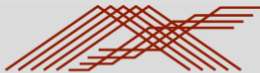


2011

# APSEROU SHIAKA & CO

## Cyprus Tax information 2011

This publication provides an overview of the Cyprus Tax System and is intended for general guidance only.



Chartered Certified Accountants

January 2011



# *Contents*

	Page
01 Personal Income Tax	3 – 10
02 Corporation Tax	11 - 20
03 Special Contribution for Defence	21 – 25
04 Capital Gains Tax	26 - 28
08 Value added Tax	29 – 38
06 Immovable Property Tax	39 – 40
07 Trusts	41 – 42
08 Transfer fees by the Department of Land and Surveys	43 – 45
09 Social Insurance	46 – 49
10 Stamp Duty	50 – 53
11 Tax diary	54 - 57

# ***01***

## ***Personal Income Tax***



# *Personal Income Tax*

## **Basis of taxation**

Cyprus tax residents are taxed on all income accrued or derived from all sources in Cyprus and abroad. Non-tax residents are only taxed on their income accrued or derived from sources in Cyprus.

An individual is tax resident in Cyprus if he spends in Cyprus more than 183 days in any one year. Days in and out of Cyprus are calculated as follows:

- (a) the day of departure from Cyprus counts as a day of residence outside Cyprus.
- (b) the day of arrival in Cyprus counts as a day of residence in Cyprus.
- (c) arrival and departure from Cyprus in the same day counts as one day of residence in Cyprus.
- (d) departure and arrival in Cyprus in the same day counts as one day of residence outside Cyprus.

## **Personal tax rates for 2011**

<b>Chargeable income</b>	<b>Tax rate</b>	<b>Accumulated tax</b>
€	%	€
0 – 19.500	Nil	Nil
19.501 - 28.000	20	1.700
28.001 - 36.300	25	3.775
over 36.300	30	

# ***Personal Income Tax***

## **Tax Credit for foreign tax paid**

Any Tax suffered abroad on Income, which is subject to Income Tax, will be credited against any Income tax payable on such Income irrespective of the existence of a double tax treaty.

## **Special Tax Rates**

### ***Foreign pensions of individuals:***

-	Up to €3.420	0%
-	Over €3.420	5%

The gross amount of any royalty, premium, compensation or other income, derived from sources within Cyprus by any person not being resident, is subject to withholding tax of	10%
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The gross amount of any rental in respect of the showing of cinematograph films in Cyprus, derived by any person who is not resident, is subject to withholding tax of	5%
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The gross income derived by an individual not resident in Cyprus, from the exercise in Cyprus of any profession or vocation or of public entertainers (eg theatrical and musical entertainers) including football clubs and other athletic missions, is subject to withholding tax of	10%
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# Personal Income Tax

## Exemptions

### Types of income which are exempt from income tax

Type of income	Exemption limit
Interest income	The whole amount
Dividend income	The whole amount
Remuneration from salaried services in Cyprus by an individual who was not resident of Cyprus before the commencement of his employment, for a period of 3 years commencing from 1st January following the year of commencement of the employment	20% of income with a maximum amount of €8.550 annually for three years
Remuneration from salaried services rendered outside Cyprus for more than 90 days in a tax year to a non-Cyprus resident employer or to a foreign permanent establishment of a Cyprus resident employer	The whole amount
Profits of a permanent establishment abroad under certain conditions	The whole amount
Lump sum received by way of retiring gratuity, commutation of pension or compensation for death or injuries.	The whole amount
Capital sums accruing to individuals from any payments to approved funds (eg provident funds)	The whole amount
Deposits with Housing Finance Corporations until 30 April 2003	40% of the amount deposited with maximum amount of 25% of the person's total income
Profit from the sale of securities (shares debentures, bonds)	The whole amount
Widows pension granted under schemes approved by the Commissioner of Income Tax	The whole amount
Rent of preserved building (subject to certain conditions)	The whole amount



# Personal Income Tax

## Social grants

- Grant of €2.563 per annum for every child receiving full time higher education in Cyprus (with certain restrictions) or full time university education outside Cyprus.
- Grant of €3.417 per annum for blind persons.
- All families resident in Cyprus fulfilling the provisions of the Law, are entitled to a **child grant** as indicated in the table below.

Number of children in the family	Basic annual grant €	Additional annual grant for families with an annual income in 2008 up to €19.500 €	Additional annual grant for families with an annual income in 2008 greater than €19.500 and up to €39.000 €
1 child	421,29	105,33	52,67
2 children	842,61	421,29	315,97
3 children	842,60 per child	315,97 per child	263,30 per child
More than 3 children	1.390,29 per child	463,43 per child	289,64 per child

Upon application, the applicants do not need to submit any proof/evidence of their income, unless it is the first time claim.



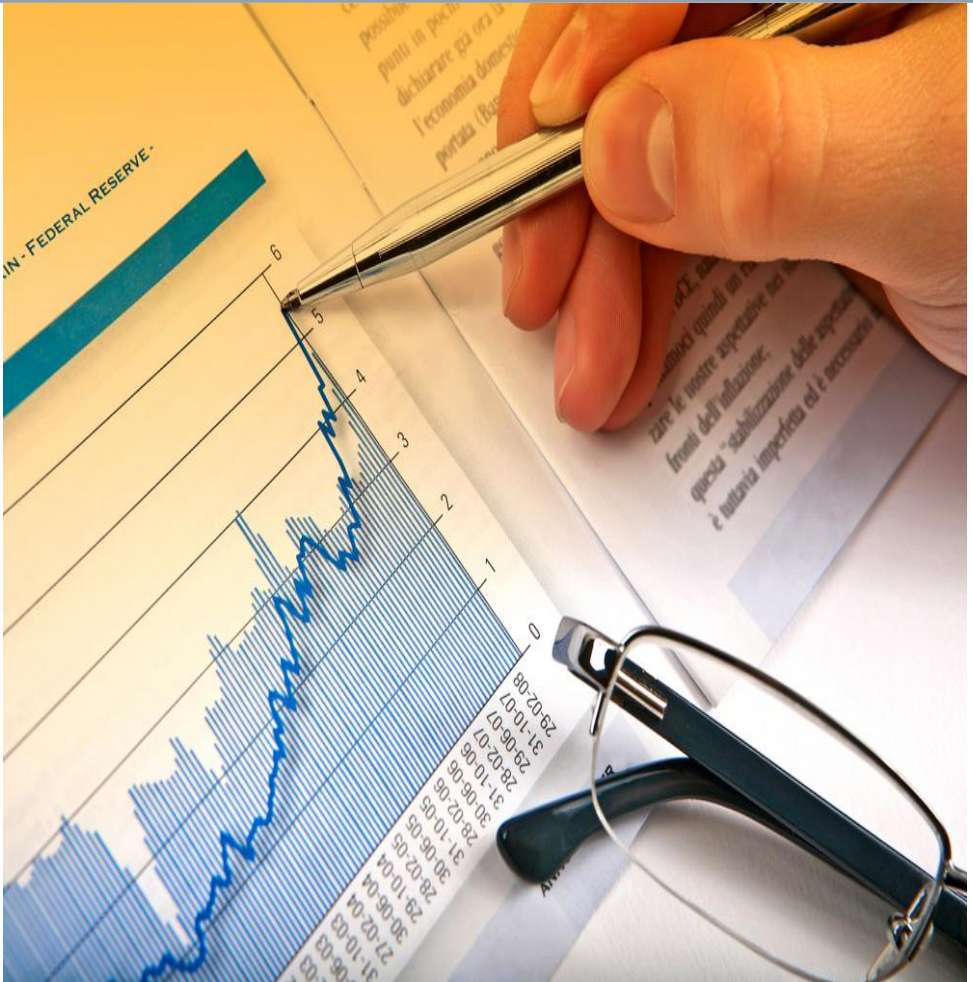
# Personal Income Tax

<b>EXAMPLE OF TAX COMPUTATION:</b>		
	€	€
Salary	65.000	
Rent receivable	6.000	
Interest receivable (exempt)	2.000	
Dividends receivable (exempt)	2.500	
<b>Total income</b>		<b>75.500</b>
<b>Less: deductions</b>		
Donations - (with receipts)	300	
20% of rent income	1.200	
Non Taxable Income	4.500	<b>6.000</b>
<b>Net total income</b>		<b>69.500</b>
Life insurance premiums (paid €8.000): Restricted to 7 per cent of the insured sum (7% @ €110.000 = €7.700).		
Provident fund (paid €2.500), social insurance contributions (paid €2.500)		
and life insurance premiums restricted to 1/6 of net total income including interest and dividends.		
(€7.700 + €2.500 + €2.500 = €12.700		
restricted to 1/6 of €69.500)		
		11.583
<b>Chargeable income</b>		<b>57.917</b>
Tax payable: -first	19.500	0,00
- next	8.500	1.700,00
- next	8.300	2.075,00
- next	21.617	6.485,10

# *Personal Income Tax*

<b>Income tax payable</b>		<b>10.260,10</b>
<b>Special contribution for defence</b>		
Dividends receivable		
€2.500 X 15%	375,00	
Interest receivable		
€2.000 x 10%	200,00	
Rent receivable		
€6.000 – 25% = €4.500 x 3%	135,00	<b>710,00</b>
<b>Total tax payable</b>		<b>10.970,10</b>

# 02 Corporation Tax



# Corporation Tax

## Basis of taxation

All companies tax resident of Cyprus are taxed on all their income accrued or derived from all sources in Cyprus and abroad. A non-Cyprus tax resident company is taxed on income accrued or derived from a business activity which is carried out through a permanent establishment in Cyprus.

A company is resident of Cyprus if it is managed and controlled in Cyprus.

## Corporation tax rates

	Tax rates %
Semi-government organisations	25
Other companies	10

## Exemptions

Type of income	Exemption limit
Profit from the sale of securities	The whole amount
Dividend	The whole amount
Interest Income (not arising from the ordinary activities or closely related to the ordinary activities of the company)	The whole amount
Profits of a permanent establishment abroad, under certain conditions	The whole amount

# Corporation Tax

## Tax deductions

All expenses incurred wholly and exclusively in earning the income of the company including:

Type of expense	Exemption limit
All expenses incurred wholly and exclusively for the purpose of trading	The whole amount
Donations to approved charities (with receipts)	The whole amount
Employer's contributions to social insurance and approved funds on employees' salaries	The whole amount
Any expenditure incurred for the maintenance of a building in respect of which there is a Preservation Order	Up to €700, €1100 or €1200 per square meter (depending on the size of the building)
Entertainment expenses for business purposes	1% of the gross income of the business with max. amount of €17.086
<b>but not including:</b>	
Expenses of a private motor vehicle	The whole amount
Interest payable or deemed to be payable in relation to the cost of acquiring a private motor vehicle, irrespective of its use and to the cost of acquiring any other asset not used in the business	The whole amount for 7 years
Contributions to the Social Cohesion Fund	The whole amount
Expenditure not supported by Invoices and receipts	The whole amount

# Corporation Tax

## Annual wear and tear allowances on fixed assets

The following allowances, which are given as a percentage on the cost of acquisition, are deducted from the chargeable income:

<b>Fixed assets</b>	%
<i>Plant and machinery</i>	
• Plant and machinery	10
• Furniture and fittings	10
• Televisions and videos	10
• Industrial carpets	10
• Boreholes	10
• Machinery and tools used in agricultural business	15
• Computer hardware and operating systems	20
• Application software	
• Up to €1.709	100
• Above €1.709	33 1/3
• Commercial motor vehicles	20
• Motor cycles	20
• Excavators, tractors, bulldozers, self-propelled loaders and drums for petrol companies	25
<i>Buildings</i>	
• Commercial buildings	3
• Industrial, agricultural and hotel buildings	4
• Flats	3
• Metallic greenhouse structures	10
• Wooden greenhouse structures	33 1/3

# Corporation Tax

<i>Boats</i>	
• Sailing vessels	4,5
• Steamers, tugs and fishing boats	6
• Shipmotor launches	12,5
• New cargo (commercial) vessels	8
• New passenger vessels	6
• Used cargo / passenger vessels	Over their useful lives

<i>Tools</i>	
• Tools in general	33 1/3
• Videotapes property of video clubs	50

# *Corporation Tax*

## **Losses carried forward**

Taxable losses incurred during a tax year and which cannot be set off against other income, is carried forward and set off against future profits with no time restriction. This provision is applicable for all losses incurred from 1997 tax year onwards.

Taxable losses cannot be carried forward in cases where there is a change in the ownership of the company and significant change in the nature of business, within three years from the year in which the loss was carried.

### ***Group relief***

The current year loss of one company can be set off against the profit of another provided the companies are Cyprus tax resident companies of a group. Group is defined as:

- (a) one company holding at least 75% of the shares of the other company or
- (b) at least 75% of the voting shares of the companies are held by another company.

A partnership or a sole trader transferring business into a company can carry forward tax losses into the company for future utilisation.

### ***Losses of a permanent establishment outside the republic***

Losses from a permanent establishment abroad can be set off against profits of the company in Cyprus. Subsequent profits of the permanent establishment abroad are taxable up to the amount of losses utilised in the past against profits arising in the Republic.



# ***Corporation Tax***

## **Reorganisations**

Transfers of assets and liabilities between companies can be effected without tax consequences within the framework of a reorganisation.

Reorganisations include mergers, demergers, transfer of activities, exchange of shares, transfer of registered office, transfer of assets, partial divisions.

## **Tax Credit for foreign tax paid**

Any Tax suffered abroad on Income which is subject to Income Tax will be credited against any Income tax payable on such Income irrespective of the existence of a double tax treaty.

# ***Corporation Tax***

## **Special types of companies**

### **Shipping companies**

- No income tax is payable on the profits earned or dividends paid by a Cyprus shipping company which owns ships under the Cyprus flag and operates in international waters, or on the salaries of officers and crew of such ships.

- ***Community Ships***

Ship managers operating in Cyprus are entitled to tax exemption in respect of any Community ship to which the provision of ship management services in relation to its crewing and technical management is entirely contracted to a Cyprus or a Community Ship management company, which has an office in Cyprus staffed with a sufficient in number and qualifications personnel, for technical, administration and accounting matters relating to ships.

### **Insurance companies**

Profits of insurance companies are liable to corporation tax similar to all other companies except in the case where the corporation tax payable on taxable profit of life insurance business is less than 1,5% on gross premium. In this case the difference is paid as additional corporation tax

# ***Corporation Tax***

## **International Collective Investment Schemes (ICISs)**

The sole object of an ICIS is the collective investment of funds of the unit holders. ICISs can take the following legal forms:

- International fixed capital company
- International variable capital company
- International unit trust scheme and
- International investment limited partnership

ICISs are liable to corporation tax similar to all other legal entities depending on the legal status of the ICIS.

## **Intellectual property rights etc**

The gross income arising from intellectual property rights, other exploitation rights, compensations or other similar income arising from sources within the Republic, of a person who is not resident in the Republic, is subject to withholding tax at a rate of 10%.

Royalties received by a connected company registered in a European Union Member State are exempt from tax (subject to conditions). Rights granted for use outside the Republic are not subject to any withholding tax.

# *Corporation Tax*

## **Film royalties etc**

The gross income derived by a non-resident person in respect of royalties arising from film projection in the Republic is subject to withholding tax at a rate of 5%. Royalties received by a connected company registered in a European Union Member State are exempt from tax (subject to conditions).

## **Interest and additional penalty of 5% for late payment of tax withheld**

Tax withheld on payments to non Cypriot residents in relation to the below categories of income, should be paid to the Inland Revenue department by the end of the following month. In case where the tax is not paid within the deadline, an additional penalty of 5% will be imposed on the tax withheld in addition to any interest that may be imposed.

- Copyrights for use within Cyprus
- Rights for cinematographic films
- Income of an individual for professional services, artists and athletes fees.

**03**

***Special Contribution for Defence***



# Special Contribution for Defence

## Special Contribution for Defence

Special contribution for defence is imposed on income earned by Cyprus tax residents. Non-tax residents are exempt from special contribution for defence. It is charged at the rates shown in the table below:

### Tax rates

	Individuals %	Legal entities %
• Dividend income from Cyprus resident companies (from 1/9/2011 is 17%)	15	Nil
• Dividend income from non-Cyprus resident companies (note 1) (from 1/9/2011 is 17%)	15	(Nil <sup>1</sup> (under conditions))
• Interest income arising from the ordinary activities or closely related to the ordinary activities of the business	Nil	Nil
• Interest income from savings bonds and development bonds and all interest earned by a provident fund	3	3
• Other interest – till 30/8/2011	10	10
• Other interest – from 1/9/2011	15	15
• Rental income (reduced by 25%)	3	3
• Profits of semi-government organizations	N/A	3

### Notes

1. Dividend income from abroad is exempt from defence fund contribution. This exemption does not apply if:

- (a) more than 50% of the paying company's activities result directly or indirectly in investment income **and**
- (b) the foreign tax is significantly lower than the tax rate payable in Cyprus.

# *Special Contribution for Defence*

2. When the total income of an individual (including interest) does not exceed €12.000 in a taxable year the rate is reduced to 3%.
3. Special contribution for defence on rental income and trading profits is payable in 6 monthly intervals on 30 June and 31 December each year.
4. In the case of interest and dividends received gross any defence due is payable at the end of the month following the month in which they were received.
5. Any foreign taxes paid can also be credited against the defence tax liability.

## **Deemed dividend distribution**

Cyprus resident companies not distributing a dividend within two years from the end of the tax year are liable to 15% special contribution for defence tax on 70% of their accounting profits after the deduction of the tax amount.

Taxation includes the following:-

- Corporate tax
- Special contribution for Defence Tax
- Capital Gains Tax and
- Any tax paid abroad that has not be credited against Income Tax and or Special Defence Tax.

In the case where a company disposes of an asset to its shareholder (individual) or to his or her relative of up to second degree relationship or his or her spouse, without consideration or for consideration which is below the market value of the asset disposed, it is deemed that the company has distributed dividends to its shareholder, equal to the difference between the market value of the asset and the amount of the consideration.

# *Special Contribution for Defence*

The above will not apply in case the asset was received by the company by way of gift from its shareholder (individual) or from his or her relative of up to second degree relationship or from his or her spouse.

## **Company dissolution**

The aggregate amount of profits in the five years prior to the company dissolution, which have not been distributed or be deemed to be distributed, will be considered as distributed on dissolution and will be subject to defence contribution at 15%.

Companies that are under voluntary dissolution or liquidation are obliged to submit within one month from the date of the approval of the resolution, a deemed dividend declaration and pay any special defence contribution in relation to the profits of the specific tax year and the two preceding years.

The deemed dividend distribution provisions do not apply on any accounting profits arising during the dissolution or liquidation if the assets of the company are not sufficient for the repayment of its creditors and no amount is available to be distributed to its shareholders. (Effective from 1 July 2011).

Assets that are distributed to the company's shareholders upon the company's liquidation or dissolution, which have a market value that exceeds the cost of their acquisition by the company, the deemed distribution provisions will apply. The amount of the dividend that is deemed to be distributed to its shareholders will be equal to the difference between the market value of the assets and the cost of acquisition of the particular asset by the company. (Effective from 1 July 2011).

The deemed dividend distribution of profits that became realized upon the company's dissolution or liquidation may not exceed the amount of



# *Special Contribution for Defence*

the net assets distributed to the shareholders (effective from 1 July 2011)

## **Tax credit for foreign tax paid**

Any tax suffered abroad on income, which is subject to defence contribution, will be credited against any defence contribution payable on such income irrespective of the existence of a double taxation treaty.

These provisions do not apply in the case of dissolution under reorganisation.

## **Reduction of capital**

In the case of a company's capital reduction, any amounts paid to shareholder individuals in excess of the amount of the share capital that was actually paid by the shareholder will be treated as deemed dividend. (Effective from 1 July 2011).

# 04

## *Capital Gains Tax*



# Capital Gains Tax

## Capital Gains Tax

Capital Gains Tax is imposed at the rate of 20% on gains from the disposal of immovable property situated in Cyprus including gains from the disposal of shares in companies which own such immovable property excluding shares listed in any recognised stock exchange.

### Determination of capital gain

The capital gain is calculated after deducting from the selling price the initial acquisition cost or the market value as at 1/1/1980 whichever is the higher, inflated by the retail price index.

#### EXAMPLE

	€
Sale price at 31 December 2002	137.000
Cost of acquisition at 1 January 1988	(65.000)
Indexation allowance 1 January 1988 to 31 December 2002 €65.000 @ 72,19%	(46.924)
Capital Gain	25.076

### Exemptions

The following disposals of immovable property are not subject to Capital Gains Tax:

- Transfers arising on death.
- Gifts made from parent to child or between husband and wife or between up to third degree relatives.

# Capital Gains Tax

- Gifts to a company where the company's shareholders are members of the donor's family and the shareholders continue to be members of the family for five years after the day of the transfer.
- Gifts by a family company to its shareholders, provided such property was originally acquired by the company by way of donation. The property must be kept by the donee for at least three years. For gifts that were made from the company to its shareholders and took place before 28 May 1999, the exemption applies irrespective of how the immovable property was originally acquired by the company.
- Gifts to charities and the Government.
- Transfers as a result of reorganisations.
- Exchange or disposal of immovable property under the Agricultural Land (Consolidation) Laws.
- Expropriations.
- Exchange of properties, provided that the whole of the gain made on the exchange has been used to acquire the other property. The gain that is not taxable is deducted from the cost of the new property, i.e. the payment of tax is deferred until the disposal of the new property.

## Exemptions

Individuals can deduct from the capital gain the following:	€
• Disposal of private residence (subject to certain conditions)	85.430
• Disposal of agricultural land by a farmer	25.629
• Any other disposal	17.086

The above exemptions are given only once and not for every disposal. An individual claiming a combination of the above is only allowed a maximum exemption of €85.430.

# ***05***

## ***Value Added Tax***



# *Value Added Tax*

## **Value Added Tax**

VAT is imposed on the provision of goods and services in Cyprus, as well as on the acquisition of goods from the European Union and the importation of goods into Cyprus.

Taxable persons charge VAT on their taxable supplies (output tax) and are charged with VAT on goods or services which they receive (input tax).

If output tax in a VAT period exceeds total input tax, a payment has to be made to the state. If input tax exceeds output tax the excess input tax is carried forward as a credit and set off against future output VAT.

A payment is due from the state according to the following criteria:

- a period of three years has elapsed since the date the VAT became refundable;
- input VAT which cannot be set off against output VAT until the last VAT period of the year which follows the year in which the VAT period in which the credit was created falls;
- the input VAT relates to zero rated transactions;
- the input VAT relates to the purchase of capital assets of the company;
- the input VAT relates to transactions which are outside the scope of VAT but would have been subject to VAT had they been carried out within Cyprus;
- the input VAT relates to exempt financial and insurance services provided to non EU resident clients (services for which the right to recover the related input VAT is granted).

With regard to intra-community acquisitions the trader does not pay VAT on receipt of the goods in Cyprus but instead he accounts for VAT using acquisition accounting. This involves a simple accounting entry in the books of the business whereby he self-charges VAT and at the same time claims it back if it relates to taxable supplies thereby creating no cost to the business.

# *Value Added Tax*

## VAT rates

The legislation provides for the following four tax rates:

- Zero rate (0%)
- Reduced rate (5%) from 1 July 2000
- Reduced rate (8%) from 1 August 2005
- Standard rate (15%) from 1 January 2003

### **Zero rate 0%**

The zero rated goods and services include the following:

- exports of goods to non EU countries;
- intra-Community supplies of goods;
- processing carried out on goods in Cyprus on behalf of a customer abroad provided that the goods will be exported outside the EU when the processing finishes;
- transportation of passengers directly to or from another country;
- transportation of goods from Cyprus to a destination outside the EU
- supply, importation and rental of qualifying aircrafts and qualifying ships
- alteration, repairs to and maintenance of qualifying aircrafts and qualifying ships;
- most foodstuffs; (till 9 January 2011)
- supplies of medicaments falling within code CN30.03 and CN30.04 of the Customs and Excise Tariff;
- supplies of vaccines for medical and veterinary use falling within code CN30.02 of the Customs and Excise Tariff.

### **Reduced rate of 5%**

The reduced rate of 5% applies to:

- Funeral services and supply of coffins
- Road sweeping, garbage collection and recycling
- Services of authors, composers, artists and critics of works of art

# Value Added Tax

- Supply of fertilizers
  - Supply of animal feeding stuffs
  - Supply of seeds
  - Supply of live animals of a kind generally used for human consumption
  - Newspapers and magazines
  - Books
  - Non-bottled water
  - Gas
  - Transfer of persons and their luggage on a rural or city bus
  - Various goods for the use of handicapped persons
  - Ice-cream, yogurt ice-cream and similar products
  - Salted or spicy products made from potato
  - Dry roasted or spicy nuts
- Renovation or repair of houses for which a period of three years has elapsed since their first use and which are used as the primary and permanent place of residence: (i) construction services and (ii) services of plumbers, electricians, carpenters and oil painters. In case the materials cost exceed 50% of the total value, then the VAT to be charged is the standard rate of 15% on the value of the materials and the reduced rate of 5% on the value of the service;
- hair salon services;
  - confectionery items, chocolate and biscuits which are partly or wholly covered with chocolate;
  - bottled water, manufactured beverages, juice drinks (except those taxed at the standard VAT rate);
  - ingredients which are used in the preparation of foodstuffs;
  - food supplements and foodstuffs substitutes previously taxed at 15%;
  - syrups, flavoured or / and coloured;
  - supplies of medicines and vaccines which were previously taxed at 15%;
  - products used for contraception;
  - products used for women's sanitary protection;
- medical equipment when intended for the exclusive personal use of disabled persons;
- children's car seats;



# *Value Added Tax*

- admission to shows, circuses, fairs, amusement parks, concerts, museums, zoos, cinemas, exhibitions and similar cultural events and facilities;
- admission to sport events and licenses for the use of sporting facilities;
- services of repair of medical equipment and equipment used by disabled persons (that are taxed at 5%);
- medical services, dental services and services of thermal treatment which were previously not exempt from VAT;

As of 10 January 2011 subject to the reduced rate of 5% are:

- a) Supply of foodstuff for human consumption including beverages but excluding alcoholic beverages and refreshments which are subject to the standard rate of 15%.
- b) Supply of drugs and vaccines used in medicine and veterinary.
- c) Supply of drugs used for medical treatment and disease prevention both in medicine and veterinary.
- d) Supply of food and beverages for take-away and delivery including beverages but excluding alcoholic beverages and refreshments which are subject to the standard rate of 15%.

## **Reduced rate of 8%**

The reduced rate of 8% was introduced on 1 August 2005 and applies to the following services:

- rural and private taxi transport services,
- tourist, excursion and long distance bus services.
- hotel accommodation services, and
- supplies of goods made in the course of catering

# *Value Added Tax*

- From 10 January 2011, supply of alcoholic beverages and refreshments in the course of catering services is subject to the reduced rate of 8%.
- Standard rated (15%) goods and services not covered by any of the aforementioned.

## **Exemptions**

Certain goods or services are exempt from VAT. They include:

- Rents
- Medical Services
- Insurance and financial services
- Disposal of used immovable property and new immovable property for which a proper application for planning permission was filed with the relevant authority before 1 May 2004.
- Postal services provided by the national postal authority.

## **Difference between zero rate and exempt supplies**

The difference between zero rate and exempt supplies is that businesses that make exempt supplies, are not entitled to recover the VAT with which they have been charged on their purchases, expenses or imports.

## **Grant for acquisition of first residence**

The grant is given to entitled persons for the construction or purchase of a new house or the transfer of ownership of a building, which is used as the main permanent residence.

The application for the grant is submitted to the Ministry of Finance, in relation to houses for which an application has been submitted for the issue of a planning permission after the 1 May 2004, by any physical person citizen of the Republic of Cyprus or of any other EU member state who resides permanently in the Republic of Cyprus and has reached the age of 18 at the time of application. The grant is given for

# *Value Added Tax*

houses whose total area does not exceed 250 m<sup>2</sup> and is restricted to 130 m<sup>2</sup>.

The grant applies for contracts concluded up to 30 September 2011.

***Imposition of the reduced rate of 5% on the acquisition and/or construction of residences for use as the primary and permanent place of residence.***

The reduced rate of 5% applies to contracts that have been concluded from 1 October 2011 onwards provided they relate to the acquisition and/or construction of residences to be used as the primary and permanent place of residence for the next 10 years.

For contracts concluded up to 30 September 2011 for the acquisition and/or construction of residences for use as the primary and permanent place of residence, the eligible person must apply for a grant.

The reduced rate of 5% applies for the first 200 square meters of residences of total covered area of up to 275 square meters. In the case of families with more than 3 children the allowable total covered area increases by 15 square meters per additional child beyond the three children.

The reduced rate is imposed only after obtaining a certified confirmation from the VAT Commissioner.

The eligible person must submit an application on a special form, issued by the VAT Commissioner, which will state that the house will be used as the primary and permanent place of residence. The applicant must attach a number of documents supporting the ownership rights on the property and evidencing the fact that the property will be used as the primary and permanent place of residence.

# ***Value Added Tax***

## **Irrecoverable input VAT**

As an exception to the general rule, input VAT cannot be recovered in a number of cases which include the following:

- Acquisition used for making exempt supplies.
- Purchase, import or hire of saloon cars.
- Entertainment and hospitality expenses (except those relating to employees and directors).
- Housing expenses of directors.

## **Registration**

A person / company is obliged to register for VAT when:

- At the end of any month, if the value of the taxable supplies (supplies taxed at the rates of 0% and/or 5% and/or 8% and/or 15%) exceed € 15.600 during the 12 preceding months.
- At any time, if there are reasonable grounds for believing that the value of the taxable supplies in the following 30 days then beginning will exceed of € 15.600.
- Receives services from abroad (EU and non EU) if the value exceed € 15.600.
- Provides services to businesses established in EU member States.
- Purchase goods from businesses established in EU member States (Intra-Community acquisitions) the value of which exceeds €10.251,61.
- Distance selling to consumers in the Republic of Cyprus starting 1<sup>st</sup> January each year which exceeds the threshold of €35.000.

Businesses with turnover of less than €15.600 can be registered voluntarily if they are involved in taxable activities.

Exempted products and services, and disposals of items of capital nature are not taken into account for determining annual turnover for registration purposes. Registration is effected by completing the appropriate application form.

# ***Value Added Tax***

## **VAT declaration - Payment/return of VAT**

VAT returns must be submitted quarterly and the payment of the VAT must be made within 40 days from the end of each quarter.

VAT registered persons and companies have the right to request for a different filing period. Approval of the VAT authorities is required.

## **International Business Companies (IBCs)**

IBCs are subject to the same registration rules as companies involved in taxable activities locally. However the activities of most IBCs fall outside the scope of VAT thus there is no obligation for registration. IBCs have the option of voluntary registration; this enables them to be refunded VAT paid on Cyprus expenses.

### **(a) Intra-community trade**

This refers to supply of goods between EU Member States and their VAT treatment. The sale is taxed at zero rate if the following criteria are satisfied:

- The seller has adequate proof that the goods have left the State.
- The goods have been transferred to another Member State.
- The buyer is an EU VAT registered person and the VAT number of the buyer is recorded on the invoice.
- The goods sold are not goods for which the seller is taxed under the provisions of the margin scheme.
- The seller maintains adequate evidence that the goods have been transferred to that Member State.

# Value Added Tax

With regard to intra-community acquisitions the trader does not pay VAT on the receipt of the goods in Cyprus but instead accounts for VAT using acquisition accounting. This involves a simple accounting entry in the books of the business whereby he self-charges VAT and at the same time claims it back if it related to taxable supplies thereby creating no cost to the business (reverse charge rule).

## (b) Triangular trade

This is the case where three Member States are involved and there is only one actual movement of goods but two invoices are issued, one from the first country to the intermediary and another from the intermediary to the recipient of goods.

The intermediary supplier must apply to the simplification procedures and the invoice issued to the recipient must include the phrase "**VAT, EU Article 28, Simplified Invoice**".

## (c) Provision of services

### I. General Rule / Place of supply of services

The main rule states that services are taxable in the country where the recipient of the service is established.

SUPPLIER	CLIENT	TREATMENT
Cyprus VAT registered Company	Cyprus VAT registered Company	Cyprus VAT charge (15%)
Cyprus VAT registered Company	Non EU Company	No VAT charge
Cyprus VAT registered Company	EU VAT registered Company	VAT in the country of the recipient (reverse charge rule applies)
Cyprus VAT registered Company	EU Non VAT registered Company	Cyprus VAT charge (15%)
EU VAT registered Company and Non EU Company	Cyprus VAT registered Company	Self account for VAT using the reverse charge mechanism, if the Cyprus company is a partially business person, VAT input is restricted only to taxable activities

# ***06***

## ***Immovable Property Tax***



# *Immovable Property Tax*

## **Immovable Property Tax**

Immovable Property Tax is imposed on the market value as at 1 January 1980 and applies to the immovable property owned by the taxpayer on 1 January of each year. This tax is payable on 30 September each year. Physical and legal persons are both liable to Immovable Property Tax.

### **Tax rates**

Property value	Rate	Accumulated tax
€	%o	€
Up to 170.860	-	-
170.861 - 427.150	2,5	641
427.151 - 854.300	3,5	2.136
Over 854.300	4	

### **Exemptions**

The following are not subject to Immovable Property Tax:

- Public cemeteries
- Churches and other religious buildings
- Public hospitals
- Schools
- Immovable property owned by the Republic and consulates
- Foreign embassies and consulates
- Common use and public places
- Property under Turkish occupation
- Buildings under a Preservation Order
- Buildings of charitable organisations
- Agricultural land used in farming or stockbreeding, by farmer or stockbreeder residing in the area.



# ***07*** ***Trusts***



## **Trusts**

A trust is established by an individual "the settler" and is a means whereby property "the Trust Property" is held by one or more persons "the Trustees" for the benefit of another or others "the Beneficiaries" or for specified purposes.

Trusts have traditionally been very important tax planning devices. Even today a very high proportion of tax saving schemes involve trusts.

## **International trusts**

International trusts are governed by the International Trusts Law of Cyprus. International Trusts are not taxed in Cyprus. In fact, Cyprus International Trusts enjoy important tax advantages, providing significant tax planning possibilities. The following advantages are indicative of the possible options for tax minimisation.

- All income, whether trading or otherwise, of an International Trust (ie a Trust whose property is located and income is derived from outside Cyprus) is not taxable in Cyprus.
- Dividends, interest or other income received by a Trust from a Cyprus international business company are neither taxable nor subject to withholding tax.
- Gains on the disposal of the assets of an international Trust are not subject to capital gains tax in Cyprus.
- An alien who creates an International Trust in Cyprus and retires in Cyprus is still exempt from tax if all the property settled and the income earned is abroad, even if he is a beneficiary.
- The assets of an international trust are not subject to estate duty in Cyprus.
- Trusts are usually used by wealthy individuals for the purpose of protecting their estate from inheritance or capital gains taxes in their home country. They can also be used by expatriates settling into a trust before repatriating, assets acquired while working abroad, to protect such assets from the tax net of their home country.

# ***08***

## ***Transfer fees by the Department of Land and Surveys***



## ***Transfer fees by the Department of Land and Surveys***

### **Transfer fees by the Department of Land and Surveys**

The fees charged by the Department of Land and Surveys for transfers of immovable property are as follows:

#### **Rates applying from 19 March 1999**

Value	Rate	Fee	Accumulated fees
€	%	€	€
Up to 85.430	3	2.563	2.563
85.431 - 170.860	5	4.272	6.835
Over 170.860	8		

In the case of property transferred to a family company, transfer fees are refundable after five years if the property remains with the company and the shareholders remain the same.

In the case of property transferred from a company whose shareholders are spouses and/or their children, to one of the two spouses, or their children or to a relative up to third degree of relation the transfer fees are calculated on the value of the property as follows:

- if the transfer is to a spouse 8%
- if the transfer is to a child 4%
- if the transfer is to a relative up to third degree 8%

Also the following rates are applicable in the case of free transfers:

- from parents to children 4%
- between spouses 8%
- between third degree relatives 8%

## ***Transfer fees by the Department of Land and Surveys***

Value in these cases is the one written on the title deed, which refers to values of the year 1907.

In the case of companies' reorganizations, transfers of immovable property are not subject to transfer fees by the department of Land and Surveys.

**09**

***Social Insurance***



# *Social Insurance*

## **Social Insurance**

### **Salaried contributions**

<b>Employee contributions</b>	<b>%</b>
• Social insurance (6.3% till March 2009)	6,8
<b>Other employer's contributions</b>	
• Social insurance (6.3% till March 2009)	6,8
• Social cohesion fund	2,0
• Redundancy fund	1,2
• Industrial training fund	0,5
• Holiday fund (if is not exempt)	8,0

***The maximum level of annual income on which social insurance contributions are paid on is as follows:***

2011

€

- Weekly employees      52.104 (€1.002 per week)
- Monthly employees      52.104 (€4.342 per month)

The contributions of self-employed persons are 11,6 per cent of income, according to the following table.

# Social Insurance

The upper limits of income on which self-employed persons pay social insurance contributions are €1.002 per week and the lower limits are as below:

		Lower Limit 2011	
		Weekly	Annually
		€	€
1.	Persons exercising a profession for over / under ten years	743,37 367,51	38.655 19.111
2.	Wholesalers, estate agents, insurance agents, industrialists and other businessmen	743,37	38.655
3.	Builders and other related businesses	451,04	23.454
4.	Farmers, stock breeders, fishermen and other related activities	250,58	13.030
5.	Transport drivers, excavator drivers and other related activities	359,16	18.676
6.	Technicians	359,16	18.676
7.	Clerks, typists, cashiers, secretaries	359,16	18.676
8.	Artisans not falling under any other occupational category	359,16	18.676
9.	Shopkeepers	342,45	17.807
10.	Butchers, bakers, confectioners and similar profession	275,63	14.333
11.	Street vendors, mail carriers, garbage collectors, miners and quarry workers, deck service providers and salesman	250,58	13.030
12.	Cleaners, Messengers, watchpersons, dry cleaning owners	342,45	17.807
13.	Draughtspersons, computer equipment operators, ships' engineers, agents and related occupations, musicians, magicians	367,51	19.111
14.	Persons not falling under any other occupational category	367,51	19.111



# ***Social Insurance***

## **Deadline for payment of the contributions by the employers**

The contributions that the employer is obliged to pay in accordance with the Law should be paid not later than the end of the calendar month following the month that the contributions relate.

## **Deadline for payment of contributions of self employed**

Months that the contributions relate	Date
January – March	10 <sup>th</sup> of following May
April – June	10 <sup>th</sup> of following August
July – September	10 <sup>th</sup> of following November
October – December	10 <sup>th</sup> following February

## **Additional fee for late payment of contributions**

Every employer or a self employed who fails to pay the contributions within the time limit determined in the relevant regulations, is obliged to pay an additional fee in the range of 3% and 27% depending on the period of delay, on the amount of contributions due for payment.

# **10**

## ***Stamp Duty***



# Stamp Duty

## Stamp Duty

The following table gives the amount or rate of duty payable on certain documents. Transactions, which fall within the scope of reorganizations, are exempt from stamp duty. Also, any contracts relating to assets situated outside Cyprus or business affairs that take place outside Cyprus are exempt from stamp duty.

<b>Nature of documents</b>	
• Receipts - for sums of €3,42 – €34,17	€0,03
• Receipts - for sums of over €34,17	€0,07
• Cheques	€0,05
• Letters of credit	€1,71
• Letters of guarantee	€3,42
• Bills of exchange (payable within three days on demand or at sight)	€0,85
• Contracts - up to €170.860	1.5‰
- over €170.860	2‰
- without fixed sum	€34,17
• Customs declaration documents	€17,10 – €34,17
• Bills of lading	€3,42
• Charter party	€17,09
• Powers of attorney - general	€5,13
- limited	€1,71
• Certified copies of contracts and documents	€1,71

# Stamp Duty

<b>Companies Registrar Rights and fees</b>	
Registration of a limited company by shares or guarantee, with share capital	€102,52 plus 0.6% on nominal capital
Registration of a company without share capital	€170,86
Registration of an increase in the company's share capital	0.6% on the additional amount of increase
Registration of issue of shares where the value of the shares issued is payable in cash or in kind	€17,09 flat duty on every issue, whether the shares are issued at nominal value or at a premium.
Change of name of company	€34,17
Reduction of capital	€68,34
Application for registration of a general or a limited partnership	€102,52
Application for registration of a business name	€68,34
Filing with the Registrar of the following document:	
Annual Report	€17,09
Annual Report which is overdue	€34,18
Notification of a registered mortgage on immovable property in the Republic of Cyprus irrespective of the sum of money	€17,09
Registration of a charge apart from a mortgage on immovable property within the Republic of Cyprus:	
- On the form of notification of the charge	€34,17

# *Stamp Duty*

-	On the charge document securing maximum amount:	
-	For a sum of money up to €17.086	€85,43
-	For a sum of money exceeding €17.086 but not over €34.172	€170,86
-	For a sum of money exceeding €34.172 but not over €85.430	€290,46
-	For a sum of money exceeding €85.430 but not over €170.860	€427,15
-	For a sum of money over €170.860 where no amount is mentioned	€512,58

# **11**

## ***Tax Diary***



## **Tax Diary**

### **End of following month**

Payment of tax deducted from employees salary (PAYE)

Defence contribution deducted from dividends, interest on rent\* paid for the previous month

\* Companies, partnerships, the Government or any local authority that pay rent have an obligation to withhold special defence contribution on the amount of the rent paid. (Effective from 1 July 2011)

### **31 January**

Submission of declaration of deemed dividend distribution (IR623) for the year ended 31 December two years ago.

### **30 April**

Submission of the previous year personal returns of individuals

Payment of premium tax for life insurance companies -first instalment for the year

Submission by employers of the total payroll of the previous year (Form I.R.7)

### **30 June**

Submission of previous year personal returns of individuals not preparing audited financial statements (1) (2)

Payment of special contribution for defence for the first six months of the year

Payment of tax balance for 2010 through self-assessment by individuals who do not prepare audited accounts

# ***Tax Diary***

## **1 August**

Submission of provisional tax declaration and payment of first instalment of provisional tax for the year

Payment of previous year's final corporation tax under the self-assessment method

Payment of previous year's income tax based on the assessment raised by the Commissioner of Income Tax

## **31 August**

Payment of premium tax for life insurance companies -second instalment for the year.

## **30 September**

Payment of provisional tax - second installment for the year

Payment of immovable property tax for the year.

## **31 December**

Submission of previous year audited financial statements and tax returns

As from 1<sup>st</sup> July 2011, individual and companies, that prepare audited financial statements are obliged to submit their tax returns electronically. In case of electronic submission of tax returns, the deadline is extended by 3 months.

Payment of provisional tax - third and last instalment for the year

Payment of second instalment of special contribution for defence for the last six months of the year

Payment of premium tax for life insurance companies -third and last instalment for the year



## **Penalties**

The rate of Interest for late payment of tax for 2007, as set by the Finance Minister, is 8% per annum for all amounts due after 1 January 2007. The interest rate for outstanding amounts before 1<sup>st</sup> January 2007 is 9%. The rate of Interest for 2010 is 5,35% and for 2011 is 5%.

Notes:

- (1) Physical persons submit returns only when their gross income exceeds €19.500.
- (2) A physical person is obliged to submit audited financial statement if his/her turnover exceeds €70.000 annually.