or scientific equipment
- Sales on credit of merchandise between enterprises
- Bank loans

(e) The 5% rate applies to royalties paid for certain cultural works (with exceptions) as well as for the use of, or the right to use, computer software or patents or for information concerning industrial, commercial or scientific experience (know-how), with exceptions.

(f) The 0% rate applies to royalties for the use of, or the right to use, computer software, patents, designs or models, or plans. The 5% rate applies to royalties paid for the use of, or the right to use, secret formulas or processes, or for information concerning industrial, commercial or scientific experience (know-how). The 10% rate applies to royalties paid for trademarks or certain cultural works.

(g) The 3% rate applies to royalties paid for the use of, or the right to use, copyrights of scientific works, patents, trademarks, designs or models, plans, or secret formulas or processes, as well as for the disclosure of industrial, commercial, or scientific knowledge. The 5% rate applies to royalties paid for certain cultural works.

(h) The 5% rate applies to royalties paid for certain cultural works (with exceptions).

(i) The 0% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, including motion picture films.

(j) The 2% rate applies to royalties for the use of, or the right to use, industrial, commercial, or scientific equipment.

(k) The domestic withholding tax rate for dividends and interest in Uzbekistan is 10%. Consequently, the withholding tax rate of 15% for dividends and interest under treaties does not apply to payments made by Uzbek companies.

(l) Under the protocol to the double tax treaty with the Netherlands, withholding tax rates may be reduced to zero if certain conditions are met.

Venezuela

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A. At a glance

Corporate Income Tax Rate (%)	34 (a)
Capital Gains Tax Rate (%)	34 (a)
Branch Tax Rate (%)	34 (a)
Withholding Tax (%)	
Dividends	34/50/60 (b)
Interest	
Paid to Residents	
Individuals	3 (c)
Corporations	5 (d)
Paid to Nonresidents	
Individuals	34 (e)
Corporations	34 (f)
Royalties (g)	
Paid to Residents (g)	
Individuals	1
Corporations	2
Paid to Nonresidents (h)	
Individuals	34 (i)
Corporations	34 (j)

Professional Fees	
Paid to Residents	
Individuals	3 (c)
Corporations	5 (d)
Paid to Nonresidents	34 (k)
Rent of Immovable Property	
Paid to Residents	
Individuals	3 (c)
Corporations	5 (d)
Paid to Nonresidents	
Individuals	34
Corporations	34 (l)
Rent of Movable Goods	
Paid to Residents	
Individuals	3 (c)
Corporations	5 (d)
Paid to Nonresidents	
Individuals	34
Corporations	5
Technical Assistance	
Paid to Residents	
Individuals	1
Corporations	2
Paid to Nonresidents (m)	
Individuals	34 (n)
Corporations	34 (o)
Technological Services	
Paid to Residents	
Individuals	1
Corporations	2
Paid to Nonresidents (p)	
Individuals	34 (q)
Corporations	34 (r)
Sales of Shares (s)	
Sales by Residents	
Individuals	3 (c)
Corporations	5 (d)
Sales by Nonresidents	
Individuals	34
Corporations	5
Net Operating Losses (Years)	
Carryback	0
Carryforward	3 (t)

(a) This is the maximum progressive rate, which applies to income exceeding 3,000 tax units. Effective from 8 May 2023, the value of a tax unit is VES9. For further details, see Section B. Petroleum companies and income from petroleum-related activities are taxed at a rate of 50%. Mining royalties and transfers of such royalties are subject to tax at a rate of 60%.

(b) For details, see Section B.

(c) The withholding tax applies to payments over VES750. The tax is imposed on the payment minus VES22.50.

(d) This withholding tax applies to payments over VES0.00000000025. However, considering the limit amount, in practice it applies to all payments.

(e) For interest associated with a loan invested in an income-generating activity, the withholding tax is imposed on 95% of the gross payment. Consequently, the effective withholding tax rate is 32.3% (95% x 34%). For other cases, the tax base is the gross interest payment.

(f) In general, the withholding tax rate is determined under Tariff No. 2 (see Section B), which provides for a maximum tax rate of 34%. It is applied to 95% of the gross interest payment associated with a loan invested in an income-generating activity. For other cases, the tax base is the gross interest payment. Interest paid to foreign financial institutions that are not domiciled in Venezuela is subject to withholding tax at a flat rate of 4.95%.
(g) The law does not explicitly set forth any withholdings for royalties paid to residents. However, in practice, it is possible that the Tax Administration could consider the operation to be a provision of services and, accordingly, a 1% or 2% rate of withholding tax would apply.
(h) Royalties paid to nonresidents are taxed on a deemed profit element, which is 90% of gross receipts.
(i) Because royalties paid to nonresidents are taxed on a deemed profit element (see footnote (h) above), the effective withholding tax rate is 30.6% (90% x 34%).
(j) The withholding tax rate is determined under Tariff No. 2, which provides for a maximum tax rate of 34%. Because royalties paid to nonresidents are taxed on a deemed profit element (see footnote (h) above), the maximum effective withholding tax rate is 30.6% (90% x 34%).
(k) Professional fees paid to nonresidents are taxed on a deemed profit element, which is 90% of gross receipts. Consequently, the effective withholding tax rate is 30.6% (90% x 34%).
(l) The withholding tax rate is determined under Tariff No. 2, which provides for a maximum tax rate of 34%.
(m) Payments to nonresidents for technical assistance are taxed on a deemed profit element, which is 30% of gross receipts.
(n) Because payments to nonresidents for technical assistance are taxed on a deemed profit element (see footnote (m) above), the effective withholding tax rate is 10.2% (30% x 34%).
(o) The withholding tax rate is determined under Tariff No. 2, which provides for a maximum tax rate of 34%. Because payments to nonresidents for technical assistance are taxed on a deemed profit element (see footnote (m) above), the maximum effective withholding tax rate is 10.2% (30% x 34%).
(p) Payments to nonresidents for technological services are generally taxed on a deemed profit element, which is 50% of gross receipts.
(q) Because payments to nonresidents for technological services are taxed on a deemed profit element (see footnote (p) above), the effective withholding tax rate is 17% (50% x 34%).
(r) The withholding tax rate is determined under Tariff No. 2, which provides for a maximum tax rate of 34%. Because payments to nonresidents for technological services are taxed on a deemed profit element (see footnote (o) above), the maximum effective withholding tax rate is 17% (50% x 34%).
(s) This tax applies to transfers of shares of corporations domiciled in Venezuela that are not traded on national stock exchanges. The withholding tax rates are applied to the sale price.
(t) Losses may be carried forward three tax years, but they may not offset more than 25% of the income obtained in such tax years.

B. Taxes on corporate income and gains

Corporate income tax. Companies domiciled in Venezuela are subject to income tax on their net annual income from Venezuelan and foreign sources. Companies organized in Venezuela are deemed to be domiciled in Venezuela. In addition, Venezuelan permanent establishments of foreign companies are also considered to be domiciled in Venezuela. However, only income attributable to a permanent establishment is taxable in Venezuela.

Rates of corporate income tax. Domestic corporations and branches of foreign corporations are subject to the corporate income tax rates of Tariff No. 2, which are progressive and are expressed in tax units. Effective from 8 May 2023, the value of a tax unit is VES9. The Venezuelan Budget Law may change the value of the tax unit each year. The following are the corporate income tax rates provided in Tariff No. 2.

Taxable income		
Exceeding tax units	Not exceeding tax units	Rate %
0	2,000	15
2,000	3,000	22
3,000	–	34

Net income arising from mining and related activities is taxed under Tariff No. 2. Petroleum companies and income from petroleum-related activities, such as transportation and exploitation, are taxed at a rate of 50%. Mining royalties and transfers of such royalties are subject to tax at a rate of 60%.

For tax years beginning on or after 31 December 2015, taxpayers that perform banking, financial, insurance and reinsurance activities are taxed at a proportional rate of 40%.

Interest paid to foreign financial institutions that are not domiciled in Venezuela is subject to a 4.95% withholding tax.

Capital gains. Capital gains are not taxed separately, but are taxable as business profits. For the computation of gains from sales of shares, the tax basis is zero if such shares had been received as a result of a dividend paid with new shares of the payer of the dividend.

Administration. Companies must file an annual income tax return, self-assess and pay any resulting balance of tax due, within three months after the end of their fiscal year.

Companies must make estimated tax payments during their fiscal year.

Dividends. Dividends paid by Venezuelan companies and profits remitted by permanent establishments of foreign companies to the countries of their home offices are taxable to the extent that "net income" exceeds its "net taxable income." For this purpose, "net income" is the financial income approved by the shareholders' meeting based on the financial statements, and "net taxable income" is the resulting income subject to tax after the tax reconciliation. The tax reconciliation is the procedure for determining the income tax liability. However, the tax does not apply to remittances paid by permanent establishments of foreign companies if the permanent establishment can prove that the excess amount is reinvested in Venezuela for at least five years.

The tax is withheld at source. The applicable rate depends on the business of the payer of the dividends. For dividends paid by hydrocarbon or mining companies subject to the 50% or 60% rates of corporate income tax (see *Rates of corporate income tax*), the dividend tax rate is the corporate tax rate applicable to the company. For dividends paid by other companies, the dividend tax rate is 34%.

Foreign tax relief. A credit is granted for income taxes paid on foreign-source income, up to the amount of Venezuelan tax payable on such income.

C. Determination of trading income

General. Corporate tax is based on the annual net taxable accounting profits calculated in accordance with generally accepted

accounting principles, subject to certain adjustments for non-taxable income and nondeductible expenses defined by law.

To determine the net taxable income, deductions are subtracted from gross income. In general, most expenses, including cost of production, are deductible, provided that they are normal and necessary for the earning of the income.

Under reconciliation rules, the determination of the Venezuelan and foreign-source income is made separately (two baskets). The reconciliation rules include detailed measures for the allocation of allowances and deductions to the two baskets.

Inventories. Inventories may be valued using any method in accordance with generally accepted accounting principles. The method chosen must be applied consistently. Because of tax indexation (see *Tax indexation*), inventory is effectively valued using the last-in, first-out (LIFO) method, adjusted for inflation.

Tax indexation. Companies must apply an annual inflation adjustment. A company carries out this adjustment by adjusting its non-monetary assets, some of its non-monetary liabilities and its equity to reflect the change in the consumer price index from the preceding year. These adjustments affect the calculation of depreciation and cost of goods sold. The net effect of these adjustments is recorded in an inflation adjustment account and is added to taxable income or allowed as a deduction.

Effective for tax years beginning after 22 October 1999, the tax indexation rules apply only to the reconciliation of Venezuelan-source income. Therefore, foreign-source non-monetary assets and liabilities are not subject to tax indexation.

For tax years beginning on or after 18 November 2014, for purposes of determining the adjustment for inflation, the National Index of Consumer Prices must be used instead of the Index of Consumer Prices, which was applicable for previous tax years. In addition, taxpayers that engage in banking, financial, insurance and reinsurance activities are excluded from the tax indexation system set forth in the Income Tax Law.

In addition, for tax years beginning on or after 31 December 2015, taxpayers appointed as "Special Taxpayers" are also excluded from the tax indexation system set forth in the Income Tax Law.

Provisions. Provisions for inventory obsolescence and accounts receivable are not deductible; amounts are deductible only when inventories or accounts receivable are effectively written off.

Depreciation. In general, acceptable depreciation methods are the straight-line and the units-of-production methods. The declining-balance method and accelerated depreciation are not accepted. Venezuelan law does not specify depreciation rates. If the estimated useful life of an asset is reasonable, the depreciation is accepted. Estimated useful lives ranging from 3 to 10 years are commonly used.

Relief for tax losses. Operating losses from Venezuelan sources may be carried forward for three tax years, but they may not offset more than 25% of the income obtained in such tax years. No carryback is permitted.

Losses in the foreign-source basket (see *General*) may not offset Venezuelan-source income. Such foreign-source losses may be carried forward three tax years to offset foreign-source income only and are also subject to the limitation described above.

Under the amendment of the Income Tax Law published on 18 November 2014 in *Official Gazette* No. 6,152, losses attributable to tax indexation for tax years beginning on or after that date cannot be carried forward.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), imposed on goods and services, including imports; the National Executive may exonerate from tax acquisitions of goods and services; the law provides an indexation system for input VAT during the preoperational period for enterprises engaged in certain industrial activities; input VAT generated during the preoperational phase of industrial projects intended primarily for export is refunded	16
Tax on Large Financial Transactions	
Imposed on any payment made by taxpayers qualified as "special taxpayers" (that is, high income) by the tax administration, regardless of Venezuelan financial system involvement, including payment-equivalent means, such as, offsetting novation or debt forgiveness	2
Imposed on individuals, corporations, and economic entities without legal personality, for payments made in a currency other than that of legal tender in the country, or in cryptocurrencies or cryptoactives, (digital assets) other than those issued by the Venezuela, within the national banking system, without the intermediation of a foreign banking correspondent, in accordance with the policies, exceptional authorizations, and parameters established by the Central Bank of Venezuela, or without the mediation of national financial institutions (that is, payments made in foreign currency in cash, through foreign banking institutions or platforms abroad)	3
Equity Tax; imposed on the net equity of special taxpayers (high income taxpayers) with equity over 150 million tax units (USD37,396,122); applicable to entities and individuals; the taxable event occurs on 30 September of each year; the first taxable event date was 30 September 2019	0.25
Municipal tax; business activity tax, usually based on gross receipts or sales; rate varies depending on the industrial or commercial activity and the municipal jurisdiction	0.5 to 10

Nature of tax	Rate (%)
Social security contributions, on monthly salary of each employee, up to five minimum salaries; paid by	
Employer	9/10/11
Employee	4
National Institute of Cooperative Education; contributions required if employer has five or more employees; paid by	
Employer, on total employee remuneration	2
Employee, on profit share received, if any, from employer at year-end	0.5
Housing policy contributions, on the integral salary (any remuneration, benefit or advantage received by an employee in consideration for services rendered, provided it can be evaluated in terms of cash value) of each employee; paid by	
Employer	2
Employee	1
Unemployment and training contributions, on the monthly salary of each employee, up to five minimum salaries; paid by	
Employer	2
Employee	0.5

E. Miscellaneous matters

Monetary reconversion. As of 1 October 2021, the unit of the monetary system was restated in the equivalent of VES1 million, according to Decree No. 4,553 published in *Official Gazette* No. 42,185 of 8 August 2021.

Foreign-exchange controls. Under the foreign-exchange control system in Venezuela, the purchase and sale of currency in Venezuela is centralized by the Central Bank of Venezuela. This limits foreign-currency trade in Venezuela and other transactions.

Debt-to-equity rules. For fiscal years beginning on or after 16 February 2007, the law disallows deductions to companies for interest payments to related parties domiciled abroad if the average of the companies' debts (owed to related and unrelated parties) exceeds the average amount of their fiscal equity for the respective fiscal year.

Transfer pricing. Under transfer-pricing rules, cross-border income and expense allocations in transactions with related parties are subject to analysis and special filings. The rules contain a list of related parties and provide a list of acceptable transfer-pricing methods.

Controlled foreign corporations. Under controlled foreign corporation (CFC) rules, income derived by a CFC (as defined) domiciled in a low-income tax jurisdiction is taxable to its Venezuelan shareholders. The tax authorities have issued a list of low-income tax jurisdictions.

F. Treaty withholding tax rates

	Dividends %	Interest (a) %	Royalties %
Austria	5/15 (c)	4.95/10 (m)	5
Barbados	5/10 (e)	5/15 (o)	10 (s)
Belarus	5/15 (b)	4.95/5 (ll)	5/10 (mm)
Belgium	5/15 (b)	10	5
Brazil (kk)	10/15 (j)	15	15 (t)
Canada	10/15 (h)	10	5/10 (u)
China Mainland	5/10 (d)	5/10 (o)	10
Cuba	10/15 (h)	10	5
Czech Republic	5/10 (c)	10	12 (v)
Denmark	5/15 (b)	5	5/10 (w)
France	0/5/15 (k)	5	5
Germany	5/15 (c)	5	5
Indonesia	10/15 (l)	10	10/20 (x)
Iran	5/10 (c)	0/5 (r)	5 (y)
Italy	10	10	7/10 (z)
Korea (South)	5/10 (d)	5/10 (o)	5/10 (aa)
Kuwait	5/10 (d)	5	20
Malaysia	5/10 (d)	4.95/15 (nn)	10 (oo)
Mexico (kk)	5	4.95/10/15 (q)	10 (s)
Netherlands	0/10 (f)	5	5/7/10 (cc)
Norway	5/10 (d)	5/15 (o)	9/12 (dd)
Portugal	10	10	10/12 (dd)
Qatar	5/10 (d)	4.95/5 (pp)	5
Russian Federation	10/15 (i)	5/10 (o)	10/15 (ee)
Spain	0/10 (f)	4.95/10 (n)	5
Sweden	5/10 (b)	10	7/10 (ff)
Switzerland	0/10 (f)	5 (gg)	5
Trinidad and Tobago	5/10 (b)	15	10
United Arab Emirates	5/10 (d)	10	10
United Kingdom	0/10 (g)	5	5/7 (hh)
United States	5/15 (d)	0/4.95/10 (p)	0/5/10 (bb)
Vietnam	5/10 (d)	4.95/10 (n)	10
Non-treaty jurisdictions	34/50/60 (ii)	4.95/34 (jj)	34 (jj)

(a) Under Venezuelan domestic law, a reduced withholding tax rate of 4.95% applies to interest paid to financial institutions not domiciled in Venezuela.

(b) The 5% rate applies to dividends paid to a parent company that owns at least 25% of the capital of the payer of the dividends. Under the Denmark and Sweden treaties, to benefit from the 5% rate, the recipient of the dividends must have direct control of at least 25% of the voting shares of the payer of the dividends. The higher rate applies to other dividends (portfolio dividends).

(c) The 5% rate applies if the beneficial owner of the dividends is a company that owns at least 15% of the capital of the payer of the dividends. Under the treaties with Austria, Czech Republic and Iran, to benefit from the 5% rate, the beneficial owner of the dividends must have direct control of at least 15% of the capital of the payer of the dividends. The higher rate applies to other dividends (portfolio dividends).

(d) The 5% rate applies if the beneficial owner of the dividends is a company that owns at least 10% of the capital of the payer of the dividends. Under the treaties with China Mainland, Korea (South) and Norway, to benefit from the 5% rate, the beneficial owner of the dividends must have direct control of at least 10% of the capital of the payer of the dividends. The higher rate applies to other dividends.

(e) The 5% rate applies if the beneficial owner of the dividends is a company that owns directly at least 5% of the capital of the payer of the dividends. The higher rate applies to other dividends.

(f) The 0% rate applies to dividends paid to certain recipients who own at least 25% of the voting shares of the payer of the dividends. Under the treaty with Switzerland, to benefit from the 0% rate, the recipient of the dividends must have direct control of at least 25% of the voting shares of the payer of the dividends. The higher rate applies to other dividends.

(g) The 0% rate applies if the beneficial owner of the dividends is a company that directly controls at least 10% of the capital of the payer of the dividends. The 10% applies to other dividends.

(h) The 10% rate applies if the beneficial owner of the dividends is a company that owns at least 25% of the capital of the payer of the dividends. Under the treaty with Cuba, to benefit from the 10% rate, the beneficial owner of the dividends must have direct control of at least 25% of the capital of the payer of the dividends. The 15% rate applies to other dividends.

(i) The 10% rate applies if the beneficiary of the dividends is a company that owns at least 10% of the capital of the payer of the dividends and if it has an investment in the payer of at least USD100,000. The 15% rate applies to other dividends.

(j) The 10% rate applies if the beneficiary of the dividends is a company that controls at least 20% of the capital of the payer of the dividends. The 15% rate applies to other dividends.

(k) The 0% rate applies if the beneficial owner of the dividends is a company that holds directly or indirectly at least 10% of the payer of the dividends. The 15% rate applies if the beneficiary of the dividends is a resident of Venezuela that receives from a company resident in France dividends that would give rise to a tax credit (*avoir fiscal*). For dividends received by a resident of France, the recipient has a right to a payment from the French Treasury in an amount equal to the *avoir fiscal*. The 5% rate applies in all other cases.

(l) The 10% rate applies if the beneficiary of the dividends is a company that controls directly at least 10% of the voting power of the distributing company. The 15% rate applies to other dividends.

(m) The 4.95% rate applies to interest paid to banks. The 10% rate applies to other interest payments.

(n) The 4.95% rate applies to interest paid to financial institutions. The 10% rate applies to other interest payments.

(o) The 5% rate applies to interest paid to banks. The higher rate applies to other interest payments.

(p) The 0% rate applies to interest paid to the Eximbank, Federal Reserve Bank, Private Investment Corporation, Foreign Trade Bank, Central Bank of Venezuela and Venezuelan Investment Fund. The 4.95% rate applies to interest paid to financial institutions or insurance companies. The 10% rate applies to other interest payments.

(q) The 4.95% rate applies to interest paid to banks or insurance companies. The 10% rate applies if the beneficial owner of the interest is not one of the entities mentioned in the preceding sentence and if either of the following additional conditions is satisfied:
- The interest is paid by banks.
- The interest is paid on bonds or other credit securities that are traded regularly and substantially on a recognized securities market.

The 15% rate applies to other interest payments.

(r) The following interest payments are exempt:
- Interest paid to the government of the other contracting state, or a local authority or central bank of such state
- Interest paid for the sale on credit of industrial, commercial or scientific equipment
- Interest on bank loans

The 5% rate applies to other interest payments.

(s) The 10% rate also applies to technical assistance fees.

(t) The 15% rate applies to royalties related to copyrights, trademarks, know-how, literary, artistic or scientific works, or films. A protocol to the treaty provides that payments for technical assistance services are treated as royalties and are therefore also subject to the 15% rate.

(u) The 5% rate applies to the following:
- Copyright royalties and similar payments with respect to the production or reproduction of literary, dramatic, musical or other artistic works (but not including royalties for motion picture films or works on film or videotape or other means of reproduction for use in connection with television broadcasting)

- Royalties for the use of, or the right to use, computer software, patents or information concerning industrial, commercial or scientific experience (but not including royalties paid in connection with rental or franchise agreements) if the payer and the beneficial owner of the royalties are not related persons

The 10% rate applies to other royalties.

(v) The 12% rate also applies to technical assistance fees.

(w) The 5% rate applies to technical assistance fees resulting from the rendering of technical, managerial or consultancy services if such services make available technical knowledge, experience, skills, know-how or processes. The 10% rate applies to the following royalties:

- Royalties paid as consideration for the use of, or the right to use, copyrights of literary, artistic or scientific works, including cinematographic films, patents, trademarks, designs or models, plans, and secret formulas or processes
- Royalties for information concerning industrial, commercial or scientific experience

(x) The 10% rate applies to payments for technical assistance. The 20% rate applies to royalties.

(y) This rate applies to royalties and to amounts paid for technical assistance services.

(z) The 7% rate applies to copyright royalties and similar payments with respect to the production or reproduction of literary, dramatic, musical or other artistic works (but not including royalties with respect to motion picture films, or works on film, videotape or other means of reproduction for use in connection with television broadcasting); and royalties for the use of, or the right to use, computer software or patents or for information concerning industrial, commercial or scientific experience (but not including royalties paid in connection with rental or franchise agreements) if the payer and the beneficial owner of the royalties are not related persons. The 10% rate applies to other royalties.

(aa) The 5% rate applies to royalties paid for the use of, or the right to use, industrial, commercial, or scientific equipment. The 10% rate applies to other royalties.

(bb) The 0% rate applies to royalties paid for technical services, scientific, geological or technical studies, engineering works, consulting or supervision services, if the recipient does not have a permanent establishment. The 5% rate applies to royalties paid for industrial, commercial or scientific equipment. The 10% rate applies to royalties paid for the following:

- Patents, designs or models, plans, or secret formulas or processes
- Industrial, commercial or scientific know-how
- Trademarks
- Copyrights with respect to literature, arts or sciences, motion pictures, or movies and tapes for radio or television broadcasting

(cc) The 5% rate applies to payments for the following:

- Patents, designs or models, plans, or secret formulas or processes
- The use of, or the right to use, industrial, commercial, or scientific equipment
- Information concerning industrial, commercial or scientific experience

The 7% rate applies to amounts paid for trademarks or trade names. The 10% rate applies to amounts paid for copyrights of literary, artistic or scientific works, including cinematographic films or tapes for television or broadcasting.

(dd) The lower rate applies to payments for technical assistance. The 12% rate applies to royalties.

(ee) The 10% rate applies to technical assistance fees, which are all payments in consideration for the rendering of technical, managerial or consultancy services, if such services make available technical knowledge, experience, skills, know-how or processes. The 15% rate applies to royalties.

(ff) The 10% rate applies to royalties related to literary, artistic or scientific works, or films. The 7% rate applies to other royalties.

(gg) This is the general rate. Certain special rules apply.

(hh) The 5% rate applies to royalties for patents, trademarks, designs or models, plans, or secret formulas or processes, or for information (know-how) concerning industrial, commercial or scientific experience. The 7% rate applies to royalties for copyrights of literary, artistic or scientific works, including cinematographic films, and films or tapes for radio or television broadcasting.

(ii) For details, see Section B.

(jj) See Section A.

(kk) This treaty has been signed, but it has not yet been ratified and is not yet in force.

(ll) The 4.95% rate applies to interest paid to financial institutions. The 5% rate applies to other interest payments.

(mm) The 5% rate applies to royalties paid for the use of, or the right to use, copyrights of scientific works, software and trademarks, and to payments for the use of, or the right to use, equipment and transportation vehicles. The 10% rate applies to other royalties.

(nn) The 4.95% rate applies to interest paid to banks. The 15% rate applies to other interest payments.

(oo) The 10% rate applies to royalties paid for the use of, or the right to use, copyrights of literary, artistic or scientific works, cinematographic films, patents, trademarks, designs or models, plans, or secret formulas or processes, and to payments for the use of, or the right to use, industrial, commercial, or scientific equipment or for information (know-how) concerning industrial, commercial or scientific experience. It also applies to gains derived from the alienation of such rights or property to the extent that such gains are contingent on the productivity, use or disposition of such property.

(pp) The 4.95% rate applies to interest paid to banks. The 5% rate applies to other interest payments.

Venezuela has signed other tax treaties that cover only air and maritime transportation.

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Because of the rapidly changing economic situation in Vietnam, readers should obtain updated information before engaging in transactions.

A. At a glance

Corporate Income Tax Rate (%)	20 (a)
Capital Gains Tax Rate (%)	20 (b)
Branch Tax Rate (%)	20
Withholding Tax (%)	
Dividends	0
Interest	5
Royalties	10
Branch Remittance Tax	0
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 (c)

(a) The standard corporate income tax rate is 20%. However, tax incentives are available (see Section B). Enterprises operating in the oil and gas industry are subject to corporate income tax rates ranging from 32% to 50%, depending on the location and specific project conditions. Enterprises engaging in prospecting, exploration and exploitation of mineral resources (for example, silver, gold and gemstones) are subject to corporate income tax rates of 40% to 50%, depending on the project's location.
(b) Gains derived from sales of capital or shares in entities are subject to tax at a rate of 20%. Transfers of securities by foreign investors are subject to presumptive tax of 0.1% on total sales proceeds, regardless of whether the transfer is profitable.
(c) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. The following types of enterprises are subject to corporate income tax:

- Enterprises established under the Law on Enterprises, the Law on Investment, the Law on Credit Organizations, the Law on Insurance Business, the Law on Securities, the Law on Oil and Gas, the Trade Law and other legal entities including joint stock companies, limited liability companies, partnerships, private businesses, law offices, private public notary offices, parties to business cooperation contracts, parties to oil and gas product sharing contracts, and joint operation companies
- Public and non-public organizations engaged in business
- Organizations established under the Law on Cooperatives
- Businesses established under foreign laws that have a permanent establishment in Vietnam
- Other organizations conducting production and business activities that generate taxable income

Rates of corporate income tax. The standard corporate income tax rate is 20%. However, tax incentives are available (see *Tax incentives*).

The rate of corporate income tax applicable to activities of exploration and exploitation of oil, gas and other precious natural resources ranges from 32% to 50%, depending on the project.

Tax incentives

Preferential tax rates of 5%, 7%, 9%, 10%, 15% or 17% may be available to eligible projects meeting certain criteria or in industries or locations that are encouraged by the government.

Common incentive tax rates are discussed below.

A 10% rate for the 15-year period beginning with the first year of revenue may be available for the following:

- Income from new investment projects in areas with especially difficult socioeconomic conditions, and in economic zones and high-technology zones
- Income from new investment projects that are engaged in the following:
  - — Scientific research and technological development
  - — Application of high technologies in the list of prioritized high technologies provided by the Law on High Technology
  - — Cultivation of high technologies
  - — Cultivation of high-technology enterprises
  - — High-risk investment in the development of high technologies in the list of prioritized high technologies provided by the Law on High Technology

  - — Construction investment and commercial operation of establishments nursing high technologies
  - — Investment in development water plants, power plants, water supply and drainage systems, bridges, roads, railways, airports, seaports, river ports airfields, stations and other particularly important infrastructure facilities determined by the prime minister
  - — Software production
  - — Production of composite materials, light building materials, rare materials, renewable energy, clean energy and energy from waste destruction
  - — Development of biological technology
- Income of new investment projects in the field of environmental protection, including manufacturing of equipment for treating environmental pollution and equipment for environmental observation and analysis, environmental pollution treatment and protection, collection and treatment of wastewater, exhaust and solid wastes, and recycling and reuse of wastes
- Income of high-technology enterprises and agricultural enterprises that apply high technologies according to the Law on High Technology
- Income from new investment projects that make products supportive of the high-technology industry in line with the Law on High Technology or products supportive of certain industries, including textile and garment, footwear, electronics, information technology, automobile assembly and mechanics, and that are not domestically produced or meet the quality standard of the European Union or an equivalent standard
- Income from new investment projects in the production sector (except for projects producing goods subject to special sales tax and mineral exploitation projects) that have investment capital of at least VND6 trillion, if the capital is disbursed within three years from the date of the investment certificate and if either of the following conditions is satisfied:
  - — The project's total revenue reaches VND10 trillion per year within three years from the first year of revenue.
  - — The project employs more than 3,000 employees.
- Large-scale manufacturing projects (excluding projects manufacturing products subject to special sales tax or exploiting mineral resources) if all of the following conditions are satisfied:
  - — The investment capital must be at least VND12 trillion.
  - — The technology used must be certified in accordance with the Law on High Technology and the Law on Science and Technology.
  - — The capital disbursement must be made within five years of the licensing date.

  These large-scale manufacturing projects may be considered for an extended period for the corporate income tax incentive rate of a maximum of 15 years (that is, a maximum of 30 years of the 10% corporate income tax rate).

A 10% or 15% rate applies for the entire period of operation for enterprises in the sectors of education and training, occupational training, health care, culture, sports, environment, social housing, forestry, agriculture, aquaculture, salt production and publishing. However, this incentive is subject to detailed conditions provided separately by the prime minister.

A 17% rate for the 10-year period beginning with the first year of revenue may apply to the following:
- Income from new investment projects based in areas with difficult socioeconomic conditions
- Income from new investment projects that are engaged in the production of high-qualified steel or energy-saving products, the manufacturing of machinery and equipment serving agriculture, forestry, aquaculture, salt production, production of irrigation equipment, the production of foodstuff for cattle and the development of traditional trades

Special incentive tax rates, generally subject to the Prime Minister's approval, include the following:
- A 5% rate for the 37-year period beginning with the first year of revenue may apply to the following:
  - Income from the operation of the national innovation centers established pursuant to the decision of the Prime Minister
  - Income from specially encouraged sectors investment projects that have total investment capital of at least VND30 trillion of which at least VND10 trillion is disbursed within the first three years and that meet further prescribed criteria for specially incentivized and special investment support projects
- A 7% rate for the 33-year period beginning with the first year of revenue may apply to the following:
  - Income from new investment projects (including the expansion of such new investment projects) to establish innovation centers, new research and development centers with a total investment capital of at least VND3 trillion of which at least VND1 trillion is disbursed within the first three years
  - Income from specially encouraged sectors investment projects that have total investment capital of at least VND30 trillion of which at least VND10 trillion is disbursed within the first three years and that meet further prescribed criteria for specially incentivized and special investment support projects
- A 9% rate for the 30-year period beginning with the first year of revenue may apply to income from the specially encouraged sectors investment projects with total investment capital of at least VND30 trillion of which at least VND10 trillion is disbursed within the first three years.

The duration of the application of preferential tax rates described above is counted consecutively from the first year in which enterprises generate turnover from new investment projects eligible for tax incentives. For high-technology enterprises and agricultural enterprises applying high technologies, this duration is counted from the year in which they are certified as high-technology enterprises or agricultural enterprises applying high technologies. For other projects applying high technologies, this duration is counted from the year in which they are granted certificates of projects applying high technologies.

If, within an assessment period, an enterprise has both incentivized activities and normal activities, it must conduct a separate accounting for income from each activity to declare and pay tax separately. Otherwise, taxable income must be prorated according

to the ratio of revenue or deductible expenses of each activity to the total revenue or deductible expenses.

Income and losses from incentivized activities and normal activities (except for transfers of mineral exploratory, mining and processing rights) may be netted against each other before the tax rate of the activity with the highest amount of income is applied.

Tax exemptions and tax reductions. Criteria for eligibility to tax holidays and reductions, which are set out in the corporate income tax regulations, are described below.

Four years of tax exemption and nine subsequent years of 50% reduction apply to the following:
- Income from new investment projects entitled to the 10% corporate income tax
- Income from new investment projects operating in the socialized sectors and difficult socio-economic areas

Four years of tax exemption and 50% tax reduction for five subsequent years apply to income from new investment projects in the socialized sectors and in regions not included in the list of difficult socio-economic areas.

Two years of tax exemption and four subsequent years of 50% reduction apply to the following:
- Income from new investment projects in regions with difficult socio-economic conditions
- Income from new investment projects, including production of high-grade steel, production of energy-saving products, production of machinery or equipment used to serve agricultural, forestry, fishery or salt production, production of irrigation equipment, production and refinement of foodstuffs for cattle, poultry or aquatic products, and development of traditional trades
- Income from new investment projects in industrial zones (except for industrial zones located in regions with favorable socio-economic conditions)

Five years of tax exemption and 50% tax reduction for 10 subsequent years apply to income from specially incentivized and special investment support projects entitled to the preferential tax rate of 9%.

Six years of tax exemption and 50% tax reduction for 12 subsequent years apply to income from specially incentivized and special investment support projects entitled to the preferential tax rate of 7%.

Six years of tax exemption and 50% tax reduction for 13 subsequent years apply to income from specially incentivized and special investment support projects entitled to the preferential tax rate of 5%.

The continuous period of tax exemption and reduction begins from the first year in which the enterprise earns taxable income from the new investment project that is granted tax incentives. If the enterprise does not have taxable income in the first three years, the period of tax exemption and reduction begins in the fourth year following the first year in which revenue is generated by the new project.

Capital gains. Gains derived from sales of shares or assignments of capital in enterprises are subject to tax, as part of annual taxable income, at a rate of 20%. The taxable income equals the transfer price less the sum of the purchase price of the transferred capital and expenses incurred with respect to the transfer.

Foreign investors transferring "securities" (this is a specified term, which includes shares of public companies) are subject to presumptive tax at a rate of 0.1% on total sale proceeds, regardless of whether the transfer is profitable.

Administration. Enterprises normally use the calendar year as their tax year. Enterprises that have their own particular characteristics of operational organization may choose a financial year of 12 months according to the Gregorian calendar and they must notify the local authorities of such year.

Enterprises must pay their quarterly income tax due by the 30th day of the following quarter. Enterprises must file a final income tax return and pay any balance of income tax due no later than the last day of the third month after the ending date of a calendar year or a financial year.

The total amount of provisional quarterly corporate income tax paid in a tax year must not be less than 80% of the total corporate income tax liability for the year. Any shortfall is subject to late payment interest at a fixed rate of 0.03% per day, counting from the deadline for payment of the fourth-quarter provisional corporate income tax liability.

An under declaration is subject to only a late-payment fine if it is self-corrected by the taxpayer. Otherwise, a penalty of 20% of the under declared tax is imposed. Late payments of tax are subject to interest at a rate of 0.03% of the unpaid amount per day.

Tax audits are performed on an ad hoc or selected basis. Any tax under declaration identified by the tax auditor is penalized at 20% (or 100% to 300% if considered to be tax evasion) and subject to a prevailing interest rate of the tax liability for each day late, calculated from the statutory deadline to the date of actual payment.

Dividends. Dividends paid to corporate shareholders and branch remittances are not subject to withholding tax.

Withholding taxes on interest and royalties. The rate of withholding tax on interest paid under loan contracts is 5%.

A withholding tax at a rate of 10% is imposed on royalties paid to foreign legal entities with respect to technology transfers and licensing.

Foreign tax relief. Vietnam has signed tax treaties with several countries that provide relief from double taxation (see Section F).

C. Determination of taxable income

General. The taxable income of an enterprise is the income shown in the financial statements, subject to certain adjustments. Taxable income includes income derived from business operations and other activities.

An enterprise may deduct expenses if the following conditions are satisfied:

- The expenses are actually incurred and related to the production and business activities of the enterprise.
- The expenses are accompanied by complete invoices and source vouchers as required by law.
- Expenses of VND20 million or more must be supported with cashless payments (for example, bank transfers and payments with cards).
- The expenses are not on the list of nondeductible expenses shown below.

Certain expenses are not deductible in determining taxable income, including the following:

- Provisions that do not conform to the regulations of the Ministry of Finance (MOF).
- Accrued expenses not corresponding to taxable turnover that has been recognized.
- Bonuses and life insurance expenses for employees that are not clearly stated in the labor contracts, the collective labor contracts, the financial regulations of the company or the reward regulations promulgated by the chairman of the board of management.
- Interest payments on loans corresponding to equity that is not contributed.
- Interest payments on loans borrowed from lenders that are not credit institutions or economic organizations that exceed 150% of the basic interest rate quoted by the State Bank of Vietnam at the time of the loan agreement.
- Under recently enacted transfer-pricing regulations, for companies having related-party transactions, loan interest expenses in excess of 30% of the total net profit generated from business activities plus net interest expenses (that is, interest expense after being offset against deposit interest income and loan interest income) and amortization costs arising in the period. Such nondeductible interest expenses can be carried forward for deduction for up to five years from the following year.
- Expenses sourced from other funding and expenses paid from the Science and Technology Development Fund of the enterprise.
- The portion of business management expenses allocated by a foreign company to its resident establishment in Vietnam (for example, head office charges allocated to the Vietnam branch) that exceeds the level allowed under the regulations.
- Depreciation of fixed assets that are not used for business activities and/or supported by ownership documents.
- Employees' fringe benefits that exceed the cap of an average one month's salary cost (calculated by dividing the yearly wage fund by 12) in the tax year.
- Payments above VND3 million per person per month for contributions to a voluntary pension fund or purchase of voluntary pension insurance for employees.
- Donations except for certain donations for education, health care, natural disasters; building charitable homes for the poor.
- Management expenses allocated to permanent establishments in Vietnam by the foreign company that are not in accordance with the regulations.
- Administrative penalties.

- Input value-added tax (VAT) that has been credited or refunded, input VAT on the value of a car of nine seats or less that exceeds VND1,600,000,000, corporate income tax (except for the corporate income tax that a Vietnamese company pays on behalf of a foreign contractor under a net contract) and personal income tax (unless the employer pays net salary to employees).
- Expenses that do not correspond to taxable revenue.
- Exchange-rate loss as a result of the revaluation of the year-end balance of money items in foreign currencies, except for the revaluation of payables in foreign currencies.
- Exchange-rate loss arising in the process of capital construction of fixed assets, which is governed by a separate regulation of the MOF.

Inventories. Inventory valuation should be consistent with the accounting principles and standards selected by the company and approved by the MOF. No specific guidelines have been established by the tax authorities.

Tax depreciation. Depreciation of fixed assets is normally computed using the straight-line method. The MOF has issued guidelines setting forth the minimum and maximum years for depreciation of various assets, but companies may apply to the MOF for permission to use different time periods. The following are the minimum and maximum years of depreciation for certain categories of assets.

Asset	Years
Intangible assets	Up to 20
Buildings and factories	5 to 50
Tools and machinery	3 to 20
Transportation vehicles	6 to 30
Other fixed assets	2 to 40

Depreciation at rates exceeding those allowed by the MOF is not deductible for tax purposes. For cars with nine seats or less purchased by enterprises for business other than passenger transportation, hotel or tourism, the depreciable amount is capped at VND1,600,000,000.

Relief for losses. Enterprises that incur losses may carry forward the losses to the following five years and claim such losses as deductions from taxable income. Losses must be wholly carried forward to consecutive years (including the year of a tax holiday).

Enterprises that incur losses from real-property transfers may carry forward the losses to offset income from all of their activities.

Carrybacks of losses are not allowed.

Groups of companies. Companies having dependent production establishments in different provinces shall declare tax with the local tax authority in charge of the head office and allocate the tax payment to provinces where the establishments are located based on the ratio of expenses of the dependent establishments to the total expenses of the company, except in cases in which the production establishments have tax incentives. In such situation, the establishment shall declare tax with the local tax authority of its location based on its accounted income.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
Value-added tax (VAT); imposed on all goods and services consumed in and imported into Vietnam, including goods and services subject to special consumption tax, except for non-taxable items	
General rate (see below)	10%
Exports of goods and services	0%
Certain goods and services, such as water supply, agricultural goods, medical goods and teaching aids	5%
Special consumption tax; imposed on imported or domestically produced cigarettes, beer, spirits, motor vehicles, fuel and air conditioners, and various services including casinos, betting, golf courses and various places of entertainment	1% to 150%
Social insurance, health insurance and unemployment insurance contributions, on salaries (applicable to Vietnamese employees); paid by	
Employer	
Social insurance; the contribution is based on the salary and other allowances of the employees as provided in the labor contract but not exceeding 20 times the common minimum salary (The rate of 17.5% consists of a 3% contribution to the maternity and illness fund, a 0.5% contribution to the labor and professional accident fund [a lower rate of 0.3% is applicable if certain conditions are met] and a 14% contribution to the pension and death fund); Health insurance; calculated on the same base as social insurance	17.5%
Unemployment insurance; the contribution is based on the salary and other allowances of the employees as provided in the labor contracts but not exceeding 20 times the regional minimum salary	3%
Employee	1%
Social insurance	8%
Health insurance	1.5%
Unemployment insurance	1%
Social insurance and health insurance on salaries of expatriate employees); paid by	
Employer	
Social insurance	17.5%
Health insurance; calculated on the same base as social insurance	3%
Unemployment insurance	0%
Expatriate employee	
Social insurance	8%
Health insurance	1.5%

Nature of tax	Rate
Unemployment insurance	0%
Foreign contractor tax; rate depends on type of business activity	0.1% to 10%
Land rent (land-use tax); imposed annually for the use of land; tax base is calculated by multiplying the amount of square meters of the land by land price rates, which vary by location; the higher land price rates apply to land in Hanoi, Ho Chi Minh City and other urban locations	Various
Non-agricultural land use tax; taxable objects include residential land in all areas and land used for business purposes, except for certain cases	
Residential land	0.03% to 0.15%
Non-agricultural land used for business purposes	0.03%
Land not used in accordance with granted purposes	0.15%
Environmental Tax; taxable objects consist of petroleum, oil, lubricants, black coal, hydrochlorofluorocarbon (HCFC) solutions, taxable plastic bags, herbicide termite insecticides, forest products protective agents and warehouse insecticides; rates from 1 January 2019	
Petroleum, oil and lubricants	VND600 to VND2,000 per liter/kilogram (Effective from 1 January 2024 to 31 December 2024)
Black coal	VND15,000 to VND30,000 per ton
HCFC solution	VND5,000 per kilogram
Taxable plastic bags	VND50,000 per kilogram
Herbicide (restricted use category)	VND500 per kilogram
Termite insecticide (restricted use category)	VND1,000 per kilogram
Forest products protective agents (restricted use category)	VND1,000 per kilogram
Warehouse insecticides (restricted use category)	VND1,000 per kilogram
Natural Resources Tax (NRT); payable by industries exploiting Vietnam's natural resources; taxable objects include metallic minerals, nonmetallic minerals, products of natural forests, natural marine products, natural mineral water, other natural resources and petroleum; tax base for NRT calculation includes the output of royalty-liable natural resources, royalty-liable price of a unit of natural resource and royalty rate	
Metallic minerals	10% to 20%
Nonmetallic minerals	6% to 27%

Nature of tax	Rate
WW Products of natural forests	5% to 35%
Natural marine products	2% to 10%
Natural mineral water and natural water	1% to 10%
Other natural resources	10% to 20%
Crude oil	
Encouraged investment projects	7% to 23%
Other projects	10% to 29%
Natural gas and coal gas	
Encouraged investment projects	1% to 6%
Other projects	2% to 10%

E. Miscellaneous matters

Foreign-exchange controls. Enterprises with foreign-owned capital must open accounts denominated in a foreign currency or the Vietnam dong (VND) at a bank located in Vietnam and approved by the State Bank of Vietnam (SBV). All foreign-exchange transactions, such as payments or overseas remittances, must be in accordance with policies set by the SBV.

Enterprises with foreign-owned capital and foreign parties may purchase foreign exchange from a commercial bank to meet the requirements of current transactions or other permitted transactions, subject to the bank having available foreign exchange.

The government may guarantee foreign currency to especially important investment projects or assure the availability of foreign currency to investors in infrastructure facilities and other important projects.

Transfer pricing. The Vietnamese transfer-pricing regulations apply the arm's-length principle to determine transfer prices of business transactions undertaken between related parties and is broadly consistent with the arm's-length concept as set out in the Organisation for Economic Co-operation and Development's Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations (OECD Transfer Pricing Guidelines). The applicable transfer-pricing methods under the Vietnamese transfer-pricing regulations closely resemble the methods provided by the OECD Transfer Pricing Guidelines and include the following:

- Comparable uncontrolled price method
- Resale price method
- Cost-plus method
- Profit-split method
- Comparable profit method (referred to as the transactional net margin method in the OECD Transfer Pricing Guidelines)

The Vietnamese regulations contain detailed transfer-pricing documentation requirements. The documentation must be prepared before the submission of the annual income tax return to substantiate the arm's-length prices and submitted on the tax authority's request in a timely manner.

Advance pricing agreement (APA) regulations are largely in line with the OECD Transfer Pricing Guidelines and APA regimes in other tax jurisdictions. An APA is a binding agreement between a taxpayer and the tax authority that determines in advance the basis

for tax calculation, transfer-pricing methods and arm's-length prices of the covered related-party transactions for a specific time period. The maximum APA period is three years, but it may not exceed the actual number of years that the taxpayer has operated and filed its corporate income tax return in Vietnam.

Resolution on Global Minimum Tax: The National Assembly of Vietnam passed a resolution to apply Income Inclusion Rule (IIR) and Qualified Domestic Minimum Top-up Tax (QDMTT). The resolution will come into effect from 1 January 2024. According to the resolution, in-scope entities include constituent entities that are members of an multinational enterprise (MNE) group that has annual consolidated revenue of at least EUR750 million in at least two of the four preceding fiscal years. If the jurisdictional effective tax rate (ETR) is below the 15% minimum rate, a top-up tax will be imposed in Vietnam.

F. Treaty withholding tax rates

The withholding rates under Vietnam's double tax treaties are listed in the following table.

	Dividends %	Interest %	Royalties %
Australia	10/15	10	10
Austria	5/10/15 (a)	10	7.5/10
Azerbaijan	10	10	10
Bangladesh	15	15	15
Belarus	15	10	15
Belgium	5/10/15 (a)	10	5/10/15
Brunei Darussalam	10	10	10
Bulgaria	15	10	15
Cambodia	10	10	10
Canada	5/10/15 (a)	10	7.5/10
China Mainland	10	10	10
Croatia	10	10	10
Cuba	5/10/15 (a)	10	10
Czech Republic	10	10	10
Denmark	5/10/15 (a)	10	5/15
Estonia	5/10	10	7.5/10
Finland	5/10/15 (a)	10	10
France	7/10/15 (a)	– (b)	10
Germany	5/10/15 (a)	10	7.5/10
Hong Kong	10	10	7/10
Hungary	10	10	10
Iceland	10/15 (a)	10	10
India	10	10	10
Indonesia	15	15	15
Iran	10	10	10
Ireland	5/10	10	5/10/15
Israel	10	10	5/7.5/15
Italy	5/10/15 (a)	10	7.5/10
Japan	10	10	10
Kazakhstan	5/15	10	5/10/15
Korea (North)	10	10	10
Korea (South)	10	10	5/15
Kuwait	10/15	15	20

	Dividends %	Interest %	Royalties %
Laos	10	10	10
Latvia	5/10 (a)	10	7.5/10
Luxembourg	5/10/15 (a)	10	10
Macau	10	10	10
Malaysia	10	10	10
Malta	5/15	10	5/10/15
Mongolia	10	10	10
Morocco	10	10	10
Mozambique	10	10	10
Myanmar	10	10	10
Netherlands	5/10/15 (a)	10	5/10/15
New Zealand	5/15 (a)	10	10
Norway	5/10/15 (a)	10	10
Oman	5/10/15 (a)	10	10
Pakistan	15	15	15
Palestinian Authority	10	10	10
Panama	5/7/12.5	10	10
Philippines	10/15 (a)	15	15
Poland	10/15 (a)	10	10/15
Portugal	5/10/15	10	7.5/10
Qatar	5/12.5	10	5/10
Romania	15	10	15
Russian Federation	10/15 (a)	10	15
San Marino	10/15	10/15	10/15
Saudi Arabia	5/12.5	10	7.5/10
Serbia	10/15	10	10
Seychelles	10	10	10
Singapore	5/7/12.5 (a)	10	5/10
Slovak Republic	5/10	10	5/10/15
Spain	7/10/15 (a)	10	10
Sri Lanka	10	10	15
Sweden	5/10/15 (a)	10	5/15
Switzerland	7/10/15 (a)	10	10
Taiwan	15	10	15
Thailand	15	10/15	15
Tunisia	10	10	10
Türkiye	5/10/15 (a)	10	10
Ukraine	10	10	10
United Arab Emirates	5/15	10	10
United Kingdom	7/10/15 (a)	10	10
Uruguay	10	10	10
Uzbekistan	15	10	15
Venezuela	5/10 (a)	10	10
Non-treaty jurisdictions	0	5	10

(a) The rates vary depending on the percentage of the payer's capital that is owned by the recipient of the dividends.
(b) The treaty with France does not cover the taxation of interest.

Vietnam has signed double tax treaties with Algeria, Egypt, North Macedonia and the United States, but these treaties have not yet been ratified or have not yet taken effect.

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A. At a glance

Corporate Income Tax Rate (%)	0 to 35 (a)
Capital Gains Tax Rate (%)	0
Branch Tax Rate (%)	0 to 35 (a)
Withholding Tax (%) (b)	
Dividends	15/20 (c)
Interest	15/20 (d)
Royalties	15/20 (e)
Management Fees	15/20 (f)
Rental Income	0 (g)
Branch Remittance Tax	20
Net Operating Losses (Years)	
Carryback	0
Carryforward	5 or 10 (h)

(a) For details, see Section B. The tax rate on betting is 25%.
(b) The 20% rate applies to payments to nonresident companies and individuals. The other rates apply to payments made to resident companies and individuals.
(c) For resident and nonresident companies and individuals, this is a final tax. Zambian-incorporated companies may offset the withholding tax imposed on dividends received from other Zambian-incorporated companies against withholding tax payable on their own distributions of dividends.
(d) Withholding tax is payable on the accrual of interest. This rate applies to interest accrued by companies. This is a final tax for nonresident companies. Resident companies may credit the withholding tax against their income tax.

(e) For individuals and nonresident companies, this is a final tax. Resident companies may credit the withholding tax against their income tax. Effective from 1 January 2021, Section 82A of the Income Tax Act provides for the charging of withholding tax on commodity royalty financing payments made by Zambian residents to nonresidents at a rate of 15%. Commodity royalty financing payments are amounts paid by persons resident in Zambia to nonresidents that are computed by reference to the production, profit, or value of production from a mineral deposit or other natural resource in Zambia that is payable under royalty financing. It excludes the repayment of the purchase price for the commodity royalty.

(f) The 15% rate applies to resident companies and individuals, while the 20% rate applies to nonresidents. This is a final tax for nonresident companies and individuals. The tax withheld from payments to resident companies and individuals is granted as a credit in the final tax return.

(g) The withholding tax regime on rental income is abolished, effective from 1 January 2022 and there is no longer a requirement to withhold tax from rental payments. Turnover tax is imposed at a rate of 4% on gross rental income of up to K800,000 per year and at a rate of 12.5% if the gross rental income exceeds K800,000 per year. The 12.5% rare applies to the total gross rental income. The turnover tax is subject to detailed rules.

(h) See Section C.

B. Taxes on corporate income and gains

Corporate income tax. Resident and nonresident companies are subject to tax on their income derived from Zambian sources. However, residents are subject to tax on dividends and interest received on a worldwide basis. Resident companies are also subject to tax on profits derived from a business carried on partly inside, and partly outside, Zambia. A company is considered resident in Zambia if it is incorporated in Zambia or if the central management and control of the company's business or affairs are exercised in Zambia. Further, it is mandatory that a company obtain a Taxpayer Identification Number (TPIN) at the point of registration.

Tax rates. The following are the standard corporate tax rates.

Source	Rate (%)
Farming	0
Rent	4 to 12.5
Agro-processing	10
Cotton seed production or ginning of cotton (for the first five years)	0
Spinning or weaving cotton (for the first 10 years)	0
Export of non-traditional products	0
Manufacturing	30
Income earned from the manufacturing of products using copper cathodes	15
Banking income	30
Telecommunication companies	35
Income from mining operations	30 *
Income from mineral processing	30
Income earned by hotels and lodges on accommodation and food services	15
Trading and other sources	30

* A mining operation is any operation carried out under a mining right referred to in Section 6 of the Mines and Minerals Development Act, but does not include any operations carried out under a prospecting permit or prospecting license or any operations involving only mineral processing. Mining operations are subject to a mineral royalty (see Section D). If the income from a

mining operation exceeds 8% of gross sales, the rate is determined in accordance with the following formula:

$$Y = 30\% + [a - (ab \div c)]$$

The following are the values of the items in the formula:
- Y = the tax rate to be applied per year
- a = 15%
- b = 8%
- c = the percentage ratio of assessable income to gross sales

However, if the base metal produced or recoverable under the license is copper, the mineral royalty payable is at the following rates.

Level	Copper Norm Price Range	Mineral Royalty Rate (%)
1	Less than USD4,500	5.5
2	USD4,500 but less than USD6,000	6.5
3	USD6,000 but less than USD7,500	7.5
4	USD7,500 but less than USD9,000	8.5
5	USD9,000 and above	10

The mineral royalty rate on cobalt and vanadium is 8%. A person that is in possession of minerals extracted in Zambia for which mineral royalty has not been paid is liable to pay mineral royalty at the rates set out in the table above if the mineral is copper. Effective from 2022, a mineral royalty paid is allowed as a deduction in determining taxable income for a mining entity.

A tax incentive is available to companies that are newly listed on the Lusaka Stock Exchange. A two percentage point reduction of each corporate tax rate is granted to such companies. In addition, a reduction of five percentage points (for a total reduction of seven percentage points) of each corporate tax rate is available to companies with more than 33% of their shares owned by Zambians. The incentive applies for one year only, and a company may claim the incentive only once.

Effective from January 2023, the definition of "electronic invoicing system" in the Zambian Income Tax Act is to take on the meaning assigned to the words in the Value Added Tax Act.

Effective from January 2023, the definition of "royalty" in the Zambian Income Tax Act has been revised. According to the act, "royalty" is redefined as a payment of any kind received as consideration for the use of, or the right to use, the following:
- Any copyright of a literary work
- Any artistic or scientific work, including cinematographic films, films, video tapes, sound recordings or any other like medium
- Any computer program or software
- Any patent, trademark, design or model, plan, secret formula, or process
- Any industrial, commercial or scientific equipment
- Any information concerning industrial commercial or scientific experience

Effective from 2023, the Income Tax Act has been amended to provide for the definition of a "public-private partnership" (PPP) project as a project that shall be transferred back to Zambia that involves any of the following:
- Design, finance, construction, development or operation of a new infrastructure, asset or facility
- Provision of social sector services
- Rehabilitation, modernization, expansion, operation or management of an existing infrastructure, asset or facility

With respect to the PPP, effective from 2023, an amendment has been made to the charging schedule of the act and it now provides the following:

- The tax chargeable on the income received by a special purpose vehicle undertaking a PPP project under the Public Private Partnership Act, 2009 for the first five years that a PPP project makes profit shall be 15%.
- The rate of 0% per year applies to dividends paid by an agro-processing business approved by the Zambia Development Agency and carrying on the manufacturing of corn starch in a multi-facility economic zone or an industrial park for the 2023 to 2032 tax years.

A PPP that has been approved may claim, on a straight-line basis, wear and tear at an accelerated rate, not exceeding 100% with respect to a new implement, plant or machinery acquired and used by the special purpose vehicle for the purpose of that PPP. The tax liable on PPP income received by a special purpose vehicle is 15% for the first five years that the PPP makes a profit.

Capital gains. Capital gains are not subject to tax in Zambia.

Administration. The Zambia Revenue Authority administers the Income Tax Act. The tax year runs from 1 January to 31 December. Annual tax returns must be filed by 21 June of the following accounting year.

Companies must make four advance payments of tax, which are due on 10 April, 10 July, 10 October and 10 January. The installments are based on an estimate of the tax due for the year. The balance of tax due must be paid by the due date for filing the annual tax return.

A company may apply to the Commissioner-General to use an accounting year other than the standard tax year. However, the due dates described above for filing returns and advance payments of tax also apply to companies with an accounting year-end other than 31 December.

The following are the Pay-As-You-Earn (PAYE) bands as of January 2024.

Income		
Exceeding ZMW	Not exceeding ZMW	Rate %
0	5,100	0
5,100	7,100	20
7,100	9,200	30
9,200	—	37

Dividends. A 15% withholding tax is imposed on dividends paid to resident companies and individuals. A 20% withholding tax is imposed on dividends paid to nonresident companies and individuals. This is a final tax. Dividends payable by subsidiaries are also subject to withholding tax at a rate of 15%.

The option to offset the tax withheld on dividends received by a Zambian-incorporated company is available against the withholding tax payable on their own dividend distributions.

Foreign tax relief. In the absence of double tax relief under a double tax treaty, unilateral tax relief is available to resident companies for foreign taxes paid on foreign income subject to Zambian tax. The amount of the tax credit is the lower of the Zambian tax payable on the foreign income and the foreign tax paid on the same income.

C. Determination of trading income

General. Assessable income equals the amount of a person's income liable to tax that may be included in an assessment and that remains after allowing the deductions to which that person is entitled under the provisions of the Income Tax Act. Expenses are deductible to the extent they are incurred wholly and exclusively for the purposes of the business.

The deduction of interest is now limited to 30% of the tax earnings before interest, tax, depreciation and amortization (EBITDA). The disallowed interest expense in the tax year may be carried forward up to a maximum of five years. The carryforward period of disallowed interest expense is increased to 10 years for mining operations and electricity generating entities, effective from 1 January 2022. The limitation applies to gross interest arising from loans that are both revenue and capital in nature.

Companies engaged in fishing or farming for two consecutive tax years may elect to calculate taxable income or loss for the two tax years by averaging the taxable income earned or loss incurred in each of the two tax years. This election must be filed with the Commissioner-General before the end of the tax year following the second consecutive tax year. The election is not allowed in certain circumstances.

A deduction of a local content allowance is available. It equals 2% of expenditure incurred, other than that of a capital nature, for the growing or purchase of agricultural products by companies carrying on agro-processing or manufacturing in a tax year. The local content allowance applies to agricultural products grown within Zambia, including cassava, pineapple and mango, and is claimable each year that the expenditure is incurred but may not be claimed for more than three tax years.

An annual allowance of 10% is provided for expenditure incurred for the growing of, among others, rose flowers, tea, coffee and citrus fruit trees. For persons growing the plants mentioned above for the first time, the expenditure incurred is not deductible and may be carried forward to the following tax year up to the first year of production. From 2021, the allowance is extended from a period of three consecutive years to five years.

Inventories. Inventories are valued at the lower of cost or net realizable value.

Provisions. Specific identifiable provisions with proof of steps taken to collect the debt are allowed for tax purposes, but general provisions are not allowed.

Tax depreciation. Annual wear-and-tear allowances, which are calculated using the straight-line method, are available for the following assets.

Asset	Rate (%)
Industrial buildings	
Low-cost housing (buildings used to provide housing for the purposes of a business with a cost per unit of up to ZMW20,000 [USD1,042.33 as of February 2023])	10
Others	5
Commercial buildings	2
Implements and plant and machinery used in farming, tourism, electricity generation and manufacturing	50
Other implements and plant and machinery, and commercial vehicles	25
Non-commercial vehicles	20
Property, plant and equipment investment by companies in the priority sector	100

The amount of depreciation claimed on an asset may be recaptured when the asset is sold. In general, the amount recaptured is the excess of the sales price over the tax value, but it is limited to the amount of depreciation claimed.

The 2021 amendment of Section 34A (2) of the Income Tax Act has increased the period in which the development allowance can be claimed. A development allowance is an allowance that applies to a person growing rose flowers, tea, coffee, bananas, citrus fruit trees, and other similar plants or trees, for the first time. The expenditure incurred is not deductible. The development allowance may be carried forward to the following tax years up to the first year of production. However, the development allowance cannot be carried forward for more than five consecutive years.

Relief for losses. Tax losses may be carried forward five years to offset income from the same source. Mining operations and companies operating in the hydro- and thermo-generation sector may carry forward losses for a period of 10 years. Effective from 1 July 2015, a loss from a mining operation is deducted from 50% of the income of a person from the mining operation. In general, losses may not be carried back.

Groups of companies. No provisions for filing consolidated returns exist in Zambia.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate (%)
Value-added tax (VAT), on any supply of goods and services, other than an exempt supply, made in Zambia and on taxable imports; exports are zero-rated	16
National Pensions Scheme Authority (NAPSA; social security system) contributions on monthly wages; maximum contribution of ZMW1,342	

Nature of tax	Rate (%)
per month for both employers and employees	
Employer	5
Employee	5
National Health Insurance Management Authority (NHIMA) contributions on monthly wages per month for both employers and employees	
Employer	1
Employee	1
Property transfer tax on direct transfers of shares (and equivalent rights)	5
Property transfer tax on indirect transfers of shares (and equivalent rights) of companies incorporated in Zambia	5
Property transfer tax on the realized value with respect to a mining right for an exploration license	5
Property transfer tax on the realized value with respect a mining right for a mining license (effective from 1 January 2023)	10
Property transfer tax on the realized value with respect to a mineral processing license (effective from 1 January 2023)	10
Property transfer tax on the realized value with respect to land	5
Property transfer tax on the transfer of mining rights and interests in mining rights	10
Property transfer tax on transfers of mining licenses (effective 1 January 2022)	10
Property transfer tax on intellectual property; effective from 1 January 2018	5
Royalty on the extraction, production and selling of ore; the mineral royalty tax rate varies depending on the type of mineral	Various

E. Miscellaneous matters

Foreign-exchange controls. The Zambian currency is the kwacha (ZMW).

Zambia does not impose foreign-exchange controls.

Transfer pricing. Transfer-pricing rules apply to transactions between related parties. Related-party transactions must be conducted at arm's length. Transfer-pricing rules apply to transactions with nonresident related parties as well as to transactions between local entities. The Zambian transfer-pricing regulations are based on Organisation for Economic Co-operation and Development (OECD) rules, and any price determined in accordance with OECD rules is acceptable. Effective from 1 January 2018, taxpayers must retain transfer-pricing documentation and submit it within 14 days of a request by the tax authority or they will be subject to a penalty of 80 million penalty units (ZMW24 million). Taxpayers are required to have the transfer-pricing document ready at the time of filing of the income tax return (due 21 June).

The required period for the retention of documents and information is 10 years for a business transacting with associated persons. From 2021, the threshold for the preparation of transfer-pricing documentation for local companies is increased from an annual turnover of ZMW20 million to ZMW50 million. The requirement to file a Country-by-Country (CbC) report is introduced. An ultimate parent entity that is tax resident in Zambia, and that had consolidated group revenue of EUR250 million or ZMW4,795,000 in the previous accounting year must file a CbC report with the Commissioner-General 12 months after the last day of the reporting year of the multinational enterprise (MNE) with respect to that reporting accounting year.

Effective from 1 January 2022, the legislation provides clarity with respect to the use of a single currency threshold, denominated in kwacha, for CbC reporting. Previously, the transfer-pricing regulations provided for two currencies at EUR750 million or K4.795 billion. Following this amendment, an MNE group with a consolidated group revenue of K4.795 billion or more is required to file a CbC report.

A non-reporting entity must submit a CbC report notification providing the identity and tax residence of the reporting entity in its MNE group before the close of the financial year (last day of the MNE accounting period).

Permanent establishment. The provision of services, including consultancy services, through employees or other personnel engaged by an entity in Zambia for a period or periods exceeding an aggregate of 90 days in any rolling 12-month period results in a permanent establishment.

F. Treaty withholding tax rates

	Dividends %	Interest %	Royalties %	Management fees %
Botswana	5/7	10	10	10
Canada	15	15	15	0
China Mainland	5	10	5	0
Denmark	15	10	15	0
Finland	5/15	15	5/15	0
France	20	20	15	0
Germany	5/15	10	10	0
India	5/15	10	10	10
Ireland	7.5	10	10	0
Italy	5/15	10	10	0
Japan	0	10	10	0
Kenya	20	20	20	0
Netherlands	5/15	10	7.5	0
Norway	15	10	15	20
Seychelles	5/10	5	10	0
South Africa	20	20	20	20
Sweden	5/15	10	10	20
Switzerland	0	0	0	0
Tanzania	20	20	20	0
Uganda	20	20	20	0

	Dividends %	Interest %	Royalties %	Management fees %
United Kingdom	5/15	10	5	0
Non-treaty jurisdictions	20	20	20	20

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The Zimbabwe local currency changed from the Zimbabwean dollar (ZWL) to Zimbabwe gold (ZWG) on 5 April 2024.

A. At a glance

Corporate Income Tax Rate (%)	25 (a)(b)
Capital Gains Tax Rate (%)	4/5/20 (c)
Capital Gains Withholding Tax Rate (%)	1.5/2/5/15/40 (d)
Branch Tax Rate (%)	25 (a)(b)
Withholding Tax (%)	
Dividends	5/10/15 (e)
Interest Received by Residents	
Paid by Banks, Other Financial Institutions and Building Societies	0/5/15 (f)
Accruing from Treasury Bills, Bankers' Acceptances and Discounted Instruments Traded by Financial Institutions	15 (g)
Royalties	15 (h)(i)
Remittances	15 (i)(j)
Fees and Commissions	15/20 (i)(k)
Contract Payments	30 (i)(l)
Value-Added Tax Withholding Tax (%)	33 (m)
Intermediated Money Transfer Tax	2 (n)
Net Operating Losses (Years)	
Carryback	0
Carryforward	6 (o)

(a) Special tax rates apply to certain enterprises. For details, see Section B.

(b) An AIDS levy of 3% is imposed on income tax.

(c) A 20% tax is imposed on capital gains on the disposal of specified assets, such as unlisted marketable securities, immovable property (including rights in residential, commercial or industrial stands and membership interests in condominiums) and intangible property requiring formal registration. See Section B. For specified assets acquired before 22 February 2019, the rate of tax is 5% on gross proceeds except for listed securities that are exempt from capital gains tax if a capital gains withholding tax is withheld. For listed marketable securities held for less than 180 days, capital gains tax was chargeable at the rate of 4% on the gains up to 27 June 2024. The capital gains tax has been repealed for a period of six months effective from 28 June 2024. Effective 1 January 2024, a special capital gains tax is payable on the transfer of mining titles retrospectively from 2014. The tax is chargeable at 20% of the transaction value immediately before the mining title is transferred and is paid by the transferee. A special tax rate of 5% applies if there is an express provision in the Mines and Minerals Act for approval by the Minister of Mines for transfer of the specific mining title. Entities that sold mining titles before 1 January 2024 and had not paid the tax must account for the capital gains tax on or before 1 April 2024. For disposals after 1 January 2024, capital gains tax must be paid within 30 days after the conclusion of the transaction. Mining claims cannot be registered by the Mining Commissioner unless a capital gains tax certificate issued by the Zimbabwe Revenue Authority (ZIMRA) is provided.

(d) A capital gains withholding tax applies on funds held by a depositary on behalf of a seller of a specified asset. The withholding tax on the disposal of securities listed on the Zimbabwe Stock Exchange is 2% of gross proceeds, effective from 28 June 2024. Before the change, the withholding tax rate was 1.5% for listed securities held for a period of at least 180 days. The capital gains withholding tax is a final tax. For securities held for less than 180 days, the withholding tax rate was 40% for the period to 27 June 2024. This was repealed on 28 June 2024 for a period of six months. See Section B.

(e) A 10% rate applies to dividends paid by companies listed on the Zimbabwe Stock Exchange to resident individuals and nonresident individuals and companies. A rate of 5% applies to dividends paid to nonresidents by companies listed on the Victoria Falls Stock Exchange while for residents, the rate is

10%. A 15% rate applies to dividends paid by any other company to resident persons other than companies.

(f) This is a final withholding tax imposed on residents. The following types of interest are exempt from income tax and withholding tax:
- Interest on deposits with a term of more than 12 months
- Interest paid by the People's Own Savings Bank
- Interest on building society Class C (tax-free) shares

The 5% rate applies to interest on fixed-term deposits of at least 90 days with financial institutions. The 0% rate applies to fixed-term deposits of more than 12 months.

(g) This is a final tax imposed on the income on the maturity of treasury bills, bankers' acceptances and discounted instruments traded by financial institutions that are purchased by resident investors who are not financial institutions. The tax is imposed at the time of disposal or maturity of the instrument.

(h) This withholding tax is imposed on nonresident persons. The income may also be subject to income tax.

(i) The withholding taxes are paid to the ZIMRA in local currency.

(j) This is a final tax imposed on remittances transferred from Zimbabwe to nonresidents for allocable technical, managerial, administrative or consulting expenditures with respect to services that were provided to a resident by a nonresident person in relation to trade carried on in Zimbabwe.

(k) A 15% withholding tax rate applies on payments by residents to nonresident persons for technical, managerial, administrative and consulting services. A withholding tax of 20% is imposed on payments of non-executive directors' fees and property and insurance commissions paid to residents and nonresidents who are not employees. The tax withheld is credited to income tax, while for non-executive directors, the 20% is a final tax.

(l) This is a tax on the payee, which is withheld by the payer from all payments made under contracts of USD1,000/ZWG equivalent of USD1,000 or more over the year of assessment to resident suppliers who do not provide a valid tax-clearance certificate at the time of payment.

(m) The tax is withheld by an appointed Value-Added Withholding Tax Agent from payments for taxable supplies to specified noncompliant registered value-added tax (VAT) operators. The tax is offset in the following month against output tax.

(n) The tax is withheld at 2% on amounts exceeding USD5 or the ZWL/ZWG equivalent of USD5 that are mediated by a financial institution. Between 1 June 2023 and 2 May 2024, the rate of intermediated money transfer tax (IMTT) on USD transactions was 1%. The rate was changed, effective from 3 May 2024, to 2%. The maximum tax is USD10,150 or the local currency ZWL/ZWG equivalent for transactions that are equivalent to or exceed USD500,000 or the local currency equivalent of USD500,000. Between 1 January 2024 and 2 May 2024, the rate of IMTT on outbound foreign payments and Zimbabwe gold-backed digital (ZWG) tokens was the following:
- USD0.01 per outbound foreign payment transaction of USD5 and above.
- USD0.005 per transaction on each ZWG token transaction of USD5 and above

The above rates and wording have since since been corrected with the IMTT rate increased to 2% on each outbound foreign payment and ZWG token. The above rates are chargeable on amounts exceeding USD5 or the ZWL/ZWG equivalent of USD5 that are mediated by a financial institution.

(o) Mining losses are ring fenced to specific locations and may be carried forward indefinitely.

B. Taxes on corporate income and gains

Corporate income tax. Income tax is levied on all amounts (other than capital) received or accrued to residents from a Zimbabwean or a deemed Zimbabwean source, less expenditures that are incurred in the production of income or for purposes of trade. Certain specific types of income are exempt.

Nonresident companies that carry on business in Zimbabwe are subject to corporate income tax on all taxable income, wherever arising, attributable to a permanent establishment in Zimbabwe.

Foreign interest and dividends accruing to taxpayers that are ordinarily resident in Zimbabwe are deemed to be from a source in Zimbabwe. A corporation is ordinarily resident in Zimbabwe if it is managed and controlled in Zimbabwe.

Rates of corporate tax. Resident and nonresident companies are subject to income tax at a rate of 25%. Residents are subject to income tax at a rate of 20% on gross foreign dividends receivable.

Special tax rates. Special tax rates apply to the following enterprises.

Type of enterprise	Rate (%)
Investors operating in export-processing zones licensed before 1 January 2007	25
Special mining lease operations	15 (plus additional profits tax)
Build-own-operate-transfer (BOOT) and build-operate-transfer (BOT) projects	
Years 1 through 5	0
Years 6 through 10	15
Year 11 and thereafter	25
Industrial park operators	
Years 1 through 5	0
Licensed power generation projects	
Years 1 through 5	0
Thereafter	25
Taxable income of operator of tourist facility in an approved tourist zone	
Years 1 through 5	0
Thereafter	25
Manufacturing enterprises exporting 31% to 51% of their production	15/17.5/20
Licensed power generation projects	
Years 1 through 5	0
Thereafter	15
Satellite nonresident broadcasting services and electronic commerce platforms; tax is imposed on annual income over USD500,000 that is earned from Zimbabweans	5

Interest received by residents on deposits with Zimbabwean financial institutions with a term of over 12 months is exempt from income tax and withholding tax.

Other interest received by residents from Zimbabwean financial institutions is exempt from income tax, but it is subject to a final withholding tax of 5% or 15% for fixed-term deposits of at least 90 days. A final withholding tax of 15% is also imposed on the income to maturity of treasury bills, bankers' acceptances and discounted instruments traded by financial institutions that are purchased by resident investors other than financial institutions. The tax is imposed at the disposal or maturity of the instrument. No expenses or losses are deductible from the income.

Other interest received by a resident is taxable at the normal corporate tax rate after deducting allowable expenses and losses.

Tax concessions. Previously, tax incentives were available to income generated in designated export-processing zones. These have since been eliminated. Effective from 1 January 2017, income accruing to licensed investors in designated Special Economic Zones (SEZs) is taxed at special rates. Effective from 1 January 2023, the incentive applies only if 100% of the goods

produced are exported. SEZ incentives are no longer available to income from mining operations, effective from 1 January 2023.

SEZ corporate tax. The following are the SEZ corporate tax rates:
- First five years: 0%
- Thereafter: 15%

The 3% AIDS levy is not chargeable.

Employment tax. Income accruing to expatriate employees of licensed investors in SEZs is subject to tax at a rate of 15% plus the AIDS levy.

The following are exemptions from withholding taxes in SEZs:
- Shareholder taxes
- Dividend payments to resident and nonresident shareholders
- Fees and royalties paid to nonresident persons

Other SEZ concessions. The following are other SEZ concessions:
- Zero percent customs duty on imported capital equipment and raw materials to be used in SEZs
- VAT exemption for the items mentioned above

International bodies that provide finance for approved projects for development in Zimbabwe are exempt from income tax and capital gains tax.

Income from mortgage financing accruing to commercial banks is exempt from income tax. The expenses are consequently not tax-deductible.

Capital gains. Withholding tax is charged on the disposal of specified assets, which are marketable securities, immovable property and intangible property requiring formal registration under different pieces of legislation.

Withholding taxes are collected and paid by a depositary (people collecting the proceeds in an agency capacity).

Specified assets acquired before 22 February 2019. The following withholding tax rates apply:
- Listed marketable securities: 1.5% up to 27 June 2024. The withholding tax rate is now 2%, effective from 28 June 2024, for six months, following which the rate will be reviewed.
- Unlisted marketable securities: 5%
- Immovable property: 15%

The following additional withholding taxes apply:
- Securities acquired and disposed of within six months: 40%, between 13 May 2022 and 27 June 2024. The holding period limit and the 40% rate are repealed for six months beginning 28 June 2024.
- Securities acquired and disposed of after six months: 1.5%, effective from 1 January 2022 to 27 June 2024. Thereafter the withholding tax on the disposal of Zimbabwe Stock Exchange-listed securities is 2% of gross proceeds, regardless of the holding period. The 2% withholding tax is a final tax.

This tax is offset against any assessed capital gains tax.

Specified assets acquired on or after 22 February 2019. Tax is chargeable at 20% on capital gains on disposals of immovable property and unlisted shares. For listed shares held for less than 180 days, tax is chargeable at 4% of the gain. Capital gains tax on listed securities is repealed for six months beginning 28 June 2024.

Other rules. For purposes of calculating capital gains tax, the following deductions are available:
- Recoupment chargeable to tax in terms of the Income Tax Act [Cap 23:06].
- Improvements to immovable property.
- An inflationary allowance based on movement of the All Items Consumer Price Index from the date of purchase to the date of disposal. This is applied on the purchase or construction cost and improvements to the asset being disposed of.
- Selling and associated costs of the property.

Any capital gains withholding tax paid is credited with any excess amount being refundable.

The 2% withholding tax on the disposal of listed securities is a final tax.

Capital gains on the disposal of shares to an approved indigenization partner or community share ownership trust or scheme are charged on the amount paid and not the fair market price.

Shares disposed to employees under an approved employee share ownership scheme are exempt from capital gains tax. The disposal of the same shares to the scheme is also exempt from capital gains tax.

Administration. Zimbabwe's tax year ends on 31 December. Tax returns must be filed by 30 April of the following year. However, capital gains tax returns must be submitted within 30 days from date of the transaction. Tax is based on self-assessment except for employees who would have worked for less than a full calendar year.

Corporate and employment tax must be paid in the currency the income was earned, received or accrued.

Income tax is paid in the currency of trade. If income is earned 100% in foreign currency, the tax liability must be paid in that currency. The reverse is true with respect to income earned in local currency. If income is earned in both local and foreign currency, tax must be paid in both currencies based on their relative contributions. Effective from the tax year beginning 1 January 2022, taxpayers must submit two income tax returns if income was earned in local and foreign currency. Earnings in other foreign currencies other than US dollars (USD) must be converted to USD at the international cross rate of exchange. With the new Tax and Revenue Management System (TaRMS), only one return that is divided into USD and ZWG tax computation segments is submitted. This is effective from December 2023.

All expenses must be proportionately apportioned between the USD and Zimbabwean ZWG returns based on the USD and ZWG income tax ratios.

Effective from the tax year beginning 1 January 2022, income tax returns for approved accounting years ending in any period other than 31 December, must be submitted not later than four months after the taxpayer's approved year end.

The following are the quarterly payment dates and applicable portion of tax for a 31 December year-end:
- 25 March: 10% of projected annual tax
- 25 June: 25% of projected annual tax
- 25 September: 30% of projected annual tax
- 20 December: 35% of projected annual tax

Taxpayers with approved tax years pay their quarterly tax three, six, nine and 12 months from the start date of their year.

Taxpayers must estimate their tax correctly subject to a tolerable margin of error of 10% of annual tax. Interest will be charged for underpayments above the 10%. Effective from 1 December 2022, the annual interest rate for ZWL income and capital gains tax underpayments was increased from 25% to 200%. The rate followed movements in the bank policy rate. Effective 5 April 2024, the bank policy interest rate was recalibrated from 130% per year to 20% per year. The interest rate for USD tax remains at 10%. Objections cannot be made to interest assessed by the Commissioner on quarterly payment dates. There is no penalty with respect to this tax.

Any withholding taxes with respect to corporate tax are credited, provided the required evidence is available.

Dividends. Dividends that are paid between two local companies are exempt from tax.

Dividends paid by a listed company are charged at the following rates:
- Company listed on the Zimbabwe Stock Exchange (ZSE): 10%
- Company listed on the Victoria Falls Stock Exchange (VFSE): 5%

Dividends paid by private corporations are subject to a 15% withholding tax.

Dividends received from foreign companies are taxed at 20% of the gross amount with credit being claimed on withholding tax paid in the paying jurisdiction.

Foreign tax relief. Tax relief is provided by treaty or provisions of domestic law. The tax credit cannot exceed the Zimbabwean income tax on the income.

C. Determination of trading income

General. Income tax is levied on all receipts and accruals from a Zimbabwean source or a source that is deemed to be in Zimbabwe. Income includes any recoupment on disposal of assets for which allowances were claimed in earlier years. The recoupment is limited to the capital allowances previously claimed. However, for income from mining operations, the recoupment is equal to sales proceeds for all assets except passenger motor vehicles and staff housing for which allowances were restricted. This excludes income that is proven by the taxpayer to be capital in character or income that is exempt from tax.

Exempt income includes the following:
- Dividends received by a company from another local company
- Interest on deposits with a term of more than 12 months
- Individual's own savings bank interest
- Interest from certain building society investments
- Interest on deposits with financial institutions and treasury bills designated as tax-exempt

Deductions. A taxpayer is entitled to deduct all expenses that were incurred for purposes of trade or in the production of the income except those that are prohibited by statute or that are capital in nature.

The following classes of expenses are not deductible:
- Expenses incurred in the production of exempt income or income not derived or deemed to be derived from Zimbabwe
- Pension fund contributions more than a prescribed amount
- Cost of attending trade missions and conventions exceeding the prescribed amount
- Costs for maintaining idle assets
- Payments in restraint of trade
- Entertainment expenses
- Provisions and accrued but not incurred expenses
- Passenger motor vehicle leasing costs in excess of USD10,000
- IMTT
- Excessive financing costs if debt is more than three times equity
- Group fees exceeding 0.75% or 1% of total allowable deductions that are respectively incurred in the first and subsequent year of trade

Special deductions include the following:
- Donations of up to a specified threshold for the construction, maintenance or operation of hospitals and schools run by the state, local authorities or religious organizations, donations to the Destitute Homeless Persons Rehabilitation Fund to alleviate the condition of destitute homeless persons and donations to local authorities for approved expenditure.
- Allowance equal to the amount of export market development expenditure.
- Amounts contributed to approved scientific and educational bodies for industrial research or scientific experimental work.
- Loans by corporate taxpayers to acquire shares that are repayable from dividends foregone by the taxpayers on those shares. They are deductible in equal annual installments over the period of the loan.

Inventories. Inventory is valued at cost using the first-in, first-out method or the market value as may be appropriate.

Provisions. Provisions are not tax-deductible.

Capital allowances. Taxpayers must deduct capital allowances with respect to qualifying assets that are purchased or acquired for the purposes of trade.

A taxpayer may elect to claim Special Initial Allowance (SIA) of 25% of cost in the first year an asset is used by the business and claim the balance equally over the following three years. Some assets are not eligible for SIA, such as commercial buildings.

The following table lists certain assets, the method used and applicable wear and tear rates.

Asset	Method	Rate (%)
Commercial buildings	Straight-line	2.5
Industrial buildings*	Straight-line	5
Office equipment	Declining-balance	10
Motor vehicles	Declining-balance	20
Plant and machinery	Declining-balance	10

* Toll roads and toll bridges declared to be such under the Toll Roads Act are classified as industrial buildings.

A special rule applies to the rebasing of unredeemed balances on USD purchased assets translated to ZWL. The taxpayer must rebase any balances of qualifying assets that remained unredeemed as of 31 December 2022. The unredeemed USD invoice values that are reported in local currency must be rebased using the Reserve Bank of Zimbabwe auction exchange rate prevailing on 1 January 2023.

On disposal of an asset, capital allowances previously claimed will be included in gross income and taxed at the normal corporate tax rate. The recoupment is limited to allowances that were previously claimed. If proceeds exceed the allowances, the excess amount is not taxable.

Relief for losses. Losses, including assessed tax losses, are tax-deductible. Assessed tax losses can be claimed up to six years from the year they are realized, after which they expire. However, assessed losses for mining operations are perpetual; that is, they do not expire. Losses from one mining operation cannot be claimed by another operation. Assessed losses cannot be carried back.

Groups of companies. Tax is charged on a separate entity approach. No tax is levied on a group.

Transfer of assets between companies under the same control. To avoid recoupment on the transfer of assets between companies under the same control, transferor and transferee may elect to transfer assets at their income tax values. Tax on the recoupment will be charged on the subsequent disposal of the assets to a person outside the group.

D. Other significant taxes

The following table summarizes other significant taxes.

Nature of tax	Rate
VAT; imposed on the supply and importation of goods and services; certain items are exempt, including financial services, medical services, fuel, tobacco, educational or training services, long-term residential leases and transport of passengers by road or rail; also imposed on certain exports; suppliers of qualifying goods and services with an annual value in excess of a specified threshold must register; the annual threshold is currently USD25,000	
Standard rate	15%

Nature of tax	Rate
Exports of unbeneficiated hides	Greater of 75 cents/kg and 15% of the value
Exports of unbeneficiated lithium	5%
Exports of uncut and cut three-dimensional stones	2.5%/5%
Unbeneficiated platinum	Sliding scale based on the degree of beneficiation
Other exports, prescribed drugs and services (excluding accommodation) supplied by designated tourist facilities to tourists that are paid for with foreign currency	
Intermediated Money Transfer Tax (both USD and ZWG)	2%
Presumptive taxes; varies by class	Various

E. Miscellaneous matters

Foreign-exchange controls. The Zimbabwe local currency changed from the Zimbabwean dollar (ZWL) to Zimbabwe gold (ZWG) on 5 April 2024. The country operates strict exchange controls that are regularly fine-tuned. The exchange controls are discussed below in general terms.

A significant shortage of foreign currency exists in Zimbabwe. Foreign currency is obtained through the foreign currency auction floors. It can also be obtained through the willing buyer, willing seller system through the banking system. Amounts procured to import goods and services must be obtained through the banks.

The government imposes broad controls on external payments. Applications are made to the Reserve Bank of Zimbabwe through commercial banks.

The government still imposes broad controls over all transactions involving a nonresident. Applications through commercial banks are required for the approval of most transactions of this nature. Commercial banks refer exceptional items to the Reserve Bank of Zimbabwe.

Foreign investment of up to 35% in primary issues of shares and bonds is permitted if funded by inward transfers of foreign currency. Purchases and disposals by foreign investors in the secondary market require specific approval from the authorities.

Agreements relating to foreign services (including borrowings) must be registered with the Reserve Bank of Zimbabwe through commercial banks. Borrowings of more than specified limits require Reserve Bank of Zimbabwe approval. The approvals are granted based on the merits of the borrowings in accordance with guidelines set by the External Loans Coordinating Committee. Foreign borrowings may be approved only if they are used to fund productive, export-oriented ventures that have the potential to generate sufficient foreign currency for loan principal and interest repayments without recourse to the foreign-currency market. Foreign loans to purchase shares, existing companies or real estate, or to fund private consumption, personal loans or retail inventories, are generally discouraged.

All offshore remittances require preapproval depending on national priorities.

Remittances to related or unrelated nonresident persons are restricted to 3% of audited gross annual revenue of the payer. Payments for good reasons in excess of the 3% are accepted.

Dividends are remitted 100% to nonresident shareholders within one year after the accrual of the profits. Exchange control approval is required. Specific approval is required for dividend remittances with respect to prior years.

After-tax dividends and capital gains derived from investments on the Zimbabwe Stock Exchange are fully remittable.

Debt-to-equity rules. Debt-to-equity rules apply to all companies (see Section C).

Transfer pricing. Zimbabwe introduced transfer-pricing legislation, effective from 1 January 2016. The new transfer-pricing legislation endorses the arm's-length principle and imposes documentary obligations on taxpayers. The legislation covers transactions between all connected persons and applies to both domestic and international transactions. These new provisions are aligned with transfer-pricing principles developed by the Organisation for Economic Co-operation and Development (OECD); consequently, the law recognizes OECD manuals on the subject as relevant sources of interpretation.

F. Treaty withholding tax rates

The rates shown in the table reflect the lower of the treaty rate and the rate under domestic tax law.

	Dividends (a) %	Interest %	Royalties %	Fees %
Botswana	5/10	0	10	10
Bulgaria	10	0	10	10
Canada	10	0	10	10
China Mainland	2.5/7.5	0	7.5	0
Congo (Democratic Republic of) (b)	0	0	0	0
France	10	0	10	10
Germany	10	0	7.5	7.5
Iran (b)	5	0	5	5
Kuwait (b)	0/5/10	0	10	0
Malaysia	10	0	10	10
Mauritius	10	0	15	0
Namibia (b)	5/10	0	10	0
Netherlands	10	0	10	10
Norway	10	0	10	10
Poland	10	0	10	10
South Africa	5/10	0	10	5
Sweden	10	0	10	10
United Arab Emirates	5	0	9	6
United Kingdom	5	0	10	10
Non-treaty jurisdictions	10/15	0	15	15

(a) Except for the Iran treaty, the reduced treaty rates apply only if the recipient is a company that controls at least 15% to 25% of the voting power of the payer company.

(b) The entry into force of these treaties has not yet been published.

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Foreign currencies

The following list sets forth the names and codes for the currencies of jurisdictions discussed in this guide.

Jurisdiction	Currency	Code
Albania	Lek	ALL
Algeria	Dinar	DZD
Angola	Kwanza	AOA
Argentina	Peso	ARS
Armenia	Dram	AMD
Aruba	Florin	AWG
Australia	Dollar	AUD
Austria	Euro	EUR
Azerbaijan	Manat	AZN
Bahamas	Dollar	BSD
Bahrain	Dinar	BHD
Bangladesh	Taka	BDT
Barbados	Dollar	BBD
Belgium	Euro	EUR
Bermuda	Dollar	BMD
Bolivia	Boliviano	BOB
Bonaire, St. Eustatius and Saba (BES-Islands)	US Dollar	USD
Botswana	Pula	BWP
Brazil	Real	BRL
British Virgin Islands	US Dollar	USD
Brunei Darussalam	Dollar	BND
Bulgaria	Lev	BGN
Cambodia	Khmer Riel	KHR
Canada	Dollar	CAD
Cape Verde	Escudo	CVE
Cayman Islands	Dollar	KYD
Chad	CFA Franc BEAC	XAF
Chile	Peso	CLP
China Mainland	Yuan Renminbi	CNY
Colombia	Peso	COP
Congo, Democratic Republic of	Franc	CDF
Congo, Republic of	CFA Franc BEAC	XAF
Costa Rica	Colón	CRC
Croatia	Kuna	HRK
Curaçao	Antillean Guilder	ANG

Jurisdiction	Currency	Code
Cyprus	Euro	EUR
Czech Republic	Koruna	CZK
Denmark	Krone	DKK
Dominican Republic	Peso	DOP
Ecuador	US Dollar	USD
Egypt	Pound	EGP
El Salvador	Colon	SVC
Equatorial Guinea	CFA France BEAC	XAF
Estonia	Euro	EUR
European Monetary Union	Euro	EUR
Fiji	Dollar	FJD
Finland	Euro	EUR
France	Euro	EUR
Gabon	CFA France BEAC	XAF
Georgia	Lari	GEL
Germany	Euro	EUR
Ghana	Cedi	GHS
Gibraltar	Pound	GIP
Greece	Euro	EUR
Guam	US Dollar	USD
Guatemala	Quetzal	GTQ
Guernsey	Pound	GBP
Guyana	Dollar	GYD
Honduras	Lempira	HNL
Hong Kong	Dollar	HKD
Hungary	Forint	HUF
India	Rupee	INR
Indonesia	Rupiah	IDR
Iraq	Dinar	IQD
Ireland	Euro	EUR
Isle of Man	Pound	GBP
Israel	Shekel	ILS
Italy	Euro	EUR
Jamaica	Dollar	JMD
Japan	Yen	JPY
Jersey	Pound	GBP
Jordan	Dinar	JOD
Kazakhstan	Tenge	KZT
Kenya	Shilling	KES
Korea (South)	Won	KRW
Kosovo	Euro	EUR
Kuwait	Dinar	KWD
Laos	Kip	LAK
Latvia	Euro	EUR

Jurisdiction	Currency	Code
Lebanon	Pound	LBP
Lesotho	Loti	LSL
Libya	Dinar	LYD
Liechtenstein	Swiss Franc	CHF
Lithuania	Euro	EUR
Luxembourg	Euro	EUR
Macau	Pataca	MOP
Malawi	Kwacha	MWK
Malaysia	Ringgit	MYR
Maldives	Rufiyaa	MVR
Malta	Euro	EUR
Mauritania	Ouguiya	MRU
Mauritius	Rupee	MUR
Mexico	Peso	MXN
Moldova	Leu	MDL
Monaco	Euro	EUR
Mongolia	Tugrik	MNT
Montenegro	Euro	EUR
Morocco	Dirham	MAD
Mozambique	Metical	MZN
Namibia	Dollar	NAD
Netherlands	Euro	EUR
New Caledonia	CFP Franc	XPF
New Zealand	Dollar	NZD
Nicaragua	Córdoba Oro	NIO
Nigeria	Naira	NGN
North Macedonia	Denar	MKD
Northern Mariana Islands	US Dollar	USD
Norway	Krone	NOK
Oman	Rial	OMR
Pakistan	Rupee	PKR
Palestinian Authority	None	—
Panama	Balboa	PAB
Papua New Guinea	Kina	PGK
Paraguay	Guarani	PYG
Peru	Nuevo Sol	PEN
Poland	Zloty	PLN
Portugal	Euro	EUR
Puerto Rico	US Dollar	USD
Qatar	Rial	QAR
Romania	Leu	RON
Rwanda	Franc	RWF
St. Lucia	Dollar	XCD
Saint-Martin	Euro	EUR

Jurisdiction	Currency	Code
São Tomé and Príncipe	Dobra	STD
Saudi Arabia	Riyal	SAR
Senegal	CFA Franc BCEAO	XOF
Serbia	Dinar	RSD
Singapore	Dollar	SGD
Sint Maarten	Antillean Guilder	ANG
Slovak Republic	Euro	EUR
Slovenia	Euro	EUR
South Africa	Rand	ZAR
South Sudan	Pound	SSP
Spain	Euro	EUR
Suriname	Dollar	SRD
Sweden	Krona	SEK
Switzerland	Franc	CHF
Taiwan	Dollar	TWD
Tanzania	Shilling	TZS
Thailand	Baht	THB
Trinidad and Tobago	Dollar	TTD
Tunisia	Dinar	TND
Türkiye	Lira	TRY
Uganda	Shilling	UGX
Ukraine	Hryvnia	UAH
United Arab Emirates	Dirham	AED
United Kingdom	Pound	GBP
United States	Dollar	USD
US Virgin Islands	US Dollar	USD
Uruguay	Peso	UYU
Uzbekistan	Sum	UZS
Venezuela	Bolivar	VES
Vietnam	Dong	VND
Zambia	Kwacha	ZMW
Zimbabwe	Zimbabwe Gold	ZWG

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